

Draft Strikethrough Amendments to Lobster and Trap Fishing Regulations

6.02: Lobster Conservation and Management

(1) Definitions. For the purpose of 322 CMR 6.02, the following terms have the following meanings:

Commercial Fisher means any person permitted in accordance with M.G.L. c. 130, §§ 37, 38 and 80 and 322 CMR 7.01(2)(a): Coastal Lobster and (b): Offshore Lobster, to catch, possess and land lobster for the purpose of sale, barter or exchange or who keeps for personal or family use any lobster taken under the authority of said permit.

Escape Vent means one or more unobstructed rectangular vent or opening or two or more unobstructed round openings in the parlor of the pot.

Ghost Panel means a panel or other mechanism which is designed to create an opening in a pot to allow the escapement of lobsters within 12 months after a trap has been abandoned or lost.

Lobster means that species known as *Homarus americanus*.

Parlor means that section of the pot designed or intended to hold lobsters until they are removed by a fisher.

Recreational Fisher means any person permitted in accordance with M.G.L. c. 130, § 38 and 322 CMR 7.01(4)(b) to catch, possess and land lobster for family use, sport or pleasure, which are not to be sold, traded or bartered.

Trap means any lobster trap, modified lobster trap or any other contrivance, other than nets, that is placed on the ocean bottom and designed to catch lobsters or crabs.

(2) Maximum and Minimum Sizes.

(a) Method of Measurement.

1. **The carapace length of all ~~All~~ lobsters shall be measured immediately. Any person diving for lobster shall measure all lobsters in possession prior to surfacing.**
2. **The carapace length of a lobster ~~Lobsters~~ shall be measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.**

(b) Commercial Fishery.

1. **LCMA 1. ~~Commercial fishers fishing or authorized to fish in LCMA 1, as defined in 322 CMR 6.33, are prohibited from possessing, a lobster with a carapace length smaller than 3¼ inches or larger than five inches.~~**

a. Effective Through December 31, 2024. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 1, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3¼ inches or larger than five inches.

b. Effective from January 1, 2025 through December 31, 2026. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 1, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 5/16 inches or larger than five inches.

c. Effective January 1, 2027 and Thereafter. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 1, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 3/8 inch or larger than five inches.

2. LCMA 2, 4, and 5. It shall be unlawful for commercial fishers fishing or authorized to fish in LCMA 2, 4 and 5, as defined in 322 CMR 6.33, ~~are prohibited from possessing a~~ to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 3/8 inches and larger than 5 1/4 inches.

3. LCMA 3. ~~Commercial fishers fishing or authorized to fish in LCMA 3, as defined in 322 CMR 6.33, are prohibited from possessing a lobster with a carapace length smaller than 3 17/32 inches and larger than 6 3/4 inches.~~

a. Effective through December 31, 2028. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 3, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 17/32 inches or larger than 6 3/4 inches.

b. Effective January 1, 2029 and Thereafter. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 3, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 17/32 inches or larger than 6 1/2 inches.

4. LCMA Outer Cape Cod. ~~Commercial fishers fishing or Authorized to Fish in LCMA Outer Cape Cod, as defined in 322 CMR 6.33, are prohibited from possessing a lobster with a carapace length smaller than 3 3/8 inches~~

a. Effective through December 31, 2024. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA Outer Cape Cod, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 3/8 inches.

b. Effective from January 1, 2025 through December 31, 2028. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA Outer Cape Cod, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 3/8 inches or larger than 6 3/4 inches.

b. Effective January 1, 2029 and Thereafter. During this period of time, it shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA Outer Cape Cod, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 3/8 inches or larger than 6 ½ inches.

5. LCMA 6. It shall be unlawful for commercial fishers fishing or authorized to fish in LCMA Area 6, as defined in 322 CMR 6.33, ~~are prohibited from possessing a~~ to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 9/32 inches and larger than 5¼ inches.

6. Seafood Dealers.

a. Effective through December 31, 2024. During this period, it shall be unlawful for a seafood dealer, permitted in accordance with 322 CMR 7.01(3), to obtain or attempt to obtain, possess, or sell or offer for sale any lobster with a carapace length smaller than 3 ¼ inches.

b. Effective from January 1, 2025 through December 31, 2026. During this period, it shall be unlawful for a seafood dealer, permitted in accordance with 322 CMR 7.01(3), to obtain or attempt to obtain, possess, or sell or offer for sale any lobster with a carapace length smaller than 3 5/16 inches or larger than 6 ¾ inches.

