

322 CMR 4.00: FISHING AND SHELLFISH EQUIPMENT

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4.01: Use of Purse Seines in Cape Cod Bay

(1) Rules and Regulations Governing the Use of Purse Seines in Cape Cod Bay, adopted under provisions of M.G.L. c. 30A and M.G.L. c. 130, §§ 2, 17A and 104.

(2) Restricted Area. No person shall fish with purse seines in Cape Cod Bay shoreward of an imaginary straight line drawn from Sesuit Harbor in Dennis, northerly to the #1 buoy on Billingsgate Shoal, thence northeasterly to Jeremy Point in Wellfleet, unless that person holds a Letter of Authorization that may be issued by the Director.

4.02: Use of Nets in Inshore Restricted Waters

(1) Purpose. The purpose of 322 CMR 4.02 is to manage net fishing participation in the nearshore harbors, bays, estuaries, tidal creek, river, and salt ponds inshore waters of the Commonwealth on a year-round basis with a particular focus on winter flounder and the spawning season. In addition, 322 CMR 4.02 is designed to reduce conflicts between different fisheries and users and to identify and regulate all inshore net fisheries for purposes of resource conservation and management.

(2) Inshore Restricted Waters. 322 CMR 4.02 contains a listing of the defined inshore waters and the description of the outer boundaries as delineated by specific structures such as jetties, points, and other landmarks.

(a) Boston and North

1. Merrimack River. Waters inside a line drawn between easternmost tips of north and south jetties.
2. Plum Island Sound. Waters inside an imaginary straight line drawn from the dome on Castle Hill, Ipswich to the southernmost tip of Plum Island -- Approx. 5° True.
3. Essex Bay. Waters inside an imaginary straight line drawn from the northwesternmost point of Wingersheek Beach to the southeasternmost point of Castle Neck -- Approx. 72° True.
4. Annisquam River, Gloucester. Waters inside an imaginary straight line drawn from northern tip of Farm Point to the Annisquam River Horn on Wigwam Point -- Approx. 53° True.
5. Rockport Harbor. Waters inside an imaginary straight line drawn from the spit on the southern shore of the Harbor to the flasher on the easternmost tip of the north breakwater -- Approx. 354° True.
6. Gloucester Harbor. Waters inside an imaginary straight line drawn from Eastern Point Flashing beacon to Mussel Point -- Approx. 350° True.
7. Manchester Harbor. Waters inside an imaginary straight line drawn from westernmost tip of Proctor Point to Tucks Point -- Approx. 350° True.
8. Beverly Harbor. Waters inside an imaginary straight line drawn from the eastern most tip of Yacht Club Pier to southernmost tip of Woodbury Point -- Approx. 29° True.

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9. Salem Harbor. Waters inside an imaginary straight line drawn from Ft. Pickering Light to northernmost tip of Naugus Head, Marblehead -- Approx. 148° True.
 10. Marblehead Harbor. Waters inside an imaginary straight line drawn from flashing green beacon on northernmost tip of Marblehead Neck to the flag tower at Ft. Seawall -- Approx. 302° True.
 11. Lynn Harbor. Waters inside an imaginary straight line drawn from easternmost tip of Point of Pines to the Cupola on Little Nahant -- Approx. 108° True.
 12. Boston Harbor. Waters inside imaginary straight lines drawn from the tower on Telegraph Hill in the town of Hull to the southernmost point of Lovells Island thence from the northernmost point of Lovells Island to the southeasternmost tip of Deer Island.
- (b) Cape Cod Canal to Boston.
1. Little Harbor, Cohasset. Waters west and south of Atlantic Avenue.
 2. Cohasset Harbor. Waters inside an imaginary straight line drawn from northernmost point of Strawberry Point to easternmost point of Quarry Point -- Approx. 268° True.
 3. Scituate Harbor. Waters inside an imaginary straight line drawn from northernmost point of First Cliff to the flashing red beacon on the eastern tip of the breakwater on Cedar Point -- Approx. 43° True.
 4. North River/South River. Waters inside an imaginary straight line drawn from northernmost point of Fourth Cliff to the southernmost point of Third Cliff -- Approx. 322° True.
 5. Green Harbor, Marshfield. Waters inside an imaginary straight line drawn between the southernmost tips of the entrance jetties.
 6. Plymouth, Kingston, Duxbury Harbors. All waters inside an imaginary straight line drawn from the southwestern point of Saquish Head to the northernmost point of Plymouth Beach -- Approx 218° True.
- (c) Cape Cod.
1. Sandwich Harbor. Waters inside an imaginary straight line drawn between northernmost tips of entrance jetties.
 2. Scorton Harbor, Sandwich. Waters inside an imaginary straight line drawn between northernmost tips of entrance jetties.
 3. Barnstable Harbor. Waters inside an imaginary straight line drawn from the easternmost tip of Beach Point to the western tip of the eastern shore of Bass Hole -- Approx. 84° True.
 4. Sesuit Harbor, Dennis. Waters inside an imaginary straight line drawn between northernmost tips of entrance jetties.
 5. Wellfleet Harbor. Waters inside an imaginary straight line drawn from the southernmost tip of Jeremy Point due east (90° True) to the shore of Sunken Meadow, Eastham.
 6. Pamet Harbor, Truro. Waters inside an imaginary straight line drawn between the westernmost tips of the entrance jetties.
 7. Provincetown Harbor. Waters inside an imaginary straight line drawn from the northernmost tip of Long Point 13° True to the tank west of Mayflower Heights.
 8. Nauset Harbor. Waters inside an imaginary straight line drawn from the northernmost point of Nauset Heights to the southeasternmost part of Nauset Beach, Orleans -- Approx. 329° True.
 9. Pleasant Bay. Waters inside an imaginary straight line drawn from the southwesternmost point of Nauset Beach, Chatham to the southernmost point of Morris Island -- Approx. 334° True.
 10. Stage Harbor, Chatham. Waters inside an imaginary straight line drawn from westernmost point of Harding Beach Point to the southernmost point of Stage Harbor -- Approx. 268° True.
 11. Taylor's Pond, Chatham. All waters including Cackle Cove and Bucks Creek.
 12. Saquatucket Harbor, Harwich. Waters inside an imaginary straight line drawn southernmost tips of entrance breakwaters.
 13. Wychmere Harbor, Harwich. Same as Saquatucket Harbor.
 14. Allen Harbor, Harwich. Same as Saquatucket Harbor.
 15. Herring River, Harwich. Waters inside an imaginary straight line drawn between southernmost tips of entrance breakwaters.
 16. Swan Pond River and Swan Pond, Dennis. All waters.

