

**Public Hearing:  
Surf Clam and Ocean Quahog Commercial Dredge Fishery  
Management Program**

**June 2, 2026 – Virtual**

June 2, 2026

Massachusetts Division  
of Marine Fisheries



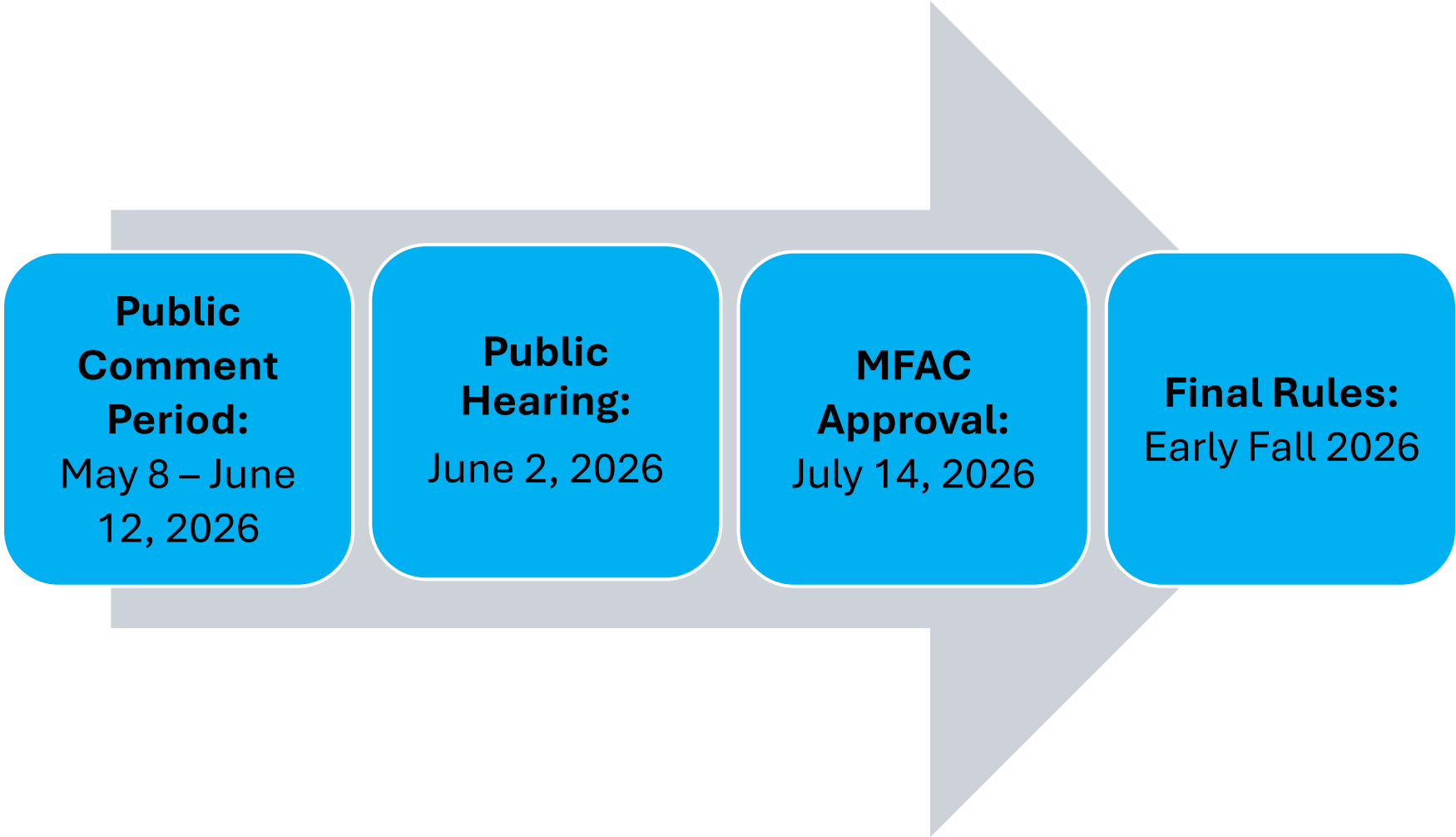
# Public Comment

Under the provisions of G.L. c. 30A, and pursuant to the authorities found at G.L. c. 130, §§ 17, 21, 52, and 80, the Division of Marine Fisheries (DMF) is taking public comment on a series of draft emergency regulations at 322 CMR 4.00, 6.00, and 7.00 to modernize the management of the commercial surf clam and ocean quahog dredge fishery.

DMF will accept written public comment through 5PM on Friday, June 12, 2026. Please submit all written comments by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) to the attention of Director McKiernan.



# Timeline for Rule Making



# Process and Guidelines for Questions and Comments

- DMF will present on each public hearing proposal. At end of each proposal there will be an opportunity for questions and then comments.
- Use the raise hand function to create a queue to ask question or make comment. If your audio does not work, you will be given an opportunity at the end of the queue.
- Commentors will be provided one opportunity to comment on each topic. DMF will work its way through the queue of first-time commentors first. If time permits, individuals may be given an additional opportunity to comment on each item.
- Comments will be limited to two minutes. Please speak clearly and concisely.
- Comments should be respectful, directed to DMF, and address DMF's proposal or have a direct nexus to the proposal. DMF will cut short any comments that stray from these directives.
- If comments become redundant, DMF may move on from the topic or only accept additional comments that present another perspective.
- DMF encourages all public hearing participants to also submit written comments. All written comments are provided to the Marine Fisheries Advisory Commission as an attachment to the agency's final recommendation.
- This final recommendation will also provide a short summary and discussion of the written public comment and public hearing testimony.



# Public Hearing Agenda

1. Overview of management history and current proposal
2. Spatial Management
  - a. Maintain historic closure north of Hull.
  - b. Replace contour line closures with defined and mapped polygons.
  - c. Expand seasonal closures in Cape Cod Bay to address user group and gear conflicts.
  - d. Establish non-regulatory process to adjust spatial management boundaries to address user group conflicts; protect, restore, and sustain benthic habitats; and investigate opening new areas to dredge fishing.
3. Electronic vessel tracking mandate for January 1, 2027 for all active participants in direct harvest and contaminated bait fishery.
4. Seasonally exempt direct harvest vessels from night closure. This will not apply to contaminated bait fishery.
5. Rewrite regulations to clarify, enhance, and streamline language relevant to permits; catch restrictions; bycatch; and the contaminated bait fishery.



# Surf Clam Management History

- Harvest of shellfish from municipal waters subject to local management (“home rule”).
- Historically, surf clams and ocean quahogs were subject to home rule.
- Home rule led to unwieldy permit and regulatory requirements for a transitory mobile gear fleet.
- In early 80’s the Legislature corrected this “Balkanization” by granting DMF the authority over this fishery and allowing municipalities to petition DMF to adopt regional management measures.
- State law also provides DMF authority over all contaminated shellfish resources and allows DMF to authorize contaminated bait harvest.
- DMF and the MFAC then began managing this commercial fishery in the 1980s and it remains under DMF’s authority.
- Current DMF management program includes permits, trip limits, minimum sizes, gear restrictions, and closures.



# General Management Measures

## Surf Clam Ocean Quahog Dredge Fishery

- Limited entry SC/OQ Endorsement is required to dredge for these species and sell catch for human consumption.
- May only occur waters classified as “Approved” or “Conditionally Approved” and in the “Open Status”.
- Subject to hydraulic dredge size limits, trip limits, size limits, and shellfish sanitation requirements.
- No night fishing (6AM to 6PM - Nov 1 – Feb 28/29 and ½ hr after sunset to ½ hr before sunrise Mar 1 – Oct 31).

