



The Commonwealth of Massachusetts

Division of Marine Fisheries

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September 30, 2022

Notice of Virtual Fall Omnibus Public Hearing: Regulatory Amendments Affecting Mackerel Fishing, Recreational Tautog, Shortfin Mako, and Groundfish Maximum Retention

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 130 §§ 17A, 21, 80 and 104, the Division of Marine Fisheries (DMF) is taking public comment and holding a virtual public hearing on a series of proposed regulatory amendments to 322 CMR 4.00, 6.00, 7.00, 8.00, and 12.00 affecting commercial and recreational fisheries. Full text of the regulations may be found on [DMF's website](#) along with additional relevant background information. The proposals are as follows:

1. Atlantic Mackerel (322 CMR 6.44 and 322 CMR 7.01).
 - a. Adopt a 20-fish recreational limit for Atlantic mackerel. This limit will apply as a daily per angler harvest limit and a daily per angler possession limit while fishing. The limit will not apply to the aggregating and holding of mackerel in a freezer, fish car, or shore-based bait well. This proposal is consistent with the MAFMC's current rebuilding plan for Atlantic mackerel and federal waters limits. It also ensures Massachusetts complies with overarching federal law.
 - b. Establish a commercial regulated fishery permit endorsement for Atlantic mackerel. Permit endorsement holders will be authorized to retain, possess, and land mackerel for commercial purposes (including bait use in other commercial fisheries) in quantities that exceed the recreational limit. The endorsement will be open entry and the endorsement will be subject to an annual \$30 fee for residents and \$60 fee for non-residents on top of the cost of a commercial fishing permit.
2. Recreational Tautog Slot Limit and Trophy Fish (322 CMR 6.40). Adopt a 21" maximum size limit for the recreational tautog fishery—making a 16" to 21" slot limit—with an allowance for an angler to retain one trophy fish exceeding the 21" limit per calendar day. This proposal matches a rule enacted in Rhode Island for 2022 and would ensure Massachusetts and Rhode Island consistently manage their recreational fisheries across jurisdictions, as recommended in the interstate plan.
3. Shortfin Mako Prohibition (322 CMR 6.37). Prohibit the retention, possession, and landing of shortfin mako in the waters under the jurisdiction of the Commonwealth. An exemption would be granted for the possession and landing of shortfin mako caught legally in federal waters. This proposal is consistent with a recently approved adjustment to the federal fishing rules and ensures the state complies with the ASMFC's latest requirement for a zero-retention limit in state waters.
4. Groundfish Maximum Retention (322 CMR 4.06). Adopt a regulatory framework to accommodate the possession and landing of non-conforming sized groundfish by federal permit holders participating in the maximum retention electronic monitoring program, as well as the possession and sale of such fish by seafood dealers. This proposal is consistent with Amendment 23 to the federal Multispecies Groundfish management plan.

5. Housekeeping (322 CMR 4.00, 6.00, 7.00 and 8.00). Eliminate the term “grandfather”; replace the term “fisherman” with “fisher”; update or delete out-of-date or misprinted regulatory references and provisions; and reorganize regulatory sections.

Public Hearing and Comment Schedule

DMF will host a virtual public hearing on November 1, 2022 at 6PM to take comment on the above described draft regulations. Please register for the hearing at: <https://bit.ly/3SIIdZJv>.

DMF will also accept written public comment through 5PM on Friday, November 11, 2022. Submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov) or post (251 Causeway Street, Suite 400, Boston, MA 02114). For more information visit DMF’s website at www.mass.gov/marinefisheries.