

322 CMR 6.03 Regulated Multi-Species Groundfish

(1) Definitions. For the purpose of 322 CMR 6.00 only, the following words shall have the following meanings:

American Plaice means that species known as *Hippoglossoides platessoides*, and commonly referred to as dab or American dab.

Cod means that species of fish known as *Gadus morhua*.

For-Hire Vessel means a vessel issued a permit pursuant to 322 CMR 7.10(5)(a) to carry paying customers for the purpose of recreational fishing.

Gonads means sex glands commonly known as ovaries or testes or any portions thereof removed from fish and retained for purposes of sale.

Gulf of Maine Groundfish Management Area means those waters under the jurisdiction of the Commonwealth north of 42° 00' including waters of Cape Cod Bay and the Cape Cod Canal that is bounded to the west by a line drawn from the Massachusetts Maritime Academy to the Bell's Neck Rd./Tidal Flats Recreation Area. The GOM Area also includes all estuaries and salt ponds that drain to these waters.

Haddock means that species of fish known as *Melanogrammus aegleinus*.

Halibut means that species of fish known as *Hippoglossus hippoglossus*.

Land means to transfer or offload any cod, haddock, pollock or yellowtail flounder onto any vessel, boat, watercraft, land, dock, pier, wharf or other artificial structure used for the purpose of receiving fish.

Monkfish means the species of fish known as *Lophius americanus*.

Monkfish tail means the section between the first, short, slender spine of the dorsal fin (fourth cephalic spine) and the end of the tail (caudal fin).

Monkfish whole weight means tail weight multiplied by ~~3.32~~ 2.91 conversion factor.

Ocean pout means the species of fish known as *Macrozoarces americanus*.

Pollock means that species of fish known as *Pollachius virens*.

Recreational fishing means fishing with hand-held gear other than nets for a purpose or use other than sale, exchange or barter.

Redfish means that species of fish known as *Sebastes fasciatus*.

Regulated Groundfish Species means, inclusively, American plaice, cod, haddock, halibut, monkfish, ocean pout, pollock, redfish, windowpane flounder, winter flounder, witch flounder, wolfish and yellowtail flounder.

Southern New England Groundfish Management Area means those waters under the jurisdiction of the Commonwealth south of 42° 00' excluding waters of Cape Cod Bay but including Pleasant Bay and Nauset Harbor and all connecting embayments in the County of Barnstable as well as all estuaries and salt ponds that drain to these waters.

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

Trip means the time period that begins when a fishing vessel departs from a dock, berth, beach, seawall, ramp or port to carry out commercial fishing operations and

that terminates with a return to a dock, berth, seawall, ramp or port.

Windowpane Flounder means that species of fish known as *Scophthalmus aquosus*.

Winter Flounder means that species of fish known commonly as blackback or *Pseudopleuronectes americanus*.

Witch Flounder means gray sole or that species of fish known as *Glyptocephalus cynoglossus*.

Wolffish means that species of fish known as *Anarchichas lupus*.

Yellowtail flounder means that species of fish known as *Limanda ferruginea*.

(2) Minimum Sizes. It is unlawful to land or possess multispecies groundfish of a total length less than the following:

(a) Commercial Fishing.

1. Cod: 19 inches;
2. Dabs: 12 inches;
3. Haddock: 16 inches;
4. Pollock: 19 inches;
5. Yellowtail flounder: 12 inches.;
6. Halibut: 41 inches;
7. Monkfish: 17 inches in total length or monkfish tails less than 11 inches in total length;
8. Windowpane Flounder: 12 inches;
9. Winter Flounder: 12 inches;
10. Witch Flounder: 13 inches;
11. Redfish: 7 inches.

(b) Recreational Fishing.

1. Cod:
 - ~~i.~~ **a.** 19 inches **for private anglers** in the Gulf of Maine Groundfish Management Area;
 - ~~ii.~~ **b.** 24 inches **for anglers aboard for-hire vessels in the Gulf of Maine Groundfish Management Area;**
 - c.** 22 inches in the Southern New England Groundfish Management Area;
2. Dabs: 14 inches;
3. Haddock:
 - ~~i.~~ **a.** 17 inches in the Gulf of Maine Groundfish Management Area;
 - ~~ii.~~ **b.** 18 inches in the Southern New England Groundfish Management Area;
4. Yellowtail flounder: 13 inches;
5. Halibut: 41 inches;
6. Windowpane Flounder: 12 inches;
7. Winter Flounder: 12 inches;

(3) Method of Measurement.

