



The Commonwealth of Massachusetts

Division of Marine Fisheries

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May 22, 2023

Marine Fisheries Advisory

Marine Fisheries Advisory Commission Approves New Rules for Commercial Menhaden Fishery

On May 16, 2023, the Marine Fisheries Advisory Commission (MFAC) met and reviewed [recommendations](#) from the Division of Marine Fisheries (DMF) regarding the management of the state's commercial menhaden fishery. The recommendations approved by the MFAC are described below. DMF anticipates these regulations will go into effect during the 2023 fishing season, likely by late June or early July. However, to ensure these approved management measures are implemented at the start of the directed menhaden fishery, DMF is conditioning the permits of all potential participants to implement these requirements immediately. These [permit conditions](#) are enforceable by law and will serve as a stop gap until such a time the regulations are in place.

From January 1 – June 14, the harvest of menhaden will be limited to small-scale and non-directed gears. This includes cast nets, bait nets, trammel nets, surface gillnets, weirs, and trawls (among other gears that are not commonly deployed in Massachusetts). Purse seining for menhaden during this period is prohibited. Commercial fishers are limited to 6,000 pounds of menhaden per day taken only from the waters under the jurisdiction of the Commonwealth, with an allowance for fish weirs to land up to 120,000 pounds of menhaden per day, provided the operation holds a limited entry menhaden endorsement.

The directed fishery will open on June 15 and will remain open through December 31 or until 100% of the annual quota is taken, whichever occurs sooner. For limited entry menhaden permit endorsement holders ("menhaden endorsement"), the directed fishery will open with a 120,000-pound trip limit. Once 50% of the annual quota is taken, the limited entry trip limit will be reduced to 25,000 pounds. The limited entry trip limit is again reduced, this time to 6,000 pounds, once 90% of the quota is taken. If this 90% threshold is not met by September 1, then the 25,000-pound trip limit remains in place through the remainder of the quota managed period. Throughout the directed fishery, there is a 6,000 pound daily open entry trip limit for those fishers who do not hold a menhaden endorsement.

If 100% of the quota is taken prior to September 1, DMF may enroll Massachusetts in the Episodic Event Set Aside (EESA) fishery administered by the Atlantic States Marine Fisheries Commission (if set-aside quota remains). The baseline trip limit during the EESA fishery is 6,000 pounds, but the DMF Director may increase the trip limit for limited entry menhaden endorsement holders by permit condition. If the quota is taken after September 1, the directed fishery will close and the small-scale and incidental catch fishery will begin.

During the post-quota small-scale and incidental catch fishery, the harvest of menhaden will again be limited to small-scale and non-directed gears; purse seining during the post quota period is prohibited. Commercial fishers will be subject to a 6,000-pound daily trip limit and fish may only be taken from state waters.

During the directed fishery and the EESA fishery, lawfully permitted vessels may commercially fish with purse seines. An open entry Coastal Access Permit—Purse Seine permit is needed to fish seaward of the inshore restricted waters (i.e., harbors and embayments) and a limited entry Inshore Net Permit is needed to fish within the inshore restricted areas. Until 50% of the quota is taken, purse seining is only allowed Monday – Thursday; once 50% of the quota is taken, purse seining is allowed Monday – Friday. Purse seining is prohibited on Saturdays and Sundays, Memorial Day, July 4, and Labor Day; at night; and on Fridays inside Beverly Harbor. Certain areas of Boston Harbor are closed year-round, as is Buzzards Bay. When directed fishing is occurring at a trip limit exceeding 6,000 pounds, purse seine net size is not restricted seaward of the inshore restricted areas, but within all inshore restricted areas purse seines may not exceed 600’ length. When directed fishing is occurring at the 6,000-pound trip limit or during the EESA fishery, purse seines may not exceed 450 feet length by 48 feet depth. Beginning in 2024, purse seines subject to net size restrictions must be annually inspected and tagged by DMF prior to use in any fishing activity. DMF will honor certifications done by other states with similar programs.

Subject to certain restrictions, menhaden endorsement holders may use a carrier vessel. Foremost, carrier vessels may only be used during the directed fishery or the EESA fishery if trip limits exceed 6,000 pounds. A harvester vessel may offload to one or more carrier vessels per day provided the applicable trip limit is not exceeded in aggregate. A carrier vessel may only receive menhaden from a single harvester vessel per day and only on open fishing days. Carrier vessels may not receive, possess, or land more than the applicable trip limit and may only land once per day. To limit on the water conflict, the use of carrier vessels is prohibited in Boston Harbor. To use a carrier vessel in the 2023 directed menhaden fishery, please fill out this [application](#) and return it to DMF by e-mail to Julia Kaplan (julia.kaplan@mass.gov). Once received and processed, applicants will receive a Letter of Authorization accommodating the use of a carrier vessel.

For fishing activity being conducted at the 6,000-pound limit, all fish must be brought onboard the vessel and stored in level filled barrels or totes. A level filled barrel is the equivalent of 350 pounds of menhaden and a level filled tote is the equivalent of 117 pounds of menhaden. Accordingly, 51 level filled fish totes or 17 level filled barrels are equivalent 6,000 pounds of menhaden. Beginning in 2024, any harvester vessel or carrier vessel holding or transporting fish during the directed fishery above the open entry 6,000-pound limit will be required to have their fish holds certified and marked to demonstrate the 25,000-pound and 120,000-pound storage levels. Certifications must be done by an accredited marine surveyor.

Lastly, DMF is moving forward with several actions regarding permitting and reporting in the menhaden fishery, which did not require MFAC approval but which the MFAC support. This includes an August 1, 2023 control date for the menhaden endorsement and CAP Purse Seine endorsement. In the future, DMF may develop criteria based on this control date to further restrict access to the menhaden fishery. Any such action will be subject to public hearing and public comment. Also, beginning in 2024, menhaden endorsement holders will be required to submit daily electronic harvester reports prior to landing for all their commercial fishing activities.

For more information, please review DMF’s [policy and guidelines](#) for menhaden permitting and management and the May 16, 2023 MFAC business meeting [summary](#).