



# Massachusetts Division of Marine Fisheries

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## Policies, Procedures, and Guidelines

### Guidelines to Commercial Menhaden Fishery Permitting Rules

**Introduction and Purpose:** There are six different permit endorsements that control menhaden fishing in state waters: the Menhaden endorsement, the Inshore Net endorsement, the Mobile Gear Coastal Access Permit endorsement, the Mobile Gear Coastal Access Permit for Purse Seine endorsement, the Fish Weir endorsement, and the Surface Gillnet endorsement. This document describes these six endorsements and the tiers of fishing opportunity available based on what endorsements are held by the harvester.

**Menhaden Endorsement (Limited Entry):** This endorsement is required for a commercial fishing vessel to harvest, possess, or land more than 6,000 pounds of menhaden. This endorsement is owner-operator, meaning that the named permit holder must be onboard the vessel when commercial menhaden fishing is occurring.

**Inshore Net Endorsement (Restricted Entry):** This endorsement is required to use purse seine gear within the Inshore Restricted Waters described at 322 CMR 4.02. The Inshore Restricted Waters include but are not limited to the Merrimack River, Plum Island Sound, Essex Bay, the Annisquam River, Gloucester Harbor, Salem Harbor, Beverly Harbor, Boston Harbor, and Plymouth Harbor. The use of purse seine gear within the Inshore Restricted Waters is regulated at 322 CMR 4.06(7) and the permits may be further conditioned to control how and when purse seines may be fished for menhaden. Note that netting is strictly prohibited in one prominent area—Buzzards Bay—with an exception for small cast nets.

**Mobile Gear Coastal Access Permit (CAP) Endorsement (Limited Entry):** This endorsement is required to fish with mobile gear in the waters under the jurisdiction of the Commonwealth. A holder of a CAP Endorsement is eligible to deploy purse seines in waters under the jurisdiction of the Commonwealth seaward of the Inshore Restricted Waters.

**CAP for Purse Seine Endorsement (Open Entry):** This distinct open entry CAP endorsement accommodates vessels that were not eligible to obtain a limited entry CAP Endorsement, but seek to participate in a purse seine fishery in state waters. This endorsement may be obtained by any person

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who does not already have a limited entry CAP Endorsement. A holder of a CAP—Purse Seine Endorsement is eligible to deploy purse seines in waters under the jurisdiction of the Commonwealth seaward of the Inshore Restricted Waters.

Surface Gillnet Endorsement (Open Entry): This endorsement authorizes the holder to utilize a small surface gillnet (under 300 linear feet) to harvest bait fish. The use of this gear is subject to the regulations at 322 CMR 4.14.

Fish Weir Endorsement (Open Entry): This endorsement allows a commercial fisherman to set and operate a fish weir within certain authorized waters under the jurisdiction of the Commonwealth. The fish weir operator has exclusive rights to remove fish within the weir, as well as a buffer zone adjacent to it when the weir is in the water. The use of this gear is subject to the regulations at 322 CMR 4.03.

**Classes of Permit Endorsements and Authorized Menhaden Fishing Activity:** The following permitting classes detail menhaden possession limits and access to areas and gears based on endorsements held in combination:

- Class 1: Menhaden endorsement, Inshore Net endorsement, CAP or CAP—Purse Seine endorsement, Fish Weir endorsement, and Surface Gillnet Permit.
  - Possession Limit for Directed Quota Managed Fishery: Fishery opens on June 15 with a trip limit of 120,000 pounds. Trip limit remains at 120,000 pounds until 50% of the quota is harvested. Trip limit is then reduced to 25,000 pounds until 90% of the quota is harvested, when it is further reduced to 6,000 pounds. However, if the 90% threshold is reached on or after September 1, the trip limit shall remain at 25,000 pounds. DMF may obtain quota transfers from other Atlantic coastal states to keep the fishery open longer; permit holders will be notified if such quota transfers occur and the applicable trip limit.
  - Episodic Event Set-Aside Fishery: If 100% of the state’s quota is harvested prior to September 1 and unusually large amounts of menhaden remain in state waters, Massachusetts may apply to participate in the Interstate Fishery Management Plan’s Episodic Event Set-Aside (EESA) Program. Participation in this program will allow the fishery to remain active within the waters under the jurisdiction of the Commonwealth at 6,000 pounds (or another higher limit up to 120,000 pounds set at the discretion of the Director) until the set-aside is taken. The EESA represents 1% of the coast-wide menhaden quota and is collectively available to the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York. Permit holders will be notified if Massachusetts opts into the EESA program.
  - Incidental Catch and Small-Scale Fishery Possession Limit: A small scale and incidental catch fishery is authorized prior to the Directed Quota Managed Fishery (January 1 – June 14) and after 100% of the quota is taken. This fishery is subject to a 6,000-pound trip limit harvested from within the waters under the jurisdiction of the Commonwealth. Only non-directed or small-scale directed gears (e.g., surface gillnets, cast nets, weirs)

are allowed; purse seining is prohibited. During the January 1 – June 14 season, authorized fish weirs are exempt from the 6,000-pound trip limit and may possess and land up to 120,000 pounds of menhaden taken by fish weirs.