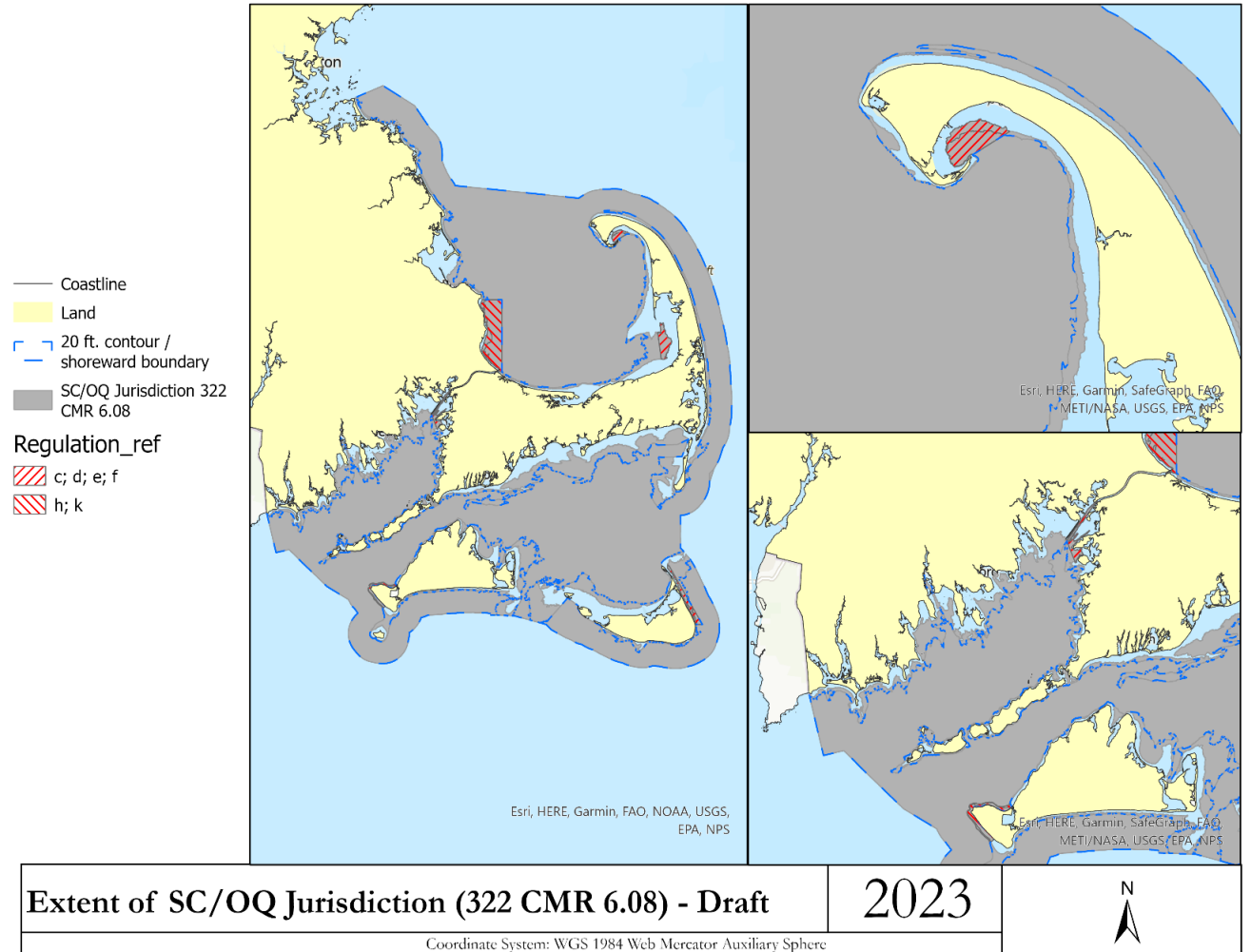
## Contaminated Bait Fishery

- Open access contaminated bait permit is required and may only occur in “Prohibited” waters.
- Permit holders may also not hold a shellfish permit that allows direct harvest for human consumption.
- Product must be labeled and label must state “CONTAMINATED SHELLFISH – FOR BAIT PURPOSES ONLY”
- Limited to 50 bushels or 100 gallons of shucked product per calendar day.
- No night fishing (6AM to 6PM - Nov 1 – Feb 28/29 and ½ hr after sunset to ½ hr before sunrise Mar 1 – Oct 31).



# Spatial Management Program

- All areas north of Pt. Allerton Hull closed to dredge fishing.
- Waters south of Pt. Allerton open to dredge fishing.
- From May 1 – Oct 31 waters inside the 20' depth contour are closed and from Nov 1 – Apr 30 waters inside 12' depth contour are closed with some limited exemptions.
- Spatial management program included some prior Home Rule closures.
- New seasonal closures have been adopted to address user group conflicts.



June 2, 2026

Massachusetts Division  
of Marine Fisheries



# Challenges with State Management Program

- Contour line closures are difficult to comply with and enforce.
- Interest in developing more surgical closures to protect important habitats (e.g., eel grass).
- Concerns from lobster industry regarding gear conflicts and impacts of gear on seasonal aggregations of large female egg-bearing and new shell lobsters.
- Persistent issues related to fishery off Herring Cove in Provincetown.



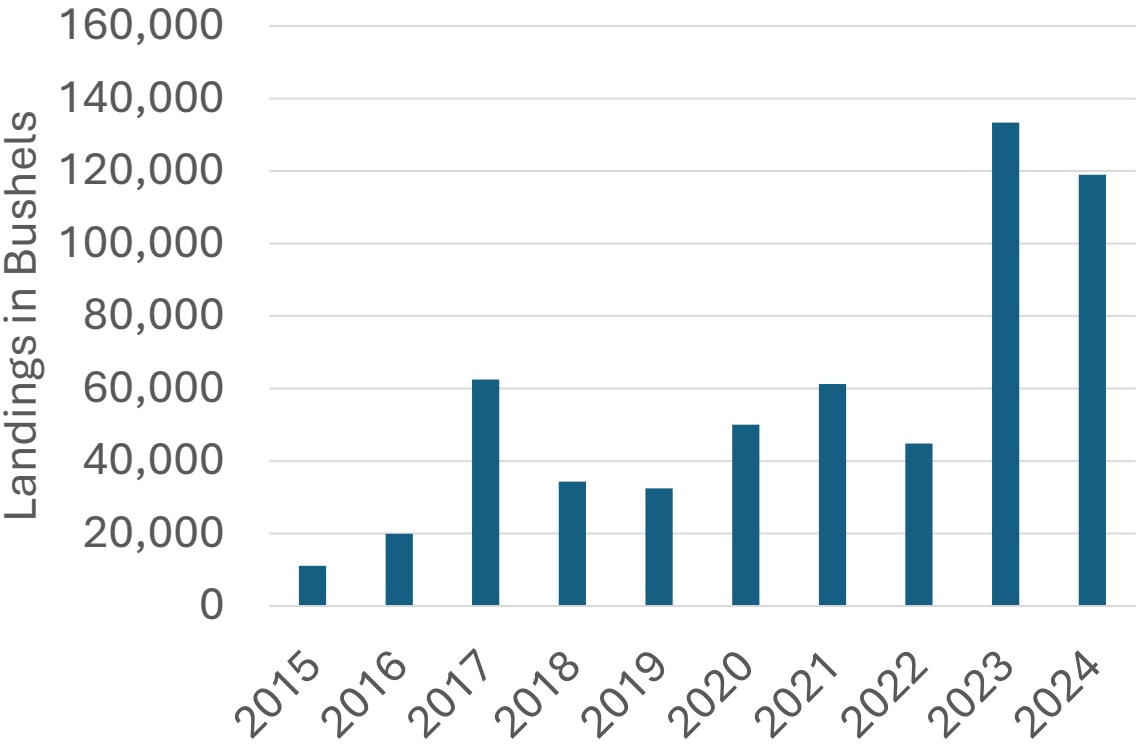
# Industry and DMF Collaborate to Address Habitat Concerns

