

5. Non-commercial Fishermen Fishing in the Southern New England Recreational Lobster Area. It is unlawful for any non-commercial fisherman fishing in the Southern New England Recreational Lobster Area as defined in 322 CMR 6.33 to possess any female lobster bearing a notch or indentation in the base of the flipper that is at least as deep as $\frac{1}{8}$ inch, with or without setal hairs.

(4) Non-commercial Lobster Daily Possession and Landing Limit. It shall be unlawful for any person to harvest more than 15 lobsters per calendar day for personal use, or possess more than 15 lobsters while lobster fishing in waters under the jurisdiction of the Commonwealth.

(5) Seasonal Closures. 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) Prohibitions. No person shall possess any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as $\frac{1}{8}$ inch, with or without setal hairs.

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:

Cape Cod South and East Cod Management Area means those waters under the jurisdiction of the Commonwealth south of 42° 00' excluding waters of Cape Cod Bay.

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.

Gulf of Maine Cod Management Area means those waters under the jurisdiction of the Commonwealth north of 42° 00' and in all waters of Cape Cod Bay.

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

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: 18 inches
3. Pollock: 19 inches
4. Yellowtail flounder: 13 inches
5. Halibut: 36 inches

(b) Recreational Fishing.

1. Cod:
 - i. Gulf of Maine Cod Management Area: 24 inches
 - ii. Cape Cod South and East Cod Management Area: 22 inches
2. Haddock: 19 inches
3. Yellowtail flounder: 13 inches
4. Halibut: 36 inches

6.03: continued

(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.

(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. (Effective 10/31/06)(a) Gulf of Maine Cod Management Area:

1. April through October: It is unlawful for any recreational fisherman to possess more than ten cod per person, per day during April through October;

2. November through March:

i. For-hire: It is unlawful for customers aboard for-hire vessels to land or possess cod harvested from the Gulf of Maine Cod Management Area during November through March.

ii. Private Anglers: It is unlawful for anglers aboard private vessels or fishing from shore to possess more than two cod per person per day, not to exceed 75 lbs. per vessel during November through March.

(b) Cape Cod South and East Cod Management Area: It is unlawful for recreational fishermen to possess more than ten cod per person, per day.

(c) Exceptions: Customers 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 land or possess more than 250 lbs. of yellowtail flounder during a 24-hour day.

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.

2. seasonal allocations downwards to account for quota overages of the previous year or upwards to account for state quota transfers to Massachusetts; and
3. commercial fishery limits to prevent overages of seasonal allocations, to prevent limits from exceeding limits implemented by other states at any time during the year, and to allow increased landings in response to state quota transfers and/or to ensure that the annual quota is reached before December 31".

(3) Permits and Reporting Requirements.

- (a) Dealers shall not purchase summer flounder from commercial fishermen without written authorization from the Director.
- (b) Dealers shall report all purchases of summer flounder by phone and in writing based on schedules established and on forms to be provided by the Division.
- (c) Commercial fishermen selling on consignment shall be considered dealers subject to the permit and reporting requirements of 322 CMR 6.22(3).
- (d) Dealers accepting summer flounder shall weigh and record all summer flounder purchases at the time of landing with pounds landed, date, time, and fishermen's name and permit number for inspection by the Division of Environmental Law Enforcement.
- (e) It is unlawful for dealers to purchase summer flounder in excess of possession limits defined in 322 CMR 6.22(2)(b) and (c).
- (f) A Special Permit shall be:
 1. required of all commercial fishermen taking or landing summer flounder in the Commonwealth;
 2. carried by the holder at all times when catching, taking, possessing, or selling summer flounder;
 3. displayed forthwith on demand by any Environmental Police officer or other official authorized to enforce 322 CMR 6.22; and
- (g) Commercial fishermen shall accurately report their catch of summer flounder to the Director on forms supplied by the Division. Failure to complete and submit an accurate reporting form prior to January 31" or falsification of any such reporting form shall result in suspension, revocation, or a non-renewal of the summer flounder special permit. Said catch reports shall be:
 1. filed no later than January 31" of each year;
 2. held strictly confidential by the Director; and
 3. signed under the pains and penalties of perjury.

(4) Recreational Fishery Season and Limit.

- (a) It is unlawful for recreational fishermen to possess at any one time more than five summer flounder during June 10th through August 15th; and
- (b) It is unlawful for recreational fishermen to land or possess summer flounder during August 16th through June 9th.

6.23: Winter Flounder Restrictions(1) Definitions

Commercial Fisherman means fishermen fishing for purposes of sale, barter or exchange.

Recreational Fisherman means fishermen fishing for purposes of personal or family use by angling.

Winter Flounder means that species of flounder known as *Pseudopleuronectes americanus*.

