

## 322 CMR 4.06 Use of Mobile Gear

(1) Definitions. For purposes of 322 CMR 4.06 the following terms shall have the following meanings:

~~Area 5 means that area within the waters under the jurisdiction of the Commonwealth beginning at a point 2.80 nautical miles from shore on the northernmost Gloucester/Rockport marine boundary; thence 136° true 4.35 nautical miles to a point 055° true 1.85 nautical miles from Straitsmouth Island Light; thence 162° true 1.40 nautical miles to a point 100° true 1.85 nautical miles from Straitsmouth Island Light; thence 180° true 1.65 nautical miles to a point 137° true 2.70 nautical miles from Straitsmouth Island Light; thence 210° true 2.60 nautical miles to a point on the southernmost Gloucester/Rockport marine boundary where said boundary line intersects a line bearing 130° true 2.70 nautical miles from Salt Island; thence seaward along the southernmost Gloucester/Rockport marine boundary to the territorial seas line of the Commonwealth; thence northerly along said line to its intersection with the northernmost Gloucester/Rockport marine boundary; thence shoreward along said boundary to the starting point.~~

~~Area 6 means that area within the waters under the jurisdiction of the Commonwealth beginning at the intersection of the northerly Rockport/Gloucester town line and the territorial seas line; thence along the territorial seas line to the Massachusetts/New Hampshire boundary; thence shoreward along the boundary to a point one nautical mile from shore; thence in a southerly direction along an imaginary line parallel to and one nautical mile from shore to a point on the Rockport/Gloucester town line one nautical mile from shore; thence seaward to the starting point.~~

Coastal Access Permit (CAP) means the regulated fishery permit endorsement for certain mobile gear, issued pursuant to M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery* and 7.05: *Coastal Access Permit (CAP)*.

Cod End means all parts of a net a distance of 50 continuous meshes forward of the terminal portion of the net where fish are retained.

Director means the Director of the Division of Marine Fisheries.

Division means the Division of Marine Fisheries

Dredge means mobile fishing gear consisting of a mouth frame attached to a holding bag constructed of metal rings, mesh or cages.

Effective Fishing Width means the distance measured between the extreme outside edges of the mouth of a dredge or dredges.

Fishing or Fish For means to harvest, catch or take or attempt to harvest, catch or take any fish or shellfish for commercial purposes. A vessel is presumed to be fishing if its dredge, trawl or seine gear remains in the water or is not onboard and secured to the vessel's sides or sterns. ~~A vessel is presumed to be fishing unless its trawl doors are out of the water and secured to the vessel's side or stern or unless the mouth of the net is out of the water and secured to the vessel's side or stern.~~

Ghost Gear means any fixed fishing gear, including but not limited to gillnets **and traps and lobster traps** with their associated ropes which are no longer buoyed to the surface of the water, are not visible from the surface and become entangled with mobile gear.

Hauling Back means retrieving any dredge, trawl or seine ~~net from the ocean bottom~~ and placing the contents of ~~the cod end on the~~ **the catch on the** deck or hold of the vessel.

~~Line of 1881 means the otter and beam trawl line, otherwise known as the old exterior line of the Commonwealth, as defined by St. 1881, c. 196.~~

Mobile Gear means any moveable or encircling fishing gear or nets which are towed, hauled or dragged through the water for the harvest of fish including but not limited to pair trawls, otter trawls, beam trawls, mid water trawls, scottish seines, danish seines, pair seines, purse seines or shellfish dredges.

Molted Lobster means any newly molted lobster whose carapace has not hardened and may be dented by exerting lateral pressure with the fingertips.

Night Fishing means fishing ½ hour after sunset to ½ hour before sunrise during the period of March 1<sup>st</sup> through October 31<sup>st</sup>, or from 6:00 P.M. to 6:00 A.M. during the period of November 1<sup>st</sup> through the last day of February.

NOAA Chart means the official and reproduced nautical charts of the National Oceanic and Atmospheric Administration, United States Department of Commerce.

Person means any individual, including the captain, master or crew member of a fishing vessel, or any firm, partnership, corporation or other business entity.

Seine means a net with long narrow wings that is rigged with floats and weights that is moved through the water to catch fish or any floated or weighted net that is used to encircle fish and is closed by means of a drawstring through threaded rings attached to the bottom of the net.

Small Mesh Squid Trawl Exempted Area means that area within the waters under the jurisdiction of the Commonwealth beginning where 42° 40' north latitude intersects with the eastern shoreline of Chatham; thence in a straight line due east to where it intersects with the three nautical mile line, as described on NOAA Chart #13646; thence following the three nautical mile line, as described on NOAA Charts #13246 and #13237 in a southerly direction to where it intersects with 70° 00' west longitude; thence due south along the 70° meridian to where it intersects again with the three nautical mile line, as described on NOAA Chart #13237; thence following the three nautical mile line, as described on NOAA Charts #13237 and #13218 in a southerly then westerly direction to the MA/RI seaward marine boundary; thence following the MA/RI seaward marine boundary in a northerly direction to the shoreline. Thence following the shoreline in a easterly direction to the starting point. This shall exclude all applicable inshore net areas defined at 322 CMR 4.02.

~~means the area circumscribed by an imaginary line beginning at the intersection of the Loran C line 9960-Y 43940 with the Chatham shoreline; thence seaward following the Loran C line 9960-Y 43940 to the territorial seas line; thence in a southerly directions following the territorial seas line to its intersection with the 70° W meridian; thence in a southerly direction along the 70° W meridian to its intersection with the territorial seas line; thence following the territorial seas line in a southerly~~

~~direction and south of Nantucket Island and Martha's Vineyard to the Massachusetts/Rhode Island boundary; thence in a northerly direction following the Massachusetts/Rhode Island boundary to the shoreline; thence following the shoreline in an easterly direction to the starting point.~~

Small Mesh Trawl means any trawl with net mesh openings that are less than 6½ inch in the cod end and six inches throughout the remainder of the net.

Southern Shoreline of the Elizabeth Islands means the area circumscribed by an imaginary line beginning at the shortest straight line between Cuttyhunk Island and Nashawena Island; the shortest straight line between the easternmost point of Nashawena Island and the southwesternmost point of Pasque Island; the shortest straight line between Pasque Island and Naushon Island; the shortest straight line between Jobs Neck on the eastern side of Naushon Island to the southernmost point on Nonamesset Island; the shortest straight line from Mink's Point on the northernmost point of Nonamesset Island to the western entrance of Little Harbor in Woods Hole.

~~Territorial Seas Line means that line as it appears on NOAA charts demarcating the waters under the jurisdiction of the Commonwealth.~~

Three Mile Line means that line as it appears on NOAA charts demarcating waters that are three nautical miles from the coastline.

Trawl means any mobile fishing gear or nets which are towed, hauled, or dragged through the water for the harvest of fish including but not limited to otter trawls, beam trawls, and pair trawls. ~~scottish seines, danish seines, or pair seines.~~

Twine Top means the net material or other material on the top of a scallop dredge.

Upper Cape Cod Whiting Area means that area within the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line that begins 42° 7.85' north latitude and 70° 30.1' west longitude; thence in a south southeasterly direction to where it intersects with 42° 00' north latitude and 70° 24.076' west longitude; thence due east to where it intersects with 42° 00' north latitude and 70° 13.225 west longitude; thence in a north northwesterly direction to where it intersects with 42° 4.75' north latitude and 70° 16.95' west longitude; thence in a east northeasterly direction to where it intersects with 42° 8.35' north latitude and the 70° west longitude; thence in a northwesterly direction to 42° 14.05' north latitude and 70° 8.8' west longitude; thence in a west southwesterly direction to the initial coordinate.

Vessel means any commercial fishing vessel registered under the laws of the state and conducting commercial fishing operations within waters under the jurisdiction of the Commonwealth.

**(2) Seasonal Mobile Gear Closures.** The following closures shall apply to the use of mobile gear within the waters under the jurisdiction of the Commonwealth.

(a) Area 1 - North Shore Region - Year Round Closure. Except as provided at 322 CMR 4.06(2)(a)(1) and 4.06(2)(k), it shall be unlawful to fish with mobile gear within the waters of the North Shore Region Year Round Closure. North Shore Region Year Round Closure consists of those waters under the jurisdiction of the Commonwealth encompassed by an imaginary

line beginning where 41° 21.552' north latitude with the eastern shoreline of Deer Island in Winthrop; thence in a straight line in an east northeasterly direction to where it intersects with 42° 24.497' north latitude and 70° 49.232' west longitude; thence in a straight line in a northeasterly direction to where it intersects with 42° 27.018 north latitude and -70° 46.446' west longitude; thence continuing in a straight line in a northeasterly direction to where it intersects with 42° 29.664' north latitude and 70° 43.914' west longitude; thence in a straight line in a northeasterly direction to where it intersects with 42° 31.688' north latitude and 70° 40.164' west longitude; thence in a straight line in a easterly direction to where it intersects with 42° 31.836' north latitude and 70° 38.118' west longitude; thence in a straight line in an east northeasterly direction to 42° 32.502' north latitude and 70° 36.432 west longitude; thence in a straight line in a northeasterly direction to the nearest point where it intersects with the three nautical mile line, as described on NOAA Chart #13267, at the 70° 36.162' west longitude; thence following the three nautical mile line, as described on the NOAA Charts #13267 and 13278, to the seaward junction of the Massachusetts – New Hampshire marine boundary; thence shoreward along the Massachusetts – New Hampshire marine boundary to the shoreline; and thence in a southerly direction along the shoreline and concluding at the starting point.