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17. Bass River, Yarmouth - Dennis. Waters inside an imaginary straight line drawn between southernmost tips of entrance jetties.
 18. Parker River, Yarmouth. Waters inside entrance.
 19. Hyannis Harbor - Lewis Bay. Waters inside an imaginary straight line drawn from Point Gammon to the flashing green beacon on the Hyannisport breakwater -- Approx. 307° True.
 20. Hall Creek - Hyannisport. Waters inside entrance.
 21. East Bay, Barnstable. Waters inside an imaginary straight line drawn from the southernmost tip of Long Beach to the southernmost tip of the south breakwater.
 22. West Bay, Barnstable. Waters inside an imaginary straight line drawn between southernmost tips of entrance breakwaters.
 23. Cotuit Bay- North Bay, Barnstable. Waters inside an imaginary straight line drawn from northwesternmost point of Oyster Harbors Beach (Sampsons Island) to Bluff Point -- Approx. 212° True.
 24. Popponesset Bay, Mashpee - Barnstable. Waters inside an imaginary straight inside line drawn from northernmost point of Thatch Island to Meadow Point -- Approx. 289° True
 25. Waquoit Bay, Mashpee - Falmouth. Waters inside an imaginary straight line drawn between southernmost tips of entrance jetties.
 26. Eel Pond, Falmouth. Waters inside an imaginary straight line drawn between southernmost tips of entrance jetties.
 27. Bournes Pond, Falmouth. Waters inside entrance.
 28. Green Pond, Falmouth. Waters inside an imaginary straight line drawn between southernmost tips of entrance jetties.
 29. Little Pond, Falmouth. Waters inside entrance.
 30. Falmouth Inner Harbor. Waters inside of an imaginary straight line drawn between tips of entrance breakwaters.
 31. Salt Pond, Falmouth. Waters inside entrance.
 32. Oyster Pond, Falmouth. Waters inside entrance.
 33. Little Harbor, Falmouth. Waters inside an imaginary straight line drawn from Juniper Point to Nobska Point Light -- Approx. 100° True.
 34. Great Harbor, Woods Hole. Waters inside an imaginary straight line drawn from Juniper Point to Penzance Point -- Approx. 287° True.
- (d) The Islands.
1. Nantucket Harbor. Waters inside an imaginary straight line drawn between the outermost tips of the entrance jetties.
 2. Madaket Harbor, Nantucket. Waters inside an imaginary straight line drawn from Eel Point -- Approx. 196° True -- to the southwesternmost tip of Madaket.
 3. Vineyard Haven Harbor. Waters inside an imaginary straight line drawn from the northern tip of the breakwater north of Lagoon Pond Bridge to the northern tip of the Vineyard Haven Breakwater and thence to the west shore of Vineyard Haven Harbor (includes Lagoon Pond).
 4. Oak Bluffs. Waters inside an imaginary straight line drawn between outermost tips of breakwaters.
 5. Hart Haven Harbor-Farm Pond, Oak Bluffs. Waters inside entrance jetties.
 6. Sengekontackett Pond, Oak Bluffs-Edgartown. Waters west of Beach Road (includes Trapps Pond).
 7. Edgartown Inner Harbor-Katama Bay. Waters inside area bounded as follows - Edgartown Light to Chappaquiddick Point and Norton Point to southwesternmost part of Chappaquiddick Island.
 8. Cape Poge Bay, Edgartown. Waters inside an imaginary straight line drawn south 180° True from the north side of Cape Poge Gut.
 9. Edgartown Great Pond. Waters inside entrance.
 10. Tisbury Great Pond. Waters inside entrance.
 11. Menemsha Pond. Waters inside an imaginary straight line drawn between outermost tips of entrance jetties.
 12. James Pond, West Tisbury. Waters inside entrance.
 13. Lake Tashmoo, Tisbury. Waters inside an imaginary straight line drawn between outermost tips of entrance jetties.

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- (e) Buzzards Bay to Mount Hope Bay, and Cuttyhunk Pond.
 - 1. Buzzards Bay. Waters inside Buzzards Bay north and east of an imaginary straight line drawn from the southernmost point of Gooseberry Neck to Cuttyhunk Light.
 - 2. Westport River. Waters inside an imaginary straight line drawn from Westport Light to the westernmost tip of Horseneck Point - Approx. 331° True.
 - 3. Richmond Pond, Westport. Waters inside entrance.
 - 4. Mount Hope Bay. Waters north of the Massachusetts/Rhode Island boundary line including Mount Hope Bay, Cole's River, Lee's River, and Taunton River,
 - 5. Cuttyhunk Pond. Waters inside entrance.
- (f) Narragansett Bay Tributaries.
 - 1. Runnins River. Waters within the river.
 - 2. Palmer River. Waters above the Massachusetts/Rhode Island boundary.

(3) Inshore Restricted Waters Regulated Fishery Permit. Except as otherwise provided by 322 CMR 4.02(5), any person who intends to use any net to catch and take fish inside those waters set forth in 322 CMR 4.02(2) or inside any other estuary, embayment, salt pond, tidal creek, river or other similar body of inshore waters shall possess a special regulated fishery permit endorsement issued by the Director pursuant to 322 CMR 7.01(4)(a): *Regulated Fishery.*

(4) Permit Eligibility. The Director may limit the number of permits issued each year. In determining eligibility to receive special regulated fishery permits, the Director may take into consideration the following criteria:

- (a) the extent of traditional participation in the inshore net fishery;
- (b) the degree of economic dependence on the inshore net fishery; and
- (c) the extent that the nets to be used are compatible with existing fisheries in the area; as well as with the physical environment of the areas to be fished, as evaluated by the Director and;
- (d) the abundance of target species in the area(s) to be fished and/or the overall stock condition of the resource as determined by the Director.

(5) Exception.

- (a) Cast Net. A person may, without a special permit, use a cast net for purposes of taking bait.
- (b) Small Bait Net. A person may, without a special permit, use a small net of no more than 250 square feet inside those inshore waters listed in 322 CMR 4.02(2) or inside any estuary, embayment, salt pond, tidal creek, river or other similar body of inshore water for the sole purpose of obtaining bait fish for personal use provided all other requirements of law are met.

(6) Conditions. The Director may establish any conditions to the special permit that are necessary for purposes of conservation of the resource or management of the fishery.

(7) Prohibitions. Except as otherwise provided by 322 CMR 4.02(5), it is unlawful to set or use any net inside any inshore water set forth in 322 CMR 4.02(2) or any estuary, embayment, salt pond, tidal creek, river or other similar body of inshore water:

- (a) to take winter flounder between February 1st and May 31st; or
- (b) without a special permit issued from the Director or contrary to the terms or conditions of the special permit.

4.03: Fish Weir Buffer Zone

(1) Purpose. Unlike mobile fishing gear that is used in active pursuit of fish or fixed gear such as fish pots or gillnets that can be moved to follow migrating fish, weirs, authorized by M.G.L. c. 130, § 29 and set in coastal waters with permission of appropriate cities or towns, are completely stationary and dependent on fish coming to them. Since fish tend to follow the weir's leader to the head (heart and bowl), they become concentrated and attract other fishermen to the weir where fish are available and more easily caught. This use of the weir's fish-attracting traits by other fishermen; for example, by fishing in the bowl or heart or alongside the leader, can interfere with the weir's operation and/or success and cause conflicts on the water between weir and other fishermen. Consequently, to avoid these conflicts, a reasonable buffer zone within which no person may conduct commercial or recreational fishing, except the weir owner or those with the owner's consent to remove fish and squid from the head(s), has been established.

