

6.03: continued

2. Dabs: 14 inches;
3. Haddock: 18 inches;
4. Pollock: 19 inches;
5. Yellowtail flounder: 13 inches;
6. Halibut: 36 inches;
7. Monkfish: 17 inches in total length or monkfish tails less than 11 inches in total length;
8. Windowpane Flounder: 12 inches;
9. Winter Flounder: 12 inches;
10. Witch Flounder: 14 inches.

(b) Recreational Fishing.

1. Cod:
 - i. 24 inches in the Gulf of Maine Groundfish Management Area;
 - ii. 22 inches in the Southern New England Groundfish Management Area;
2. Dabs: 14 inches;
3. Haddock: 18 inches;
4. Yellowtail flounder: 13 inches;
5. Halibut: 36 inches;
6. Windowpane Flounder: 12 inches;
7. Winter Flounder: 12 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.
- (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(3)(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.

- (a) Gulf of Maine Groundfish 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 Groundfish 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 pounds per vessel during November through March.
- (b) Southern New England Groundfish 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 Trip Limits. The trip limits established in 322 CMR 6.03(5) shall be determined by the weight of whole, whole-gutted, or gilled fish and shall apply to any trip or 24-hour period, whichever period is longer. It is unlawful for a vessel fishing in:

- (a) Gulf of Maine Groundfish Management Area to possess on board or land more than 800 pounds of cod.
- (b) Southern New England Groundfish Management Area to possess on board or land more than 1,000 pounds of cod.

(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 possess on board or land more than 250 pounds of yellowtail flounder during a trip or 24-hour period, whichever period is longer.

(8) Witch Flounder Commercial Possession Limit. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to possess on board or land more than 1,000 pounds of witch flounder during a trip or 24-hour period, whichever period is longer.

(9) Halibut Fishery Possession Limit. It is unlawful for:

- (a) Commercial fishermen to possess on board or land more than one halibut per vessel per trip or 24-hour period, whichever period is longer.
- (b) Recreational fishermen to possess on board or land more than one halibut per person per day.

(10) Commercial Fishery Monkfish Limit. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to possess on board or land more than 470 pounds of monkfish tails or 1,560 pounds whole weight, per trip or 24-hour period, whichever period is longer.

(11) Winter Flounder Fishery Limits.(a) Commercial Fishery.

1. Possession Limits. It is unlawful for commercial fishermen to possess on board or land:
 - a. more than 250-lbs of winter flounder taken from the Gulf of Maine Groundfish Management Area per trip or 24-hour period, whichever period is longer; or
 - b. more than 50-lbs of winter flounder taken from Southern New England Groundfish Management Area per trip or 24-hour period, whichever period is longer.

(b) Recreational Fishery.

1. Possession Limits. It is unlawful for recreational fishermen fishing in:
 - a. Gulf of Maine Groundfish Management Area to possess more than eight winter flounder per day during the open fishing seasons as described in 322 CMR 6.03(11)(b)2.b.i.
 - b. Southern New England Groundfish Management Area to possess more than two winter flounder per day during the open fishing seasons as described in 322 CMR 6.03(11)(b)2.a. and b.
2. Seasons.
 - a. Gulf of Maine Groundfish Management Area. The open fishing period shall be January through August and November through December.
 - b. Southern New England Groundfish Management Area.
 - i. Spring Open Fishing Season. The spring open fishing period shall begin on the 4th Saturday in April and remain open for 30 consecutive days.
 - ii. Fall Open Fishing Season. The fall open fishing period shall begin the 4th Saturday in September and remain open for 30 consecutive days.
 - c. Prohibitions. It is unlawful for recreational fishermen to take or possess winter flounder taken from the Gulf of Maine Groundfish Management Area or Southern New England Groundfish Management Area except during the open fishing seasons.

(12) Exceptions.

- (a) Multispecies Groundfish Except Winter Flounder. Vessels with federal permits allowing the taking of multispecies groundfish from federal waters may possess and land more than the state possession limit provided said fish were lawfully taken from federal waters.

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5. It shall be unlawful for commercial fishermen to land or possess black sea bass once the Director has determined that 100% of the annual Massachusetts commercial fishery quota has been reached.
 - (b) Minimum Size. It is unlawful for commercial fishermen to possess black sea bass less than 12 inches in total length not including the tail tendril.
- (8) Recreational Black Sea Bass Restrictions.
 - (a) Minimum Size. It is unlawful for recreational fishermen to possess black sea bass less than 12.5 inches in total length not including the tail tendril.
 - (b) Possession Limit. It is unlawful for recreational fishermen to possess more than 20 black sea bass per day.
- (9) Quota Seasonal Allocation, and Commercial Fishery Limit Adjustments. The Director may adjust through declaration:
 - (a) the annual quota to correspond to each year's Massachusetts share of the Atlantic States Marine Fisheries Commission annual commercial quota for scup and black sea bass and to account for other states' transfers of portions of their shares of the annual commercial quota to Massachusetts;
 - (b) seasonal allocations downwards to account for quota overages of the previous year or upwards to account for state quota transfers to Massachusetts; and
 - (c) commercial fishery limits, including the manner and times of taking fish, legal size limits, as well as numbers and/or quantities of fish to be taken, 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".
 - (d) Declaration Process.
 1. a notice has been filed with the *Massachusetts Register*;
 2. a notice has been published by at least one local newspaper;
 3. a copy of the notice has been emailed via the Marine Fisheries Listserv and posted on the Division's website;
 4. a two-week comment period has been conducted by the Division; and
 5. it has been approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.

