



**Daniel J. McKiernan**  
*Acting Director*

# Commonwealth of Massachusetts

## Division of Marine Fisheries

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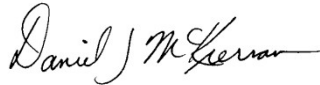
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*Commissioner*

**Mary-Lee King**

*Deputy Commissioner*

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)  
FROM: Daniel J. McKiernan, Acting Director   
DATE: December 13, 2019  
SUBJECT: Proposal to Adjust Recreational Striped Bass Limits and Additional Conservation Measures

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#### Proposal Overview

DMF is proposing two changes to its recreational striped bass rules to conform state regulations to those mandates set forth in Addendum VI to Amendment 6 of the Atlantic States Marine Fishery Commission's (ASMFC) Interstate Fishery Management Plan for Striped Bass (FMP).

Accordingly, DMF seeks to:

1. Adopt a slot limit of 28" to less than 35". For 2020 and beyond, recreational anglers will be able to retain one fish per angler that measures within the slot limit; any fish measuring less than 28" or 35" or greater must be released. This slot limit will replace the current 28" minimum size limit.
2. Amend the state's existing circle hook mandate to eliminate all exceptions and broadly require all recreational anglers use circle hooks when fishing for striped bass with whole or cut natural baits.

In addition to the above, DMF will propose amending its existing gaffing rule to prohibit gaffing fish that are less than 35" length (the proposed commercial minimum size for 2020) and for recreational anglers require that when using a device to remove striped bass from the water that the device be a non-lethal device. Non-lethal devices will be broadly defined as those tools that do not cause invasive damage to the fish so that it is inclusive of boga grips and landing nets while excluding gaffs.

#### Background and Rationale

The most recent stock assessment for striped bass (2019) found that the stock is overfished with overfishing occurring. In late October 2019, the ASMFC's Striped Bass Management Board (Board) approved Addendum VI. This addendum is designed to reduce striped bass fishery removals by 18% to stop overfishing beginning in 2020. This is accomplished through an 18% reduction in removals in both the recreational and commercial sectors. The recreational sector meets this mandate through new size limits.

For coastal waters, a 28" to less than 35" slot limit will replace the existing 28" minimum size. States may use state-specific MRIP data to submit a conservation equivalency (CE) proposal to

the Board and the Technical Committee for review and potential approval. DMF supports the slot limit set forth in the addendum and would like to see it adopted throughout the New England states - if not coastwide - to maximize the conservation benefits and enhance enforcement and compliance. Moreover, initial analysis by DMF's technical staff indicates that Massachusetts would likely have to adopt more restrictive measures if it were to pursue a CE.

Additionally, the recent stock assessment found that the primary source of striped bass mortality is coming from recreational discards. This makes reducing fishing mortality difficult, as managers cannot rely exclusively on adjusting catch limits. Instead there must be a focus on improving how fish are caught, fought, handled, and released. This requires not only regulation, but increased angler education and outreach.

As a first step in tackling this problem, Addendum VI now requires that beginning in 2021 all states mandate recreational anglers use circle hooks when fishing for striped bass with whole or natural baits. DMF already has a circle hook rule in place (effective January 1, 2020). However, the ASMFC's new mandate is broader than DMF's existing circle hook requirement. Specifically, the state's rule provides exemptions for the anglers fishing aboard for-hire vessels, or when fishing with an artificial lure or weighted treble hook designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached. That said, the addendum does provide flexibility to the states to implement this measure in a manner that addresses the "specific needs of the state's fishery." Accordingly, as part of the state's implementation plan, DMF is seeking to have the Board determine whether or not the agency can maintain its exemptions.

Per DMF's November 29, 2019 memorandum to the ASMFC's Striped Bass FMP coordinator, DMF is advocating that it be allowed to maintain its existing circle hook related exemptions. DMF argues this is reasonable given the addendum's flexibility, as: (1) MRIP data demonstrates that for-hire anglers contribute minimally to the total recreational catch (<2.5% in each year from 2014 – 2018); (2) MRIP data for 2014-2018 also demonstrates that the for-hire retention rate (29%) is far higher than the retention rate for private anglers (6%); and (3) techniques like tube and worm generally do not produce gut-hooked fish.

Due to timing, the Board is unlikely to make a determination prior to its February 2020 meeting. In anticipation that the Board may determine that DMF cannot retain its exemptions, the public hearing proposal is to eliminate all exemptions for 2021. This is done with the understanding that DMF may opt to continue to allow any exemptions if approved by the Board.

Given these discard mortality concerns, the MFAC has recently requested DMF consider clarifying and expanding its gaffing prohibition. The evolution of this prohibition is discussed extensively in a November 8, 2019 memorandum from DMF to the MFAC. At present, DMF prohibits the gaffing of undersized fish. The proposed rule will require recreational fishermen when using a device to remove striped bass from the water only use non-lethal devices, effectively banning gaffing for this sector. Given gaffing tends to be a preferred approach with large striped bass, and the recreational sector will be prohibited from retaining fish 35" and greater, the legitimate reasons for recreational anglers to gaff fish are diminished. Additionally, it will continue to prohibit commercial fishermen from gaffing undersized fish, while continuing to allow them to gaff those large legal sized fish that they will bring to market for sale.

**Attachments**

November 29, 2019 memorandum to ASMFC's Striped Bass FMP Coordinator  
Draft strikethrough regulations



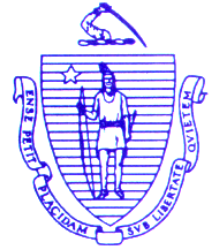
**Daniel J. McKiernan**  
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Deputy Commissioner

### MEMORANDUM

TO: Max Appelman, ASMFC Striped Bass Plan Coordinator

FROM: Daniel McKiernan, Acting Director

DATE: November 29, 2019

SUBJECT: **Massachusetts Atlantic Striped Bass Addendum VI Implementation Plan**

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This memorandum serves to provide you with the Division of Marine Fisheries' plan to implement the mandatory provisions of Addendum VI to Amendment 6 of the Interstate Fishery Management Plan for Atlantic Striped Bass. The Division will adopt Addendum VI's slot limit for the recreational fishery, presents a number of options for the commercial fishery's 18% quota reduction, and has a pre-existing circle hook requirement that will be amended if the requested variances are not approved. Regarding the commercial fishery, because the Technical Committee has not yet decided if conservation equivalency should maintain SPR or F, we have provided both analyses where appropriate. The data used in the analyses are presented at the end of this memo. Please contact Dr. Michael Armstrong with any questions.