**1. North Shore Mobile Gear Seasonal Area Exemptions.** Coastal Access Permit holders further endorsed for North Shore Mobile Gear may fish within the North Shore Region Year Round Closure Area in accordance with the following exemptions:

a. **Area 1A Gloucester/Rockport Exemption.** During the periods of February 1<sup>st</sup> through March 31<sup>st</sup> and June 15<sup>th</sup> through September 30<sup>th</sup> mobile gear may be fished within those waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning off the northernmost Gloucester-Rockport coastline where 70° 37.365' west longitude intersects with the three nautical mile line, as described on NOAA Chart #13278; thence following in a straight line in a south southwesterly direction to where it intersects 42° 42.848' north latitude and 70° 37.632' west longitude; thence in a straight line in a southeasterly direction to where it intersects with 42° 40.806' north latitude and 70° 33.468' west longitude; thence in a straight line in a south southeasterly direction to where it intersects with 42° 39.504' north latitude and 70° 32.776' west longitude; thence in a straight line due south to where it intersects with 42° 37.806' north latitude and 70° 32.776 west longitude; thence in a straight line in a south southwesterly direction to where it intersects with 42° 35.490' north latitude and 70° 34.578' west longitude; thence in a straight line in a south easterly direction to the nearest point where it intersects with 70° 33.770' west longitude at the three nautical mile line, as described on NOAA Chart #13278; thence following the three nautical mile line, as described on NOAA Chart #13278, in a northerly direction concluding at the starting point.

**b. Area 1B Ipswich Bay Exemption.** During the period December 15<sup>th</sup> through April 30<sup>th</sup> mobile gear may be fished within those waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the intersection of 70° 47.838' west longitude with the Massachusetts – New Hampshire marine boundary; thence following the Massachusetts – New Hampshire marine boundary seaward in an easterly direction to where it intersects with the three nautical mile line, as described on NOAA Chart #13278; thence following the three nautical mile line, as described on NOAA Chart #13278, in a southerly direction to the northern Gloucester-Rockport coastline to where it intersects with 70° 37.365' west longitude; thence in a straight line in a south southwesterly direction to where it intersects with 42° 42.222' north latitude and 70° 38.130' west longitude; and thence following one nautical mile seaward from shore in a northerly direction concluding at the starting point.

**c. Restrictions on the Use of Trawl Gear during Area 1A and Area 1B Seasonal Exemptions.** It shall be unlawful for any fishermen fishing with mobile gear during the Area 1A and 1B seasonal exemptions:

- i. To fish trawl nets configured with a sweep or a foot rope greater than 80 feet.
- ii. To fish trawl nets configured with a sweep or foot ropes composed of chain, wire or discs.
- iii. To fish with roller gear.
- iv. To possess or retain any lobsters. Any lobsters caught shall be immediately returned to the sea.

**(b) Area 2 Closure – Boston Harbor – April 1<sup>st</sup> through December 31<sup>st</sup>.** Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from April 1<sup>st</sup> through December 31<sup>st</sup> within the waters of the Area 2 Closure. The Area 2 Closure consists of those waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning where 42° 21.552' north latitude intersects with the eastern shoreline of Deer Island in Winthrop; thence in a straight line in an east northeasterly direction to where it intersects with 42° 24.497' north latitude and 70° 49.232' west longitude; thence in a straight line in a southwesterly direction to where it intersects with 42° 24.432' north latitude and 70° 49.302' west longitude; thence in a straight line in a south southeasterly direction to where it intersects with 42° 20.748' north latitude and 70° 48.000' west longitude; thence in a straight line in a southerly direction to where it intersects with 42° 20.100' north latitude and 70° 48.114' west longitude; thence in a straight line in an east southeasterly direction to where it intersects with 42° 18.762' north latitude and 70° 45.222 west longitude; thence in a straight

line in a west southwesterly direction to where 42° 16.646' north latitude intersects with the eastern shoreline of Nantasket Beach in Hull; and thence following the shoreline of Hull in a north and westerly direction along the shoreline concluding at the starting point.

(c) Area 3 - Hull to Plymouth – April 1<sup>st</sup> through October 31<sup>st</sup>. Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from April 1<sup>st</sup> through October 31<sup>st</sup> within the waters of the Area 3 Closure. The Area 3 Closure consists of those waters under the jurisdiction of the Commonwealth beginning where 42° 16.646' north latitude intersects with the eastern shoreline of Nantasket Beach in Hull; thence in a straight line in a east northeasterly direction to where it intersects with 42° 18.762' north latitude and 70° 45.222' west longitude; thence in a straight line in a east southeasterly direction to where it intersects with 42° 17.664' north latitude and 70° 42.684' west longitude; thence in a straight line in a southeasterly direction to the nearest point where it intersects with the 3 nautical mile line, as described on NOAA Chart #13267, at 70° 40.986' west longitude; thence following the 3 nautical mile line, as described on NOAA Chart #13267, in a southeasterly direction to where it intersects with 70° 35.367' west longitude; thence in a straight line in a south southeasterly direction to where it intersects with 42° 6.948' north latitude and 70° 34.548' west longitude; thence in a straight line in a south southeasterly direction to where it intersects with 42° 1.632' north latitude and 70° 31.950' west longitude; thence in a straight line in a south southeasterly direction to where it intersects with 42° 0.984' north latitude and 70° 31.464' west longitude; thence in a straight line in a west southwesterly direction to where it intersects with 42° 0.200' north latitude at the southeastern coastline of Gurnett Point in Plymouth; thence in a northwesterly direction along the shoreline and concluding at the starting point.

(d) Area 4 - Plymouth to Provincetown – May 1<sup>st</sup> through October 31<sup>st</sup>. Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from May 1<sup>st</sup> through October 31<sup>st</sup> within the waters of the Area 4 Closure. The Area 4 Closure consists of those waters under the jurisdiction of the Commonwealth beginning where 42° 0.200' north latitude intersects with the southeastern shoreline of Gurnett Point in Plymouth; thence in a straight line in east northeasterly direction to where it intersects with 42° 0.984' north latitude and 70° 31.434' west longitude; thence in a straight line in south southeasterly direction to where it intersects with 41° 56.652' north latitude and 70° 28.000' west longitude; thence in a straight line in a southerly direction to where it intersects with 41° 51.768' north latitude and 70° 27.102' west longitude; thence in a straight line in a southerly direction to where it intersects with 41° 49.433' north latitude and 70° 27.048' west longitude; thence in a straight line in a east southeasterly direction to where it intersects with 41° 47.514' north latitude and 70° 22.902' west longitude; thence in a straight line in a easterly direction to where it intersects with 41° 47.298' north latitude and 70° 16.632' west longitude; thence in a straight line in a east north easterly direction to where it intersects with 41° 48.630' north latitude and 70° 8.650' west longitude; thence in a straight line in a northerly direction to where it intersects with 41° 51.666' north latitude and 70° 8.130' west longitude; thence in a straight line in a northerly

direction to where it intersects with 41° 56.550' north latitude and 70° 8.550' west longitude; thence in a straight line in a northwesterly direction to where it intersects with 41° 57.186' north latitude and 70° 10.000' west longitude; thence in a straight line due north along the 70° 10' meridian to where it intersects with 41° 59.658' north latitude; thence in a straight line in a northwesterly direction to where it intersects with 42° 3.498' north latitude and 70° 15.750' west longitude; thence in a straight line in a east northeasterly direction to where it intersects with 42° 3.654' north latitude at the westerly coastline of Race Point in Provincetown; and thence in a westerly direction along the shoreline of Cape Cod Bay concluding at the starting point.

(e) Area 5 - Eastham to Mashpee – May 1<sup>st</sup> through October 31<sup>st</sup>. Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from May 1<sup>st</sup> through October 31<sup>st</sup> within the waters of the Area 5 Closure. The Area 5 Closure consists of those waters under the jurisdiction of the Commonwealth beginning where 41° 51.666' north latitude intersects with the easterly shoreline of Nauset Beach in Eastham; thence in a straight line due east to where it intersects with the three nautical mile line, as described on NOAA Chart #13246; thence following the three nautical mile line, as described on NOAA Charts #13246 and #13237 in a southerly direction to where it intersects with the 70° meridian; thence following the 70° meridian due north to where it intersects with 41° 29.805' north latitude; thence on following an arc heading in a northwesterly direction around Monomoy Island that connects the following coordinates: 41° 29.724' north latitude and 70° 1.087' west longitude; 41° 29.904' north latitude and 70° 2.335' west longitude; 41° 30.323' north latitude and 70° 3.313' west longitude; 41° 30.926' north latitude and 70° 4.079 west longitude; 41° 31.718' north latitude and 70° 4.665 west longitude; 41° 32.780 north latitude and 70° 4.665 west longitude; 41° 33.842' north latitude and 70° 4.702' west longitude; and 41° 34.748' north latitude and 70° 4.510' west longitude; thence in a straight line in a northeasterly direction to where it intersects with 41° 35.372' north latitude and 70° 3.915' west longitude; thence in a straight line in a north northwesterly direction to where it intersects with 41° 35.749' north latitude and 70 4.098' west longitude; thence in a straight line in a north northwesterly direction to where it intersects with 41° 36.147' north latitude and 70 4.211' west longitude; thence in a straight line in a northerly direction to the nearest point where it intersects with the 3 nautical mile line, as described on NOAA Chart #13237, at 41° 36.431' north latitude; thence following the 3 nautical mile line, as described on NOAA Chart #13237, in a westerly direction to where it intersects with 70°28.086' west longitude; thence in a straight line in a north northwesterly direction to where it intersects with 70° 28.828' west longitude at the southerly shoreline of Succoneset Point in Mashpee; and thence in a easterly direction along the shoreline of Cape Cod concluding at the starting point.