- DMF met with surf clam dredge boats to discuss ways to modernize management to better address habitat concerns and safeguard fishing opportunities.
- 2023: DMF initiated a pilot program to test the use of emerging cellular-based vessel tracking technology as a potential spatial management solution to delineate exclusion areas and provide notification when those areas are crossed by vessels thereby improving the potential for monitoring compliance and enforcing boundaries.
- Pilot results:
  - Nine tracking devices were distributed to volunteers beginning in September 2023, with 4 being used currently.
  - Showed that the operator and management agency can be alerted if vessel enters/exits a polygon.
  - Showed ability to share coordinate-based polygons that can be interfaced with certain chart plotters
  - Anecdotal reports that the direct access to the vessel's tracks through the vendor's website assisted vessel owners in managing their fleet.
  - Allowed managers to estimate near real-time spatial footprints of the pilot fleet's dredging activity.



# Effort and Participation in Dredge Fishery

## Annual State Waters Surf Clam Landings



- In the first half of the time series:
  - Average of ~45% of landings came from CCB.
  - Participation averaged <15 vessels annually.
- In the second half:
  - Average of ~30% came from CCB
  - Average of ~40% came from OC
  - Average of ~15% came from Nantucket Sound
  - Participation increased to <20 vessels annually.
- Proposed tracking requirements should improve data collection to verify landings from state versus federal waters.

Data Source: ACCSP Data Warehouse as of September 2025



# Maintaining Closure North of Pt. Allerton

## Proposal

1. Retain closure to all state waters north of Pt. Allerton in Hull.
2. Allow DMF to conduct a declaration process to temporarily open certain areas to investigate potential for viable commercial bait or direct harvest fishery and inform future regulatory action. Process to include two-week written comment period; MFAC approval; and publication of adjustments on website, with MA Register, and through direct notification to permit holders.

## Rationale

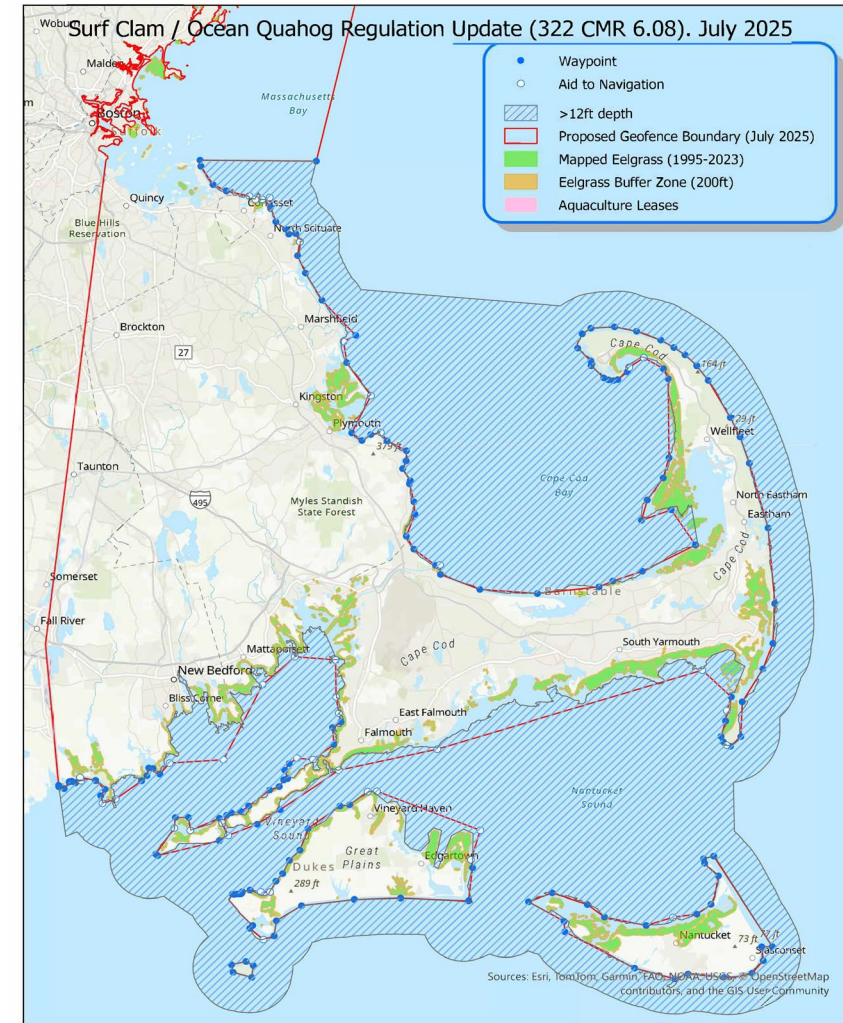
- Most coastal waters in this region are classified as Prohibited and not open to direct harvest fishery.
- DMF has investigated areas with Approved classification and there is limited resource available.
- Considers potential to expand spatial extent of fishery should there be sufficient conditions.
- Process to expand spatial extent of fishery will consider stakeholder input through public comment process and MFAC approval.