#### **Section 1: Coastal Recreational Fishery**

Massachusetts' current regulations include a one fish/person/day bag limit, 28" minimum size in total length (TL), and year-round season throughout the state's marine waters.

*Option 1a: Implement a slot limit of 28" minimum to less than 35" TL (and maintain all other measures).*

No additional analysis is needed.

#### **Section 2: Coastal Commercial Fishery**

The options below consider changes to Massachusetts' annual quota and size limit only, currently 869,812 pounds and 34" minimum in TL.

Additional rules include but are not limited to a hook & line only requirement, open fishing days of Monday and Thursday beginning on the first open fishing day on or after June 23 until the quota is taken (otherwise December 31), and a 2-fish or 15-fish possession limit depending on the type of permit held. DMF may consider revision to the season, open days, and possession limits for 2020 to better utilize our quota; such revisions to these non-compliance measures are outside the scope of this implementation plan.

*Option 2a: Reduce Massachusetts quota by 18% (and maintain the 34" TL minimum size limit).*

No additional analyses required. 2020 quota =  $869,812 * 0.82 = 713,246$  pounds.

**Option 2b:** Reduce Massachusetts quota by 18% and amend the size limit assuming the baseline quota represents landings for a minimum size of 28" TL.

**Justification:** Under Amendment 6, the quotas listed in Table 10 were developed assuming a 28" size limit. Massachusetts' quota was 1.159 million pounds. When adopting that quota, Massachusetts did not move to the smaller size limit but has maintained a 34" minimum size limit since 1996. Under the larger size limit, more quota should have been assigned; thus, Massachusetts has been far more conservative than required over time. The unrealized quota is calculated below using SPR, YPR (see Appendix 1) and the  $F_{target}$  of 0.30 from Amendment 6. Massachusetts believes we should be able to revert to the FMP standard of 28" without taking additional reductions because we were overly conservative. Implementing more conservative regulations on an optional basis should not negatively affect a state in the future.

Option 2	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Amend 6	Min 28 TL	0.3	1-15	Yes	100	1.579	20.23	0.459	1,159,750
34" Option	Min 34	0.483	1-15	Yes	100	1.579	20.23	0.490	1,238,077
								Difference	78,327

**Option 2b-1:** 28" minimum size limit TL

For 2020, the quota at 28" minimum size would be:  $1,159,750 * 0.75 * 0.82 = 713,246$  pounds (Amendment 6 quota \* Addendum IV reduction \* Addendum VI reduction).

**Option 2b-2:** 35" minimum size limit TL

This increase in the commercial size would create distinct commercial (35"+) and recreational (28–35") fisheries separated by size, facilitating enforcement efforts.

If the goal of conservation equivalency is to maintain the same spawning potential as the baseline case, then increasing the size limit to 35" would allow Massachusetts to increase its quota from the 2020 baseline at 28" (713,246 pounds) because the stock could be fished at a higher rate to achieve the same SPR.

Option 2b-2	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	28"	0.197	1-15	Yes	100	2.299	29.44	0.445	713,246
	35"	0.34	1-15	Yes	100	2.299	29.45	0.492	788,578

If the goal is to maintain the target F of 0.197, then the quota would increase slightly from the baseline, and there would be an increase in SPR:

Option 2b-2	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	28"	0.197	1-15	Yes	100	2.299	29.44	0.445	713,246
	35"	0.197	1-15	Yes	100	3.205	41.04	0.451	722,863

**Option 2b-3:** 28" minimum to less than 35" slot limit TL

If the goal of conservation equivalency is to maintain the same spawning potential as the baseline case, then moving to a 28–35" slot would decrease quota because the stock could be fished at a higher rate but within a smaller slot:

Option 2b-3	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	28"	0.197	1-15	Yes	100	2.299	29.44	0.445	713,246
	28-35"	0.45	1-15	Yes	100	2.298	29.42	0.321	514,499

If the goal is to maintain the target F of 0.197, then moving to a 28–35” slot limit would decrease considerably the quota within a smaller slot, and SPR would increase:

Option 2b-3	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	28"	0.197	1-15	Yes	100	2.299	29.44	0.445	713,246
	28-35"	0.197	1-15	Yes	100	4.492	57.52	0.201	322,163

**Options 2c:** Reduce Massachusetts quota by 18% and amend the size limit assuming the baseline quota represents landings for a minimum size of 34” TL.

If Massachusetts cannot revert to the FMP standard of 28” without penalty for being more conservative and must assume the baseline quota represents landings at the state’s current minimum size, the above options are recreated below starting from a 34” minimum size.

**Option 2c-1:** 28” minimum size limit TL

If the goal of conservation equivalency is to maintain the same spawning potential as the baseline case, then decreasing the size limit to a 28” minimum would decrease the quota to 658,260 pounds.

Option 2c-1	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	34"	0.197	1-15	Yes	100	2.905	37.208	0.454	713,246
	28"	0.146	1-15	Yes	100	2.907	37.22	0.419	658,260

If the goal is to maintain the target F of 0.197, then the quota would decrease slightly from the baseline, and there would be a decrease in SPR:

Option 2c-1	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	34"	0.197	1-15	Yes	100	2.905	37.208	0.454	713,246
	28"	0.197	1-15	Yes	100	2.299	29.44	0.445	699,107

**Option 2c-2:** 35” minimum size limit TL

This increase in the commercial size would create distinct commercial (35”+) and recreational (28–35”) fisheries separated by size, facilitating enforcement efforts.