(a) Minimum Size. The minimum sizes established in 322 CMR 6.03(2) shall be determined by 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.

(b) Exceptions for Possession of Cod Parts. For purposes of determining weights for trip limits as established by 322 CMR 6.03, the weight of fillets will be multiplied by three, and the weight of headless whole-gutted cod will be multiplied by 1.25. The weights of cheeks removed from cod heads and cod gonads consistent with 322 CMR 6.03(3)(b) shall be exempt from the possession limits.

(c) Prohibition. It shall be unlawful for a commercial fisherman to mutilate any cod in such a way as to interfere with or affect a proper or adequate measurement of the fish.

(4) Recreational Fishery Cod Limit.

(a) Gulf of Maine Groundfish Management Area:

1. Private Anglers. It is unlawful for any recreational fisherman to possess or land more than 1 cod per calendar day.

2. For-Hire. ~~It is unlawful for any person onboard a for-hire vessel to possess or land any cod.~~

a. Closed Season. From January 1st through July 31st and October 1st through December 31st, it is unlawful for a recreational fisherman onboard a for-hire vessel to possess or land any cod.

b. Open Season. From August 1st through September 30th, it is unlawful for a recreational fisherman onboard a for-hire vessel to possess or land more than 1 cod per calendar day.

(b) Southern New England Groundfish Management Area: It is unlawful for recreational fishermen to possess more than ten cod per person, per day.

(c) Exceptions: Customers aboard for-hire vessels fishing in federal waters may possess cod in compliance with federal regulations.

(5) Commercial Fishery Cod Trip Limits. The trip limits established in 322 CMR 6.03(5) shall be determined by the weight of whole, whole-gutted, or gilled fish and shall apply to any trip or 24-hour period, whichever period is longer. It is unlawful for a vessel fishing in:

(a) Gulf of Maine Groundfish Management Area to possess on board or land more than 200 pounds of cod.

(b) Southern New England Groundfish Management Area to possess on board or land more than 1,000 pounds of cod.

(6) Gonad Restrictions.

(a) Possession Limit. It is unlawful for fishermen to possess any quantity of gonads that in aggregate weighs in excess of 10% of the weight of Atlantic cod aboard the vessel.

(b) Prohibition. It is unlawful for fishermen to remove gonads from any fish that measures below the minimum size or from any legal-sized fish released due

to state or federal possession limits.

(7) Seasonal Commercial Fishery Limits for Yellowtail Flounder. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to possess on board or land more than 250 pounds of yellowtail flounder during a trip or 24-hour period, whichever period is longer.

(8) Witch Flounder Commercial Possession Limit. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to possess on board or land more than 1,000 pounds of witch flounder during a trip or 24-hour period, whichever period is longer.

(9) Halibut Fishery Possession Limit. It is unlawful for:

(a) Commercial fishermen to possess on board or land more than one halibut per vessel per trip or 24-hour period, whichever period is longer.

(b) Recreational fishermen to possess on board or land more than one halibut per person per day.

(10) Commercial Fishery Monkfish Limit.

(a) It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to possess on board or land more than 536 pounds of monkfish tails or 1,560 pounds whole weight, per trip or 24-hour period, whichever period is longer.

(b) Limitation on Possessing or Landing Monkfish Livers. During any trip it shall be unlawful for any vessel fishing in the waters of the Commonwealth to possess or land monkfish livers in excess of:

1. 25 percent the total weight of the monkfish tail;
2. 10 percent the total weight of the whole monkfish;

(11) Winter Flounder Fishery Limits.

(a) Commercial Fishery.

1. Possession Limits. It is unlawful for commercial fishermen to possess on board or land:

- a. more than 500-lbs of winter flounder taken from the Gulf of Maine Groundfish Management Area per trip or 24-hour period, whichever period is longer; or
- b. more than 50-lbs of winter flounder taken from Southern New England Groundfish Management Area per trip or 24-hour period, whichever period is longer.

(b) Recreational Fishery.

1. Gulf of Maine Groundfish Management Area. From January 1st through December 31st, it shall be unlawful for recreational fishermen fishing in the Gulf of Maine Groundfish Management Area to possess more than eight winter flounder per day;

2. Southern New England Groundfish Management Area.

- a. January 1st through the last day of February. It shall be unlawful for

recreational fishermen fishing in the Southern New England Groundfish Management Area to possess any winter flounder; and

b. March 1st through December 31st. It shall be unlawful for recreational fishermen fishing in the Southern New England Groundfish Management Area to possess more than two winter flounder per day.

