

6.07: Striped Bass Fishery (*Morone Saxatalis*)

(2) Definitions. For purposes of 322 CMR 6.07 the following words shall have the following meanings:

Open Fishing Days means Mondays and Thursdays within the commercial season when commercial fishermen may harvest or attempt to harvest striped bass. **Open fishing days shall not apply to any Monday or Thursday that falls on July 3, July 4 or July 5 or the Monday of the Labor Day.**

Closed Fishing Day means any Sunday, Tuesday, Wednesday, Friday and Saturday within the commercial season, **as well as any Monday or Thursday that falls on July 3, July 4 and July 5, and the Monday of Labor Day.**

6.08: Surf Clam and Ocean Quahog Fisheries

(2) Management Areas. The following prohibitions shall apply to the following areas:

- (a) Dredging for surf clams is prohibited from November 1st to April 30th, within an area shoreward of the 12 foot depth contour as measured at mean low water beginning at Point Allerton, Hull, and extending southerly to the Massachusetts - Rhode Island Boundary, including Cape Cod and the Islands.
- (b) Dredging for surf clams is prohibited from May 1st to October 31st within an area shoreward of the 20 foot depth contour as measured at mean low water beginning at Point Allerton, Hull and extending southerly to the Massachusetts - Rhode Island boundary, including Cape Cod and the Islands.
- (c) Dredging for surf clams is prohibited shoreward of an imaginary line drawn from Long Point, Provincetown to the "Hopper" so called in North Truro, marked "D" on NOS chart 13246.
- (d) Dredging for surf clams is prohibited shoreward of an imaginary line from Jeremy Point, Wellfleet, to the "Spire" in Brewster.
- (e) Dredging for surf clams is prohibited inside an imaginary line from Seal Rocks off Scraggy Neck, Bourne, to the southernmost tip of Sandy Point Dike, Wareham.
- (f) Dredging for surf clams is prohibited from May 1st to October 31st, within an area measured from an imaginary line one mile seaward from mean low water from Great Point Light to Sankaty Light, Nantucket.

~~(g) Commercial surf clam or ocean quahog fishing areas may be opened or closed for management purposes by the director provided that:~~

- ~~1. a majority of the Marine Fisheries Advisory Commission approves the action;~~
- ~~2. a notice of opening or closure is sent to the Secretary of State for publication in the Massachusetts Register;~~
- ~~3. surf clam regulated fishery permit holders are notified by mail;~~
- ~~4. the notice includes the rationale for the opening or closure; and~~
- ~~5. during the effective date of any closure the Director shall consider any written comments on the closure which may be submitted to the Director by the public or a state or federal agency. Based upon these written comments the Director may alter, amend or rescind the closure pursuant to the procedural requirements of 322 CMR 6.08(2)(g).~~

(g) ~~(h)~~ Commercial surf clam and ocean quahog management areas may be opened or closed for sanitary purposes by following established procedures for the sanitary control of shellfish growing areas. Fishermen holding special permits for the harvest of these species shall be notified in writing of changes in classification status.

(h) ~~(i)~~ The provisions of 322 CMR 6.08(2)(a) and (b) shall not apply to the waters of the Town of Gay Head.

(i) ~~(j)~~ The provisions of 322 CMR 6.08(2)(a) and (b) shall not apply to the waters of the Town of Chatham bordering on Nantucket Sound which are found within an imaginary line drawn from a flag marker with radar reflector at Loran

C 9960-W-13872.5, 9960-Y-43937.5 as shown NOS Chart 13237; thence proceeding easterly along the 43937.5 line to the western shore of Monomoy Island; thence proceeding in a southerly direction along the shoreline to the 43928 line; thence proceeding westerly along the 43928 line to a flag marker with radar reflector at 9960-W-13875, 9960-Y-43928; thence proceeding in a northerly direction to a pole at 9960-W-13874.2, 9960-Y-43930.4; thence proceeding to a pole at 9960-W-13873.2, 9960-Y-43934.0; thence proceeding to the starting point at 9960-W-13872.5, 9960-Y-43937.5.

