

**Proposed Draft Regulations**  
**Amendments to Commercial Quota Managed Species Regulations and Regulatory Housekeeping**

6.18: Bluefish Limits (~~Pomatomus Salatrix~~)

(2) Commercial Bluefish Catch Limits. ~~For the period January 1 through December 31, it is unlawful for commercial fishermen to land or possess more than 5,000 pounds of bluefish, per calendar day or per trip, whichever period of time is longer. Holders of valid commercial fishermen permits may sell bluefish to licensed dealers only.~~

a. Minimum Size. It shall be unlawful for a commercial fisherman to retain, possess, or land a bluefish less than 18 inches in total length.

b. Trip Limit. It shall be unlawful for a commercial fisherman to retain, possess, or land more than 5,000 pounds of bluefish, per calendar day or per trip, whichever period of time is longer.

c. Quota Closure. It shall be unlawful for a commercial fisherman to retain, possess, or land bluefish once the Director has determined 100% of the bluefish quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

6.19: Edible Crab Management

(7) **Management of Recreational *Cancer* Crab Fishery** ~~Possession Limits for Recreational Fishermen. It shall be unlawful for a recreational fisherman to take, possess or land more than 50 *Cancer* crabs per calendar day or possess more than 50 *Cancer* crabs while fishing. This limit shall not apply to any fisherman who has obtained rock crabs from lawfully permitted dealers for the purpose of use as bait.~~

a. **Possession Limits.** It shall be unlawful for a recreational fisherman to take, possess or land more than 50 *Cancer* crabs per calendar day or possess more than 50 *Cancer* crabs while fishing. This limit shall not apply to any fisherman who has obtained rock crabs from lawfully permitted dealers for use as bait.

b. **Restrictions on the Use of Traps.** A recreational fisherman may use traps to catch *Cancer* crabs provided the traps used to take or attempt to take *Cancer* crabs comply with the recreational lobster trap restrictions at 322 CMR 6.02(3).

## 6.22: Summer Flounder (Fluke) Restrictions

(1) Definitions. For the purposes of 322 CMR 6.22, the following terms shall have the following meanings.

Commercial Fisherman means fishermen fishing for purposes of sale, barter, or exchange.

Land means to transfer or attempt to transfer the catch of summer flounder from any vessel to any other vessel or onto any land, pier, wharf, dock or other artificial structure, or for a fishing vessel with any summer flounder onboard to tie-up to any pier, wharf, dock, or artificial structure.

~~Longline means any fishing gear having a single weighted main line set along the ocean bottom to which many gangions or leaders (short line sections) are attached with each one ending with a baited hook.~~

~~Possession Limits. For purposes of 322 CMR 6.22, all possession limits shall be per trip or per 24 hour day, whichever is the longer period of time, except where noted otherwise, and shall be vessel limits, regardless of the number of commercial fishermen with fluke special permits onboard said vessel.~~

Period I means the commercial fishery for summer flounder occurring between January 1 and April 22.

Period II means the commercial fishery for summer flounder occurring between April 23 and December 31.

Quota means the Commonwealth's ~~6.8%~~ share of the annual commercial summer flounder quota adopted by the Atlantic States Marine Fisheries Commission.

Recreational Fisherman means fishermen fishing for purposes of personal or family use by angling.

Summer Flounder means fluke or that species of fish known as *Paralichthys dentatus*.

(2) Commercial Fishery.

(a) Minimum Size. It shall be unlawful for any commercial fisherman to land or possess summer flounder less than 14 inches in total length.

(b) Seasonal Quota Allocations. **Annually**, the ~~annual~~ quota shall be split with a target allocation of **50%** ~~30%~~ to the Period I fishery and **50%** ~~70%~~ allocated to the Period II fishery ~~that occurs from April 23 through December 31~~. Any unused portion of the quota from Period I may be re-allocated to Period II. Overharvest of either period allocation may be deducted from the corresponding period in the following year.

(c) Period I (January 1 through April 22).

