

7.01: continued

- o. Surface Gillnet. For a named individual or vessel to set or fish a gillnet - anchored, drifting or otherwise - that is designed to be, capable of being or is fished in the upper $\frac{2}{3}$ of the water column. This regulated fishery permit endorsement is not required for the use of a surface gillnet that measures less than 250 square feet. A named individual or vessel that holds a sink gillnet regulated fishery permit endorsement shall not also hold a surface gillnet regulated fishery permit endorsement to fish surface gillnets that exceed 250 square feet.
- 2. Limited Entry Regulated Fishery Permit Endorsements. Commercial fishing permits, issued in accordance with 322 CMR 7.01(2), may be endorsed with the following regulated fishery permit endorsements. Pursuant to the authority at M.G.L. c. 130, § 2, the following regulated fishery permit endorsements are limited entry and may only be renewed and transferred subject to the provisions set forth at 322 CMR 7.06. These regulated fishery permit endorsements are required for the following:
 - a. American Eel. For a named individual or vessel to commercially fish for American eels within the waters under the jurisdiction of the Commonwealth, or to retain, possess or land American eels for commercial purposes in the Commonwealth. In 2026, renewals shall be limited to only those persons who held this regulated fishery permit endorsement prior to the December 31st, 2024 control date established at 322 CMR 7.04 and reported harvesting any quantity of American eels during the period of January 1st, 2015 through December 31st, 2024.
 - b. Black Sea Bass. For a named individual or vessel to commercially fish for black sea bass within the waters under the jurisdiction of the Commonwealth, or to retain, possess, or land any black sea bass for commercial purposes in the Commonwealth.
 - c. Bluefish Gillnet. For a named individual or vessel to set or fish for bluefish by means of a gillnet, in accordance with 322 CMR 6.18(3): *Use of Gillnets for Taking Bluefish for Commercial Purposes*, within the waters under the jurisdiction of the Commonwealth.
 - d. Coastal Access Permit. For a named individual or vessel to set, operate, or fish with mobile gear within the waters of the jurisdiction of the Commonwealth. Coastal Access Permits may be further endorsed for participation in exempted fisheries authorized at 322 CMR 4.06: *Use of Mobile Gear*:
 - i. Small Mesh Trawl Fishery for Whiting. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use and possession of small mesh trawls to commercially fish for whiting within certain waters under the jurisdiction of the Commonwealth.
 - ii. Small Mesh Trawl Fishery for Longfin Squid. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use and possession of small mesh trawls to commercially fish for squid within certain waters under the jurisdiction of the Commonwealth.
 - iii. North Shore Mobile Gear. A Coastal Access regulated fishery permit endorsement may be further endorsed to fish with mobile gear within the Area 1A and 1B exemptions to the North Shore Year Round Mobile Gear Closure.
 - e. Fish Pots. For a named individual to set or fish species-specific fish pots for black sea bass, scup or whelks within the waters under the jurisdiction of the Commonwealth, or to retain, possess, or land black sea bass, scup or whelks by fish pot for commercial purposes in the Commonwealth. A black sea bass or scup pot regulated fishery permit endorsement holder shall not also be required to hold a black sea bass or scup regulated fishery permit endorsement to retain, possess, or land black sea bass and scup for commercial purposes in the Commonwealth.