Except that during the period of January 1, 2025 through March 31, 2025, a seafood dealer may possess an inventory of non-conforming sized lobsters that were lawfully purchased prior to May 1, 2024, provided the carapace size of any non-conforming lobster is not less than 3 ¼ inches.

c. Effective from January 1, 2027 through December 31, 2028. During this period, it shall be unlawful for a seafood dealer, permitted in accordance with 322 CMR 7.01(3), to obtain or attempt to obtain, possess, or sell or offer for sale any lobster with a carapace length smaller than 3 3/8 inches or larger than 6 ¾ inches.

Except that during the period of January 1, 2027 through March 31, 2027, a seafood dealer may possess an inventory of non-conforming sized lobsters that were lawfully purchased prior to May 1, 2026, provided the carapace size of any non-conforming lobster is not less than 3 5/16 inches or larger than 6 ¾ inches.

d. Effective January 1, 2029 and Thereafter. During this period, it shall be unlawful for a seafood dealer, permitted in accordance with 322 CMR 7.01(3), to obtain or attempt to obtain, possess, or sell or offer for sale any lobster with a carapace length smaller than 3 3/8 inches or larger than 6 ½ inches.

Except that during the period of January 1, 2029 through March 31, 2029, a seafood dealer may possess an inventory of non-conforming sized lobsters that

were lawfully purchased prior to May 1, 2028, provided the carapace size of any non-conforming lobster is not less than 3 3/8 inches or greater than 6 1/2 inches.

(c) Recreational Fishery.

1. Gulf of Maine Recreational Area. ~~Recreational fishers fishing in the Gulf of Maine Recreational Area, as defined in 322 CMR 6.33, are prohibited from possessing a lobster with a carapace length smaller than 3 1/4 inches or larger than five inches.~~

a. Effective through December 31, 2024. During this period, it shall be unlawful for recreational fishers fishing in the Gulf of Maine Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3 1/4 inches or larger than five inches.

b. Effective January 1, 2025 through December 31, 2026. During this period, it shall be unlawful for recreational fishers fishing in the Gulf of Maine Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3 5/16 inches or larger than five inches.

b. Effective January 1, 2027 and Thereafter. During this period, it shall be unlawful for recreational fishers fishing in the Gulf of Maine Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3 3/8 inches or larger than five inches.

2. Outer Cape Cod Recreational Area. ~~Recreational fishers fishing in the Outer Cape Cod Recreational Area, as defined in 322 CMR 6.33, are prohibited from possessing a lobster with a carapace length smaller than 3 3/8 inches.~~

a. Effective through December 31, 2024. During this period, it shall be unlawful for recreational fishers fishing in the Outer Cape Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3 3/8 inches.

b. Effective January 1, 2025 through December 31, 2028. During this period, it shall be unlawful for recreational fishers fishing in the Outer Cape Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3 3/8 inches or larger than 6 3/4 inches.

c. Effective January 1, 2029 and Thereafter. During this period, it shall be unlawful for recreational fishers fishing in the Outer Cape Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3 3/8 inches or larger than 6 1/2 inches.

3. Southern New England Recreational Area. It shall be unlawful for recreational fishers fishing in the ~~Noncommercial fishers fishing in the~~ Southern New England Recreational Area, as defined in 322 CMR 6.33, to retain, possess, or land any lobster

with a carapace length ~~are prohibited from possessing a lobster with a carapace length~~ smaller than 3 3/8 inches or larger than 5 1/4 inches.

(3) Gear Restrictions. It shall be unlawful for any person to take or attempt to take lobsters from the waters under the jurisdiction of the Commonwealth by the use of traps without said traps having the following features:

(a) Escape Vent. All lobster traps must have escape vents that conform to the following specifications:

1. General Requirements. On each trap, separate parlors shall each have an escape vent, while only the outer of connected parlors must have an escape vent.

2. LCMA 1. ~~Commercial fishers fishing or authorized to fish in LCMA 1, as defined in 322 CMR 6.33, shall rig their traps with a rectangular escape vents that measure at least 1 15/16 inches by 5 3/4 inches or two circular escape vents that measure at least 2 7/16 inches.~~

a. Effective through December 31, 2027. During this period, commercial fishers fishing in or authorized to fish in LCMA 1, as defined at 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least 1 15/16 inches by 5 3/4 inches or two circular escape vents that measure at least 2 7/16 inches in diameter.

b. Effective January 1, 2028 and Thereafter. During this period, commercial fishers fishing in or authorized to fish in LCMA 1, as defined at 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least 2 inches by 5 3/4 inches or two circular escape vents that measure 2 5/8 inches in diameter.