1. From January 1 through April 22, **or until 45%** ~~or until 25%~~ of the ~~annual~~ quota has been reached, **whichever occurs sooner**, it shall be unlawful for any commercial fisherman to retain, possess or land any summer flounder using any gear other than nets. During this period, fishermen using nets may ~~retain~~,

~~possess or~~ land up to **2,500 1,000** pounds of summer flounder during any calendar day or trip, whichever period **of time** is longer.

2. Once ~~25%~~ **45%** of the ~~annual~~ quota has been reached, it shall be unlawful for any commercial fisherman using nets to retain, possess or land more than 100 pounds of summer flounder during any calendar day or trip, whichever period **of time** is longer.

**3. Vessels landing in Massachusetts may possess summer flounder in quantities exceeding the limits at 322 CMR 6.22(2)(c)(1) and (2), provided the non-conforming fish is to be landed in another state, is clearly labeled identifying the state it is to be landed in, and it remains on the vessel while the Massachusetts limit is being landed.**

**(d) Period II (April 23 through December 31).**

**1. From April 23 – August 31 it shall be unlawful for a commercial fisherman to retain, possess, or land:**

**a. more than 500 pounds of summer flounder caught with nets during any trip or calendar day, whichever period of time is longer.**

**Exception: Any vessel fishing with trawl gear and in the possession of squid may not retain, possess, or land more than 100 pounds of summer flounder during any trip or calendar day, whichever period of time is longer.**

**b. more than 300 pounds of summer flounder when fishing with hook and line gear during any trip or calendar day, whichever period of time is longer.**

**2. Provided more than 25% quota remains available on September 1, during the period of September 1 – October 9, it shall be unlawful for a commercial fisherman to retain, possess, or land more than 600 pounds of summer flounder. If less than 25% of the quota remains on September 1, the limits provided at 322 CMR 6.22(2)(d)(1) shall apply.**

**3. From October 10 – December 31 it shall be unlawful for any commercial fisherman to retain, possess, or land:**

**a. more than 2,500 pounds of summer flounder during any calendar day or trip, whichever period of time is longer, if more than 15% of the quota remains available on October 10; or**

**b. more than 1,000 pounds of summer flounder during any calendar day or trip, whichever period of time is longer, if less than 15% of the quota remains available on October 10.**

~~**1. April 23 through June 9. During this period, it shall be unlawful for any commercial fisherman to retain, possess or land:**~~

~~a. more than 100 pounds of summer flounder caught with nets or longlines during a 24-hour day.~~

~~b. any summer flounder caught with handlines or rod and reel.~~

~~2. June 10 through October 31. During this period, it shall be unlawful for any commercial fisherman to retain, possess or land:~~

~~a. any summer flounder on Fridays or Saturdays;~~

~~b. more than 400 pounds of summer flounder when fishing with nets;~~

~~c. more than 250 pounds of summer flounder when fishing with hook and line gear.~~

~~3. November 1 through December 31. During this period, it shall be unlawful for any commercial fisherman to retain, possess or land:~~

~~a. more than 1,000 pounds of summer flounder during any calendar day or trip, whichever period of time is longer, provided at least 5% of the annual quota remains available to harvest on November 1.~~

~~b. more than 500 pounds of summer flounder during any calendar day or trip, whichever period of time is longer, if 5% or less of the annual quota remains available to harvest on November 1.~~

(e) Quota Closure. It shall be unlawful for any commercial fisherman to retain, possess, or land summer flounder once the Director has determined that 100% of the ~~annual~~ commercial summer flounder quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

(f) Vessel Limits. All possession limits ~~set forth at 322 CMR 6.22(2)~~ shall be applied to the vessel per calendar day **or per trip, whichever period of time is longer, and** regardless of the number of commercial fishing permits or letters of authorization carried onboard the vessel. ~~The landing/possession limits described in 322 CMR 6.22(2) shall apply to any vessel involved in the commercial summer flounder fishery, regardless of the number of commercial fishermen with summer flounder special permits onboard said vessel.~~

(g) Landing Prohibition. It is unlawful for any commercial fisherman to land or possess summer flounder from 8:00 P.M. through 6:00 A.M.