7.01: continued

- f. Fluke. For a named individual or vessel to commercially fish for summer flounder (fluke) within the waters under the jurisdiction of the Commonwealth, or to retain, possess, or land any summer flounder for commercial purposes in the Commonwealth.
- g. Horseshoe Crab Harvest. For a named individual or vessel to commercially fish for horseshoe crabs within the waters under the jurisdiction of the Commonwealth or retain, possess, or land horseshoe crabs for commercial purposes in the Commonwealth.
- h. Menhaden. For a named individual and vessel to commercially fish for menhaden within the waters under the jurisdiction of the Commonwealth, or to retain, possess or land menhaden for commercial purposes in the Commonwealth in excess of 6,000 pounds of menhaden per trip or 24-hour period, whichever duration is longer. In 2026, renewals shall be limited to only those persons who held this regulated fishery permit endorsement prior to the August 1, 2023 control date established at 322 CMR 7.04 and reported selling at least 6,000 pounds of menhaden during a single trip within the period of January 1, 2014 through August 1, 2023 or who hold this regulated fishery permit endorsement in combination with a fish weir permit endorsement.
- i. Ocean Quahog and Surf Clam Dredge. For a named individual or a vessel to operate an ocean quahog and/or surf clam dredge or to commercially fish for, retain, possess, or land ocean quahogs or surf clams taken by ocean quahog and/or surf clam dredge gear within in the waters under the jurisdiction of the Commonwealth.
- j. Quahog Dredge. For a named individual and/or vessel to operate a bay quahog dredge or to commercially fish for, harvest, possess or land bay quahogs taken by bay quahog dredge gear from the waters under the jurisdiction of the Commonwealth seaward of the outer jurisdiction of coastal cities and towns to regulate shellfish pursuant to M.G.L. c. 130, § 52, as appearing on official maps of the Commonwealth prepared pursuant to M.G.L. c. 1, § 3.
- k. Sink Gillnet. For a named individual or vessel to set or fish a gillnet - anchored or otherwise - that is designed to be, capable of being or is fished in the lower third of the water column within the waters under the jurisdiction of the Commonwealth. Sink gillnet regulated fishery permit endorsements are not transferable. Holders of a sink gillnet regulated fishery permit may fish surface gillnets under the authority of this permit.
- l. State-waters Groundfish. For a named individual or vessel to commercially fish for regulated groundfish, species within the waters under the jurisdiction of the Commonwealth, as defined at 322 CMR 6.03(1): *Definitions*, or to retain, possess or land any regulated groundfish species for commercial purposes taken within the waters under the jurisdiction of the Commonwealth. A state-waters groundfish regulated fishery permit endorsement is not required for vessels that hold a federal multi-species groundfish or monkfish permit or for a commercial fisher to harvest, possess and land up to 25 pounds of whole or eviscerated regulated groundfish for commercial purposes.
- m. Striped Bass. For a named individual to commercially fish for striped bass within the waters under the jurisdiction of the Commonwealth or to retain, possess, or land striped bass for commercial purposes in the Commonwealth. In 2026, renewals shall be limited to only those persons who held this regulated fishery permit endorsement in calendar years 2024 or 2025. Striped bass regulated fishery permit endorsements are not transferable.
- n. Tautog. For a named individual or vessel to commercially fish for tautog within the waters under the jurisdiction of the Commonwealth, or to retain, possess or land any tautog for commercial purposes in the Commonwealth.
- (b) Noncommercial Fishing Permits.
 - 1. Recreational Saltwater Fishing Permits. Pursuant to M.G.L. c. 130, § 17C and 322 CMR 7.10, the Director may issue a recreational saltwater fishing permit to authorize:

7.01: continued

- a. recreational saltwater fishing; and
 - b. for-hire vessels.
 - 2. Noncommercial Lobster and Edible Crab. Pursuant to M.G.L. c. 130, § 38, the Director may issue a noncommercial lobster and edible crab permit to authorize:
 - a. Trap Fishing. Issued to a named individual authorizing the harvest, possession and landing of lobsters and edible crabs by means of traps for noncommercial purposes by that individual or by members of that individual's immediate family residing in the same household.
 - b. Diver Fishing. Issued to a named individual authorizing the harvest, possession and landing of lobsters by diving for noncommercial purposes by that individual only. A noncommercial lobster permit may not be carried onboard any vessel fishing under authority of an offshore lobster permit.
 - (c) Special Project. Authorizes only the named individual to engage in a specified marine fishery project including, but not limited to, aquaculture or mariculture; scientific, environmental and biological collection and study, assessment or experimentation; collection and possession for education purposes; shellfish relay; and shellfish propagation.
 - (d) Anadromous Fish Passageway. Authorizes the named individual to carry out activities related to the construction, reconstruction, repair, or alteration of any anadromous fish passageway, as defined in M.G.L. c. 130, §§ 1 and 19.
 - (e) At-sea Processing. A special permit is required for the commercial at-sea processing of fish or shellfish within the waters under the jurisdiction of the Commonwealth. This permit is not required for the evisceration of finfish, including the removal of cod gonads and monkfish livers; the removal of monkfish tails from monkfish; the shucking of bay scallops and sea scallops under the authority of a bay scallop or sea scallop shucking regulated fishery permit endorsement; or to keep fish parts for personal use as authorized pursuant to 322 CMR 6.41(2)(a): *Possession of Fish Parts by Commercial Fishers*.
 - (f) Special Biomedical Horseshoe Crab Harvest Permit. For a named individual to harvest horseshoe crabs exclusively for use by the biomedical industry for the manufacturing of limulus lysate or for sale to a permitted scientific institution for the purpose of research. The holder of a biomedical harvest permit shall not also hold a horseshoe crab harvest regulated fishery permit endorsement.
- (5) Application. Applicants for a permit shall comply with the following requirements:
- (a) Forms. Applications for a permit shall be on forms supplied by the Director or through the online system. A separate application shall be made for each individual, boat, vessel, plant, firm, establishment, corporation, partnership or other business entity.

7.03: continued

- (d) for a permit holder to retain a trap allocation greater than 800 traps after they receive a trap allocation from another permit holder, unless specifically authorized by the Director as a means to mitigate trap allocation cuts required by the interstate management plan;
- (e) for allocation transfers to involve the transfer of traps outside of the specific LCMA for which the trap allocation is designated;
- (f) to transfer a commercial lobster permit from one LCMA to another LCMA, unless the permit is transferred to an LCMA under management of an approved effort control plan for which the permit holder has received an LCMA-specific trap allocation.

7.04: Commercial Fisheries Control Date

(1) Purpose. The purpose of 322 CMR 7.04 is to provide the Director and Marine Fisheries Advisory Commission with time to develop further access controls in certain commercial fisheries, including *moratoria* and limited entry, without the Director and Commission having to deal with large numbers of applicants attempting to enter the fisheries before access is restricted or denied. The implementation of the control date on an emergency basis is necessary to prevent a surge of applicants for licenses into fisheries for which the Director and the Commission may decide to restrict access in the future.

(2) Control Dates.

- (a) Mobile Gear. After April 2, 1992, any person issued a commercial fishing permit to conduct any fishery using gillnets or trammel nets, or any mobile or encircling fishing gear or nets which are towed, hauled, or dragged through the water for the harvest of fish including, but not limited to, otter trawls, beam trawls, pair trawls, mid-water trawls, Scottish seines, Danish seines, pair seines, or sea scallop dredges, excluding purse seines and shellfish dredges, within waters under the jurisdiction of the Commonwealth, will not be assured of future access to or participation in these fisheries if a management regime is developed and implemented that limits the number of participants in these fisheries.
- (b) Hook Gear. After March 6, 2008, any person issued a new commercial fishing permit to conduct any fishery using hook-and-line, longline, or handgear within waters under the jurisdiction of the Commonwealth, excluding the commercial striped bass fishery, may be subject to eligibility criteria for determining levels of future access to and allowable harvest of these fisheries. Future entry into such fisheries may be based on historic harvest levels of a vessel, person, or other criteria established by the Director.
- (c) Spiny Dogfish. After November 6, 2008, any person issued a new regulated fishery endorsement for spiny dogfish may be subject to eligibility criteria for determining levels of future access to and allowable harvest of this fishery. Future entry into such fisheries may be based on historic harvest levels of the permit holder.
- (d) Striped Bass. Access into the commercial striped bass fishery may be limited in the future. Decisions to limit access may be based on permitting history, landings, or other activity criteria established by the Director. Commercial fishers are hereby notified that any person obtaining a regulated fishery permit endorsement for striped bass after December 31, 2025 or any person who did not have a certain level of landings prior to December 31, 2025 may not be provided future access to this fishery or may be subject to eligibility criteria for determining levels of future access and allowable harvest in this fishery.
- (e) Tautog. Any person who did not report the lawful landing or selling of tautog under the authority of the commercial fishing permit prior to August 28, 2017 may not be provided future access into this fishery and may be subject to eligibility criteria for determining levels of future access to and allowable harvest in this fishery. Future access may be based on historic landings of a vessel or by a person, or other criteria established by the Director.
- (f) Groundfish Endorsement. After December 31, 2024, any person issued a state-waters groundfish endorsement may be subject to eligibility criteria for determining future access to or participation in this regulated fishery. Such eligibility criteria may include historic landings of a vessel, a person or other criteria to be established by the Director.
- (g) Menhaden. After August 1, 2023, any person issued a regulated fishery permit endorsement for a named individual and vessel to fish commercially for Atlantic menhaden may be subject to eligibility criteria for determining future access to or participation in this fishery. Future access may be limited based on historic landings by a permit holder or other criteria to be established by the Director.