3. LCMA 2, 3, 4, 5 and 6 or Outer Cape Cod. Commercial fishers fishing or authorized to fish in LCMA 2, 3, 4, 5 and 6 or Outer Cape Cod, as defined in 322 CMR 6.33, shall rig their traps with **either a rectangular** escape vents that measures at least two inches by 5 1/4 inches or two circular escape vents that measure at least 2 5/8 inches in **diameter**.

4. Gulf of Maine Recreational Lobster Area. ~~Recreational fishers fishing in or authorized to fish in the Gulf of Maine Recreational Lobster Area, as defined in 322 CMR 6.33, shall rig their traps with escape vents that measure at least 1 15/16 inches by 5 3/4 inches or two circular escape vents that measure at least 2 7/16 inches.~~

a. Effective through December 31, 2027. During this period, recreational fishers fishing in the Gulf of Maine Recreational Lobster Area, as defined at 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least 1 15/16 inches by 5 3/4 inches or two circular escape vents that measure at least 2 7/16 inches in diameter.

b. Effective January 1, 2028 and Thereafter. During this period, recreational fishers fishing in the Gulf of Maine Recreational Lobster Area, as defined at 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that

measures at least 2 inches by 5 ¾ inches or two circular escape vents that measure 2 5/8 inches.

5. Outer Cape Cod or Southern New England Recreational Lobster Areas. Recreational fishers fishing in ~~or authorized to fish in~~ the Outer Cape Cod or Southern New England Recreational Lobster Areas, as defined in 322 CMR 6.33, shall rig their traps with **either a rectangular escape vents** that measures at least two inches by 5¾ inches or two circular escape vents that measure at least 2 5/8 inches **in diameter**.

(b) Ghost Panel. All lobster traps must have an unobstructed ghost panel located in the parlor sections on the sides or at the end, or on the top if the escape vent is placed directly over the head and meets the following specifications:

1. The opening covered by the ghost panel or created by other approved mechanism shall be rectangular and measure at least 3¾ by 3¾ inches, shall be located in the outer parlor section(s) of the trap, and in a position which allows an unobstructed exit of lobsters from the trap.
2. The ghost panel shall be constructed of, or fastened to the trap with, one of the following materials: wood lath; cotton, hemp, sisal or jute twine not greater than 3/16 inch in diameter; or non-stainless, uncoated ferrous metal not greater than 3/32 inch in diameter.
3. The door of the trap may serve as the ghost panel if fastened to the trap with a material specified in 322 CMR 6.02(3)(b).
4. The escape vent specified in 322 CMR 6.02(3)(a) may serve as a ghost panel if incorporated into a panel constructed of, or attached to the trap with, a material specified in 322 CMR 6.02(3)(b), and upon breakdown of the degradable materials, will create an opening for egress of lobsters at least 3¾ by 3¾ inches.
5. Traps constructed entirely or partially of wood shall be considered to be in compliance if constructed of wood lath to the extent that deterioration of wooden component(s) will result in an unobstructed opening as specified in 322 CMR 6.02(3)(b)1.

(c) Maximum Trap Size. Volume of any trap shall not exceed 22,950 cubic inches.

(d) Open and Collapsible Traps. The taking of lobster by any collapsible device constructed of wire or other material(s) that is fished in an open configuration until retrieved is prohibited. This prohibition shall not apply to the taking of edible crabs.

(e) Nonconforming Contrivances. **It shall be** ~~It is~~ unlawful for any person to set or attempt to set any contrivance, other than fishing gear regulated by the Division pursuant to M.G.L. c. 130 and 322 CMR, designed to or capable of attracting lobsters. For the purposes of 322 CMR 6.02(3)(e), contrivances shall include, but not be limited to, any toilet tanks, planters or cement structures. Possession of any contrivance that violates 322 CMR 6.02(3)(e) while on the waters under the jurisdiction of the Commonwealth is prima facie evidence of a violation of 322 CMR 6.02(3)(e).

(f) All traps must be marked in accordance with the trap gear marking requirements at 322 CMR 4.13(2) and **322 CMR 6.31**.

(g) All traps must be configured to comply with the relevant fixed gear and trap gear restrictions at 322 CMR 12.06.

(4) Egg-bearing Lobsters.

(a) It shall be unlawful to remove eggs from any berried lobster.

(b) It shall be unlawful to land or possess any lobster:

1. from which eggs have been removed.

2. that has come in contact with any substance capable of removing lobster eggs.

(5) V-notched Female Lobster Protection.

