

Atlantic States Marine Fisheries Commission

**ADDENDUM V
TO THE INTERSTATE FISHERY MANAGEMENT PLAN
FOR ATLANTIC HERRING**

Spawning Sampling Provisions, including Comprehensive Spawning Requirements



ASMFC Vision Statement:

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.

Approved October 2012

1.0 Introduction

In February 2012, the Atlantic Herring Section (Section) initiated an addendum to implement the Technical Committee's (TC) recommendations regarding spawning regulations. These recommendations include 1) refining the sampling protocol; 2) investigating shifting the boundary between the Western Maine and Massachusetts/New Hampshire (MA/NH) spawning areas south and 3) incorporating all spawning regulations in one document for clarity. The Board approved changes to the sampling protocol but did not include changes to the Western Maine and Massachusetts/New Hampshire (MA/NH) spawning areas south. The comprehensive spawning requirements for the FMP can be found in Appendix A.

2.0 Management Program Background

2.1 Statement of the Problem

ASMFC spawning regulations did not provide sufficient guidance for standardized regulations between states because they were contained in five different ASMFC management documents. As a result, slight inconsistencies exist between state and the ASMFC spawning regulations, and between the states. Cooperation and open communication between state fisheries agencies staff has resulted in consistent application of sampling protocol and open/close dates for shared spawning areas—but this consistency is not guaranteed in the future.

This addendum seeks to clarify the spawning regulations to achieve consistency in their application as well as eliminate any inconsistencies between various ASMFC documents. Addendum V will replace all spawning regulations in previous management documents to provide a single, clear document for states to use when complying with ASMFC spawning regulations.

Additionally, parts of the required sampling process (size bins, number of fish per sample, and MA/NH boundary) could be improved to better reflect spawning stages and behavior of current herring stocks.

2.2 Background of Current Spawning Requirements

ASMFC spawning regulations are found in sections from Addendum I to Amendment 1, Amendment 2, and Technical Addendum I to Amendment 2 as follows. Each requirement is described in Section 2.2.1.1 – 2.2.1.6 of this addendum. Full text of the spawning regulations can be found in Appendix A.

2.2.1 Spawning Area Delineation (4.2.1.1 of Amendment 2):

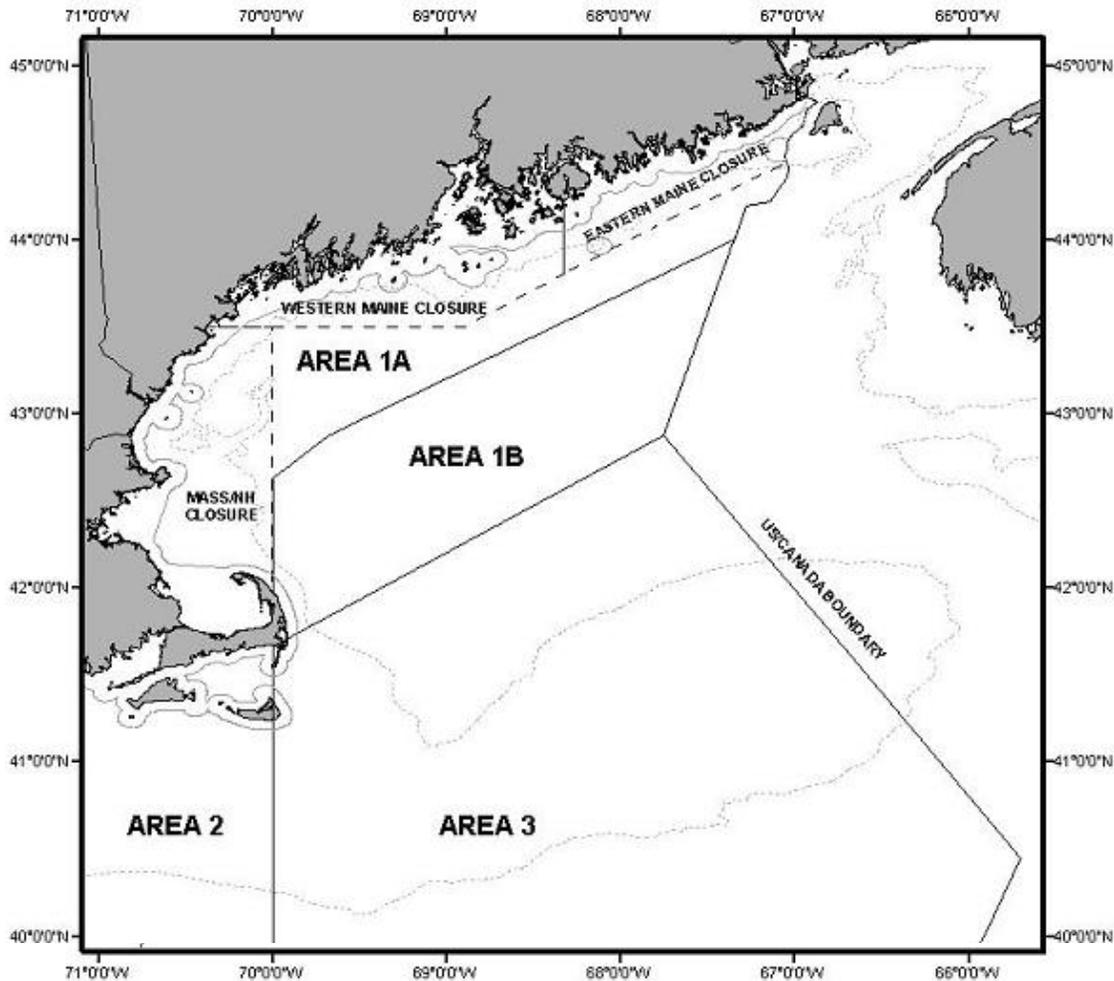
The spawning area boundaries are (Figure 1):

