



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9:00AM

Tuesday, July 14, 2026

Via Zoom

[Login Link](#)

1. Call to Order and Routine Business (9:00 AM)
 - a. Introductions and Announcements
 - b. Review of July 2026 Business Meeting Agenda
 - c. Review and Approval of May 2026 Draft Business Meeting Minutes
2. Agency Updates (9:15 AM)
 - a. Office of Law Enforcement: Personnel, Recent Operations & Marine Fishery Incidents
 - b. Department of Fish and Game: Recent Meetings and Events and Department-wide Activities and Projects
 - c. Division of Marine Fisheries: Personnel, Recent Meetings and Events, and Agency Activities and Projects
3. Action on Surf Clam and Ocean Quahog Management Recommendation (9:45 AM)
4. Updates and Discussion Items (10:00 AM)
 - a. Sea Scallop Pilot Program
 - b. Commercial Striped Bass Permitting
 - c. Federal Fisheries Management
 - d. Quota Managed Species
 - e. Period II Summer Flounder Pilot Program
5. Presentations (11:15 AM)
 - a. Protected Species Program, Right Whale Research, and On-Demand Gear
 - b. Diadromous Fisheries Project and Opening Herring Runs
6. Other Business and Public Comment (12:15PM)
7. Adjourn (1:00 PM)

All times provided are approximate and the meeting agenda is subject to change. The MFAC may amend the agenda at the start of the business meeting.

Next Meeting Date

August 26, 2026
30 Emerson Avenue
Gloucester, MA 01930

Marine Fisheries Advisory Commission

Draft Business Meeting Minutes

May 28, 2026

Tisbury, Martha's Vineyard

Attendees

Marine Fisheries Advisory Commission: Shelley Edmundson; Ray Jarvis; Eric Nelson; Bill Doyle; Bill Amaru; Willy Goldsmith; Chris McGuire. Virtually: Ray Kane. Absent: Sooky Sawyer.

Division of Marine Fisheries: Daniel McKiernan, Director; Story Reed, Deputy Director; Bob Glenn, Deputy Director; Jared Silva; Nichola Meserve; Kevin Creighton; Brad Schondelmeier; Sarah Ferrara; Bradlie Morgan. Virtually: Scott Shaeffer; Kelly Whitmore; Kerry Allard; Luke Putaansuu

Department of Fish and Game: Tom O'Shea, Commissioner. Virtually: Sefatia Romeo-Theken

Massachusetts Environmental Police: Captain Jack Chapin; Colonel John Monaghan. Virtually: Matt Bass

Members of the Public: Emma Green-Beach; Ray Rowell; Wes Brighton; Tom Turner; Todd Goodell; Domenic Santoro; Nick Wilbur; Johnny Hoy; Mohawk Bolin. Virtually: Michael Pierdinock; Beth Casoni; Kate McGoldrick; Julia Logan

Call to Order and Routine Business

Bill Doyle, Vice Chair, assumed chairing the meeting because Chairman Kane was attending virtually. Doyle called the meeting to order and conducted roll call attendance.

Review of the May 2026 Business Meeting Agenda

Bill Doyle asked if there were any amendments to the May 2026 business meeting agenda. There were no amendments.

Review and Approval of March 2026 Draft Business Meeting Minutes

Vice-Chair Doyle sought amendments to the March 2026 draft business meeting minutes. No amendments were proposed. **The Vice-Chair called for a motion to approve the March 2026 business meeting minutes as drafted. Chris McGuire made the motion and Ray Jarvis seconded. The Vice-Chair proceeded to a roll-call vote and the motion unanimously passed (7-0-1), with the Vice-Chair Doyle abstaining.**

Commission Business

Annual MFAC Elections

Director McKiernan and Vice-Chair Doyle invited nominations for the position of Chair from the MFAC. Ray Kane announced he would be stepping down as Chair and nominated Shelley Edmundson for the position. There were no additional nominations. The nomination was seconded by Chris McGuire. **The Vice-Chair proceeded to a roll call vote and the nomination passed unanimously (7-0-1), with the nominated abstaining.**

Chris McGuire then nominated Bill Doyle to remain in his position as Vice-Chair. There were no additional nominations. The nomination was seconded by Willy Goldsmith. **The Chair proceeded to a roll call vote and the nomination passed unanimously (6-0-2), with the nominated and the Chair abstaining.**

Willy Goldsmith nominated Chris McGuire for Clerk, the seat vacated by Shelley Edmundson. There were no additional nominations. The nomination was seconded by Bill Amaru. **The Chair proceeded to a roll call vote and the nomination passed unanimously (6-0-2), with the nominated and the Chair abstaining.**

McGuire and Bill Amaru thanked Ray Kane for his tenure as MFAC Chair, and congratulated Shelley on her election.

