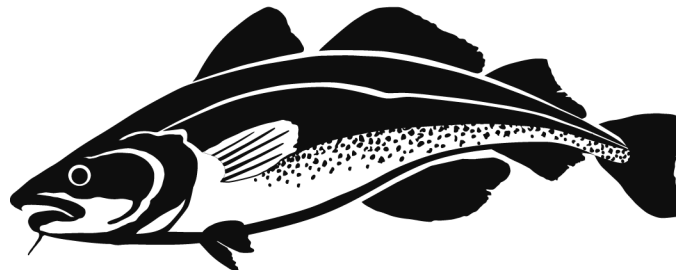


Public Hearing: 2025 Fishing Regulations

March 10 – Gloucester, MA

Marine Fisheries
Commonwealth of Massachusetts



Public Comment

Under the provisions of G.L. c. 30A, and pursuant to the authority found at G.L. c. 130 §§ 17(10), 17A, 21, 80, 100A, 104, and 106, the Division of Marine Fisheries (DMF) is taking public comment on a series of proposed regulatory amendments to 322 CMR 4.00, 6.00, 7.00, and 12.00. The draft regulations outlined below affect the management of fisheries for striped bass, false albacore, Atlantic bonito, menhaden, groundfish, summer flounder, American eel, coastal sharks, black sea bass, as well as the use of conch pots, protected species entanglement reporting, shore-based shark fishing, restrictions on casting and chumming, possession and sale of dogfish fins, and the use of non-native worms as bait.

DMF will accept written public comment through 5PM on Sunday, March 16, 2025. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov).



Public Hearing Agenda

1. **Striped Bass Management (5PM – 6PM)**
 - a) Total Length Measurement
 - b) Commercial Slot Limit
 - c) Prohibition on Gaffing in Commercial Fishery

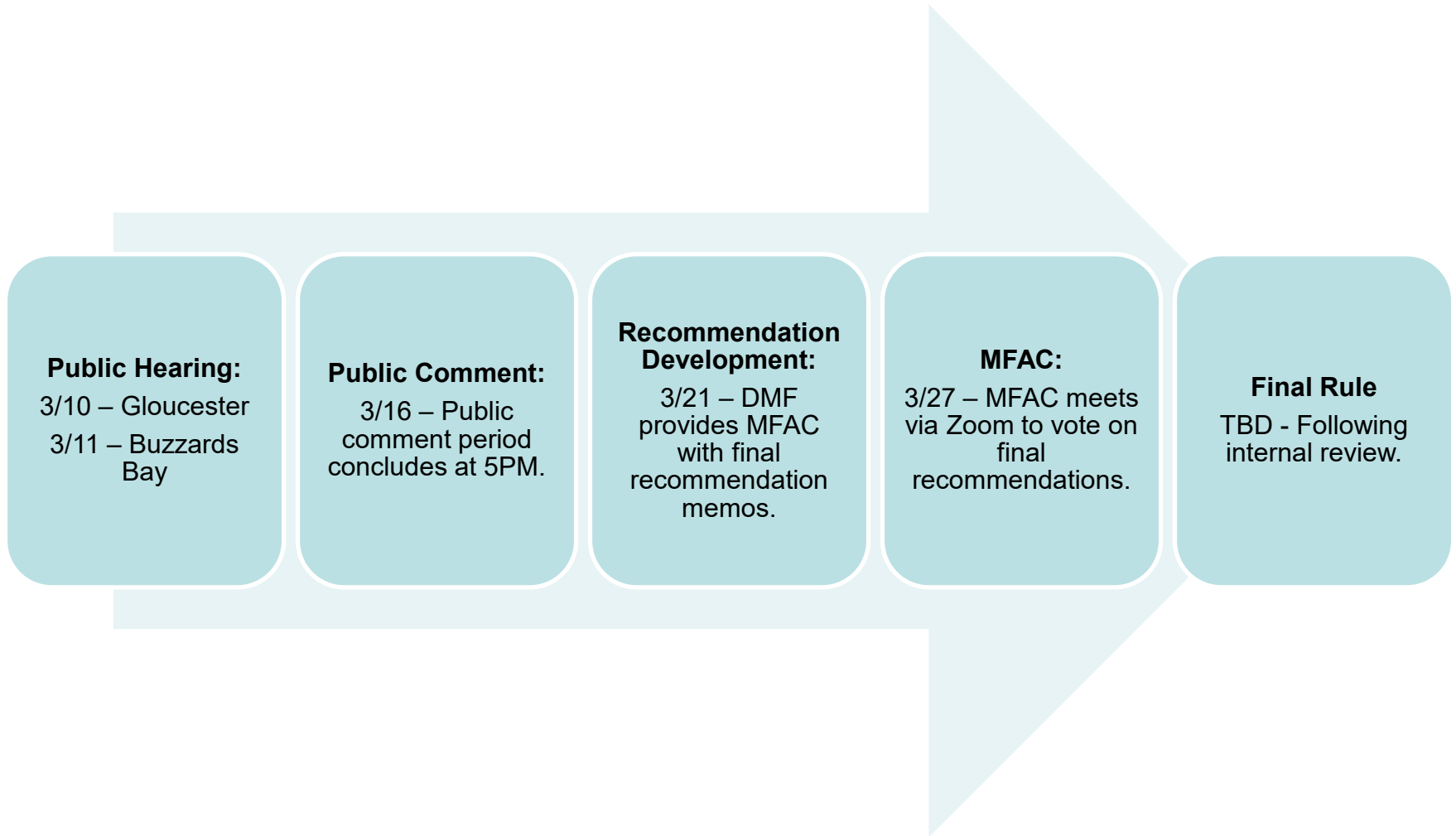
2. **Menhaden, Groundfish, Summer Flounder, Conch Pots, American Eel, Dogfish Fins, Entanglement Reporting (6PM – 7:30PM)**
 - a) Menhaden Trip Limit Triggers and Permitting
 - b) Groundfish Catch Limits and Permitting
 - c) Summer Flounder Trip Limits and Trip Limit Triggers
 - d) Controls on Use of Conch Pots in Federal Zone
 - e) Commercial Eel Fishery and Permitting
 - f) Paperwork Requirements for Possession and Sale of Dogfish Fins
 - g) Mandatory Whale and Sea Turtle Entanglement Reporting

3. **False Albacore, Atlantic Bonito, Shark and Shore-Based Fishing, Black Sea Bass, and Non-Native Worms (7:30PM – 9PM)**
 - a) False Albacore and Atlantic Bonito Catch Limits and Size Limits
 - b) Prohibition on Retention of Oceanic Whitetip Sharks
 - c) Restrictions Affecting Shore-Based Fishing
 - d) Recreational Black Sea Bass Season
 - e) Prohibition on Sale and Use of Non-Native Worms as Bait

* Note: All times are approximate and DMF will move onto next public hearing item upon completion of prior.



Timeline for Rule Making



Striped Bass Total Length Measurement

Proposal

For both the recreational and commercial fishery, clarify that the total length measurement for striped bass is taken by measuring the straight-line length from the anterior tip of the snout or jaw to the furthest extremity of the tail with the upper and lower fork squeezed together.

Rationale

- DMF rules allow tail to be fanned or squeezed.
- Rules have not been adjusted since a maximum size has been implemented.
- Interest among stakeholders and enforcement about having a uniform methodology.
- Analysis found that fish ≥ 27.7 " included in slot by squeezing, but fanning can reduce length by more with fish up to 32.4" brought into the slot.
- Size limits are a primary management measure.
- DMF brought to ASMFC for possible interstate standardization through next addendum.

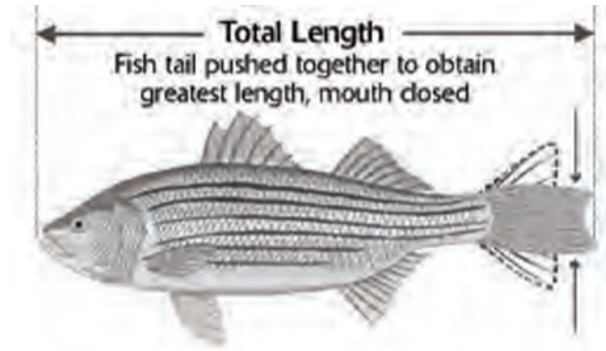
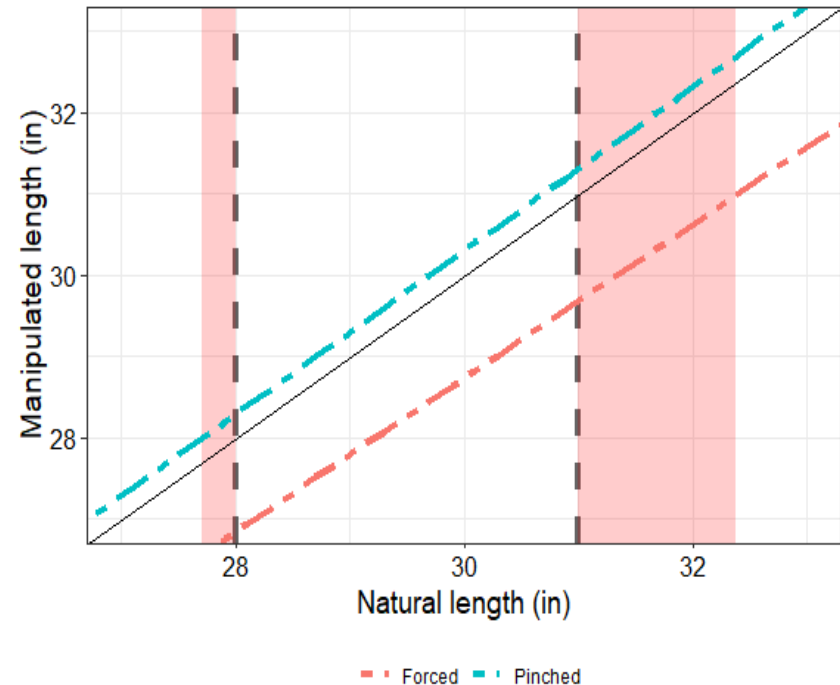


Image: NJ DEP



Commercial Striped Bass Management

Proposal

- Adopt a commercial slot limit with a maximum size between 38 and 44” and a minimum size between 32 and 35”.
- Prohibit gaffing in the commercial fishery.