(h) Inspection. Commercial fishermen shall keep all summer flounder separate from the rest of the vessel's catch and readily available for immediate inspection by the **Office of** ~~Division of Environmental~~ Law Enforcement.

(i) Requirements for Dealers. All dealers authorized as primary buyers permitted in accordance with M.G.L. c. 130, 322 CMR 7.01(3): Dealer Permits and 322 CMR 7.07: Dealers Acting as Primary Buyers shall obtain a federal dealer permit from the National Marine Fisheries Service to purchase **summer flounder fluke**

directly from commercial fishermen during the Period I commercial **summer flounder fluke** fishery.

## 6.28: Black Sea Bass Fishery Management

### (2) Commercial Fishery Management.

(a) Permit Requirements. A regulated fishery black sea bass permit endorsement or black sea bass pot endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement, is required to sell, **barter, or exchange** black sea bass or to fish for, retain, possess or land black sea bass in accordance with the black sea bass commercial fishery regulations at 322 CMR 6.28(2).

(b) Minimum Size. It is unlawful for any commercial fisherman or dealer to possess black sea bass less than 12 inches in total length, not including the tail tendril.

(c) Possession and Landing Limits. It shall be unlawful for any commercial fisherman to retain, possess, land or sell, **barter, or exchange** black sea bass, except as authorized at 322 CMR 6.28(2)(c)1. through 5.:

1. Winter Catch Allowance. From January 1 through March 31, it shall be unlawful for a commercial fisherman to possess or land more than 100 pounds of black sea bass.

2. Weirs. From April 1 through December 31, commercial fishermen permitted in accordance with 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement to operate a fish weir, shall not be subject to daily possession limits or closed commercial fishing days for black sea bass caught in fish weirs. The weir fishery shall close when all permitted weir fishermen have combined to land 24,000 pounds of black sea bass or the commercial black sea bass quota is taken and the fishery is closed in accordance with 322 CMR 6.28(2)(c)6.

3. Black Sea Bass Bycatch Allowance for Trawlers. **Beginning on April 23, commercial fishermen using trawl gear may retain, possess, or land up to 100 pounds of black sea bass during any calendar day or trip, whichever period of time is longer.**

~~a. Small Mesh Trawl Squid Fishery. During the small mesh trawl squid fishery, as established at 322 CMR 4.06(5)(a): Small Mesh Trawl Squid Fishery, commercial fishermen permitted in accordance with 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement to fish with small mesh trawls for squid and retain black sea bass may retain, possess and land up to 100 pounds of black sea bass per calendar day or trip, whichever period is longer. When the small mesh trawl fishery for squid closes or once aggregate landings by trawlers have combined to land 50,000 pounds of black sea bass, whichever occurs first, it shall be unlawful for trawl fishermen to possess black sea bass until the directed Period II trawl fishery for summer flounder, managed in accordance with 322 CMR 6.22(2)(d)(2), opens on June 10.~~

~~b. Summertime Summer Flounder Trawl Fishery. Beginning on June 10, commercial fishermen permitted in accordance with 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement to fish with~~

~~trawls and retain black sea bass may retain, possess, and land up to 100 pounds of black sea bass on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays during the Period II summer flounder fishery, as set forth at 322 CMR 6.22(2)(d)(2).~~

4. Summertime Black Sea Bass Pot Fishery. ~~During the period~~

a. Beginning on ~~July 1~~ **July 8**, commercial fishermen permitted to fish black sea bass pots may retain, possess, and land up to **500** ~~400~~ pounds of black sea bass ~~on Sundays, Tuesdays, and Thursdays.~~ during any calendar day or trip, whichever period of time is longer. Fridays and Saturdays shall be closed to commercial fishing for black sea bass with black sea bass pot gear, and the retention, possession, and landing of black sea bass taken by pot gear is prohibited on Fridays and Saturdays.

b. Beginning on October 1, if more than 10% of the quota remains, commercial fishermen permitted to fish black sea bass pots may retain, possess, and land up to 600 pounds of black sea bass during any calendar day or trip, whichever time period is longer.