If the goal of conservation equivalency is to maintain the same spawning potential as the baseline case, then increasing the size limit to 35” would allow Massachusetts to increase slightly its quota from the 2020 baseline at 34” (713,246 pounds) because the stock could be fished at a higher rate to achieve the same SPR.

The quota calculations are shown below:

Option 2c-2	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Quota
Base (2020)	34"	0.197	1-15	Yes	100	2.905	37.20	0.454	713,246
	35"	0.234	1-15	Yes	100	2.904	37.19	0.468	735,240

If the goal is to maintain the target F of 0.197, then the quota would decrease slightly from the baseline, and there would be an increase in SPR:

Option 2c-2	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Quota
Base (2020)	34"	0.197	1-15	Yes	100	2.905	37.20	0.454	713,246
	35"	0.197	1-15	Yes	100	3.206	41.05	0.451	708,533

**Option 2c-3: 28" minimum to less than 35" slot limit TL**

If the goal of conservation equivalency is to maintain the same spawning potential as the 34" minimum size baseline case, then moving to a 28–35" slot would decrease quota because the stock could be fished at a higher rate within the smaller slot:

Option 2c-3	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	34"	0.197	1-15	Yes	100	2.905	37.208	0.454	713,246
	28-35"	0.359	1-15	Yes	100	2.907	37.21	0.289	454,027

If the goal is to maintain the target F of 0.197, then moving to a 28–35" would decrease considerably the quota within the smaller slot, and SPR would increase:

Option 2c-3	Size Limit	F	Age Range	Plus Group	Oldest	SPR	%SPR	YPR	Base Quota
Base (2020)	34"	0.197	1-15	Yes	100	2.905	37.208	0.454	713,246
	28-35"	0.197	1-15	Yes	100	4.492	57.52	0.201	315,776

**Section 3: Circle Hook Requirements**

Massachusetts has already adopted regulations that mandate the use of circle hooks in the recreational striped bass fishery effective January 1, 2020 (see below). The definition of circle hook is consistent with Addendum VI. However, our requirement provides exceptions for anglers fishing aboard for-hire vessels, or when using an artificial lure or weighted treble hook designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached.

Per the language of Addendum VI granting states “flexibility to further specify details of the regulation to address specific needs of the state fishery,” DMF requests approval to maintain these exemptions. The exception for anglers fishing aboard for-hire vessels reflects their minimal contribution to the total recreational catch of striped bass in Massachusetts (<2.5% in each year of 2014–2018 according to MRIP data) and their higher retention rate of caught fish (29% on average for 2014–2018 compared to 6% for private anglers). The gear exemptions maintain allowance for commonly used techniques like tube and worm and snag and drop, which generally do not result in gut-hooked striped bass. (Due to timing, DMF will propose the elimination of these exemptions at public hearing this winter in the event they are not approved by ASMFC, or if DMF opts to roll any of them back.)

**Current Regulatory Language**

322 CMR 6.07: Striped Bass

(2) Definitions.

Circle Hook is defined as a fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.

(5) Recreational Management Measures.

(f) Mandatory Use of Circle Hooks. Effective January 1, 2020, private recreational anglers fishing for striped bass or in possession of striped bass shall use circle hooks with whole or natural baits. This shall not apply to any artificial lure or weighted treble hook designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached.

DMF promotes responsible angling techniques, including the use of circle hooks, in print and online media, including our annual saltwater fishing guide, DMF website, and educational pamphlets. Our fishing clinics use circle hooks exclusively and each participant takes home a mini tackle kits which included circle hooks. Educational materials are distributed at various trade shows, seasonal fairs, and fishing clinics throughout the year. A new striped bass circle hook card promotion began in 2019 in which size 8.0 Offshore Angler hooks were attached to informational cards and distributed at these types of public events.

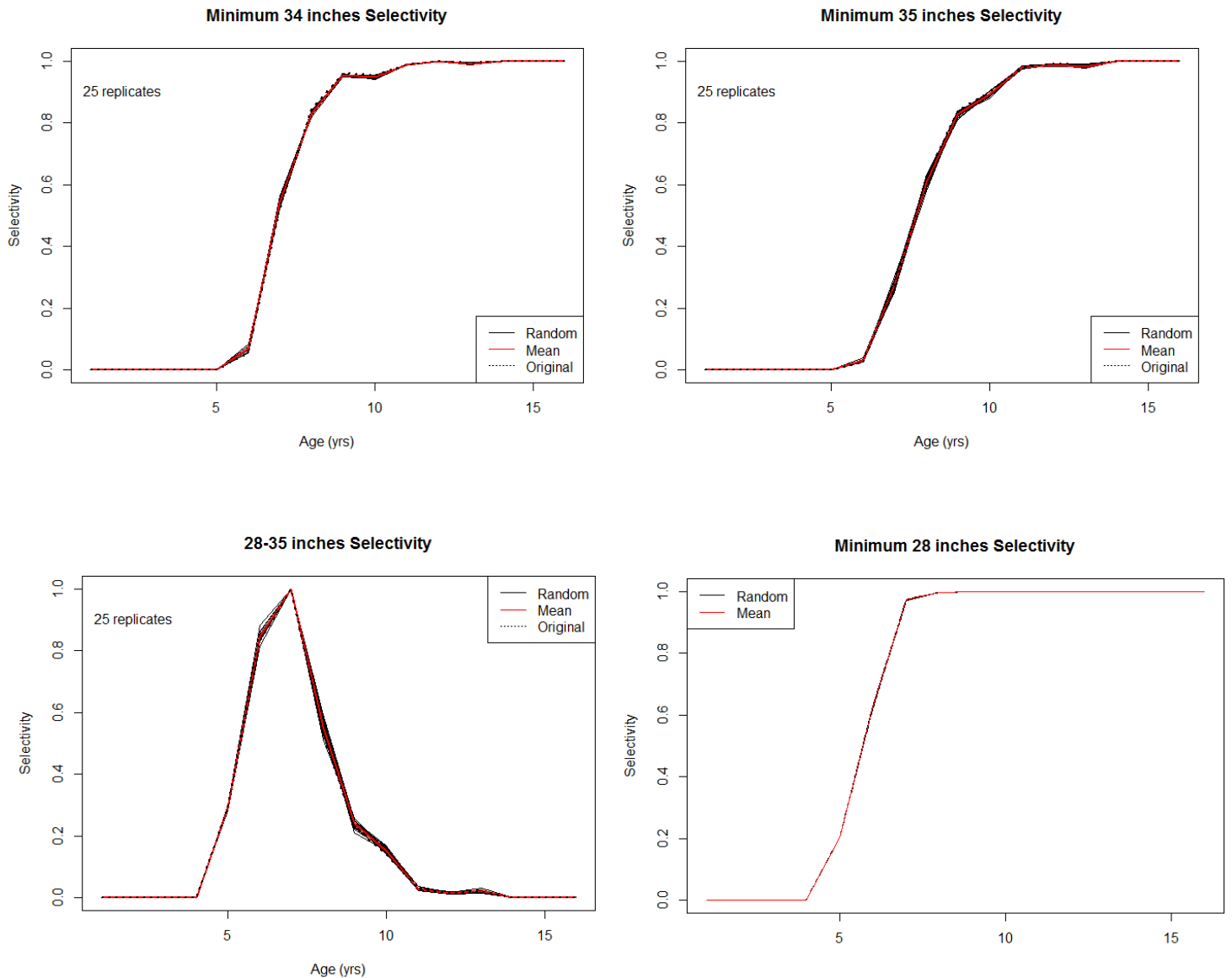
#### **Section 4: Timeline for Implementation**

