

## Strikethrough Emergency 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 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 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. 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.

~~a. Effective Through June 30, 2025. 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 July 1, 2025 through June 30, 2027. 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 July 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 inches 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, 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. 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.

~~a. Effective through June 30, 2029. 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 July 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 3/4 inches.~~

4. LCMA Outer Cape Cod.

a. Minimum Carapace Size. 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. Maximum Carapace Size. It shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA Outer Cape Cod who hold a federal lobster permit to retain, possess, land, sell, or offer for sale any lobster with a carapace length larger than 6 3/4”.

~~a. Effective through June 30, 2025. 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 July 1, 2025 through June 30, 2029. 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 July 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 1/2 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, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3 9/32 inches and larger than 5 1/4 inches.

6. Seafood Dealers. It shall be unlawful for a seafood dealer, permitted in accordance with 322 CMR 7.01(3), to obtain or attempt to obtain any lobster from any commercial fisher that does not conform to the minimum and maximum size standards set forth in this section or to possess, or sell or offer for sale any lobster with a carapace length smaller than 3 1/4 inches.

~~a. Effective through June 30, 2025. 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 1/4 inches.~~

~~b. Effective from July 1, 2025 through June 30, 2027. 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 3/4 inches.~~

~~Except that during the period of June 1, 2025 through September 30, 2025, a seafood dealer may possess an inventory of non-conforming sized lobsters that were lawfully purchased prior to June 30, 2025, provided the carapace size of any non-conforming lobster is not less than 3 1/4 inches.~~

~~c. Effective from July 1, 2027 through June 30, 2029. 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 3/4 inches.~~

~~Except that during the period of July 1, 2027 through September 30, 2027, a seafood dealer may possess an inventory of non-conforming sized lobsters that were lawfully purchased prior to June 30, 2027, provided the carapace size of any non-conforming lobster is not less than 3 5/16 inches or larger than 6 3/4 inches.~~

~~d. Effective July 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 1/2 inches.~~

~~Except that during the period of July 1, 2029 through September 30, 2029, a seafood dealer may possess an inventory of non-conforming sized lobsters that were lawfully purchased prior to June 30, 2029, 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. 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.

~~a. Effective through May 14, 2025. 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 May 15, 2025 through May 14, 2027. 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 May 15, 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. 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.

~~a. Effective through May 14, 2025. 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 May 15, 2025 through May 14, 2029. 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 May 15, 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 Southern New England Recreational Area, as defined in 322 CMR 6.33, to retain, possess, or land any 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 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.

~~a. Effective through June 30, 2028. 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 July 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 vent that measures at least two inches by 5 3/4 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 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  $1 \frac{15}{16}$  inches by  $5 \frac{3}{4}$  inches or two circular escape vents that measure at least  $2 \frac{7}{16}$  inches in diameter.

~~a. Effective through May 14, 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  $1 \frac{15}{16}$  inches by  $5 \frac{3}{4}$  inches or two circular escape vents that measure at least  $2 \frac{7}{16}$  inches in diameter.~~

~~b. Effective May 15, 2027 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  $5 \frac{3}{4}$  inches or two circular escape vents that measure  $2 \frac{5}{8}$  inches.~~

5. Outer Cape Cod or Southern New England Recreational Lobster Areas. Recreational fishers fishing 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 vent that measures at least two inches by  $5 \frac{3}{4}$  inches or two circular escape vents that measure at least  $2 \frac{5}{8}$  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  $3 \frac{3}{4}$  by  $3 \frac{3}{4}$  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  $\frac{3}{16}$  inch in diameter; or non-stainless, uncoated ferrous metal not greater than  $\frac{3}{32}$  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  $3 \frac{3}{4}$  by  $3 \frac{3}{4}$  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 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 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.

(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.

(c) 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) 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 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.

a. Effective through June 30, 2025. 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 July 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.

a. Effective through June 30, 2025. 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 July 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 July 1, 2025 through September 30, 2025, a seafood dealer may possess an inventory of non-conforming v-notched lobsters that were lawfully purchased prior to June 30, 2025, 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 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 LCMA 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.