5. Other Gear Types. ~~During the period~~

a. Beginning on ~~July 1~~ **July 8**, commercial fishermen using all other authorized gear types including, but not limited to, hook and line, may retain, possess, and land up to **250** ~~200~~ pounds of black sea bass ~~on Sundays, Tuesdays, and Thursdays.~~ during any calendar day or trip, whichever period of time is longer. Fridays and Saturdays shall be closed to commercial fishing for black sea bass with these gears, and the retention, possession, and landing of black sea bass taken by these gears is prohibited on Fridays and Saturdays.

b. Beginning on October 1, if more than 10% of the quota remains, commercial fishermen permitted to fish black sea bass pots may retain, possess, and land up to 300 pounds of black sea bass during any calendar day or trip, whichever period of time is longer.

6. Quota Closure. It shall be unlawful for commercial fishermen to **retain**, possess, or land black sea bass once the Director has determined that 100% of the annual commercial black sea bass quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).



### 6.35: Spiny Dogfish Management

(1) **Definitions.** For the purposes of 322 CMR 6.35 **the following terms shall have the following meanings:**

Fin or Finning means the act of taking a spiny dogfish and removing the fins.

Night means the time between ½ hour after sunset to ½ hour before sunrise during the period March 1 through October 31 or from 6:00 P.M. to 6:00 A.M. during the period November 1 through the last day of February.

Spiny Dogfish means that species of fish known as *Squalus acanthias*.

Spiny Dogfish Commercial Quota means the allowable annual commercial harvest of spiny dogfish, as specified by the Atlantic States Marine Fisheries Commission under the authority of the interstate and federal management plans.

(2) Permit. A regulated fishery permit endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement shall be required of all commercial fishermen taking or landing spiny dogfish in accordance with 322 CMR 6.35.

(3) Dealer Authorization. It is unlawful for dealers, without written authorization from the Director, to purchase spiny dogfish from commercial fishermen.

(4) Dealer Reporting. Dealers shall report all purchases of spiny dogfish by phone and in writing based on schedules established and on forms to be provided by the Division.

(5) Possession Limit. It shall be unlawful for commercial fishermen to possess or land more than **7,500 6,000** pounds of spiny dogfish during any trip or calendar day, whichever period of time is longer. To the extent that it is required by the Atlantic States Marine Fisheries Commission or the National Marine Fisheries Service, the Director may adjust the manner and times of taking spiny dogfish, the legal size of spiny dogfish to be taken, and the quantities of spiny dogfish to be taken in accordance with the authority and procedure set forth at 322 CMR 6.41(2) to make commercial fishery limit adjustments for quota managed species.

(6) Quota Closure. ~~Commercial Quota.~~ It shall be unlawful for a commercial fisherman to retain, possess, or land spiny dogfish once the Director has determined 100% of the spiny dogfish commercial quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c). ~~is unlawful for commercial fishermen to land or possess spiny dogfish when the Director projects that 100% of the Commonwealth's spiny dogfish commercial quota is taken and the fishery is closed through a Declaration of Closure, issued in accordance with 322 CMR 6.41(2).~~

(7) Prohibitions. It is unlawful for any person while at sea to fin a spiny dogfish or to possess spiny dogfish fins.

6.41: The Further Regulation of Possession and Size Limits

(3) Recreational Fishing.