Eastern Maine Spawning Area: All waters bounded by the following coordinates:
Maine coast 68° 20' W
43° 48' N 68° 20' W
44° 25' N 67° 03' W
North along US/Canada border

Western Maine Spawning Area: All waters bounded by the following coordinates:
43° 30' N Maine coast
43° 30' N 68° 54.5' W
43° 48' N 68° 20' W
North to Maine coast at 68° 20' W

Massachusetts/New Hampshire Spawning Area: All waters bounded by the Massachusetts, New Hampshire and Maine coasts, and 43° 30' N and 70° 00' W

Figure 1. ASMFC Atlantic Herring Spawning Areas.



2.2.2 Default Start Date (4.3.2.2 Spawning Closures & Default Dates of Amendment 2):
If sufficient samples are not available, closures will begin on the following dates.

Eastern Maine: August 15
Western Maine: September 1
Massachusetts/New Hampshire: September 21

2.2.3 Sampling Protocol (4.2.1.2 Determination of Starting Date for Spawning Closures of Addendum I to Amendment 1):

Closures in a given area will begin based on the spawning condition of Atlantic herring as determined from commercial catch samples. Commercial catch sampling shall begin by at least August 1 for the Eastern and Western Maine areas, and by at least September 1 for the Massachusetts/New Hampshire area. If sufficient samples are not available, closures will begin on the default dates.

Closures in a given area will begin seven days after the determination that female herring in ICNAF gonadal stages III - V from that specific area have reached the following spawning conditions: female herring greater than 28 cm in length have reached a mean gonadosomatic index (GSI) of 20% or female herring greater than 24 cm and less than 28 cm in length have reached a mean GSI of 15%. Length refers to the mean natural total length, measured from the tip of the snout to the end of the caudal fin in normal position. "GSI" shall mean gonadosomatic index calculated by the following formula. Length refers to the mean natural total length, measured from the tip of the snout to the end of the caudal fin in normal position. "GSI" shall mean gonadosomatic index calculated by the following formula:

$$[\text{Gonad Weight} / (\text{Total Body Weight} - \text{Gonad Weight})] \times 100 \text{ percent}$$

2.2.4 Sufficient Sample Information (4.2.1.2 Determination of Starting Date for Spawning Closures of Addendum I to Amendment 1):

"Sufficient sample information" shall mean at least two (2) samples of 50 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.

2.2.5 Spawning Closure Length (4.3.2.2 Spawning Closures & Default Dates of Amendment 2):

By default, closures will last four (4) weeks. Catch sampling of the fishery will resume at the end of the initial four-week closure period. If catch sampling indicates significant numbers of spawn herring are still being harvested, closures will resume for an additional two weeks. Significant numbers of spawn herring is defined as 25% or more mature herring, by number in a catch sample, have yet to spawn. Mature or "spawn" herring are defined as Atlantic herring in ICNAF gonadal stages V and VI.

2.2.6 Tolerance (4.3.2.3 Tolerance Provision—Zero Tolerance of Amendment 2, clarified in Technical Addendum I to Amendment 2):

Any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area. Any herring vessel having spawn herring onboard, which were caught outside of a management area that is under a herring spawning closure, may transit the closed area only if all of its fishing gear has been stowed. An incidental bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures.

3.0 Management Program

This addendum replaces all spawning regulations in previous management documents to provide a single, clear document for states to use when complying with ASMFC spawning regulations. Appendix 1 contains the comprehensive spawning regulations for the FMP.

3.1 Size Bins that Trigger a Spawning Closure Start

3.1.1 Background

The spawning regulations in Addendum I to Amendment I specify that closures begin based on the % of stage III – V spawn herring that are greater than 24 cm. The TC reviewed this language and commented that the wording “greater than 24 cm” was a typographical error and should have included “or equal to.” A review of state spawning regulations revealed that some states have interpreted the requirement as “greater than *or equal to* 24 cm” (full text of state regulations is included as Appendix B).

