

322 CMR 5.00: NORTHERN SHRIMP

Section

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5.01: Purpose

The objective of 322 CMR 5.00 is to manage the northern shrimp fishery in cooperation with Maine and New Hampshire, under the auspices of the Atlantic States Marine Fisheries Commission. The three states are attempting to achieve sustainable production over time with minimum impact on other fisheries resources.

Due to the absence of federal regulatory measures within the EEZ (3-200 miles), it is necessary to enforce 322 CMR 5.00 outside waters within the jurisdiction of the Commonwealth. Therefore, for the purposes of conservation and management of this migratory species, 322 CMR 5.00 shall apply within the waters of the EEZ and shall be actively enforced against vessels registered under the laws of Massachusetts.

5.02: Definitions

For the purposes of 322 CMR 5.00:

Cod-end means that portion of the net in which the catch is normally retained.

Fish for means to harvest, catch, take, or attempt to harvest, catch, or take shrimp by any method or means.

Fish Outlet means a triangular opening in the webbing of the extension of the trawl which allows the escapement of fish too large to pass between the bars of the grate.

Grate means a rigid or semi-rigid planer device consisting of parallel bars attached to a frame with a spacing between bars of not more than one inch.

Land means to transfer the catch of shrimp from a vessel onto any other boat, land, or dock, pier, wharf or other artificial structure.

Registered Under the Laws of the State means any vessel or individual which is licensed by the Massachusetts Division of Marine Fisheries as evidenced by the issuance and possession of a valid commercial fishermen permit and a valid regulated fishery permit, which shall be in addition to any federal registration of that vessel.

Regulated Species means those finfish regulated under the Northeast Multispecies Fishery Plan and defined as regulated species; these include Atlantic cod, windowpane flounder, witch flounder, American plaice, yellowtail flounder; haddock, pollock, winter flounder, white hake, and redfish.

Shrimp means those species of shrimp belonging to the family *Pandalidae*, including but not limited to northern shrimp *Pandalus borealis*, *Pandalus montagui*, and *Dichelopandalus leptocerus*.

Vessel means a watercraft of any kind which is registered under the laws of Commonwealth of Massachusetts.

5.03: Permits

It is unlawful for a commercial fisherman to fish for, have on board, land, transport or possess shrimp without a commercial fishermen permit and a regulated fishery permit issued pursuant to 322 CMR 7.01(2) and (4).

5.04: Commercial Fishery Moratorium and Annual Specifications

(1) Commercial Fishery Moratorium. Unless otherwise authorized by the Director, pursuant to the Declaration process at 322 CMR 5.04(3), it shall be unlawful for any commercial fisherman to retain, possess or land any northern shrimp.

(2) Declaration of Annual Specifications. The Director may, by declaration, establish and adjust the manner and times of taking northern shrimp, legal size limits, numbers or quantities of northern shrimp to be taken, and the opening and closing of areas to the taking of northern shrimp as prescribed by M.G.L. c. 130, § 17A and specified by the Atlantic States Marine Fisheries Commission (ASMFC) Northern Shrimp Section.

(3) Declaration Process. Annual specifications shall not be effective until:

- (a) a notice has been filed with the *Massachusetts Register*;
- (b) a notice has been published by at least one local newspaper;
- (c) a copy of the notice has been e-mailed *via* the Marine Fisheries Listserv and posted on the Division's website at www.mass.gov/marinefisheries; and
- (d) a two-week comment period has been conducted by the Division; and
- (e) it has been approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.

(4) Prohibitions. It shall be unlawful to cull, grade, separate, or shake shrimp aboard any vessel, except by implements operated solely by hand. It is illegal to possess aboard any vessel any powered mechanical device used to cull, grade, separate, or shake shrimp.

5.05: Gear Restrictions

(1) Net Mesh Size.

- (a) It is unlawful to fish for, have on board, land, transport, or have in possession shrimp on any vessel which:
 - 1. is rigged for otter trawling with any net having a mesh opening of less than 1¾ inches stretched mesh opening between knots; or
 - 2. has onboard any net, netting or portions thereof, having a mesh opening of less than 1¾ inches stretched mesh opening between knots, except for the optional webbing funnel that may be constructed of one inch webbing.
- (b) Mesh size shall be measured by a flat wedge shaped gauge, having a taper of four cm in 20 cm and a thickness of 2.3 mm, inserted into the mesh under a pressure or pull of 1.9 kg. or by any other approved and certified net measurement gauge including the caliper gauge called the Marfish Gauge.