(c) Liability for Violations Onboard For-hire Recreational Vessels. With respect to recreational for-hire fishing operations permitted in accordance with 322 CMR 7.10(5): Permit Requirements Applicable to For-hire Vessels, an individual patron, as well as the named for-hire permit holder or for-hire vessel operator, may each be held liable for any violations of recreational size, possession or daily bag limits established at 322 CMR that are attributable to the patron fishing onboard the for-hire recreational fishing vessel. ~~In enforcing this provision, law enforcement officers may exercise their discretion on whether to cite the named for-hire permit holder or for-hire vessel operator for such violations in instances where the best industry practices required by 322 CMR 7.10(5) have been used on the for-hire vessel.~~

6.43: Atlantic Menhaden Management

(4) Commercial Fishing Limits.

(a) Quota Managed Fishery.

1. Limited Entry Fishery. Commercial fishermen who have been issued a regulated Atlantic menhaden fishery permit endorsement, in accordance with 322 CMR 6.43(3) and 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement, shall adhere to the following trip limits:

a. Until the Director declares that 85% of the commercial menhaden quota has been landed, it shall be unlawful to possess or land more than 125,000 pounds of menhaden in the coastal waters of the Commonwealth per trip or calendar day, whichever **period of time duration** is longer; and

b. Once the Director has declared that 85% of the commercial menhaden quota has been landed, it shall be unlawful to possess or land more than 25,000 pounds of menhaden in the coastal waters of the Commonwealth per trip or calendar day, whichever **period of time duration** is longer.

2. Open Access Fishery. Commercial fishermen who have not been issued a regulated Atlantic menhaden fishery permit endorsement in accordance with 322 CMR 6.43(3) and 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement may participate in an open access fishery for menhaden. For commercial fishermen participating in this fishery, it shall be unlawful to retain, possess, land, sell, **barter, or exchange** or offer for sale, **barter, or exchange** more than 6,000 pounds of Atlantic menhaden per trip or calendar day, whichever **period of time duration** is longer.

3. Season. Prior to June 1, the possession, retention, and landing of menhaden in excess of the open access fishery limit at 322 CMR 6.43(4)(a)2. is prohibited. This prohibition shall not apply to the possession, retention, or landing of menhaden caught in lawfully-set fisher weirs by a commercial fisherman with a fish weir regulated fishery permit endorsement issued by the Director pursuant to 322 CMR 7.01(4)(a).

4. ~~3.~~ Quota Closure. Except as provided at 322 CMR 6.43(4)(b) and (c), it shall be unlawful to catch, ~~and~~ retain, or land Atlantic menhaden once the Director has **declared determined** that 100% of the **menhaden** quota has been **reached harvested**. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

### 7.03: Coastal Lobster Permit and Trap Allocation Transfer Programs

(2) Definitions. For the purposes of 322 CMR 7.03, the following words shall have the following meanings.

Actively Fished means landing and selling at least 1,000 lbs. of lobster or landing and selling lobster on at least 20 occasions, in a single year.

Allocation Transferee means the holder of a commercial lobster permit to whom a transfer of trap allocation is made.

**Owner operator means that the named individual listed on the coastal lobster permit must be onboard the vessel when commercial fishing is occurring and present at the time of primary purchase.**

Permit Holder means a holder of a coastal commercial lobster permit endorsed for either LCMAs 1, 2 or OCC.

Permit Transferee means the person to whom a commercial lobster permit is transferred who must document that he or she has at least one year of full-time or equivalent part-time experience in the commercial lobster trap fishery or two years of full-time or equivalent part-time experience in other commercial fisheries, according to criteria developed by the Division.

Transfer Trap Debit means the area-specific percentage of each allocation transfer transaction retained by the Division for conservation purposes as defined by the Division and subject to criteria developed by the Division, and not restricted by the Director under his authority to condition permits.

#### 7.04: Commercial Fisheries Control Date

(1) Purpose. The purpose of 322 CMR 7.04 is to provide the Director and Marine Fisheries Advisory Commission with time to develop further access controls in certain commercial fisheries, including moratoria and limited entry, without the Director and Commission having to deal with large numbers of applicants attempting to enter the fisheries before access is restricted or denied. The implementation of the control date on an emergency basis is necessary to prevent a surge of applicants for licenses into fisheries for which the Director and the Commission may decide to restrict access in the future.

