Marine Fisheries Advisory Commission
Final Business Meeting Minutes
August 26, 2026
Weston Public Library

Attendees

Marine Fisheries Advisory Commission: Shelley Edmundson (Chair); Bill Doyle (Vice-Chair); Chris McGuire (Clerk); Ray Kane; Sooky Sawyer; Ray Jarvis; Willy Goldsmith; Eric Nelson; Bill Amaru.

Division of Marine Fisheries: Dan McKiernan, Director; Bob Glenn, Deputy Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Jared Silva; Nichola Meserve; Sarah Ferrera; Bradlie Morgan. Virtually: George Davis; Tracy Pugh; Brad Schondelmeier; Anna Webb; Kerry Allard; Ben Gahagan; Luke Putaansuu; Emma Fowler; Elise Koob.

Department of Fish and Game: Tom O'Shea, Commissioner; Tori LaBate, Deputy General Counsel.

Massachusetts Environmental Police: Lieutenant Matt Bass; Captain Jack Chapin.

Members of the Public: Ray Rowell. Virtually: Brooke Kushwaha.

Call to Order and Routine Business

Chair Shelley Edmundson called the meeting to order.

Review of the August 2026 Business Meeting Agenda

Chair Edmundson asked if MFAC members had any amendments to the August 2026 business meeting agenda. There were no such amendments. The Chair then proposed moving agenda item 3f—"Belding Award Nomination"—to occur directly after Agency Updates. There were no objections**.**

The Chair called for a motion to approve the amended August 2026 meeting agenda. Ray Kane made the motion, and Bill Doyle seconded the motion. The motion passed by unanimous consent.

Ray Kane and Jared Silva clarified that the location of the next Marine Fisheries Advisory Commission (MFAC) meeting will be at the Division of Marine Fisheries' (DMF) New Bedford office.

Kane then thanked DMF for quickly responding to a request to fix a recent inaccuracy on the website.

Review and Approval of July 2026 Draft Business Meeting Minutes

The Chair sought amendments for the July 2026 Draft Business Meeting Minutes. No amendments were proposed. **The Chair called for a motion to approve the July 2026 Business Meeting Minutes as drafted. Ray Kane made the motion, and Bill Amaru seconded the motion. The motion passed unanimously with the Chair abstaining.**

Agency Updates

Office of Law Enforcement: Personnel, Recent Operations & Marine Fishery Incidents

Captain Jack Chapin provided updates on behalf of Massachusetts Environmental Police (MEP). The summer season requires MEP officer presence at Department of Conservation and Recreation (DCR) parks and pools and this limits officer availability in the field, including within the coastal region.

MEP officers recently seized about 10,000 pounds of frozen lobster and crab product in Quincy. The case is still under investigation.

Edmundson asked about the fate of fish seized by MEP. Lt. Matt Bass and Capt. Chapin explained that the product is libeled but after that the process varies based on circumstance and public health considerations. In this instance, the product was donated for use as compost, but in other instances it may be sold to market, donated, or destroyed.

On personnel, six officers were hired in 2025. Three of these new officers will be stationed in coastal areas. Additionally, an entry exam was recently held for about 300 participants. However, there are no immediate plans for hiring from this candidate pool.

Lieutenant Matt Bass then described a recent incident concerning fixed gear marking violations. Bass then voiced appreciation for DMF's swift action in response to emerging shore-based shark fishing issues on Nantucket beaches.

Sooky Sawyer asked about a recent gear conflict in Scituate. Bass and Chapin were not aware of the incident's details but would look into it.

Bill Doyle suggested the MFAC write a letter to the Governor in support of expanded staffing for MEP to increase enforcement capacity in the coastal region. Ray Kane concurred, noting the MFAC had produced such letters in the past. Chair Edmundson and Director Dan McKiernan indicated that a draft letter would be produced for the MFAC's consideration at their next business meeting.

Department of Fish and Game: Recent Meetings and Events and Department-wide Activities and Projects

Commissioner Tom O'Shea was not present at this time but arrived later in the meeting. At that time, he updated the MFAC on Department of Fish and Game (DFG) activities. The Division of Fisheries and Wildlife hired a new Director, Eve Schluter. Additionally, the Commissioner remarked on the continued impact of the hiring freeze. MFAC reappointments are in progress.