(f) Area 6A - Mashpee to Falmouth ½ Nautical Mile Closure – June 1<sup>st</sup> through October 31<sup>st</sup>. Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from June 1<sup>st</sup> through October 31<sup>st</sup> within the waters of the Area 6A Closure. The Area 6A Closure consists of those waters under the jurisdiction of the Commonwealth beginning where 70°

39.310' longitude intersects with the southerly shoreline of Nobska Point in Falmouth; thence in a straight line in a south southeasterly direction to where it intersects with 41° 30.498' north latitude and 70° 39.114' west longitude; thence eastward along an imaginary line that is one-half nautical mile from the shoreline to where it intersects with 41° 32.868' north latitude and 70° 28.806' west longitude; thence in a straight line in a northerly direction to where it intersects with 70° 28.908' west longitude at the southerly shoreline of Succonessett Point in Mashpee; and thence in a westerly direction along the shoreline of Cape Cod concluding at the starting point.

**(g) Area 6B - Mashpee to Falmouth ¼ Nautical Mile Closure – April 23<sup>rd</sup> through May 31<sup>st</sup>.**

Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from April 23<sup>rd</sup> through May 31<sup>st</sup> within the waters of the Area 6B Closure. The Area 6B Closure consists of those waters under the jurisdiction of the Commonwealth beginning where 70° 39.310' longitude intersects with the southerly shoreline of Nobska Point in Falmouth; thence in a straight line in a south southeasterly direction to where it intersects with 41° 30.703' north latitude and 70° 39.191' west longitude; thence eastward along an imaginary line that is one-quarter nautical mile from the shoreline to where it intersects with 41° 33.134' north latitude and 70° 28.854' west longitude; thence in a straight line in a northerly direction to where it intersects with 70° 28.908' west longitude at the southerly shoreline of Succonessett Point in Mashpee; and thence in a westerly direction along the shoreline of Cape Cod concluding at the starting point.

**(h) Area 7 – Southern Shore of the Elizabeth Islands – May 1<sup>st</sup> through October 31<sup>st</sup>.** Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from May 1<sup>st</sup> through October 31<sup>st</sup> within the waters of the Area 7 Closure. The Area 7 Closure consists of those waters under the jurisdiction of the Commonwealth beginning where 70° 56.898' longitude intersects with the southerly shoreline of Cuttyhunk Island in Gosnold; thence in a straight line in a southeasterly direction to where it intersects with 41° 24.420' north latitude and 70° 56.628' west longitude; thence east northeasterly direction following an imaginary line that is one-quarter nautical mile from the shoreline to where it intersects with 41° 30.703' north latitude and 70° 39.191' west longitude; thence in a straight line in a north northwesterly direction to where it intersects with 70° 39.310' west longitude at the southerly shoreline of Nobska Point in Falmouth; and thence in a westerly direction along the southern shoreline of the Elizabeth Islands concluding at the starting point.

**(i) Area 8A –Nantucket Island North Shore – April 1<sup>st</sup> through April 30<sup>th</sup>.** Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from April 1<sup>st</sup> through April 30<sup>th</sup> within the waters of the Area 8A Closure. The Area 8A Closure beginning where 70° 2.980' longitude intersects with the northerly shoreline of Great Point on Nantucket Island; thence in a straight line in a north northeasterly direction to the nearest point where it intersects with the three nautical mile line, as described on NOAA Chart #13237, at 70° 2.124' west longitude; thence in a westerly direction along the three nautical mile line, as described on NOAA Chart



#13237, to where it intersects with 70° 19.499' west longitude; thence in a straight line in a south southwesterly direction to where it intersects with 41° 21.852' north latitude and 70° 20.686' west longitude; thence in a straight line in a southeasterly direction to where it intersects with 70° 12.431'' west longitude at the northerly shoreline of Eel Point on Nantucket Island; and thence in a easterly direction along the northern shoreline of Nantucket Island concluding at the starting point.

(j) Area 8B – Great Point and Nantucket Harbor – June 1<sup>st</sup> through September 15<sup>th</sup>. Except as provided at 322 CMR 4.06(2)(k), it shall be unlawful to fish with mobile gear from June 1<sup>st</sup> through September 15<sup>th</sup> within the waters of the Area 8B Closure. The Area 8B Closure beginning where 70° 2.980' longitude intersects with the northerly shoreline of Great Point on Nantucket Island; thence in a straight line in a south southwesterly direction to where it intersects 41° 19.060' north latitude and 70° 6.313' west longitude; thence due south to where it intersects with the northern shoreline at the western end of the entrance to Nantucket Harbor; and thence in a easterly direction along the northern shoreline of Nantucket Island concluding at the starting point.

(k) General Exemptions to Seasonal Mobile Gear Closures. The following exemptions shall apply to the seasonal mobile gear closures set forth at 322 CMR 4.06(2)(a)-(j):

1. Purse Seine Exemption. A vessel fishing under the authority of a Coastal Access Permit - Purse Seine regulated fishery permit endorsement, issued in accordance with 322 CMR 7.01(4)(a), may fish with purse seine gear within the seasonal mobile gear closures.
2. Inshore Net. A vessel fishing in the inshore net areas, as described at 322 CMR 4.02, under the authority of an Inshore Net Fishery regulated fishery permit endorsement issued in accordance with 322 CMR 4.02(3) and 7.01(4)(a), may fish with purse seine gear inside the seasonal mobile gear closures if so authorized by the conditions set forth in said Inshore Net Permit, adopted pursuant to 322 CMR 7.01(7).
3. Surf Clam and Ocean Quahog Dredges. A vessel fishing under the authority of a Surf Clam and Ocean Quahog Dredge regulated fishery permit endorsement, issued in accordance 322 CMR 7.01(4)(a), may fish with surf clam and ocean quahog dredges within the seasonal mobile gear closures areas in accordance with 322 CMR 6.08.
4. Bay Quahog Dredge Fishery. A vessel fishing under the authority of a Bay Quahog Dredge regulated fishery permit endorsement, issued in accordance with 322 CMR 7.01(4)(a), may fish with bay quahog dredges within the seasonal mobile gear closures in accordance with 322 CMR 6.36. As bay quahogs are jointly managed by municipalities pursuant to G.L. c. 130 s. 52 and the seasonal mobile gear closures may overlap with municipal waters the harvest of bay quahogs within these municipal

waters may also be subject to municipal permitting requirements and harvest regulations.

5. Municipal Shellfish Fisheries. The seasonal mobile gear closure areas shall not apply to vessels fishing within municipal waters in a shellfish fishery regulated by the municipality.

~~(2) Seasonal Mobile Gear Closures. These closures apply to any vessel fishing with mobile gear authorized by CAP. These closures do not apply to any vessel fishing with surf clam, ocean quahog, or bay quahog dredge, regulated pursuant to 322 CMR 6.08: *Surf Clam and Ocean Quahog Fisheries*, or any vessel fishing with in shellfish fishery regulated by a city or a town within those city or town waters.~~

~~(a) North Shore Region Year Round Closure (New Hampshire Border to Winthrop). It is unlawful to use mobile gear in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the shoreline in Winthrop; thence following the Loran C 44290 line in an easterly direction to the line of 1881; thence in a northeasterly direction along the line of 1881 to its intersection with the territorial seas line; thence in a northeasterly direction along the territorial seas line to the seaward junction of the New Hampshire/Massachusetts boundary; thence shoreward along the New Hampshire/Massachusetts boundary to the shoreline; thence in a southerly direction to the starting point.~~

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~~1. Exceptions.~~

~~a. Inshore Net Areas. Vessels that are lawfully permitted and fishing in accordance with 322 CMR 4.02.~~

~~b. Area 6. Vessels that are fishing with mobile gear authorized by a CAP and further endorsed for North Shore Mobile Gear may fish in Area 6 during the period of December 15<sup>th</sup> through April 30<sup>th</sup>.~~

~~c. Area 5. Vessels that are fishing with mobile gear authorized by a CAP and further endorsed for North Shore Mobile Gear may fish in Area 5 during the period of February 1<sup>st</sup> through March 31<sup>st</sup> and from June 15<sup>th</sup> through September 30<sup>th</sup>.~~

~~d. Restrictions specific to Area 5 and Area 6. When fishing with mobile gear within Area 5 and Area 6, vessels are subject to the following restrictions:~~