Additionally, commercial biological sampling has found that in recent years, sampled fish are maturing at a smaller size but at the same age. As outlined in the most recent 2009 TRAC assessment, both length and weight at age has been steadily declining since the 1980s (Figure 2). As a result, mean fish length of age 3s (typically first time spawners) is now below 24 cm total length during the fall spawning period. As can be seen in Figure 3 and Table 1, an increasing number of fish in the 23-24 length bin are mature.

Figure 2. Mean total length (in mm) of age three females caught in area 1A during the spawning season (Aug –Oct).

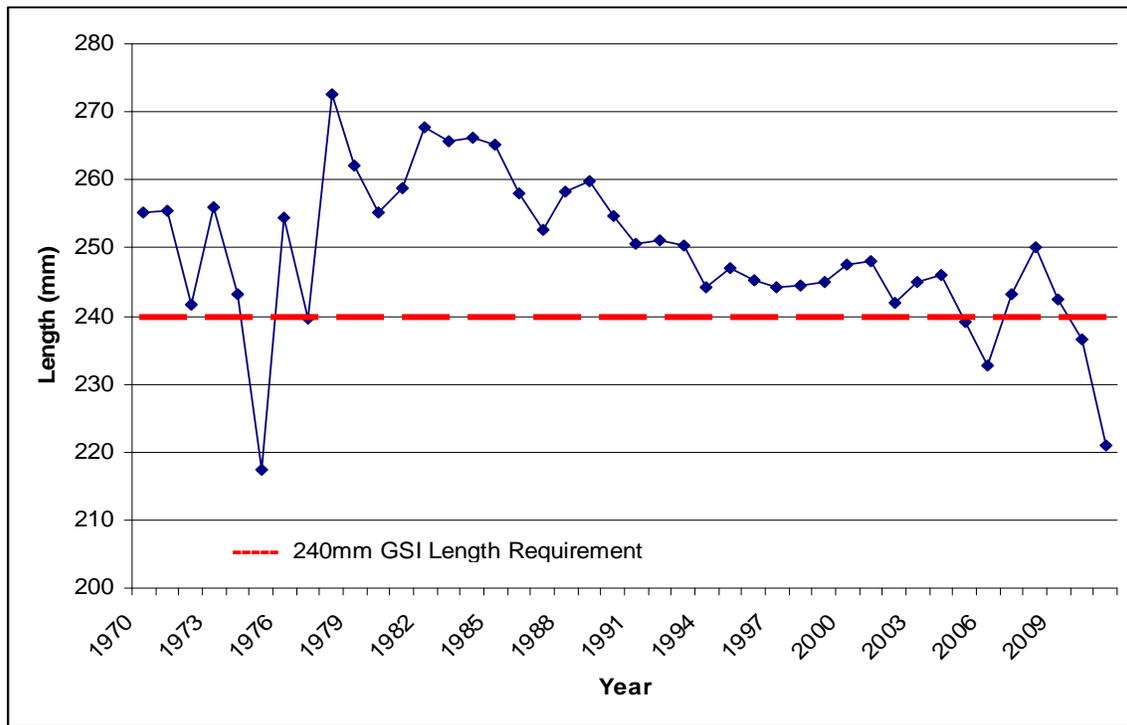
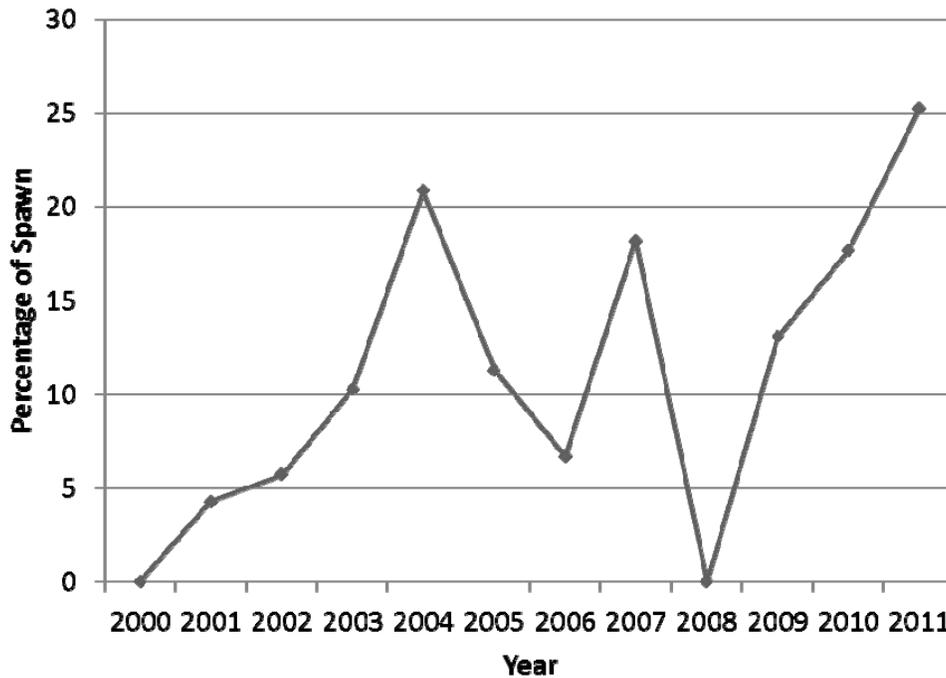


Table 1. Percentage of spawning or developing females (> 10% GSI or > ICNAF stage III) Aug – Oct. by year and length bin from commercial samples. Note: blank cells indicate “no data” while zeros are calculated.