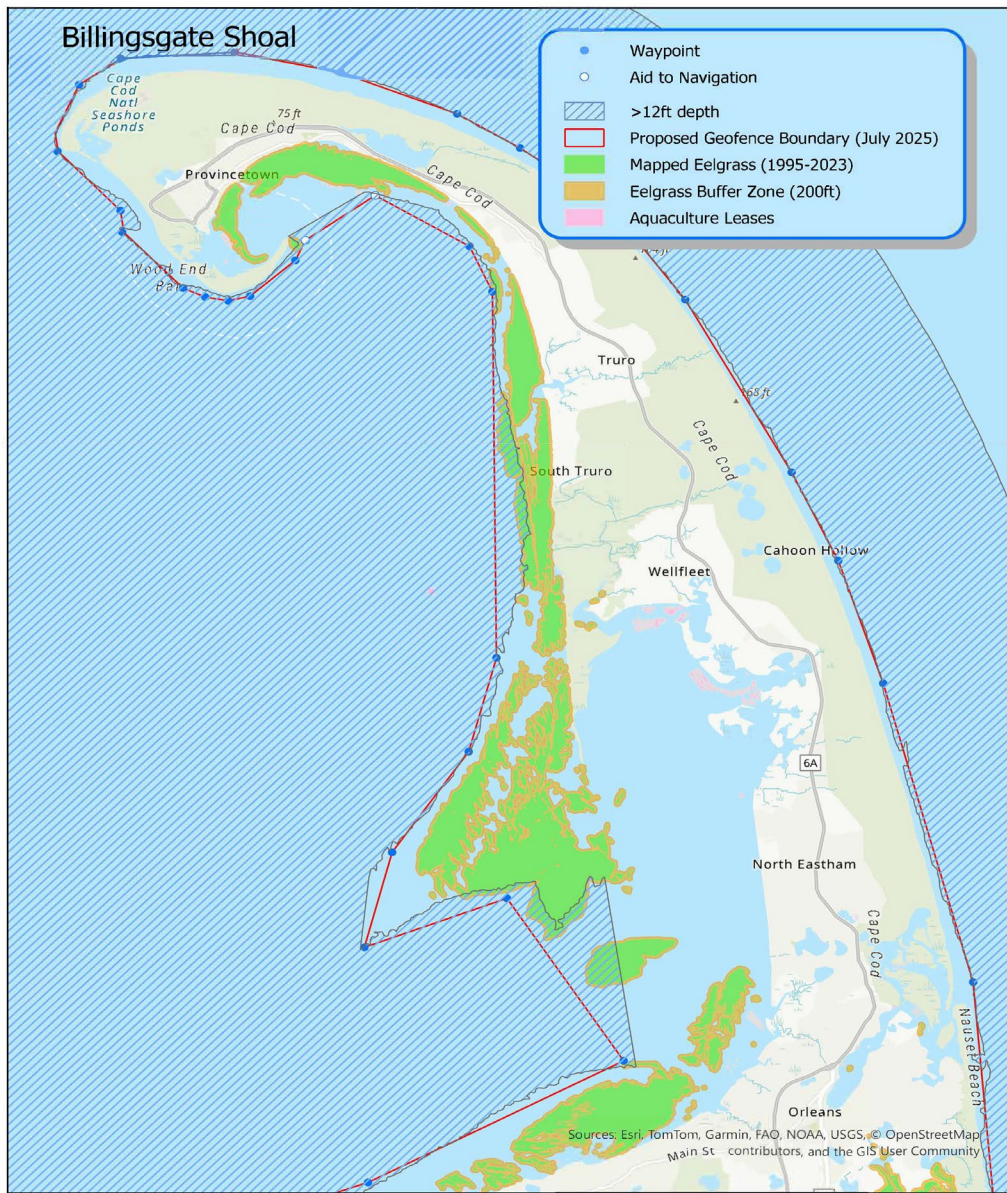
# Replacing Contour Lines with Polygons

## Proposal

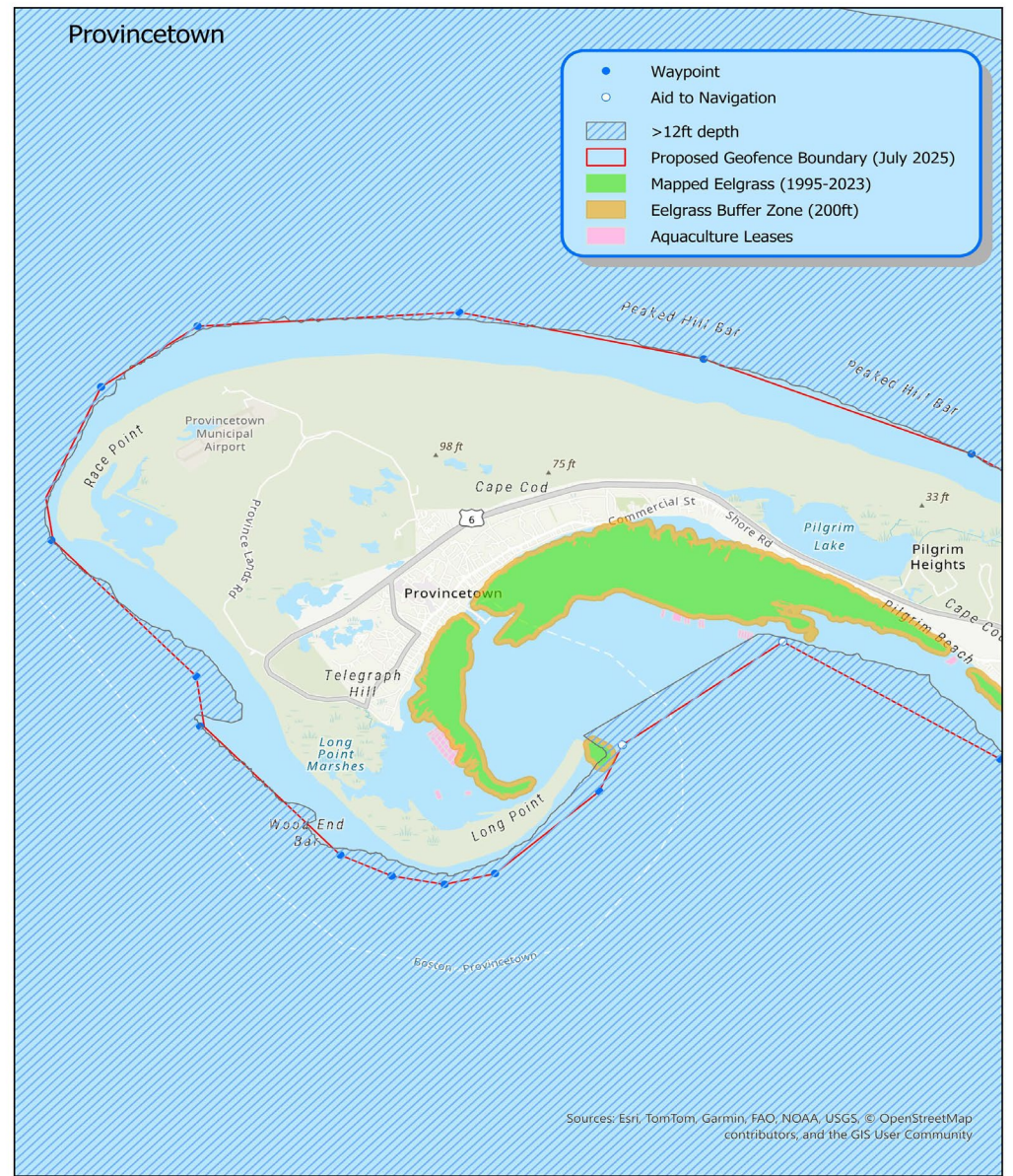
1. Rescind the seasonal 12' and 20' contour line closures.
2. Establish a year-round polygon closure that begins in Pt. Allerton Hull and extends around Cape, Buzzards Bay, and Islands that is a proxy for the 12' depth contour and uses navigational beacons where reasonable.
3. Polygon closure will be inclusive of all eel grass beds mapped by DEP and provide a 200' buffer around each bed.
4. Polygon closure will be inclusive of all historic existing regional & municipal closures (e.g., Provincetown Harbor, Outer Nantucket Harbor, Billingsgate) and exemption areas (e.g., Muskeget, Aquinnah).
5. In areas where surf clam resource is limited (e.g., Buzzards Bay), polygon closure will be simplified by drawing straight lines that extend beyond the 12' contour proxy.
6. Create a process to allow DMF to amend boundary lines in response to municipal requests; user group conflicts; updated eel grass maps; and to protect benthic habitats. Process will include two-week written comment period; MFAC approval; and publication of adjustments on website, with MA Register, and through direct notification to permit holders.
7. DMF will annually publish polygon maps and boundaries on its website and provided boundaries to commercial permit holders in format that is compatible with chart plotters.

