



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Director

September 13, 2023

Notice of Public Hearing and Comment Period: Recreational Fishing Limits for Cod and Haddock

Under the provisions of G.L. c. 30A and pursuant to the authority found at G.L. c. 30A, §2 and 130 § 17, the Division of Marine Fisheries (DMF) is taking public comment on recently enacted emergency regulations amending 322 CMR 6.03 to implement recreational cod and haddock limits. A description of the emergency regulations are described below and a full text of the emergency regulations may be found on [DMF's website](#) along with additional relevant background information.

1. Georges Bank/Southern New England Cod. Adopt a September 1 – May 31 open season with a 5-fish bag limit and 23" minimum size. Effectively this adjusts the timing of the open season by one month, as it was previously August 1 – April 30; eliminates the 22" to 28" slot limit in favor of a 23" minimum size; and maintains the 5-fish bag limit.
2. Gulf of Maine Cod. Adopt a September 1 – October 31 open fishing season with a 1-fish bag limit and 22" minimum size. Effectively, this extends the fall season closure date from October 8 to November 1, eliminates the April 14 – April 30 open season, and maintains the existing size limit and bag limit.
3. Gulf of Maine Haddock. Adopt a April 1 – February 28 open season with a split mode bag limit and size limit. Anglers fishing from shore or a private vessel will have a 10-fish bag limit and 17" minimum size, whereas anglers on for-hire vessels will have a 15-fish bag and 18" minimum size. Effectively, this maintains the current open season for all anglers and the minimum size for private anglers, while decreasing the bag limit from 20-fish for all anglers and raising the minimum size by 1" for for-hire anglers to offset the higher bag limit.

Public Hearing and Comment Schedule

DMF will host a virtual public hearing on Tuesday, October 10, 2023 at 6PM. To attend the virtual public hearing you must pre-register at:

https://us02web.zoom.us/webinar/register/WN_Pi94APL_SOW8Zif5IoivUQ.

DMF will accept written public comment through 5PM on Friday October 13, 2023. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov).

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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 comply with federal law at 16 U.S.C. 1856. |
| 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 Gulf of Maine haddock, Gulf of Maine and Georges Bank cod for 2023. 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 rules 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 rules 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 comply with federal law at 16 U.S.C. 1856. |
| 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 comply with federal law at 16 U.S.C. 1856. |
| 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 comply with federal law at 16 U.S.C. 1856. |
| 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 comply with federal law at 16 U.S.C. 1856. |
| 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 comply with federal law at 16 U.S.C. 1856. |