~~i. Vessels using trawl nets shall have a sweep or footrope no greater than 80 feet.~~

~~ii. Vessels using trawl nets shall use sweeps or footropes composed of chain, wire or discs; roller gear is not authorized. Except that during September in Area five raised foot ropes are required.~~

~~iii. No lobsters shall be possessed by any vessel while fishing in Area 5 or Area 6, regardless of whether the lobsters were taken within the areas.~~

~~Any lobsters caught in Area 5 or Area 6 shall be immediately returned to the sea.~~

~~(b) Area 4 (Outer Boston Harbor) April 1<sup>st</sup> through December 31<sup>st</sup> Closure. It is unlawful to use mobile gear during the period of April 1<sup>st</sup> through December 31<sup>st</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the intersection of the Loran C 44250 line with the shoreline of the town of Hull; thence following the 44250 line to the line of 1881; thence following the line of 1881 in a northerly direction to the intersection with the Loran C 44290 line; thence following the 44290 line in a westerly direction to the intersection with the Loran C 25840 line; thence following the 25840 line in a southerly direction to the intersection with the Loran C 14015 line; thence following the 14015 line in a southerly direction to the intersection with the shoreline of the town of Hull; thence following the shoreline to the starting point.~~

~~(c) Area 3 (Hull to Plymouth) April 1<sup>st</sup> through October 31<sup>st</sup> Closure. It is unlawful to use mobile gear during the period of April 1<sup>st</sup> through October 31<sup>st</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the shoreline of the town of Hull, thence following the Loran C 44250 line to the line of 1881; thence following the line of 1881 in a southerly direction to its intersection with the territorial seas line; thence following said line in a southerly direction to its intersection with an imaginary line drawn from Gurnet Point in Plymouth to Race Point in Provincetown; thence following said imaginary line in a westerly direction to the shoreline of Plymouth; thence following the shoreline to the starting point.~~

~~(d) Area 2(b) (Plymouth to Provincetown) May 1<sup>st</sup> through October 31<sup>st</sup> Closure. It is unlawful to use mobile gear during the period of May 1<sup>st</sup> through October 31<sup>st</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the shoreline of Gurnet Point Plymouth; thence following in an easterly direction along an imaginary line drawn from Gurnet Point to Race Point in Provincetown to the intersection of said imaginary line with the line of 1881; thence following the line of 1881 around Cape Cod Bay to its intersection with the imaginary line from Gurnet Point to Race Point; thence easterly along said line to the shoreline of Race Point; thence in a southerly direction following the shoreline to the starting point; except that waters which lie within the following area are excluded: beginning at a point on the imaginary line from Gurnet Point to Race Point 1.0 nautical mile from Race Point Light; thence running 132° true to the 70° 10' W meridian of longitude; thence running 180° true to the line of 1881; thence following the line of 1881 in a northerly direction to the imaginary line from Gurnet Point to Race Point, thence running easterly along said line to the point of beginning.~~

~~(e) Area 2(a) (Eastham to Mashpee) May 1<sup>st</sup> through October 31<sup>st</sup> Closure. It is unlawful to use mobile gear during the period of May 1<sup>st</sup> through October 31<sup>st</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line beginning at Nauset Light in Nauset; thence following the 41° 51.6' N parallel of latitude to a point where it intersects the territorial seas line; thence following the territorial seas line in a southerly direction to a point where the territorial seas line intersects the 70° 00' W meridian of longitude; thence in a northerly direction along the 70° 00' W meridian of longitude to a point where it intersects the line of 1881; thence in a westerly direction following the line of 1881 to~~

~~a point where it intersects with the territorial seas line and the Loran C 9960 X 25190 line; thence following the territorial seas line to its intersection with an imaginary straight line drawn from Succunnesset Point in the town of Mashpee to Cape Pogue in the town of Edgartown; thence following the imaginary line in a northerly direction to the shoreline at Succunnesset Point; thence following the shoreline to the starting point.~~

~~(f) Area 1(a) (Nantucket Island North Shore) April 1<sup>st</sup> through April 30<sup>th</sup> Closure. It is unlawful to use mobile gear during the period of April 1<sup>st</sup> through April 30<sup>th</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at Great Point in the town of Nantucket; thence following the imaginary line from Great Point to Monomoy Point to a point where it intersects the territorial seas line; thence following the territorial seas line in a westerly direction to a point where it intersects with an imaginary line which extends the Nantucket/Edgartown town waters line in a northerly direction; thence in a southerly direction along the extended Nantucket/Edgartown town waters line to a point where it intersects an imaginary line drawn from Cape Pogue in the town of Edgartown to Eel Point in the town of Nantucket; thence following the imaginary line from Cape Pogue to Eel Point in a southeasterly direction to the shoreline of Eel Point; thence following the shoreline to the starting point.~~

~~(g) Area 1(b) (Great Point to Nantucket Harbor) June 1<sup>st</sup> through September 15<sup>th</sup> Closure. It is unlawful to use mobile gear, except for scallop dredges, during the period of June 1<sup>st</sup> through September 15<sup>th</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the most northerly end of Great Point in the town of Nantucket; thence following the imaginary line from Great Point to the light at the end of the easternmost jetty at the entrance of Nantucket Harbor; thence along the jetty to the shore and northeasterly to the starting point.~~

~~(h) Falmouth to Mashpee Shoreline Closures.~~

~~1. ¼ Mile Closure. It is unlawful to use mobile gear during the period of April 23<sup>rd</sup> through May 31<sup>st</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line beginning at the shoreline at Succunnesset Point in the town of Mashpee; thence seaward for ¼ nautical mile along an imaginary straight line extending from Succunnesset Point to Cape Pogue in the town of Edgartown, the western boundary of Area 2(a) described in 322 CMR 4.06(2)(e); thence in a westerly direction along a line parallel to and ¼ nautical mile from shore to its intersection with the Loran C 9960 W 14130 line; thence shoreward along the Loran C 14130 line to the shore at Nobska Point in the town of Falmouth; thence following the shoreline in an easterly direction to the starting point.~~

~~2. ½ Mile Closure. It is unlawful to use mobile gear during the period of June 1<sup>st</sup> through October 31<sup>st</sup> in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line beginning at the shoreline at Succunnesset Point in the town of Mashpee; thence seaward for ½ nautical mile along an imaginary straight line extending from Succunnesset Point to Cape Pogue in the town of Edgartown, the western boundary of Area 2(a) described in 322 CMR 4.06(2)(e); thence in a westerly direction along a line parallel to and ½ nautical mile from shore to its intersection with the Loran C 9960 W 14130 line; thence shoreward along the Loran C 14130 line to the shore at Nobska Point in the town of Falmouth; thence following the shoreline in an easterly direction to the starting point.~~

~~(i) Cuttyhunk Island to Falmouth Shoreline Closure. It is unlawful to use mobile gear during the period of May 1<sup>st</sup> through October 31<sup>st</sup> in the waters under the jurisdiction encompassed by an imaginary straight line beginning at the shoreline at Nobska Point in the town of Falmouth; thence seaward for ¼ nautical mile along the LORAN C 9960 W 14130 line; thence in a westerly direction along an imaginary straight line parallel to and ¼ nautical mile from shore to its intersection with an imaginary straight line extending from the southernmost point of Cuttyhunk Island to the westernmost point of Gay Head on Martha's Vineyard; thence in a northwesterly direction along this imaginary straight line to the shore at Cuttyhunk Island; thence to the starting point by following in an easterly direction the shoreline of the Elizabeth Islands connected by the following baselines: the shortest straight imaginary line between Cuttyhunk Island and Nashawena Island; the shortest straight imaginary line between the easternmost point of Nashawena and the southernmost point of Pasque Island; the shortest straight imaginary line between Pasque Island and Naushon Island; a straight imaginary line from Jobs Neck on the eastern side of Naushon Island to the southernmost point on Nonamesset Island; a straight imaginary line from Mink Point at the northernmost point of Nonamesset Island to Juniper Point at the western entrance of Little Harbor.~~

~~(k) Other Provisions. It is a rebuttable presumption that a vessel is using its mobile gear if its otter trawls, beam trawls, midwater or bottom pair trawls, seines, or dredges are not out of the water and on board the vessel, or the mouth of the net or dredge is not out of the water and secured to the vessel's sides or stern.~~

(3) Night Closures. Within the waters under the jurisdiction of the Commonwealth, it **shall be unlawful for any vessel using mobile gear to conduct any night fishing.** ~~is unlawful for any vessel using mobile gear to night fish, except lawfully permitted vessels fishing for sea herring with purse seines or mid-water trawls.~~

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~~(4) Trawl Net Mesh Minimum Size.~~

~~(a) Trawl Net Mesh Measurement. Minimum mesh size is measured by the inside stretch of the net mesh. The net mesh is measured by a wedge shaped gauge having a taper of two centimeters in eight centimeters, inserted into the meshes under a pressure or pull of five kilograms. The mesh size will be the average of measurements of any series of 20 consecutive meshes. The mesh in the cod end will be measured at least ten meshes from the lacings beginning at the after end and running parallel to the long axis. Upon request, the Director may approve in writing the use of other mesh size gauges or methods.~~