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(2) Definitions.

Buffer Zone means the area around the fish weir which is circumscribed by buoys attached to weir pole anchors. The zone's boundary around the bowl is defined by imaginary straight lines between the buoys. The zone's extension from the bowl towards shore and parallel to the leader is defined by imaginary straight lines between the buoys on either side of the bowl to buoys attached to leader pole anchors. The shoreward end of the zone is defined by an imaginary straight line between the leader pole anchor buoys 500 feet from the first leader pole at the entrance to the weir's heart. When a weir has two heads, the zone extends the entire distance from the most seaward head to leader pole buoys 500 feet shoreward of the first leader pole at the entrance to the most shoreward head.

Commercial Fishing means fishing for purposes of sale, barter or exchange.

Fish Weir (also known as pound net or fish trap) means a stationary or fixed maze of nets attached to poles anchored to the sea bed and comprised of the leader (line of poles with net attached) extending from near-shore seaward to the heart which is adjacent to the bowl where fish and squid accumulate. A weir may have two heads each with a heart and bowl.

Fishing means to harvest, catch or take or attempt to harvest, catch or take any fish or squid.

Recreational Fishing means fishing for purposes of personal or family use by angling or hook and line.

(3) Marking

(a) Weirs with one head shall have anchors marked on the surface by buoys tied to the end of anchor lines of the most seaward pole of the bowl and of the poles on both sides of the bowl. The shoreward extension of the zone along and parallel to the leader shall be marked on the surface by buoys tied to the anchor at the end of anchor lines on both sides of the leader 500 feet from the leader pole at the entrance to the heart.

(b) Weirs with two heads shall have anchors marked on the surface by buoys tied to the end of the anchor line of the most seaward pole of the most seaward bowl and tied to the ends of anchor lines of the poles on both sides of the two heads' bowls. The shoreward extension of the zone along and parallel to the leader shall be marked on the surface by buoys tied to the anchor at the end of anchor lines on both sides of the leader 500 feet from the leader pole at the entrance to the most shoreward head's heart.

(c) All buoys shall be 12 inches diameter, orange, inflated balls marked with the weir number assigned by DMF. A weir with one head shall be marked with five buoys. A weir with two heads shall be marked with seven buoys.

(4) Prohibition. It is prohibited for any person to conduct commercial or recreational fishing within the buffer zone except the weir owner and those with the owner's consent to remove fish and squid from the bowl(s).

(5) Maximum Buffer Zone Width.

(a) The maximum distance between the anchor line buoys and the weir poles of the bowl shall be 150 feet.

(b) The maximum distance between the anchor line buoys and the weir poles of the leader shall be 200 feet.

4.04: Use of Sink Gillnets

(1) Definitions. For the purposes of 322 CMR 4.03 the following terms have the following meanings:

East End means that part of the gillnet extending from 01° through 180° magnetic.

Gillnet means any anchored or drifting vertical wall of webbing that is buoyed at the top and weighted at the bottom and designed to capture fish by entanglement, gilling or wedging. This includes, but is not limited to, flatfish gillnets, surface gillnets and sink gillnets.

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Sink Gillnet means any gillnet, anchored or otherwise, that is designed to be, capable of being, or is fished on or near the lower third of the water column. Sink gillnets include, but are not limited to, stand up and tie down gillnets.

West End means that part of the gillnet extending from 181° through 00° magnetic.

(2) Permitting Requirements. A regulated sink gillnet fishery permit endorsement, issued in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement*, is required to set or fish a sink gillnet in the waters under the jurisdiction of the Commonwealth.

(3) Sink Gillnet Specifications.

(a) Maximum Length. Within the waters under the jurisdiction of the Commonwealth, the total continuous length of connected sink gillnets shall not exceed 2,400 feet from end to end of an entire net.

(b) Gear Marking and Configuration Requirements.

1. All buoys used to mark sink gillnets shall be permanently and visibly marked with the permit number of the lawfully permitted owner.

2. The east end of a sink gillnet shall be marked with a high flyer and a standard 12-inch tetrahedral corner radar reflector.

3. The west end of a sink gillnet shall be marked with a high flyer with a flag and a standard 12-inch tetrahedral corner radar reflector.

4. All buoy lines affixed to sink gillnet shall be marked with a 12-inch green mark at the top, bottom and midway on the buoy line. Except that if the color of the buoy line is green then it shall be marked with white marks.

(c) Mesh Size and Measurement.

1. Mesh Size. Sink gillnets shall have mesh openings not less than 6½ inches.

2. Measurement of Mesh. Mesh size is measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of 3.2 millimeters, inserted into the meshes under a pressure or pull of five kilograms. The mesh size will be the average of the measurements of any series of 20 consecutive meshes.

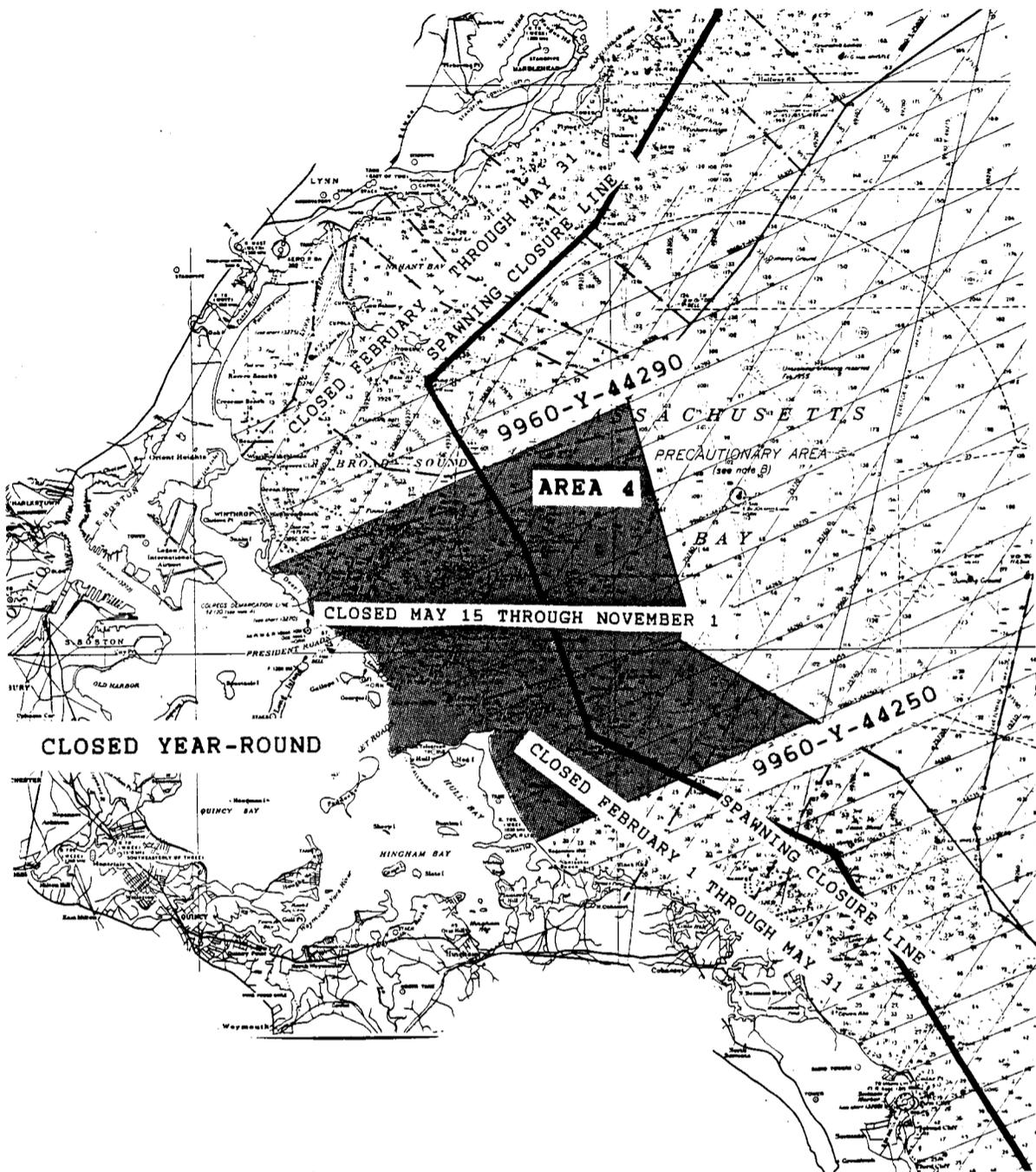
(4) Areas Closures.