Discussion on Hybrid Meetings

Jared Silva asked for the MFAC's perspective on providing a hybrid option for all future in-person meetings. Willy Goldsmith, Chris McGuire, and Ray Jarvis expressed support.

McGuire suggested that virtual attendees could have no voting power. Commissioner O'Shea added that the Division of Fish and Wildlife regularly conducts hybrid meetings.

Amaru cautioned that virtual attendance should not become the status quo. Overall, the MFAC supported this option but sought flexibility to revisit the question in the future.

Agency Updates

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

Captain Jack Chapin provided updates on behalf of the Massachusetts Environmental Police (MEP). There was generally a strong level of industry compliance in response to the seasonal gear closure to protect right whales. Close collaboration between DMF and MEP allowed for effective removal of remnant gear. There has been growing interest in using drones to monitor and study right whales in Massachusetts waters. A right whale drone program has been included in the MEP's budget. This could improve monitoring capacity and supplement the aerial surveys by the Center for Coastal Studies (CCS).

With increased recreational fishing activity, MEP has noticed an increase in striped bass poaching at Lawrence Dam and the Charles River, which require additional officer attention.

On personnel, MEP has brought on six new hires—four in the field training officer program and two in the police academy. MEP will implement an updated entry test for new hires starting in August 2026.

Willy Goldsmith thanked MEP for their efforts to curb poaching and for monitoring activity on the water. He asked what is typically involved in vessel inspections. Goldsmith was recently on a vessel that was checked for vessel safety but not fishing permits. Chapin responded that permits may be verified electronically through running the person's name through the database. He spoke on what officers typically look for in these situations.

McGuire noted there are a variety of other organizations who are already using drones to monitor marine life, such as the New England Aquarium (NEAq) and Woods Hole Oceanographic Institution. Chapin responded that these organizations are being consulted in the development of MEP's program so as to avoid redundancy.

Eric Nelson and Ray Jarvis asked about the pending boating safety education and certificate requirements. Chapin described MEP's role in this project.

Willy Goldsmith asked whether analogous safety certificates provided through other states or at a national level can be used for this requirement. Chapin responded that this may vary depending on the certificate. He encouraged anyone with specific

questions on whether their certificate satisfies requirements to contact the Massachusetts Boating Safety Office.

McGuire clarified the dates when the boating safety certificate will be required. Colonel Monaghan explained the program's deadlines—boaters born after January 1, 1989 are required to have the boating certificate starting April 1, 2026 and those born on or before January 1, 1989 have until April 1, 2028 to have the boating certificate. Enforcement will be phased in as more people become aware.

Bill Amaru asked to clarify if any certifications were required for commercial fishermen. Chapin responded that this is for recreational boaters only.

Jared Silva then asked MEP whether problems persisted at the Bill Russell Bridge regarding the release of striped bass from high elevations. Chapin responded that this continues to be a hotspot for fishing and MEP has increased patrolling these areas. Chapin and Silva discussed the potential need to continue conversations that started last year to address potentially problematic catch and release fishing tactics.

Shelley Edmundson invited members of the public to ask questions for MEP.

Todd Goodell suggested a tax on luxury motors to better fund state programs that safeguard the marine environment.

Domenic Santoro suggested the installation of a ramp system to return fish caught from high elevations to safely return them to the water, such as at the Bill Russell Bridge in Boston.

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

Commissioner Tom O'Shea then congratulated Shelley Edmundson on her appointment to the position of MFAC Chair.

DMF and the Department of Fish and Game (DFG) are scheduled to brief the Legislative Coastal Caucus on the status and management on horseshoe crabs in Massachusetts. The briefing was requested to help coastal legislators better understand the impetus for House Bill 5266—legislation designed to phase out horseshoe crab harvest in Massachusetts. Bill Amaru asked to clarify where the meeting will be held. Commissioner O'Shea responded that it will be held virtually.

The Marine Recreational Fisheries Development Panel ("Panel") met earlier this week in Sandwich. The public body discussed the administration of the Marine Recreational

Fisheries Development Fund and its FY27 budget. Two members of the MFAC—Ray Jarvis and Eric Nelson—are also members of this Panel. The Commercial Fisheries Commission met in April, and will meet again in the summer, where it will discuss the group's annual report to the legislature.

Commissioner O'Shea also added that the state's hiring freeze remains in effect.

On recent and upcoming events, Massachusetts recently joined the International Union for Conservation and Nature (IUCN), along with California, and declared May 22 Biodiversity Day. Right Whale Day was celebrated this spring across the state. DMF and DFG attended the NEAq's celebration in collaboration with the Massachusetts Environmental Trust (MET). DMF's Protected Species team also recently visited NEAq's turtle rehabilitation center.

