



The Commonwealth of Massachusetts

Division of Marine Fisheries

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July 7, 2022

STATEMENT OF PERMIT CONDITIONS:

POSSESSION AND LANDING LIMIT FOR LIMITED ENTRY REGULATED ATLANTIC MENHADEN PERMIT ENDORSEMENT HOLDERS DURING REOPENING OF 2022 QUOTA MANAGED FISHERY

On June 21, 2022, the Division of Marine Fisheries (DMF) closed the 2022 quota managed commercial menhaden fishery, as the commercial fishery harvested 100% of the state's initial 5.42 million-pound quota. Then on June 23, 2022, upon approval of the Atlantic States Marine Fisheries Commission (ASMFC), Massachusetts entered into the 2022 Episodic Event Set Aside (EESA) program. The EESA program is a provision of the interstate fishery management plan that sets aside 1% of the annual coastwide commercial quota for the northeast states' (ME-NY) shared use should they utilize their initial available state-specific quotas and high abundances of menhaden remain in their waters. On July 7, 2022, the ASMFC indicated the 2022 EESA had been landed and DMF closed Massachusetts ESSA fishery.

Massachusetts has subsequently obtained ASMFC-approved transfers of unused commercial quota from other Atlantic coastal states. These quota transfers enable DMF to reopen the quota managed fishery for menhaden on Monday, July 11, 2022. Reopening this fishery allows industrial-scale commercial menhaden fishing to continue in order to meet local bait demand. Doing so also reduces the harvest of menhaden that would otherwise occur under the 6,000-pound trip limit provided by the Incidental Catch and Small-Scale Fishery Allowance, which is not accountable to the coastwide total allowable catch.

In aggregate, DMF obtained 2.38 million pounds of quota transfers from six states, resulting in a transfer-adjusted quota of approximately 7.8 million pounds. As a result, more than 85% of the transfer-adjusted quota will be available when the limited entry quota managed fishery reopens on July 11, 2022. Under existing regulations at 322 CMR 6.43(4)(a)(1)(a), the commercial trip limit would therefore be 125,000 pounds. However, this Statement of Permit Conditions establishes a more restrictive trip limit of 25,000 pounds for all regulated fishery menhaden permit endorsement holders. This more conservative approach is being implemented to utilize the available menhaden quota in a manner that allows the fishery to operate over a more extended duration of time and to better meet local demand for fresh bait.

In accordance with the authority at G.L. c. 130, §80 and 322 CMR §7.01(7), this Statement of Permit Conditions applies to all 2022 Limited Entry Regulated Fishery Permit Endorsements for Atlantic Menhaden. Effective Monday, July 11, 2022 all Atlantic menhaden permit endorsement

holders participating in the quota managed fishery for Atlantic menhaden are subject to the permit condition enumerated below:

- 1. All commercial fishermen fishing under the authority of a limited entry regulated fishery menhaden permit endorsement may retain, possess, and land up to 25,000 pounds of menhaden during any trip or 24-hour day, whichever period of time is longer, while participating in the 2022 quota managed fishery for Atlantic menhaden. The 125,000-pound limit as set forth at 322 CMR 6.43(4)(a)(1)(a) shall not apply.**

Except as explicitly provided herein, this Statement of Permit Conditions does not exempt the permit holder from any marine fishery laws or regulations of the Commonwealth or other existing permit conditions set forth by DMF.

Unless otherwise notified or sooner revoked for cause, this Statement of Permit Conditions shall remain in effect until DMF projects 100% of Massachusetts' 2022 adjusted commercial menhaden quota has been taken and the quota managed fishery is closed. The Director may amend this Statement of Permit Conditions at any time. Any amendments shall become effective upon written notice. Violation(s) of any condition or restriction as contained herein shall result in an adjudicatory hearing to suspend or revoke the commercial fisherman permit, as well as any other fines and penalties provided in G.L. c.130.

This written authorization and the applicable 2022 Massachusetts' commercial fishing permit and regulated fishery permit endorsement for menhaden shall be onboard the vessel at all times while participating in the quota managed fishery for menhaden.

Effective Date: July 11, 2022

By: 

Daniel J. McKiernan, Director