Rationale for Size Limit

- Protect the largest fish in spawning stock biomass in effort to support stock productivity while maintaining a reasonably wide slot that won't prevent quota utilization or cause excessive discards and retains separation between rec/com legal sizes.

Rationale for Gaffing Prohibition

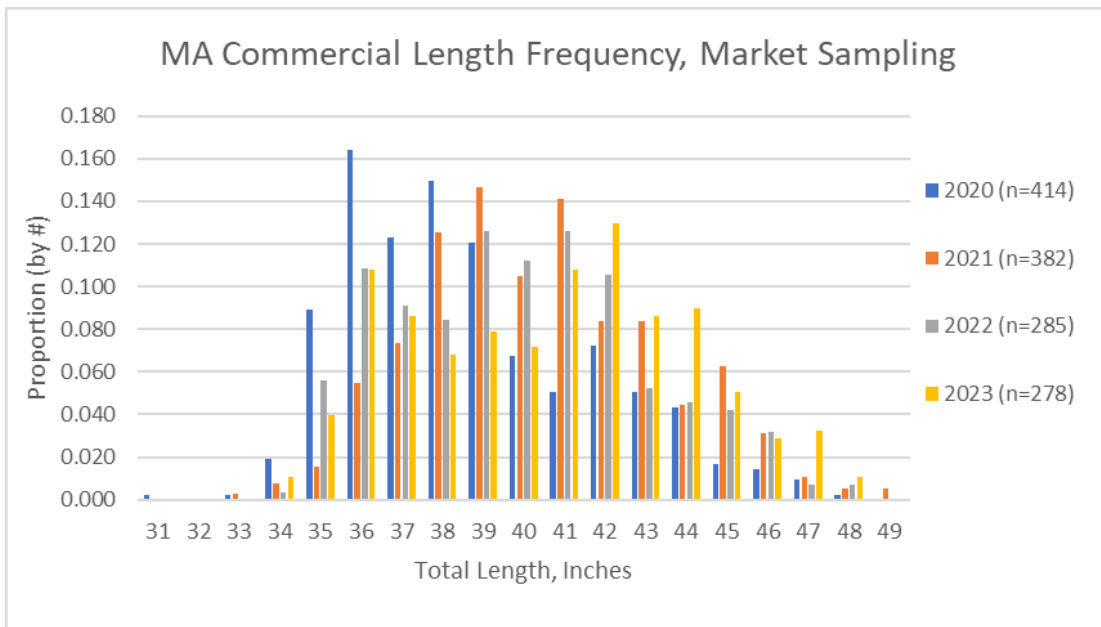
- Reduce release mortality with transition to readily-available non-injurious removal devices. With adoption of slot, harder to discern legal sized fish and largest fish no longer harvestable.



Commercial Striped Bass Management

Background

- MA has maintained a large commercial minimum size since the last stock rebuilding effort in the 1980s (in the range of 34 to 36" minimum since 1990). 35" minimum now.
- Last modification in 2020 from 34" to 35" responded to the 28-35" recreational slot limit and DMF interest to separate the fisheries' legal sizes for compliance & enforcement.
- Gaffing in recreational fishery was prohibited with the adoption of the slot limit because gaffing largely needed for removing large fish that became illegal to harvest. Commercial fishery prohibited from gaffing undersized fish.



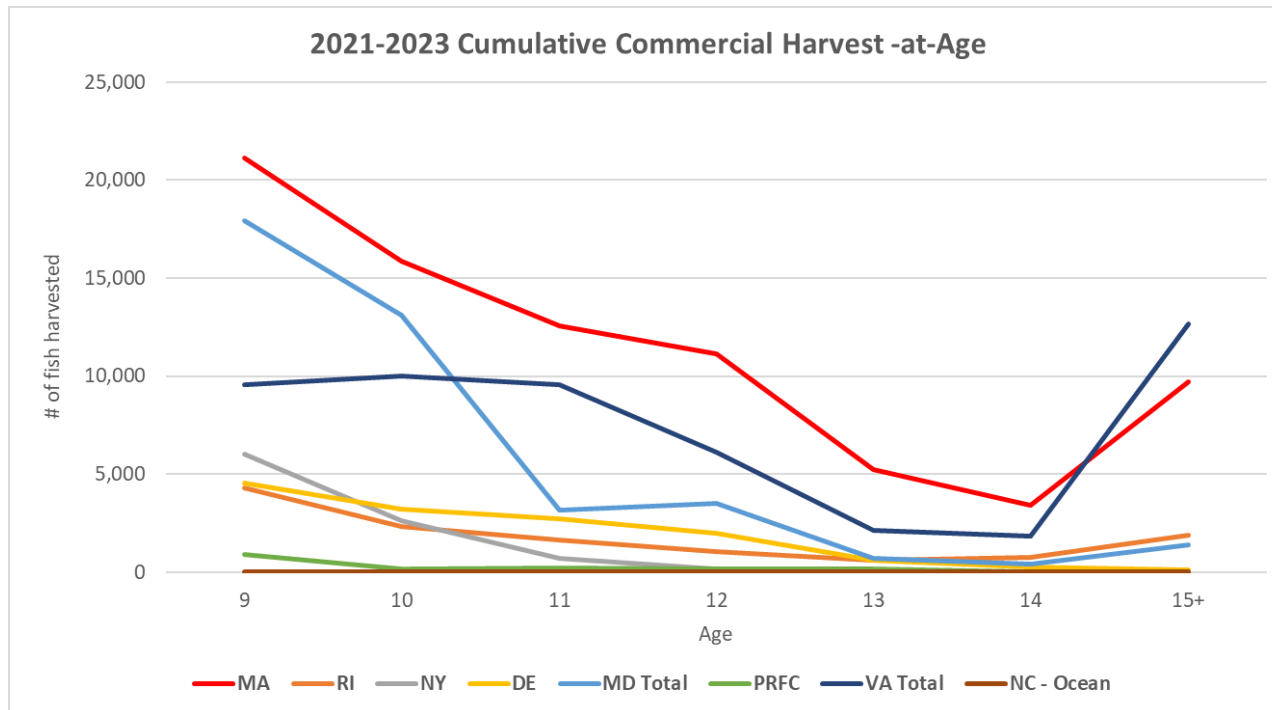
Percent of Sampled Commercial Harvest Above a Specific Size	
Size (TL)	2020-2023 Average
≥ 38"	74%
≥ 40"	51%
≥ 42"	31%
≥ 44"	15%
≥ 46"	5%



Commercial Striped Bass Management

Background

- Due to combination of quota, size limits, and fish availability, the MA commercial fishery tends to harvest more large fish than any other jurisdictions' commercial fishery.
- States with commercial maximum sizes include New York (28-38" slot), and the Chesapeake Bay (18-28" or 18-36", seasonally or all year, depending on jurisdiction).



Source: Data compiled for 2024 stock assessment update as provided by ASMFC.

Commercial Striped Bass Management

Background

- Striped bass are overfished. ASMFC actions are controlling fishing mortality, but recruitment failure is hampering rebuilding.
- Certain stock characteristics can contribute to spawning success, including maintaining a broad age structure within the spawning stock biomass (Secor, 2007).
- Larger spawning striped bass produce larger eggs (Zastrow et al. 1989) and larger larvae that grow faster (Monteleone and Houde 1990) and may be able to withstand starvation better.
- Successful recruitment linked to prey availability (zooplankton), timing of which being influenced by climate change. Larger striped bass move into spawning grounds earlier than smaller fish, which may help align predator-prey for recruitment success (Giuliano 2023).
- Big Old Fat Fecund Female Fish (BOFFS) “can outlive periods that are unfavourable for successful reproduction and be ready to spawn profusely and enhance recruitment when favourable conditions return (the storage effect).” (Hixon et al. 2014)

“With rising water temperatures predicted in the Bay under various climate change scenarios, a broad age range of spawning fish, spawning at slightly different times throughout the season due to size, could mitigate the effects of climate change by making it more likely for spawning to occur when environmental conditions and prey availability are good,” said Giuliano.