DMF will present a suite of proposed options to comply with Addendum VI to the state's Marine Fisheries Advisory Commission (MFAC) in December. These options are expected to go to public hearing in late winter. The Division's recommendations will be presented to the MFAC for approval by late March. All rule changes are expected to take effect by early spring of 2020, prior to the start of the fishing seasons in Massachusetts, with one possible exception: if the circle hook requirement is to apply to all recreational anglers, the effective date will be January 1, 2021.



Because the large sample sizes can shift the proportions within an age to those sizes with the higher sample sizes, I reduced the numbers within the length intervals by randomly selecting individual data until the average number of samples (43) for length intervals 13-32" was reached. This was repeated 25 times and average selectivity across the 25 replicates were used in the quota calculations. The select curves are shown below in Appendix Figure 1.

Appendix Figure 1. Selectivity patterns from random sampling of number in length interls 33-42" (black) and mean selectivity of 25 replicates (red).



The data series used for the spawning stock biomass-per-recruit and yield-per-recruit analyses were taken from the 2018 benchmark assessment:

age	M	femal	emat	propfemal	e
1	1.13	0.00	0.00	0.53	
2	0.68	0.00	0.00	0.56	
3	0.45	0.00	0.00	0.56	
4	0.33	0.09	0.00	0.52	
5	0.25	0.32	0.00	0.57	
6	0.19	0.45	0.00	0.65	
7	0.15	0.84	0.00	0.73	
8	0.15	0.89	0.00	0.81	
9	0.15	1.00	0.00	0.88	
10	0.15	1.00	0.00	0.92	
11	0.15	1.00	0.00	0.95	
12	0.15	1.00	0.00	0.97	
13	0.15	1.00	0.00	1.00	
14	0.15	1.00	0.00	1.00	
15+	0.15	1.00	0.00	1.00	

Catch weights used in the YPR analysis were the geometric mean of 2016-2017 weights-at-age through 15+, and SSB weights used in the SPR analysis were the geometric mean of 2016-2017 adjusted rivard weights-at-age through 15+.

For the SPR and YPR analyses, ages 1-15+ were modeled but it was assumed that the oldest age was 100. In this case, the weights-at-age were assumed equal to the weight of the age 15+ group. For the SPR analysis, the fraction of F before spawning was assumed to be 0.1 and fraction of M before spawning was assumed to be 0.333 (taken from 2018 benchmark assessment).

The *sbpr* and *ypr* function in R package fishmethods were used.

To calculate the quota for a new size regulation, the baseline quota is multiplied by the ratio of YPR under the proposed change divided the YPR value for the baseline case (YPR change/ YPR Base) .

## 6.07: Striped Bass Fishery (*Morone Saxatilis*)

(1) Purpose and Scope. Since approximately October 1981 the Atlantic coastal states, through the auspices of the Atlantic States Marine Fisheries Commission (ASMFC), have been developing conservation and management measures to arrest the severe decline in the stocks of striped bass and to manage restored stocks. This cooperative management effort has been successful and as a consequence, the Chesapeake Bay Stock of the Atlantic Coast striped bass resource has been declared recovered as of January 1, 1995.

The following regulations represent the Commonwealth's response to this cooperative and joint coastal state conservation management effort. The objective of 322 CMR 6.07 is to allow controlled sustained recreational and commercial fishing for striped bass pursuant to the provisions of the ASMFC striped bass plan.

322 CMR 6.07 is designed to identify the various user groups, implement conservation and management measures tailored to each group, and collect accurate statistics on striped bass catch levels. Persons intending to fish for striped bass have the option of classifying their activity as recreational or commercial. If a person intends to catch striped bass only for personal consumption and not for sale, that person must have a recreational saltwater fishing permit, and may fish year round, and retain striped bass that measure **at least between 28 inches and less than 35 inches**, but may not retain more than one striped bass within any 24-hour period.

Any person intending to catch and possess striped bass in excess of the limits and/or sell striped bass so caught must be fishing under the authority of a commercial permit and a regulated fishery permit for striped bass. However, 322 CMR 6.07 establishes a commercial fishing season that closes upon reaching the commercial catch quota, establishes a minimum commercial size of **34 35** inches, and requires fish to be sold only to dealers licensed and authorized by the Commonwealth.