~~(b) Minimum Trawl Net Mesh Size. Except as authorized at 322 CMR 4.08(2)(c), all vessels fishing with trawl gear within the waters under the jurisdiction of the Commonwealth shall only possess and fish with nets that have a minimum mesh size opening that measures at least 6½ inches throughout the cod end and six inches throughout the remainder of net.~~

~~(c) Exempted Small Mesh Fisheries. To authorize commercial trawl fishermen to seasonally target valuable finfish species that cannot be caught in commercially viable quantities without the use of small mesh trawls, the following exemptions are authorized. While fishing in an exempted small mesh trawl fishery, a vessel shall not also possess nets that conform with the minimum mesh size at 322 CMR 4.08(2)(b)~~

~~1. Seasonal Small Mesh Squid Fishery. From April 23<sup>rd</sup> through June 9<sup>th</sup>, lawfully permitted vessels may fish small mesh trawls within the small mesh squid exempted area.~~

~~a. Vessels participating in this fishery must hold a CAP further endorsed for squid, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery*.~~

~~b. The seasonal mobile gear closures at 322 CMR 4.06(2)(h) and (i) apply.~~

~~c. No vessel that is in possession of small mesh trawls within the small mesh squid exempted area may possess, retain and land more than 100 pounds of winter flounder, yellowtail flounder, summer flounder or windowpane flounder, in any combination.~~

~~d. Fishery Extension. The Director may extend the seasonal small mesh squid fishery if it is determined that continued fishing with small mesh will not result in large catches of small squid less than five inches mantle length, or juvenile scup, black sea bass or summer flounder.~~

~~2. Seasonal Whiting Small Mesh Raised Footrope Trawl Fishery.~~

~~a. Area 5. From September 1<sup>st</sup> through September 30<sup>th</sup>, lawfully permitted vessels may fish with a small mesh raised footrope trawl, as defined at 322 CMR 8.06(2): *White Perch*, within Area 5, defined at 322 CMR 4.06(1).~~

~~i. Vessels participating in this fishery must hold a CAP further endorsed for whiting and North Shore mobile gear, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery*.~~

~~ii. Vessels participating in this fishery must comply with the Area 5 restrictions set forth at 322 CMR 4.06(2)(a)1.d.~~

~~b. Upper Cape Cod. From September 1<sup>st</sup> through November 20<sup>th</sup>, lawfully permitted vessels may fish with a small mesh raised footrope trawl in the Upper Cape Cod Whiting Area defined in 322 CMR 8.06(1)(a): *Area*.~~

~~i. Vessels participating in this fishery must hold a CAP further endorsed for whiting, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a).~~

~~ii. Vessels participating in this fishery must comply with 322 CMR 8.06: *Minimum Size and Possession Limits*.~~

~~c. Raised Footrope Trawl Specifications. The raised footrope trawls fished by vessels under these exemptions must comply with the trawl and sweep specifications set forth at 322 CMR 8.14(2): *Trawl Specifications*.~~

~~(d) Net Modifications.~~

~~1. No fishing vessel may use any means, device, or material, including but not limited to ropes, lines, chafing gear, liners, net strengtheners, or double nets, if it obstructs the meshes of the net or otherwise diminishes the size of meshes of the net described in 322 CMR 4.08(2).~~

~~2. All netting in trawl nets not made on a braiding machine, whether of braided or twisted twine, whether machine made or hand made, shall use only one knot, the weavers knot or sheet bend or a knot by another name, which in only a weavers knot.~~

~~3. The ends of the twine, called the bars, that exit the knot are constructed so their lay does not cross or twist.~~

~~4. One splitting strap and one bull rope (if present) consisting of line or rope no more than two inches in diameter, may be used if such splitting strap and/or bull rope does not obstruct the meshes of the net or otherwise diminish the size of meshes of the net.~~

~~5. Canvas, netting, or other material may be attached to the underside of the cod end to reduce wear and prevent damage provided that no more than 25% of the meshes are obstructed.~~

~~(5) Other Specifications for Mobile Gear Using Nets. Vessels using nets may not fish with disks, rollers or rockhoppers greater than 12 inches in diameter.~~

#### **(4) Trawl Gear General Provisions**

(a) Minimum Trawl Net Mesh Size and Method of Measurement. Except as authorized at 322 CMR 4.06(5), all vessels fishing with trawl gear within the waters under the jurisdiction of the commonwealth shall only possess fish taken with nets that have a minimum mesh size opening that measures at least 6 ½ inches throughout the cod end and 6 inches throughout the remainder of the net.

The mesh size shall be measured by the inside stretch of the net. The mesh size will be determined by the average of measurements of any series of 20 consecutive meshes. The mesh in the cod end will be measured at least 10 meshes from the lacings beginning at the after end and running parallel to the long axis.

This minimum net mesh size is measured in accordance with 322 CMR 4.06(4)(a), by using a wedge-shaped gauge having a taper of 2 centimeters (0.79 inches) in 8 centimeters (3.15 inches), and a thickness of 2.33 millimeters (0.09 inches), inserted into the meshes under a pressure or pull of 8 kilograms (17.64 pounds).

#### **(b) Trawl Net Modifications.**

1. It shall be unlawful to use any means, device, material including by not limited to ropes, lines, chafing gear, liners, net strengtheners or double nets if it obstructs the meshes of the net or otherwise diminishes the size of the meshes in the net described at 322 CMR 4.06(4)(a).

2. All trawl nets not made on a braiding machine, whether of braided or twisted twine, whether machine made or hand-made, shall use only one knot: the weavers knot. This shall include the sheet bend or knot by another name that is the weavers knot.

3. The ends of the twine, called the bars, that exit the knot are constructed so their lay does not cross or twist.

4. One splitting strap or one bull rope consisting of line or rope no more than 2 inches in diameter may be used if such splitting strap or bull rope does not obstruct the meshes of the net or otherwise diminish the sizes of the net mesh.

5. Canvas, netting or other material may be attached to the underside of the cod end to reduce wear and prevent damage provided that no more than 25% of the meshes in the cod end are obstructed.

6. It shall be unlawful to use trawl nets that utilize disks, rollers or rock-hoppers greater than 12 inches.

(5) Exempted Small Mesh Trawl Fisheries. To authorize commercial trawl fishermen to seasonally target valuable finfish species that cannot be caught in commercially viable quantities without the use of small mesh trawls, the following exemptions to 322 CMR 4.06(4) apply.

(a) Small Mesh Trawl Squid Fishery. It shall be lawful to fish with small mesh trawls for squid in accordance with the following requirements:

1. Permitting. The vessel holds a Coastal Access Permit further endorsed for Small Mesh Trawl Squid, issued in accordance with G.L. c. 130 § 80 and 322 CMR 7.01(4)(a).

2. Season. The vessel is fishing within the Small Mesh Squid Trawl Exempted Area during the period of April 23 through June 9. The Director may issue permit conditions, in accordance with G.L. c. 130 § 80 and 322 CMR 7.01(7) to extend the small mesh trawl squid fishery season.

3. Net Mesh Size and Method of Measurement. The vessel uses small mesh trawls with meshes measuring at least 1 7/8 inch diamond or square throughout the cod end.

This standard shall be applied throughout the cod end for at least 150 continuous meshes forward of the terminus of the net. For cod ends with less than 150 meshes forward of the terminus of the net, this minimum mesh size shall be applied to a minimum of 1/3 of the net measured from the terminus of the cod end to the head rope. Meshes shall be measured using a wedge-shaped gauge having a taper of 2 centimeters (0.79 inches) in 8 centimeters (3.15 inches), and a thickness of 2.33 millimeters (0.09 inches), inserted into the meshes under a pressure or pull of 5 kilograms (11.02 pounds).



**4. Modifications to Strengthen the Net.** The vessel shall not use any device, gear or material applied to the top of the trawl net, except the following:

- a. Splitting straps and or bull ropes or wire around the entire circumference of the cod end, provided these materials do not obstruct or constrict the top of the trawl net while it is being towed.
- b. Net strengtheners or net covers that do not have a mesh opening of at least 5 inches diamond or square, as measured by the methods described at 322 CMR 4.06(4)(a).
- c. A line may be used to close the opening created by the rings in the aftermost portion of the net, provided the liner extends no more than 10 meshes forward of the aftermost portion of the net, the inside webbing of the cod end shall be the same circumference or less than any strengthener and the liner is no more than 2 feet longer than any net strengthener.

**5. Catch Restrictions:**

- a. Vessels fishing with or in possession of any net that does not comply with the minimum trawl net mesh size at 322 CMR 4.06(4)(a) are prohibited from retaining, possessing or landing more than 100 pounds of winter flounder, yellowtail flounder or summer flounder, in any combination.

**(b) Area 1A and Upper Cape Cod Raised Foot Rope Trawl Fisheries for Whiting Fishery.** It shall be lawful to fish with small mesh raised footrope trawls for whiting in accordance with the following requirements:

**1. Permitting.**

- a. **Area 1A Exempted Whiting Fishery.** The vessel holds a Coastal Access Permit further endorsed for Small Mesh Trawl Whiting and North Shore Mobile Gear, issued in accordance with G.L. c. 130 § 80 and 322 CMR 7.01(4)(a).
- b. **Upper Cape Cod Whiting Fishery.** The vessel holds a Coastal Access Permit further endorsed for Small Mesh Trawl Whiting, issued in accordance with G.L. c. 130 § 80 and 322 CMR 7.01(4)(a).

