



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Director

February 14, 2025

### Notice of Public Hearing and Comment Period:

**False Albacore, Bonito, Menhaden, Groundfish, Summer Flounder, Use of Conch Pots, American Eel, Coastal Sharks, Dogfish Fins, Restrictions on Casting and Shore Fishing, Black Sea Bass, Protected Species Entanglement Reporting, and Non-Native Worms**

Under the provisions of G.L. c. 30A, and pursuant to the authority found at G.L. c. 130 §§ 17(10), 17A, 21, 80, 104, and 106, the Division of Marine Fisheries (DMF) is taking public comment on a series of proposed regulatory amendments to 322 CMR 4.00, 6.00, 7.00, and 12.00. The draft regulations outlined below affect the management of fisheries for striped bass, false albacore, Atlantic bonito, menhaden, groundfish, summer flounder, American eel, coastal sharks, black sea bass, as well as the use of conch pots, protected species entanglement reporting, shore-based shark fishing, restrictions on casting and chumming, possession and sale of dogfish fins, and the use of non-native worms as bait. Full text of the regulations may be found on [DMF's website](#) along with additional background information.

### Public Hearing and Comment Schedule

DMF will accept written public comment through 5PM on Sunday, March 16, 2025. Please submit written comments to Director Daniel McKiernan by e-mail ([marine.fish@mass.gov](mailto:marine.fish@mass.gov)). Additionally, DMF will host two in-person public hearings.

Monday, March 10, 2025  
6:00 PM – 9:00 PM  
DMF's Annisquam River Field Station  
30 Emerson Avenue  
Gloucester, MA

Tuesday, March 11, 2025  
6:00 PM – 9:00PM  
Admiral's Hall at MA Maritime  
1 Academy Drive  
Buzzards Bay, MA

### Proposed Regulatory Amendments

False Albacore and Atlantic Bonito Limits (322 CMR 6.42). To address emerging growth in the fisheries for these species absent stock assessments and fishery management plans, DMF proposes to:

1. Limit the retention of false albacore and Atlantic bonito by any fisher to no more than five (5) fish per person per calendar day.
2. Adopt a minimum size for retention by any fisher at 16" fork length.
3. Consider an exemption to the proposed possession and size limits for the incidental catch of these species in commercial mackerel jigging operations.

Commercial Menhaden Management (322 CMR 6.43, 7.01, and 7.04). In response to recent fishery performance and the high level of latent permits, DMF proposes to:

1. Rescind the quota use trigger that drops the limited entry fishery's trip limit from 25,000 pounds to 6,000 pounds when 90% of the annual quota is taken.
2. For 2026, use the existing August 1, 2023 control date for the limited entry Menhaden Endorsement to limit renewals only to those permit holders who reported selling at least 6,000 pounds of menhaden during the period of January 1, 2019 – July 31, 2023 or who hold this endorsement in combination with a Fish Weir Endorsement and have a history of taking fish by weirs during the period of January 1, 2010 – December 31, 2024.
3. For 2026, limit issuance of Coastal Access Permit – Purse Seine Endorsements to only those persons who held the endorsement prior to the existing August 1, 2023 control date. Then adopt a control date of December 31, 2024, which may be used in the future to further limit entry based on to-be-determined eligibility criteria.

State Waters Groundfish Management (322 CMR 6.03 and 7.04). In response to recent federal actions taken in Framework 69, the setting of the state waters sub-components for the upcoming fishing year, and the high levels of latent permits, DMF proposes to:

1. Update the boundaries for cod management areas to integrate the use of the Western Gulf of Maine and Southern New England cod stock areas.
2. Reduce the commercial trip limit for Western Gulf of Maine cod from 400 pounds to 300 pounds, or as an alternative, consider potential seasonal trip limit reductions.
3. Enact a commercial and recreational moratorium on the retention of Southern New England cod.
4. Increase the commercial trip limit for Gulf of Maine yellowtail flounder from 350 pounds to 500 pounds.
5. Increase the commercial monkfish tail trip limit from 536 pounds (1,560 whole weight) to 1,000 pounds (2,910 whole weight).
4. Update the control date for the state waters Groundfish Endorsement from December 31, 2018, to December 31, 2024, which may be used in the future to further limit entry based on to-be-determined eligibility criteria.

Commercial Summer Flounder Management (322 CMR 6.22). In response to recent fishery performance, DMF proposes to:

1. For Period I (January 1 – April 22):
  - a. Reduce the seasonal quota allocation from 30% to as low as 15% beginning in 2026.
  - b. Reduce the trip limit from 5,000 pounds to 2,000 pounds.
2. For the summertime fishery (April 23 – September 30):
  - a. Reduce the trip limit for net fishers from 600 pounds to 500 pounds and for hook fishers from 400 pounds to 325 pounds.
  - b. Adjust the existing quota-use-based trip limit reduction trigger from 75% quota use on or before August 1 to 75% quota use on or before August 15.
  - c. Adopt a new quota use trigger that drops the trip limit to 200 pounds for all gear types if 90% of the quota is taken on or before September 1.

