



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Director

### **2023 Statement of Permit Conditions Affecting Participation in Commercial Menhaden Fishery and the Use of Purse Seines**

You are receiving this letter because you hold regulated fishery permit endorsement for CAP-Purse Seine with the Commonwealth of Massachusetts allowing you to participate in the state's commercial menhaden fishery with purse seines. Pursuant to the authority of G.L. c. 130, §80 and 322 CMR 4.02(6) and 7.01(7), the Director of the Division of Marine Fisheries has determined it is necessary and appropriate establish this **Statement of Permit Conditions** to manage the 2023 commercial menhaden quota and purse seine fishery. Accordingly, the permit conditions enumerated below shall apply to all 2023 commercial fishing permits with a regulated fishery permit endorsement for CAP-Purse Seines.

**Definitions.** For the purpose of this **Statement of Permit Conditions**, the following terms shall have the following meanings:

1. **Atlantic Menhaden** means that species known as *Brevoortia tyrannus* or commonly referred to as pogey or bunker.
2. **Carrier Vessel** means a support vessel that is not equipped to catch Atlantic menhaden and is used or intended to be used to receive Atlantic menhaden caught by another vessel and transports that Atlantic menhaden to port for landing.
3. **Land** means to transfer or attempt to transfer the catch of Atlantic menhaden-onto any land, pier, wharf, dock or other artificial structure, or for a fishing vessel with any Atlantic menhaden onboard to tie up to any dock, pier or other artificial structure.
4. **Non-Directed Gear** means pound nets, anchored or stake gillnets, trammel nets, drift gillnets, trawls, fishing weirs, fyke nets, and floating fish traps.
5. **Quota** means the Commonwealth of Massachusetts annual commercial Atlantic menhaden quota adopted by the Atlantic States Marine Fisheries Commission and amended by required paybacks and authorized quota transfers and rollovers.
6. **Small-Scale Directed Gear** means cast nets, traps (excluding floating fish traps), pots, haul seines, hook and line, bag nets, hoop nets, hand lines, and bait nets.
7. **Trip** means the time period that begins when a vessel departs from any land, pier, wharf, dock or other artificial structure to carry out commercial fishing operations, including the at-sea transfer and transport of fish, and that-ends with a return to any land, pier, wharf, dock or other artificial structure.
8. **Trip Limit** means the maximum lawful amount of Atlantic menhaden that a commercial fisher may retain, possess, or land within the waters under the jurisdiction of the Commonwealth or sell, barter or exchange or offer for sale barter or exchange. Trip limits apply per trip or calendar day, whichever period of time is longer and are applied to the vessel named on the commercial fishing permit regardless of the number of commercial fishing permits or letters of authorization carried on board the vessel.

## **General Provisions**

1. Only species named on the permit may be taken and retained by the permit holder. All other species shall be immediately released alive. Dead fish shall not be discarded.
2. In accordance with G.L. c. 130, §§4A and 9, and 322 CMR 7.01(13), the Director or his agent may board a vessel for the purpose of administrative inspection or sea sampling.
3. The Harbormasters of any of the towns or cities bordering the regulated fishing areas listed on the permit shall have the right to board and inspect purse seiners in the listed areas after consultation with the Director, and may with his approval, suspend fishing operation if warranted.
4. This Statement of Permit Conditions shall be onboard the named vessel when any purse seine fishing activity is occurring.