Total Length (cm)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	average 2000-2011
21-22										0		20	10
22-23			5	0		0	0	0		0	0	23	4
23-24	0	4	6	10	21	11	7	18	0	13	18	25	11
24-25	31	16	38	13	27	23	9	19	0	19	12	30	20
25-26	39	28	49	30	38	42	15	20	11	18	30	40	30
26-27	70	36	65	42	59	57	29	26	24	7	27	55	41
27-28	87	76	85	66	67	72	41	35	47	29	37	80	60
28-29	94	84	90	77	74	74	62	50	51	46	44	69	68
29-30	96	96	96	89	84	81	71	68	59	64	64	68	78
30-31	98	100	100	92	86	94	72	84	73	83	69	100	88
31-32	100	100	100	100	100	95	73	90	85	100	100	100	95
32-33	100	100	100				83	100	50	0	67		55
33-34							100	100	100				

Figure 2. Percentage of spawning or developing females (> 10% GSI or > ICNAF stage III) Aug – Oct. by year in Area 1A, for fish 24-25 cm total length from commercial samples.



3.1.2 Management Program: Provisions revised under this Addendum

This language replaces part of the language in section 4.2.1.2 of Addendum I to Amendment 1 *Closures in a given area will begin seven days after the determination that female herring in ICNAF gonadal stages III - V from that specific area have reached the following spawning conditions: female herring greater than 28 cm in length have reached a mean gonadosomatic index (GSI) of 20%; or female herring greater than or equal to 23 cm and less than 28 cm in length have reached a mean GSI of 15%.*

3.2 Number of Fish Per Sample

3.2.1 Background

Regulation in Addendum I to Amendment I required “at least two samples of 50 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart”. The TC recommended that the number of fish per sample be increased to 100. They agreed that interpreting the samples is often a qualitative science and 100 fish per sample should suffice to determine if a closure should be extended.

3.2.2 Management Program: Provisions revised under this Addendum

This section replaces part of the language in section 4.2.1.2 of Addendum 1 to Amendment 1. Sufficient sample information shall mean at least two (2) samples of 100 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.

4.0 Compliance Schedule

States must implement Addendum V according to the following schedule to be in compliance with the Atlantic Herring FMP:

November 1, 2012: States implement regulations.

APPENDIX A. ASMFC COMPREHENSIVE SPAWNING REQUIREMENTS

4.3.2 Spawning Restrictions

Landing restrictions on spawn herring are designed to conserve the stock by ensuring recruitment to the stock. Much of the management program is designed to move effort into the offshore areas where the TAC has not been fully harvested and the spawning component is thought to be strong. The inshore component is the most vulnerable component of the stock complex; therefore, management measures are focused on providing the greatest protection to the component that is thought to be most susceptible to overfishing. Protection to the offshore spawning component would come at the expense of putting more pressure on the inshore component of the stock complex.

Atlantic herring schools are especially susceptible to fishing when they aggregate for spawning. While vulnerable, they are also most valuable during spawning because their fat content is at its peak. The economic incentives to harvest spawn herring are countered by conservation concerns for the status of the stock. Fishing on spawning herring not only results in high catch rates, but may also interfere with the spawning behavior of uncaught herring. There is a peak point at which spawn herring is acceptable to the market; spawn herring in the latter stages may not be fit for some markets. Therefore, the amendment defines specific measures designed to reduce the exploitation and disruption of spawning aggregations, while providing a limited opportunity to harvest herring during that time of the year.

4.3.2.1 Inshore Gulf of Maine Spawning Areas (Area 1A)

Figure 1 displays the areas defined in this measure.

Eastern Maine Spawning Area

All waters bounded by the following coordinates:

Maine coast 68° 20' W
43° 48' N 68° 20' W
44° 25' N 67° 03' W
North along US/Canada border