Finally, 322 CMR 6.07 allows wholesale and retail dealers to purchase and sell striped bass under certain conditions. To purchase striped bass directly from commercial fishermen, wholesale and retail dealers must be authorized as primary buyers of striped bass and must affix a Striped Bass ID Tag to all striped bass at the time of primary purchase from the commercial fisherman. Striped bass imported into the Commonwealth must be marked with a numbered tag that identifies the state of origin and must be accompanied by documents that verify state of origin. Nonconforming (undersized) striped bass that were caught in the wild may be imported into the Commonwealth provided those fish were legally taken, shipped and meet documentation requirements of the state-of-origin.

(2) Definitions. For purposes of 322 CMR 6.07, the following words shall have the following meanings:

Circle Hook is defined as a fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.

Closed Commercial Fishing Day means any Sunday, Tuesday, ~~Wednesday~~ ~~Thursday~~, Friday and Saturday within the commercial season, as well as any Monday or Thursday that falls on July 3<sup>rd</sup>, July 4<sup>th</sup> and Labor Day.

Commercial Fisherman means any person who may catch, possess and land striped bass for the purpose of sale, barter, or exchange or keeps for personal or family use taken under the authority of a

commercial fishing permit issued by the Director under the authority of 322 CMR 7.01: *Form, Use and Contents of Permits*.

Commercial Quota means the allowable annual Massachusetts commercial harvest of striped bass pursuant to the ASMFC Interstate Striped Bass Management Plan, reduced by any overage incurred in the previous year.

Commercial Season means that period when commercial fishing is allowed beginning on the first open fishing day on or after June 1<sup>st</sup> 23<sup>rd</sup> and ending when the quota is reached or on December 31<sup>st</sup>, whichever occurs first. The commercial season shall be further regulated by open and closed fishing days.

Consumer means any individual who obtains striped bass for personal use, rather than resale.

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

Director means the Director of the Division of Marine Fisheries, 251 Causeway Street, Suite 400, Boston, Massachusetts 02114.

For-hire Vessel means any vessel that holds a for-hire permit, issued in accordance with M.G.L. c. 130, § 17C and 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, that is carrying paying customers for the purpose of recreational fishing.

Gaff means a pole with a hook on the end that is used to lift a fish out of the water and onto a vessel or the shore.

High-grading means the discarding of a smaller legal-sized fish (previously captured and retained) in favor of a larger legal-sized fish.

Land means to transfer or attempt to transfer the catch of striped bass from any vessel to any other vessel or onto any land, pier, wharf, dock or other artificial structure, or for a fishing vessel with any striped bass onboard to tie-up to any pier, wharf, dock, or artificial structure.

**Non-Lethal Device means any tool used in the removal of striped bass from the water and the release of striped bass from the waters that does not pierce, puncture, or otherwise cause invasive damage to the fish that may result in its mortality. This definition includes, but is not limited to, boga grips and landing nets, but excludes gaffs.**

Open Commercial Fishing Days means Mondays and ~~Wednesdays~~ ~~Thursdays~~ within the commercial season when commercial fishermen may harvest or attempt to harvest striped bass. Open fishing days shall not apply to any Monday or ~~Wednesday~~ ~~Thursday~~ that falls on July 3<sup>rd</sup>, July 4<sup>th</sup> and Labor Day.

Person means any individual, firm, corporation, association, partnership, club, bar, restaurant, supermarket, food warehouse, or private body.

Primary Buyer means any dealer authorized by the Director, pursuant to M.G.L. c. 130, § 80 and 322 CMR 7.07: *Dealers Acting as Primary Buyers*, to purchase striped bass directly from a commercial fisherman.

Primary Purchase means the first commercial transaction by sale, barter or exchange of any striped bass after its harvest.

Recreational Fisherman means any person who harvests or attempts to harvest striped bass for personal or family use, sport or pleasure, and which are not sold, traded or bartered.

Recreational Fishing means the non-commercial taking or attempted taking of striped bass for personal or family use, sport, or pleasure and which are not sold, traded or bartered.

Striped Bass ID Tags means the lockable, single-use, tamper evident, and non-transferable tags issued by the Director to Primary Buyers for affixing to striped bass. Striped Bass ID Tags are imprinted with the species, year, state, and unique identification number traceable to the Primary Buyer to whom they are issued.

Total Length means the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.

(3) Regulated Fishery Permit. The following special permit shall be required:

(a) A commercial fisherman shall have issued to him or her by the Director a regulated fishery permit for striped bass, in addition to any other permits required by the Massachusetts General Laws, in the following categories:

1. resident; and
2. non-resident.

(b) A striped bass regulated fishery permit authorizes the named individual and/or a commercial fishing vessel to engage in the harvest, possession, and landing of striped bass for commercial purposes in compliance with 322 CMR 6.07, 7.01: *Form, Use and Contents of Permits* and 7.04: *Commercial Fisheries Control Date*.

(c) A striped bass regulated fishery permit shall be valid only during the striped bass commercial season as provided for in 322 CMR 6.07(4)(b).

(d) A striped bass regulated fishery permit shall be carried by the holder at all times when catching, taking, possessing or selling striped bass, and shall be displayed forthwith on demand of any Environmental Police officer or other official authorized to enforce 322 CMR 6.07.

(e) All persons must apply for or apply to renew their striped bass regulated fishery permit endorsement by the last day of February in the effective permitted fishing year.

(4) Commercial Management Measures. For purposes of conservation and management of the resource the following measures shall apply to commercial fishermen who harvest, catch or take, and/or sell, barter or exchange, or attempt to sell, barter or exchange any striped bass:

(a) Massachusetts commercial striped bass harvest will be limited annually by the commercial quota less any amount deducted to compensate for the previous year's overage.