## **Atlantic Menhaden Management.**

1. **Pre-Directed Fishery.** During the period of January 1 – June 14:
  - a. You may retain, possess, and land Atlantic menhaden taken by non-directed gear or small-scale directed gear within the waters under the jurisdiction of the Commonwealth.
  - b. The trip limit shall be 6,000-pounds and all Atlantic menhaden retained, possessed, and landed shall be taken from the waters under the jurisdiction of the Commonwealth. All Atlantic menhaden shall be brought onboard the vessel, and upon retention, be immediately stored in level filled barrels or fish totes. A level filled fish tote shall be the equivalent of 117 pounds of Atlantic menhaden; a level filled barrel shall be the equivalent of 350 pounds of menhaden; and 51 level filled fish totes or 17 barrels of menhaden shall be the equivalent of 6,000 pounds of Atlantic menhaden.
  - c. It shall be unlawful to possess, or land menhaden in the Commonwealth that were taken from waters outside the jurisdiction of the Commonwealth.
  - d. It shall be unlawful to fish purse seine gear for menhaden or possess or land menhaden taken by purse seine gear. If in possession of menhaden and the vessel is rigged for purse seining or has a purse seine aboard, the vessel shall be considered fishing for menhaden with purse seine gear.
2. **Open Access Directed Fishery.** Beginning on June 15 and continuing until December 31 or 100% of the 2023 quota is taken and the Atlantic menhaden fishery is closed, whichever over occurs sooner:
  - a. The trip limit shall be 6,00 pounds.
  - b. All Atlantic menhaden shall be brought onboard the vessel, and upon retention, be immediately stored in level filled barrels or fish totes. A level filled fish tote shall be the equivalent of 117 pounds of Atlantic menhaden; a level filled barrel shall be the equivalent of 350 pounds of menhaden; and 51-level filled fish totes or 17 barrels of menhaden shall be the equivalent of 6,000 pounds of Atlantic menhaden.
  - c. It shall be unlawful to possess, or land menhaden in the Commonwealth that were taken from waters outside the jurisdiction of the Commonwealth.
3. **Quota Closure.** Once 100% of the quota is landed the fishery is closed and it shall be unlawful to catch, retain, possess, land, sell, barter, exchange or offer for sale, barter, or exchange nay menhaden except as authorized under the post quota incidental catch and small-scale fishery.
4. **Post Quota Non-Directed Gear and Small Scale Directed Gear Fishery.** Once the quota closure is in effect:
  - a. You may to retain, possess, and land Atlantic menhaden taken by non-directed gear or small-scale directed gear within the waters under the jurisdiction of the Commonwealth.
  - b. The trip limit shall be 6,000-pounds and all Atlantic menhaden retained, possessed, and landed shall be taken from the waters under the jurisdiction of the Commonwealth. All

Atlantic menhaden shall be brought onboard the vessel, and upon retention, be immediately stored in level filled barrels or fish totes. A level filled fish tote shall be the equivalent of 117 pounds of Atlantic menhaden; a level filled barrel shall be the equivalent of 350 pounds of menhaden; and 51-level filled fish totes or 17 barrels of menhaden shall be the equivalent of 6,000 pounds of Atlantic menhaden.

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- d. It shall be unlawful to fish purse seine gear for menhaden or possess or land menhaden taken by purse seine gear. If in possession of menhaden and the vessel rigged for purse seining or has a purse seine aboard, the vessel shall be considered fishing for menhaden with purse seine gear.

#### **Use of Carrier Vessels.**

1. The use of a carrier vessel is prohibited.

#### **State-Wide Use of Purse Seines.**

1. In accordance with G.L. c. 130, §31, purse seine fishing shall avoid fixed gear.
2. Purse seine fishing shall avoid areas where recreational fishing activity is concentrated.
3. It shall be unlawful to use purse seines within the waters under the jurisdiction of the Commonwealth to take Atlantic menhaden prior to June 15, 2023 or after 100% of the 2023 menhaden quota is taken and the fishery is closed.
4. It shall be unlawful to possess or land Atlantic menhaden taken by purse seine prior to June 15, 2023 or after 100% of the 2023 menhaden quota is taken and the fishery is closed.
5. It shall be unlawful to fish purse seines on Saturdays and Sundays, Memorial Day, July 4, and Labor Day.
6. It shall be unlawful to use purse seines to take Atlantic menhaden or to possess and land Atlantic menhaden taken by purse seine on Fridays until the Director declares 50% of the 2023 quota is taken.
7. It shall be unlawful to fish purse seines from ½ hour after sunset to ½ hour before sunrise.
8. The use of spotter planes shall only occur after 8AM and away from residential areas.

#### **Use of Purse Seines Within Inshore Restricted Waters.**

1. It shall be unlawful to fish with purse seines in any area defined at 322 CMR 4.02 as Inshore Restricted Waters.

#### **Permitting and Reporting Requirements**

1. You shall file commercial fishing reports to the Division of Marine Fisheries at a trip level on a monthly basis. These reports shall be submitted to the Division of Marine Fisheries by the 15<sup>th</sup> of the following month.
2. If you sell menhaden directly to the public, you shall obtain a Bait Dealer permit and report each transaction as a Bait Dealer on forms provided by the Division of Marine Fisheries.

The Statement of Permit Condition enforceable by law, pursuant to G.L. c. 130 §80 and 322 CMR §7.01(7). Violations of any condition or restriction herein, or any provision of 322 CMR or G.L. 130 may result in the suspension or revocation of the commercial fisherman permit and any other applicable fines and penalties. The Director may revise or discontinue the provisions set forth in this Statement of Permit Conditions any time. For more information, please contact [marine.fish@mass.gov](mailto:marine.fish@mass.gov).

**This Statement of Permit Condition is valid through December 31, 2023, unless sooner revoked for cause.**



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Daniel J. McKiernan  
Director

May 19, 2023

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Effective Date