



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director *Daniel J. McKiernan*

DATE: September 12, 2025

SUBJECT: Proposal to Amend Commercial Summer Flounder Limits for 2026

Proposal

This memo serves to inform the MFAC that I intend to go out to public hearing later this winter to amend commercial summer flounder fishing limits for 2026 in response to recent fishery performance and an expected 75% quota increase. My proposal seeks to make the following amendments to the commercial summer flounder management program (Table 1):

1. Establish a quota-based trigger for the allocations to Period I (January 1–April 22) and Period II (April 23–December 31):
 - a. When the annual state quota exceeds 750,000 pounds, Period I will receive 30% of the annual quota and Period II will receive 70% of the annual quota (consistent with historic splits).
 - b. When the annual state quota is 750,000 pounds or less, Period I will receive 15% of the quota and Period II will receive 85% of the quota (consistent with current splits adopted in 2025 and first effective in 2026).
2. Establish a quota-based trigger for the Period I trip limit:
 - a. When the annual state quota exceeds 750,000 pounds, the trip limit will be 5,000 pounds.
 - b. When the annual state quota is 750,000 pounds or less, the trip limit will be 2,000 pounds.
3. Increase the Period II summertime (April 23–September 30) trip limits from 500 pounds to 600 pounds for net fishers and from 325 pounds to 400 pounds for hook fishers.
4. Eliminate Saturday as a closed fishing day during the Period II summertime fishery thereby allowing commercial fishing seven days per week throughout all of Period II.

I also intend to reinstate the multi-state trip limit program for the 2025 Period II Fall Fishery (October 1–December 31) and the Period I Fishery beginning in 2026. This program allows vessels landing in Massachusetts to possess summer flounder in quantities exceeding the state's trip limit provided the non-conforming fish is to be landed in another state, is clearly labeled identifying the state it is to be landed in, and it remains on the vessel while the Massachusetts limit is being landed. Further, I intend to maintain the multi-day program that occurs during June

1–September 30 and allows trawlers to possess and land consecutive daily limits of summer flounder (and other species) that were lawfully caught and retained over two consecutive open fishing days provided each day’s catch is segregated.

Rationale

Massachusetts’ commercial summer flounder quota for 2026/2027 is expected to increase 75% from the roughly 600,000-pound quota allocated for 2024/2025¹ to approximately 1 million pounds. See the Background section for additional information. This large increase alone provides the rationale to liberalize the commercial fishing limits for next year. Additionally, considering fishery performance to date, I anticipate the fishery may underutilize the 2025 quota. At the time of writing this, ~63% (362,333 pounds) of this year’s annual quota has been taken.² While DMF is projecting a potential quota closure later this fall based on recent landing rates, it is typical for performance to decline beginning in October (Figure 1).

Bearing in mind these factors, I am proposing to go out to public hearing and accept comment on the changes enumerated above. These proposals are designed to move the fishery back to the framework it was managed under in 2024, which provided the Period I fishery with substantially greater access to the quota and also afforded the Period II fishery higher trip limits and no closed fishing days.

Performance this year is likely driven in part by regulatory changes implemented this spring. The 2024 fishing season closed on August 28 largely due to unanticipated changes in summertime fishing effort³. There was a strong negative response to this earlier than anticipated closure from certain inshore fishery participants who wanted the quota to remain available throughout September. Additionally, there were concerns about anticipated low groundfish quotas prompting additional opportunistic net fishing effort to move into the summertime fishery. Throughout last winter DMF worked with industry and the MFAC to amend regulations with the goal of maximizing the value of our quota to the commercial permit holders and seafood industry by directing more quota to the inshore summertime fishery when ex-vessel value tends to be high and the fish is most available to permit holders while also slowing quota consumption to ensure that some amount of quota remains available throughout the summertime season. Among other things⁴, the regulatory changes included: (1) reducing the Period I allocation from 30% to 15% of the overall quota (effective in 2026); (2) reducing the Period I trip limit from 5,000 pounds to 2,000 pounds; (2) pausing the continuation of the multi-state program during Period I and the Period II fall fishery (October 1–December 31); (3) reducing the Period II summertime trip limits from 600 pounds to 500 pounds for net fishers and from 400 pounds to 325 for hook fishers; and (4) eliminating Saturdays as a closed fishing day during the Period II summertime fishery. See Table 2.