Gulf of Maine Winter Flounder Stock Area (GOM) are those waters under the jurisdiction of the Commonwealth north of Cape Cod from the New Hampshire Border south to Cape Cod including waters east of Cape Cod north of the 42° line and waters of Cape Cod Bay and the Cape Cod Canal that is bounded to the west by a line drawn from the Massachusetts Maritime Academy to the Bell's Neck Rd./Tidal Flats Recreation Area. The GOM Area also includes all estuaries and salt ponds that drain to these waters.

Southern New England Winter Flounder Stock Area (SNE) means those waters under the jurisdiction of the Commonwealth east of Cape Cod south of 42° and south of Cape Cod and the Islands including Buzzards Bay, Vineyard Sound and Nantucket Sound. The SNE area includes in the County of Barnstable Pleasant Bay and Nantucket Harbor, including all connecting embayments. The SNE Area also includes all estuaries and salt ponds that drain to these waters.

(2) Recreational Fishery Limits

(a) GOM Area. It is unlawful for a recreational fisherman fishing in the GOM Area to possess more than eight winter flounder per day.

(b) SNE Area. It is unlawful for a recreational fisherman fishing in the SNE Area to possess more than four winter flounder per day during the open fishing seasons as described in 322 CMR 6.23:

1. Spring Open Fishing Season. The spring open fishing period shall begin on the 4th Saturday in April and remain open for 30 consecutive days.

2. Fall Open Fishing Season. The fall open fishing period shall begin the 4th Saturday in September and remain open for 30 consecutive days.

3. Prohibitions. It is unlawful for recreational fishermen to take or possess winter flounder taken from the SNE Area except during the open fishing seasons.

(3) Commercial Fishing Prohibitions. It is unlawful for commercial fishermen to take or possess winter flounder taken from:

(a) Inshore Net Area waters described in 322 CMR 4.02(2)(c)(8) through (13)(d), (e), and (f) from February 1st through May 31st; or

(b) Mt. Hope Bay and its tributaries year-round.

6.24: Sea Urchin Management(1) Definitions

(a) Batch means all sea urchins in each separate container.

(b) Container means any bag, box, cage or other receptacle containing loose urchins which may be separated from the entire load or shipment.

(c) Effective fishing width means the width of the sea bottom from which a dredge collects sea urchins including the inside width of the opening or frame or other structures which affect the overall width of the path from which sea urchins are taken.

(d) Sea urchin means that species of echinoderm known as *Strongylocentrotus droebachiensis*.

(2) Minimum Size

(a) No person shall take or possess sea urchins measuring less than two inches in the longest diameter, exclusive of the spines, to the amount of more than 5% of any batch.

(b) Sublegal sea urchins shall be culled immediately after capture, and returned immediately to the sea.

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6.39: continued

- (a) NOAA Fisheries has announced that the federal incidental trip limit is in effect;
 - (b) the Director has filed a notice with the *Massachusetts Register*, and
 - (c) the Director has posted a notice on the *MarineFisheries* listserv and website.
- (3) Commercial Fishery Limit Adjustments. The director may adjust *Loligo* squid commercial fishery landing/possession limits to correspond to limits established by NOAA Fisheries.

6.40: Commercial Tautog (*Tautoga onitis*) Fishery Limits

- (1) Definitions.
 - (a) Commercial Fishermen means fishermen fishing for purposes of sale, barter, or exchange.
 - (b) Fall Open Season means that period when commercial fishing is allowed beginning on September 1st and ending when the quota is reached or November 30th, whichever comes first.
 - (c) Quota means the Commonwealth's annual total allowable commercial catch of tautog.
 - (d) Spring Open Season means that period when commercial fishing is allowed beginning on April 16th and ending when 28% of the quota is reached or May 15th, whichever comes first.
 - (e) Tautog means that species of fish known as *Tautoga onitis*.
- (2) Commercial Fishery Limits.
 - (a) Minimum Size. It is unlawful for commercial fishermen to possess tautog less than 16 inches in total length.
 - (b) Possession Limit.
 - 1. It is unlawful for commercial fishermen to possess more than 40 tautog per 24-hour day during the open commercial seasons defined in 322 CMR 6.40;
 - 2. It is unlawful for commercial fishermen to land or possess tautog when the quota has been reached for any open season or during the closed periods from December 1st through April 15th and May 16th through August 31st.

6.41: Smooth Dogfish (*Mustelus canis*) Management

- (1) Definitions For the purposes of 322 CMR 6.41:
 - (a) Smooth Dogfish means that species known as *Mustelus canis*.
 - (b) Finning means the act of taking a smooth dogfish, removing the fins, and returning the remainder of the smooth dogfish to the sea.
- (2) Possession Limit. It is unlawful for any person to land or possess more than 100-lbs. of smooth dogfish per trip or per day whichever is the longer period of time.
- (3) Prohibitions. It is unlawful for any fisherman to fin smooth dogfish. Fins removed at sea must be retained, landed at the same time and in the same location with carcasses, and not exceed a maximum 5% fin to carcass ratio, by weight.

REGULATORY AUTHORITY

322 CMR 6.00; M.G.L. c. 130, §§ 2, 17A, 80, 100A and 104.