(2) Use of Net Strengtheners and Chafing Gear.

- (a) Net Strengtheners. An outer mesh may be used as a cod-end strengthener while fishing for shrimp. The outer mesh opening must be a minimum of six inches and at least three times larger than the size of the inner mesh. The mesh may be single or double twine and diamond or square in shape. The hanging ratio must be the same as the mesh size ratio. Hanging ratio shall mean the number of meshes in the circumference of the cod-end to the number of meshes in the circumference of the strengthener. The mesh size ratio shall mean the number of inner meshes to the number of outer meshes. The outer mesh may only cover the cod-end. No chafing gear may be used on a net with a cod-end strengthener.
- (b) Chafing Gear. If the cod-end does not have a net strengthener, then it shall be lawful to attach chafing gear to the lower half of the circumference of the cod-end.

5.05: continued

(3) Finfish Excluder Systems. It is unlawful for any vessel to fish for, have on board, land, transport or possess shrimp unless said vessel is equipped with a single or double Nordmore Grate System consisting of a properly installed rigid or semi-rigid grate, a fish outlet (hole) in the extension of the trawl forward of the cod end and an optional webbing funnel installed in front of the grate designed to direct the catch toward the grate to maximize retention of shrimp.

(a) Single Nordmore Grate System. The System shall be constructed and installed as follows:

1. parallel bars of the grate shall be oriented to facilitate the escapement of fish out of the outlet by pointing toward the outlet.
2. grate shall be tilted at approximately a 45° angle from the vertical plane.
3. frame or perimeter of the grate shall be secured to the extension piece of the trawl to prevent passage of fish between the frame of the grate and the webbing of the extension into the codend.
4. triangular base of the fish outlet shall be aligned with the apex of the opening forward and shall be attached to the rear portion of the tilted grate closest to the cod end so that no lip or protruding edge of webbing is present to impede the escape of finfish.
5. base of the triangular opening shall not be less than 19 inches in length. The sides of the triangular outlet shall taper to a forward (toward the mouth of the trawl) apex and shall be cut "all bars" to achieve the triangular shaped opening. The fish outlet may be positioned at the top or bottom of the extension.
6. optional webbing funnel shall be constructed of webbing or mesh not less than 1³/₈ inches and shall be located in the extension in front of the grate. The circumference of the front of the funnel shall match the circumference of the extension, and the outlet of the funnel shall be of sufficient diameter to allow the passage of fish captured by the trawl. The funnel shall be secured to the grate in such a manner that the funnel mouth will be directed to the part of the grate furthest from the fish outlet to maximize the separation characteristics of the grate.

(b) Double Nordmore Grate System. A double Nordmore Grate is a second grate placed behind the single Nordmore Grate for the purposes of releasing small shrimp from the net while retaining larger shrimp.

In addition to the features listed in the single Nordmore Grate System, the Double Nordmore Grate System must have the following features:

1. A second grate must be positioned at least six feet but not more than ten feet behind the first grate.
2. The second grate must be hung at the same orientation as the first grate
3. The space between the bars of the second grate shall be 7/16 inch.
4. The exit holes to the cod-end must be at the top and no more than 10% of the surface area.
5. A funnel in front of the second grate designed to direct catch toward the grate to maximize the retention of the shrimp may be used but may not have mesh less than 1³/₈ inch stretched mesh.
6. A one inch mesh panel behind the second grate 45° down from the top of bars to the bottom of the cod-end.
7. An escape hole in the cod-end in front of the one inch panel.

(4) Additional Restrictions. It is unlawful for any vessel to fish for shrimp with a net having:

- (a) more than 90 feet between the trawl doors and trawl wings, including the ground cables, bridles, and legs.
- (b) bottom legs of other than bare or uncovered wire or chain.

(5) Approved Excluder Trawls. The Director may approve the experimental use of alternative finfish excluder systems based on evaluation and recommendations by the Director's conservation engineering personnel.

5.06: Regulated Species Prohibition

It is unlawful for any vessel fishing for northern shrimp to land any regulated species or to possess any regulated species longer than the period necessary to remove them from the net and/or deck and release overboard.

REGULATORY AUTHORITY

322 CMR 5.00: M.G.L. c. 130, § 17(10); c. 30A, § 2.