¹ 599,507 pounds is the quota allocated to MA for 2024/2025 before accounting for quota overages or transfers.

² This landings figure includes fish landed by non-permitted boats seeking safe harbor for which we will receive a compensatory quota transfer.

³ Landings in 2024 outpaced performance in recent years due to unanticipated increases in summertime fishing effort driven by new operators obtaining permit transfers from individuals who had retired out of the fishery and several boats who historically participate in the summertime federal waters squid fishery opting to target fluke due to poor squid fishing conditions.

⁴ For more information, please review the March 27, 2025 MFAC [meeting materials](#) (p 86) and DMF’s May 5, 2025 [advisory](#).

The changes to the Period I trip limit coupled with the suspension of the multi-day program reduced the ability for the Period I fishery to achieve its quota allocation and only about 40% of the overall quota allocation was landed during this period (8% of the overall quota). This left approximately 520,00 pounds of the quota available to the Period II fishery. This may have been a viable quantity of quota had high levels of effort returned to the summertime fishery in 2025. However, anecdotal reports suggest that opportunistic effort from traditional squid and groundfish boats never materialized in the summer flounder fishery and inshore fishing conditions in the Sounds were poor (likely due to water quality, presence of algae impacting net gear, and low catch rates).

With the pending increase in quota, I am seeking to unwind the management changes put in place for this year. This will allow for greater quota utilization without the threat of negatively impacting the quota available to the summertime fishery⁵. This includes increasing the Period I trip limit to 5,000 pounds, increasing the initial summertime trip limit from 500 pounds to 600 pounds for net fishers and 325 pounds to 400 pounds for hook fishers, and restoring Saturdays as an open fishing day for all gear types to start the summertime period.

Further, I am proposing to set the annual Period-based quota allocations relative to the overall magnitude of the state's quota. This will help us avoid having to annually pursue regulatory adjustments yo-yo allocations in response to quota changes. Under my proposal, when the annual quota is less than 750,000 pounds, the Period I/Period II split will be 15/85 (consistent with what was put in effect this year for next year), thereby providing at least 637,000 pounds of quota to the Period II fishery. Based on recent performance, this should be sufficient to enable it to stay open through September. Then in years when the annual quota exceeds 750,000 pounds the split will be 30/70 (consistent with historic allocations). This will provide the Period I fishery with greater access and enable more quota utilization while also setting aside ample quota for the Period II fishery to achieve its management goals. Moreover, given the timing of interstate and federal quota decisions, we will not be able to impact the quota allocation until the following calendar year (which is why the 2025 reduction in the Period I quota allocation from 30% to 15% does not go into effect until 2026).

Lastly, to encourage the utilization of the remaining 2025 quota, I intend to reinstate the multi-state trip limit program effective October 1, 2025 for the Period II fall season — the existing regulations allow the Director to authorize this program annually for the winter and fall seasons. This vessels participating in the offshore Period I and fall fisheries who are permitted in multiple states to possess non-conforming quantities of summer flounder destined for offloading in other states (e.g., RI, NY, CT) when landing a lawful Massachusetts trip limit.

Background

Summer flounder are subject to both a federal (i.e., Mid-Atlantic Fishery Management Council) and interstate (i.e., Atlantic States Marine Fisheries Commission) fishery management plan (FMP). These management bodies met jointly in August 2025 to set 2026–2027 specifications

⁵ Based on fishery performance from 2021–2023, our commercial fishery may not be able to achieve a ~1-million pound quota without increasing participation coupled with improved inshore summertime fishing conditions.

(i.e., catch and landings limits and other management measures⁶), taking into consideration the results of the 2025 stock assessment and recommendations of the MAFMC Scientific and Statistical Committee (SSC), the joint MAFMC Monitoring Committee/ASMFC Technical Committee (MC/TC), and the joint MAFMC/ASMFC Advisory Panel.

