

(c) Seasonal Closure. Fishing for lobster with pots is prohibited in the Outer Cape LCMA from January 15th through March 15th. Fishermen are required to remove all lobster traps from waters of the Outer Cape LCMA as defined in 322 CMR 6.33 during this closed period. It is unlawful for any fisherman authorized to fish traps in the Outer Cape LCMA to fish, set, or abandon any lobster traps in the OCC LCMA during this seasonal closure.

6.03: Cod, Haddock, Pollock, Yellowtail Flounder, and Halibut

(1) Definitions. For the purpose of 322 CMR 6.00 only, the following words shall have the following meanings:

Cod means that species of fish known as *Gadus morhua*.

Fish for means to harvest, catch, take, have on board, possess or land or attempt to harvest, catch, take, have on board, possess or land any cod, haddock, pollock or yellowtail flounder.

Gonads means sex glands commonly known as ovaries or testes or any portions thereof removed from fish and retained for purposes of sale.

Haddock means that species of fish known as *Melanogrammus aegleinus*.

Halibut means that species of fish known as *Hippoglossus hippoglossus*.

Land means to transfer or offload any cod, haddock, pollock or yellowtail flounder onto any vessel, boat, watercraft, land, dock, pier, wharf or other artificial structure used for the purpose of receiving fish.

Recreational Fishing means fishing for cod, haddock, pollock or yellowtail flounder with hand-held gear other than nets for a purpose or use other than sale, exchange or barter.

Pollock means that species of fish known as *Pollachius virens*.

Yellowtail Flounder means that species of fish known as *Limanda ferruginea*.

Total Length means the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.

(2) Minimum Size. It is unlawful to fish for cod, haddock, pollock or yellowtail flounder of a size less than the following:

(a) Commercial Fishing.

1. Cod: 22 inches
2. Haddock and Pollock: 19 inches.
3. Yellowtail flounder: 13 inches.
4. Halibut: 36 inches.

(b) Recreational Fishing.

1. Cod: 22 inches.
2. Haddock: 19 inches.
3. Yellowtail flounder: 13 inches.
4. Halibut: 36 inches.

(3) Method of Measurement.

(a) Minimum Size. The minimum sizes established in 322 CMR 6.03(2) shall be determined by the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.

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- (b) Exceptions for Possession of Cod Parts. For purposes of determining weights for trip limits as established by 322 CMR 6.03(b), the weight of fillets will be multiplied by three, and the weight of headless whole-gutted cod will be multiplied by 1.25. The weights of cheeks removed from cod heads and cod gonads consistent with 322 CMR 6.03(b) shall be exempt from the possession limits.
- (c) Prohibition. It shall be unlawful for a commercial fisherman to mutilate any cod in such a way as to interfere with or affect a proper or adequate measurement of the fish.
- (4) Recreational Fishery Limit. It is unlawful for recreational fishermen to possess more than ten cod per person, per day.
Exception: Persons aboard head boats which are permitted pursuant to 322 CMR 7.01(4)(e), and fishing in federal waters may possess cod in compliance with federal regulations.
- (5) Commercial Fishery Cod Limit. The trip limits established in 322 CMR 6.03(5) shall be determined by the weight of whole, whole-gutted, or gilled fish.
 (a) North of Cape Cod. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth north of 42° 00' and in all waters of Cape Cod Bay to land or possess more than 800 lbs. of cod during a 24-hour day, except that vessels with federal permits allowing the taking of cod from federal waters may possess and land more than 800 lbs. provided said cod were lawfully taken from federal waters.
 (b) East and South of Cape Cod. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth south of 42° 00' excluding waters of Cape Cod Bay to land or possess more than 1,000 lbs. of cod during a 24-hour day except that vessels with federal permits allowing the taking of cod from federal waters may possess and land more than 1,000 lbs. provided said cod were lawfully taken from federal waters.
- (6) Gonad Restrictions.
 (a) Possession Limit. It is unlawful for fishermen to possess any quantity of gonads that in aggregate weighs in excess of 10% of the weight of Atlantic cod aboard the vessel.
 (b) Prohibition. It is unlawful for fishermen to remove gonads from any fish that measures below the minimum size or from any legal-sized fish released due to state or federal possession limits.
- (7) Seasonal Commercial Fishery Limits for Yellowtail Flounder. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to take or possess yellowtail flounder in excess of the seasonal 24-hour daily trip limits established in 322 CMR 6.03(7).
Exception: Vessels with federal permits allowing the taking of yellowtail flounder from federal waters may possess and land more than the seasonal trip limits provided said yellowtail flounder were lawfully taken from federal waters.
 (a) During the months of April through May, and October through November, the 24-hour daily trip limit is 250 lbs.
 (b) During the months of June through September, and December through March, the 24-hour daily trip limit is 750 lbs.
- (8) Halibut Fishery Possession Limit.
 (a) Commercial Fishery. It is unlawful for commercial fishermen to land or possess more than one halibut per vessel per day.
 (b) Recreational Fishery. It is unlawful for recreational fishermen to land or possess more than one halibut per person per day.

6.04 Atlantic Bluefin Tuna

(1) Preamble. In 1974, the Massachusetts Division of Marine Fisheries promulgated regulations governing the taking, landing and sale of Atlantic bluefin tuna. 322 CMR 6.00 imposed reporting requirements on tuna fishermen, limited the size of the total catch permitted in Massachusetts, and limited the number of vessels in the purse seine fishery for Atlantic bluefin tuna to those vessels which operated in that fishery prior to 1964.

In 1975, Congress enacted the Atlantic Tunas Convention Act, 16 U.S.C. 971, *et seq.* (ATCA). Regulations promulgated pursuant to ATCA established federal reporting requirements, annual catch limits and an inspection and certification scheme for tuna purse seine vessels (50 CFR Part 285).