Commercial Striped Bass Management

Background

- Size limit changes require ASMFC approval (pending) and possible commercial quota adjustment.
- By reducing size of fish harvested, more numbers of fish may be taken unless quota is reduced.
- Reducing the minimum size requires a reduction in quota (small impact on quota).
- In the past, states were allowed to implement a maximum size without a quota reduction, but technical advice may now be to be more conservative (larger impact on quota).
- Technical review in late March; Board review in early May.
- Table: minimum 8-in wide slots.

Size Limit	Slot Width	Range of Quota Adjustment (% Diff)	
35" min	n/a	683,773 lb (status quo)	
35 – <43"	8-inch slot	683,773 lb (0%)	571,533 lb (-16%)
35 – <44"	9-inch slot		594,538 lb (-13%)
35 – <45"	10-inch slot		621,256 lb (-9%)
34 – <42"	8-inch slot	672,195 lb (2%)	535,330 lb (-22%)
34 – <43"	9-inch slot		558,033 lb (-18%)
34 – <44"	10-inch slot		581,142 lb (-15%)
33 – <41"	8-inch slot	663,499 lb (-3%)	509,405 lb (-25%)
33 – <42"	9-inch slot		525,968 lb (-23%)
33 – <43"	10-inch slot		548,887 lb (-20%)
33 – <44"	11-inch slot		572,187 lb (-16%)
32 – <40"	8-inch slot	653,585 lb (-4%)	484,436 lb (-29%)
32 – <41"	9-inch slot		499,524 lb (-27%)
32 – <42"	10-inch slot		511,779 lb (-25%)
32 – <43"	11-inch slot		534,984 lb (-21%)
32 – <44"	12-inch slot		558,257 lb (-18%)



Commercial Striped Bass Management

Background

- Discards
 - Potential for additional discards with implementation of maximum size.
 - But uncertain how harvester behavior will change (i.e., ability to target slot sized fish).
 - Reduction in minimum size would likely offset an increase in discards on larger fish, but no discard length frequency data to evaluate this quantitatively.
 - Low release mortality rate of hook-and-line only fishery (i.e., 9%) will minimize dead discards, as would proposed gaffing prohibition.
- Gaffing
 - Commercial fishery currently prohibited from gaffing *undersized fish*. Rule was based on angler concerns about safely removing large fish in adverse conditions.
 - Same rule previously applied to recreational fishery. Complete recreational gaffing prohibition was adopted with implementation of slot limit. Prior rationale less applicable when can't harvest large fish and more difficult to discern legal sized fish when still in water.



Questions

March 10, 2025

Massachusetts Division
of Marine Fisheries



Commercial Striped Bass Management

Proposal

- Adopt a commercial slot limit with a maximum size between 38 and 44" and a minimum size between 32 and 35".
- Prohibit gaffing in the commercial fishery.

Size Limit	Slot Width	Range of Quota Adjustment (% Diff)	
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32 – <44"	12-inch slot		558,257 lb (-18%)

(Table: minimum 8-inch wide slots from proposed minimum and maximum sizes.)



Menhaden Trip Limit Proposal

Background:

- LE trip limit: 120,000 lb when fishery opens on May 15 → 25,000 lb at 50% quota use → 6,000 lb at 90% quota use (provided by Aug. 31). Increase to 360,000 lb on Oct 15 if 10% quota remains.
- 6,000-lb limit/90% trigger adopted when purse seines removed from FMP's incidental and small-scale fishery allowance (which allows other gears to continue fishing at 6,000-lb limit after 100% quota).
- Designed to allow purse seine fishery to continue throughout season of local availability. Trying to balance quota use and season length.

Proposal:

- Rescind the 90% quota use trigger that drops the limited entry (LE) fishery's trip limit from 25,000 pounds to 6,000 pounds OR revise it to be in the range of 95-98% quota use.

Rationale:

- At current quota and effort levels, 10% (~1 mlb) is more than necessary; industry concerns about quota underutilization and future management implications.
- Industry interest in EESA while remains an option and other states using it (must hit 100% by Sept 1).
- Quota transfers *may* be available to continue fishery at small-scale level if exhaust quota/EESA early or EESA already taken by another state (although some risk that transfers *may not* be available).

Trigger to reduce trip limit	Remaining quota (expected 2025)	# trips at 6,000-lb limit
90% quota use (status quo)	10% = 1.08 mlb	180 trips
95%	5% = 542,000 lb	90 trips
96%	4% = 433,000 lb	72 trips
97%	3% = 325,000 lb	54 trips
98%	2% = 217,000 lb	36 trips



Menhaden Effort Control Proposals

Background:

- Menhaden Endorsement, which is required to access higher trip limits, is already limited to renewals only; CAP-Purse Seine Endorsement, which provides a 6,000-lb limit, is open entry.
- August 1, 2023 Control Dates adopted in 2023 due to industry concerns about potential new effort amidst declining quotas for other bait fisheries.

Endorsement Issued	Year										
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Menhaden	60	58	58	61	62	62	61	57	55	52	51
CAP-Purse Seine	6	5	8	8	29	52	60	62	76	79	72

Proposal:

- Limit renewal of Menhaden Endorsements in 2026 to those meeting activity criteria prior to 8/1/23 control date (see table for preliminary eligible count) or held in conjunction with a fish weir permit.
- Limit renewal of CAP-Purse Seine Endorsements in 2026 to those issued prior to the 8/1/23.
- Revise CAP-Purse Seine Endorsement control date to further restrict participation in future is needed.

Reference Period	Landings Threshold	
	1 pound sold in any year	One ≥ 6,000-lb trip in any year
1/1/14 – 8/1/23 (10 yrs)	18 permits	17 permits
1/1/19 – 8/1/23 (5 yrs)	14 permits	13 permits

Rationale:

- Employ control dates as designed to remove latent effort and limit new entrants, upon urging from industry at fall 2024 scoping meeting.
- Quota is manageable and fishery profitable at current level of activity.



Menhaden Harvester Partnership Proposal

Background:

- DMF rules limit ability for seiners to transfer catch except to a carrier vessel.
- Aggregate catch held between seiner and carrier vessel cannot exceed applicable trip limit.
- Proponents seek to be able to bridle fish from another vessel's net, such as to reduce potential release of dead fish ("slippage") should a set exceed the trip limit.
- ME allows two vessels to enter into a designated partnership to share harvest provided both vessels are rigged for seining at same scale, had menhaden landings the prior year, and are in good standing with Law Enforcement. Program can be suspended based on resulting landings rate or concern about misuse.

Proposal:

- Establish a pilot program that authorizes two similarly permitted and rigged vessels to share catch from each others' seine sets.
- Proposal contingent upon action to further limit access to menhaden fishery.

Rationale:

- Would improve efficiency and reduce slippage in seine fishery, potentially reducing user/gear conflicts.
- This could be a backdoor to bringing in new activity without further effort controls (hence contingency).



Questions

March 10, 2025

Massachusetts Division
of Marine Fisheries



Menhaden Proposals

Trip Limit

Rescind the 90% quota use trigger that drops the limited entry (LE) fishery's trip limit from 25,000 pounds to 6,000 pounds OR revise it to be in the range of 95-98% quota use.

Effort Controls

- Limit renewal of Menhaden Endorsements in 2026 to those meeting activity criteria prior to 8/1/23 (see table for options) or held in conjunction with a fish weir permit.
- Limit renewal of CAP-Purse Seine Endorsements in 2026 to those issued prior to the 8/1/23.
- Revise CAP-Purse Seine Endorsement control date to further restrict participation in future is needed

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1/1/14 – 8/1/23 (10 yrs)	18 permits	17 permits
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Harvester Partnership Pilot Program

Establish a pilot program that authorizes two similarly permitted and rigged vessels to share catch from each others' seine sets (contingent on additional effort controls).



Cod Stock Management Areas

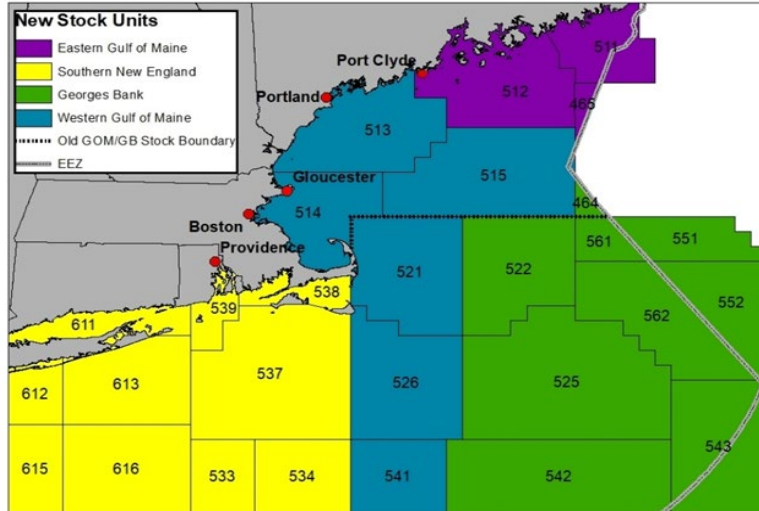
Proposal

- Adopt definitions for the Western Gulf of Maine of Southern New England cod stock areas consistent with recent changes to the federal stock boundary delineations.