7.04: continued

(h) CAP Purse Seine. Access into the purse seine fishery may be limited in the future. Decisions to limit access may be based on permitting history, fishing activity with purse seine, landings attributable to purse seines, or other criteria to be established by the Director. Commercial fishers are hereby notified that any person obtaining a new CAP-Purse Seine regulated fishery permit endorsement after August 1, 2023 may not be provided future access to this fishery or may be subject to eligibility criteria for determining levels of future access based on this control date. After December 31, 2024, any person issued a CAP Purse Seine regulated fishery permit endorsement may be subject to eligibility criteria based on historic landings by a permit holder or other criteria to be established by the Director.

(i) Biomedical Horseshoe Crab Processor Permit. Access to the biomedical horseshoe crab processor permit may be limited in the future. Decisions to limit access may be based on prior permitting history, prior history of purchasing horseshoe crabs from biomedical harvesters or biomedical horseshoe crab dealers in Massachusetts, prior history of processing horseshoe crabs in Massachusetts, or other criteria established by the Director. Any person obtaining a new biomedical horseshoe crab processor after January 1, 2023 is hereby notified that they may not have access to this permit in the future or may be subject to eligibility criteria when determining future access.

(j) American Eel. After December 31, 2024, any person issued an American Eel regulated fishery permit endorsement may be subject to eligibility criteria based on historic landings by a permit holder or other criteria to be established by the Director.

7.05: Coastal Access Permit (CAP)

(1) The purpose of 322 CMR 7.05 is to help prevent:

- (a) uncontrolled, opportunistic, new mobile gear fishing effort from developing in state waters by commercial fishermen not traditionally dependent on state waters' fisheries; and
- (b) a shift of mobile gear effort from federal to state waters in response to the 50% fishing effort reduction scheduled by the New England Fishery Management Council to occur by 1998 and described in the Council's Amendment #5 to the Northeast Multispecies Fishery Management Plan. Furthermore, its purpose is to establish the basis for developing a more comprehensive limited access program involving additional conservation measures and CAP transfers.

(2) Definitions. For purposes of 322 CMR 7.05, the following terms shall have the following meanings:

Baseline Vessel means the overall length of the authorized vessel listed on the permit when the permit was first issued in 1992 or the overall length of the most recently upgraded vessel.

Eligibility Period means January 1, 1989 through the April 2, 1992 commercial fisheries control date described in 322 CMR 7.04.

Mobile Gear means any movable fishing gear or nets which are set, towed, hauled, or dragged through the water for the harvest of fish, squid, and shellfish including, but not limited to, otter trawls, beam trawls, bottom and mid-water pair trawls, Scottish seines, Danish seines, pair seines, purse seines, and sea scallop dredges.