6.29: Acushnet River Estuary Fisheries Closures

- (1) Definitions. For purposes of 322 CMR 6.30 the following words shall have the following meanings:

Area 1 means all waters north of the Hurricane Dike in New Bedford including all of New Bedford Harbor and the Acushnet River. This area corresponds to Area I described in 105 CMR 260.000.

Area 2 means all waters encompassed by an imaginary straight line beginning at the southernmost part of Ricketson's Point in Dartmouth; thence in an easterly direction to the southernmost part of Wilbur Point in Seanticut Neck, Fairhaven; thence along the western shoreline of Seanticut Neck in a northerly direction along the Fairhaven shoreline; thence along the Hurricane Dike to the New Bedford shoreline; thence in a southerly direction to Clarks Point and along the shoreline of Clarks Cove to the starting point. This area corresponds to Area II described in 105 CMR 260.000.

- (2) Area 1 and 2 Prohibitions. It is unlawful to harvest, catch, or take lobster from Areas 1 and 2.

6.10: American Eels

- (1) Permit. It shall be unlawful for any person to take or land American eels (*Anguilla rostrata*) for commercial purposes without a regulated fishery permit issued by the Director.

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(3) Winter I (January through April) and Winter II (November through December) Commercial Scup Possession Limits. Commercial fishery limits for these periods may be established by the Director through declaration consistent with 322 CMR 6.28(9).

(4) May through October Commercial Scup Possession Limits.

(a) Trawlers.

1. During the squid season (as listed in 322 CMR 6.39) it shall be unlawful to possess more than 400 pounds of scup.
2. From June 10th until the annual scup quota is reached it shall be unlawful to possess more than 400 pounds of scup except on Fridays and Saturdays during this period when possession of scup is prohibited.

(b) Weirs. Weir fishermen shall not be subject to daily possession limits until scup landings among all permitted weir fishermen combined reach 177,000 pounds.

(c) All Other Gear Types.

1. During May 1st through May 31st, it shall be unlawful for commercial fishermen using hook and line or pots to land or possess more than 200 pounds of scup daily except on Mondays, Wednesdays, Fridays and Saturdays when possession of scup is prohibited.
 2. From August 1st until the annual quota is reached it shall be unlawful for commercial fishermen using hook and line or pots to land or possess more than 400 pounds of scup except on Sundays, Fridays and Saturdays when possession of scup is prohibited.
- (d) It shall be unlawful for commercial fishermen to land or possess scup once the Director has determined that 100% of the annual Massachusetts commercial fishery quota has been reached.

(5) Commercial Minimum Size. It is unlawful for any commercial fisherman or dealer to possess scup less than nine inches in total length.

(6) Recreational Scup Restrictions.

(a) Minimum Size.

1. Anglers Aboard For-hire Vessels. It is unlawful for customers aboard for-hire vessels to possess scup less than 11 inches in total length.
2. Private Anglers. It is unlawful for anglers aboard private vessels or fishing from shore to possess scup less than 10½ inches in total length.

(b) Possession Limits and Seasons.

1. Private Anglers. Anglers aboard private vessels or fishing from shore are prohibited from possessing more than ten scup per day from May 24th through September 26th. Private vessels with six or more persons aboard are prohibited from possessing more than 50 scup per day from May 24th through September 26th. It is unlawful for anglers aboard private vessels to possess scup from September 27th through May 25th.
2. Anglers Aboard For-hire Vessels. Anglers aboard for-hire vessels are prohibited from possessing more than 45 scup per day from May 15th through June 28th and ten scup per day from June 29th through September 17th. It is unlawful for anglers aboard for-hire vessels to possess scup from September 18th through May 14th.

(7) Black Sea Bass Commercial Restrictions. The commercial black sea bass quota is managed with seasonal and gear-specific trip limits, no-fishing days and seasonal allocations of the quota.

(a) Possession Limits.

1. January 1st through April 30th. It shall be unlawful for commercial fishermen to land or possess more than 100 pounds of black sea bass during a 24-hour day.
2. May 1st through May 24th. During a 24-hour day, it shall be unlawful for commercial fishermen to land or possess more than 500 pounds of black sea bass in the directed sea bass pot fishery and weir fishery, or 100 pounds in the commercial lobster trap fishery and for all other authorized gear types, except on Mondays Wednesdays, Fridays and Saturdays when possession of black sea bass is prohibited.
3. May 25th through July 31st. It shall be unlawful for commercial fishermen to land or possess any black sea bass.
4. August 1st through December 31st. Commercial trip limits and no-fishing days for this period may be established by the Director consistent with 322 CMR 6.28(3) after a determination of available quota.