The Commissioner added that the visit earlier today to Hughes Hatchery was very productive. He looked forward to better understanding how DFG can support the Hatchery's goals in the future.

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

Director Dan McKiernan started by congratulating Shelley Edmundson on her appointment to the position of Chair. He thanked Ray Kane for his leadership as Chair during the decade that he served.

On recent events, Dan shared that Henry Lind received the Belding Award earlier this year during the Massachusetts Shellfish Officers Association meeting. He thanked MFAC members for attending. The Herring River in Harwich was opened to river herring harvest this spring; this was the first harvest authorized in Massachusetts since moratorium went into effect more than 20-years ago. This river herring harvest was managed by the Town of Harwich pursuant to a Sustainable Fisheries Management Plan approved by the ASMFC. Dan applauded the Town of Harwich's Department of Natural Resources' work on this project. He described the excitement around the harvest opening, noting that it was an overwhelmingly positive event. The Sustainable Fisheries Management Plan allowed for up to 3% of the run's harvest, and the final estimate harvest was about 1% of the run. He added that other towns are interested in pursuing similar harvests in the future, such as Pembroke, Middleborough, and Brewster. He added that Brad Chase, DMF's Diadromous Fisheries Project leader, will present to the MFAC on this subject at a future meeting.

Dan then described proposed bill to ban the harvest of horseshoe crabs for bait or biomedical purposes in Massachusetts. This follows New York's bill to phase out

horseshoe crab harvest by 2029 and Connecticut's bill to ban hand harvest. Dan hoped to convey to the Coastal Caucus that DMF has been able to sustainably manage its horseshoe crab resource and population indices are improving across the state. He also contrasted this with the horseshoe crab populations in New York and Connecticut where they are assessed to be in poor condition.

Bill Amaru thanked Dan and Tom for supporting the horseshoe crab fishery and bringing these issues to the Coastal Caucus for discussion. Dan added that DMF is studying post-bleeding mortality through acoustic telemetry research this summer. He suggested Tracy Pugh could share a presentation on this work at a future meeting.

Bill Doyle commented on the healthy status of the Massachusetts horseshoe crab population. Dan and Doyle spoke on how this has been corroborated through DMF's surveys.

Chairwoman Edmundson invited members of the public to ask questions for DMF.

Todd Goodell and Tom Turner spoke about the harm that eliminating the horseshoe crab fishery would have on the local coastal community and the whelk fishery, emphasizing the healthy upward trends of the horseshoe crab population in recent years.

Wes Brighton and Domenic Santoro thanked DMF for their effective management of the whelk and horseshoe crab fisheries, and for bringing these issues to the Coastal Caucus.

Mohawk Bolin then asked about the potential outcomes related to the bill to ban horseshoe crab harvest. Dan explained that the bill is currently at the Committee on Ways and Means. He was uncertain about its future, but recognized its passage may have substantial negative impacts on harvesters, whelk potters and dealers, and the biomedical industry.

Action Items

2026 Recreational Black Sea Bass Limits

Director McKiernan introduced DMF's recommendation and applauded Nichola Meserve for her efforts to bring about these regulations.

Nichola Meserve stated DMF's recommendation was to adopt a May 16 – October 14 open season with a 16" minimum size, and a 4-fish bag limit from May 16 – August 31 and a 2-fish bag limit from September 1 – October 14. This recommendation seeks to extend those emergency regulations previously reviewed by the MFAC this year and promulgated by DMF beyond their 90-day emergency implementation period. If approved, Meserve explained these limits would remain in effect through 2027.

By way of background, stock conditions allowed for a coastwide liberalization to the recreational black sea bass limits. Through negotiations at the ASMFC aimed to create greater regulatory uniformity across states in the Northern Region (NY – MA), Massachusetts was allowed to liberalize its recreational limits to increase potential harvest by 43%. Over the winter DMF conducted public scoping—through both public meetings and an angler survey—and determined there was a strong preference across all recreational fishing modes for extending fishing into the fall and reducing the minimum size. Accordingly, DMF sought to use this liberalization to extend the open season from early September to mid-October and decrease the minimum size from 16.5” to 16”.

Ray Jarvis and Eric Nelson voiced strong support for this recommendation. Jarvis was glad to see greater consistency in season length with Rhode Island. However, Nelson was surprised DMF did not receive more push back against the lower bag limit during the fall but understood the lower bag limit was the trade-off for extending the fishing season into mid-October.

Bill Amaru asked why the bag limit drops from four to two fish in September. Meserve explained that the reduction to two-fish bag limit was necessary in order to extend the season into mid-October.