Vessel Overall Length means the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding rudders, outboard motor brackets, and other similar fittings and attachments.

(3) Permit Holders. All mobile gear fishermen fishing in waters under the jurisdiction of the Commonwealth shall obtain a coastal access regulated fishery permit endorsement, issued pursuant to 322 CMR 7.01(4). This permit endorsement is not required for shellfish fishermen who either hold a regulated fishery permit endorsement to operate an ocean quahog, surf clam, or bay quahog dredge or are authorized by city or town regulations to take shellfish under the authority of a local permit and are fishing only within those city and town waters.

(4) Permit Endorsements. The coastal access permit may be endorsed by the Director allowing the permit holder to participate in exempted mobile gear fisheries described in 322 CMR 4.06(2) and (5).

(5) Prohibition. It is unlawful for mobile gear fishermen to fish in waters under the jurisdiction of the Commonwealth without a coastal access permit. The coastal access permit shall be carried by the holder at all times and shall be displayed forthwith on demand of any Environmental Police officer or other official authorized to enforce 322 CMR.

7.06: continued

3. If a permit holder transfers a limited entry regulated fishery Coastal Access Permit endorsement or a Coastal Lobster Permit other limited entry regulated fishery permit endorsements held in conjunction with that permit or permit endorsement may be transferred as part of that transaction, at the request of the permit holder and with approval of the Director.
 - (b) Transferee Eligibility Criteria.
 1. Fish Pot Regulated Fishery Permit Endorsements. To be eligible to obtain a transferable limited entry regulated fishery fish pot permit endorsement, the transferee must document that he or she has one year full-time or the equivalent part-time commercial fishing experience in a commercial pot fishery or two-year full-time or the equivalent part time commercial fishing experience in another commercial fishery, as determined by the Director.
 2. All Other Limited Entry Regulated Fishery Permit Endorsements. To be eligible to obtain any limited entry regulated fishery permit endorsement, other than a limited entry regulated fishery fish pot permit endorsement, the transferee must document that he or she has one year full-time or the equivalent part-time commercial fishing experience in a commercial fishery, as determined by the Director.
 - (c) Exceptions to Transfer Eligibility Criteria.
 1. The actively fished performance criteria established at 322 CMR 7.06(4)(a)2. may be waived in instances of a posthumous transfer; a recent disability to the permit holder; or for persons on active military duty, provided that the limited entry regulated fishery permit endorsement was fished four out of the five years preceding the death, disability or military duty. In the case of disability there must be a signed statement from a physician that verifies that the disability prevents the permit holder from fishing. Final determination of active fishing shall be specified in written policy provided by the Director.
 2. The permit holder's actively fished criteria and the transferee's experience criteria at 322 CMR 7.06(4) may be waived for transfers to immediate family members.
 3. The transfer of regulated fishery permit endorsements for fluke or black sea bass which accompany the transfer of a federal permit for fluke or black sea bass.
 - (d) Restrictions.
 1. Transfers shall involve the sale or transfer of fishing-related business assets.
 2. Transfers may be denied if any evidence of fraud is found, or if the Director determines that the transfer is not in the best interests of the Commonwealth.
 - (e) Restrictions Specific to the Coastal Access Permit.
 1. Coastal Access Permits are authorized for use on a specific vessel. If the Coastal Access Permit is issued to the recipient of a transfer, the vessel that is authorized may be either the same vessel as the original permit holder or another vessel that does not exceed by more than 20% the horsepower of the original vessel, nor exceed by more than 10% the length overall, gross registered or net tonnage of the original vessel for which the Coastal Access Permit was issued. Vessel length overall shall not exceed that specified in 322 CMR 7.05(13).
 2. No person or corporation may hold more than 5% of the existing Coastal Access Permits issued by DMF.
 3. The recipient of a transfer, after obtaining a permit, may not transfer the permit until he or she has fished said permit for two years. This requirement may be waived in instances of a posthumous transfer, a recent disability to the permit holder, or active military duty, provided the performance criteria at 322 CMR 7.06(4)(a)2. were met before death, disability or military service occurred.
- (5) Owner-operator Requirements. All Fish Pot Regulated Fishery Permit Endorsements, Striped Bass Permit Endorsements, and Menhaden Regulated Fishery Permit Endorsements are issued to a named individual who shall be the owner-operator of that commercial fishing business. This requirement may be waived by means of a letter of authorization from the Director for:
- (a) immediate family;
 - (b) active military duty; or
 - (c) for up to two years for good cause, including death or disability to the permit holder, subject to annual renewal. In all instances, the performance criteria at 322 CMR 7.06(4)(a)2. shall be met prior to the request for a letter of authorization.