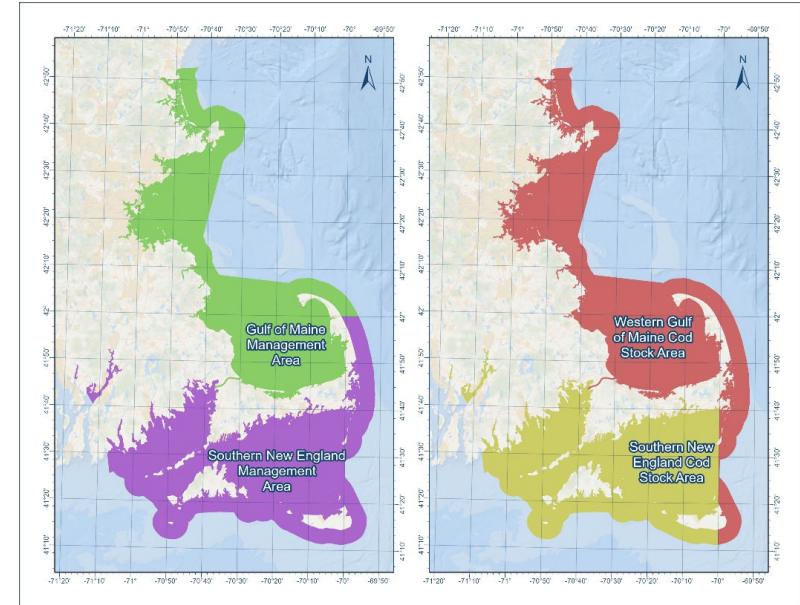
Rationale

- Responds to changes in federal FMP (FW69).
- WGOM and SNE are only areas that overlap with state waters.
- Change moves outer Cape waters from SNE to WGOM.

New Federal Cod Stock Areas



Proposed State Waters Cod Stock Compared to Existing Groundfish Management Area



State Waters Codfish Management

Proposal

- Reduce year-round commercial trip limit for WGOM cod from 400 pounds to as low as 200 pounds per trip.
 - Potential Alternative: Enact seasonal closure or low bycatch limit (e.g., 50 pounds) from November – March.
- Enact moratorium on retention, possession, and landing of SNE cod for commercial and recreational fishery.

Rationale for WGOM Cod Trip Limit Reduction

- State waters harvest of WGOM in recent years approaches or exceeds expected FY25 sub-component.
- Risk that state waters harvest exceeds sub-component and triggers accountability measure affecting federal permit holders and recreational fishers.
- In 2022 and 2023, landings did not approach current trip limit with about 70% of trips landing less than 200 pounds of cod.

Stock	FW22 SW Landings*	FW23 SW Landings*	FY25 SW Sub-Component	FY26 SW Sub-Component
WGOM Cod	55,000 lbs	43,000 lbs	44,000 lbs	51,000 lbs

*FY22 and FY23 state waters catch is of the GOM stock which is comprised of the new WGOM and EGOM cod stocks.

All figures rounded to the nearest pound.

Rationale for SNE Cod Moratorium

- Matches pending federal moratorium affecting recreational fishery and commercial common pool vessels.
- No affected cod fishery in state waters portion of SNE cod area.



Other Commercial Groundfish Trip Limits

Proposal

- Increase GOM yellowtail flounder trip limit from 350 pounds to 500 pounds.
- Increase monkfish trip limit from 536 pounds tail weight (1,560 pounds whole weight) to 1,000 pounds tail weight (2,910 pounds whole weight).

Rationale for Trip Limit Increases

- Yellowtail flounder landings have been trending downward due to reduced participation and there is room to liberalize the trip limit without threat of exceeding the sub-component.
- Will allow for gillnetters to more profitably target monkfish with little threat of significantly increasing harvest due to small gillnet fleet.
- Provides access to non-cod groundfish stocks.

Stock	FY19 SW Landings	FY20 SW Landings	FY21 SW Landings	FY 22 SW Landings	FY23 SW Landings	FY 25 SW Sub-Comp*
CC/GOM YTF	94,000 lbs	73,000 lbs	58,000 lbs	42,000 lbs	19,000 lbs	62,000 lbs

*FY25 state waters sub-component is preliminary based on Draft FW69, as approved by the NEFMC in December 2024.

Final limits will be established by NOAA Fisheries pending final rule making.

All figures rounded to the nearest pound.



Groundfish Endorsement Control Date

Proposal

- Update the Groundfish Endorsement (“GE”) Control Date from December 31, 2018 to December 31, 2024.

Rationale for Control Date

- Substantial level of latent effort in GE fishery with 484 GEs issued in 2024 and only about 15-20 highly active permit holders.
- Activation of effort is problematic given low sub-components for various stocks, including WGOM cod.
- Exceedance of sub-components may trigger accountability measures for recreational fishers and federal permit holders.



Questions

March 10, 2025

Massachusetts Division
of Marine Fisheries



Summary of Groundfish Proposals

Cod Management Areas

- Adopt definitions for the Western Gulf of Maine of Southern New England cod stock areas consistent with recent changes to the federal stock boundary delineations.

Cod Limits

- Reduce commercial trip limit for WGOM cod from 400 pounds to as low as 200 pounds.
 - Potential Alternative: Enact seasonal closure or low bycatch limit (e.g., 50 pounds) from November – March.
- Enact moratorium on retention, possession, and landing of SNE cod for commercial and recreational fishery.

Other Groundfish Trip Limits

- Increase GOM yellowtail flounder trip limit from 350 pounds to 500 pounds.
- Increase monkfish trip limit from 536 pounds tail weight (1,560 pounds whole weight) to 1,000 pounds tail weight (2,910 pounds whole weight).

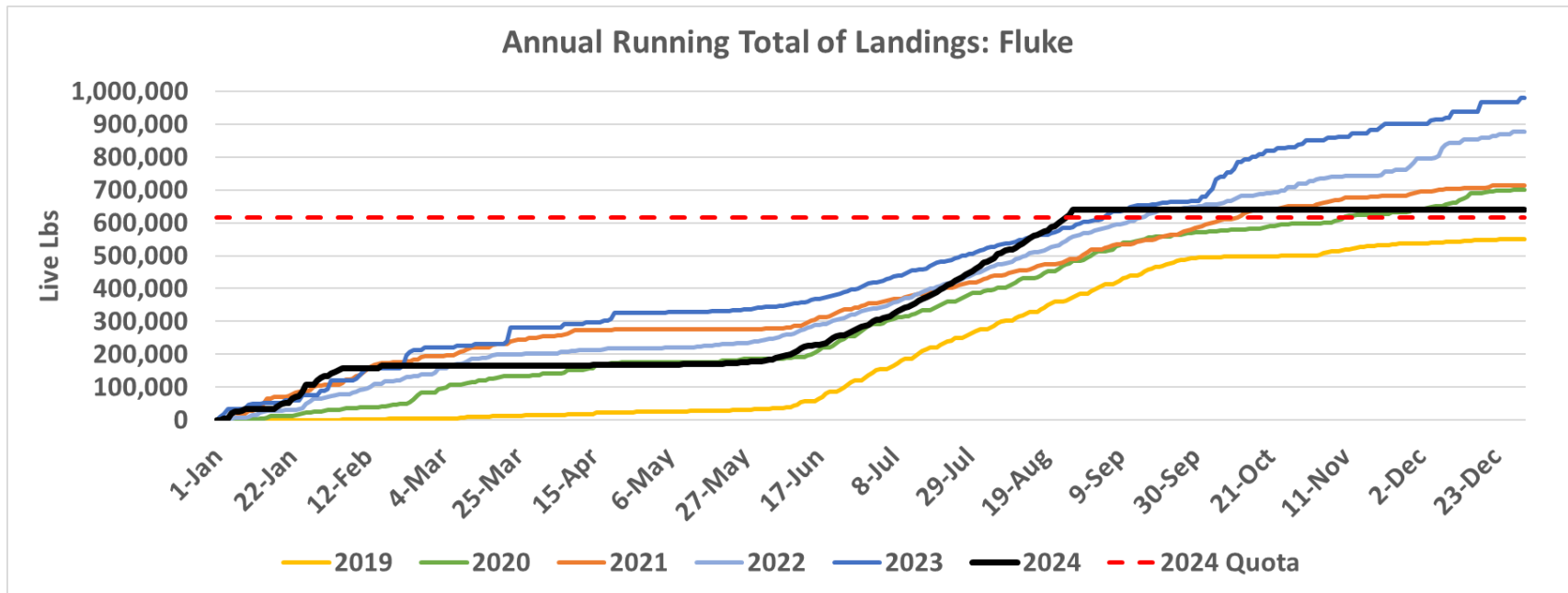
Control Date

- Update the Groundfish Endorsement (“GE”) Control Date from December 31, 2018 to December 31, 2024.



