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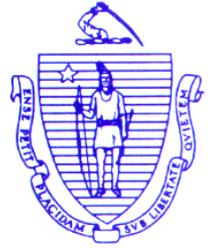
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Summary of Massachusetts Statutes and Regulations related to Diadromous Fish

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Chapter 130 of Massachusetts General Laws delegates the management of diadromous fish in coastal waters to the Division of Marine Fisheries. This authority extends to inland waters for river herring and striped bass. For other diadromous fish, the management in inland waters is the responsibility of the Division of Fish and Wildlife. In addition to Chapter 130, specific regulations of the Division of Marine Fisheries direct fisheries harvest and protect habitats of diadromous fish. Together these statutes and regulations provide broad authority for the Division to manage fisheries, protect populations and habitat, provide fish passage and propagate fish runs. The overall goal of the Division is to sustain and restore populations of sea-run fish in Massachusetts and allow these natural resources to benefit the Commonwealth through reasonable harvest and ecological contributions.

Historically, sea-run fish were managed by Towns in Massachusetts. This practice was modified in the late 19th century as the State legislature intervened to prevent unsustainable private harvests of public resources in State-held waterways. This approach was codified by Chapter 130 laws in the 20th century and continues today. Chapter 130 encourages *Marine Fisheries* to work with Towns to establish local control of harvest and maintenance of fish passage. This statute-directed cooperation is a central feature to modern management of sea-run fish in Massachusetts. With over 100 fish runs in Massachusetts this partnership between *Marine Fisheries* and local stewardship is not only practical but essential.

The following Chapter 130 sections are highlighted as the principal statutes that direct the management of diadromous fish in Massachusetts:

Chapter 130; Section 17 – Regulation and management of marine fisheries resources including the manner of taking fish, possession limits, legal size limits, seasons and hours in which fish may be taken.
<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130/Section17A>

Chapter 130; Section 19 – MA fish passage statute that created present legal framework for providing passage for salt water fish into fresh water; the operation and maintenance of fishways as well as refusal or neglect to repair or construct fishways.
<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130/Section19>

Chapter 130; Section 93 – Management and opening of ditches or canals for propagation of herring, alewives and other fish; the acquisition of land and waters; and the regulation and leasing of fisheries.
<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130/Section93>

Chapter 130; Section 94 – Regulation and lease of river herring fisheries to cities and towns that petition for control and regulation.
<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130/Section94>

Chapter 130; Section 95 – The taking in fisheries or obstruction of passage of river herring without permission from the regulatory authority.

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130/Section95>

Chapter 130; Section 96 – Private property rights, public auctions and contracts concerning the leasing of river herring fisheries.

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130/Section96>

Additionally, the following Massachusetts regulations related to diadromous fish have been codified pursuant to the above referenced Chapter 130 statutes:

322 CMR Sections 6.17 (3(a)) -- River herring harvest ban

(3) River Herring

(a) Taking and Possession of River Herring in Waters under the Jurisdiction of the Commonwealth. It shall be unlawful for any person to harvest, possess or sell river herring in the Commonwealth or in the waters under the jurisdiction of the Commonwealth.

322 CMR Sections 7.01 (4(f)) and (14(m)) -- *Marine Fisheries* Fishway Permit:

(4) Special Permits. The following special permits may be issued by the Director for the following activities:

(f) Anadromous Fish Passageway. Authorizes the named individual to carry out activities related to the construction, reconstruction, repair, or alteration of any anadromous fish passageway as defined in M.G.L. c. 130, §§1 and 19.

(14) Prohibitions. It is unlawful to:

(m) conduct any activity designed to construct, reconstruct, rebuild, repair, or alter any anadromous fish passageway as defined in G.L. c.130, §§1 and 19, or to construct or build any new anadromous fish passageway without a special permit issued pursuant to 322 CMR 7.01(4).

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