Western Maine Spawning Area

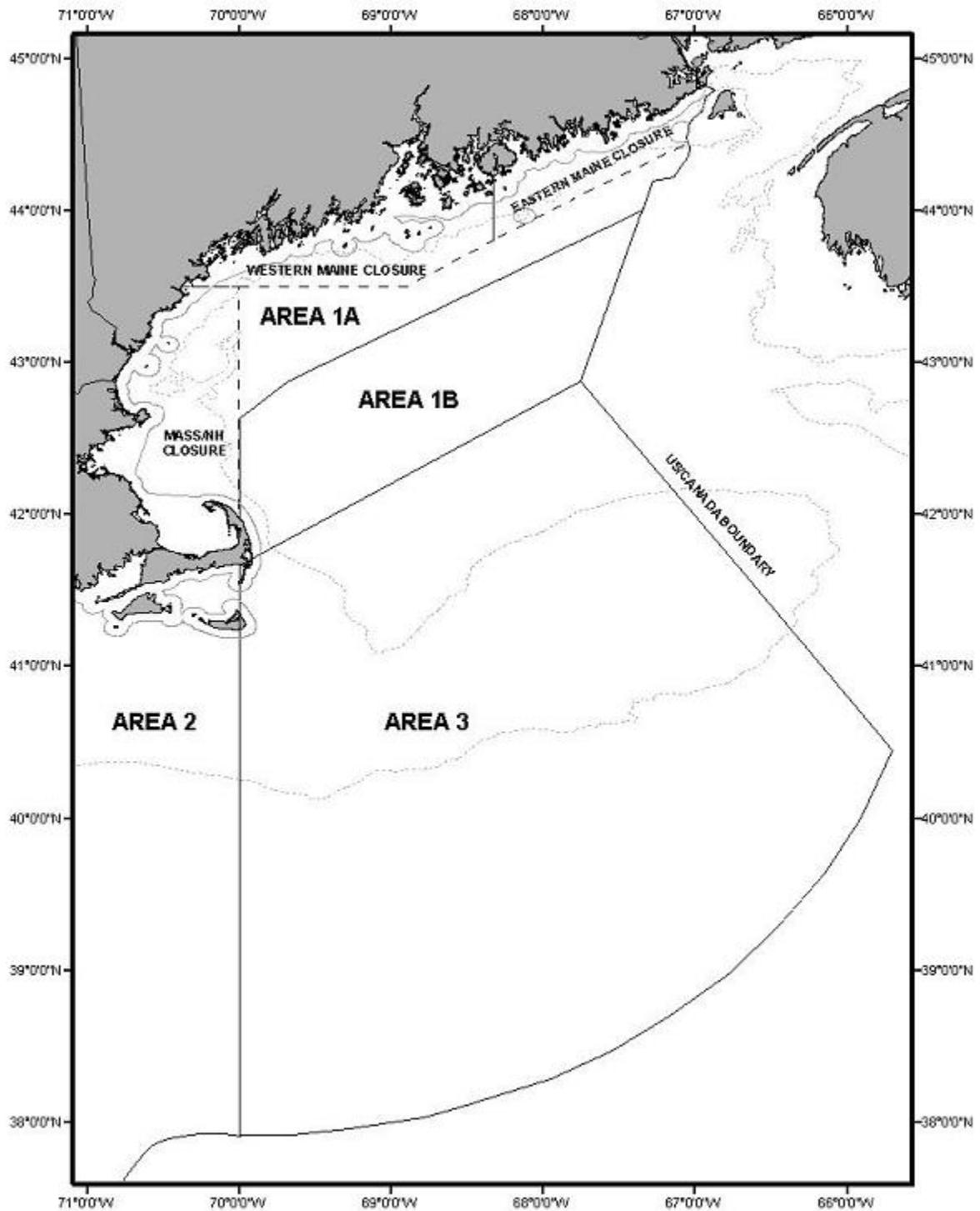
All waters bounded by the following coordinates:

43° 30' N Maine coast
43° 30' N 68° 54.5' W
43° 48' N 68° 20' W
North to Maine coast at 68° 20' W

Massachusetts/New Hampshire Spawning Area

All waters bounded by the Massachusetts, New Hampshire and Maine coasts, and 43° 30' N and 70° 00' W

Figure 1. Spawning Areas for Atlantic Herring in State Waters



4.3.2.2 Spawning Closures & Default Dates

Spawning closures are based on commercial catch samples that are collected by at least August 1 for the Eastern and Western Maine areas, and by at least September 1 for the Massachusetts/New Hampshire area. If sufficient samples are not available, closures will begin on the default dates listed below and extend for at least four (4) weeks. Area 1A inshore spawning area closures will begin on the following dates, unless commercial catch samples show earlier spawning than the default date or continuing two weeks after the four-week closure.

Eastern Maine:	August 15
Western Maine:	September 1
Massachusetts/New Hampshire:	September 21

Closures in a given area will begin seven days after the determination that female herring in ICNAF gonadal stages III - V from that specific area have reached the following spawning conditions: female herring greater than 28 cm in length have reached a mean gonadosomatic index (GSI) of 20%; or female herring greater than or equal to 23 cm and less than 28 cm in length have reached a mean GSI of 15%. Length refers to the mean natural total length, measured from the tip of the snout to the end of the caudal fin in normal position. “GSI” shall mean gonadosomatic index calculated by the following formula:

$$[\text{Gonad Weight} / (\text{Total Body Weight} - \text{Gonad Weight})] \times 100 \text{ percent}$$

If sufficient sample information is not available for reliably estimating mean GSI in either of the size categories, the restrictions will go into effect automatically on the default closure dates (see 4.2.1.3). “Sufficient sample information” shall mean at least two (2) samples of 100 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.

