



David E. Pierce  
Acting Director

# Commonwealth of Massachusetts

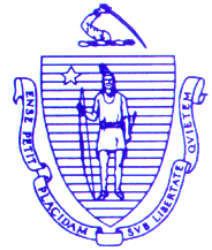
## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617) 626-1520

fax (617) 626-1509



Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

George N. Peterson, Jr.  
Commissioner

Mary-Lee King  
Deputy Commissioner

July 1, 2015

### Marine Fisheries Advisory

#### **REMINDER: Regulations pertaining to the commercial sale of striped bass caught during for-hire trips**

Last year, *Marine Fisheries* implemented new regulations affecting the commercial sale of striped bass caught during for-hire trips. The following regulations at [322 CMR 6.07\(5\)\(f\)\(2\)](#) apply:

- Permitted for-hire vessels may sell any striped bass caught during a for-hire trip, provided:
  1. The for-hire vessel holds a commercial striped bass regulated fishery permit endorsement;
  2. All catch complies with the recreational fishing management measures; and
  3. The striped bass sold complies with the commercial fishing management measures.

#### **What does this mean?**

Any vessel carrying for-hire patrons must abide by all recreational regulations. For-hire patrons cannot be designated as the vessel's "crew" in order to claim the vessel is conducting a commercial trip. Accordingly, a dually-permitted vessel (holding both a for-hire permit and commercial boat permit with a striped bass endorsement) on a for-hire trip is limited to the amount of striped bass that corresponds to the number of persons times the recreational bag limit. All fish must meet the recreational size limit. At the end of the trip, should any passengers not want to keep the recreational bag limit, the remaining striped bass – provided all commercial size, season, open day and other rules are met – could be sold by the permit holder to an authorized primary buyer.

For example, under the current recreational and commercial rules, if a for-hire captain and his mate take out six patrons on a for-hire trip, the maximum amount of striped bass that may be harvested during the trip is eight fish, at 28" or more. If the maximum is harvested and each of the six patrons takes home one fish, the for-hire captain may sell the remaining two fish if they meet the commercial requirements (e.g., 34" or more, open commercial fishing day). Alternatively, if only three of the patrons took home one fish, the for-hire captain could sell the remaining five fish if they meet the commercial requirements. Regardless of the number of trips taken in a day, no more than 15 fish could be sold under the authority of the vessel's commercial striped bass endorsement in a day. Note that the 15-fish limit applies to striped bass endorsements of Commercial Boat Permits (or Commercial Lobster Permits); Individual and Rod & Reel Permit holders with a striped bass endorsement are limited to two fish per open day.

#### **If for-hire patrons harvest but don't want to keep their one-fish limit on a trip on a closed commercial day, what can the for-hire captain do with those fish?**

The open commercial fishing days are Monday and Thursday. On any other day of the week, striped bass may not be harvested for commercial purposes or sold. On a closed commercial day, for-hire

patrons should be reminded to release any striped bass they don't want to take home, so as to avoid unnecessary waste.

**How should the sale of striped bass caught during for-hire trips be reported?**

Any striped bass caught during a for-hire trip and sold must be reported on commercial harvester trip-level reporting forms, either state or federal. Fish kept by for-hire patrons should not be reported on these forms; for-hire patron catch will be estimated through MRIP (the Marine Recreational Information Program).

State-reporting harvesters (those who do not report trip-level data to NOAA Fisheries) must report electronically, using the SAFIS eTrips application. The eTrips application has an option to designate a trip as for-hire; this option should be selected to report any striped bass sold from a for-hire trip. See our [SAFIS Help webpage](#) for more details. Federal-reporting harvesters can continue to use their current mode of reporting, either paper or electronic, being sure to report such striped bass sales as occurring from a for-hire trip. To set up an eTrips account, contact the Division's Statistics Project by email at [dmf.stats@state.ma.us](mailto:dmf.stats@state.ma.us) or by phone at (978) 282-0308 ext.101.

**How does this affect at-sea filleting of striped bass?**

Prior to 2014, a for-hire vessel on a for-hire trip could fish under the commercial striped bass rules; accordingly, the captain/crew could not fillet the harvest of their patrons because processing of commercially harvested striped bass in any way other than evisceration is prohibited. Now, all for-hire vessels must fish exclusively under the recreational rules for all species, thus a for-hire captain or mate may fillet striped bass legally harvested by for-hire patrons, provided the skin is left on and no more than two fillets are in the possession of each patron.

For-hire permit holders are reminded that it is unlawful to sell, barter, or exchange any fillets. Only whole fish may be commercially transacted by harvesters.

**Can patrons of for-hire trips sell the striped bass they keep?**

No, it is prohibited for recreational fishermen to sell, barter, or exchange any striped bass. Patrons on a for-hire vessel are fishing under the authority of the for-hire vessel's (recreational) permit and are considered recreational fishermen; they must abide by all recreational rules. This is true even if a patron had a commercial striped bass endorsement in his name.

**For Additional Information:** Refer to *Marine Fisheries'* website, [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries), or contact us at (617) 626-1520 or [marine.fish@state.ma.us](mailto:marine.fish@state.ma.us).