Use of Conch Pots (322 CMR 6.12 and 6.31). To address emerging protected species entanglement concerns, DMF proposes to apply the state's conch pot management program to its permit holders while also fishing in federal waters. This includes:

1. Requiring a Conch Pot endorsement be held for a Massachusetts permit holder to fish conch pot gear in federal waters or to possess or land whelks taken by conch pot gear in federal waters.
2. Mandating that the permit holder affix a valid annual conch pot trap tag to all conch pot gear on the vessel or set in state or federal waters and that the 200-conch pot limit be adhered to regardless of where the gear is fished.
3. Applying the December 16 – April 14 closed season for conch pot gear to conch pot gear set by Massachusetts permit holders in federal waters.

Commercial American Eel Management (322 CMR 6.30, 7.01, and 7.04). To address poor stock conditions, DMF is proposing to limit the commercial fishery by either:

1. Adopting a December 31, 2024 control date for the American Eel Endorsement, and then in 2026, limit entry in this fishery to only those permit holders who reported landing or selling any quantity of eels over the prior five years (2020 – 2024). Then potentially making the remaining endorsements owner-operator and/or non-transferable.
2. Or alternatively, enacting a harvest moratorium on the commercial eel fishery for 2026.

Coastal Shark Management (322 CMR 6.37). To ensure compliance with the interstate fishery management plan for coastal sharks, DMF proposes to prohibit the retention of oceanic whitetip sharks.

Dogfish Fins (322 CMR 6.37). To improve the enforcement of the existing shark fin prohibition, DMF proposes to mandate the possession of paperwork demonstrating the lawful origin of dogfish fins possessed or offered for sale.

Restrictions on Casting, Chumming, and Shore-Based Shark Fishing (322 CMR 4.09 and 6.37). To better constrain shore-based shark fishing and enforce the existing prohibition on capturing white sharks:

1. Define shore-based shark fishing as any fishing not occurring on a vessel and using a hook with a size of 8/0 or greater attached to a metal leader and prohibit this activity along the Massachusetts coastline from the New Hampshire border through Chatham (including all of Monomoy Island), except for the shores inside Plymouth, Kingston, and Duxbury Bays.
2. Prohibit chumming when conducting any shore fishing.
3. Prohibit the launching of all baits by any means other than casting with a rod and reel.

Recreational Black Sea Bass Season (322 CMR 6.28). To maintain the longstanding opening of this fishery on a Saturday, DMF proposes to move the start date from May 18 to May 17 resulting in a corresponding closure date on September 1 rather than September 3.

Protected Species Entanglement Reporting (322 CMR 12.02 and 12.08). To enhance entanglement reporting requirements, DMF is proposing to require any operator of any vessel to report any observed entanglement of a large whale or sea turtle to NOAA Fisheries, the Massachusetts Environmental Police, or the Provincetown Center for Coastal Studies. This reporting requirement currently applies to only observed entanglements of right whales.

Possession of Non-Native Worms (322 CMR 6.10). To address biosecurity concerns related to reports regarding the use of Pacific lugworms as bait in the northeast, DMF is proposing to prohibit the sale and use of non-native seaworm species.

## Initial Small Business Impact Statement

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

**CMR No.: 322 CMR 4.00, 6.00, 7.00, and 12.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation:** In 2024, DMF issued 7,659 commercial fishing permits. Each of these permit holders may be impacted by these draft regulations. The extent of the impact is dependent on the fisheries they participate in. The most impact will be to those commercial fishers who may lose access to the eel and menhaden fisheries. Of the existing 50 menhaden permit holders, DMF's proposal would reduce access to between 15 and 20. Of the existing 234 eel permit holders, DMF's proposal would reduce access to between 3 and 9 individuals.

### 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? <b>No. The proposed regulations will not result in additional reporting requirements.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? <b>No. The proposed regulations will not result in additional record keeping procedures.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? <b>No. The proposed regulations will not result in additional administrative oversight.</b>
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? <b>No. The proposed regulations will not result in having to hire additional employees for the purpose of compliance.</b>
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, <b>No. The proposed regulations will not result in having to hire professional services for the purpose of compliance.</b>
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? <b>No. The proposed regulations will not require capital investment.</b>
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.)  <b>DMF regulations control the harvest of marine species to comply with federal law, manage state-quotas and protect the environment. Performance standards are not appropriate without individual transferable quotas allocated to individual fishermen. Managing state-waters fisheries with individual quotas would have negative economic impacts across the seafood industry.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? <b>No. There are no other duplicative or conflicting state regulations.</b>

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? <b>All audits and inspections are done in accordance with M.G.L. c. 130. No additional inspections are required under this amendment.</b>
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? <b>No. DMF does not anticipate the proposed regulations will require small businesses to provide educational services to keep up to date with regulatory requirements.</b>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? <b>Yes. DMF is proposing to restrict access to the commercial eel and menhaden fisheries based on historic participation thereby limiting access to these fisheries moving forward.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? <b>No. The proposed regulations do not address enhancing entry into these fisheries and other factors, such as permit and vessel availability and cost and shoreside infrastructure, determine the formation of new businesses.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? <b>No. This is not addressed by these draft regulations.</b>
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? <b>No. This is not addressed by these draft regulations.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <b>No. This is not addressed by these draft regulations.</b>
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? <b>No. Operational standards are needed for consistent and clear notification, enforcement, and compliance.</b>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <b>No. Operational standards are needed for consistent and clear notification, enforcement, and compliance.</b>