- Areas Allowed to be Fished with Purse Seines or Surface Gillnets: All waters under the jurisdiction of the Commonwealth unless otherwise restricted, including all authorized Inshore Restricted Waters.
- Areas Allowed to be Fished with Fish Weir: Within those specific waters authorized under the authority of the Fish Weir endorsement and the adjacent buffer zone while the fish weir is in the water.
- Purse Seine Net Size Restrictions: Purse seines used in Inshore Restricted Waters are limited to 600' in length. When a 6,000-lb limit applies, purse seines are limited to 450' long by 48' deep.
- Class 2: Menhaden endorsement and CAP endorsement; or Menhaden endorsement and CAP – Purse Seine endorsement; Menhaden endorsement and Fish Weir endorsement; or Menhaden endorsement with Surface Gillnet endorsement.
  - Possession Limit for Directed Quota Managed Fishery: Fishery opens on June 15 with a trip limit of 120,000 pounds. Trip limit remains at 120,000 pounds until 50% of the quota is harvested. Trip limit is then reduced to 25,000 pounds until 90% of the quota is harvested, when it is further reduced to 6,000 pounds. However, if the 90% threshold is reached on or after September 1, the trip limit shall remain at 25,000 pounds. DMF may obtain quota transfers from other Atlantic coastal states to keep the fishery open longer; permit holders will be notified if such quota transfers occur and the applicable trip limit.
  - Episodic Event Set-Aside Fishery: If 100% of the state's quota is harvested prior to September 1 and unusually large amounts of menhaden remain in state waters, Massachusetts may apply to participate in the Interstate Fishery Management Plan's Episodic Event Set-Aside (EESA) Program. Participation in this program will allow the fishery to remain active within the waters under the jurisdiction of the Commonwealth at 6,000 pounds (or another higher limit up to 120,000 pounds set at the discretion of the Director) until the set-aside is taken. The EESA represents 1% of the coast-wide menhaden quota and is collectively available to the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York. Permit holders will be notified if Massachusetts opts into the EESA program.
  - Incidental Catch and Small-Scale Fishery Possession Limit: A small scale and incidental catch fishery is authorized prior to the Directed Quota Managed Fishery (January 1 – June 14) and after 100% of the quota is taken. This fishery is subject to a 6,000-pound trip limit harvested from within the waters under the jurisdiction of the Commonwealth. Only non-directed or small-scale directed gears (e.g., surface gillnets, cast nets, weirs)

are allowed; purse seining is prohibited. During the January 1 – June 14 season, authorized fish weirs are exempt from the 6,000-pound trip limit and may possess and land up to 120,000 pounds of menhaden taken by fish weirs.

- Areas Allowed to be Fished with Purse Seines: All waters under the jurisdiction of the Commonwealth seaward of the Inshore Restricted Waters, unless otherwise restricted.
  - Areas Allowed to be Fished with Surface Gillnets: All waters under the jurisdiction of the Commonwealth, including Inshore Restricted Waters, unless otherwise restricted.
  - Areas Allowed to be Fished with Fish Weir: Within those specific waters authorized under the authority of the Fish Weir endorsement and the adjacent buffer zone while the fish weir is in the water.
  - Purse Seine Net Size Restrictions: When a 6,000-lb limit applies, purse seines are limited to 450' long by 48' deep.
- Class 3: No Menhaden endorsement but possesses a CAP for Purse Seine, CAP, Fish Weir, or Surface Gillnet endorsement.
    - Possession Limit During Open Access Directed Quota Managed Fishery: A 6,000-pound limit applies from when the fishery opens on June 15 until 100% of the quota is taken. DMF may obtain quota transfers from other Atlantic coastal states to keep the fishery open longer; permit holders will be notified if such quota transfers occur. The use of purse seine gear is limited to those seines measuring no more than 450' long by 48' deep.
    - Incidental Catch and Small-Scale Fishery Possession Limit: A small scale and incidental catch fishery is authorized prior to the Directed Quota Managed Fishery (January 1 – June 14) and after 100% of the quota is taken. This fishery is subject to a 6,000-pound trip limit harvested from within the waters under the jurisdiction of the Commonwealth. Only non-directed or small-scale directed gears (e.g., surface gillnets, cast nets, weirs) are allowed; purse seining is prohibited.
    - Areas Allowed to Be Fished with Purse Seines: All state waters seaward of the Inshore Restricted Waters, unless otherwise restricted.
    - Areas Allowed to Be Fished with Surface Gillnets: All waters under the jurisdiction of the Commonwealth, including Inshore Restricted Waters, unless otherwise restricted.
    - Areas Allowed to be Fished with Fish Weir: Within those specific waters authorized under the authority of the Fish Weir endorsement and the adjacent buffer zone while the fish weir is in the water.