Division of Marine Fisheries: Personnel, Recent Meetings and Events, and Agency Activities and Projects

Director McKiernan shared that he and Commissioner O'Shea recently attended events in Gloucester with Governor Healey and Lieutenant Governor Driscoll. This included a visit to Fishermen's Wharf—owned and operated by the Giacalone family—to witness the impact of Food Security Infrastructure Grants on shoreside infrastructure. Later that same day, the names of those lost on the F/V Lily Jean were added to the Fishermen's Memorial in Gloucester, and the Fishermen's Wives statue was rededicated. Dan expressed gratitude for the Governor's interest in DMF's work.

The Governor allocated $300,000 in relief funds to support commercial clam diggers impacted by shellfish closures due to the Haverhill sewage treatment plant failure. Dan remarked on the acute impact of this event and the all-of-government response to ensure open communication and timely shellfish area reopenings.

Sawyer asked about eligibility criteria for the shellfish relief funds. McKiernan explained the program used SAFIS records and considered shellfish landings over the past three years to determine eligibility and payment. In total, 170 people were deemed to be eligible and about 140 had applied. Applicants who did not initially qualify were provided with a process to appeal the agency's initial determination.

Bill Doyle expressed support for this effort. He wondered whether a similar approach could be considered in response to shellfishers impacted by closures caused by

Combined Sewer Overflows (CSOs). McKiernan and Doyle discussed the differences in these two issues, specifically that the Haverhill incident was the result of an acute treatment plant failure that resulted in a series of emergency closures to safeguard public health, whereas CSOs present persistent infrastructure issues that degrade water quality and produce predictable rainfall-related closures. However, McKiernan noted that DMF has been able to hire two additional staff members to support water quality testing and lab work related to the CSO issue in an attempt to minimize the economic impacts.

McKiernan and Bill Amaru discussed a recent event to observe the biomedical horseshoe crab fishery on Cape Cod. McKiernan joined Representative Hadley Luddy (4th Barnstable) on a tour of the various businesses working under the umbrella of Charles River Laboratories. McKiernan expressed the importance of Rep. Luddy seeing how these operations work given the bill seeking to ban the harvest of horseshoe crabs. Kane and McKiernan discussed the status of this bill. McKiernan anticipated the bill will not move forward this session but will be reintroduced in future sessions and require continuing efforts by DMF to inform legislators and the public about the horseshoe crab resource and fishery.

McKiernan noted an area of dispute regarding the biomedical fishery is mortality rates, and in particular, post-release fitness and mortality. To begin to better understand these issues, DMF is conducting an acoustic tagging study on bled and released crabs, in addition to long-term studies monitoring bled and non-bled crabs with button tags. Ray Kane, Chris McGuire, and the Director discussed the lifetime of acoustic tags. The tags' battery life will likely last about 6 months and nearly all of the tagged crabs are mature, it is unlikely any of the crabs will molt and lose their tag during the life of the batter.

Kane then asked about data from this year's horseshoe crab spawning beach surveys. McKiernan explained that most regions are experiencing population growth. However, upper Buzzards Bay continues to decline despite harvest not taking place. McKiernan hypothesized that springtime beach grooming at Swifts Beach in Wareham may have been contributing to loss of eggs. DMF has subsequently recommended beach grooming be delayed until after the spawning season.

Belding Award Nominations

Director McKiernan then shared that Bob Glenn had nominated Laura Ludwig of the Center for Coastal Studies for the 2026 David Belding Award. Throughout her career, Ludwig has contributed to removing marine debris from the environment and meticulously documenting recovered derelict gear. Her work has helped determine the success rates of ghost panels in pot traps, informed recent modifications to derelict gear

regulations, and facilitated close collaboration among researchers, managers, and fishermen.

The Chair asked for a motion to nominate Laura Ludwig for this year's Belding Award**. Ray Kane made the motion to nominate Ludwig, and Sooky Sawyer seconded the motion. The motion passed unanimously with the Chair abstaining.**

Edmundson applauded the nomination and approval of Laura Ludwig for the Belding Award, highlighting her contributions to ghost gear removal in particularly challenging areas like Nomans Land.

