



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 *Daniel J. McKiernan*

DATE: September 12, 2025

SUBJECT: Proposal to Modify and Update Commercial Offshore Lobster Permitting Rules

Proposal

This memo serves to inform the MFAC that I intend to go out to public hearing later this winter to liberalize permitting regulations to allow an existing Coastal Lobster Permit holder whose corresponding vessel holds a federal lobster permit authorized for traps to surrender their Coastal Lobster Permit to DMF and be issued an Offshore Lobster Permit thus permanently converting their trap fishery authorization from dual state-federal (MA-EEZ) to federal waters only (EEZ-only).

Background and Rationale

DMF issues two principal commercial lobster trap fishing permits. The Coastal Lobster Permit allows lobster trap fishing in the waters under the jurisdiction of the Commonwealth, and if the vessel named on the permit also holds corresponding federal lobster trap permit, it authorizes the possession and landing of lobsters in Massachusetts lawfully taken in federal waters under the authority of their federal permit. State-only permit holders may annually apply for and be issued "MA-Only" trap tags, whereas dual state-federal permit holders may annually apply for and be issued "MA-EEZ" trap tags. An Offshore Lobster Permit does not authorize trap fishing in the waters under the jurisdiction of the Commonwealth. However, it enables a federal lobster trap permit holder to possess and land lobsters in Massachusetts that were lawfully taken in federal waters under the authority of the named vessel's federal lobster trap permit. Massachusetts Offshore Lobster Permit holders may annually apply for and be issued "EEZ-Only" trap tags.

Offshore Lobster Permit regulations (322 CMR 7.08) establish a moratorium on the issuance of new Offshore Lobster Permits for trap gear. This was done to prevent the splitting of state and federal permits that may result in the doubling of traps a permit holder may fish, as well as increase the total number of traps fished in that in Lobster Conservation Management Areas (LCMA). This was of particular concern within LCMA1 where there is an 800-trap limit for each commercial fishing operation. This is dissimilar to LCMA 2 and 3 where trap allocations for each permit holder were developed based on past qualifying criteria and there have been ongoing efforts along the coast to consolidate fishing operations.

With this in consideration, DMF established an exception to the moratorium on the issuance off Offshore Lobster Permits that enables federal lobster trap permit holders in LCMA 2 and 3 to obtain new Offshore Lobster Permits to land lobsters lawfully caught exclusively in federal waters in Massachusetts ports. Effectively, this allows a business previously ported out of another state (i.e. Rhode Island, New Hampshire or Maine) to fish out of a Massachusetts port and land their product in a Massachusetts port without increasing the trap fishing effort (or trap allocation) afforded to that business or the overall number of traps fished in that LCMA.

In recent years, DMF has received requests from dual state-federal LCMA 1 permit holders seeking to relinquish their Coastal Lobster Permit, acquire a Massachusetts Offshore Lobster Permit, and permanently convert their trap allocation from MA/EEZ to EEZ-only. These parties have explained they are pursuing other economic opportunities but wish to maintain activity on — or revenue from — their Coastal Lobster Permit. However, they are unable to do so because DMF regulations require Coastal Lobster Permits to be “owner-operator” and prevents the use of hired captains, even if the permit is fished exclusively in federal waters. Whereas the Offshore Lobster Permit is not owner-operator, the proposed permitting change would allow these businesses to surrender their Coastal Lobster Permit — forgo their authorization to fish in the waters under the jurisdiction of the Commonwealth — become federal waters-only fishers operating under an Offshore Lobster Permit and thereby utilize a hired captain.

DMF has reviewed this request. We have determined it would not undermine existing controls governing permit splitting and is consistent with the federal lobster permitting rules and the Atlantic States Marine Fisheries Commission’s Fishery Management Plan for American Lobster. Accordingly, we support taking this request to public hearing and accepting comment on allowing any existing Coastal Lobster Permit holder with a dual state-federal trap allocation to permanently operate their business in the EEZ-only (federal waters) by obtaining a DMF-issued Offshore Lobster Permit, and surrender their Coastal Lobster Permit.