(j) ~~(k)~~ The provisions of 322 CMR 6.08(2)(a) and (b) shall not apply to the waters of the town of Nantucket bounded as follows: beginning at the intersection of the Loran C 9960-X-25130 line with the shoreline at Madaket Beach, as shown on NOS chart 13237; thence proceeding northwesterly to the end of Madaket Beach; thence following an imaginary straight line to the southwesternmost point of Esther Island; thence following an imaginary straight line to the southernmost tip of Tuckernuck Island; thence following the west shore of Tuckernuck Island to its northernmost point; thence following an imaginary straight line to the southernmost point of Muskegat Island; thence following the western shore of Muskegat Island to the intersection of the Loran C 9960-X-25190 line; thence following the 9960-X-25190 line in a southerly direction to the territorial waters line; thence following the territorial waters line in a southeasterly direction to its intersection with the Loran C 9960-X-25130 line; thence following the Loran C 9960-X-25130 line in a northerly direction to the point of beginning, all as appearing on the following chart.

(k) Dredging for surf clams or ocean quahogs is prohibited from May 1 – October 31 within an area beginning at Manomet Point in Plymouth, at 41° 55' latitude and 70°32.2' longitude; thence heading due east for 2.5 miles to along the 41°55' parallel to where it intersects with 70°29' longitude; thence due south along the 70°29' meridian to where it intersects with the shoreline in the town of Sandwich; thence following the shoreline back to the initial point.

(l) Commercial surf clam or ocean quahog fishing areas may be opened or closed for management purposes by the director provided that:

- 1. a majority of the Marine Fisheries Advisory Commission approves the action;**
- 2. a notice of opening or closure is sent to the Secretary of State for publication in the Massachusetts Register;**
- 3. surf clam regulated fishery permit holders are notified by mail;**
- 4. the notice includes the rationale for the opening or closure; and**
- 5. during the effective date of any closure the Director shall consider any written comments on the closure which may be submitted to the Director by the public or a state or federal agency. Based upon these written comments the Director may alter, amend or rescind the closure pursuant to the procedural requirements of 322 CMR 6.08(2)(l).**

(3) Surf clam restrictions. The following restrictions shall apply to vessels dredging for surf clams in waters under the jurisdiction of the Commonwealth.

(a) Surf Clam Trip Limits.

1. It is unlawful for any vessel to catch or harvest greater than 200 bushels of surf clams per 24 hour day.
2. It is unlawful for any vessel to catch, harvest, possess, have on board, land or offload greater than 400 bushels of surf clams per 48 hour period, or at any time while fishing or having fished in waters under the jurisdiction of the Commonwealth during any trip.
3. Vessels properly licensed to do so may land surf clams legally taken outside the territorial waters of the Commonwealth in excess of the trip limit established by 322 CMR 6.08(3)(a) provided that no vessel engaged in fishing for surf clams within territorial waters may possess or have on board more than the prescribed limit.

(b) Surf Clam Gear Restrictions.

1. **It shall be unlawful** ~~It is unlawful~~ for any vessel to operate with any hydraulic dredge with an effective fishing width greater than 48 inches.
2. **It shall be unlawful** ~~It is unlawful~~ for any vessel to operate more than one dredge while harvesting surf clams.
3. **It shall be unlawful** ~~It is unlawful~~ for any vessel to dredge for surf clams in those waters of the Town of Chatham designated in 322 CMR 6.08(2)(j) unless equipped with a hydraulic dredge with a 16" or less effective fishing width and powered by a three inch or smaller pump with 300 GPM or less capacity at a ten foot head (according to manufacturer's specifications).
4. **It shall be unlawful for any vessel to fish with a hydraulic dredge with bars along the bottom of the dredge that are not spaced at least 2 inches apart.**

6.20: Quahogs, Soft Shelled Clams and Oysters

(1) Definitions.

Razor Clams means that species of mollusk known as *Ensis directus*.

(4) **Use of Bleach or Bleach Solutions to Harvest Razor Clams or Soft Shelled Clams.** It shall be unlawful for any recreational or commercial fisherman to possess or use bleach or bleach solutions while fishing for razor clams or soft shelled clams.

6.27: Scup Fishery Management

(2) Commercial Fishery Management.

(a) Permit Requirements. A regulated fishery permit endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement, is required to sell scup, or to fish for, retain, possess or land scup in accordance with scup commercial fishery regulations at 322 CMR 6.27(2).