Kane remarked on Ludwig's research concerning the biodegradability of escape panels on pot gear and the risk of prolonged ghost fishing. McKiernan expressed interest in exploring this issue at a future meeting.

Updates and Discussion Items

Emergency Regulations to Extend White Shark Fishing Restrictions

Jared Silva then updated the MFAC on emergency regulations enacted this summer to extend shore-based white shark fishing restrictions to the Town of Nantucket. In 2025, DMF promulgated rules to prohibit the use of metal or wire leaders exceeding 18 inches length coupled with a hook with a gap exceeding 5/8 inch when fishing from shore from Plymouth Point around the coast of Cape Cod Bay and the Atlantic coast of Cape Cod to Stage Harbor, including all of Monomoy Island. Nantucket was not included in the initial prohibition because there was not substantial evidence of anglers targeting white sharks on Nantucket beaches and there is a history of other shore-based shark fishing for other species. However, this recent emergency action responded to changes in angler behavior, likely driven by social media, that resulted in the expansion of shore-based white shark fishing to Nantucket this year. This activity produced a significant amount of public outrage and user-group conflicts, particularly following a beach closure due to an angler starting to chum and fish for white sharks at Nobadeer Beach next to a surf school in the middle of July. This incident resulted in the Nantucket Harbormaster and Chief of Police requesting DMF extend its gear restrictions to prevent white shark fishing to the Town of Nantucket due to public nuisance and safety concerns.

Dan added that the emergency regulations will expire in October. DMF intends to investigate amending its shark fishing rules for 2027 to better address the expansion of this activity and will meet with stakeholders this fall, including a September 10 meeting on Nantucket. The MFAC will be updated on this initiative at a future meeting.

McKiernan, Silva, Kane, and Edmundson discussed the potential expansion of white shark fishing rules to Martha's Vineyard and concerns about how DMF may be

unintentionally encouraging this activity on the Vineyard by displacing it from the Cape and Nantucket. DMF noted that expanding the spatial extent of the rule will be considered for 2027 and was part of recent deliberations on the emergency regulation. Ultimately, the Vineyard was not addressed in the emergency rule out of an interest of having it narrowly apply to where there were documented public safety issues. Additionally, fishing access on the Vineyard is limited compared to Nantucket due to the private ownership of south facing beaches.

Lieutenant Bass, Willy Goldsmith, and Silva discussed the likely evolution of angler behavior and how to best address it over time. Public comment will better inform this approach.

Ray Jarvis remarked on the limitations of gear restrictions in prohibiting white shark fishing. He wondered whether geographic restrictions could help target the areas with greater public safety risk.

Quota Managed Species

Story Reed provided the MFAC with an update on the performance of 2026 quota managed fisheries through late August.

Striped Bass

The striped bass commercial fishery closed on August 5 at 103% of the quota landed. The 20,000-pound overage amounting to about a half day of fishing. In 2025, the fishery closed at 99.97%. The fishery trended close to previous years; however, weekly catch rates varied throughout the season, making it challenging to project. Ex-vessel value was slightly higher than in previous years.

Sawyer asked about distribution of fishing activity across the state. Reed explained that harvester data are not yet available to analyze the spatial distribution of catch in 2026. However, based on preliminary dealer data, it appeared to be distributed statewide.

Goldsmith asked about the average size of the fish landed this season. DMF has not yet analyzed market data for 2026 but this information can be made available at a later date. Eric Nelson remarked that the fish appeared to be larger this season than in previous years.

Menhaden

The directed fishery opened on May 15 at a 120,000-pound limit and a quota that was decreased by 20% from 2025. On June 8, the trip limit dropped to 25,000 pounds after the landings reached 50% of the quota. Massachusetts entered the Episodic Event Set

Aside (EESA) fishery on July 28 after 100% of the quota was landed. The ex-vessel value is slightly higher than last year.

Director McKiernan noted how an adjustment to the triggers adopted in 2025 had made it more possible for landings to reach 100% of quota prior to September 1, thus enabling access to the EESA.