(b) Commercial fishermen may fish for striped bass only during the commercial season and open

fishing days within said season beginning on the first open fishing day on or after **June 1st** ~~June 23<sup>rd</sup>~~ and ending when the commercial quota is taken or on December 31<sup>st</sup>, whichever occurs first.

(c) Commercial fishermen engaged in commercial fishing for striped bass may not possess striped bass less than **34 35** inches in total length. If the number of striped bass aboard a vessel is greater than the number of fishermen, then all striped bass in possession must be greater than 34 inches in total length, and all fishermen must be commercially permitted as described in 322 CMR 6.07(3). Striped bass less than **34 35** inches in total length shall be returned immediately to the waters from which taken.

(d) Commercial fishermen engaged in striped bass fishing under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) or (e) and on the registered vessel listed on the permit, may not possess, land, offer for sale or sell more than 15 striped bass per day on open commercial fishing days, as set forth at 322 CMR 6.07(2). This limit applies to the individual fisherman regardless of the number of commercial striped bass regulated fishery permit endorsements held by the individual or number of trips taken in a day and the vessel regardless of the number of individual commercial striped bass regulated fishery permit endorsement holders onboard or the number of trips taken in a day.

(e) Commercial fishermen engaged in striped bass fishing under the authority of a Commercial Fisherman Individual or Rod and Reel permit, issued in accordance with 322 CMR 7.01(2)(h), (i) or (j), or under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) or (e), while fishing from shore or any location other than the registered vessel listed on the permit may not possess, land, offer for sale or sell more than two striped bass per day on open commercial fishing days, as set forth at 322 CMR 6.07(2). This limit applies to the individual fisherman whether fishing from shore or a vessel, regardless of the number of commercial striped bass regulated fishery permit endorsement assigned to the individual fisherman or the number of trips taken in a day.

(f) All striped bass which are the subject of a first sale shall be in the round, with the head, body and tail fully intact.

(g) Except as provided for in 322 CMR 6.07(5)(f), no striped bass may be filleted or processed in any manner except by evisceration. In all prosecutions or non-criminal citations issued, mutilation of a striped bass which interferes with or affects a proper or adequate measurement of the fish shall be *prima facie* evidence that the striped bass was or is less than **34 35** inches in total length.

(h) Commercial fishermen shall sell striped bass only to Primary Buyers.

(i) Commercial fishermen shall sell striped bass only during the commercial season and only during the open commercial fishing days within the commercial season.

(j) Commercial fishermen may harvest, catch, or take striped bass by rod-and-reel or handline only.

(k) Commercial fishermen engaged in commercial fishing for striped bass may not fish aboard the same vessel at the same time as recreational fishermen.

~~(l) Fishing during Closed Commercial Fishing Days. Beginning on June 20<sup>th</sup> through the end of the commercial fishing season, any commercial fisherman fishing recreationally on a closed commercial fishing day may retain a striped bass provided that all striped bass comply with the recreational fishing limits at 322 CMR 6.07(5). Any striped bass that are 34 inches in total length or greater shall have their right pectoral fin entirely removed immediately upon retention. This requirement shall also apply to all persons on a vessel listed on a commercial fisherman permit with a regulated striped bass fishery permit endorsement and~~

~~all persons aboard a vessel whenever the holder of a commercial fisherman permit with a regulated striped bass fishery permit endorsement is aboard.~~

(5) Recreational Management Measures. For purposes of conservation and management of the resource the following measures shall apply to recreational fishermen who harvest, catch, take or possess or attempt to harvest, catch, take or possess any striped bass:

(a) All striped bass shall **not** be ~~no~~ less than 28 inches in total length **or longer than 35 inches in total length**. Striped bass less 28 inches in total length **or longer than 35 inches in total length** shall be released immediately to the waters from which taken. Recreational fishermen shall not mutilate any striped bass in a manner that prevents the accurate measurement of the fish.

(b) Recreational fishermen may retain no more than:

1. one striped bass per day; and
2. may possess no more than one striped bass at any one time.

(c) Recreational fishermen may not sell, barter or exchange any striped bass.

(d) Recreational fishermen may not discard dead striped bass that are 28 inches or greater in total length.

(e) To prohibit the practice of high-grading as defined in 322 CMR 6.07(2), recreational fishermen may not retain legal-sized striped bass and release said fish in favor of another larger legal-sized striped bass captured subsequently. Any legal-sized fish not immediately released into the water and held by stringer, live-well or another means shall be considered intent to high-grade.

(f) Mandatory Use of Circle Hooks. ~~Effective January 1, 2020,~~ Private recreational anglers fishing for striped bass or in possession ~~of~~ of striped bass shall use circle hooks **when fishing** with whole or natural baits. ~~This shall not apply to any artificial lure or weighted treble hook designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached.~~ **Effective January 1, 2021, this shall apply to all recreational anglers.**

(g) Exceptions for For-hire Vessels.

1. At-sea Filletting. Operators and crew onboard for-hire vessels permitted under the authority of 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels* may fillet or process legal sized striped bass for their recreational customers at sea provided that:

- a. The skin is left on the fillet; and
- b. Not more than two fillets taken from legal striped bass are in the possession of each customer of that trip, representing the equivalent of one fish per angler.