By default, closures will last four (4) weeks. Catch sampling of the fishery will resume at the end of the initial four-week closure period. If catch sampling indicates significant numbers of spawn herring still are being harvested, closures will resume for an additional two weeks. Significant numbers of spawn herring is defined as 25% or more mature herring, by number in a catch sample, have yet to spawn. Mature or “spawn” herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

4.3.2.3 Tolerance Provision – Zero Tolerance

Any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area. Vessels are permitted to transit the restricted spawning areas with herring on board provided they comply with the provisions listed in the following two paragraphs.

Any vessel may fish for, take, land, or possess “spawn” herring from a management area outside of those identified in the Delineation of Spawning Areas. Any herring vessel having onboard spawn herring, which were caught outside of a management area that is under a herring

spawning closure, may transit the closed area only if all of its fishing gear has been stowed. “Spawn” herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

An incidental bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures. This bycatch allowance will not be subject to the tolerance provision, i.e. vessels may land “spawn” herring as long as said vessel lands no more than 2,000 pounds. The amount of herring landed by one vessel in a day, as a bycatch allowance, shall not exceed 2,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). A trip shall be based on a calendar day basis.

4.3.2.4 Bycatch Allowance

No directed fisheries for Atlantic herring shall be allowed in a management area subject to a spawning closure. A bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures. The amount of herring landed by one vessel in a day, as a bycatch allowance, shall not exceed 2,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). A trip shall be based on a calendar day basis.

Any herring vessel transiting a management area that is under a herring spawning closure must have all of its fishing gear stowed.

4.3.2.5 Other Spawning Area Considerations – Exemption for East of Cutler Fixed Gear Fisheries

Under Amendment 1, all vessels fishing with fixed gear in state waters were required to obtain a permit from the appropriate state agency. While Amendment 1 does not specify an exemption for the fixed gear fisheries in the East Cutler area, these fisheries did have an exemption from the spawning restrictions prior to the amendment. The exemption was granted by the State of Maine and was later removed to comply with Amendment 1 to the Interstate FMP. The East Cutler area is defined in Figure 1. With implementation of Amendment 2, East of Cutler fixed gear fisheries are granted an exemption from spawning area considerations and are not limited on the amount of spawn herring that can be landed during a spawning closure.

APPENDIX B. STATE SPAWNING REGULATIONS:

Maine:

DEPARTMENT OF MARINE RESOURCES

Chapter 36 Herring Regulations

36.01 Herring Management Plan

A. Definitions

(1) Herring.

Herring means Atlantic Sea Herring, particularly the *Clupea Harengus harengus*.

(2) ICNAF gonad stages.

ICNAF gonad stages are the official stages adopted by the International Commission for the Northwest Atlantic Fisheries in 1964.

Excerpt from ICNAF, 1964, Table 2 definitions:

Stage V. Gonads fill body cavity. Eggs large, round; some transparent. Ovaries yellowish; testes milkwhite. Eggs and sperm do not flow, but sperm can be extruded by pressure.

Stage VI. Ripe gonads. Eggs transparent; testes white; eggs and sperm flow freely.

(3) Spawn herring.

Spawn herring is a sexually mature herring (male or female) in ICNAF gonad stages V or VI.

(9) "GSI" means the gonadosomatic index calculated by the following formula:

$(\text{Gonad Weight} / \text{Total Body Weight} - \text{Gonad Weight}) \times 100$ percent.

D. Catch restrictions.

(1) Spawning area restrictions.

It shall be unlawful to fish for, take, possess, transfer or land in any State of Maine port or facility, or to transfer at sea from any Maine registered vessel, any catch of herring harvested from the following described areas within ASMFC Management Area 1 at the following times:

(a) Eastern Maine:

All waters bounded by the following coordinates:

Maine coast 68° 20.0' W,

43° 48.0' N 68° 20.0' W,

44° 25.0' N 67° 03.0' W,

North along the U.S./Canada border.

Western Maine:

All waters bounded by the following coordinates:

43° 30.0' N Maine coast,
43° 30.0' N 68° 54.5' W,
43° 48.0' N 68° 20.0' W,
North to Maine coast at 68° 20.0' W.

Massachusetts/New Hampshire:

All waters bounded by the Massachusetts, New Hampshire and Maine coasts, and
43° 30.0' N 70° 00.0' W.

(b) Determination of starting dates for spawning areas.