For 2026, both Massachusetts and Maine opted into the EESA. Massachusetts maintained its 25,000-lb limit during the EESA. Maine's landings of around 900,000 pounds-per-day had allowed the state just two open days in the EESA.

Kane asked how much of the EESA quota has been landed by Massachusetts. Meserve and Reed explained that a little more than half has been taken by Massachusetts.

Kane, Sawyer, Meserve, Reed, and Director McKiernan then discussed state-to-state quota transfers. As in prior years, DMF may consider seeking such transfers to maintain the commercial fishery into September.

Chris McGuire applauded DMF for creating this fine-tuned and adaptive management system. He then raised pending actions at the interstate level such as: next year's Total Allowable Catch (TAC), the Chesapeake Bay Reduction Fishery Cap (Bay Cap), and quota reallocation among states. Meserve noted that this would be addressed during the discussion on interstate management later in the meeting.

Bill Amaru voiced concern about the overharvest of menhaden in the Chesapeake Bay impacting the coastwide stock, as well as populations of osprey. He was also curious about the potential future discussion on reallocation.

Kane spoke on changes in distribution of menhaden since the establishment of the allocations. Meserve and Kane discussed the history of the fishery's management and the EESA. Reallocation has occurred twice under this current system. Meserve added that Northeast states continue to discuss distribution and reallocation.

Kane asked about reports on the average size of menhaden this year. Meserve will report back on this at a future meeting.

Summer Flounder (Fluke)

The fluke quota increased in 2026 by 75% compared to 2024 and 2025. 39% of quota has been landed and there is not yet a projected closure date. Additionally, ex-vessel value is slightly higher this year than in recent years.

There are a number of pending triggers in place to adjust trip limits depending on the remaining quota to ensure ample access to the resource through the fall. Most relevant is the pending trip limit increase to 1,000 pounds for all gear types on September 1 if more than 20% of quota remains.

Amaru remarked on the significant number of small fish found this year. He is hopeful for future years' performance.

Bait Horseshoe Crab

68.4% of the bait horseshoe crab quota has been landed. The trip limit will drop to 200 crabs if 80% of the quota is taken before September 15. Landings are trending close to previous years, and ex-vessel value is slightly higher than previous years.

Black Sea Bass

The fishery opened on July 1 with a quota of just over 1-million pounds (about 30% higher than 2025). Nearly 40% of quota has been taken, and the projected closure date based on recent landings is October 26, though this is expected to change as daily landing rates decrease in the fall. No fishing days will be eliminated on September 1 and there is a pending trigger to increase the trip limit if more than 15% remains on September 1. Ex-vessel value is tracking similar to last year.

Silva added that the multi-day pot program has been positively received by fishermen, particularly on Martha's Vineyard. Typically, the multi-day pot program is not initiated until mid-summer; however, it started July 1 given the elevated quota and high fuel costs.

Scup

Scup landings and ex-vessel value are closely following previous years. The quota is 34% fulfilled, with some quota transferred to Connecticut. There is no projected closure date yet.

Bluefish

Bluefish landings are trending much slower than previous years, with 5.2% of quota being landed so far.

Nelson voiced concern about the loss of bluefish in the area. Jarvis added that he has seen bluefish in greater numbers around the South Coast, specifically around offshore wind farms. He remarked on them being inshore early in the season and moving offshore later in the season.

Meserve noted that the upcoming stock assessment will suggest the stock has been rebuilt, according to current projections.

Kane, Nelson, and Meserve discussed changes in bluefish distribution. Meserve added that North Carolina is trending above previous years, requiring a quota transfer from Massachusetts for the second consecutive year. Nelson recommended communicating these changes to anglers who are concerned about changes in distribution.

Spiny Dogfish

Spiny dogfish landings have slightly increased compared to previous years, with 9.24% of coastwide quota fulfilled. Average price has also slightly increased in recent years.

Interstate Fisheries Management Update

Nichola Meserve then provided a routine update on the August 2026 Atlantic States Marine Fisheries Commission (ASMFC) meeting and the August joint meeting of the Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC.