2. Prohibition on Sale of Striped Bass from Recreational For-hire Trips. **The sale of striped bass caught during any recreational for-hire trip is prohibited.** Operators of for-hire vessels, permitted under the authority of 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, **shall ensure their patrons comply with the recreational striped bass limits at 322 CMR 6.07(5) ~~may sell any striped bass caught during a recreational for-hire trip is, provided:~~**

~~a. The operator of the for-hire vessel or the vessel holds a commercial striped bass regulated fishery permit endorsement, in accordance with M.G.L. c. 130, § 80 and 322 CMR 6.07(3) and 7.01(4)(a)2.; Limited Entry Regulated Fishery Permit Endorsements.~~

~~b. All catch complies with the recreational fishing management measures at 322 CMR 6.07(5) and prohibitions at 322 CMR 6.07(7).~~

~~c. The striped bass sold complies with the commercial fishing management measures at 322 CMR 6.07(4) and prohibitions at 322 CMR 6.07(7).~~

3. Use of Circle Hooks. Recreational fishermen onboard for-hire vessels permitted under the

authority of 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels* are not subject to the provisions set forth at 322 CMR 6.07(5)(f) and therefore are not required to use circle hooks when fishing with whole or cut natural baits. **This exception shall expire after December 31, 2020.**

(6) Dealer Management Measures. For purposes of conservation and management of the resource, the following measures shall apply to any dealer who possesses, sells or offers to sell any striped bass:

- (a) Only Primary Buyers shall purchase striped bass directly from fishermen.
- (b) Primary Buyers shall report all striped bass purchases from commercial fishermen based on schedules and on forms to be provided by the Division.
- (c) Primary Buyers may not purchase or receive from a commercial fisherman any striped bass which is less than ~~35~~ **34** inches in total length.
- (d) Primary Buyers may not purchase, receive or possess from a commercial fisherman any striped bass which has been mutilated in such a way as to interfere with or affect a proper or adequate measurement of the fish.
- (e) Primary Buyers may not purchase or receive from a commercial fisherman any striped bass during the ~~no fishing~~ **closed fishing** days within the commercial fishing season.
- (f) Primary Buyers may not purchase more than a single commercial trip limit of striped bass from any commercial fisherman regardless of the number of commercial striped bass regulated fishery permit endorsements in the possession of the commercial fisherman.
- (g) Dealers may purchase and offer for sale whole striped bass that were caught in the wild and imported into Massachusetts from states where they have been lawfully landed provided that the fish ~~meet or exceed the minimum size~~ **comply with the size limit** for the jurisdiction of origin and are individually tagged with the jurisdiction of origin. If fish are filleted after importation, all containers of fillets shall be accompanied by records describing the jurisdiction of origin, the name of the Massachusetts dealer that processed the fish, the quantity of fillets and the species. A copy of these records shall be kept on the dealers premises for 30 days after processing. Original tags shall remain with the fish or the fish fillets, as required at 322 CMR 6.07(6)(h)2.
- (h) Primary Buyers shall tag each striped bass with a Striped Bass ID Tag in accordance with the following provisions:
  1. Issuance of Striped Bass ID Tags.
    - a. The Director shall annually issue Striped Bass ID Tags only to Primary Buyers.
    - b. The annual quantity of tags issued shall be determined by the Director based on the commercial quota.
  2. Use and Disposition of Striped Bass ID Tags.
    - a. Prior to departing any ramp, pier, parking lot or other location of primary purchase, the Primary Buyer shall affix a Striped Bass ID Tag through the mouth and gills or through the lower jaw of each striped bass and lock the Striped Bass ID Tag into place.
    - b. Striped Bass ID Tags shall remain affixed through the mouth and gills or lower jaw of any whole striped bass or accompany any processed or filleted striped bass while in the possession of any person for the purpose of re-sale.
    - c. If a person intends on selling portions of processed or filleted striped bass to a consumer, the tags shall remain on the premise of the seller until all portions are sold to a consumer.
    - d. Once all portions of a striped bass are sold, a person shall cut the Striped Bass ID Tag into two pieces and discard it.

3. Striped Bass ID Tag Accounting.

1. Within 30 days of a written request by the Director, following the close of the commercial season, the Primary Buyer shall:
  - a. return all unused Striped Bass ID Tags issued to the Primary Buyer by the Director for that year; and
  - b. submit a Striped Bass ID Tag Accounting Report, on forms provided by the Director, which documents the disposition of all Striped Bass ID Tags.
2. The Director may restrict a dealer from future participation as a Primary Buyer for failure to return all unused Striped Bass ID Tags or submit the Striped Bass ID Tag Accounting Report in accordance with 322 CMR 6.07(6)(g)3.i.

(7) Prohibitions. It shall be unlawful for:

- (a) a recreational fisherman to retain more than one striped bass per day;
- (b) a recreational fisherman to possess more than one striped bass at any one time;
- (c) a recreational fisherman to sell, barter or exchange or offer to sell, barter or exchange any striped bass;
- (d) a recreational fisherman to take or possess any striped bass less than 28 inches **or greater than 35 inches** in total length;
- (e) a recreational fisherman to mutilate any striped bass in a manner that prevents the accurate measurement of the fish; such mutilation shall be *prima facie* evidence of a violation of 322 CMR 6.07(7);
- (f) a recreational fishermen to discard dead striped bass that ~~are~~ **measure between 28 inches and 35 inches or greater** in total length;
- (g) a recreational fisherman to “high-grade” striped bass or to keep striped bass alive in the water by attaching a line or chain to the fish or placing the fish in a live-well or holding car;
- (h) any person(s), whether from shore or onboard a vessel, to possess striped bass in any quantity exceeding one striped bass per person without a commercial striped bass regulated fishery permit and for those striped bass to violate the commercial management regulations at 322 CMR 6.07(4);
- (i) a for-hire vessel, permitted in accordance with 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, during a for-hire trip to retain more than one striped bass for each person onboard;
- (j) a commercial fisherman to sell striped bass to any person other than a Primary Buyer.
- (k) a non-resident commercial fisherman to possess more than one striped bass upon leaving Massachusetts;
- (l) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to sell, barter or exchange any striped bass without having issued to him or her a valid permit to do so;
- (m) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to catch, take, possess, sell, barter or exchange any striped bass for commercial purposes once the commercial quota is reached and the commercial fishery is closed, or to retain, possess or land more than one striped bass during the closed commercial fishing days;
- ~~(n) a commercial fisherman fishing recreationally, a person fishing recreationally aboard a vessel that is listed on a commercial fisherman permit with a regulated striped bass fishery permit endorsement, or a person fishing recreationally aboard a vessel with a person who holds a regulated striped bass fishery permit endorsement beginning on or after June 20<sup>th</sup> through the end of the commercial fishing season to retain any striped bass on a closed commercial fishing day that are 34 inches in total length or greater if the right pectoral fin~~