7.07: Dealers Acting as Primary Buyers

(1) Purpose. The purpose of 322 CMR 7.07 is to establish consistent standards for dealers to purchase certain species from commercial fishermen managed by DMF, including those under commercial quotas pursuant to interstate and federal management plans. To provide a mechanism to collect and verify landings of all species landed and sold in Massachusetts, dealers are required to maintain and report on records concerning sale of fish within Massachusetts. In addition, dealers are required to provide access to said records to law enforcement officials at a permanent place of business within the Commonwealth.

(2) Definitions.

Dealer means any whole sale or retail seafood dealer permitted by the Director pursuant to M.G.L. c. 130, § 80, and 322 CMR 7.01(3).

Primary Purchase means first commercial transaction by sale, barter or exchange of any fish or shellfish after its harvest.

Quota Managed Species means those species managed by DMF with annual commercial quotas pursuant to interstate and/or federal management plans. Quota managed species include striped bass, summer flounder, scup, black sea bass, spiny dogfish, squid, bluefish, horseshoe crabs and tautog.

(3) Authorization. No persons shall make a primary purchase of any species without being properly permitted by DMF as a dealer and authorized as a primary buyer. In addition, dealers buying quota managed species must have written authorization from the Director.

(4) Dealer Requirements.

(a) Dealers must have a permanent place of business in Massachusetts. Dealers shall maintain a written record at their Massachusetts place of business of all primary purchases of any species from commercial fishermen in Massachusetts.

(b) Dealers accepting any species from fishermen shall record all purchases at the time of landing with number of containers per species, date, time, fishermen's name and DMF commercial fisherman permit identification number for reporting purposes and inspection by law enforcement officials. Each container shall be labeled with vessel name and fishermen's DMF commercial fisherman permit identification number to identify who the product was purchased from.

(c) Dealers shall report all purchases of all species either electronically or by phone or in writing based on schedules established and on forms provided by the Division.

(5) Prohibitions. It is unlawful for dealers:

(a) to purchase any species in excess of any species-specific possession limits established by 322 CMR from a single commercial fisherman regardless of the number of commercial fisherman permits in possession.

(b) to purchase any species when the commercial fishery for that species is closed.

(c) to accept or purchase any species from commercial fishermen during any species-specific no-fishing days established by any section of 322 CMR or during those species-specific hours of the day when landing is prohibited established by any section of 322 CMR.

(d) to accept any species of fish from persons not commercially permitted by DMF.

(6) Exceptions. Prohibitions in 322 CMR 7.07(5)(a) through (c) shall not apply to the purchase of aquaculture-reared product.

7.08: Offshore Lobster Permit Control Date, Moratorium, and Transfers

(1) Purpose. The purpose of 322 CMR 7.08 is to provide the Director and the Marine Fisheries Advisory Commission with controls on the offshore lobster fishery and to prevent holders of both coastal and federal offshore permits on a single vessel from increasing the cumulative effort attributable to both permits. The implementation of the control date and moratorium will prevent increases in lobster effort to accomplish the goals and objectives of the interstate lobster management plan.