The ASMFC's Spiny Dogfish Board approved an experimental weekly aggregate limit proposal to exempt certain fishers from the current 7,500-lb trip limit and authorize a 37,500-lb weekly aggregate limit. This is being done to evaluate whether greater regulatory flexibility will enhance economic productivity and quota utilization. This program is contingent on the issuance of a federal Exempted Fishing Permit from NOAA Fisheries. If approved, as early as September 1, the program will allow up to 50 vessels from across New Hampshire, Massachusetts, Rhode Island, and Connecticut to fish under the weekly aggregate limit throughout the remainder of this calendar year or until 80% of the Northern Region's 2026 quota is landed.

The Menhaden Board approved Draft Addendum II to the Fishery Management Plan (FMP) for public comment. This draft addendum proposes revisions to the Chesapeake Bay Reduction Fishery Cap, including reducing it, establishing quota periods, and linking future changes to changes in the coastwide quota. Public hearings will be held during early fall with a New England states webinar on September 29. At the upcoming November ASMFC meeting, the Menhaden Board is expected to consider final action on Addendum II, set the coastwide TAC for upcoming year(s), and revisit discussions regarding quota reallocation among states.

Sawyer asked about the timeline of the management decisions. Meserve explained that decisions about the TAC for the next several years will be based on the 2025 stock assessment and updated projections, similar to the information used to set the 2026 TAC. At that time, the Board had considered setting the TAC for three years, but could only pass a one-year TAC due in large part to concerns about socioeconomic impacts. Meserve and Sawyer then discussed likely outcomes for the TAC. Meserve explained that the TAC will likely remain status quo or decrease.

McGuire asked whether the Board intended to set the TAC annually or over multiple years. Meserve explained that the Board may choose to do either. McGuire and Meserve then discussed the public outreach process for these decisions.

Meserve explained that the Tautog Board postponed the approval of Draft Addendum I for public comment until stock projections can be updated with realized 2025 catch and projected 2026 catch. The draft addendum does not propose changes to the Massachusetts-Rhode Island region, but due to the magnitude of reductions proposed in other regions, the timing of the next tautog stock assessment was moved up from 2029 to 2028 to incorporate the revised MRIP numbers sooner given the contribution of the recreational fishery to total removals.

Additionally, the Striped Bass Board approved a letter to NOAA's Office of Aquaculture in opposition to the development of offshore striped bass aquaculture due to numerous concerns and unanswered questions.

Goldsmith noted that this initiative would contribute to the seafood market. McKiernan described a similar aquaculture project off the west coast which ultimately failed likely due to suboptimal environmental conditions.

The Board also received the Striped Bass Fishery Management Plan Review for 2025, which documented a 25% reduction in total 2025 fishery removals driven primarily by reduced recreational catch and effort. Public discourse indicates that some see this as highlighting ongoing poor fishing conditions and foreshadowing a pending stock collapse given ongoing recruitment failure, whereas others view this as the fishery achieving conservation objectives without additional regulation. Management action is unlikely prior to completion of the ongoing benchmark stock assessment, which is due to be presented to the Board in August 2027. However, the Board has assigned a series of tasks to inform future decision making and this work is expected to commence this fall. Meserve remarked that the pending assessment will include recalibrated MRIP data.

Eric Nelson voiced concern about the lack of small fish in the population and the number of large fish in the population, suggesting the population's health is declining. He worried if management changes waited until 2028, the stock would not recover.

Kane asked when the most recent young of year (YOY) survey data from Maryland will be available. Meserve responded that this will likely be released in mid-October.

McGuire asked about the actions being taken on striped bass at the upcoming ASMFC meeting. Meserve explained that there will be several updates given, but that there are no planned action items that might change management for 2027.

McKiernan asked to clarify the significance of a reduction in removals. Meserve explained that this was a 25% reduction in total removals in 2025, with commercial harvest down 4%, meaning most of the change was due to the recreational fishery. Recreational data showed that directed trips declined by 12%, suggesting that some

decline in harvest was attributed to reduced effort. McKiernan wondered whether there would be ASMFC pressure on states to reduce commercial fishery quotas sooner.