(12) Haddock Fishery Limits

(a) Recreational Fishery in Gulf of Maine Groundfish Management Area.

1. Private Angler. It is unlawful for any recreational fisherman to possess or land more than 15 haddock per calendar day. ~~Gulf of Maine Groundfish Management Area. It is unlawful for any recreational fisherman to possess or land more than 3 haddock per calendar day.~~

2. For-Hire.

a. Closed Season. From March 1st through April 14th it is unlawful for a recreational fisherman on board a for-hire vessel to possess or land any haddock.

b. Open Season. From January 1st through February 28th and from April 15th through December 31st, it is unlawful for a recreational fisherman on board a for-hire vessel to possess or land more than 15 haddock per calendar day.

(13) Exceptions to Possession Limits

(a) Federal Permit Holders. Vessels with federal permits allowing the taking of regulated groundfish species from federal waters may possess and land more than the state possession limits prescribed in this section, provided said fish were lawfully taken from federal waters. It shall be unlawful for any vessel with federal permits allowing the taking of multispecies groundfish to possess in excess of the state possession limits at 322 CMR 6.03 while actively fishing in state waters.

(b) Open Access State-Waters Regulated Groundfish. Those commercial fishermen, permitted in accordance with 322 CMR 7.01(2), who do not hold a regulated groundfish permit endorsement, issued pursuant to 322 CMR 7.01(4)(a), may possess, land and sell up to 25 pounds, in aggregate, of regulated groundfish species taken from the waters under the jurisdiction of the Commonwealth. This limit shall apply to the vessel per calendar day, regardless of the number of commercial fishing permits carried on board the vessel.

(14) Prohibitions.

(a) Commercial. It shall be unlawful for any commercial vessel to retain or land:

1. Ocean pout;
2. Windowpane flounder;
3. Wolffish.

(b) Recreational. It shall be unlawful for recreational fishermen to possess or land:

1. Wolffish;

2. Ocean pout;
3. Windowpane flounder; and
4. Cod caught aboard any for-hire vessel on a for-hire trip in the Gulf of Maine Groundfish Management Area **between January 1st and July 31st and October 1st and December 31st.**

5. Haddock caught aboard any for-hire vessel on a for-hire trip in the Gulf of Maine Groundfish Management Area between March 1st and April 14th.

(c) It shall be unlawful for recreational fishermen to land filets of groundfish species without two inches or more of skin on each fillet and in any quantity that more than two times the possession limit per recreational fisherman or vessel, whichever is less.

5. Recreational Black Sea Bass Restrictions.

(a) Minimum Size. It is unlawful for recreational fishermen to possess black sea bass less than **15 14** inches in total length not including the tail tendril.

(b) Seasonal Possession Restrictions.

1. Closed Season. From ~~August 28th through May 22nd~~ **January 1st through May 20th and September 1st through December 31st** it is unlawful for a recreational fisherman to possess or land any quantity of black sea bass; **and**

2. Open Fishing Season From ~~May 23rd to August 27th~~ **May 21st through August 31st** it is unlawful for a recreational fisherman to possess or land in excess of **8 5** black sea bass per calendar day.

322 CMR 8.16 Restrictions on Fishing in Certain Artificial Reef Areas

1) Purpose. This regulation restricts commercial fishing activity and other deployment of buoyed vertical lines in designated recreational fishing reef areas. These restrictions are being implemented to prevent gear and user group conflicts that may result from commercial fishing or the presence of buoyed vertical lines occurring in areas designated for recreational fishing.

2) Definitions. For the purpose of this section, the following words shall have the following meaning:

Commercial fishing means to take or harvest, or attempt to take or harvest, any fish or shellfish for the purposes of sale, barter or exchange or to keep for personal or family use any fish or shellfish taken under the authority of a commercial permit issued by the Director. This includes, but is not limited to, the setting or hauling of any fixed or mobile gear.

Fixed Gear means any bottom or sink gillnets, or pots or traps that are set on the ocean bottom or in the water column and are usually connected to lines that extend to the water's surface.

Mobile Gear means any moveable fishing gear or nets which are towed, hauled or dragged through the water for the harvest of finfish or shellfish.