#### (2) Control Dates.

(a) Mobile Gear. After April 2, 1992, any person issued a commercial fisherman's permit to conduct any fishery using gillnets or trammel nets, or any mobile 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, otter trawls, beam trawls, pair trawls, mid-water trawls, Scottish seines, Danish seines, pairseins, or sea scallop dredges, excluding purse seines and shellfish dredges, within waters under the jurisdiction of the Commonwealth, will not be assured of future access to or participation in these fisheries if a management regime is developed and implemented that limits the number of participants in these fisheries.

(b) Hook Gear. After March 6, 2008, any person issued a new commercial fisherman's permit to conduct any fishery using hook-and-line, longline, or handgear within waters under the jurisdiction of the Commonwealth, excluding the commercial striped bass fishery, may be subject to eligibility criteria for determining levels of future access to and allowable harvest of these fisheries. Future entry into such fisheries may be based on historic harvest levels of a vessel, person, or other criteria established by the Director.

(c) Spiny Dogfish. After November 6, 2008, any person issued a new regulated fishery endorsement for spiny dogfish may be subject to eligibility criteria for determining levels of future access to and allowable harvest of this fishery. Future entry into such fisheries may be based on historic harvest levels of the permit holder.

(d) Striped Bass. **Access into the commercial striped bass fishery may be limited in the future. Decisions to limit access may be based on permitting history, landings, or other activity criteria established by the Director. Commercial fishermen are hereby notified that any person obtaining a new regulated fishery permit endorsement for striped bass after June 14, 2022 or any person who did not have a certain level of landings prior to June 14, 2022 may not be provided future access to this fishery or may be subject to eligibility criteria for determining levels of future access and allowable harvest in this fishery. ~~Any person who did not hold a regulated fishery permit endorsement on September 8, 2013 may not be provided future access into this fishery and may be subject to eligibility criteria for determining levels of future access to and allowable harvest in this fishery. Future access may be based on historic landings of a vessel or person, or other criteria established by the Director.~~**

(e) Tautog. Any person who did not report the lawful landing or selling of tautog under the authority of the commercial fisherman permit prior to August 28, 2017 may not be provided future access into this fishery and may be subject to eligibility criteria for determining levels of future access to and allowable harvest in this fishery. Future access

may be based on historic landings of a vessel or by a person, or other criteria established by the Director.

(f) Groundfish Endorsement. After December 31, 2018, any person issued a state-waters groundfish endorsement may be subject to eligibility criteria for determining future access to or participation in this regulated fishery. Such eligibility criteria may include historic landings of a vessel, a person or other criteria to be established by the Director.

## 7.06: Limited Entry Permits

### (1) Definitions.

Black Sea Bass means that species of fish known as *Centropristes striata*.

**Black Sea Bass Fishery Permit Endorsement** means those limited entry regulated fishery permit endorsements issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 322 CMR 7.06, that authorize commercial fishing for black sea bass in accordance with the regulations set forth at 322 CMR 6.28.

Black Sea Bass Pot Regulated Fishery Permit Endorsement means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 7.06, that authorize a named individual to use black sea bass pots, as defined at 322 CMR 6.12(1): Definitions, for the taking of black sea bass for commercial purposes.

**Bluefish Gillnet Permit Endorsement** means those limited entry regulated fishery permit endorsements issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 322 CMR 7.06, that authorize commercial fishing with a bluefish gillnet in accordance with the regulations set forth at 322 CMR 6.18.

Coastal Access Permit means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130 §§ 2 and 80, and 322 CMR 7.01, 7.05 and 7.06, that authorize the permit holder to use mobile gear in the waters under the jurisdiction of the Commonwealth.

