



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 

DATE: September 12, 2025

SUBJECT: Emergency Regulations to Restrict Access to Commercial Striped Bass Fishery in 2026

Emergency Action

The Division of Marine Fisheries (DMF) is pursuing emergency regulations to restrict access to the commercial striped bass fishery for 2026. This action will limit issuance of regulated fishery striped bass endorsements ("endorsements") to only those commercial permits with the endorsement in 2024 or 2025. Additionally, DMF will establish this endorsement as "owner-operator" to mandate the individual named on the commercial fishing permit be present when commercial striped bass fishing conducted under the authority of the endorsement is occurring (including possession and sale). For the time being, the limited entry endorsements issued in 2026 will be non-transferable between individuals. Lastly, the control date will be updated from June 14, 2022 to December 31, 2025.

Background

The Atlantic States Marine Fisheries Commission (ASMFC) assessed the striped bass resource as overfished in 2019 and consequently set a 2029 target for rebuilding. Based on the most recent stock assessment and updated projections, we are not on target to rebuild by this deadline. This has prompted the ASMFC to initiate Draft Addendum III to Amendment 7 to the Interstate Fishery Management Plan (FMP) that will impact both the recreational and commercial fisheries. Among the commercial measures being considered, the addendum proposes a 12% cut to the commercial striped bass quota and the adoption of a point-of-harvest tagging requirement.

In anticipation of these changes to the FMP, as well as ongoing MFAC interest to reconsider the state's commercial striped bass permitting approach, DMF convened an Industry Advisory Panel and the MFAC's Striped Bass Focus Group to incorporate industry and MFAC feedback into the development of commercial striped bass management strategies moving forward. At both of these meetings, there was substantial support for the emergency actions proposed herein with consensus that these actions are necessary to support and maintain commercial fishing opportunities for existing participants and enhance enforcement, compliance, and accountability.

Rationale

I anticipate the ASMFC will approve a commercial quota reduction for implementation in 2026 through Addendum III. Assuming the full 12% is applied, the state's 2026 quota will be set at approximately 600,000 pounds, down from 683,773 pounds in 2024 and 2025. In combination with prior cuts, this represents a ~50% reduction from the peak quota of 1.15 million pounds established in 2003 that remained in effect through 2013; a ~30% reduction from the 869,000 pound quota that occurred from 2014 – 2019; and a ~20% reduction from the 735,230-pound quota set for 2020 when the current rebuilding process began. Further, the ongoing rebuilding effort will likely be hindered by recent reduced juvenile recruitment (attributed to environmental factors). The possibility exists that the resource has entered a phase of persistent lower productivity and fishing mortality may need to be maintained at these low (or lower) levels to conserve spawning stock biomass in the future. These realities warrant a reconsideration of our open access approach to managing this fishery to preserve remaining commercial fishing opportunities for existing participants.

While I am uncertain if the ASMFC will approve a point-of-harvest tagging requirement in Addendum III, there was support for Massachusetts to adopt such a program at both the Industry Advisory Panel meeting and MFAC Striped Bass Focus Group. It was argued that this would bolster enforcement, compliance, and accountability, and perhaps enhance management flexibility in the future. Given the addendum and the broad interest in a point-of-harvest tagging program, it is critical to develop a framework in our permitting program to execute its implementation as soon as 2027. At present, DMF issues about 5,000 endorsements annually and approximately 1,200 are active participants each year. Prior experience with point-of-harvest tagging in the tautog fishery informs me that DMF likely needs to reduce the permit holder population down to approximately 500 to effectively administer such a program. Further, even if a point-of-harvest tagging program is not moved forward, trends within the permitting and landings data support reducing the permit holder population and the ease with which endorsements are obtained. Discussion among the Industry Advisory Panel affirmed that there is some level of permit misuse (e.g., obtaining to evade recreational limits, under-reporting of personal use harvest, fishing multiple permits), and DMF staff highlighted the ineffectiveness of permit sanctions for an open entry fishery. It is also notable that Massachusetts is the only Atlantic state with an active commercial striped bass fishery and an open access permitting program. Accordingly, it is sensible to restrict the issuance of endorsements to new permit holders in 2026 and update the control date to include the most recent fishing seasons should DMF need to develop potential activity criteria to further reduce access as soon as 2027.