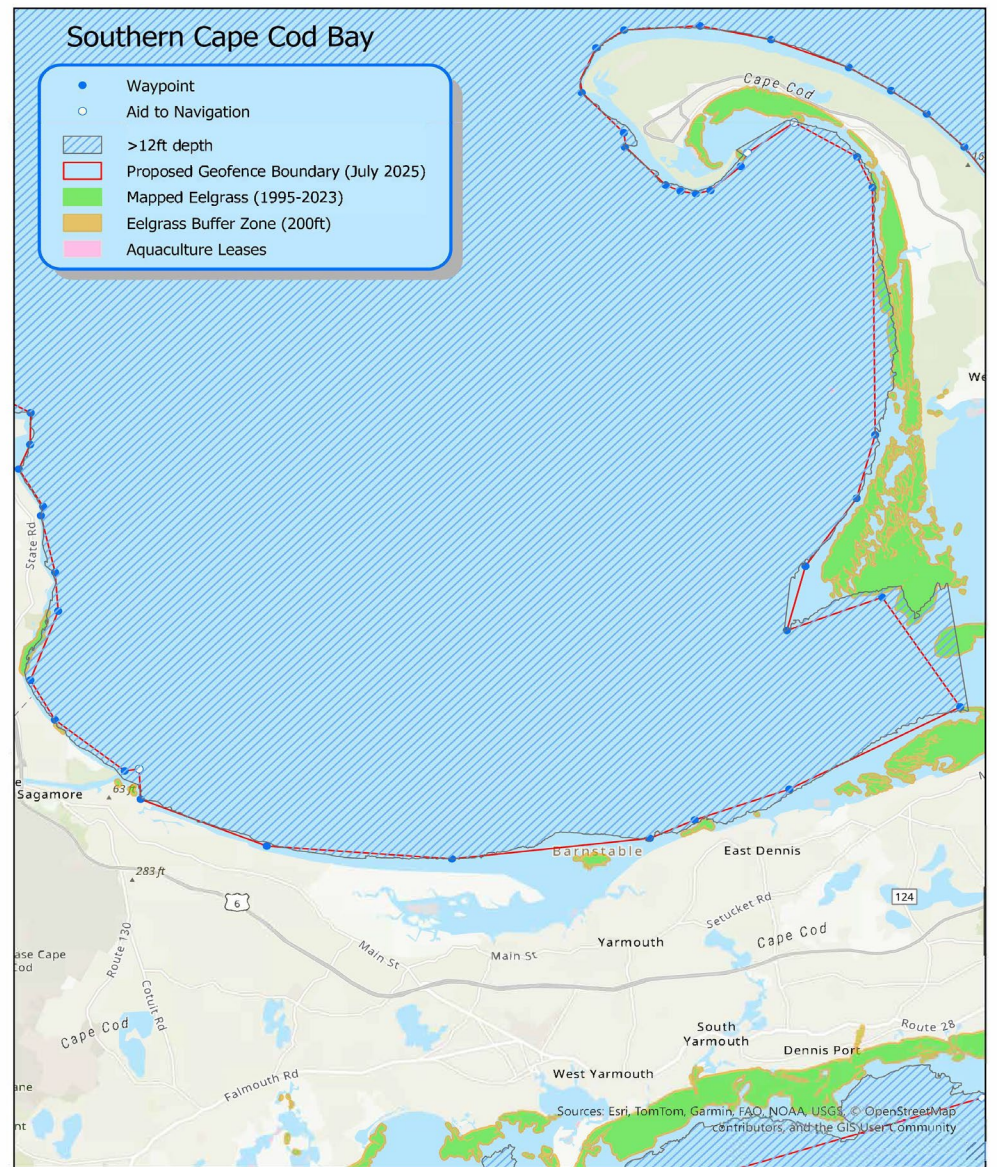
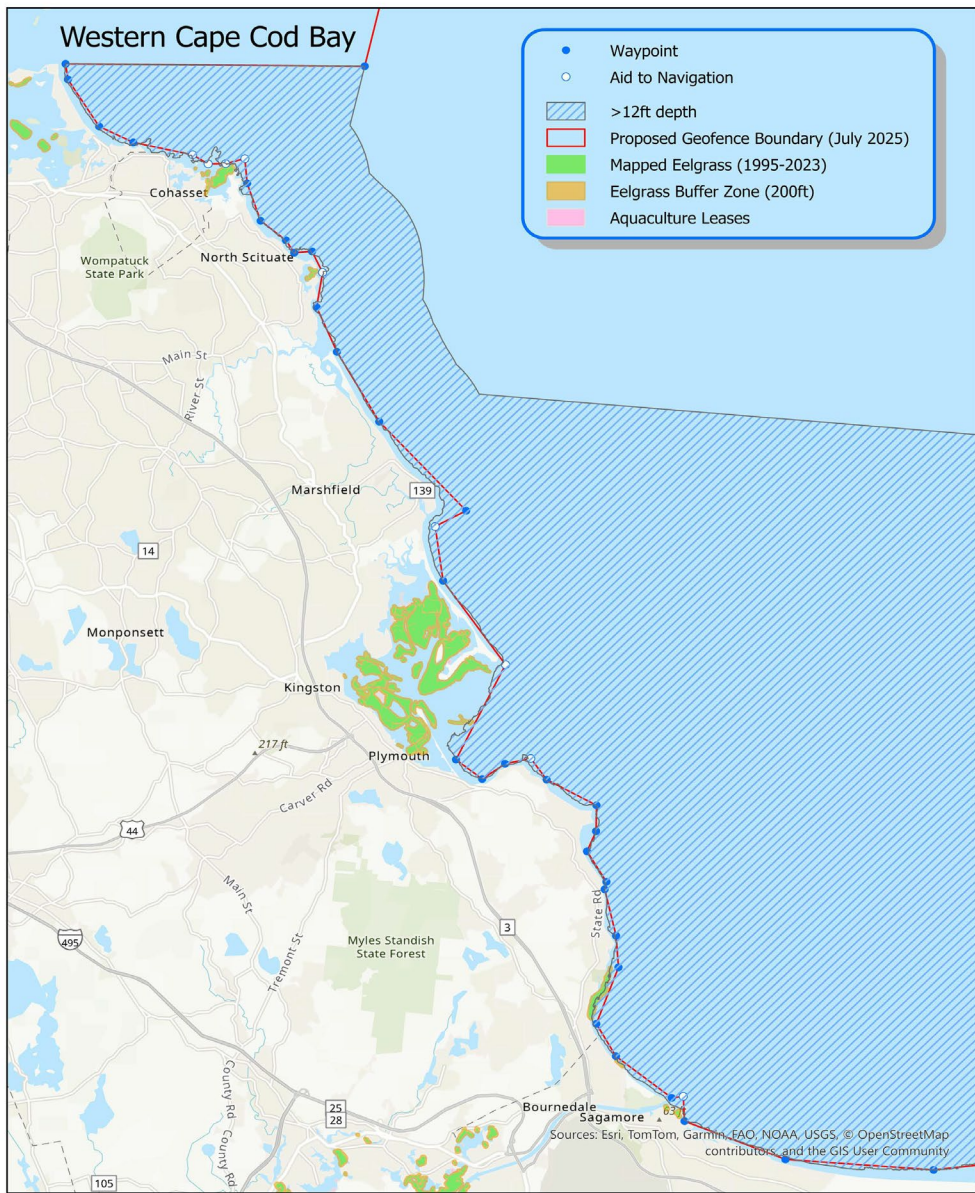