**2. Season.**

- a. **Area 1A.** The vessel is fishing within Area 1A, as described at 322 CMR 4.06(2)(a)(1)(a), during the period of September 1 through September 30.
- b. **Upper Cape Cod.** The vessel is fishing within the Upper Cape Cod Whiting Area during the period of September 1 through November 20.

**3. Trawl Specifications.** The trawl used by the vessel shall conform to the gear specifications below:

a. **Minimum Net Mesh Size and Method of Measurement.** The net meshes shall measure at least 2 1/2 inch diamond or square throughout the cod end. Minimum mesh size is measured by the inside stretch of the net. Meshes shall be measured using a wedge-shaped gauge having a taper of 2 centimeters (0.79 inches) in 8 centimeters (3.15 inches), and a thickness of 2.33 millimeters (0.09 inches), inserted into the meshes under a pressure or pull of 5 kilograms (11.02 pounds).

b. **Headrope.** The trawl shall be configured with a headrope that conforms to the following requirements:

- i. The headrope is rigged with floats that measure at least 8 inches in diameter
- ii. The floats are attached along the entire length of the headrope with a maximum spacing of 4 feet between each float.

c. **Groundgear.** The trawl shall be configured with groundgear that conforms to the following requirements:

- i. All bare wire groundgear that is not larger than 1/2 inch in diameter for the top leg, 5/8 inch in diameter, or the bottom leg and not larger than 3/4 inch diameter for the ground cables.
- ii. The top legs shall be at least as long as the bottom legs.
- iii. The total length of ground cables shall not be greater than 40 fathoms (240 feet) from the trawl doors to the wing ends.

d. **Footrope.** The trawl shall be configured with a footrope that conforms to the following requirements:

- i. The footrope is longer than the headrope, but by no more than 20 feet longer than the headrope.
- ii. The footrope is rigged so it does not touch the ocean floor when towed.

e. **Drop Chains.** The trawl shall be configured with drop chains that conform to the following requirements:

- i. The drop chains are at least 42-inches in length.
- ii. The maximum size of the drop chain stock shall be 5/16 inch when a sweep is used and 3/8" when no sweep is used.
- iii. Only bare chain shall be used. The use of additional weights on the drop chains is prohibited.
- iv. Drop chains shall be hung from the center of the footrope and the corners (the junction of the bottom wing to the belly at the foot rope).

v. Drop chains shall be hung at 8 foot intervals along the footrope from the corners to the wing ends.

f. Sweep Specifications. The use of a chain sweep is not required. However, if a chain sweep is used it must conform to the following requirements.

i. The sweep shall be bare chain measuring no greater than 5/16" chain stock.

ii. The sweep shall be the same length as the foot rope.

iii. The sweep shall be attached to the ends of the drop chains and the center of the sweep must be attached to the drop chain from the center of the footrope.

iv. The points where each drop chain is attached on the sweep and the foot rope must be the same distance from the center drop chain attachments.

v. The ends of the sweeps shall be attached to the drop chains at the center of the footrope.

4. Bycatch Restrictions. The vessel does not retain, possess or land any cod, haddock, pollock, redfish, white hake, yellowtail flounder, winter flounder, American plaice, witch flounder, summer flounder, skates, monkfish, ocean pout, sculpin, sea raven, lobsters or crabs.

#### **(6) Sea Scallop Dredge Gear**

(a) Dredge Width. It shall be unlawful to possess a sea scallop dredge or retain sea scallops caught by a dredge whereby the dredge or a combination of dredges has an effective fishing width greater than 10 feet while fishing within the waters under the jurisdiction of the Commonwealth.

#### **(b) Dredge Rings**

1. Minimum Size. It shall be unlawful to possess a sea scallop dredge or retain sea scallops caught by a dredge with rings less than 4 inches.

2. Method of Measurement. The minimum ring size shall be determined by measuring the length of the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge. The measurement shall not include normal welds from ring manufacturing or links. The rings to be measured shall be at least five rings away from the mouth of the dredge and at least two rings away from the other rigid portions of the dredge.

#### **(c) Twine Top**

**1. Minimum Twine Top Net Mesh Size.** It shall be unlawful to possess a sea scallop dredge or retain sea scallops caught by a dredge using twine top with a net mesh of less than 10 inches square or diamond.

**2. Twine Top Configuration.** It shall be unlawful to configure or construct the twine top in any manner that obstructs the net mesh so that it is less than 10 inches square or diamond.

**(7) ~~(6)~~ Experimental Fisheries.** The Director may, at his or her discretion, authorize the use of non-conforming trawls. This will be done to collect data to determine if certain gear modifications may be appropriate. Permit holders must request and obtain a Letter of Authorization to participate in any authorized experimental fishery.

**(8) ~~(7)~~ Declaration of Temporary Mobile Gear Closures.** The Director may declare temporary mobile gear closures within the waters under the jurisdiction of the Commonwealth, if the Director has determined that the closure is necessary to immediately resolve gear conflicts due to high densities of fixed fishing gear or to protect high densities of molted lobsters.

**(a) Procedure for Declaring Temporary Mobile Gear Closures.** The declaration of a temporary closure is not effective until:

- 1. ~~(a)~~** It has been approved by a majority of the Marine Fisheries Advisory Commission.
- 2. ~~(b)~~** A notice of closure has been filed with the Massachusetts Register and published or posted in conspicuous places accessible to fishermen. The notice of closure must state:
  - a. ~~1.~~** a determination of need or basis for the closure;
  - b. ~~2.~~** the exact area to be closed; and
  - c. ~~3.~~** the duration during which the closure will be in effect.
- 3. ~~(c)~~** During the temporary closure the Director shall consider comments on the closure by the public or a state or federal agency. Based on these written comments the Director may alter, amend or rescind the closure in accordance with this procedure.

**(9) ~~(8)~~ Gear Retrieval.** Any vessel using mobile gear whose gear becomes entangled with ghost gear may haul said ghost gear on board for the purpose of identification and shall return the ghost gear to the rightful owner, if authorized in writing by said owner of the ghost gear.

**(10) ~~(9)~~ Prohibitions.** It shall be unlawful:

- (a) to violate any provision of 322 CMR 4.06;
- (b) for any vessel or its occupants to molest, damage, destroy, cut or deface any fixed and stable fishing gear;

(c) for any vessel or its occupants to possess any ghost gear without proper written authorization of the owner; ~~or~~

**(d) for any vessel to retain, possess or land any lobsters harvested by mobile gear within the waters under the jurisdiction of the Commonwealth.**

**(e) ~~(d)~~ to use in any manner any mobile fishing gear in or possess any fish - including finfish, shellfish or crustaceans - ~~lobsters~~, harvested from an area which has been closed pursuant to 322 CMR 4.06(8) ~~4.06(7)~~**

#### 4.10: Use of Sea Scallop Dredges

~~(1) Definitions.~~

~~Effective Fishing Width. The distance measured between the extreme outside edges of the mouth of a dredge or dredges.~~

~~Twine Top. Net material or other material on top of a scallop dredge.~~

~~(2) Dredge Width. It is unlawful to possess a sea scallop dredge or a combination of dredges with an Effective Fishing Width greater than ten feet while fishing in the waters under the jurisdiction of the Commonwealth.~~

~~(3) Dredge Rings.~~

~~(a) Minimum Ring Size. It is unlawful to possess a sea scallop dredge with rings less than four inches.~~

~~(b) Ring Size Measurement. The minimum ring size authorized for use on a sea scallop dredge shall be determined by measuring the length of the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge of the ring. The measurement shall not include normal welds from ring manufacturing or links. The rings to be measured will be at least five rings away from the mouth of the dredge and at least two rings away from other rigid portions of the dredge.~~

## 7.01: Form, Use and Contents of Permits

(4) Special Permits. The following special permits may be issued by the Director for the following activities:

(a) Regulated Fishery Permit Endorsement. In accordance with M.G.L. c. 130, §§ 2 and 80, regulated fishery permit endorsements may be added to commercial fisherman permits, issued pursuant to 322 CMR 7.01(2), to authorize the named individual and/or commercial fishing vessel to harvest, possess or land fish or shellfish or use certain fishing gear in a fishery regulated pursuant to M.G.L. c. 130, § 17A.