Coastal Commercial Lobster Permit means the commercial fisherman permit, issued and managed pursuant to M.G.L. c. 130, §§ 2, 37 and 38, and 322 CMR 7.01(2) and 7.03, that authorizes a named individual to fish for, possess and land lobsters and finfish taken from the waters under the jurisdiction of the Commonwealth for commercial purposes.

Conch Pot Regulated Fishery Permit Endorsement means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 7.06, that authorize a named individual to use conch pots, as defined at 322 CMR 6.12(1): Definitions, for the taking of whelks for commercial purposes.

Director means the Director of the Division of Marine Fisheries.

Fish Pot Regulated Fishery Permit Endorsement means those limited entry regulated fishery permit endorsements for black sea bass pots, scup pots and conch pots, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 7.06.

Immediate Family Member means the legal father, mother, wife, husband, sister, brother, son, daughter, grandparent or grandchild.

Limited Entry Regulated Fishery Permit Endorsement means any regulated fishery permit endorsement that is issued, pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a), and is limited in distribution to renewals only and may be transferred in accordance with this section. Limited entry regulated fishery permit endorsements include, but are not limited to: Atlantic menhaden; black sea bass; black sea bass pots; bluefish gillnets; bluefin tuna seines; coastal

access permits; conch pots, fluke, horseshoe crabs, sink gillnets; ocean quahog, scup pots, state-waters groundfish, surf clams, **tautog**, and quahog dredges.

**Menhaden means that species of fish known as *Brevoortia tyrannus*.**

**Menhaden Regulated Fishery Permit Endorsement means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 322 CMR 7.06, that authorize a named individual to commercially fish for menhaden in accordance with the regulations set forth at 322 CMR 6.43.**

**Owner-operator means that the named individual listed on the limited entry regulated fishery permit endorsement must be onboard the vessel **when commercial fishing is occurring and present at the time of primary purchase** ~~when commercial fishing is being conducted under the authority of that limited entry regulated fishery permit endorsement.~~**

**Regulated Fishery Permit Endorsement means any required special permit, issued in accordance with M.G.L. c. 130, § 80, and 322 CMR 7.01(4)(a), for a fishery, gear type or fishing activity regulated by the Director in the form of an endorsement to the commercial fishing permit.**

**Scup means that species of fish known as *Stenotomus chrysops*.**

**Scup Pot Regulated Fishery Permit Endorsement means those regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 7.06, that authorize a named individual to use scup pots, as defined at 322 CMR 6.12(1): Definitions, for the taking of scup.**

**Tautog means that species of fish known as *Tautoga onitis***

**Tautog Regulated Fishery Permit Endorsement means those limited entry regulated fishery permit endorsements, issued and managed pursuant to M.G.L. c. 130, §§ 2 and 80, and 322 CMR 7.01(4)(a) and 322 CMR 7.06, that authorize commercial fishing for tautog in accordance with the regulations set forth at 322 CMR 6.40.**

**Whelk means those species known as *Busycon carica* (knobbed whelk) and *Busycotypus canaliculatus* (channeled whelk).**

(2) **Renewal of Limited Entry Regulated Fishery Permit Endorsements.** Annual applications for the renewal of limited entry regulated fishery permit endorsements, which shall include any catch reports or other documentation required by any provision of M.G.L. c. 130, and 322 CMR must be post marked or otherwise marked with the date of receipt by the Division of Marine Fisheries no later than 12:00 A.M. on the last day of February. Renewal applications not post marked or otherwise received by the Division of Marine Fisheries by this deadline may be denied and returned to the applicant. Limited entry regulated fishery permit endorsements that are not post marked or received by the Division of Marine Fisheries prior to 12:00 A.M. on the last day of February may **not** be approved by the Director.

(3) **Retiring of Limited Entry Regulated Fishery Permit Endorsements.** All limited entry regulated fishery permit endorsements that are not renewed in accordance with 322 CMR 7.06(2) are automatically forfeited to the Division of Marine Fisheries. All forfeited limited entry regulated fishery permits are retired.

