



Massachusetts Division of Marine Fisheries

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Policies, Procedures, and Guidelines

Review of Actively Fished Criteria for Limited Entry Permits and Regulated Fishery Permit Endorsements in Response to COVID-19 Pandemic

Introduction and Purpose: On March 10, 2020 Governor Baker declared an emergency in response to the COVID-19 pandemic. Over the following months, this emergency declaration imposed restrictions on certain business activities and established social distancing guidelines. While commercial fishing was deemed an essential business and was allowed to continue throughout the pandemic, some commercial fishermen made the personal decision to halt or reduce their commercial fishing activity to protect their own personal health. Additionally, the shutdown of restaurants contributed to a significant decline in demand for many local seafood products, impacting ex-vessel prices.

As a result, some fishermen may not actively fish their commercial permits this year, and this could impede their ability to conduct limited entry permit and endorsement transfers over the next five-years. This impediment would likely be felt most by older commercial permit holders who may be seeking to retire out of the fishery in the near future, and these same individuals are at a higher risk for developing more serious complications from the COVID-19 illness. Accordingly, this policy seeks to mitigate the potential constraining effect this pandemic may have on permit transfers.

Background: Pursuant to the authority at M.G.L. c. 130 s. 2, 17, 17A, and 80 and 322 CMR 7.01 and 7.06, the Director of the Division of Marine Fisheries (DMF) may control the issuance, renewal and transfer of commercial fishing permits and regulated fishery permit endorsements (“permit endorsements”). This authority includes, but is not limited to, enacting permit issuance moratoriums to limit entry into a fishery and prescribing the means and manners by which limited entry permits and permit endorsements can be transferred.

Most commercially important fisheries at the federal and state level have adopted limited-entry rules where permit holders are limited in number and in most cases include only those persons or vessels that have past participation in the fishery and remain active. This approach is known as an “input control” where the number of participants or vessels is controlled in an attempt to limit harvest or fishing

mortality. In contrast, “output control” measures are direct controls on total harvest, known as hard quotas.

Since the 1970’s these programs have been a key component of DMF’s inshore fisheries management strategy. In the Commonwealth, limited-entry began in the 1970’s with limits on Coastal Lobster permits and tuna purse seine permit endorsements. In the past three decades, permits and endorsements for many other gears and/or species have become limited entry (see table 1).

Table 1. List of limited-entry permits/endorsements and the date limited-entry was established for that gear or species.

Gear Endorsements		Species Endorsements	
Limited-entry Fishery	Limited-entry Date	Limited-entry Fishery	Limited-entry Date
Bluefin Tuna Purse Seine	1974	Coastal Lobster Permit	1975
Bluefish Gillnet	1983	Fluke	1999
Sink Gillnet	1992	State Waters Groundfish	2006
Fish Pot – Scup	1990	Horseshoe Crab	2008
Fish Pot – Sea Bass	1987	Black Sea Bass	2012
Fish Pot – Conch	1990	Menhaden	2013
Quahog Dredge	1993	Tautog	2020
Surf Clam Dredge	1993		
Bay Quahog Dredge	2001		
Coastal Access Permit	1992		

After limiting entry, managers usually accommodate new participants into the industry through some means (e.g. transfers); otherwise, the fishery would become extinct with retirement of the last participant. Consequently, permit/endorsement transfers are usually considered essential to allow ingress and egress into and out of the industry once managers achieve some optimal level of participation. Transfers of limited entry permits or endorsements are conducted under regulations and policies established by the Division.

Permit transfers require the permit holder to contact DMF in writing, have the agency determine the permit and/or permit endorsements’ eligibility for transfer, and then complete a form with notarized signatures between the holder and the intended recipient. To determine transfer eligibility, DMF reviews dealer and harvester reported commercial landings to determine if the fishermen met the actively fished criteria, as established at 322 CMR 7.03(2) and (7) for Coastal Lobster permits and 322 CMR 7.06(4) for all limited-entry permit endorsements. To be considered actively fished, the permit holder must have reached sold some quantity of fish (“activity threshold”) in four out of the past five years; the specific activity threshold for each permit or permit endorsement is further specified in regulation and policy.

Policy: When reviewing the four out of the past five-year lookback period to determine if a permit transfer meets the requisite actively fished criteria, DMF will not include data from calendar year 2020, unless so requested by the permit holder. Instead, the lookback period will extend back-in-time one-year prior to the terminus where it would have otherwise concluded. This policy shall expire on January 1, 2026.