(a) South and West of Cape Cod. It is unlawful to use, set, maintain, or fish with any sink gillnets during the period of April 1st through November 15th in waters under the jurisdiction of the Commonwealth in Mount Hope Bay and circumscribed by an imaginary line beginning at the intersection of the Loran C line 9960 Y 43940 with the Chatham shoreline; thence seaward following the Loran C line 9960 Y 43940 to the territorial seas line; thence in a southerly direction following the territorial seas line to its intersection with a point at 70 00'; thence in a southerly direction following the 70 00' line to its intersection with the territorial seas line; thence following the territorial seas line in a southerly direction and south of Nantucket Island and Martha's Vineyard to the Massachusetts/Rhode Island boundary; thence in a northerly direction following the Massachusetts/Rhode Island boundary to the shoreline; thence following the shoreline in an easterly direction to the starting point.

(b) Greater Boston Harbor. It is unlawful to use, set, place or maintain any sink gillnet from May 15th to November 1st beginning at the intersection of the Loran C 9960 Y 44250 line with the shoreline of the town of Hull; thence following the 44250 line to the so called otter and beam trawl line otherwise known as the old exterior line of the Commonwealth; thence following said line in a northerly direction to the intersection with the Loran C 9960 Y 44290 line; thence following the 44290 line in a westerly direction to the shoreline north of Deer Island; thence along the shoreline of Deer Island in a southerly direction to the southeasternmost tip of Deer Island; thence along an imaginary straight line to the northernmost point of Lovell Island; thence along the shore of Lovell Island to its southernmost point; thence along an imaginary straight line to the tower on Telegraph Hill in the town of Hull; thence along the shore eastward to Pt. Allerton and southward along Nantasket Beach to the intersection of the shore with the Loran C 44250 line at the point of beginning, all as appearing on Chart 322 CMR 4.04(4)(b).

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Chart 322 CMR 4.04(4)(b)



4.05: Further Regulation of Fishing Gear (Reserved)

4.06: Use of Mobile Gear

(1) Definitions. For purposes of 322 CMR 4.06 the following terms shall have the following meanings:

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Area 5 means that area within the waters under the jurisdiction of the Commonwealth beginning at a point 2.80 nautical miles from shore on the northernmost Gloucester/Rockport marine boundary; thence 136° true 4.35 nautical miles to a point 055° true 1.85 nautical miles from Straitsmouth Island Light; thence 162° true 1.40 nautical miles to a point 100° true 1.85 nautical miles from Straitsmouth Island Light; thence 180° true 1.65 nautical miles to a point 137° true 2.70 nautical miles from Straitsmouth Island Light; thence 210° true 2.60 nautical miles to a point on the southernmost Gloucester/Rockport marine boundary where said boundary line intersects a line bearing 130° true 2.70 nautical miles from Salt Island; thence seaward along the southernmost Gloucester/Rockport marine boundary to the territorial seas line of the Commonwealth; thence northerly along said line to its intersection with the northernmost Gloucester/Rockport marine boundary; thence shoreward along said boundary to the starting point.

Area 6 means that area within the waters under the jurisdiction of the Commonwealth beginning at the intersection of the northerly Rockport/Gloucester town line and the territorial seas line; thence along the territorial seas line to the Massachusetts/New Hampshire boundary; thence shoreward along the boundary to a point one nautical mile from shore; thence in a southerly direction along an imaginary line parallel to and one nautical mile from shore to a point on the Rockport/Gloucester town line one nautical mile from shore; thence seaward to the starting point.

Coastal Access Permit (CAP) means the regulated fishery permit endorsement for certain mobile gear, issued pursuant to M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery* and 7.05: *Coastal Access Permit (CAP)*.

Cod End means all parts of a net a distance of 50 continuous meshes forward of the terminal portion of the net where fish are retained.

Director means the Director of the Division of Marine Fisheries.

Division means the Division of Marine Fisheries

Fishing or Fish For means to harvest, catch or take or attempt to harvest, catch or take any fish or shellfish for commercial purposes. A vessel is presumed to be fishing unless its trawl doors are out of the water and secured to the vessel's side or stern or unless the mouth of the net is out of the water and secured to the vessel's side or stern.

Ghost Gear means any fixed fishing gear including but not limited to gillnets and lobster traps with their associated ropes which are no longer buoyed to the surface of the water, are not visible from the surface and become entangled with mobile gear.

Hauling Back means retrieving a net from the ocean bottom and placing the contents of the cod end on the deck or hold of the vessel.

Line of 1881 means the otter and beam trawl line, otherwise known as the old exterior line of the Commonwealth, as defined by St. 1881, c. 196.

Mobile Gear means any moveable or encircling fishing gear or nets which are towed, hauled or dragged through the water for the harvest of fish including but not limited to pair trawls, otter trawls, beam trawls, mid water trawls, scottish seines, danish seines, pair seines, purse seines or shellfish dredges.

Molted Lobster means any newly molted lobster whose carapace has not hardened and may be dented by exerting lateral pressure with the fingertips.

Night Fishing means fishing ½ hour after sunset to ½ hour before sunrise during the period of March 1st through October 31st, or from 6:00 P.M. to 6:00 A.M. during the period of November 1st through the last day of February.