Chairwoman Edmundson invited members of the public to ask questions for DMF. Todd Goodell expressed support for the longer season, noting that the season could go even further into the fall based on availability around Martha’s Vineyard.

There were no other comments. **The Chair moved for a motion. Willy Goldsmith made a motion to adopt the recommendation as presented. Chris McGuire seconded the motion. The Chair proceeded to a roll call vote and the motion passed unanimously (7-0-1), with the Chair abstaining.**

2026 Recreational Gulf of Maine Haddock Limits

Jared Silva recommended the MFAC vote to approve a 1” reduction in the recreational Gulf of Maine haddock minimum size from 18” to 17”. This recommendation seeks to extend those emergency regulations previously reviewed by the MFAC this year and promulgated by DMF beyond their 90-day emergency implementation period.

Approving the recommendation would ensure state regulations continue to match federal rules for this stock. There were no questions or comments. **The Chair moved for a motion. Bill Amaru made a motion to adopt the recommendation as presented. Willy Goldsmith seconded the motion. The Chair proceeded to a roll call vote and the motion passed unanimously by roll-call vote (7-0-1), with the Chair abstaining.**

Commercial and Recreational Mackerel Limits

Director McKiernan shared DMF's recommendation on commercial and recreational mackerel limits. Like the prior two recommendations, the action item sought to extend those emergency regulations previously reviewed by the MFAC this year and promulgated by DMF beyond their 90-day emergency implementation period.

On the commercial side, the state waters trip limit would be set at 20,000 pounds with quota-based trip limit reductions to 5,000 pounds and 2,500 pounds, an increase from prior rules that established a 5,000-pound baseline trip limit with a quota-based trip limit reduction to 2,500 pounds. This would ensure the limits for the state waters commercial fishery continue to match the federal open access trip limit.

On the recreational side, the bag limit would be set at 25 fish for private anglers and 50 fish for anglers onboard for-hire vessels, an increase from the prior bag limit of 20 fish for all anglers. This matches federal rules for the current fishing year to maintain uniform regulations across jurisdictions and support the federal conservation and management program for this species.

Amaru expressed support for this recommendation and hoped it would encourage more utilization of this resource.

Goldsmith and Commissioner O'Shea spoke on federal funding through NOAA Fisheries for a cooperative research initiative with industry on Atlantic mackerel.

Nelson spoke on the scarcity of the resource near the North Shore. Amaru, Nelson, and Bill Doyle discussed the dynamic range of mackerel and potential reasons it is more abundant in some areas than others.

Wes Brighton expressed support for recreational reporting requirements, noting that it may help provide more comprehensive data.

There were no further questions or comments. **The Chair moved for a motion. Ray Jarvis made a motion to adopt the recommendation as presented. Bill Amaru seconded the motion. The Chair proceed to a roll call vote. The motion passed unanimously (7-0-1), with the Chair abstaining.**

Discussion Items

Further Staying Whelk Gauge Changes and Knobbed Whelk Petition

Director McKiernan indicated DMF intends to move forward with rule making this fall to suspend all pending whelk gauge increases. Should this occur, the whelk minimum gauge size will remain at 3 1/8". The purpose of this is to provide the University of Massachusetts School for Marine Science and Technology (SMAST) with time to complete its Management Strategy Evaluation (MSE) for the channeled whelk fishery. Once the MSE is complete, DMF will reevaluate the conservation management program for this fishery.

McGuire asked about the timing of the completed MSE. Dan expected the evaluation will be completed within two years. DMF will then need time to analyze the report and assess and scope potential alternative management strategies.

Wes Brighton expressed support for the pause and spoke to improving conditions in the fishery particularly with the diminished effort experienced in the past few years. Brighton, McKiernan, and Silva then discussed potential interest in maintaining more modest fishing pressure and potential management actions to address latent permits.

Tom Turner asked whether SMAST's most recent channeled whelk size-at-maturity study would be incorporated into the MSE. McKiernan and Glenn explained that the MSE would consider both DMF's size-at-maturity work and the recent SMAST study. Turner noted the SMAST study indicated a substantially lower size at maturity and felt it was critical to include the most recent data in management.

Wes Brighton spoke to the value of fishery-dependent data. Shelley Edmundson agreed and highlighted the whelk study fleet work conducted by the Commercial Fisheries Research Foundation. To this point, both advocated for working through the fleet in the development of the MSE and DMF's potentially new conservation strategy.

Dan shared that DMF also intends to analyze a petition to reduce the knobbed whelk gauge size. This petition was submitted to DMF by Domenic Santoro who runs an inshore dragger and shellfish dredge operation out of Cape Cod. Domenic was in attendance and Dan asked Domenic to speak to the petition.