2024 Summer Flounder Fishery Overview

- Quota reduced by 56% reduction from 2023 to 2024 resulting in a 599,507-pound quota.
 - Period I (Jan 1 – Apr 22) allocated 30% (179,852 pounds);
 - Period II (Apr 23 – Dec 31) allocated 70% (419,654 pounds).
- Based on recent performance (2021 – 2023) expectation was:
 - Period I fishery would achieve quota allocation during early winter
 - Period II fishery would take full quota by fall assuming status quo participation in summertime fishery.
- DMF reduced Period I and fall Period II trip limit from 10,000 to 5,000 pounds. Period II limits were not changed, and the Multi-Day Program was renewed.
- DMF projected Period I allocation (30%) would be taken on Feb 5 and reduced trip limit to 100 pounds.
- Final Period I landings came in at 27% of quota (166,830 lbs), leaving 73% of quota for Period II.
- 2024 quota taken on August 27 with closure effective August 28. Just missed 75% quota use trigger on August 1.



2025 Quota and Current Regulations

- 2025 quota is 571,147 pounds.
 - P1 Allocation: 171,344 pounds
 - P2 Allocation: 399,803 pounds
- DMF reduced P1 trip limit from 5,000 pounds to 2,000 pounds via in-season adjustment and suspended Multi-State landing program for 2025.
- **P1 Fishery has landed ~20,000 pounds to date (3.6% of total quota). Will likely produce a substantial rollover of P1 allocation to P2 for 2025.**
- P2 Fishery scheduled to open on April 23.

Period	Gear	Season	Open Days	Trip Limit	Size Limit
Period I	All	Jan 1 – Apr 22	Sun - Sat	2,000 pounds reduced to 100 pounds after 30% quota use	14"
Period II	Nets	Apr 23 – Sept 30	Sun - Sat	600 pounds, reduced to 400 pound if 80% of quota is taken before Aug 1 and increased to 800 pounds if 20% quota remains on Sept 1.	14"
Period II	Hooks	Apr 23 – Sept 30	Sun - Sat	400 pounds, reduced to 250 pound if 80% of quota is taken before Aug 1 and increased to 800 pounds if 20% quota remains on Sept 1.	14"
Period II	All	Oct 1 – Dec 31	Sun – Sat	800 pounds, increased to 5,000 pounds if 10% of quota remains on October 1.	14"



Period I Summer Flounder Trip Limit

Proposal: For 2026:

1. Reduce trip limit from 5,000 pounds to 2,000 pounds by regulation commensurate with in-season adjustment for 2025.
2. Reduce Period I allocation for 30% of annual quota to 15% of annual quota.

Proposed Summer Flounder Fishery Rule Changes for 2026

Season	Allocation	Trip Limit	Open Days	Min Size
Jan 1 – Apr 22	30% 15% quota	5,000 pounds 2,000 pounds Reduce trip limit to 100 pounds once 15% 30% quota taken.	Sun – Sat	14"

Rationale:

- Slows quota consumption rate to achieve a longer season and limit a risk of a seasonal overage.
- Makes more quota available to the summer period when resource is more available to more of our commercial permit holders and ex-vessel value of fish tends to be higher.
 - From 2022 – 2024, average ex-vessel value for May – September is \$3.40 compared to \$1.90 for October – April.
- If P2 underutilizes quota, offshore fleet can access fish during the late-fall and early-winter (October – December).



Summertime Summer Flounder Limits

Proposed Summer Flounder Fishery Rule Changes for 2025

Season	Gear	Trip Limit	Open Days	Min Size
Apr 23 – Sept 30	Nets	<p>600 500 pounds. Increased to 800 pounds on Sept 1 if $\geq 20\%$ of quota remains. Decreased to 400 pounds if $\geq 75\%$ quota taken on or before Aug 1 Aug 15. Decreased to 200 pounds if $\geq 90\%$ of quota is taken before Sept 1.</p>	<p>Sun – Sat Mon - Fri</p>	<p>14"</p>
	Hooks	<p>400 325 pounds. Increased to 800 pounds on Sept 1 if $\geq 20\%$ of quota remains. Decreased to 200250 pounds if $\geq 75\%$ quota taken on or before Aug 1 Aug 15. Decreased to 200 pounds if $\geq 90\%$ of quota is taken before Sept 1.</p>		

Rationale:

- Modest reduction in trip limit could slow quota consumption and extend season.
- Would maintain high trip limit at start of the season when ex-vessel value is generally strong and build in trip limit reductions based on quota use during season to extend the fishery into September.
- Interest in maintaining quota for September to accommodate hook and line fishery on Nantucket Shoals and a dragger bycatch when targeting other species (e.g., horseshoe crabs).
- Some interest in closing weekend to fishing to slow quota consumption and reduce potential user group conflicts with recreational sector.
- Concerns about effort moving into fishery and increased quota utilization due to low cod limits.



Consecutive Daily Trip Limit Program

Background:

- Since 2019, DMF has accommodated the Consecutive Daily Trip Limit Program during the P2 fishery.
- Allows CAP Permit Holders to possess and land two days' trip limits of certain species that were lawfully caught and retained over consecutive fishing days provided each day's catch is segregated and tagged.

Benefits:

- Designed to enhance economic efficiency and address on-the-water safety issues.
- Allows dealers to more efficiently service a variety of Cape Cod ports where fish is being landed.

Concerns:

- Results in more expedient quota utilization.
- Allegations that program has produced daily trip limit violations and encourages high grading.
- Has evolved beyond its initial purpose and now accommodates offshore fishery.

Potential Considerations:

- Mandatory electronic cellular vessel monitoring for all participants.
- Adopt a minimum 24-hour at-sea requirement to possess second daily limit.
- Limit number of trips per week (e.g., two trips if five open days, three trips if seven open days).
- Eliminate requirement to tag first day's catch but continue to require each day's catch be segregated.
- Discontinue program once a certain threshold of quota use is reached (e.g., 90% quota use).



Questions

March 10, 2025

Massachusetts Division
of Marine Fisheries



Summer Flounder Proposals

Period I

- Reduce trip limit from 5,000 pounds to 2,000 pounds consistent with 2025 in-season adjustment.
- Reduce seasonal quota allocation from 30% overall to 15% overall.

Period II Summertime Fishery (April 23 – September 30)

- Reduce trip limit from 600 pounds to 500 pounds for net fishers and 400 pounds to 325 pounds for hook fishers.
- Move the use-by date in the trigger that automatically reduces trip limits if $\geq 75\%$ of the quota is taken from August 1 to August 15.
- Correct the automatic trip limit reduction for hook gear at 75% quota use trigger so that the trip limit is reduced to 250 pounds.
- Add a new automatic trip limit reduction that would reduce trip limits for all gears to 200 pounds if ≥ 90 of the quota is taken before September 1.
- Consider closing weekend days to commercial fishing.

Multi-Day Pilot Program

- Renew the multi-day pilot program for 2025.
- With renewal, consider mandating the following requirements:
 - Mandatory electronic cellular vessel monitoring for all participants.
 - Adopt a minimum 24-hour at-sea requirement to possess second daily limit.
 - Limit number of trips per week (e.g., two trips if five open days, three trips if seven open days).
 - Eliminate requirement to tag first day's catch but continue to require each day's catch be segregated.
 - Discontinue program once a certain threshold of quota use is reached (e.g., 90% quota use).



Controls on Use of Conch Pots in Federal Zone

Proposal:

- Require any MA-fisher who sets conch pots in the federal zone to hold a DMF-issued conch pot permit.
- Require all conch pots to have a valid MA trap tag affixed to the gear when on the vessel or set in state and federal waters.
- Require all conch pot permit holders to set no more than 200 conch pots and haul all conch pot gear from December 16 – April 14 annually.

Rationale:

- Reported shift in conch pot fishing effort to the east, including into federal waters off Nantucket.
- No federal FMP for whelk resulting in no controls on whelk pot fishing effort in federal waters.
- No state trip limits on whelk that may limit potential effort.
- Uncontrolled proliferation of gear poses entanglement risk to sea turtles and whales.
- Federal waters off Nantucket are an area of moderate use by right whales.

Other Considerations:

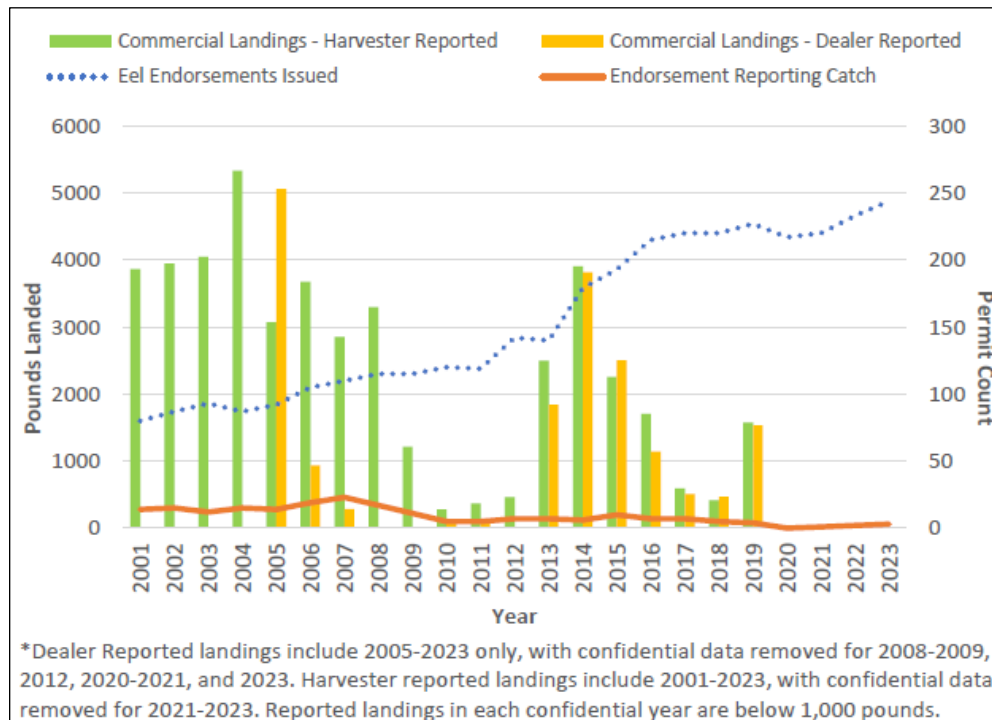
- Will not similarly manage fish pot fisheries because effort is constrained by state and federal rules.
- Sea bass potters are advised that the trip limit is permit-based, not gear-based.
- Gear marking and modification requirements are complicated and DMF needs to work with NOAA Fisheries to develop new marking and modification rules for Other Trap/Pot Fisheries in the Northern Nearshore Trap/Pot Waters.
- Fish and conch pot gear set in the federal zone must comply with ALWTRP buoy line marking and modification rules, not state rules.
 - Required to use of 600-pound weak link at buoy
 - Required to mark buoy lines with three 1' red marks (top, middle, and bottom).
 - Use of weak rope is not required for federal waters, but DMF encourages it.