~~is not entirely removed.~~

~~(e) any person to sell a striped bass that has had its right pectoral fin entirely removed.~~

(n) ~~(p)~~ a commercial fisherman to sell, barter, exchange or attempt to sell, barter, exchange any striped bass during the closed commercial fishing days within the commercial season;

(o) ~~(q)~~ a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to sell, barter or exchange any striped bass less than ~~35~~ ~~34~~ inches in total length;

(p) ~~(r)~~ any commercial fisherman fishing under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) and (e) and onboard the registered vessel listed on the permit, to take, possess, land, offer for sale or sell more than 15 striped bass during a single open commercial fishing day. This shall apply to the individual fisherman regardless of the number of commercial striped bass regulated fishery permit endorsements held by the individual or number of trips taken in a day and the vessel regardless of the number of commercial striped bass regulated fishery permit endorsement holders aboard;

(q) ~~(s)~~ any commercial fisherman fishing under the authority of a Commercial Fisherman Individual or Rod and Reel Permit, issued in accordance with 322 CMR 7.01(2)(h): *Individual*, (i): *Shellfish/Rod and Reel* and (j): *Rod and Reel*, or under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) or (e), while fishing from shore or anywhere other than the registered vessel listed on the permit, to take, possess, land, offer for sale or sell more than two striped bass during a single open commercial fishing day. This shall apply to the individual commercial fisherman whether fishing from shore or from a vessel regardless of the number of commercial striped bass regulated fishery permit endorsement holders aboard or trips taken in a day;

(r) ~~(t)~~ a commercial fisherman to fillet or process any striped bass other than by evisceration;

(s) ~~(u)~~ a commercial fisherman to mutilate any striped bass in such a way as to interfere with or affect a proper or adequate measurement of the fish;

(t) ~~(v)~~ a commercial fisherman to participate in the primary purchase of any striped bass which is not in the round, or which has had the head or tail removed;

(u) ~~(w)~~ a commercial fisherman to possess or land striped bass once the Director has determined that 100% of the commercial quota has been reached;

(v) ~~(x)~~ any Primary Buyer to purchase or receive during a primary purchase any striped bass which has been mutilated in such a way as to interfere with or affect a proper or adequate measurement of the fish;

(w) ~~(y)~~ any Primary Buyer to purchase or receive from a commercial fisherman any striped bass which is less than ~~35~~ ~~34~~ inches in total length;

(x) ~~(z)~~ any Primary Buyer to purchase or receive from a commercial fisherman any striped bass after the open commercial season has closed or on any calendar day that is not an open commercial fishing day;

(y) ~~(aa)~~ any Primary Buyer to fail to report all striped bass purchases from commercial fishermen as prescribed by the Director;

(z) ~~(bb)~~ any commercial fishermen to harvest, catch, or take striped bass by longlines or tub-trawls;

(aa) ~~(cc)~~ any vessel rigged for otter trawling, hauling sink gillnets, purse seines, or possessing baited or unbaited longline or tub-trawl gear to possess striped bass;

(bb) ~~(dd)~~ any wholesale or retail dealer to possess, sell, barter or exchange or offer to sell, barter or exchange any whole striped bass imported into Massachusetts unless such fish so imported is

tagged as specified by 322 CMR 6.07(6);

(cc) ~~(ee)~~ commercial fishermen to discard dead striped bass that are **35 34** inches or greater in total length;

(dd) ~~(ff)~~ any person to receive during a primary purchase any striped bass unless permitted as a wholesale or retail dealer pursuant to 322 CMR 7.01(3): *Dealer Permits* and authorized as a Primary Buyer pursuant to 322 CMR 7.07: *Dealers Acting as Primary Buyers*;

(ee) ~~(gg)~~ any person involved in the resale of striped bass to fail to furnish, upon request of the Director or the Environmental Police, receipts documenting the purchase of striped bass;

(ff) ~~(hh)~~ any person to apply a Striped Bass ID Tag to a striped bass harvested for commercial purposes without being a Primary Buyer;

(gg) ~~(ii)~~ a Primary Buyer to tag a striped bass with a Striped Bass ID Tag that was not issued to said Primary Buyer by the Director for the current year or that has been defaced or modified in any manner;

(hh) ~~(jj)~~ any person, other than the original harvester, to possess striped bass or portions thereof for the purpose of sale without the striped bass or portions thereof being tagged in accordance with 322 CMR 6.07(6)(g);

(ii) ~~(kk)~~ any person to fail to surrender Striped Bass ID Tags to the Director or the Environmental Police upon request;

(jj) ~~(ll)~~ any person to sell, trade, loan or gift or offer to sell, trade, loan or gift to another person any Striped Bass ID Tags;

(kk) ~~(mm)~~ a Primary Buyer to file a false claim of Striped Bass ID Tag loss for purposes of obtaining additional Striped Bass ID Tags.

(ll) ~~(nn)~~ a dealer to purchase a striped bass that has had its right pectoral fin entirely removed.

(mm) **for any person to gaff a striped bass measuring less than 35 inches and for any recreational angler to use any device other than a non-lethal device to remove a striped bass from the water or assist in the releasing of a striped bass.**

(pp) ~~for any person gaff a striped bass or attempt to use a gaff to remove a striped bass from the water that is less than 28" total length or~~ for any commercial fisherman fishing on an open commercial fishing day to gaff a striped bass or attempt to use a gaff to remove a striped bass from the water that is less than **35 34" inches** total length.

(pp) ~~effective January 1, 2020,~~ for any private recreational anglers fishing for striped bass or in possession of striped bass to use any type of hook other than a circle hook when fishing **for striped bass** with whole or cut natural baits. ~~This prohibition shall not apply to any artificial lure or weighted treble hook designed to be trolled, cast and retrieved, or vertically jigged with a natural bait attached.~~ **This prohibition shall apply to all recreational anglers effective January 1, 2021.**