(a) Purpose. Consistent with G.L. c. 130, §44A, ~~The purpose of 322 CMR 6.02(5) is the regulations at 322 CMR 6.02(5) protect sexually mature female lobsters that bear a new or remnant "v-notch". Consistent with the Atlantic States Marine Fishery Commission's Fishery Management Plan for American Lobster, the regulations establish area-specific standards for which commercial fishers are required to v-notch lobsters and for the possession of previously v-notched lobsters. Additionally, to enhance conservation and enforcement, the regulations adopt uniform v-notch standards for the recreational fishers and seafood dealers. to protect certain female lobsters from harvest that bear a v-shaped notch or the remnant of a healed notch on a specific flipper, evidence that the lobster has been marked and released for conservation purposes. Area-specific v-notch standards regarding the possession of previously notched lobsters for commercial fishers are contained in 322 CMR 6.02(5)(e) consistent with the area-specific components of the interstate management plan, resulting in three different standards of measuring a "V" in the notched flipper, constituting varying degrees of protection from harvest. For noncommercial (recreational) fishers and seafood dealers, uniform statewide standards for possessing previously v-notched lobster are contained in 322 CMR 6.02(5)(e).~~

(b) V-notching Methods. Commercial fishers, in accordance with 322 CMR 6.02(5)(c), and any other person so required by the Division to v-notch female lobsters, shall do so using a sharp bladed instrument to cut a v-shaped notch that is at least 1/4 inch but not greater than 1/2 inch depth and tapering to a point into the tail flipper immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down. ~~Any commercial fishers required 322 CMR or authorized to mark lobsters with a v-shaped notch shall carve a v-shaped notch in the base of A specific flipper by means of a sharp bladed instrument, at least 1/4 inch and not greater than a 1/2 inch in depth and tapering to a sharp point. For purposes of 322 CMR 6.02(5), the specific flipper is to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down.~~

~~(c) Mutilated V notch. For purposes of complying with 322 CMR 6.02(5), it shall be unlawful for any person to possess a female lobster that is mutilated in a manner that could hide, obscure or obliterate a v-shaped notch.~~

(c) ~~(d)~~ LCMA Specific Requirements for Commercial Lobster Fishers to V-notch.

1. LCMA 1. Commercial fishers authorized to fish in LCMA 1, as defined at 322 CMR 6.33, shall v-notch and then immediately release all egg bearing female lobsters.
2. LCMA 2. Commercial fishers authorized to fish in LCMA 2, as defined at 322 CMR 6.33, shall v-notch and then immediately release all egg-bearing female lobsters of legal size as defined at 322 CMR 6.02(2)(b)2.

(d) ~~(e)~~ Restrictions on Possessing V-notched Female Lobsters.

1. LCMA 1. It shall be unlawful for any commercial fishers fishing or authorized to fish in LCMA 1, as defined at 322 CMR 6.33, to possess any female lobster bearing a v-shaped notch in the base of the tail flipper **immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down** that is of any size with or without setal hairs.
2. LCMAs 2, 3, 4, 5 and 6. It shall be unlawful for any commercial fishers fishing or authorized to fish in LCMA 2, 3, 4, 5 and 6, as defined at 322 CMR 6.33(2), to possess any female lobster that bears a **v-shaped** notch or **other** indentation in the base of the tail flipper **immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down** that is at least as deep as 1/8 inch with or without setal hairs.
3. Outer Cape Cod LCMA. ~~It shall be unlawful for any commercial fishers fishing or authorized to fish in the Outer Cape Cod LCMA, as defined at 322 CMR 6.33(2), to possess any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as ¼ inch and tapering to a sharp point without setal hairs.~~
 - a. Effective through December 31, 2024. During this period, it shall be unlawful for any commercial fishers fishing or authorized to fish in the Outer Cape Cod LCMA, as defined at 322 CMR 6.33(2), to possess any female lobster that bears a v-notch or other indentation in the base of the tail flipper **immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down** that is at least as deep as ¼ inch and tapering to a sharp point without setal hairs.
 - b. Effective from January 1, 2025 and Thereafter. During this period, it shall be unlawful for any commercial fishers fishing or authorized to fish in the Outer Cape Cod LCMA, as defined at 322 CMR 6.33(2), to possess any female lobster that bears a v-notch or other indentation in the base of the tail flipper **immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down** that is at least as deep as 1/8 inch with or without setal hairs.

4. Recreational Lobster Fishers. It shall be unlawful for any recreational fishers fishing or authorized to fish in the waters under the jurisdiction of the Commonwealth to possess any female lobster that bears a v-notch or **other** indentation in the base of the **tail flipper immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down** that is at least as deep as 1/8" inch with or without setal hairs.