Santoro encouraged DMF to consider decreasing the knobbed whelk minimum size to encourage the harvest of this voracious shellfish predator and decrease the regulatory discarding of knobbed whelk, which are an important incidental catch in mobile gear fisheries around Nantucket Sound. Domenic also reminded the MFAC that pot fishers generally do not catch knobbed whelk, that knobbed whelk never experienced the high levels of exploitation that occurred in the channeled whelk fishery, and that inshore mobile gear effort has been declining over the past 20-years. Lastly, Domenic provided

recommendations to DMF to effectively monitor whelk populations, including nighttime surveys.

McKiernan thanked Domenic for his comments and noted DMF would provide a formal response to the petition at a future MFAC business meeting.

Port Profile Project Update

Story Reed shared an update on DMF's Port Profile Project. In 2021, DMF completed its first Port Profile Project which reviewed commercial fishing activity statewide at the municipal level, described the infrastructure at each port, identified access and infrastructure challenges, and provided infrastructure improvement recommendations. DMF is currently in the process of completing a five-year review which will include updated commercial fisheries statistics, as well as data from new harbormaster and commercial fisher surveys at the port level. Reed was hopeful the 2026 report will be released this summer.

Reed reviewed some of the 2026 report's findings for Martha's Vineyard ports. This included active harvesters, annual landings and ex-vessel value by species, as well as infrastructure needs and challenges, by species,

McGuire asked whether these data include aquaculture. Story responded that it does include aquaculture.

Goldsmith asked about landings data confidentiality issues in certain ports. Reed explained that DMF cannot publish data when the "rule of three" is not met and this can become for some species and ports as there are fewer than three harvesters or dealers involved.

Amaru asked DMF to clarify what species are included as "invertebrates". Reed responded that this includes lobster, snails, and whelks.

Tom Turner commented on whelk landings in different ports. Wes Brighton spoke on changes and trends year to year.

Update on Offshore Wind and Fisheries Innovation Fund

Brad Schondelmeier provided a routine update on offshore wind projects around New England. This focused on: (1) current project status; (2) recent milestones; (3) federal actions; and (4) mitigation funds. He explained that two projects are in full operation, four are under construction, and four lease areas have been awarded in the Gulf of Maine. Additionally, a number of lease areas are still undergoing permitting in the New York Bight and Gulf of Maine.

South Fork Wind and Vineyard Wind are both in operation and continue to undergo fisheries surveys. Revolution Wind, Sunrise Wind, and Empire Wind are under various levels of construction. Schondelmeier highlighted recent offshore wind milestones—both Vineyard Wind and Revolution Wind began delivering power to the New England power grid.

Additionally, the Department of the Interior renounced four offshore lease areas. The funds allocated to the development of the lease areas will be reinvested into oil and natural gas projects. This may impact how future OSW areas are addressed.

He then spoke on the state of mitigation funds available to Massachusetts fishermen impacted by offshore wind. Schondelmeier then highlighted projects supported by the Massachusetts Fisheries Innovation Fund, which are currently underway.

McGuire and Amaru applauded Schondelmeier's efforts to condense and present this information to the MFAC, allowing it to be available to the public. Amaru asked how this information can be better shared with the public. Schondelmeier responded that updates are distributed through mailings and informational packets. However, he plans to update DMF's offshore wind webpage to make information more readily available. Amaru and Schondelmeier discussed potential ways to make communication more effective.

Santoro and Goodell expressed frustration with the impact of offshore wind projects on fisheries.

Wes Brighton asked about the fate of any interest accrued in these funds. Brad Schondelmeier explained that they likely stay within the trust or escrow account. However, reports on interest may not be available until five years after the initial commercial operations. He added that the Vineyard Wind direct compensation fund is most likely undersubscribed, and in five years there may be potential to transfer funds from direct compensation into the Fisheries Innovation Fund.

Dan suggested that Schondelmeier schedule a time to return to Martha's Vineyard to further discuss these issues and answer questions about mitigation funds.

Other Business and Public Comment

There was no other business.

The Chair invited public comment.

Todd Goodell voiced concern about the impact of cormorants on shellfish fisheries. He suggested an eradication program.

Johnny Hoy voiced frustration with the DMF's bonito limit and requested a potential commercially viable limit be considered.

Wes Brighton asked about more information on how bonito is managed. Dan spoke on the management approach to bonito as a Highly Migratory Species. Last year's regulation was implemented in response to MRIP data revealing high landings of this species, and in anticipation of tighter striped bass restrictions in the future.

Nick Wilbur voiced support for not using past landing history to restrict permit holders in order to allow young fishermen to join the industry.