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NOAA Chart means the official and reproduced nautical charts of the National Oceanic and Atmospheric Administration, United States Department of Commerce.

Person means any individual, including the captain, master or crew member of a fishing vessel, or any firm, partnership, corporation or other business entity.

Small Mesh Squid Exempted Area means the area circumscribed by an imaginary line beginning at the intersection of the Loran C line 9960-Y-43940 with the Chatham shoreline; thence seaward following the Loran C line 9960-Y-43940 to the territorial seas line; thence in a southerly directions following the territorial seas line to its intersection with the 70° W meridian; thence in a southerly direction along the 70° W meridian to its intersection with the territorial seas line; thence following the territorial seas line in a southerly direction and south of Nantucket Island and Martha's Vineyard to the Massachusetts/Rhode Island boundary; thence in a northerly direction following the Massachusetts/Rhode Island boundary to the shoreline; thence following the shoreline in an easterly direction to the starting point.

Small Mesh Trawl means any trawl with net mesh openings that are less than 6½ inch in the cod end and six inches throughout the remainder of the net.

Territorial Seas Line means that line as it appears on NOAA charts demarcating the waters under the jurisdiction of the Commonwealth.

Trawl means any mobile fishing gear or nets which are towed, hauled, or dragged through the water for the harvest of fish including but not limited to otter trawls, beam trawls, pair trawls, scottish seines, danish seines, or pair seines.

Vessel means any commercial fishing vessel registered under the laws of the state and conducting commercial fishing operations within waters under the jurisdiction of the Commonwealth.

(2) Seasonal Mobile Gear Closures. These closures apply to any vessel fishing with mobile gear authorized by CAP. These closures do not apply to any vessel fishing with surf clam, ocean quahog, or bay quahog dredge, regulated pursuant to 322 CMR 6.08: *Surf Clam and Ocean Quahog Fisheries*, or any vessel fishing with in shellfish fishery regulated by a city or a town within those city or town waters.

(a) North Shore Region Year Round Closure (New Hampshire Border to Winthrop). It is unlawful to use mobile gear in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the shoreline in Winthrop; thence following the Loran C 44290 line in an easterly direction to the line of 1881; thence in a northeasterly direction along the line of 1881 to its intersection with the territorial seas line; thence in a northeasterly direction along the territorial seas line to the seaward junction of the New Hampshire/Massachusetts boundary; thence shoreward along the New Hampshire/Massachusetts boundary to the shoreline; thence in a southerly direction to the starting point.

1. Exceptions.

a. Inshore Net Areas. Vessels that are lawfully permitted and fishing in accordance with 322 CMR 4.02.

b. Area 6. Vessels that are fishing with mobile gear authorized by a CAP and further endorsed for North Shore Mobile Gear may fish in Area 6 during the period of December 15th through April 30th.

c. Area 5. Vessels that are fishing with mobile gear authorized by a CAP and further endorsed for North Shore Mobile Gear may fish in Area 5 during the period of February 1st through March 31st and from June 15th through September 30th.

d. Restrictions specific to Area 5 and Area 6. When fishing with mobile gear within Area 5 and Area 6, vessels are subject to the following restrictions:

i. Vessels using trawl nets shall have a sweep or footrope no greater than 80 feet.

ii. Vessels using trawl nets shall use sweeps or footropes composed of chain, wire or discs; roller gear is not authorized. Except that during September in Area five raised foot ropes are required.

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iii. No lobsters shall be possessed by any vessel while fishing in Area 5 or Area 6, regardless of whether the lobsters were taken within the areas. Any lobsters caught in Area 5 or Area 6 shall be immediately returned to the sea.

(b) Area 4 (Outer Boston Harbor) April 1st through December 31st Closure. It is unlawful to use mobile gear during the period of April 1st through December 31st in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the intersection of the Loran C 44250 line with the shoreline of the town of Hull; thence following the 44250 line to the line of 1881; thence following the line of 1881 in a northerly direction to the intersection with the Loran C 44290 line; thence following the 44290 line in a westerly direction to the intersection with the Loran C 25840 line; thence following the 25840 line in a southerly direction to the intersection with the Loran C 14015 line; thence following the 14015 line in a southerly direction to the intersection with the shoreline of the town of Hull; thence following the shoreline to the starting point.

(c) Area 3 (Hull to Plymouth) April 1st through October 31st Closure. It is unlawful to use mobile gear during the period of April 1st through October 31st in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the shoreline of the town of Hull, thence following the Loran C 44250 line to the line of 1881; thence following the line of 1881 in a southerly direction to its intersection with the territorial seas line; thence following said line in a southerly direction to its intersection with an imaginary line drawn from Gurnet Point in Plymouth to Race Point in Provincetown; thence following said imaginary line in a westerly direction to the shoreline of Plymouth; thence following the shoreline to the starting point.

(d) Area 2(b) (Plymouth to Provincetown) May 1st through October 31st Closure. It is unlawful to use mobile gear during the period of May 1st through October 31st in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the shoreline of Gurnet Point Plymouth; thence following in an easterly direction along an imaginary line drawn from Gurnet Point to Race Point in Provincetown to the intersection of said imaginary line with the line of 1881; thence following the line of 1881 around Cape Cod Bay to its intersection with the imaginary line from Gurnet Point to Race Point; thence easterly along said line to the shoreline of Race Point; thence in a southerly direction following the shoreline to the starting point; except that waters which lie within the following area are excluded: beginning at a point on the imaginary line from Gurnet Point to Race Point 1.0 nautical mile from Race Point Light; thence running 132° true to the 70° 10' W meridian of longitude; thence running 180° true to the line of 1881; thence following the line of 1881 in a northerly direction to the imaginary line from Gurnet Point to Race Point, thence running easterly along said line to the point of beginning.

(e) Area 2(a) (Eastham to Mashpee) May 1st through October 31st Closure. It is unlawful to use mobile gear during the period of May 1st through October 31st in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line beginning at Nauset Light in Nauset; thence following the 41° 51.6' N parallel of latitude to a point where it intersects the territorial seas line; thence following the territorial seas line in a southerly direction to a point where the territorial seas line intersects the 70° 00' W meridian of longitude; thence in a northerly direction along the 70° 00' W meridian of longitude to a point where it intersects the line of 1881; thence in a westerly direction following the line of 1881 to a point where it intersects with the territorial seas line and the Loran C 9960 X 25190 line; thence following the territorial seas line to its intersection with an imaginary straight line drawn from Succunnesset Point in the town of Mashpee to Cape Pogue in the town of Edgartown; thence following the imaginary line in a northerly direction to the shoreline at Succunnesset Point; thence following the shoreline to the starting point.

