

instrument, at least 1/4 inch and not greater than a 1/2 inch in depth and tapering to a sharp point in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down.

2. Zero Tolerance of V-notching. Commercial fishermen fishing in Area 1 as defined in 322 CMR 6.33 or authorized to fish in Area 1 are required to release any female lobster bearing a v-shaped notch of any size with or without setal hairs in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster.

(c) Requirements for Commercial Lobstermen Fishing in LCMA 2, 3, and Outer Cape Cod Dealers and all Non-commercial Lobstermen

1. Definitions. For the purpose of 322 CMR 6.02(3)(c), the following words shall have the following meanings:

V-shaped notch means a straight-sided triangular cut, without setal hairs, at least 1/4 inch in depth and tapering to a point.

2. Prohibitions. It is unlawful for any commercial fishermen fishing in LCMA 2, 3, or Outer Cape Cod or authorized to fish in LCMA 2, 3, or Outer Cape Cod as defined in 322 CMR 6.33, as well as dealers, or non-commercial fishermen to possess any female lobster bearing a v-shaped notch as defined in 322 CMR 6.02(3)(c).

(d) Mutilated V-notch. For purposes of complying with 322 CMR 6.02(3)(b) and (c), it is unlawful for any person to possess a female lobster that is mutilated in a manner that could hide, obscure or obliterate such a mark. The flipper right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

6.03 Cod, Haddock, Pollock and Yellowtail Flounder

(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 aeglefinus*.

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.

(b) Recreational Fishing.

1. Cod: 23 inches.
2. Haddock: 21 inches.
3. Yellowtail flounder: 13 inches.



## 322 CMR: DIVISION OF MARINE FISHERIES

### 6.28: continued

(c) An adjustment has been filed with the Massachusetts Register and has been made available to all commercial scup or black sea bass permit holders and dealers authorized to purchase scup or black sea bass.

(d) The director shall consider any written comments submitted by the public or a state or federal agency, and based on these comments, the Director may alter, amend, or rescind the adjustments pursuant to the procedural requirements of 322 CMR 6.28(5)(b).

#### (6) Black Sea Bass and Scup Recreational Fishery Seasons

(a) It is unlawful for recreational fishermen to possess black sea bass during the period January 1 through May 9.

(b) It is unlawful for recreational fishermen to possess scup during the period October 7 through December 31.

### 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 Ricketsons Point in Dartmouth; thence in an easterly direction to the southernmost part of Wilbur Point in Sconticut Neck, Fairhaven; thence along the western shoreline of Sconticut 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.

### 6.30: 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.

(2) Reporting. Each holder of a regulated fishery permit for American eels shall file a monthly catch report on forms supplied by the Division. Failure to report shall be grounds for suspension and non-renewal of the permit.

(3) Dealers. Wholesale Dealers who purchase American eels from licensed fishermen shall register with the Division and keep records of purchases on forms supplied by the Division.

(4) Minimum Size. It is unlawful for any person to fish for, take, or have in possession American eels measuring less than six inches in total length unless authorized by a special permit issued by the Director.



## 6.28: continued

(c) An adjustment has been filed with the Massachusetts Register and has been made available to all commercial scup or black sea bass permit holders and dealers authorized to purchase scup or black sea bass.

(d) The director shall consider any written comments submitted by the public or a state or federal agency, and based on these comments, the Director may alter, amend, or rescind the adjustments pursuant to the procedural requirements of 322 CMR 6.28(5)(b).

(6) Black Sea Bass and Scup Recreational Fishery Seasons

(a) It is unlawful for recreational fishermen to possess black sea bass during the period January 1 through May 9.

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6.30: American Eels

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

(2) Reporting. Each holder of a regulated fishery permit for American eels shall file a monthly catch report on forms supplied by the Division. Failure to report shall be grounds for suspension and non-renewal of the permit.

(3) Dealers. Wholesale Dealers who purchase American eels from licensed fishermen shall register with the Division and keep records of purchases on forms supplied by the Division.

(4) Minimum Size. It is unlawful for any person to fish for, take, or have in possession American eels measuring less than six inches in total length unless authorized by a special permit issued by the Director.

(5) Non-Commercial Harvest Limit. It shall be unlawful for any person to harvest more than 50 eels per calendar day for personal use, or possess more than 50 eels while eel fishing, unless said person holds a regulated fishery permit for American eel.

(6) Prohibited Fishing Gear. During the period February 15 through June 15, it shall be unlawful for any person, while in or on the waters of or upon the banks of streams or rivers within the coastal waters, to possess or have under his/her control any device with mesh or openings measuring less than 1/8 inch, including, but not limited to dip nets, set nets, and traps adapted for the taking of eels, or to leave any such gear in said areas during the closed season.