5. Seafood Dealers. ~~It shall be unlawful for any seafood dealers, permitted in accordance with 322 CMR 7.01(3): Dealer Permits to possess any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as ¼ inch and tapering to a sharp point without setal hairs.~~

a. Effective through December 31, 2024. During this period, it shall be unlawful for any seafood dealer, permitted in accordance with 322 CMR 7.01(3), to possess any female lobster that bears a v-notch or other indentation in the base of the tail flipper immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down that is at least as deep as ¼ inch and tapering to a sharp point without setal hairs.

b. Effective from January 1, 2025 and Thereafter. During this period, it shall be unlawful for any seafood dealer, permitted in accordance with 322 CMR 7.01(3), to possess any female lobster that bears a v-notch or other indentation in the base of the tail flipper immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down that is at least as deep as 1/8 inch with or without setal hairs.

Except that during the period of January 1, 2025 through March 31, 2025, a seafood dealer may possess an inventory of non-conforming v-notched lobsters that were lawfully purchased prior to May 1, 2024, provided that any notch or other indentation base of the tail flipper immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down is not greater than ¼ inch deep.

6. Mutilated V-notch. It shall be unlawful for any person to possess a female lobster that is mutilated in any manner that could hide, obscure or obliterate a v-shaped notch in the base of the tail flipper immediately to the right of the center tail flipper as viewed from the rear of the lobster when the underside of the lobster is facing down.

(6) Recreational ~~Noncommercial~~ Lobster Daily Possession and Landing Limit. It shall be unlawful for any recreational fisher to harvest more than 15 lobsters per calendar day for personal use, or possess more than 15 lobsters while lobster fishing in waters under the jurisdiction of the Commonwealth.

(7) Seasonal Closures.

(a) Outer Cape LCMA. **Commercial** fishing for lobster with traps is prohibited within the Outer Cape LCMA, as defined at 322 CMR 6.33, from February 1 through April 30. **Commercial** fishers

are required to remove all lobster traps from the waters of the Outer Cape LCMA prior to this closed period. It shall be unlawful for any commercial fisher authorized to fish traps in the Outer Cape LCMA to fish, set or abandon any lobster traps in any LCMAs during this seasonal closure. Notwithstanding the above, the fixed gear seasonal closures at 322 CMR 12.04: Fixed Gear Seasonal Closures may remain in effect in Outer Cape LCMA through May 15 unless otherwise annually rescinded prior to or extended beyond May 15 by the Director.

6.12: Fish Pot Fishery Restrictions

(2) Closed Season.

(a) Conch Pots. From December 15 through April 14 it shall be unlawful for any person to take whelks by pots or set, haul, tend or abandon conch pots in the waters under the jurisdiction of the Commonwealth.

(b) Black Sea Bass Pots. It shall be unlawful to set, haul, tend or abandon black sea bass pots in the waters under the jurisdiction of the Commonwealth during the period that:

1. Begins three days following the effective quota closure date for the commercial black sea bass fishery, as specified in the Declaration of Closure notice published in accordance with 322 CMR 6.41; and

2. Ends **two days prior to the first open fishing day of the commercial summertime black sea bass pot season as specified at 322 CMR 6.28(2) ~~on July 6th.~~**

(c) Scup Pots. It shall be unlawful to set, haul, tend or abandon scup pots in the waters under the jurisdiction of the Commonwealth during the period that:

1. Begins on November 4 or three days following the effective quota closure date of the commercial scup fishery, as specified in the Declaration of Closure notice published in accordance with 322 CMR 6.41, whichever occurs first; and

2. Ends on April 28.

6.31: Trap Tags

(1) Lobster Traps.

(a) It shall be unlawful for any commercial ~~fisher~~ **fisherman** licensed by the Commonwealth to fish lobster traps:

1. In any waters under the jurisdiction of the Commonwealth without a valid state waters lobster trap tag permanently attached to the trap bridge or central cross-member.
2. In the EEZ portions of Lobster Conservation Management Areas 1, 2 and Outer Cape Cod as designated by the Atlantic States Marine Fisheries Commission Lobster Management Plan (**ASMFC Plan**) without a valid state waters trap tag or a DMF - issued EEZ lobster trap tag permanently attached to the trap bridge or central cross-member.

(b) If the limit established by the ASMFC Plan in any of the management areas exceeds the limit established by 322 CMR 6.13, additional EEZ tags may be purchased by federal permit holders to reach the overall limit established by the **ASMFC Plan** ~~plan~~ for each area.

(c) **Commercial fishers** ~~Fishermen~~ licensed to fish in Lobster Conservation Management Area 3 shall be subject to trap limits and tagging requirements established by the ASMFC Plan.