(f) Area 1(a) (Nantucket Island North Shore) April 1st through April 30th Closure. It is unlawful to use mobile gear during the period of April 1st through April 30th in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at Great Point in the town of Nantucket; thence following the imaginary line from Great Point to Monomoy Point to a point where it intersects the territorial seas line; thence following the territorial seas line in a westerly direction to a point where it intersects with an imaginary line which extends the Nantucket/Edgartown town waters line in a northerly direction; thence in a southerly direction along the extended Nantucket/Edgartown town waters line to a point where it intersects an imaginary line drawn from Cape Pogue in the town of Edgartown to Eel Point in the town of Nantucket; thence following the imaginary line from Cape Pogue to Eel Point in a southeasterly direction to the shoreline of Eel Point; thence following the shoreline to the starting point.

4.06: continued

(g) Area 1(b) (Great Point to Nantucket Harbor) June 1st through September 15th Closure. It is unlawful to use mobile gear, except for scallop dredges, during the period of June 1st through September 15th in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the most northerly end of Great Point in the town of Nantucket; thence following the imaginary line from Great Point to the light at the end of the easternmost jetty at the entrance of Nantucket Harbor; thence along the jetty to the shore and northeasterly to the starting point.

(h) Falmouth to Mashpee Shoreline Closures.

1. ¼ Mile Closure. It is unlawful to use mobile gear during the period of April 23rd through May 31st in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line beginning at the shoreline at Succunnet Point in the town of Mashpee; thence seaward for ¼ nautical mile along an imaginary straight line extending from Succunnet Point to Cape Pogue in the town of Edgartown, the western boundary of Area 2(a) described in 322 CMR 4.06(2)(e); thence in a westerly direction along a line parallel to and ¼ nautical mile from shore to its intersection with the Loran C 9960 W 14130 line; thence shoreward along the Loran C 14130 line to the shore at Nobska Point in the town of Falmouth; thence following the shoreline in an easterly direction to the starting point.

2. ½ Mile Closure. It is unlawful to use mobile gear during the period of June 1st through October 31st in the waters under the jurisdiction of the Commonwealth encompassed by an imaginary straight line beginning at the shoreline at Succunnet Point in the town of Mashpee; thence seaward for ½ nautical mile along an imaginary straight line extending from Succunnet Point to Cape Pogue in the town of Edgartown, the western boundary of Area 2(a) described in 322 CMR 4.06(2)(e); thence in a westerly direction along a line parallel to and ½ nautical mile from shore to its intersection with the Loran C 9960 W 14130 line; thence shoreward along the Loran C 14130 line to the shore at Nobska Point in the town of Falmouth; thence following the shoreline in an easterly direction to the starting point.

(i) Cuttyhunk Island to Falmouth Shoreline Closure. It is unlawful to use mobile gear during the period of May 1st through October 31st in the waters under the jurisdiction encompassed by an imaginary straight line beginning at the shoreline at Nobska Point in the town of Falmouth; thence seaward for ¼ nautical mile along the LORAN C 9960 W 14130 line; thence in a westerly direction along an imaginary straight line parallel to and ¼ nautical mile from shore to its intersection with an imaginary straight line extending from the southernmost point of Cuttyhunk Island to the westernmost point of Gay Head on Martha's Vineyard; thence in a northwesterly direction along this imaginary straight line to the shore at Cuttyhunk Island; thence to the starting point by following in an easterly direction the shoreline of the Elizabeth Islands connected by the following baselines: the shortest straight imaginary line between Cuttyhunk Island and Nashawena Island; the shortest straight imaginary line between the easternmost point of Nashawena and the southernmost point of Pasque Island; the shortest straight imaginary line between Pasque Island and Naushon Island; a straight imaginary line from Jobs Neck on the eastern side of Naushon Island to the southernmost point on Nonamesset Island; a straight imaginary line from Mink Point at the northernmost point of Nonamesset Island to Juniper Point at the western entrance of Little Harbor.

(j) Other Provisions. It is a rebuttable presumption that a vessel is using its mobile gear if its otter trawls, beam trawls, midwater or bottom pair trawls, seines, or dredges are not out of the water and on board the vessel, or the mouth of the net or dredge is not out of the water and secured to the vessel's sides or stern.

(3) Night Closures. Within the waters under the jurisdiction of the Commonwealth, it is unlawful for any vessel using mobile gear to night fish, except lawfully permitted vessels fishing for sea herring with purse seines or mid-water trawls.

(4) Trawl Net Mesh Minimum Size.

(a) Trawl Net Mesh Measurement. Minimum mesh size is measured by the inside stretch of the net mesh. The net mesh is measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters, inserted into the meshes under a pressure or pull of five kilograms. The mesh size will be the average of measurements of any series of 20 consecutive meshes. The mesh in the cod end will be measured at least ten meshes from the lacings beginning at the after-end and running parallel to the long axis. Upon request, the Director may approve in writing the use of other mesh size gauges or methods.

4.06: continued

(b) Minimum Trawl Net Mesh Size. Except as authorized at 322 CMR 4.08(2)(c), all vessels fishing with trawl gear within the waters under the jurisdiction of the Commonwealth shall only possess and fish with nets that have a minimum mesh size opening that measures at least 6½ inches throughout the cod-end and six inches throughout the remainder of net.

(c) Exempted Small Mesh Fisheries. To authorize commercial trawl fishermen to seasonally target valuable finfish species that cannot be caught in commercially viable quantities without the use of small mesh trawls, the following exemptions are authorized. While fishing in an exempted small mesh trawl fishery, a vessel shall not also possess nets that conform with the minimum mesh size at 322 CMR 4.08(2)(b)

1. Seasonal Small Mesh Squid Fishery. From April 23rd through June 9th, lawfully permitted vessels may fish small mesh trawls within the small mesh squid exempted area.

a. Vessels participating in this fishery must hold a CAP further endorsed for squid, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery*.

b. The seasonal mobile gear closures at 322 CMR 4.06(2)(h) and (i) apply.

c. No vessel that is in possession of small mesh trawls within the small mesh squid exempted area may possess, retain and land more than 100 pounds of winter flounder, yellowtail flounder, summer flounder or windowpane flounder, in any combination.

d. Fishery Extension. The Director may extend the seasonal small mesh squid fishery if it is determined that continued fishing with small mesh will not result in large catches of small squid less than five inches mantle length, or juvenile scup, black sea bass or summer flounder.

2. Seasonal Whiting Small Mesh Raised Footrope Trawl Fishery.

a. Area 5. From September 1st through September 30th, lawfully permitted vessels may fish with a small mesh raised footrope trawl, as defined at 322 CMR 8.06(2): *White Perch*, within Area 5, defined at 322 CMR 4.06(1).

i. Vessels participating in this fishery must hold a CAP further endorsed for whiting and North Shore mobile gear, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery*.

ii. Vessels participating in this fishery must comply with the Area 5 restrictions set forth at 322 CMR 4.06(2)(a)1.d.

b. Upper Cape Cod. From September 1st through November 20th, lawfully permitted vessels may fish with a small mesh raised footrope trawl in the Upper Cape Cod Whiting Area defined in 322 CMR 8.06(1)(a): *Area*.

i. Vessels participating in this fishery must hold a CAP further endorsed for whiting, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a).

ii. Vessels participating in this fishery must comply with 322 CMR 8.06: *Minimum Size and Possession Limits*.

c. Raised Footrope Trawl Specifications. The raised footrope trawls fished by vessels under these exemptions must comply with the trawl and sweep specifications set forth at 322 CMR 8.14(2): *Trawl Specifications*.