The summer flounder stock is designated as not overfished nor experiencing overfishing as of 2024, with spawning stock biomass at 83% of the biomass target and fishing mortality at 74% of its overfishing threshold. This is an improvement over the last assessment which concluded overfishing was occurring in 2023⁷. While the ratio of SSB to its target is unchanged from the last assessment, the assessment predicts increasing SSB such that the stock will be above the target level by 2026. The resulting assessment-projected overfishing limits (OFLs) for 2026/2027 represent a 50% increase from 2025, as do the SSC-recommended acceptable biological catches (ABCs) that account for scientific uncertainty. The MC/TC raised concerns with this large increase to the ABC based on prior volatility of assessment projections due in large part to the strong influence of terminal-year recruitment that is often uncertain, as well as the assessment's retrospective pattern⁸. The MAFMC and ASMFC agreed and decided to reduce the sector-specific annual catch limits (ACLs, which are allocated per the FMP) by 12% commercial and recreational management uncertainty buffers for the sake of fishery stability. The resulting annual catch targets (ACTs), further reduced by sector-specific expected dead discards (based on three-year averages), still result in coastwide commercial quotas and recreational harvest limits for 2026/2027 that represent 45% and 38% increases, respectively, compared to 2025 (Table 3). While the coastwide quota is expected to increase by 45%, Massachusetts' state quota is expected to increase by 75% for 2026/2027 given the formula for state-by-state allocations⁹.

⁶ The specifications also addressed commercial and recreational measures. In August, the management bodies made no changes to the coastwide commercial measures (i.e., minimum fish size, minimum mesh size, and mesh exemption programs). The management bodies will consider recreational measures for 2026–2027 later in 2025 according to the Recreational Measure Setting Process Framework/Addendum.

⁷ The 2023 assessment found that while the stock was not overfished in 2022, overfishing was occurring despite recent catch underages. The prior assessment had overestimated abundance in large part due to the promising 2018-year class being much smaller than initially assessed.

⁸ The very high 2022/2023 fishery limits based on the 2021 stock assessment were heavily influenced by a 2018-year class that ended up not being as large as expected, which was corrected for in the 2024/2025 fishery limits. The 2025 stock assessment projections are similarly influenced by the estimates of increased year class strength in 2023 and 2024.

⁹ Amendment 21 to the federal fishery management plan that attempts to increase equity across states quota allocations by increasing certain states allocations (including Massachusetts) when stock conditions are strong and the coastwide quota exceeds a threshold of 9.55 millions pounds. When this occurs, all additional quota above the threshold is allocated in equal shares of 12.375% to all states (except Maine, New Hampshire, and Delaware which share 1% of the additional quota). Coastwide quota up to 9.55 million pounds is allocated according to the historic shares based on 1980–1989 landings, or 6.82% for Massachusetts.