(d) Official commercial lobster trap tags shall be purchased by **named** permit holders directly from a manufacturer selected by the Division according to established competitive bidding procedures. New tags for the following year will be available after December 1. Any traps being fished on or after May 1 must have a current year trap tag installed in the trap.

(e) In any year, the maximum number of state lobster trap tags authorized for direct purchase by each permit holder shall be: ~~the trap limit set by 322 CMR 6.13 plus an additional 10% to cover trap loss. Permit holders may purchase as many tags as needed up to the maximum. Under no circumstance shall the number of traps fished at any time exceed the established trap limit.~~

1. LMCA 1 and LCMA 3.

a. Effective through December 31, 2024. The trap limit set by 322 CMR 6.13 plus an additional 10% to cover trap loss.

b. Effective January 1, 2025 and Thereafter. The trap limit set by 6.13.

2. All Other LCMA. The trap limit set by 322 CMR 6.13 plus an additional 10% to cover trap loss for permit holders authorized to fish Lobster Conservation Management Areas Outer Cape Cod, 2, 4, 5, and 6.

(f) Permit holders may purchase as many tags as needed up to the maximum.

(g) Under no circumstance shall the number of traps fished at any time exceed the established trap limit.

12.02: Definitions

For the purposes of 322 CMR 12.00, the following terms shall have the following meanings:

~~Massachusetts Restricted Area means those waters described in the federal Atlantic Large Whale Take Reduction Plan and bounded by the following coordinates: beginning at the shoreline at 42° 12' N latitude; thence heading due east to where 42° 12' N latitude intersects with 70° 30' W longitude; thence due north to where 70° 30' W longitude intersects with 42° 30' N latitude; thence due east to where 42° 30' N latitude intersects with 69° 45' W longitude; thence due south to where 69° 45' W longitude intersects with 41° 56.5' N latitude; thence in a straight line in a southeasterly direction to where it intersects with 41° 21.5' N latitude and 69° 16' W longitude; thence in a straight line in a west southwesterly direction to where it intersects with 41° 15.3' N latitude and 69° 57.9' W longitude at the shoreline of Nantucket; thence following the eastern shoreline of Nantucket to where it intersects with 70° 00' W longitude; thence due north to where 70° 00' W longitude intersects with the shoreline of Cape Cod at 41° 40.2' N latitude; thence following the shore line of Cape Cod back to the original point.~~

12.06: Buoy Line Modifications and Marking for Fixed Gear

(2) Massachusetts Mixed Species Pot/Trap Fishery. The following regulations shall apply to commercial fishers fishing in Massachusetts Mixed Species Pot/Trap Fishery:

(a) 1,700-pound Buoy Line Breaking Strength. Commercial fishers are prohibited from fishing traps where any affixed buoy line has a breaking strength of greater than 1,700 pounds. To comply with this requirement:

1. Fully Formed Weak Rope. Commercial fishers may fish traps affixed with buoy lines comprised of fully formed weak rope with a breaking strength of 1,700 pounds approved by NOAA Fisheries pursuant to the Atlantic Large Whale Take Reduction Plan.

2. Weak Buoy Line Contrivances. Commercial fishers may fish traps affixed with buoy lines that have a weak buoy line contrivance, approved by NOAA Fisheries pursuant to the Atlantic Large Whale Take Reduction Plan.

i. Frequency of Weak Buoy Line Contrivances. Weak buoy line contrivances shall be installed once every 60 feet in the top 75% of the buoy line as it extends from where the buoy line affixes to the buoy down through the water column. ii. Clean Break. Weak buoy line contrivances shall break cleanly away from the buoy line behind the bitter end of the line. The bitter end of the line shall be free of knots when the weak buoy line contrivance breaks.

(b) Maximum Buoy Line Diameter. Commercial fishers are prohibited from fishing traps where the affixed buoy line has a diameter of greater than 3/8 inches.

(c) Buoy Line Marking Requirements. Commercial fishers shall fish traps where the affixed buoy lines are marked with at least five color coded marks in the following configuration:

1. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.

2. After the first 12 feet of the buoy line, there shall be at least four two foot solid or non-solid red marks in the remaining buoy line extending down to the trap with two of the red marks occurring in the top 50% of the buoy line and the other two red marks occurring in the bottom 50% of the buoy line.

3. There shall be no length of buoy line greater than 60 feet without a red mark.

4. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

5. There shall be no marks in the buoy line that are green, black, silver, grey, purple, or yellow.

6. Exemption for Fully Formed Weak Rope with “MASS LOBSTER” Tracer. Commercial fishers who are fishing traps rigged with a buoy line comprised entirely of fully formed weak rope approved by NOAA Fisheries with a “MASS LOBSTER” tracer embedded and

visible throughout the length of the buoy line are exempt from the buoy line marking requirements set forth at 322 CMR 12.06(2)(c).