(b) Minimum Size. It is unlawful for any commercial fisherman or dealer to possess scup less than nine inches in total length.

(c) Winter I Fishery. The Winter I fishery occurs during the period of January 1st through April 30th. This is a federal commercial scup management period. Federal limits are set pursuant to 50 CFR 648.122 and 648.123. The Director shall establish state possession and landing limits through Declaration, in accordance with the procedure set forth at 322 CMR 6.41(2)(d).

(d) Summertime Fishery. The summertime fishery occurs during the period of May 1st through **September 30th** ~~October 31st~~ and subject to the commercial scup quota. The commercial scup quota is managed through gear type specific trip limits, seasons and fishing days.

1. Weirs. During this period, 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 scup caught in fish weirs. The weir fishery shall close when the aggregate landings among all permitted weir fishermen reach 300,000 pounds of scup.

2. Trawlers. During this period, commercial fishermen, permitted in accordance with 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement to fish for scup with trawl gear may fish for, possess and land scup seven days per week. Trawlers shall not land more than 10,000 pounds of scup per calendar week or possess more than 10,000 pounds of scup at any one time. The calendar week shall begin on Sunday at 12:01 A.M. and end on the following Saturday at 11:59 P.M.

3. All Other Gear Types. Commercial fishermen, permitted in accordance with 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement to fish for scup with any other gear type, including but not limited to hook and line and scup pots, are subject to the following seasonal limits:

a. May 1 through May 31. During this period, these commercial fishermen may fish for, possess and land scup Sundays through Thursdays and shall not possess or land more than 800 pounds of scup per calendar day or per fishing trip, whichever period is longer. The possession and landing of scup is prohibited on Fridays and Saturdays.

b. June 1 through June 30. During this period, these commercial fishermen may fish for, possess and land scup on Sundays, Tuesdays and Wednesdays and shall not possess or land more than 400 pounds of scup on per calendar day or per fishing trip. The possession and landing of scup is prohibited on Mondays, Thursdays, Fridays and Saturdays.

c. July 1 through October 31. During this period, these commercial fishermen may fish for, possess and land scup seven days per week and shall not possess or land more than 1,500 pounds of scup on per calendar day or per fishing trip.

4. Quota Closure. It shall be unlawful for commercial fishermen to land or possess scup once the Director has determined that 100% of the annual commercial scup 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).

(e) Winter II Fishery. The Winter II fishery occurs during the period of ~~November 1st~~ **October 1st** through December 31st. This is a federal commercial scup management period. Federal limits are set pursuant to 50 CFR 648.122 and 648.123. The Director shall establish state possession and landing limits through Declaration, in accordance with the procedure set forth at 322 CMR 6.41(2)(d).

(f) **Trip Limit Restrictions on Trawl Vessels**. Notwithstanding the state-waters trawl mesh minimum size restrictions at 322 CMR 4.06, vessels using trawls shall not possess more than 1,000 pounds of scup from November 1 through April 30, or more than 200 pounds of scup from May 1 through October 31, unless fishing with nets that have a minimum mesh size of 5-inches diamond applied throughout the codend of the net for at least 75 continuous meshes forward of the terminus of the net and all other nets are stowed and not available for immediate use.

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 permit endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): Regulated Fishery Permit Endorsement, is required to sell 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.

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. Closed Season. **Except as provided at 322 CMR 6.28(2)(c)(3) and (4), it shall be unlawful for any commercial fisherman to possess or land black sea bass from April 1 until the summertime commercial fishery opens in accordance with 322 CMR 6.28(2)(c)(5). ~~April 1st through the first Monday of August it shall be unlawful for any commercial fisherman, other than weir fishermen, to possess or land black sea bass.~~**

3. Weirs. From April 1st through December 31, commercial fisherman 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 10,000 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).**

4. Black Sea Bass Allowance in the Small Mesh Trawl for Squid. During the small mesh trawl fishery for squid, as established at 322 CMR 4.06(4), commercial fisherman permitted in accordance with 322 CMR 7.01(4)(a) to fish with small mesh trawls for squid may possess and land up to 50 pounds of black sea bass per day. When the small mesh trawl fishery for squid closes or once aggregate landings by trawlers have combined to land 75,000 pounds of black sea bass, whichever occurs first, it shall be unlawful for trawl fishermen to possess black sea bass until the summertime commercial fishery opens in accordance with 322 CMR 6.28(2)(c)(5).