Commercial Eel Fishery and Permits

Background

- Issuance of open entry commercial eel endorsements increasing while the number of endorsements reporting catch is declining.
- Eels sold has declined to <4,000 lb with value <\$10,000 annually. Suspect some illegal/un-reported sales.
- Very limited amount of eels reported as kept for personal use under commercial permit. Suspect under-reporting of eels kept for use as bait for commercial striped bass fishing.



Commercial Eel Fishery and Permits

Proposal:

- Establish a moratorium on the commercial harvest of eels, but allow importation, sale, and possession of eels lawfully harvested in other jurisdictions subject to paperwork requirements OR
- Adopt an Eel Endorsement control date of December 31, 2024 and limit permit renewals in 2026 to those meeting activity threshold (see table for preliminary eligible count) and potentially make permit owner-operator and non-transferable.

Reference Period	Landings Threshold	
	1 lb sold in any year	1 lb harvested in any year
1/1/15–12/31/24 (10 yrs)	7	9
1/1/20–12/31/24 (5 yrs)	3	3

Rationale:

- MA commercial fishery is almost non-existent or subject to under-reporting, which creates an accountability and conservation issue.
- Eels are depleted and near historically low levels driven by a variety of anthropogenic and environmental factors. Last assessment recommended reducing yellow-phase eels in particular (which the MA fishery harvests almost exclusively) and ASMFC has reduced the coastwide harvest cap.
- Eels are an important forage fish and interest in conserving the stock.
- Under commercial moratorium, could still harvest eels under recreational limit and use for bait in recreational fishing immediately or for commercial fishing on a separate trip.
- Option to limit entry allows historical users that have reported to remain in fishery until retirement.



Questions

March 10, 2025

Massachusetts Division
of Marine Fisheries



Commercial Eel Fishery Proposals

Proposal:

- Establish a moratorium on the commercial harvest of eels, but allow importation, sale, and possession of eels lawfully harvested in other jurisdictions subject to paperwork requirements OR
- Adopt an Eel Endorsement control date of December 31, 2024 and limit permit renewals in 2026 to those meeting activity threshold (see table for preliminary eligible count) and potentially make permit owner-operator and non-transferable.



Documentation to Possess and Sell Dogfish Fins

Proposal: Require businesses selling spiny or smooth dogfish fins possess paperwork (e.g., bill of lading) that documents the lawful origin of product.

Rationale:

- State law prohibits the processing, possession, and sale of shark fins with an exception for lawfully harvested and processed smooth and spiny dogfish.
- Concerns that illegal shark fins may be disguised and marketed as dogfish fins.
- Genetic testing is expensive and may be confounded by certain processing techniques.
- Traceability through record keeping would enhance compliance with state law and ease enforcement.



Entanglement Reporting

Proposal: Require mariners to report entanglements of any sea turtle or large whale to NOAA Fisheries, the Massachusetts Environmental Police, or the Center for Coastal Studies.

Rationale:

- Expands existing reporting requirement beyond entangled right whales to include any sea turtle or large whale species.
- Bolters DMF's pending Incidental Take Permit application.
- Adopts a best practice as a regulation.



False Albacore and Bonito Limits

Proposals

- Adopt a five-fish per person possession limit for false albacore and bonito (both species combined). Would apply to all harvest modes (i.e., both recreational and commercial sectors).
- Consider a 16” minimum size limit for the retention of both false albacore and bonito.
- Consider an incidental catch exemption to these possession and size limits for commercial fishers using mechanized mackerel jigs provided bycatch does not exceed a certain threshold of total catch by weight or count.

Rationale

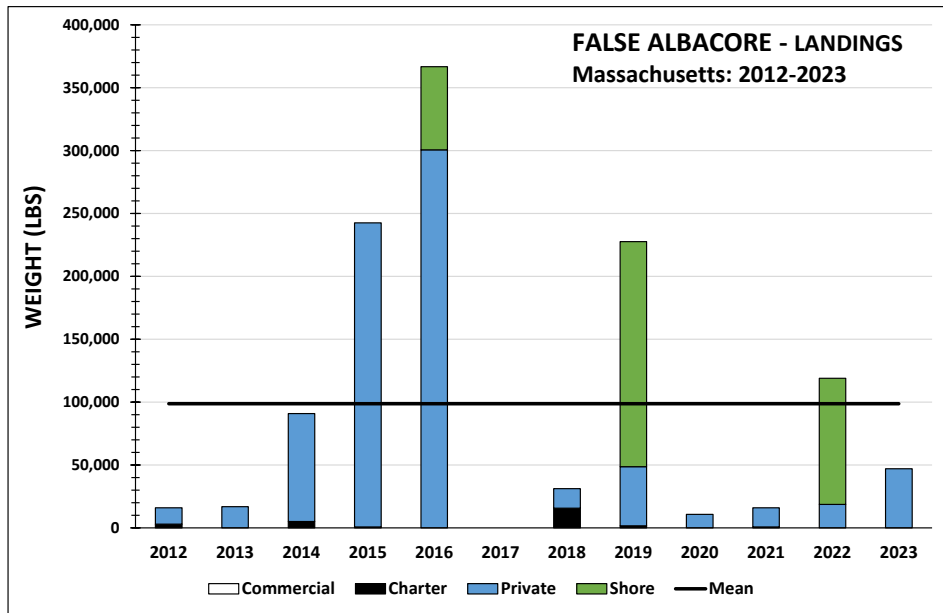
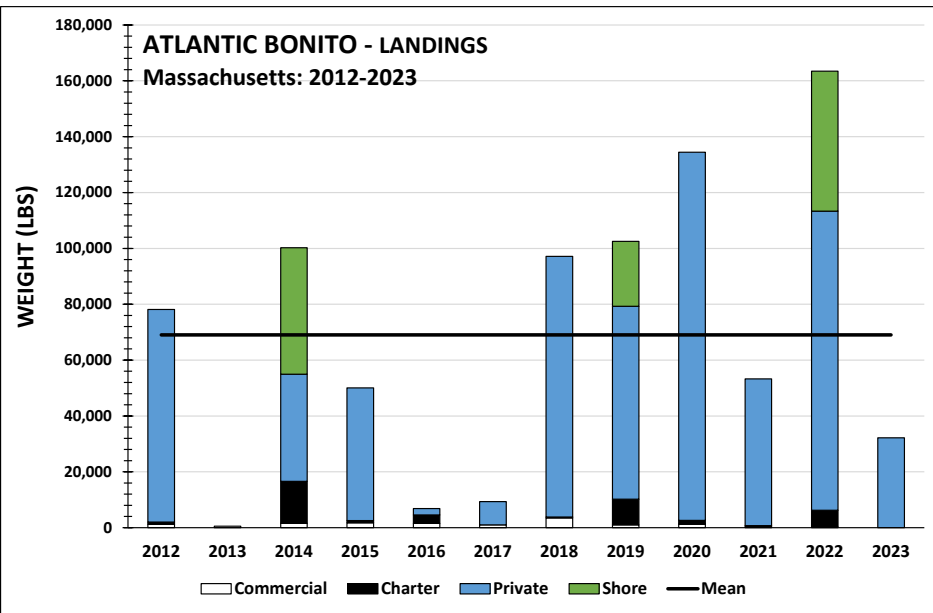
- Lack of federal or interstate management plans leave species potentially vulnerable to unconstrained harvest.
- Becoming an increasingly popular late-summer and early-fall recreational fishery, particularly along south coast.
- Public interest in Massachusetts adopting a precautionary management approach.
- Limit accommodates most current retention practices, including fishing tournaments.
- Little commercial harvest currently occurring. Fewer than 15 permit holders have sold Atlantic bonito in any of the past five years with annual aggregate landings not exceeding 1,000 pounds and an ex-vessel value of about \$5.00 per pound.
- 16” approximates estimated size at maturity and is the length around which retention occurs for both species.