1. Open Access Regulated Fishery Permit Endorsements. The following regulated fishery permit endorsements may be added to commercial fisherman permits, issued in accordance with 322 CMR 7.01(2), and shall be required:

a. American Eel. For a named individual and/or vessel to commercially fish for American eels within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land American eels for commercial purposes in the Commonwealth.

b. Bay Scallop Shucking. For a named individual to shuck bay scallops onshore for commercial or non-commercial purposes.

c. **Coastal Access Permit - Purse Seine**. **A Coastal Access – Purse Seine may be issued for the use of purse seines waters under the jurisdiction of the Commonwealth excepting the waters within the Inshore Net Areas described at 322 CMR 4.02.**

d. ~~c.~~ Contaminated Surf Clam. For a named individual and/or vessel to operate a surf clam dredge in shellfish growing area designated by the Division as "PROHIBITED" and to harvest, possess or land surf clams taken from a shellfish growing area designated by the Division "PROHIBITED" for the purpose of being kept or sold as bait.

e. ~~d.~~ Fish Weir. To operate a fish weir in the waters under the jurisdiction of the Commonwealth or to harvest, possess or land fish or shellfish taken by a fish weir in the Commonwealth.

f. Inshore Net Permit. To operate net gear within the inshore net areas described at 322 CMR 4.02: *Use of Nets in Inshore Restricted Waters*. This regulated fishery permit endorsement is not required for the use of a bait net that measures less than 250 square feet.

g. Northern Shrimp. For a named individual and/or vessel to commercially fish for Northern shrimp within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land northern shrimp for commercial purposes in the Commonwealth.

h. Sea Herring. For a named individual and/or vessel to commercially fish for Atlantic sea herring within the waters under the jurisdiction of the Commonwealth, or harvest, possess or land Atlantic sea herring for commercial purposes in the Commonwealth.

i. Sea Scallop Diving. For a named individual to commercially fish for sea scallops by hand within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land sea scallops for commercial purposes that were taken by hand in the Commonwealth.

j. Sea Scallop Shucking. For a named individual and/or vessel to shuck sea scallops at-sea for commercial or non-commercial purposes.

k. Sea Urchin Diving. For a named individual to commercially fish for sea urchins by hand within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land sea urchins for commercial purposes that were taken by hand in the Commonwealth.

l. Sea Urchin Dredge. For a named individual to operate a sea urchin dredge in the waters under the jurisdiction of the Commonwealth or to harvest, possess or land any sea urchins taken by a sea urchin dredge from the waters under the jurisdiction of the Commonwealth.

m. Scup. For a named individual and/or vessel to commercially fish for scup within the waters under the jurisdiction of the Commonwealth or harvest, possess or land scup for commercial purposes in the Commonwealth.

n. Spiny Dogfish. For a named individual and/or vessel to commercially fish for spiny dogfish within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land spiny dogfish for commercial purposes in the Commonwealth.

o. Striped Bass. For a named individual and/or vessel to commercially fish for striped bass within the waters under the jurisdiction of the Commonwealth or to harvest, possess or land striped bass for commercial purposes in the Commonwealth.

p. Surface Gillnet. For named individual named individual and/or vessel to set or fish a gillnet - anchored, drifting or otherwise - that is designed to be, capable of being or is fished in the upper two-thirds of the water column. This regulated fishery permit endorsement is not required for the use of a surface gillnet that measures less than 250 square feet. A named individual and/or vessel that holds a sink gillnet regulated fishery permit endorsement shall not also hold a surface gillnet regulated fishery permit endorsement to fish surface gillnets that exceed 250 square feet.

2. Limited Entry Regulated Fishery Permit Endorsements. Commercial fisherman permits, issued in accordance with 322 CMR 7.01(2), may be endorsed with the following regulated fishery permit endorsements. Pursuant to the authority at M.G.L. c. 130, § 2, the following regulated fishery permit endorsements are limited entry and may only be renewed and transferred subject to the provisions set forth at 322 CMR 7.06. These regulated fishery permit endorsements are required for the following:



- a. Black Sea Bass. For a named individual and/or vessel to commercially fish for black sea bass within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land any black sea bass for commercial purposes in the Commonwealth.
- b. Bluefin Tuna Seine. For a named individual and/or vessel to set or fish for tuna by means of purse seine within the waters under the jurisdiction of the Commonwealth.
- c. Bluefish Gillnet. For a named individual and/or vessel to set or fish for bluefish by means of a gillnet, in accordance with 322 CMR 6.18(3): *Use of Gillnets for Taking Bluefish for Commercial Purposes*, within the waters under the jurisdiction of the Commonwealth.
- d. Coastal Access Permit. For a named individual and/or vessel to set or fish with mobile gear within the waters of the jurisdiction of the Commonwealth. Coastal Access Permits may be further endorsed for participation in exempted fisheries authorized at 322 CMR 4.06: *Use of Mobile Gear*:
  - i. Small Mesh Trawl Fishery for Whiting. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use and possession of small mesh trawls to commercially fish for whiting within certain waters under the jurisdiction of the Commonwealth.
  - ii. Small Mesh Trawl Fishery for Longfin Squid. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use and possession of small mesh trawls to commercially fish for squid within certain waters under the jurisdiction of the Commonwealth.
  - iii. North Shore Mobile Gear. A Coastal Access regulated fishery permit endorsement may be further to fish with mobile gear within the Area 5 and Area 6 exemptions to the North Shore Year Round Mobile Gear Closure.
  - ~~iv. Purse Seine. A Coastal Access regulated fishery permit endorsement may be further endorsed for the use of purse seines within the waters under the jurisdiction of the Commonwealth.~~
- e. Fish Pots. For a named individual to set or fish species-specific fish pots for black sea bass, scup or whelks within the waters under the jurisdiction of the Commonwealth, or to possess, take or land black sea bass, scup or whelks by fish pot for commercial purposes in the Commonwealth. A black sea bass or scup pot regulated fishery permit endorsement holder shall be required to also hold a black sea bass or scup regulated fishery permit endorsement to harvest, possess or land black sea bass and scup for commercial purposes in the Commonwealth.
- f. Fluke. For a named individual and/or vessel to commercially fish for summer flounder (fluke) within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land any summer flounder for commercial purposes in the Commonwealth.

g. Horseshoe Crab Harvest. For a named individual and/or vessel to commercially fish for horseshoe crabs in the waters under the jurisdiction of the Commonwealth or land horseshoe crabs for commercial purposes in the Commonwealth.

h. Menhaden. For a named individual and/or vessel to commercially fish for menhaden within the waters under the jurisdiction of the Commonwealth, or to harvest, possess or land any menhaden for commercial purposes in the Commonwealth. A menhaden regulated fishery permit endorsement is not required to commercially fish for menhaden in the Commonwealth, provided no more than 6,000 pounds of menhaden are possessed at any one time or landed within a calendar day or fishing trip, whichever period is longer.

i. Ocean Quahog and Surf Clam Dredge. For a named individual and/or a vessel to operate an ocean quahog and/or surf clam dredge or to commercially fish for, harvest, possess or land ocean quahogs or surf clams taken by ocean quahog and/or surf clam dredge gear from the waters under the jurisdiction of the Commonwealth.

j. Quahog Dredge. For a named individual and/or vessel to operate a bay quahog dredge or to commercially fish for, harvest, possess or land bay quahogs taken by bay quahog dredge gear from the waters under the jurisdiction of the Commonwealth seaward of the outer jurisdiction of coastal cities and towns to regulate shellfish pursuant to M.G.L. c. 130, § 52, as appearing on official maps of the Commonwealth prepared pursuant to M.G.L. c. 1 § 3.

k. Sink Gillnet. For a named individual or vessel to set or fish a gillnet - anchored or otherwise - that is designed to be, capable of being or is fished in the lower third of the water column in waters under the jurisdiction of the Commonwealth. Sink gillnet regulated fishery permit endorsements are not transferable. Holders of a sink gillnet regulated fishery permit may fish surface gillnets under the authority of this permit.

l. State-waters Groundfish. For a named individual or vessel to commercially fish for regulated groundfish, as defined at 322 CMR 6.03(1): *Definitions*, or to harvest, possess or land any regulated groundfish for commercial purposes taken from waters under the jurisdiction of the Commonwealth. A state-waters groundfish regulated fishery permit endorsement is not required for vessels that hold a federal multi-species groundfish or monkfish permit or for a commercial fisherman to harvest, possess and land up to 25 pounds of whole or eviscerated regulated groundfish for commercial purposes.

## 7.05: Coastal Access Permit (CAP)

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

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

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

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

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

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

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

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

(4) Permit Endorsements. The coastal access permit may be endorsed by the Director allowing the permit holder to participate in **exempted mobile gear fisheries described in 322 CMR 4.06(2) and (5).** ~~fisheries described in 322 CMR 3.02(2); North Shore Region Year-round Closure (New Hampshire Border to Winthrop) and 8.08(3) through (6).~~

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

(6) Renewals. The Director shall renew all limited entry permits for which transfers are authorized by 322 CMR 7.06, in accordance with 322 CMR 7.01, provided that renewal applications and all required catch reports are received by February 28<sup>th</sup> of each year, and the renewal process, including late renewals approved for sufficient cause, is completed prior to June 30<sup>th</sup> of each year.

(7) Forfeiture. Beginning January 1, 2000, all limited entry permits subject to 322 CMR 7.06 which are not renewed in accordance with 322 CMR 7.06(2) shall be forfeited to the Division. All forfeited permits shall be retired.

(8) Moratorium. A Coastal Access Permit will be issued only to mobile gear fishermen who renew their permits in accordance with 322 CMR 7.05(6). Purse seiners fishing for sea herring, menhaden, may apply for a Coastal Access permit exclusively for purse seining and are exempted from the moratorium.

(9) Eligibility Criteria. (Reserved)

(10) Appeals Process. (Reserved)

(11) Coastal Access Permit (CAP) Endorsements Transfer Criteria. **The transfer of Coastal Access Permit regulated fishery endorsements are authorized subject to the criteria in 322 CMR 7.06(4) and subject to the approval of the Director. ~~(Reserved)~~**

(12) Vessel Replacement.