The proposed owner-operator requirement will principally affect Commercial Boat Permit ("Boat Permit") holders with a striped bass endorsement. This is the most common permit combination used in the commercial striped bass fishery (>90% of active endorsements). At present, this permit combination authorizes commercial striped bass fishing by the person *and vessel* named on the Boat Permit. However, the intended change will require the individual named on the Boat Permit be present when commercial striped bass fishing activity is occurring on the vessel named on the Boat Permit¹. Making this permit combination owner-operator will

¹ This proposed change will not affect the existing ability of the person named on the Boat Permit to participate in the commercial striped bass fishery at the 2-fish limit from a platform other than the vessel named on the permit (e.g., shore).

bring it in line with the other permit combinations used in the commercial striped bass fishery, as Rod and Reel and Individual Permits are issued to a named individual only and the Coastal Lobster Permit is owner-operator irrespective of appurtenant endorsements.

There are several benefits to adopting an owner-operator provision for the commercial striped bass fishery. First, as we limit access, it will prevent permit leasing and the activation of latent permits through the use of third-party operators (particularly among those anticipating further permitting restrictions and seeking to establish a history of landings in this fishery). Second, it enhances accountability, enforcement, and compliance, as the permit holder is in control of the active commercial fishing operation and has a vested interest in adhering to conservation and management regulations to prevent a potential administrative action on the permit. While not necessarily a direct benefit, it would also memorialize the manner in which the fishery is generally conducted. Unlike more industrial fisheries (e.g., mobile gear) where hired captains are frequently used, it is commonplace for small boat rod-and-reel and shore-based commercial fishing to be conducted predominantly by the named permit holder. Like other owner-operator fisheries (e.g., coastal lobster, fish pot, menhaden), exemptions will be granted on a case-by-case basis to address death, documented disability, military service, and other good cause circumstances.

For 2026, the endorsement will be non-transferable among individuals. However, DMF will accommodate permit upgrades whereby an existing permit holder moves from a base commercial permit (e.g., Rod and Reel or Individual Permit to a Boat Permit). In the immediate term, non-transferability among individuals will prevent the endorsement from becoming an asset resulting in the for-profit transfer of endorsements that may or may not exist in future years and the potential activation of new participants eager to establish history in this fishery in anticipation of further permitting restrictions. During 2026, DMF will develop a program to manage attrition, inactivity, and new entrants. The details of this program have not yet been developed and will be subject to future rule making. That said, I am interested in using this opportunity to break new ground and diverge from the long-standing limited entry transfer program and consider a permitting framework that would have ongoing actively-fished criteria whereby inactive permits are retired and made available to eligible applicants through a DMF administered process according to exit:entry ratios. This could prevent high costs of entry into the striped bass fishery and thereby allow it to maintain some of its historic cultural aspects as a gateway to the marine economy.

Process

DMF's permit renewal season begins in December annually. Accordingly, to adopt these permitting rules for 2026, the use of the agency's emergency authority is necessary. DMF intends to promulgate these emergency regulations later this fall pending the Executive Office's review process. Public hearings will then follow before the end of the 2025 calendar year so as to allow DMF to adopt these actions as final regulations. MFAC approval is not mandated because these are permitting actions. However, I do seek your consensus on pursuing this action.

Additionally, these proposed emergency regulations are part of a multi-phased approach to address commercial striped bass management in Massachusetts. With the anticipated approval of Addendum III by the ASMFC in October 2025, DMF will likely propose additional draft

regulations to consider amending commercial fishing limits (e.g., trip limit, season start date) for 2026 to extend the quota into the summer. This draft regulatory proposal (or a subsequent draft regulation proposal) may also include activity-based criteria to use the December 31, 2025 control date to further restrict access to this fishery; establishing a program to manage attrition out of - and entry into - the commercial striped bass fishery; and implementing a point-of-harvest tagging program.