Potential Exemption for Jigging

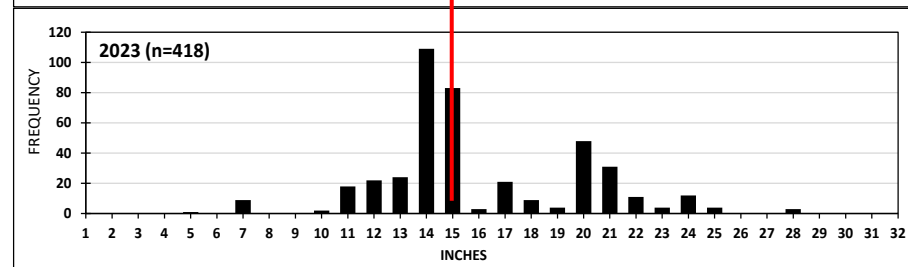
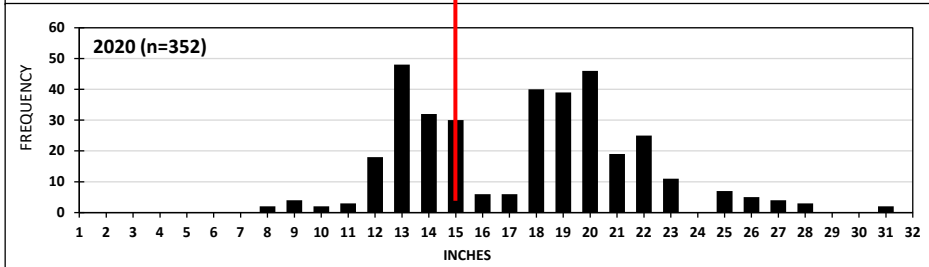
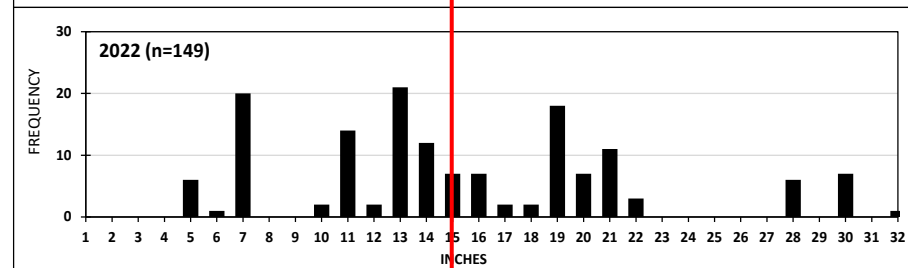
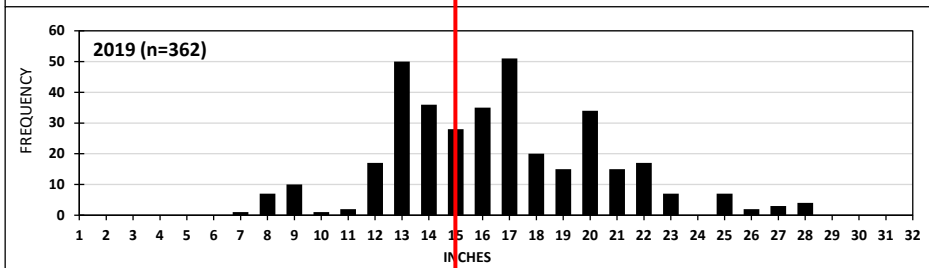
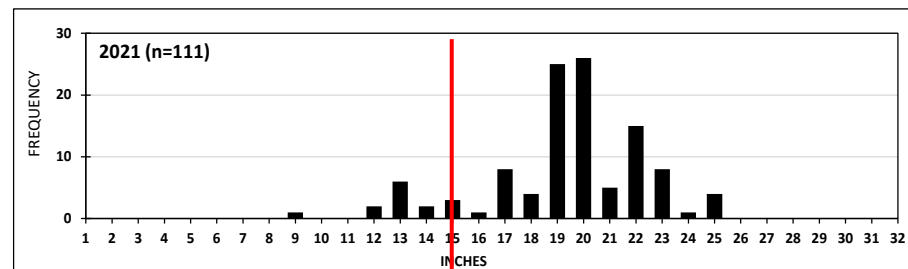
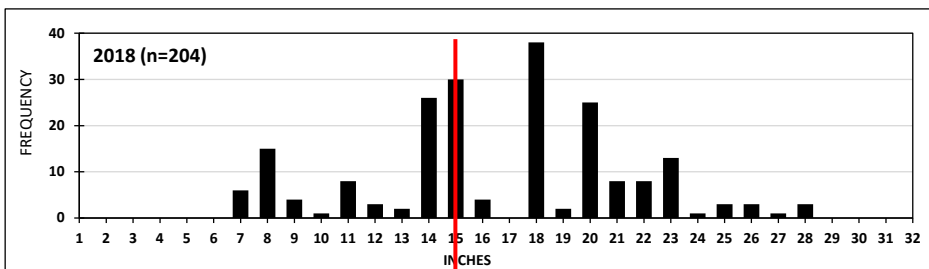
- Mechanized mackerel jigging operations incidentally catch these species.
- Current operations cannot accommodate on deck sorting and discarding of non-target catch in high volume fishery.



False Albacore and Atlantic Bonito Landings in MA (2012 - 2023)



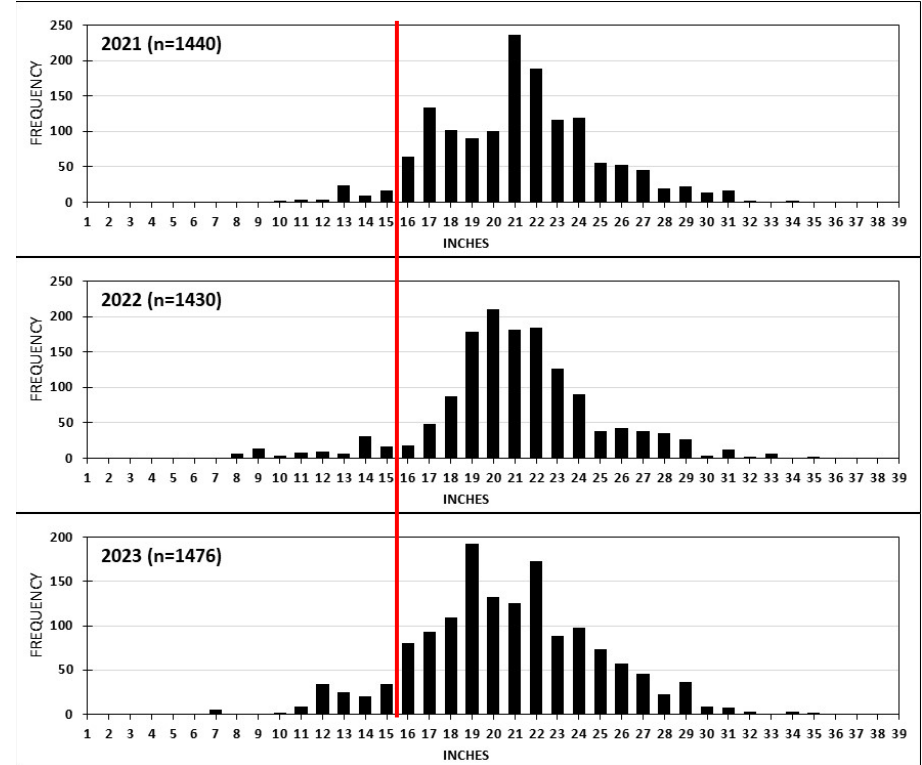
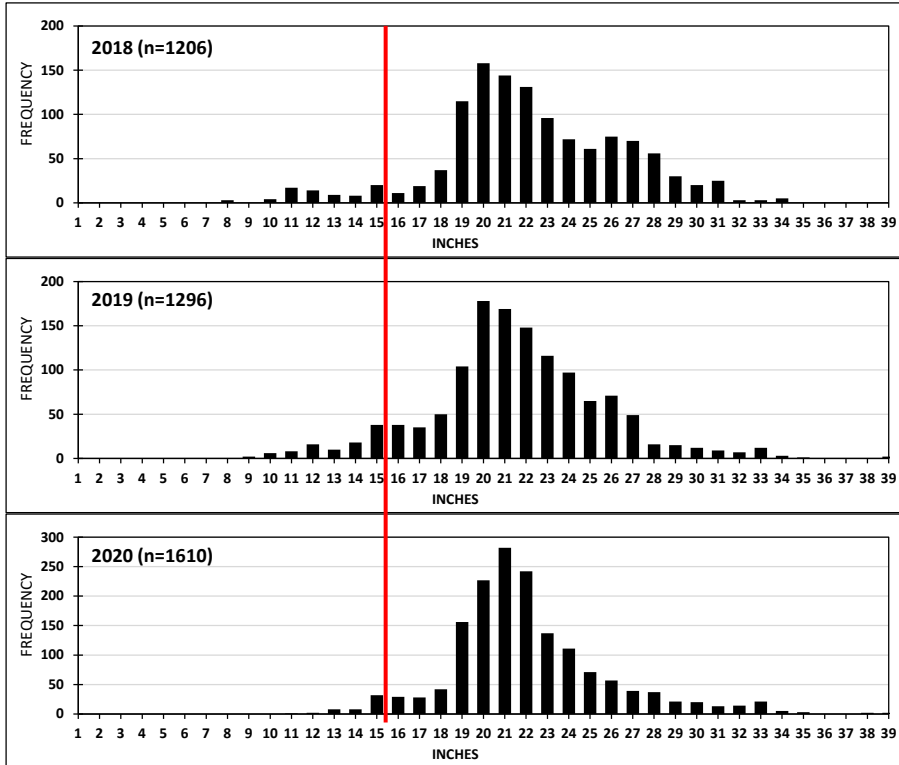
Atlantic Bonito Length Frequencies



ESTIMATED SIZE AT SEXUAL MATURITY



False Albacore Length Frequencies



ESTIMATED SIZE AT SEXUAL MATURITY



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Oceanic Whitetip Sharks

Proposals

- Prohibit the retention and landing of oceanic whitetip sharks.