(a) Guidelines. A Coastal Access Permit holder may change the authorized vessel listed on the permit provided that the replacement vessel's overall length does not exceed the overall length of the baseline vessel by more than 10%. Vessel length overall shall not exceed that specified in 322 CMR 7.05(13). Vessel upgrades may occur only once during any five year period. The permit holder must document his/her ownership of the authorized vessel.

(b) Exception. Coastal Access Permit holders authorized to fish a vessel that measures 45 feet or less in length overall may appeal to the Director for an exemption to exceed the allowed increases in overall length provided the upgraded vessel length does not exceed 50 feet in overall length. The Director may not grant the appeal if the vessel being replaced remains in a federal fishery using mobile gear.

(13) Vessel Length Limit.

(a) Limit. **The maximum vessel length limit for Coastal Access Permits shall be 72 feet overall length. ~~Beginning in 1995 the issuance of a Coastal Access Permit shall be limited to those fishermen who held a Coastal Access Permit in 1994 and with vessels equal to or less than 72 feet in overall length. For those vessels determined by the Director to need~~** The Director may require verification of overall length. Written certification of overall length shall be obtained by the vessel owner based on the vessel's construction plans or by a marine surveyor certified by the National Association of Marine Surveyors or accredited by the Society of American Marine Surveyors, and shall be submitted to the Director.

~~(b) Exceptions.~~

~~1. The maximum vessel length limit of 72 feet in overall length may be waived for vessels that were built in or prior to the year 1945 provided the mobile gear fisherman held a 1994 Coastal Access Permit for that vessel, and provided further that the mobile gear fisherman had not previously exercised his right to replace the vessel listed on his 1994 Coastal Access Permit. Replacement vessels shall meet the length and performance requirements effective at the time of transfer.~~

~~2. The maximum vessel length limit of 72 feet in overall length may be waived for permit holders who apply for a Coastal Access Permit exclusively for purse seining provided that the permit holder and vessel legally fished with a purse seine for menhaden, herring or mackerel in Massachusetts waters since 1995. Replacement vessels shall meet the 72 foot maximum vessel length requirement.~~

### 8.03: Vessel Length Limits

(1)Vessels greater than **72** ~~90~~-feet registered length may not conduct fishing activities in any waters under the jurisdiction of the Commonwealth.

8.06: Upper Cape Cod ~~Whiting Area and~~ Fixed Gear Free Zone

(1) Upper Cape Cod Fixed Gear-free Zone. During the period September 1<sup>st</sup> through October 31<sup>st</sup>, it shall be unlawful to set, store, or abandon traps or gillnets within those waters under the jurisdiction of the Commonwealth bound by an imaginary straight line that begins where 70° 25' west longitude intersects with the three nautical mile line, as described on NOAA Chart #13246; thence in a south southeasterly direction to where it intersects with 42° 0.59' north latitude and 70° 19.54 west longitude; thence in an east northeasterly direction to where it intersects with 42° 189' north latitude and 70° 14.77' west longitude; thence in a north northwesterly direction to where it intersects with 42° 4.71' north latitude and 70° 16.9' west longitude; thence in a east northeasterly direction to where it intersects with 42° 5.26' north latitude and 70° 14.94' west longitude; thence in a north northwesterly direction to where it intersects 70° 16.33' west longitude and the three nautical mile line, as described on NOAA Chart #13246; thence following the three nautical mile line, as described on NOAA Chart #13246, westward until it intersects with the original coordinate.

~~(1) It shall be unlawful to set, store abandon or haul any sink gillnet or trap gear during the period of September 1 through October 31 within the Upper Cape Cod Fixed Gear Free Zone. This area includes all waters under the jurisdiction of the Commonwealth encompassed by a straight line beginning at~~

~~(a) Fixed Gear free Zone. During the period September 1<sup>st</sup> through October 31<sup>st</sup>, it shall be unlawful to set, store, or abandon lobster pots in a portion of the upper Cape Cod whiting area. The closure area is defined as follows using LORAN C coordinates: beginning at the intersection of the 9960-W-13880 line with the state/federal territorial seas line; then following in a southeast direction along the aforementioned 13880 line to the intersection with the 9960-Y-44100 line; then in a northeast direction following the aforementioned 44100 line to the intersection with LORAN C 9960-W-13845 line; then in a northeast direction to the intersection with the 9960-Y-44120 line; then in a northeasterly direction along the 44120 line to the intersection with the 9960-W-13830 line; then in a northwest direction following the 13830 line to the state/federal waters line; then in a westerly direction back to the origin at the intersection of the 9960-W-13880 line and the state/federal territorial sea line.~~

~~(1) Subject to the conditions set forth in 322 CMR 8.06(1) through (3) and permit requirements in 322 CMR 7.01(4); *Special Permits* and 7.05: *Coastal Access Permit (CAP)* it is lawful to fish for whiting during September 1<sup>st</sup> through November 20<sup>th</sup> within a portion of Cape Cod Bay as defined in 322 CMR 8.06(1) and subject to the conditions in 322 CMR 8.06(2) and (3).~~

~~(a) Area. Unless otherwise authorized by 322 CMR 8.07(3), vessels fishing in Cape Cod Bay may fish for whiting only in an area enclosed by straight lines connecting the following coordinates.~~

POINT	LATITUDE	LONGITUDE
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<del>NUMBER</del>	<del>Degrees</del>	<del>Minutes</del>	<del>Degrees</del>	<del>Minutes</del>
<del>1</del>	<del>42</del>	<del>0</del>	<del>70</del>	<del>24.076</del>
<del>2</del>	<del>42</del>	<del>0</del>	<del>70</del>	<del>13.225</del>
<del>3</del>	<del>42</del>	<del>7.85</del>	<del>70</del>	<del>30.1</del>
<del>4</del>	<del>42</del>	<del>14.05</del>	<del>70</del>	<del>8.8</del>
<del>5</del>	<del>42</del>	<del>8.35</del>	<del>70</del>	<del>70</del>
<del>6</del>	<del>42</del>	<del>4.75</del>	<del>70</del>	<del>16.95</del>
<del>1</del>	<del>42</del>	<del>0</del>	<del>70</del>	<del>24.076</del>

~~(b) By catch Prohibitions. Any vessel fishing in the Upper Cape Cod Bay Whiting Area with small mesh aboard shall not possess the following species: cod, haddock, pollock, redfish, white hake, yellowtail flounder, winter flounder, windowpane flounder, American plaice and witch flounder, summer flounder, skates, monkfish, lobster, crabs, ocean pout, sculpin, and sea raven.~~

~~(c) Fixed Gear-free Zone. During the period September 1<sup>st</sup> through October 31<sup>st</sup>, it shall be unlawful to set, store, or abandon lobster pots in a portion of the upper Cape Cod whiting area. The closure area is defined as follows using LORAN C coordinates: beginning at the intersection of the 9960 W 13880 line with the state/federal territorial seas line; then following in a southeast direction along the aforementioned 13880 line to the intersection with the 9960 Y 44100 line; then in a northeast direction following the aforementioned 44100 line to the intersection with LORAN C 9960 W 13845 line; then in a northeast direction to the intersection with the 9960 Y 44120 line; then in a northeasterly direction along the 44120 line to the intersection with the 9960 W 13830 line; then in a northwest direction following the 13830 line to the state/federal waters line; then in a westerly direction back to the origin at the intersection of the 9960 W 13880 line and the state/federal territorial sea line.~~

~~(2) Trawl Specifications.~~

~~(a) Minimum codend mesh size must be at least 2.5 inches. Minimum mesh size is measured by the inside stretch of the net. Nets can consist of either square or diamond mesh.~~



~~(b) Headrope must be rigged with floats that measure at least eight inches diameter and must be attached along the entire length of the headrope with a maximum spacing between each float of four feet.~~

~~(c) Groundgear must be all bare wire not larger than ½ inch in diameter for the top leg, not larger than ⅜ inch in diameter for the bottom leg, and not larger than ¾ inch in diameter for the ground cables. The top legs must be at least as long as the bottom legs. The total length of the ground cables must not be greater than 40 fathoms from the doors to the wing ends.~~

~~(d) Footrope must be longer than the headrope, but not more than 20 feet longer than the headrope and rigged so that it does not contact the bottom while fishing.~~

~~(e) Drop Chains must be 42 inches in length or greater; maximum size drop chain stock when used with a sweep is 5/16 inch. Drop chains may be a maximum of ⅜ inch stock when no sweep is used. Only bare chain may be used; cookies or additional weights on the drop chains are prohibited. Drop chains must be hung from the center of the footrope and each corner (the quarter, or the junction of the bottom wing to the belly at the footrope). Drop chains must be hung at eight foot intervals along the footrope from the corners to the wing ends.~~

~~(f) Sweep Specifications. The raised footrope trawl may be used with a chain sweep or without a chain sweep. The sweep, if used, must be rigged in the following manner: The sweep must be bare chain the same length as the footrope. (Note: The required drop chains at the wing ends of the footrope effectively makes the sweep seven feet longer than the footrope.) The maximum size of the sweep is 5/16 inch stock chain. The sweep must be attached to the ends of the drop chains. The center of the sweep must be attached to the drop~~