Meserve provided some background on the decision by the Board to not reduce harvest in 2026, including catch data suggesting the projections may be overly pessimistic. The Board decided to focus on exploring other management tools through a work group.

Nelson and Bill Doyle reiterated concerns for the health of fishery, citing the size of fish—particularly the lack of small fish being caught—as a discouraging sign.

Jarvis remarked on recreational anglers' frustration in the discrepancy in size limits across the recreational and commercial fisheries.

McKiernan provided some background on size differences. The difference across the sectors is in part to help simplify enforcement. However, management does worry about fish landed by commercially-permitted fishers that are not sold being underreported. In theory, recreational and commercial fishers could be held to the same size limit if the MFAC chooses to support it. This is further complicated by the effort to reduce the number of striped bass commercial permits in the state.

Nelson and McKiernan discussed potential approaches to considering size limits for the commercial and recreational sectors in 2027.

Meserve then explained that the Winter Flounder Board agreed to a process for improved coordination with the New England Fishery Management Council in the setting of annual catch limit specifications to enable potential state waters management flexibility.

The Lobster Board received several updates, including that on the process to develop a Gulf of Maine Lobster Management Strategy Evaluation, and on the opportunity for public comment through October 14 on NOAA Fisheries' Request for Information regarding the potential use of ropeless gear.

The MAFMC and ASMFC are holding a Recreational Sector Separation Workshop on September 23–24 to gather stakeholder input on the range of alternatives for mode-specific management approaches that would assign different measures to the for-hire fishery and for-hire permitting and reporting requirements to support such approaches. The draft amendment that the workshop is designed to inform is specific to summer flounder, scup, black sea bass, and bluefish recreational management. A workshop report will be provided to the ASMFC and the MAFMC to help develop the options for public comment next year.

The MAFMC and ASMFC did not approve changes to previously set specifications establishing the recreational harvest limits and commercial quotas and measures for summer flounder, scup, black sea bass, and bluefish. However, revisions were made to

provide NOAA Fisheries with greater flexibility in managing the Winter period scup quotas. This includes allowances to waive season overages if the annual quota is not exceeded and to use projected landings and discretion to assess in-season trip limit adjustments during the Winter I fishery (January 1–April 30).

Kane and Amaru thanked Dan for submitting the letter in support of the MAFMC creating an allowance for fluke bycatch. McKiernan and Meserve explained that the MAFMC will consider whether to take this up in 2027 when approving its annual action plan later this year.

Commercial Fisheries Commission

Story Reed updated the MFAC on the July 16 meeting of the Commercial Fisheries Commission (CFC) in Boston. The meeting focused on economic development and approving the 2025 Annual Report. Members from the Executive Office of Economic Development, Seaport Economic Council, MassDevelopment, Maritime Strategy Initiative, Mass Port and the USDA Office of Seafood joined the CFC to discuss economic development and the CFC's Economic Development Focus Group reported on its work and outlined a series of recommendations to protect working waterfronts, invest in the future of the industry, and increase seafood demand. Strategies to achieve these recommendations included investing in port infrastructure, developing innovation and resilience, and incentivizing processors and institutional purchasing.

Additionally, DMF reported that the 5-year Port Profile Project update will be released in fall 2026.

Seafood Marketing Update

DMF's Seafood Marketing Program kicked off its "Flat is Back" campaign to improve the marketing of underutilized and undervalued flounder species. This campaign involves a council of ten chefs throughout the Commonwealth who will develop special flounder offerings at their restaurants, promote these offerings through social media, and facilitate a media showcase event at the Boston Fish Pier on September 14. The purpose of this campaign is to encourage the consumption of flounder species with the goal of increasing demand and ultimately the ex-vessel value provided to commercial fishers.

Chris McGuire asked how the project is measuring success. Reed described social media and press metrics. McKiernan, Reed, and Amaru discussed the importance of

witnessing the impact on the price paid to harvesters, as well. McGuire wondered how the impact of improved flounder market could be seen in neighboring states.

Edmundson remarked on the potential to incorporate this work into school lunches. Reed agreed and shared that Wendy Wills of the Seafood Marketing Program is working to develop statewide contracts for schools.