5. Summertime Black Sea Bass Fishery. The summertime black sea bass fishery shall begin on the first open fishing day following July 8th until the annual quota is reached and the commercial fishery is closed in accordance with 322 CMR 6.28(2)(c)(6).

a. Open Fishing Days. During the summertime black sea bass fishery, commercial fishermen with a black sea bass pot fishery regulated fishery endorsement or black sea bass regulated fishery endorsement may fish for, possess or land black sea bass on Sundays, Tuesdays and Thursdays.

b. Closed Fishing Days. It shall be unlawful to possess black sea bass on Mondays, Wednesdays, Fridays and Saturdays, except when in compliance with the recreational black sea bass regulations set forth at 322 CMR 6.28(3).

c. Black Sea Bass Pots. It shall be unlawful for any commercial

fishermen with a black sea bass pot fishery regulated fishery endorsement to possess or land more than 300 pounds of black sea bass on any open fishing day.

d. Other Gear Types. It shall be unlawful for any commercial fishermen with a black sea bass regulated fishery permit endorsement to possess or land more than 150 pounds of black sea bass on any open fishing day.

~~4. Black Sea Bass Pots. From the first Tuesday in August until the annual quota is reached, commercial fishermen who hold a commercial black sea bass pot regulated fishery permit endorsement may fish for, possess and land black sea bass taken by black sea bass pots on Sundays, Tuesdays and Wednesdays and shall not possess or land more than 300 pounds of black sea bass per calendar day or trip, whichever is longer. During this open season, the possession and landing of black sea bass is prohibited on Mondays, Thursdays, Fridays and Saturdays.~~

~~5. All Other Gears. From the first Tuesday in August until the annual quota is reached, commercial fishermen who hold a commercial black sea bass regulated fishery permit endorsement may fish for, possess and land black sea bass on Sundays, Tuesdays and Wednesdays and shall not possess or land more than 150 pounds of black sea bass per calendar day or trip, whichever is longer. During this open season, the possession and landing of black sea bass is prohibited on Mondays, Thursdays, Fridays and Saturdays.~~

6. Quota Closure. It shall be unlawful for commercial fishermen to **possess or land** ~~land or possess~~ 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).

6.40: Tautog Fishery Limits

(3) Recreational Fisherman Possession Limits. ~~It shall be unlawful for any recreational fisherman to possess or land more than three tautog per calendar day.~~ Except as provided at 322 CMR 6.40(3)(f), the following seasons and following recreational fishing possession limits apply:

- (a) January 1 – March 31. It shall be unlawful for recreational fishermen to possess or land any tautog.
- (b) April 1 – May 31. It shall be unlawful for recreational fishermen to possess or land more than three tautog per calendar day.
- (c) June 1 – July 31. It shall be unlawful for recreational fishermen to possess or land one tautog per calendar day.
- (d) August 1 – October 14. It shall be unlawful for recreational fishermen to possess or land more than three tautog per calendar day.
- (e) October 15 – December 31. It shall be unlawful for recreational fishermen to possess or land more than five tautog per calendar day.
- (f) Maximum Possession Limit for Anglers on Board a Private Vessel. The possession limits set at 322 CMR 6.40(3)(a)-(e) shall apply per person per calendar with a maximum of ten fish per vessel per calendar day. This shall not apply to anglers fishing onboard for-hire vessels permitted in accordance with 322 CMR 7.10(5).

6.43 Atlantic Menhaden Management

(4) Bycatch Tolerance. When the commercial quota has been harvested and the commercial fishery is closed, commercial fishermen may possess and land up to 1,000 pounds of Atlantic menhaden bycatch per trip or 24-hour day, whichever period is longer. The weight of the Atlantic menhaden bycatch shall not exceed 5% of the weight of the entire catch being landed. **Exception: There shall be no allowable bycatch tolerance for vessels using purse gear measuring 150 fathoms length and 8 fathoms depth or greater.**