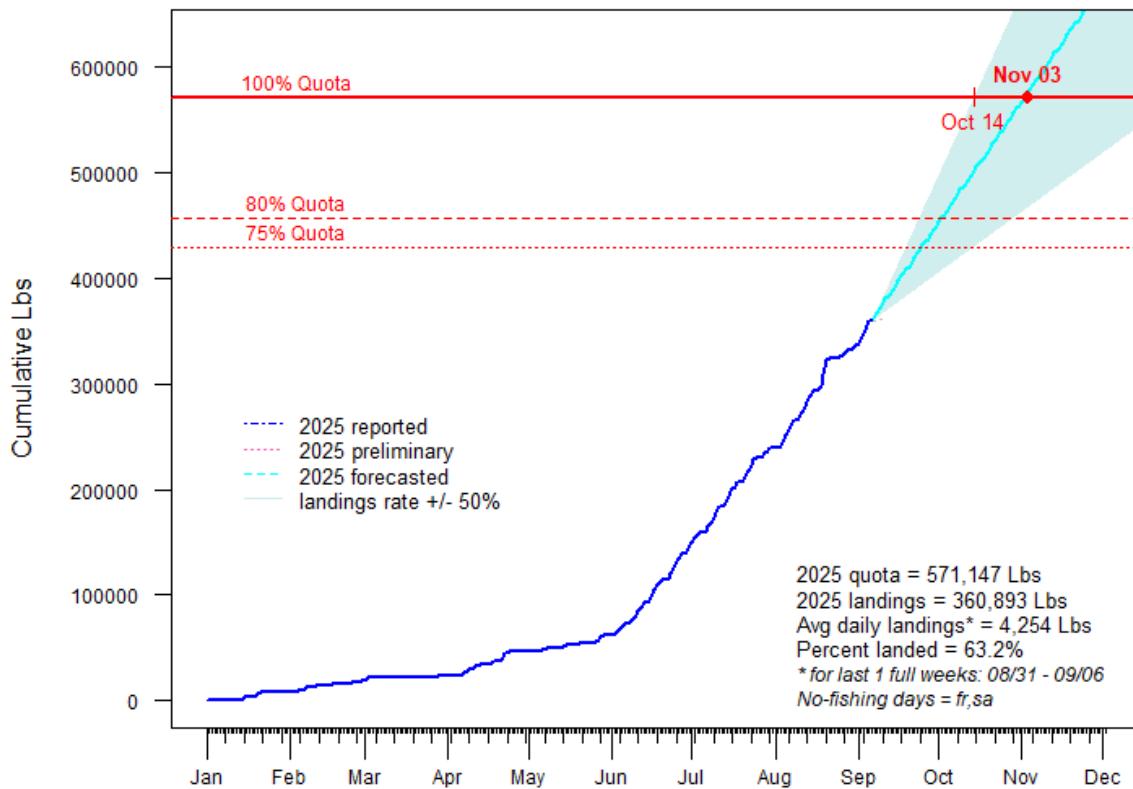


Figure 1. 2025 Summer Flounder Quota Monitoring. Data Source: SAFIS eDR as of 9/11/2025.

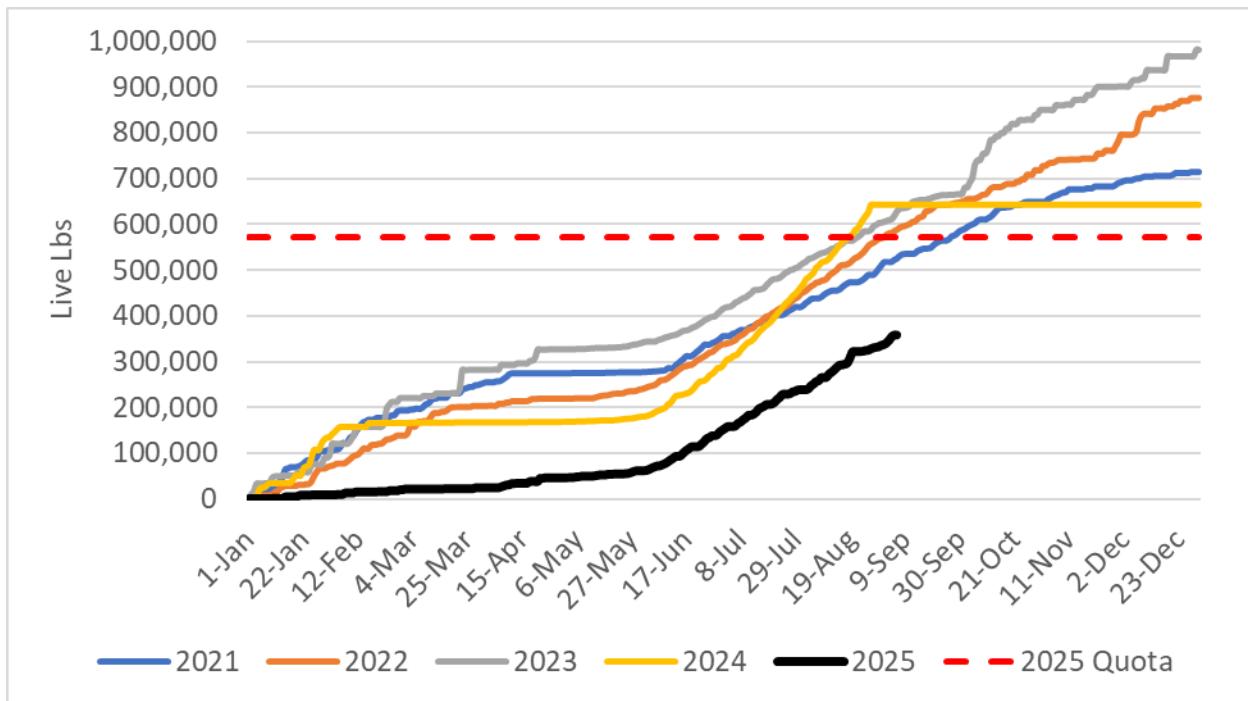


Figure 2. Running total of summer flounder landings, 2021-2025. 2025 data displayed through 9/6/2025. Data Source: SAFIS eDR as of 9/11/2025.