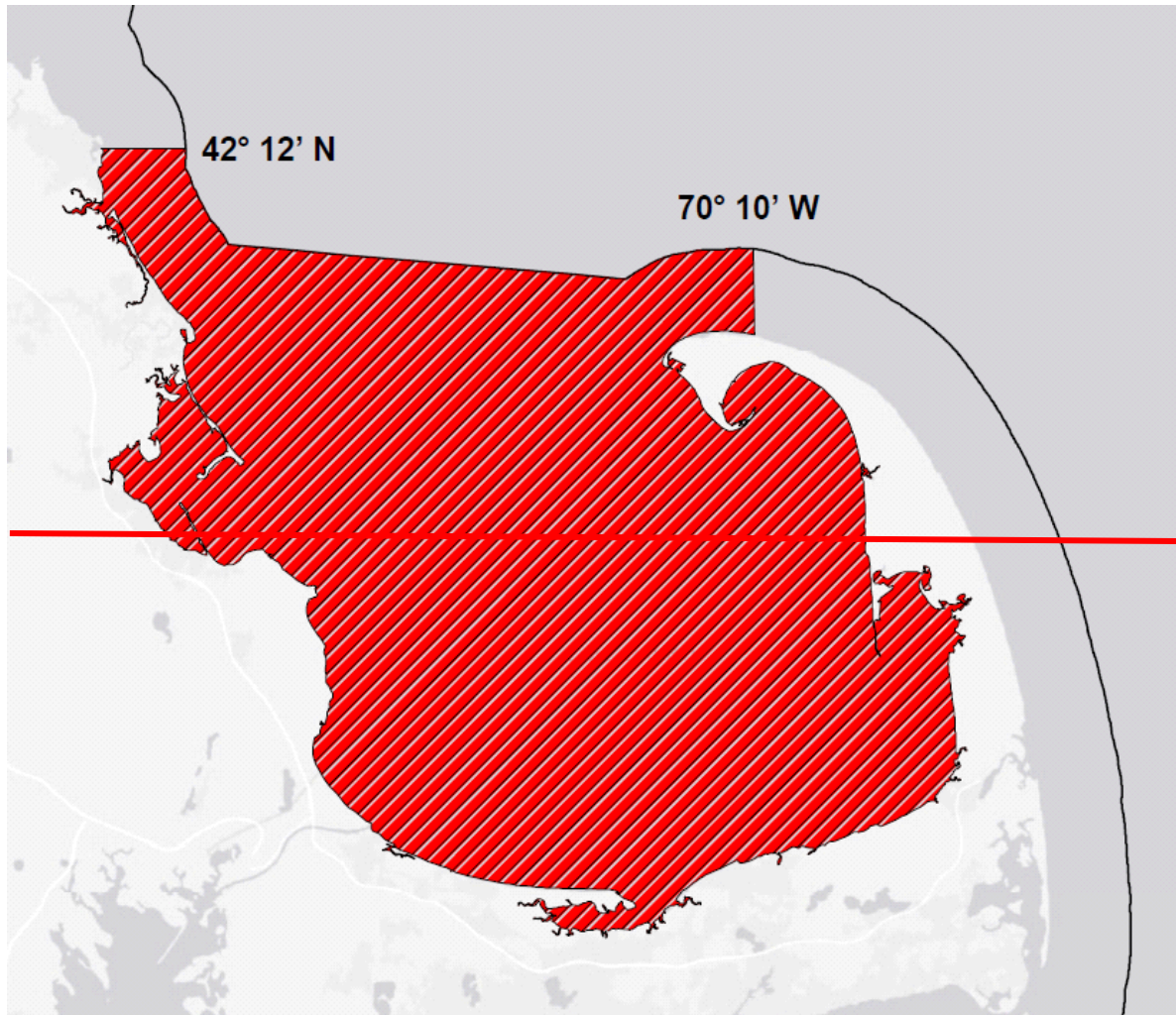
(d) Prohibition on Fishing Single Traps. Commercial fishers are prohibited from setting or fishing single traps in the waters under the jurisdiction of the Commonwealth north of Cape Cod that are seaward of three miles from the mean low tide water mark.

Exception for Billingsgate Shoal. Commercial fishers may set and fish traps within those waters under the jurisdiction of the Commonwealth within southeast Cape Cod Bay that are shoreward of Loran C Line 9960-X-25360 as it runs northeast from 41°47.2' N latitude and 70° 19.5 W longitude in the Town of Barnstable to 41° 55.8' N latitude and 70° 8.4' W longitude in the Town of Wellfleet.