(d) Net Modifications.

1. No fishing vessel may use any means, device, or material, including but not limited to ropes, lines, chafing gear, liners, net strengtheners, or double nets, if it obstructs the meshes of the net or otherwise diminishes the size of meshes of the net described in 322 CMR 4.08(2).

2. All netting in trawl nets not made on a braiding machine, whether of braided or twisted twine, whether machine made or hand-made, shall use only one knot, the weavers knot or sheet bend or a knot by another name, which in only a weavers knot.

3. The ends of the twine, called the bars, that exit the knot are constructed so their lay does not cross or twist.

4. One splitting strap and one bull rope (if present) consisting of line or rope no more than two inches in diameter, may be used if such splitting strap and/or bull rope does not obstruct the meshes of the net or otherwise diminish the size of meshes of the net.

5. Canvas, netting, or other material may be attached to the underside of the cod end to reduce wear and prevent damage provided that no more than 25% of the meshes are obstructed.

(5) Other Specifications for Mobile Gear Using Nets. Vessels using nets may not fish with disks, rollers or rockhoppers greater than 12 inches in diameter.

4.06: continued

(6) Experimental Fisheries. The Director may, at his or her discretion, authorize the use of non-conforming trawls. This will be done to collect data to determine if certain gear modifications may be appropriate. Permit holders must request and obtain a Letter of Authorization to participate in any authorized experimental fishery.

(7) Declaration of Temporary Mobile Gear Closures. The Director may declare temporary mobile gear closures within the waters under the jurisdiction of the Commonwealth, if the Director has determined that the closure is necessary to immediately resolve gear conflicts due to high densities of fixed fishing gear or to protect high densities of molted lobsters.

Procedure for Declaring Temporary Mobile Gear Closures. The declaration of a temporary closure is not effective until:

- (a) It has been approved by a majority of the Marine Fisheries Advisory Commission.
- (b) A notice of closure has been filed with the Massachusetts Register and published or posted in conspicuous places accessible to fishermen. The notice of closure must state:
 - 1. a determination of need or basis for the closure;
 - 2. the exact area to be closed; and
 - 3. the duration during which the closure will be in effect.
- (c) During the temporary closure the Director shall consider comments on the closure by the public or a state or federal agency. Based on these written comments the Director may alter, amend or rescind the closure in accordance with this procedure.

(8) Gear Retrieval. Any vessel using mobile gear whose gear becomes entangled with ghost gear may haul said ghost gear on board for the purpose of identification and shall return the ghost gear to the rightful owner, if authorized in writing by said owner of the ghost gear.

(9) Prohibitions. It shall be unlawful:

- (a) to violate any provision of 322 CMR 4.06;
- (b) for any vessel or its occupants to molest, damage, destroy, cut or deface any fixed and stable fishing gear;
- (c) for any vessel or its occupants to possess any ghost gear without proper written authorization of the owner; or
- (d) to use in any manner any mobile fishing gear in or possess any fish including lobsters harvested from an area which has been closed pursuant to 322 CMR 4.06(7)

(4.08: Fishing and Shellfish Equipment (Reserved))4.09: Restrictions on Hook and Line Gear

Use of Natural Bait with Embedded or Attached Weights. It shall be unlawful for any person to fish with natural bait that has been rigged with embedded or attached weights or other materials, unless such weights or other materials are attached to the end of the fishing line.

4.10: Use of Sea Scallop Dredges

(1) Definitions.

Effective Fishing Width. The distance measured between the extreme outside edges of the mouth of a dredge or dredges.

Twine Top. Net material or other material on top of a scallop dredge.

(2) Dredge Width. It is unlawful to possess a sea scallop dredge or a combination of dredges with an Effective Fishing Width greater than ten feet while fishing in the waters under the jurisdiction of the Commonwealth.

(3) Dredge Rings.

(a) Minimum Ring Size. It is unlawful to possess a sea scallop dredge with rings less than four inches.

(b) Ring Size Measurement. The minimum ring size authorized for use on a sea scallop dredge shall be determined by measuring the length of the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge of the ring. The measurement shall not include normal welds from ring manufacturing or links. The rings to be measured will be at least five rings away from the mouth of the dredge and at least two rings away from other rigid portions of the dredge.

4.10: continued

(4) Twine Top.

(a) Minimum Net Mesh Size. It is unlawful to possess a Twine Top with a net mesh of less than ten inches square or diamond;

(b) Twine Top Configuration. It shall be unlawful to configure or construct a Twine Top in any manner that it obstructs the net mesh so that it is less than ten inches square or diamond.

4.11: Marking of Dive Gear

(1) Dive Fishing for Lobsters. Any person authorized to take lobster by dive gear, in accordance with M.G.L. c. 130 §§ 37, 38 or 80 and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall mark a floating marker, described at M.G.L. c. 130, § 38A so as to display the permit number assigned by the Director. The permit numbers shall be not less than three inches in height nor less than ½ inch in thickness or width of line.

(2) Marking of SCUBA Air Tanks. Any person authorized to take lobster by dive gear, in accordance with M.G.L. c. 130 §§ 37, 38 or 80 and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, that is using SCUBA gear shall mark the air tank(s) of the diver to display the permit number assigned by the Director. The permit numbers shall be not less than three inches in height nor less than ½ inch in thickness or width of line.

4.12: Use of Nets for Taking Striped Bass (*Morone Saxatilis*) or Shad (*Alosa Sapidissima*)

(1) It is unlawful to offload onto any vessel within waters under the jurisdiction of Massachusetts or to offload or land onto any pier, wharf or other structure within Massachusetts any striped bass or shad which was harvested, caught or taken by any net.

(2) It is unlawful for any vessel registered under the laws of the state as that term is defined in M.G.L. c. 130, § 1 to harvest, catch or take any striped bass or shad by any net in any waters under the jurisdiction of Massachusetts or in those waters within the United States 200 miles exclusive economic zone bounded in such a way that the inner boundary is a line coterminous with the seaward boundary of each coastal state and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, as depicted on nautical charts of the National Oceanic and Atmospheric Administration.

(3) It is unlawful for any person, firm, corporation, restaurant, supermarket or other retail or wholesale distributor of fish or fish products to possess any striped bass or shad harvested, caught, or taken by nets except striped bass or shad lawfully harvested, caught, taken or possessed in jurisdictions other than Massachusetts.

4.13: Trap Gear Marking and Maximum Trawl Length

(1) Definitions.

Boston Harbor and its Approaches means those waters under the jurisdiction of the Commonwealth circumscribed by an imaginary line beginning at Point Allerton in Hull; thence in an easterly direction to the #1 buoy at Thieves Ledge; thence in a northerly direction to the BG buoy; thence in a westerly direction to Grovers Cliff in Winthrop.