Presentations

Commercial Permitting and Discrimination on Basis of Residency

Tori LaBate of the General Counsel's Office for the Department of Fish and Game provided a legal analysis on residency-based requirements for commercial fisheries permitting. The Privileges and Immunities (P&I) Clause of the 14th Amendment to the U.S. Constitution requires that residents' and non-residents' privileges to operate a business are equally protected across states. The Supreme Court has found that commercial fishing is protected under the P&I Clause, unless non-residents are a "peculiar source of evil" and any attempt to resolve this peculiar source of evil must narrowly target the direct issue and not broadly discriminate on the basis of residency.

LaBate outlined case law concerning commercial fishing discrimination by residency, which distinguished between appropriate and excessive fees on non-resident permit holders.

Goldsmith asked about differences in recreational and commercial permits. LaBate explained that the P&I Clause protects the ability to earn a livelihood, which includes commercial fishing. There are other laws and precedents that addresses residency discrimination in recreational fishing, and the bar for acceptable discrimination is lower.

Sawyer and McKiernan discussed how this impacts the renewal and transfer of Coastal Lobster Permits in Massachusetts and how other states discriminate against non-residents in their commercial permitting programs. Dan noted DMF is drafting a letter to Rhode Island raising these exact issues. LaBate noted that litigation may be required to have states address specific discriminatory rules governing commercial fisheries permitting.

Amaru wondered whether a proven negative impact on a resource could permit discrimination by residency. LaBate explained that permit fees can be made equivalent to state fees paid by residents. McGuire, Silva, and Amaru discussed this further.

Jack Chapin asked whether the Public Trust of Wildlife Doctrine applied. Commissioner O'Shea and LaBate explained that it is not applicable to commercial fisheries for marine species.

Director McKiernan remarked on the complicated nature of migratory fish. He wondered if stationary species, such as shellfish, are regulated differently. LaBate noted that there have been attempts to use this argument to discriminate against non-residents that have been unsuccessful.

Nelson wondered whether commercial fisheries that do not exist in other states can be limited. LaBate explained that the Constitution protects basic national privileges, regardless of state residency. Silva noted that reciprocity has been used to limit access to certain fisheries in Massachusetts (e.g., urchins) and has been unchallenged. However, using reciprocity as a restriction to limit commercial striped bass fishing would likely be challenged and viewed as a ban in effect.

Lt. Bass asked to clarify if there would be a difference in regulating fishery endorsements or boat permits. Silva explained that these would be treated the same.

Commissioner O'Shea, Director McKiernan, McGuire, and Sawyer discussed how this might apply to raising fees for permits and differences in fee structures by residency. Kane, LaBate, Silva, and Jarvis remarked on the rationale behind price differences by residency.

Doyle asked whether this can be applied to discrimination of commercial shellfish permits by town residency. Edmundson remarked that this impacts shellfishers on Martha's Vineyard. LaBate offered to examine this in more detail.

Other Business and Public Comment

The Chair invited public comment. There was no public comment.

Edmundson asked for motion to adjourn. **Ray Kane made a motion to adjourn, and Willy Goldsmith seconded the motion. The meeting was adjourned.**

Next Meeting

October 22, 2026

DMF's New Bedford Office

836 S Rodney French Blvd, New Bedford, MA

Meeting Materials

- August 26, 2026 MFAC Business Meeting Agenda
- July 14, 2026 MFAC Draft Business Meeting Minutes

- Emergency Rules to Extend Shore-Based Shark Fishing Rules to Town of Nantucket Memo
- Presentation on Emergency Shark Fishing Regulations
- Presentation on 2026 Quota Managed Species Update
- ASMFC 2026 Summer Meeting Summary
- Letter to MAFMC on Summer Flounder Incidental Catch Permit from DMF
- Presentation on Interstate Fisheries Management Update
- Presentation on CFC and Seafood Marketing Updates
- 2026 Nomination for the Belding Award Memo
- History of David L. Belding Award Memo
- Presentation on Fishery Permit Eligibility: Limits on Residency-Based Requirements for Permitting