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

3) Harwich Recreational Fishing Reef Boundaries. The Harwich Recreational Fishing Reef is bounded by straight line drawn between the following coordinates:

Coordinate	Latitude	Longitude
NE Corner	41°62755' N	-70°06769 W
NW Corner	41°62755' N	-70°07251 W
SW Corner	41°62395' N	-70°07251 W
SE Corner	41°62395' N	-70°06769 W

4) Restrictions. It shall be unlawful for any person within the Harwich Recreational Fishing Reef Boundaries:

- a. to conduct commercial fishing activity;
- b. to set, fish or abandon any recreational lobster or crab traps; and**
- c. to set or abandon any buoyed vertical line for any other purpose.**

9.01: Definitions

For purposes of 322 CMR 9.00 only, the following words shall have the following meanings:

~~(1)~~ Fish for means to harvest, catch or take, or attempt to harvest, catch or take any sea herring by any method or means.

~~(2)~~ Gonad somatic index or GSI means for female herring the percentage obtained by the formula: [Gonad weight/(total body weight - gonad weight)] x 100.

~~(3) GSI Trigger means female herring greater than 28 cm total length with a mean GSI of 20% or female herring greater than 24 cm and less than 28 cm with a mean GSI of 15%.~~

~~(4) GSI Sampling means at least two samples of 50 fish or more in either GSI trigger length category taken from commercial catches during a period not to exceed seven days apart.~~

~~(5)~~ Southern Gulf of Maine means that portion of Management Area 1 south of 43 [degrees] 32' N parallel of latitude.

~~(6)~~ Land means to transfer the catch of any sea herring from any vessel onto any land or dock, pier, wharf, or other artificial structure.

~~(7)~~ Management Area means one of three Management Areas as specified in the Atlantic States Marine Fisheries Commission Atlantic Herring Fishery Management Plan (FMP) and NOAA Fisheries federal fishery management plan.

~~(8)~~ Management Area Quotas means that portion of the quota that is allocated to a Management Area as specified by the Atlantic States Marine Fisheries Commission under the authority of the interstate and federal management plans.

~~(9)~~ Massachusetts/New Hampshire Spawning Area means **all waters north of Cape Cod bounded by the Massachusetts, New Hampshire and Maine coasts and 43°30' north latitude and 70°00' west longitude.**

~~the 43 [degrees] 30' N parallel of latitude and the Maine coast; thence in a southwesterly direction along the coasts of Maine, New Hampshire, and the Commonwealth to the intersection of the 70 [degrees] 00' W meridian of longitude; thence in a northerly direction along the 70 [degrees] 00' W meridian of longitude to its intersection with the 43 [degrees] 30' N parallel of latitude; thence in a westerly direction along the 43 [degrees] 30' N parallel of latitude to the point of beginning.~~

~~(10)~~ Primary Buyer means any dealer authorized by the Director, pursuant to M.G.L. c. 130 § 80 and 322 CMR 7.07, to purchase Atlantic sea herring directly from commercial fishermen.

~~(11)~~ **Quota** means the allowable annual commercial harvest of Atlantic sea herring as specified by the Atlantic States Marine Fisheries Commission under the authority of the interstate and federal management plans.

Sample means a batch of 100 adult herring taken randomly from commercial catch or fish surveys.

~~(12)~~ **Sea Herring** means that species of Atlantic sea herring known as *Clupea harengus*.

~~(13)~~ **Spawn Herring** means mature sea herring in ICNAF gonadal stages V and VI.

~~(14)~~ **Vessel** means any waterborn craft registered under the laws of the state as that term is defined in M.G.L. c. 130, § 1.

~~(15)~~ **Vessel Fishing for Mackerel** means any vessel whose catch on board at any given time is at least 75% mackerel (*Scomber scombrus*) by weight.