Table 1. Proposed Massachusetts 2026 commercial summer flounder fishing limits, with changes from 2025.

Season	Gear*	Trip Limit	Open Days
Jan 1–Apr 22	All	5,000 lb 2000 lb (100 lb once 30% 15% quota taken)	Sun-Sat
Apr 23 – Aug 31	Nets	600 lb 500 lb , with triggers: <ul style="list-style-type: none">• 400 lb if 75% quota reached before Aug 15• 200 lb if 90% quota reached before Sep 1	Sun – Sat Sun-Fri
Apr 23 – Aug 31	Hooks	400 lb 325 lb , with triggers: <ul style="list-style-type: none">• 250 lb if 75% quota reached before Aug 15• 200 lb if 90% quota reached before Sep 1	Sun – Sat Sun-Fri
Sep 1 – Sep 30	Nets	800 lb if >20% quota remains 600 lb 500 lb if \leq 20% remains	Sun – Sat
Sep 1 – Sep 30	Hooks	800 lb if >20% quota remains 400 lb 325 lb if \leq 20% remains	Sun – Sat
Oct 1 – Dec 31	All	5000 lb if >10% quota remains 800 lb if \leq 10% quota remains	Sun – Sat

*Includes trawls with minimum mesh size of 5.5" diamond or 6" square. Lawfully fished smaller mesh limited to 100 lb bycatch while quota remains.

Table 2. Massachusetts 2025 commercial summer flounder fishing limits, with changes from 2024.

	Gear*	Trip Limit	Open Days
Jan 1–Apr 22	All	5,000 lb 2000 lb (100 lb once 30% quota taken**)	Sun-Sat
Apr 23 – Aug 31	Nets	600 lb 500 lb , with triggers: <ul style="list-style-type: none">• 400 lb if 75% quota reached before Aug 1 Aug 15• 200 lb if 90% quota reached before Sep 1	Sun–Sat Sun-Fri
Apr 23 – Aug 31	Hooks	400 lb 325 lb , with triggers: <ul style="list-style-type: none">• 250 lb if 75% quota reached before Aug 1 Aug 15• 200 lb if 90% quota reached before Sep 1	Sun–Sat Sun-Fri
Sep 1 – Sep 30	Nets	800 lb if >20% quota remains 600 lb 500 lb if \leq 20% remains	Sun – Sat
Sep 1 – Sep 30	Hooks	800 lb if >20% quota remains 400 lb 325 lb if \leq 20% remains	Sun – Sat
Oct 1 – Dec 31	All	5000 lb if >10% quota remains 800 lb if \leq 10% quota remains	Sun – Sat

*Includes trawls with minimum mesh size of 5.5" diamond or 6" square. Lawfully fished smaller mesh limited to 100 lb bycatch while quota remains.

** Period I quota allocation was reduced from 30% to 15% as part of 2025 rule-making, but given timing change does not become effective until 2026.

Table 3. Expected 2026/2027 summer flounder specifications (and their basis), compared to the 2025 specifications, in millions of pounds.

	2025	2026/2027	Basis
OFL	24.97	31.89/32.42	Stock assessment projection
ABC	19.32	30.01	Derived by SSC
Com ACL	10.62	16.50	ABC x 55% (per FMP)
Com ACT	10.62	14.52	Com ACL – Com management uncertainty (12%)
Com Quota	8.79	12.78	Com ACT – Expected com dead discards
Rec ACL	8.69	13.50	ABC x 45% (per FMP)
Rec ACT	8.69	11.88	Rec ACL – Rec management uncertainty (12%)
RHL	6.35	8.79	Rec ACT – Expected rec dead discards