There were no further comments. The Chair moved for a motion to adjourn. Ray Jarvis made the motion to adjourn. Chris McGuire seconded the motion. The meeting was adjourned.

Upcoming Meetings

July 14, 2026 via Zoom

Meeting Materials

- May 28, 2026 MFAC Business Meeting Agenda
- March 17, 2026 MFAC Draft Business Meeting Minutes
- Memorandum Recommendation on Final Regulations to Set Recreational Limits for Black Sea Bass
- Memorandum Recommendation on Final Regulations to Set Recreational Limits for Gulf of Maine Haddock
- Memorandum Recommendation on Final Regulations to Set Commercial and Recreational Mackerel Limits
- Domenic Santoro Request Regarding Knobbed Whelk Management in Massachusetts Waters
- DMF Presentation on Commercial Fisheries Port Profile Project Update
- DMF Presentation on Offshore Wind Updates



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Division of Marine Fisheries
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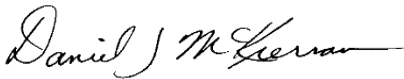
Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

Memorandum

To: Marine Fisheries Advisory Commission (MFAC)

From: Daniel J. McKiernan, Director 

Date: July 8, 2026

Subject: **Final Recommendation to Modernize Surf Clam and Ocean Quahog Dredge Management**

Recommendation

I recommend the MFAC vote to approve my below enumerated recommendation to modernize the surf clam and ocean quahog dredge fishery.

1. Spatial Management [322 CMR 6.08(2)].
 - a. Eliminate seasonal contour line closures and replace these closures with a year-round polygon closure that begins at Pt. Allerton in Hull and extends south around the shore of Cape Cod, Buzzards Bay, and the Islands (Figure 1).
 - i. The polygon closure will use latitudinal and longitudinal coordinates (including the location of existing navigational beacons) to create a proxy for the historic 12' depth contour line closure.
 - ii. The polygon closure will extend seaward to protect eelgrass habitat by creating a 200' buffer around all eel grass beds mapped by the Department of Environmental Protection (DEP).
 - iii. The polygon closure will include all regional and (formerly enacted) municipal closures and exemption areas currently codified in state regulations.
 - iv. In areas where the surf clam resource is limited (e.g., Buzzards Bay, Vineyard Sound), the shape of the polygon will be simplified through the use of straight lines that may extend seaward of the 12' depth contour.
 - v. DMF will annually publish polygon closure maps and boundaries on its website. The maps and boundaries will also be made available to permit holders in a format that may be compatible with certain chart plotters.

- b. There will be two seasonal (May 1 – October 15) closures in Cape Cod Bay to address ongoing and historic user group conflicts, principally between lobster trap fishers and dredge boats.
 - i. The first seasonal closure represents a spatial extension of the existing closure off Manomet (Plymouth to Sandwich), which has been in place since 2018. This closure will be extended eastward along the southern shore of Cape Cod Bay (Sandwich to Dennis). The southern extension will be bounded to the north at 41° 48' north latitude and the west of 70° 11' west longitude (Figure 2).
 - ii. The second is a new closure in Herring Cove (Provincetown) from Race Point to Wood End (Figure 3).
- c. Retain the existing closure of all state waters north of Pt. Allerton in Hull to surf clam and ocean quahog dredge fishing.
- d. The regulations will establish a declaration process to adjust the spatial management program described in recommendations 1A through 1C. This will allow DMF to consider opening new areas north of Pt. Allerton in Hull, adjust the polygon closure boundaries, and adopt temporary time-area closures to address emerging conflicts. The process will require a two-week public comment period; MFAC approval; and the publication of the adjustments on DMF's website and the Massachusetts Register. All permit holders will receive updated maps and coordinates through a direct notification by DMF.

2. Vessel Tracking Requirements [322 CMR 7.11(2)]

- a. All vessels with a Surf Clam/Ocean Quahog Dredge regulated fishery permit endorsement will be required to obtain, install, active, and maintain a DMF-approved electronic vessel tracking device. At this time, Viatrax Boat Command is the only approved device and all non-approved devices will be deemed insufficient to comply with this vessel monitoring requirement. Device authorizations and information regarding ordering a device will be available on DMF's website.
- b. The device must be installed and properly functioning regardless of the fishing activity occurring on the vessel.
- c. The tracking device must remain installed correctly, powered, and have an active subscription plan. Maintaining the subscription plan is the responsibility of the permit holder.
- d. It will be unlawful to tamper with or remove the device. The Director may allow the temporary deactivation of the device to address device failure, vessel-haul out, or other good cause malfunctions.
- e. If a permit holder wishes to opt out of the vessel tracking requirement, they may annually place their Surf Clam/Ocean Quahog Dredge regulated fishery permit endorsement on a so-called "endorsement only permit". This will allow the permit holder to maintain their endorsement as part of their permit portfolio but prevents the endorsement from being fished (similar in concept to federal Confirmation of Permit

History).