9.02: Management Area Boundaries

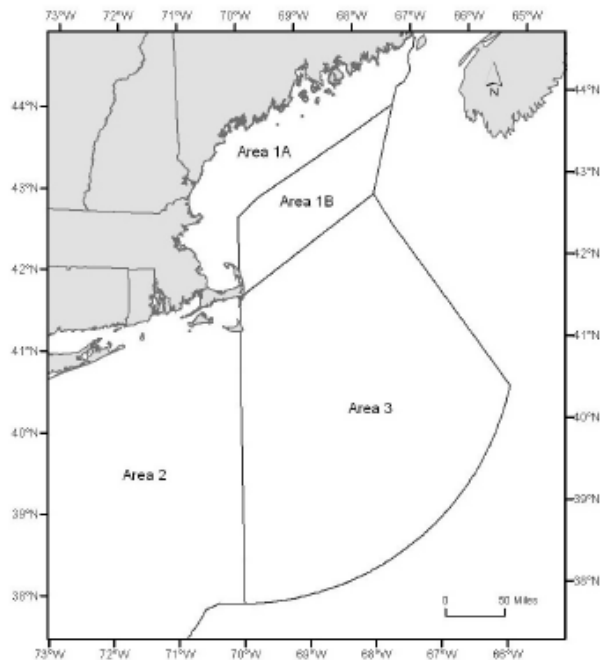
(1) **Management Area 1**: All U.S. waters of the Gulf of Maine (GOM) north of a line extending from the eastern shore of Monomoy Island at 41° 35' N latitude, 70° 00' W longitude, thence northeasterly to a point along the Hague Line at 42° 53' 14" N latitude, 67° 44' 35" W longitude, thence northerly along the Hague Line to the U.S. Canadian border, to include state and Federal waters adjacent to the States of Maine, New Hampshire, and Massachusetts. Management Area 1 is divided into Area 1A (inshore) and Area 1B (offshore). The line dividing these areas is described by the following coordinates:

N Latitude	W Longitude
41° 58′	70° 00′ at Cape Cod shoreline
42° 38′	70° 00′
42° 53′	69° 40′
43° 12′	69° 00′
43° 40′	68° 00′
43° 58′	67° 22′ (the U.S.-Canada Maritime Boundary)

(2) **Management Area 2**: All waters west and south of the Cape Cod shoreline at 70° 00' W longitude, to include state and Federal waters adjacent to the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.

(3) Management Area 3: All U.S. waters east of 70° 00' W longitude and southeast of the line that runs from a point at 70° 00' W longitude and 41° 35' N latitude, northeasterly to the Hague Line at 67° 44' 35" W longitude and 42° 53' 14" N latitude.

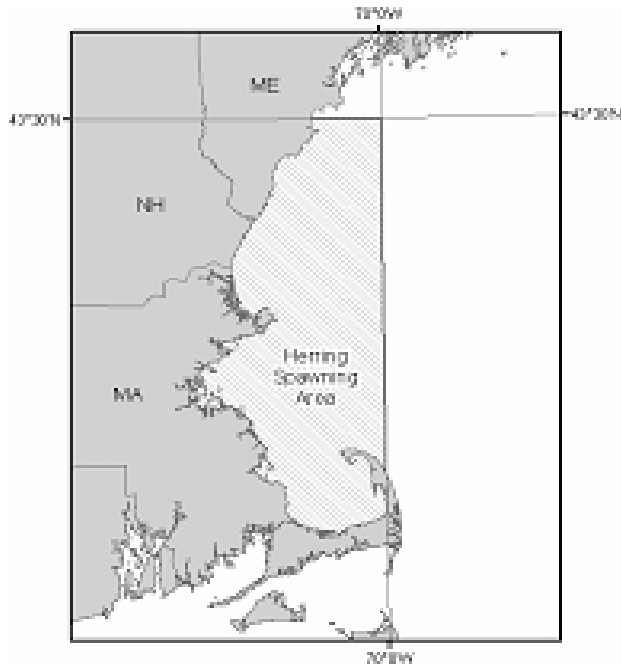
(4) Management Area Map:



9.03: Spawning Herring Protection

(1) Massachusetts/New Hampshire Spawning Area.

a. Massachusetts/New Hampshire Spawning Area Map.