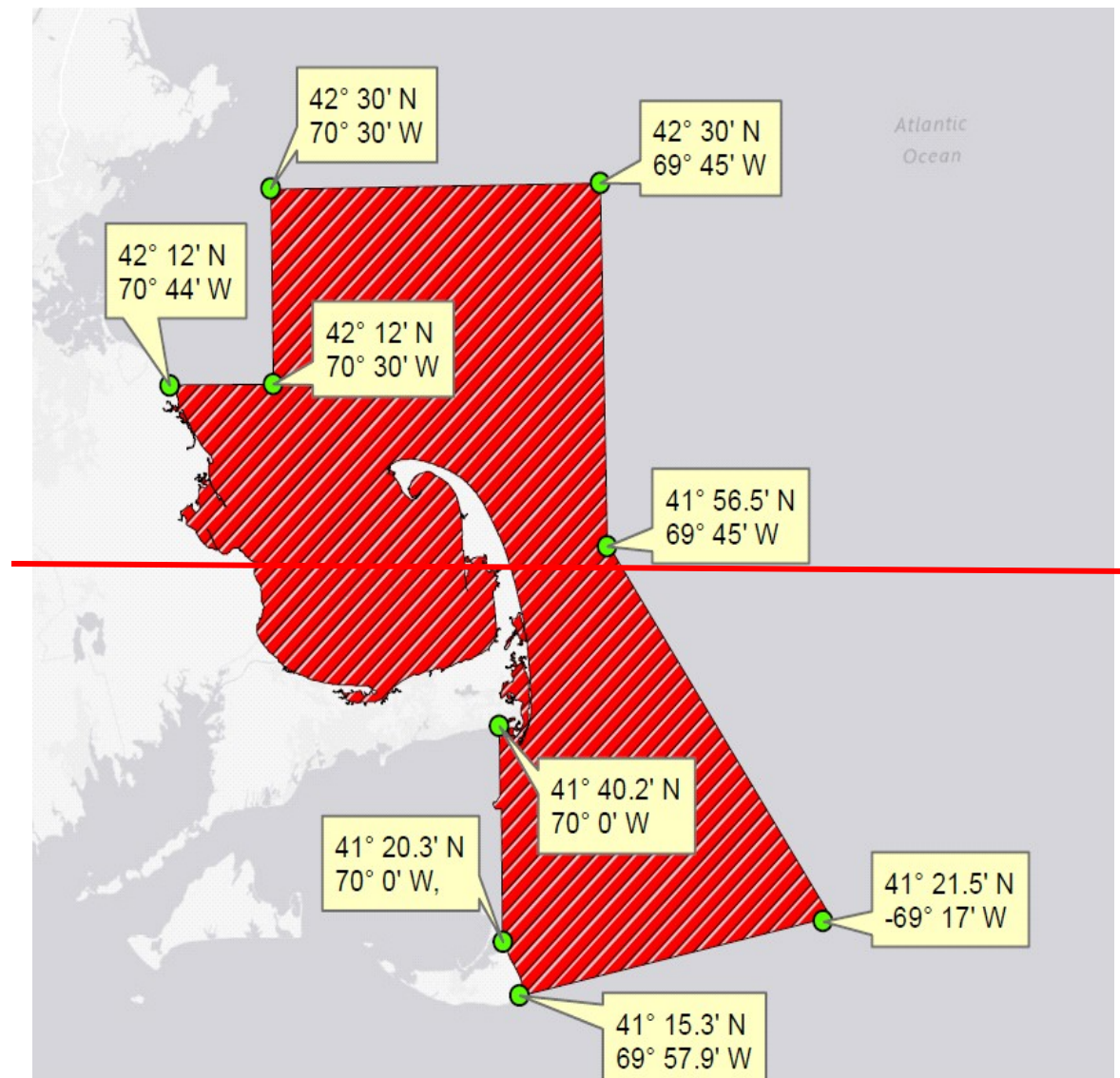
(e) Maximum Buoy Lines for Trawls. Commercial fishers are prohibited from fishing a buoy line on each end of a trawl unless the trawl consists of four or more traps. Trawls of two or three traps shall be rigged with a buoy line only on one end of the trawl.

12.08 : Maps

(1) Gillnet Closure to Protect Right Whales in Cape Cod Bay.



(2) Massachusetts Restricted Area



(1) ~~(3)~~ Cape Cod Bay Vessel Restricted Area

