



The Commonwealth of Massachusetts

Division of Marine Fisheries

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April 26, 2024

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD: RECREATIONAL FISHING RULES FOR 2024 AFFECTING FISHING LIMITS FOR BLACK SEA BASS, SCUP, SUMMER FLOUNDER, COD, AND HADDOCK AND THE FILLETING OF STRIPED BASS

Pursuant to the authority found at G.L. c. 30A, §2 and G.L. c. 130, §§17, 17A, 21, and 104, the Division of Marine Fisheries (DMF) is taking public comment on a series of recently adopted emergency regulations and draft regulatory proposals to adjust recreational fishing rules at 322 CMR 6.00.

Striped Bass (322 CMR 6.07). DMF seeks public comment on emergency regulations that update state rules governing the at-sea and shore-side filleting of recreational striped bass for improved enforceability and consistency with recent revisions to the Interstate Fishery Management Plan. This includes:

1. Clarifying that striped bass retained by shore anglers or anglers onboard a private vessel are to be kept whole with head and tail intact—except for evisceration (gutting), bleeding, or scaling—while on the waters under the jurisdiction of the Commonwealth or any adjacent parcel of land, structure, parking lot, or portion of roadway. An exemption is being accommodated for striped bass that are being processed for immediate consumption (e.g., cooking at a shore-side camp).
2. Modifying the existing for-hire filleting allowance so for-hire operators or crew may fillet striped bass for their patrons provided: (a) filleting occurs prior to the patrons departing the vessel; (b) the racks are retained by the for-hire operator in a manner that does not interfere with measurement until such a time as the vessel has docked and all customers from that trip have departed the vessel; and (c) no more than two fillets per customer are possessed and each fillet has at least two inches of skin intact.

Summer Flounder Limits (322 CMR 6.22). DMF seeks public comment on emergency regulations that set the 2024 and 2025 recreational summer flounder limits as necessary to achieve an Interstate Fishery Management Plan mandated 28% reduction in harvest. This results in an open fishing season of May 24 – September 23 and a 5-fish bag limit for all angler modes. The minimum size is 17.5" for vessel-based anglers and 16.5" for shore-based anglers.

Scup Limits (322 CMR 6.27). DMF seeks public comment on emergency regulations that set the 2024 and 2025 recreational scup limits as necessary to achieve an Interstate Fishery Management Plan mandated 10% reduction in harvest. This results in an open fishing season of May 1 – December 31 for all angler modes. The bag limit is 30-fish per angler, except anglers onboard for-hire vessels may retain 40-fish each during May 1 – June 30 and anglers onboard private vessels are subject to a 150-fish vessel limit if five or more anglers are fishing. The minimum size is 11" for vessel-based anglers and 9.5" for shore anglers.

Black Sea Bass (322 CMR 6.28). DMF seeks public comment on emergency regulations that set the 2024 recreational black sea bass limits to allow the fishery to continue to open on the third Saturday of May (without increasing projected harvest, as mandated by the Interstate Fishery Management Plan). This

results in a May 18 – September 3 open fishing season, 4-fish bag limit, and 16.5” minimum size for all angler modes.

Gulf of Maine Cod (322 CMR 6.03). DMF seeks public comment on draft regulations to match final federal regulations for 2024. At present, the New England Fishery Management Council has recommended NOAA Fisheries adopt an open season of September 1 – October 31 with a 1-fish bag limit, and a 23” minimum size for all angler modes.

Gulf of Maine Haddock (322 CMR 6.03). DMF seeks public comment on draft regulations to match final federal regulations for 2024. At present, the New England Fishery Management Council has recommended NOAA Fisheries adopt an open season of April 1 – February 28 with a 15-fish bag limit, and an 18” minimum size for all angler modes.

A public hearing has been scheduled for Monday, May 20, 2024 at 6PM via Zoom. Please register [here](#). Additionally, DMF will accept written public comment through 8PM on Monday, May 20, 2024. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov). For more information, please visit our proposed regulations [website](#).

Initial Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 322 CMR 6.00

Estimate of the Number of Small Businesses Impacted by the Regulation: There were 828 for-hire permit holders in Massachusetts in 2022 and they may be affected by adjustments to recreational fishing regulations.

Select Yes or No and Briefly Explain

| | | |
|---------------------------------|---|---|
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to create, file, or issue additional reports? This rule adjusts the state's recreational fishing limits for 2024. This will not result in additional paperwork or reporting. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to implement additional recordkeeping procedures? This rule adjusts the state's recreational fishing limits for 2024. This will not result in additional record keeping. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to provide additional administrative oversight? This rule adjusts the state's recreational fishing limits for 2024. This will not result in additional administrative oversight. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to hire additional employees in order to comply with the proposed regulation? This rule adjusts the state's recreational fishing limits for 2024. This will not result in having to hire additional employees for purposes of compliance. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, etc.)? This rule adjusts the state's recreational fishing limits for 2024. This will not result in having to hire professional services for purposes of compliance. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? This rule adjusts the state's recreational fishing limits for 2024. This will not require capital investment. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) Not applicable. The prescribed regulations are required by and designed to complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 1856 and 16 U.S.C. 5100. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Do any other regulations duplicate or conflict with the proposed regulation? No. There are no other duplicative or conflicting state regulations. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? |

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|---------------------------------|---|---|
| | | All audits and inspections are done in accordance with M.G.L. c. 130. No additional inspections are required under this emergency amendment. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? This rule adjusts the state's recreational fishing limits for 2024. This will not result in having to provide educational services. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? Recreational fishing limits are one of a number of limiting factors that may impact the formation of new for-hire fishing businesses in Massachusetts. Accordingly, this action alone does not discourage the formation of new for-hire businesses. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Recreational fishing limits are one of a number of limiting factors that may impact the formation of new for-hire fishing businesses in Massachusetts. Accordingly, this action alone will not encourage the formation of new for-hire businesses. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation provide for less stringent compliance or reporting requirements for small businesses? Not applicable. The prescribed regulations are required by and designed to complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 1856 and 16 U.S.C. 5100. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? Not applicable. The prescribed regulations are required by and designed to complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 1856 and 16 U.S.C. 5100. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Did the agency consolidate or simplify compliance or reporting requirements for small businesses? Not applicable. The prescribed regulations are required by and designed to complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 1856 and 16 U.S.C. 5100. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? Not applicable. The prescribed regulations are required by and designed to complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 1856 and 16 U.S.C. 5100. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Are there alternative regulatory methods that would minimize the adverse impact on small businesses? Not applicable. The prescribed regulations are required by and designed to complement federal and interstate mandates and thereby comply with federal law at 16 U.S.C. 1856 and 16 U.S.C. 5100. |