Closures in a given area will begin based on a pre-determined spawning condition of Atlantic herring indicated by commercial catch samples. This spawning condition will be defined as: female herring greater than or equal to 28 cm in length having reached a mean gonadosomatic index (GSI) of 20%; or female herring greater than 24 cm and less than 28 cm in length having reached a mean GSI of 15%. Closures in a given area will begin seven (7) days after the GSI determination is made. If sufficient samples are not available, closures will begin on area specific dates as follows: Eastern Maine- August 15, Western Maine- September 1, Massachusetts/New Hampshire- September 21.

(c) Duration of spawning area restrictions.

The closure will extend for four (4) weeks. If catch sampling after the end of the initial restricted period determines that 25% or more mature herring, by number, have yet to spawn then the spawning restrictions would resume for an additional two weeks. The 20% tolerance shall be determined by examination of at least one hundred herring selected at random from the catch.

New Hampshire:

Fis 603.07 Sea Herring.

(a) No person shall fish for, take, or possess unprocessed herring within the jurisdiction of New Hampshire from September 21 through October 19, except as specified in (d).

(b) The executive director shall revise the beginning date of the closure so that the closure shall be in effect whenever it is determined that the mean gonad somatic index for female herring 24 - 28 cm in length or greater is 15% or greater or the mean gonad somatic index for female herring 28 cm in length or greater is 20% or greater.

(c) If the results of herring samples collected at the end of the closure indicate that 25% or more by number of mature spawn female sea herring still contain spawn the executive director may extend the closure for an additional 28 days. "Mature spawn female sea herring" means female sea herring greater than 24 cm in length.

(d) During a spawning closure as specified in (a) through (c), all vessels fishing for species other than sea herring shall be limited to an incidental catch of 2000 pounds of herring per calendar day caught in or from the management area subject to a spawning closure.

(e) Any person, firm or organization engaged in the taking or landing of herring shall first obtain a permit to do so from the executive director.

(f) Any person, firm or organization properly permitted may land herring from areas not under spawning closures provided they are equipped with a functional vessel monitoring system.

(g) Nothing in the above provisions shall prohibit a person from possessing herring for use as bait while in the normal conduct of tending lobster and crab pots or any herring used as bait for angling purposes.

(h) No person shall land, transfer or transport herring taken from a management area or sub-area closed to a directed herring fishery to an internal waters processing operation.

(i) No person shall land herring taken from a management area or sub-area when 95% of the total allowable catch (TAC) for that area's or sub-area's seasonal or annual total allowable catch will be exceeded except a person may land and possess up to a maximum of 2,000 pounds of incidentally caught herring. The executive director shall revise the percentage of TAC, that would trigger a prohibition on landing, to 90% if it is determined that a closure at 95% is insufficient to prevent exceeding the seasonal or annual TAC.

(j) The executive director shall prohibit vessels from landing Atlantic herring caught from a management area which includes state waters from one and seven days per week, except as an incidental catch of a maximum of 2,000 pounds, if its projected that the seasonal or annual total allowable catch of the management area will be exceeded without no landing days. The number of no landing days per week shall be determined by the Atlantic States Marine Fisheries Commission's Atlantic herring section commissioners from New Hampshire, Maine and Massachusetts at a public meeting

(k) No person shall take herring from the waters under the jurisdiction of the state when the total allowable catch assigned to management area or sub-area which includes state waters has been attained except that a person may take and possess up to a maximum of 2,000 pounds of incidentally caught herring.

(l) Vessels shall not land herring more than once per calendar day.

Massachusetts:

322 CMR 9.00: MANAGEMENT OF SEA HERRING

Section

- 9.01: Definitions
- 9.02: Management Area Boundaries
- 9.03: Vessel Size Limit
- 9.04: Management Area 1A Fishing Day Restrictions
- 9.05: Fishing Restrictions & Annual Specifications

9.01 Definitions.

For purposes of 322 CMR 9.00 only, the following words shall have the following meanings:

- (1) Fish for means to harvest, catch or take, or attempt to harvest, catch or take any sea herring by any method or means.
- (2) Gonad somatic index or GSI means for female herring the percentage obtained by the formula: $[\text{Gonad weight}/(\text{total body weight} - \text{gonad weight})] \times 100$.
- (3) GSI Trigger means female herring greater than 28 cm total length with a mean GSI of 20% or female herring greater than 24 cm and less than 28 cm with a mean GSI of 15%.
- (4) GSI Sampling means at least two samples of 50 fish or more in either GSI trigger length category taken from commercial catches during a period not to exceed seven days apart.
- (5) Southern Gulf of Maine means that portion of Management Area 1 south of 43 [degrees] 32' N parallel of latitude.
- (6) Land means to transfer the catch of any sea herring from any vessel onto any land or dock, pier, wharf, or other artificial structure.
- (7) Management Area means one of three Management Areas as specified in the Atlantic States Marine Fisheries Commission Atlantic Herring Fishery Management Plan (FMP) and NOAA Fisheries federal fishery management plan.
- (8) Management Area Quotas means the annual area-specific quota as specified by the Atlantic States Marine Fisheries Commission under the authority of the interstate and federal management plans.
- (9) Massachusetts/New Hampshire Spawning Area means all waters encompassed by an imaginary line beginning at the intersection of the 43 [degrees] 30' N parallel of latitude and the Maine coast; thence in a southwesterly direction along the coasts of Maine, New Hampshire, and the Commonwealth to the intersection of the 70 [degrees] 00' W meridian of longitude; thence in a northerly direction along the 70 [degrees] 00' W meridian of longitude to its intersection with the 43 [degrees] 30' N parallel of latitude; thence in a westerly direction along the 43 [degrees] 30' N parallel of latitude to the point of beginning.
- (10) Sea Herring means that species of Atlantic sea herring known as *Clupea harengus*.
- (11) Spawn Herring means mature sea herring in ICNAF gonadal stages V and VI.
- (12) Vessel means any waterborn craft registered under the laws of the state as that term is defined in M.G.L. c. 130, § 1.
- (13) Vessel Fishing for Mackerel means any vessel whose catch on board at any given time is at least 75% mackerel (*Scomber scombrus*) by weight.

