



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

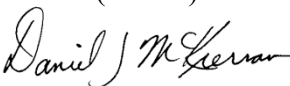
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: September 14, 2023
SUBJECT: **Future Public Hearing Item – Permitting Regulations**

Proposal

Over this winter, I intend to make several minor modifications to DMF's permitting regulations. These include: (1) adopting language to allow commercial fishers to display their permit electronically ("electronic display") rather than having to maintain a hard copy; and (2) relax the permit endorsement transfer rules to allow performance criteria to be waived for the transfer of certain permit endorsements¹ to immediate family members.

Rationale

Electronic Display

In 2023, DMF moved over to a new commercial permit processing system, replacing so-called "FISH 1.0" with "FISH 2.0". This new system generates commercial fishing permits in a PDF format allowing them to be printed on standard 8.5" x 11" paper stock. As a result, DMF no longer prints and distributes commercial permits on perforated card stock. Existing regulations require commercial fishers sign a hard copy of their permit and produce this signed hard copy upon demand. Historically, this resulted in commercial fishers signing the wallet-sized card stock permit sent by DMF, often laminating it for safe keeping. This practice has become more difficult with the shift to standard paper stock as it is large and more difficult to maintain and keep on your person. Electronic display can be readily accommodated through phone technology and is something DMF already allows in its permitted recreational fisheries. Accordingly, I'd like to amend DMF's existing regulations to allow the electronic display of commercial fishing permits beginning in 2024.

Permit Endorsement Transfers

The successful Coastal Lobster Permit transfer program has served as the model for DMF's commercial fishing limited-entry permit transfer program. While the permit transfer criteria for Coastal Lobster Permits and permit endorsements are similar in most ways, there is one notable difference. Whereas DMF allows latent Coastal Lobster Permits to be transferred to an immediate family member², we do not allow such transfers of latent permit endorsements. Therefore, while a Coastal Lobster Permit Holder could transfer a latent Coastal Lobster Permit to a sibling, parent or grandparent, a holder of any other limited entry permit endorsement could not similarly transfer a latent permit enforcement, even in the event of

¹ Permit endorsements that may be transferable subject to DMF regulations and policies include black sea bass, black sea bass pot, coastal access permit, conch pot, fluke, horseshoe crab harvest (bait), menhaden, ocean quahog and surf clam dredge, quahog dredge, scup pot, state-waters groundfish, and tautog.

² Immediate family means legal father, mother, wife, husband, sister, brother, son, daughter, grandparent, or grandchild.

death or disability. As a result, latent endorsements are either maintained by the existing permit holder or are retired to DMF.

For 2024, I am seeking to amend DMF's permit endorsement transfer rules to allow the immediate family transfer of latent and otherwise transferable endorsements. This issue has been discussed at recent meetings of the MFAC's Permitting Focus Group and is supported by the members. This is consistent with DMF and the Focus Group's goal of addressing barriers to entry, portfolio diversification, and the aging of the fleet.

Permit Focus Group Update

DMF is in the process of updating our permit transfer bundling policy for Coastal Lobster Permits. This update will allow the bundling of otherwise transferable latent gear or species-specific permit endorsements with transferable Coastal Lobster Permits. This will not require changes to regulations or MFAC approval, and I expect this policy will be completed and implemented by year's end. I will present the policy to the Commission at a future business meeting for your review.

DMF is also working to analyze potentially less restrictive alternatives to the existing actively fished criteria for permit endorsements and other transferability issues raised by the Focus Group. Specifically the current regulations mandate the permit endorsement must be actively fished for four out of the last five years. It may be appropriate to relax that standard to enhance access to our fisheries and permit portfolio diversity. I am hopeful we will be able to reconvene the Focus Group in the near future to discuss initial findings. We will then bring this to the full MFAC for their consideration and may then develop future public hearing proposals.