Background and Rationale

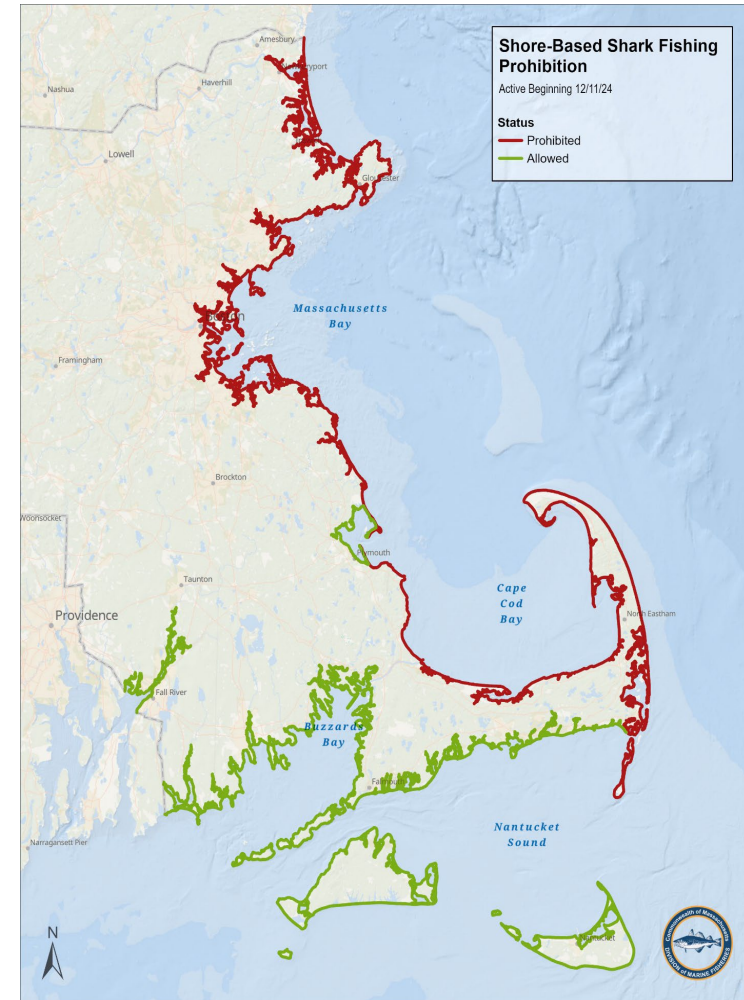
- NOAA Fisheries and ASMFC have adopted a zero-retention limit for species.
- State action necessary to comply with interstate fishery management plan.
- Oceanic whitetip sharks are primarily an offshore species with few if any caught in state waters.



Constraints on Shore-Based Angling

Proposal

- Prohibit shore-based shark angling from the eastern shoreline of Cape Cod to New Hampshire except for inside the Three Bays (see map).
- Define “shore-based shark angling” as any angling not from a vessel that uses a baited hook with a hook size of 8/0 or greater and a metal leader attached.
- Prohibit shore-based chumming state-wide.
- Limit shore-based anglers to launching baits by casting only.



Constraints on Shore-Based Angling

The Provincetown
INDEPENDENT

Rationale

- Will strengthen enforcement of existing management program that prohibits fishing for white sharks.
- Will constrain ability for anglers to target white sharks under guise of fishing for another species.
- Reduces risk of potential harm to white sharks and public safety risk to public.
- Should not affect other shore-based fishing activities for other sharks (e.g., brown, sand tiger, dusky) and other species (e.g., bluefish, striped bass).
- Eliminating use of drones and bait cannons to deploy bait will benefit other fishery resources (e.g., striped bass).

PUBLIC SAFETY

Sharkfishermen Alarm Surfers at Wellfleet Beach

White sharks were likely target of men armed with bluefish and a drone

BY WILLIAM VON HERFF · OCT 9, 2024

WELLFLEET — Surfers at LeCount Hollow Beach called the Wellfleet police on the morning of Sept. 28 to report that three anglers were fishing for sharks there, one of them using a drone with a line attached to drop bait into the water in close proximity to the people in the water.



LeCount Hollow Beach in Wellfleet attracts surfers all year round. On Sept. 28 fishermen suspected of targeting Atlantic white sharks there used bluefish and a drone to cast lines that entangled surfers. After a shark breached behind them, the surfers paddled in and stayed on the shore. (Photo by Liam Crivellaro)

The surfers told Wellfleet police dispatcher Selena Austin that fishermen had been chumming the water off the beach to attract sharks and that a great white shark had been seen in the water near where they were surfing, forcing them to race for the shore, according to the police report.

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Questions

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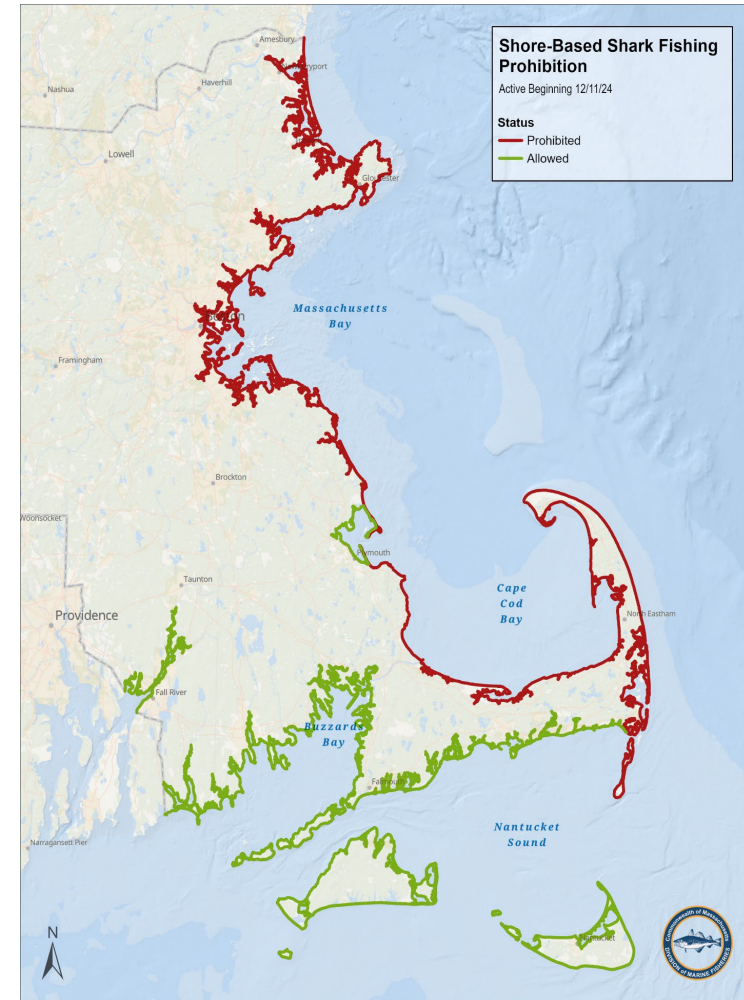
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- Prohibit shore-based chumming state-wide.
- Limit shore-based anglers to launching baits by casting only.



Recreational Black Sea Bass Season

Proposal

- Open recreational season on May 17, as opposed to May 18.
- Take conservationally equivalent reduction at end of season, moving closure date from September 3 to September 1.

Rationale

- ASMFC approved status quo management with allowance for small seasonal adjustment through conservation equivalency
- Maintains Saturday opening for the fishery.

Open Season	Minimum Size	Bag Limit
May 18 – September 3 May 17 – September 1	16.5"	4 fish



Prohibition on Sale and Use of Pacific Lugworm as Bait

Proposal

- Prohibit the sale and use of Pacific lugworms as bait.

Rationale

- Anecdotal reports of Pacific lugworms being sold in Massachusetts bait and tackle shops and used by local anglers.
- Product can be readily purchased online.
- Biosecurity risk particularly related to pathogen transmission (WSSV and CMNV).
- Potential risk of species becoming naturalized in Massachusetts.



Written Public Comment

Written public comment will be accepted through 5PM on Sunday, March 16, 2025. Please address written comment to Director Daniel McKiernan and send by e-mail to marine.fish@mass.gov.