(4) **Transfers of Limited Entry Regulated Fishery Permit Endorsements.**



(a) Transfer Eligibility Criteria. Limited entry regulated fishery permit endorsements are nontransferable, unless approved by the Director. The Director may approve the transfer of a limited entry regulated fishery permit endorsement subject to the following criteria:

1. The holder of the limited entry regulated fishery permit endorsement is in good standing with the marine fisheries laws and regulations at M.G.L. c. 130, and 322 CMR.
2. The limited entry regulated fishery permit endorsement has been actively fished during four of the last five years, as evidenced by commercial fisherman catch reports and SAFIS dealer reports. Final determination of active fishing shall be specified in written policy provided by the Director.
3. If a permit holder transfers a limited entry regulated fishery Coastal Access Permit endorsement or a Coastal Lobster Permit other limited entry regulated fishery permit endorsements held in conjunction with that permit or permit endorsement may be transferred as part of that transaction, at the request of the permit holder and with approval of the Director.

(b) Transferee Eligibility Criteria.

1. Fish Pot Regulated Fishery Permit Endorsements. To be eligible to obtain a transferable limited entry regulated fishery fish pot permit endorsement, the transferee must document that he or she has one year full-time or the equivalent part-time commercial fishing experience in a commercial pot fishery or two-year full-time or the equivalent part time commercial fishing experience in another commercial fishery, as determined by the Director.
2. All Other Limited Entry Regulated Fishery Permit Endorsements. To be eligible to obtain any limited entry regulated fishery permit endorsement, other than a limited entry regulated fishery fish pot permit endorsement, the transferee must document that he or she has one year full-time or the equivalent part-time commercial fishing experience in a commercial fishery, as determined by the Director.

(c) Exceptions to Transfer Eligibility Criteria.

1. The actively fished performance criteria established at 322 CMR 7.06(4)(a)2. may be waived in instances of a posthumous transfer; a recent disability to the permit holder; or for persons on active military duty, provided that the limited entry regulated fishery permit endorsement was fished four out of the five years preceding the death, disability or military duty. In the case of disability there must be a signed statement from a physician that verifies that the disability prevents the permit holder from fishing. Final determination of active fishing shall be specified in written policy provided by the Director.
2. The experience criteria at 322 CMR 7.06(4)(b) may be waived for posthumous transfers to immediate family members.

(d) Restrictions.

1. Transfers shall involve the sale or transfer of fishing-related business assets.

2. Transfers may be denied if any evidence of fraud is found, or if the Director determines that the transfer is not in the best interests of the Commonwealth.

e) Restrictions Specific to the Coastal Access Permit.

1. Coastal Access Permits are authorized for use on a specific vessel. If the Coastal Access Permit is to the recipient of a transfer, the vessel that is authorized may be either the same vessel as the original permit holder or another vessel that does not exceed by more than 20% the horsepower of the original vessel, nor exceed by more than 10% the length overall, gross registered or net tonnage of the original vessel for which the Coastal Access Permit was issued. Vessel length overall shall not exceed that specified in 322 CMR 7.05(13).

2. No person or corporation may hold more than 5% of the existing Coastal Access Permits issued by DMF.

3. The recipient of a transfer, after obtaining a permit, may not transfer the permit until he or she has fished said permit for two years. This requirement may be waived in instances of a posthumous transfer, a recent disability to the permit holder, or active military duty, provided the performance criteria at 322 CMR 7.06(4)(a)2. were met before death, disability or military service occurred.

(5) Owner-operator Requirements. All Fish Pot Regulated Fishery Permit Endorsements and Menhaden Regulated Fishery Permit Endorsements are issued to a named individual who shall be the owner-operator of that commercial fishing business. This requirement may be waived by means of a letter of authorization from the Director for:

(a) immediate family;

(b) active military duty; or

(c) for up to two years for good cause, including death or disability to the permit holder, subject to annual renewal. In all instances, the performance criteria at 322 CMR 7.06(4)(a)2. shall be met prior to the request for a letter of authorization.