3. Night Closure Exemption [322 CMR 4.06(3) and 6.08(1)]. Vessels fishing in the dredge fishery will be exempt from the mobile gear night closure during the period of February 1 – April 30 annually.
4. Housekeeping [322 CMR 6.08]. All other sections of DMF’s surf clam and ocean quahog dredge regulations are edited to adopt consistent and clean regulatory language. This will not result in any modifications to existing regulatory requirements.

Background and Rationale

DMF provided the MFAC with an extensive memorandum documenting the background and rationale for this [regulatory proposal](#) in May 2025. Accordingly, this memorandum will only summarize critical and salient points for your consideration in reviewing this recommendation.

The spatial management program for the surf clam and ocean quahog fishery has become severely outdated. The primary spatial management tool – seasonal 12-foot and 20-foot depth contour line closures — are difficult to comply with and largely unenforceable. These depth contour lines are not universally delineated on any official charts or maps. Rather, they are generally interpolated from the mean low lower water¹ depth soundings depicted on NOAA charts. This lack of spatial precision in the regulation results in many vessel operators relying on their depth sounders to determine compliance. With a substantial tidal range (e.g., 10-feet plus) in many fishing locations, this approach is insufficient to adequately determine compliance.

Additionally, given these dredge boats work in close proximity to the shore, DMF frequently receives reports and allegations that the vessels are operating within eelgrass beds. In some instances, DMF has been able to both affirm and reject these reports. This includes DMF divers observed scarring of eelgrass meadows caused by dredge tracks (e.g., Long Point in Provincetown). The lack of enforceable boundaries around important marine habitats has also created cause for concern and a desire for increased spatial accountability in this fishery across all stakeholders².

As a result, DMF worked through stakeholders to develop a more modern management program that would preserve industry’s spatial access to the resource and protect critical benthic habitats (e.g., eelgrass), while improving compliance, enforcement, and accountability. This resulted in the initiation of a program in 2023 to pilot the use of discrete polygon management areas defined by GPS coordinates. These polygon closures would then interface with electronic vessel trackers and certain

¹ Mean low lower water represents the baseline of the lowest regularly occurring low tide mark based on daily tidal observance at a specific location over a 19-year period.

² Notably, many vessel owners and operators support this as they want to actively avoid eelgrass due to the gear’s negative impacts to the habitat, the reduced availability of surf clams within the habitat, and that the dredge gear may be fouled by eelgrass.

chart plotters to provide real-time information to the permit holder, vessel, and DMF regarding the vessel's position in reference to the polygon closure (including alerts when a vessel enters a polygon). The program demonstrated that the technology was sufficient to move the spatial management of this fishery in this direction and its adoption was supported by industry and other stakeholders.

Based on these results, DMF developed public hearing proposals to implement the polygon closure and vessel tracking requirements. To the benefit of the industry – who supported the adoption of this new spatial management regime – DMF developed the year-round polygon closure boundary based on the less restrictive wintertime 12-foot depth contour closure and agreed to allow nighttime fishing access to dredge boats during the period of February 1 – April 30 when fixed gear is not present where dredge fishing is occurring. To address habitat concerns, the agency proposed expanding the polygon closure boundaries to be inclusive of a 200' buffer zone around all eelgrass beds mapped by DEP since the mapping project began in 1995. This recognizes the critical importance of eelgrass habitat and protects existing beds, as well as areas that previously held eelgrass in support of efforts to restore this important habitat.

DMF also proposed the adoption of a process to adjust polygon closure boundary coordinates that would ensure the changes were publicly vetted by the MFAC and stakeholders are adequately notified of changes without having to conduct a full regulatory amendment exercise that may take more than six months to complete. This ensures that DMF can readily address critical issues related to habitat protection and fishing access.

State waters north of Pt. Allerton will remain closed to dredging. Most of these waters are closed to the harvest of shellfish shellstock because of water quality. However, there has been some interest in exploring a contaminated bait dredge fishery off Revere Beach and the Merrimack River. Further, with improvements to coastal water quality, shellfish growing area classifications may be upgraded resulting in potentially new opportunities to pursue a direct harvest fishery for human consumption in certain areas. In recognition of these interests, DMF has developed a process to consider opening certain waters to explore new dredging opportunities. This process is nimble and does not require a full regulatory amendment but will ensure stakeholders are properly informed of potential changes, the proposal is publicly vetted, and the MFAC has a say in whether or not the proposal is ultimately adopted.