East End means that part of the trawl extending from 01° through 180° magnetic.

Recreational Fishing means the non-commercial taking or attempted taking of lobsters and crabs for personal or family use, sport or pleasure, which are not to be sold, traded or bartered.

Single means individually set and buoyed traps.

Trap means any lobster trap, modified lobster trap, fish pot, conch pot or any other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks lobsters or crabs.

4.13: continued

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

West End means that part of a trawl extending from 181° through 00° magnetic.

(2) Traps. The following requirements apply to marking of traps set within the waters under the jurisdiction of the Commonwealth.

(a) Buoy and Trap Marking.

1. All buoys set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80 and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with the permit number assigned by the Director.
2. All traps or cars set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80 and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with trap tags in accordance with 322 CMR 6.31: *Trap Tags*.
3. All buoys set by non-commercial lobster and crab trap fishermen, permitted in accordance with M.G.L. c. 130, §§ 37 and 38 and 322 CMR 7.01(4): *Special Permits*, shall be marked with the letter "N" prior to the permit number assigned by the Director then a dash (-) with a single digit from 0 - 9 shall follow the permit number indicating the sequential trap number in the series up to ten traps. Said alpha numerical sequence shall be permanently secured to the inside of the trap through the use of a synthetic plate or by being burned or cut into a wooden lath.
4. The buoy markings required in 322 CMR 4.13(4) shall not be less than one inch in height nor less than ½ inch in thickness or width of line.

(b) Buoy Line Marking Requirements.

1. Single Traps in LCMA1. The buoy line on single traps fished or authorized to fish in LCMA 1, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of white.
2. Single Traps in LCMA2. The buoy line on single traps fished or authorized to fish in LCMA 2, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of black.
3. Single Traps in Outer Cape Cod LCMA. The buoy line on single traps fished or authorized to fish in Outer Cape Cod LCMA, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of yellow.
4. Trawls in LCMA1, LCMA2 and Outer Cape Cod LCMA. The buoy line on trawls fished or authorized to fish in LCMA 1, LCMA 2 or the Outer Cape Cod LCMA, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three red marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line.
5. Trawls in LCMA 3. The buoy line on trawls fished or authorized to fish in LCMA 3, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three black marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line.
6. Non-commercial Lobster and Crab Traps. The buoy line on traps fished or authorized to be fished by recreational lobster and crab fishermen, permitted in accordance with 322 CMR 7.01(4): *Special Permits* shall be marked with a red mark midway on the buoy line of at least four inches.
7. Exception to Buoy Line Marking Requirements. If the color of the buoy line is the same as or similar to the buoy line marking requirement color code, a similar sized white mark may be substituted for that color code at the appropriate location(s) on the buoy line.

(c) Surface Identification of Traps.

1. Single Traps. Single traps shall each be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches. Sticks are optional, but if used, shall not have a flag attached.

4.13: continued

2. Trawls. The east end of a trawl shall be marked with a double buoy, consisting of any combination of two buoys measuring at least seven inches by seven inches or five inches by 11 inches and one or more three foot sticks. The west end of a trawl shall be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches buoy with a three foot stick and a flag.
3. Exemption for Boston Harbor and its Approaches. It shall be lawful to fish with trawls marked on one end with a plastic bottle attached by at least ten feet of ½ inch cotton line or similar light material, provided that said substitute buoy shall be painted with the buoy colors and permit number of the owner. A single seven inches by seven inches or five inches by 11 inches shall mark the other end of the trawl. Sticks need not be used.
- (d) Trawl Maximum Length. The total length of trawls set in waters under the jurisdiction of the Commonwealth shall not exceed 2,500 feet from end to end.

4.14: Surface Gillnet Restrictions

- (1) Tending Requirement. Fishermen setting or fishing surface gillnets shall remain within 200 feet of the net at all times.
- (2) Gear Specifications.
 - (a) Floatation. Surface gillnets must have a headrope sufficiently buoyant to float at the surface. If any portion of a gillnet when fished is exposed at the water's surface then the net shall be considered a surface gillnet.
 - (b) Marking. All buoys shall be marked with reflective tape. The holder's permit number shall be marked on all buoys and at least once every 50 feet on the headrope. Holders may burn or carve their number into floats attached to the headrope which shall measure at least ½ inch in height; alternatively if permit holders opt to mark the net with synthetic durable material, then the numbers shall be clearly visible and measure at least ¼" in height. The net ends shall be marked with bullet-shaped buoys with a size of nine x 16 inches and clearly marked with the letters SGN and the six-digit permit number of the holder.
- (3) Net Dimensions. It shall be unlawful to fish more than 300 linear feet of surface gillnets at any one time.
- (4) Mesh Size Openings. It shall be unlawful to fish with a surface gillnet with mesh openings larger than 3¾ inches or smaller than 1⅞ inches.
- (5) Area and Season Closures.
 - (a) In addition to area and season closures in 322 CMR 4.09(2) and 12.04(1): *Gillnet Closures in Right Whale Critical Habitat and Cape Cod Bay*, it is unlawful to fish surface gillnets year-round in Buzzards Bay.
 - (b) Southern New England Inshore Restricted Waters January 1st through May 15th Seasonal Closure. During January through May 15th it is unlawful to fish surface gillnets in any Inshore Restricted Waters as defined by 322 CMR 4.02 that are south and east of Cape Cod and the Islands including Vineyard Sound and Nantucket Sound. This area includes the Pleasant Bay and Nauset Harbor, including all connecting embayments.
 - (c) Gulf of Maine Inshore Restricted Waters January 1st through May 31st Seasonal Closure. During January through May 31st it is unlawful to fish surface gillnets in any Inshore Restricted Waters as defined by 322 CMR 4.02 that are north of Cape Cod to the New Hampshire Border. This area also includes all estuaries and embayments that drain to Cape Cod Bay.
- (6) Retained Species. No other species except, menhaden, sea herring, or mackerel may be retained by fishermen using a surface gillnet.

4.15: Use of Cast Nets for Harvest of Bait

- (1) Definitions. For purposes of 322 CMR 4.15 the following words have the following meanings:
 - (a) Cast Net means any circular net weighted along the perimeter that is operated by one person throwing the net out over the water and designed to catch bait fish beneath the net as it as it falls through the water.
 - (b) Bait Fish means those species commonly used as bait and includes menhaden, sea herring, sand lance, and mackerel.
- (2) Permit. A person may, without a special permit, use a cast net for purposes of taking bait.
- (3) Prohibitions. It shall be unlawful for:
 - (a) any person to use a cast net for purposes of obtaining bait for sale without possessing a commercial permit.
 - (b) any person to use a cast net for purposes of obtaining bait for sale to other fishermen without possessing a bait dealer permit.

REGULATORY AUTHORITY

322 CMR 4.00: M.G.L. c. 130, §§ 2, 17A, 80 and 104; 16 U.S.C. 1856(a)(2).