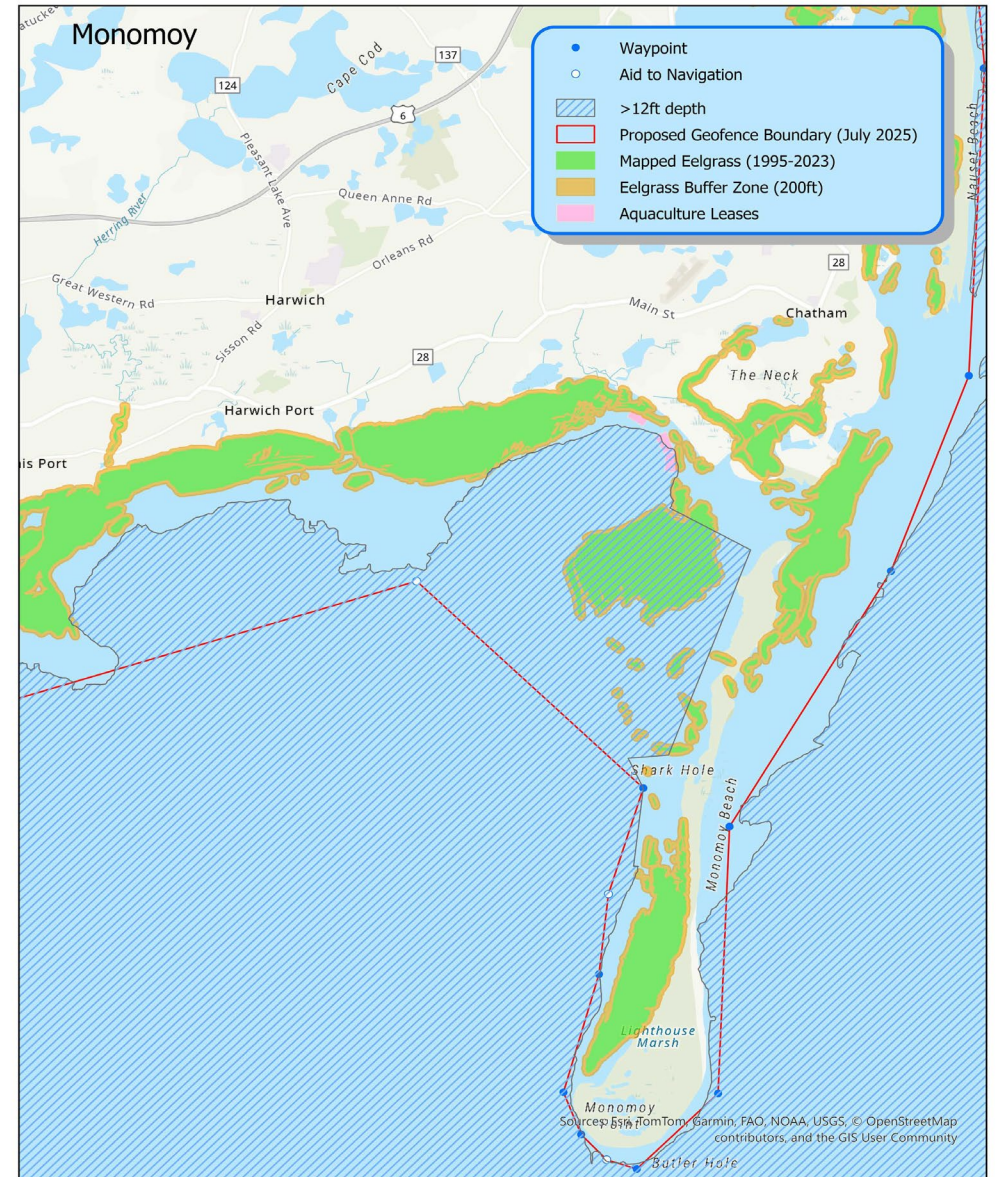
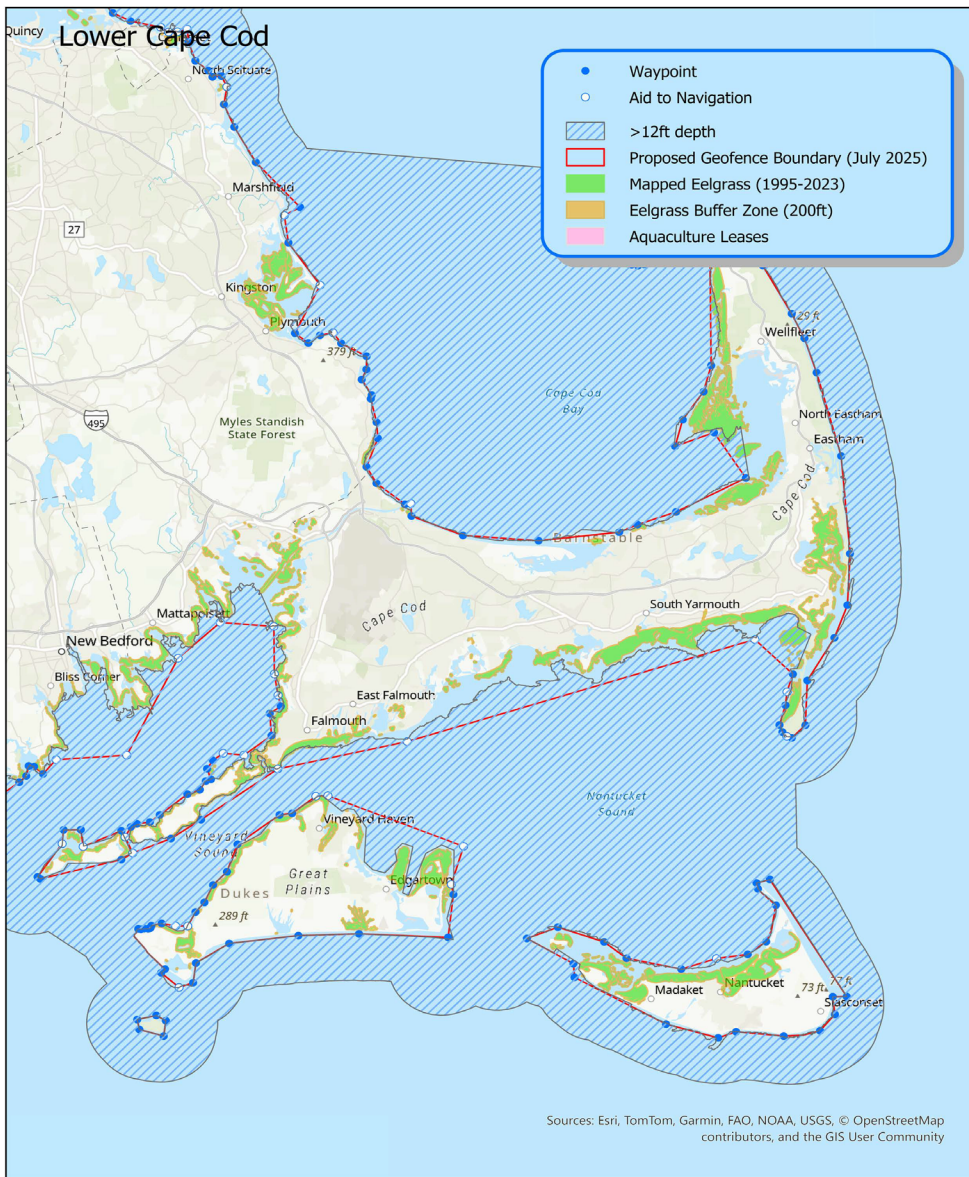
## Billingsgate Shoal