9.02 Management Area Boundaries

(1) Management Area 1: all U.S. waters of the Gulf of Maine (GOM) north of a line extending from the eastern shore of Monomoy Island at 41° 35' N latitude, eastward to a point at 41° 35' N latitude, 69° 00' W longitude, thence northeasterly to a point along the Hague Line at 42° 53' 14" N latitude, 67° 44' 35" W longitude, thence northerly along the Hague Line to the U.S. Canadian border, to include state and Federal waters adjacent to the States of Maine, New Hampshire, and Massachusetts. Management Area 1 is divided into Area 1A (inshore) and Area 1B (offshore). The line dividing these areas is described by the following coordinates:

<i>N Latitude</i>	<i>W Longitude</i>
41° 58'	70° 00' at Cape Cod shoreline
42° 38'	70° 00'
42° 53'	69° 40'
43° 12'	69° 00'
43° 40'	68° 00'
43° 58'	67° 22' (the U.S.-Canada Maritime Boundary)

(2) Management Area 2: All waters west of 69° 00' W longitude and south of 41° 35' N latitude, to include state and Federal waters adjacent to the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.

(3) Management Area 3: All U.S. waters east of 69° 00' W longitude and southeast of the line that runs from a point at 69° 00' W longitude and 41° 35' N latitude, northeasterly to the Hague Line at 67° 44' 35" W longitude and 42° 53' 14" N latitude.

(4) Management Area Map: [\[CLICK HERE TO VIEW MAP\]](#)

9.03 Spawning Herring Protection

(1) Prohibition. It shall be unlawful to possess or land any spawn sea herring caught from the Massachusetts/New Hampshire Spawning Area seven days after the GSI trigger for herring from that area is reached.

(2) Closure Duration. The prohibition of 322 CMR 9.03(1) shall extend for four weeks and may be extended by the Director if DMF sampling indicates that herring landings comprise more than 25% spawn herring.

(3) Default Closure. It shall be unlawful to possess or land any spawn sea herring caught from the Massachusetts/New Hampshire Spawning Area during the period September 21 through October 18 provided the GSI trigger has not been reached by September 14. This prohibition may be extended by the Director beyond October 18 if DMF sampling indicates that herring landings comprise more than 25% spawn herring.

(4) Exceptions. A vessel may land or possess up to 2,000 lbs. of sea herring during the closure period described in 322 CMR 9.03.

9.04 Vessel Size Limit

It shall be unlawful for any vessel greater than 165 feet in overall length and 3,000 horsepower to land sea herring in the Commonwealth.

9.05 Fishing Restrictions & Annual Specifications *

(1) Commercial Fishery Limits. It is unlawful for a vessel to land or possess sea herring from:

(a) Management Area 1A

(i) on no-fishing days specified by the Atlantic States Marine Fisheries Commission and established by the Director through declaration;

(ii) when 100% of the Management Area 1A quota is taken or projected to be taken.

(b) Management Area 1B & 2

(i) when 100% of the Management Area 1B or 2 quota, respectively, is taken or projected to be taken.

(2) Commercial Fishery Limit Specifications & Adjustments.

(a) The director may declare and adjust sea herring commercial fishery landing/possession limits, seasons, and no-fishing days to correspond to limits established by the Atlantic States Marine Fisheries Commission.

(b) Prior to any declaration or adjustment of the landing/possession limits for sea herring, the Division shall:

(i) obtain written approval by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission;

(ii) file notice with the Secretary of State;

(iii) publish a notice on the Marine Listserv and Division website; and (iv) directly notify sea herring dealers.

(3) Exceptions.

(a) Any vessel may land or possess up to 2,000 lbs. of sea herring during prohibited times established by 322 CMR 9.05.

REGULATORY AUTHORITY

M.G.L. c. 130, §§ 2, 17A, 80 and 104.

* *Please Note: Sea Herring Management Area 1A trip limits have been updated via specification. Please see Marine Fisheries Advisory*