- b. **Massachusetts/New Hampshire Spawning Area Closure.** To protect spawning sea herring, the Director shall close the Massachusetts/New Hampshire Spawning Area to sea herring fishing, as provided in 322 CMR 9.03(1)(f), when it is determined that sea herring are in later stages of maturity just prior to spawning. The closure date will be projected in accordance with the formula and process set forth in the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Sea Herring.
- c. **Closure Duration.** Once the closure is enacted, it shall remain in effect for 28 days, unless extended pursuant to 322 CMR 9.03(1)(d).
- d. **Closure Procedure.** The closure date shall be announced 5-days prior to the closure being enacted by:
 - i. Filing a Notification of Closure with the Secretary of State;
 - ii. Publishing the Notification of Closure through the Division's electronic listserv and on the Division's website; and
 - iii. Providing a Notification of Closure directly to all primary buyers by e-mail or facsimile.
- e. **Closure Extension.** Sampling of sea herring taken from the Massachusetts/New Hampshire Closure Area shall begin during the last week of the initial closure period or at the end of the initial closure period. If one sample taken from the Massachusetts/New Hampshire Spawning Area is comprised of 25% or more spawn herring then the closure shall be extended for an additional 14-days. Any closure extension shall be announced in accordance with 322 CMR 9.03(d)(i-iii).
- f. **Limits on Sea Herring During the Closure.** During the Massachusetts/New Hampshire Spawning Area Closure, or an extension thereof, it shall be unlawful for any vessel to possess or land more than 2,000 pounds of sea herring caught within the Massachusetts/New

Hampshire Spawning Area.

~~(1) Prohibition. It shall be unlawful to possess or land any spawn sea herring caught from the Massachusetts/New Hampshire Spawning Area seven days after the GSI trigger for herring from that area is reached.~~

~~(2) Closure Duration. The prohibition of 322 CMR 9.03(1) shall extend for four weeks and may be extended by the Director if DMF sampling indicates that herring landings comprise more than 25% spawn herring.~~

~~(3) Default Closure. It shall be unlawful to possess or land any spawn sea herring caught from the Massachusetts/New Hampshire Spawning Area during the period September 21 through October 18 provided the GSI trigger has not been reached by September 14. This prohibition may be extended by the Director beyond October 18 if DMF sampling indicates that herring landings comprise more than 25% spawn herring~~

~~(4) Exceptions. A vessel may land or possess up to 2,000 lbs. of sea herring during the closure period described in 322 CMR 9.03.~~

9.04: Vessel Size Limit

It shall be unlawful for any vessel greater than 165 feet in overall length and 3,000 horsepower to land sea herring in the Commonwealth.

9.05: Fishing Restrictions & Annual Specifications

(1) Annual Specifications

- a. Declaration of Limits. For Management Areas 1A, 1B, 2 and 3, as defined at 322 CMR 9.02, the Director may declare and adjust Atlantic sea herring commercial possession and landing limits, seasons, and no-fishing days to correspond to the limits established by the Atlantic States Marine Fisheries Commission, in accordance with 322 CMR 9.05(1)(b).
- b. Declaration Process. The Director shall make such declarations and adjustments described at 322 CMR 9.05(1)(a), as follows:
 - i. obtain written approval by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission;
 - ii. file a Notice of Declaration with the Secretary of State;
 - iii. publish a Notice of Declaration through the Division's electronic listserv and on the Division's website; and
 - iv. provide a Notice of Declaration directly to all primary buyers by e-mail or facsimile.

(2) Commercial Fishery Limits.

- a. General Provisions. It is unlawful for a vessel to possess or land Atlantic sea herring taken from Management Areas 1A, 1B, 2, or 3, as defined at 322 CMR 9.02, once the Director has closed the commercial Atlantic sea herring fishery in Massachusetts, in accordance with quota closure procedure 322 CMR 6.42. The Director will close the fishery in response to a written determination by the Atlantic States Marine Fisheries Commission, after its review of Atlantic sea herring landings, that the Atlantic sea herring quota has been landed by the commercial fishery.
- b. Rules Specific to Management Areas. It shall be unlawful for any vessel to possess or land Atlantic sea herring taken from Management Area 1A, 1B, 2, or 3, as defined at 322 CMR 9.02, under the following circumstances:
 - i. Contrary to Management Area specific limits established by the Atlantic States Marine Fisheries Advisory Commission and implemented by the Director through a Declaration in accordance with 322 CMR 9.05(1); or
 - ii. Once the Director has closed the commercial Atlantic sea herring fishery in Massachusetts for that specific management area, in accordance with quota closure procedure 322 CMR 6.42. The Director will close the fishery in response to a written determination by the Atlantic States Marine Fisheries Commission, after its review of Atlantic sea herring landings, that the Atlantic sea herring management area quota for Management Areas 1A, 1B, 2 or 3 has been landed by the commercial fishery.

(3) Exceptions.

- (a) Any vessel may land or possess up to 2,000 lbs. of sea herring during prohibited times established by 322 CMR 9.05.