## Provincetown



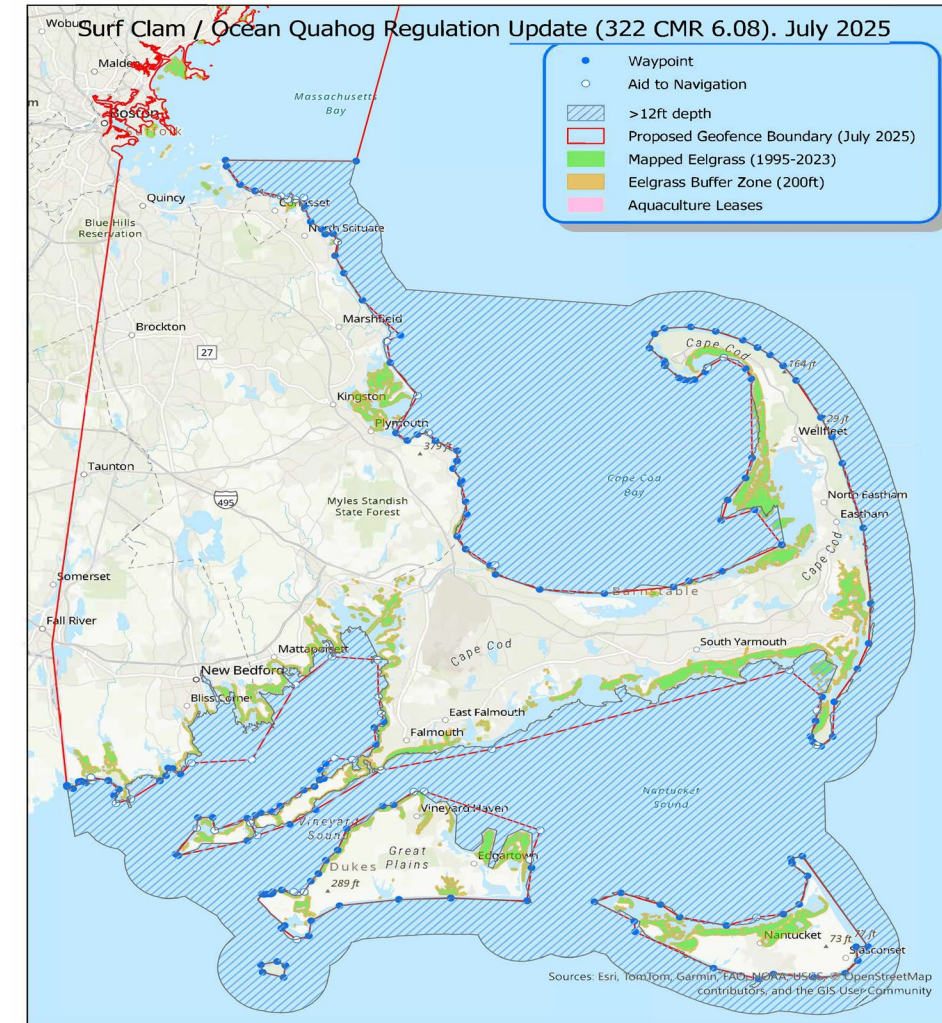




# Benefits of New Polygon Proposal

## Rationale

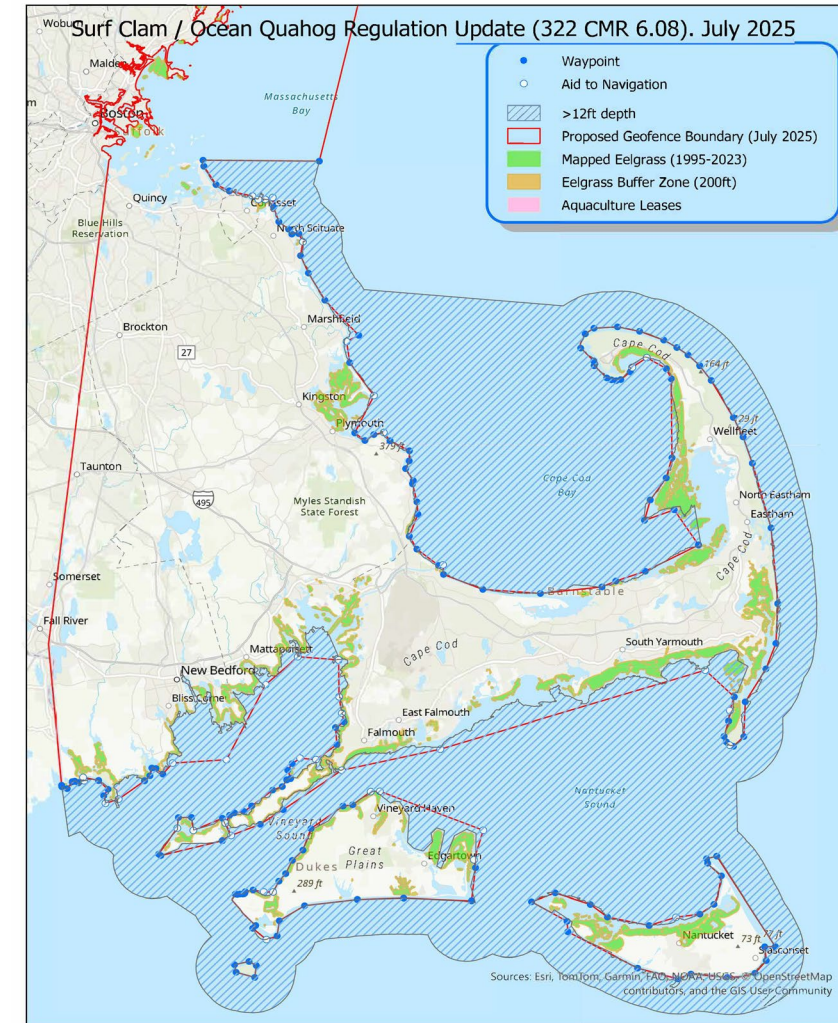
- Creates clearly defined boundary to enhance enforcement & compliance.
- Allows continued access to areas historically fished by dredge fleet.
- Protects known eelgrass beds from damage from hydraulic dredging.
- Is seaward of common recreational areas and aquaculture lease sites to prevent user group conflicts.
- Vessel trackers and boundaries can be integrated into compatible chart plotters (e.g., time-zero) for real-time compliance and enforcement.
- Enables DMF to adjust and evolve boundaries for good cause subject to public comment and MFAC approval.



# Questions and Comments

## Proposal

1. Rescind the seasonal 12' and 20' contour line closures.
2. Establish a year-round polygon closure that begins in Pt. Allerton Hull and extends around Cape, Buzzards Bay, and Islands that is a proxy for the 12' depth contour and uses navigational beacons.
3. Polygon closure will be inclusive of all eel grass beds mapped by DEP and provide a 200' buffer around each bed.
4. Polygon closure will be inclusive of all historic existing regional closures (e.g., Provincetown Harbor, Outer Nantucket Harbor, Billingsgate) and exemption areas (e.g., Muskeget, Aquinnah).
5. In areas where surf clam resource is limited (e.g., Buzzards Bay), polygon closure will be simplified by drawing straight lines that extend beyond the 12' contour proxy.
6. Create a process to allow DMF to amend boundary lines in response to municipal requests; user group conflicts; updated eel grass maps; and to protect benthic habitats. Process will include two-week written comment period; MFAC approval; and publication of adjustments on website, with MA Register, and through direct notification to permit holders.
7. DMF will annually publish polygon maps and boundaries on its website and provided boundaries to commercial permit holders in format that is compatible with chart plotters.



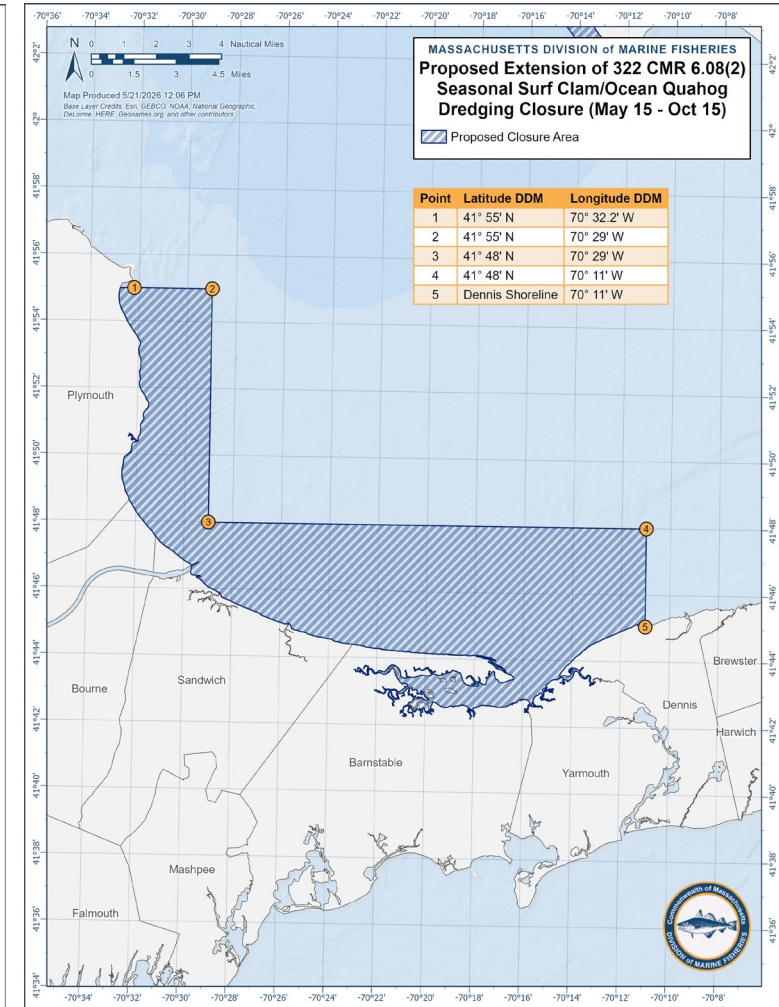
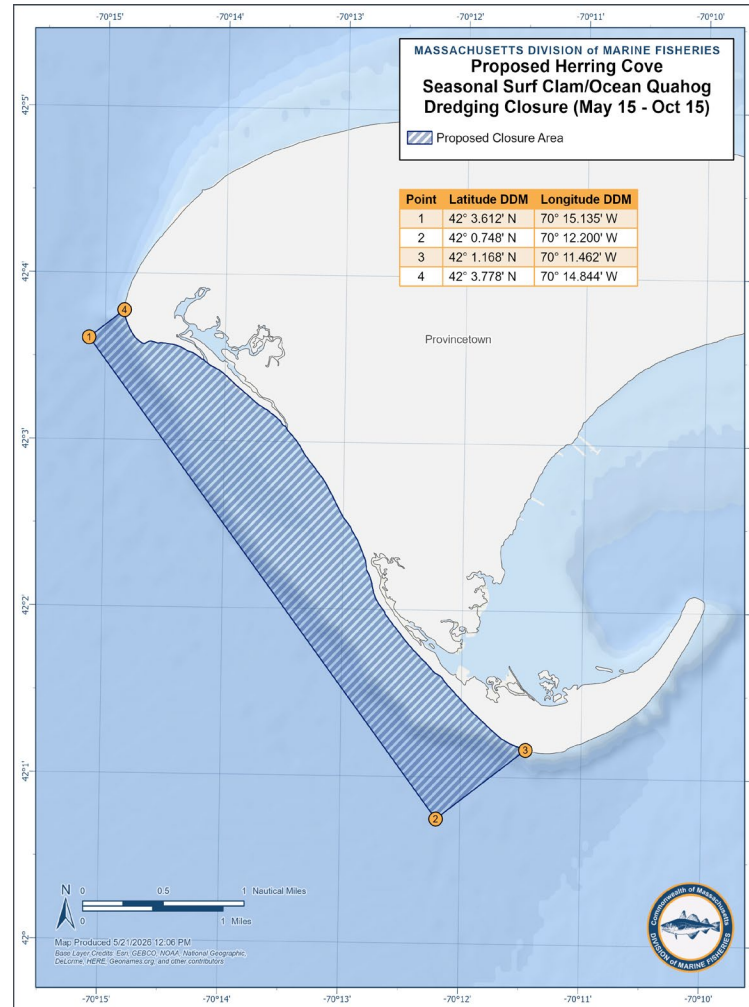
# Seasonal User Group Conflict Closures

## Proposal

- Maintain the existing May 15 – October 15 closure off Manomet.
- Expand the Manomet closure along southern Cape Cod Bay to Dennis to include waters off Barnstable.
- Adopt a May 15 – October 15 closure off Herring Cove from Race Point to Wood End.

## Rationale

- Ameliorates user group conflicts in times and places with a high density of lobster gear.
- Southern Cape Cod Bay closure protects aggregations of large female egg-bearing lobsters and new shell lobsters identified by industry and confirmed by DMF sea sampling and trawl survey data.
- Maintains fishery in Herring Cove during winter when it provides a safe and protected area to fish but restricts activities at other times of year when user group conflicts are prevalent.



# Adopting Temporary Time-Area Closures

## Proposal

- Adopt a formal process to temporarily close certain areas to dredge fishing to address emerging issues. Process to include two-week written comment period; MFAC approval; and publication of adjustments on website, with MA Register, and through direct notification to permit holders.

## Rationale

- Allows for adaptative management so that DMF can timely respond to emerging and evolving challenges.
- Mirrors authority that exists to address similar issues in other state managed mobile gear fisheries (e.g., trawl, sea scallop).
- Authority is infrequently used but is important to maintain for unusual circumstances.



# Vessel Tracking Requirements

## Proposal

- Require vessels with SC/OQ permit install, activate, and maintain an approved electronic vessel tracking device on their vessel.
- Viatrax Boat Command is only approved device.
- Device must be active at all times regardless of fishing activity occurring.
- Tampering or removal of device without approval by DMF or installation and use of any non-DMF approved device is prohibited.
- DMF may allow temporary deactivation of device to address device failure, vessel haul-out, or other good cause malfunctions.
- Permit holders may opt out by putting SC/OQ permit on endorsement only permit allowing it to be maintained but not fished.

## Rationale

- Creates mechanism for real-time enforcement and compliance with spatial management program.
- Allows for real-time notification of when a vessel enters/exits polygon.
- Device owner may view vessel activity in vendor application.
- Individual data is stored at ACCSP and is held confidential by law.
- Device is affordable and easy to install and maintain.
- About half of active fleet obtained device through Pilot Program.



Cost Information (as of 5/27/26 Boatcommand.com)	
Device + 1 year of service	\$548
Device + 7 years of service	\$1,799



# Seasonal Night Closure Exemption

## Proposal

- Vessels fishing in surf clam/ocean quahog dredge fishery under state authority will be exempt from night closure during period February 1 – April 30.

## Rationale

- Affords greater access to fishing grounds during wintertime when gear conflict is limited due to fixed gear closures and reduced fishing pressure.
- Seasonally prevents vessels from "jogging" at night which is inefficient and potentially unsafe.
- Should not undermine spatial management program which remains enforceable through vessel tracking.
- Maintains night closure for contaminated bait fishery due to public health concerns.



# Housekeeping

## Proposal

- Rewrite SC/OQ permit requirement section and incidental catch restrictions regulations.
- Adopt more consistent regulatory language throughout surf clam and ocean quahog catch restriction and contaminated bait fishery regulations.

## Rationale

- Improves readability of regulation.
- Streamlines regulatory language.
- Does not modify any existing regulatory requirements.



# Submit a Written Comment

DMF will accept written public comment through 5PM on Friday, June 12, 2026. Please submit all written comments by e-mail to [marine.fish@mass.gov](mailto:marine.fish@mass.gov) to the attention of Director McKiernan.