The surf clam fishery also has historically created a variety of user group and gear conflicts. These conflicts are the genesis of the various municipal and regional closures and exemption areas currently established in regulation. Accordingly, DMF sought to maintain these closures both as year-round closed areas and exemptions incorporated into the polygon closure boundary and as discrete seasonal closures. Additionally, DMF sought to expand the existing seasonal closure off Manomet (Plymouth) to include waters along the south coast of Cape Cod Bay (Sandwich to Dennis) to prevent gear conflicts and protect seasonal aggregations of egg-bearing female lobsters and recently molted new shell lobsters from potential harm caused by dredge gear. Additionally, DMF added to the public hearing docket a proposal to establish a seasonal closure off Herring Cove (Provincetown) in hopes of ameliorating the various conflicts surrounding dredge fishing in this area. These regulations also seek

to establish a process that allows the agency to expediently act to temporarily close certain waters to dredging to address any emerging user group conflicts. The process to enable such a temporary action would ensure public input, MFAC approval, and industry notification. Then if DMF were to want to adopt the closure on a more permanent basis, that action would be subject to a full regulatory amendment.

Response to Public Comment

DMF held a public comment period from May 8, 2026 through June 12, 2026 and hosted a virtual public hearing on June 2, 2026. The comment received was limited and generally supported the proposed actions.

DMF's final recommendation modifies the timing of the seasonal closures in Cape Cod Bay to address gear conflicts based on the written public comment from the Massachusetts Lobstermen's Association (MLA). Rather than having the effective date of these closures be May 15, as proposed at public hearing, the final recommendation seeks to have them go into effect annually on May 1. This date represents the earliest that lobster trap gear may be set in Cape Cod Bay. The intention here is to address the fact that the trap gear closure is usually lifted prior to May 15 (as right whales have departed our waters) and substantial gear conflicts have occurred during this period as trap and dredge fishers jockey for territory and the hired captains in the dredge fishery may be unaware that the trap closure has been lifted. DMF views this as a reasonable modification to the proposed rule based on public comment.

The MLA also requested DMF seasonally close (May 1 – October 15) the eastern shore of Cape Cod to dredging. Where gear conflicts have occurred in this area, this would dramatically increase the spatial extent of closures and go well beyond the scope of what was proposed at public hearing. Accordingly, any such action necessitates separate rulemaking to properly analyze impacts and give constituents an opportunity to provide DMF and the MFAC with public comment for its consideration. This requested action will not be considered at this time.

DMF received a written public comment and public hearing testimony from two active dredge boat owners— Michelle Letts and Jesse Rose — opposing the seasonal closure of Herring Cove. They argued the closure would negatively impact state waters surf clam fishing interests. Similar concerns were not raised by other active industry members. While DMF appreciates these concerns, the agency supports moving this seasonal closure forward.

The Herring Cove area has been a lightning rod for user group and gear conflicts and the recommended closure seeks to balance these interests through seasonal access. There has been a strong interest among various stakeholders — including the Town of Provincetown — to permanently close the area due to gear conflicts, user group conflicts, and perceived negative impacts to benthic habitat. However, dredge boat owners made clear that this is an important and historic fishing ground that should be maintained. Access from late-fall through the early-spring was of particular importance for small boat operators because the area provides a protected, nearshore fishing ground for safe fishing to occur and data confirms Herring Cove is an economically important seasonal fall and winter

fishing ground. With this in mind, DMF's recommendation seeks to allow the commercial fishery to maintain fall and winter seasonal access to this area, while keeping dredge boats off the beach during the on-season months when this area is of less economic importance to the commercial fishery and there are various competing uses in the area.

Jesse Rose also raised similar concerns about the expansion of the seasonal closure in Southern Cape Cod Bay. The rationale for this recommended closure is similar to what justified the Manomet closure in 2018. The area has seasonally dense concentrations of lobster trap gear and there have been documented instances of gear loss and conflicts caused by dredge boats operating in these areas. Further, these are areas where there are large seasonal aggregations of female egg-bearing lobsters and new shell lobsters³. Allowing dredge fishing in these areas may impact vulnerable and important lobster aggregations. Data also suggests that there has been limited dredge fishing activity in Southern Cape Cod Bay over the past four years. Given these factors, DMF views the expansion of these closures as being justified.

Lastly, DMF received a written comment from Ray Rowell. Ray previously worked onboard Cape Cod-based surf clam dredge vessels and is currently an employee of the Cape Cod Commercial Fishermen's Alliance. Ray advocated that DMF amend the boundary lines off Jeffery's Point in Wellfleet (Billingsgate Shoal) to provide access to a sandy bottom area that he historically fished. DMF analyzed this public comment and determined the request would result in a significant portion of the boundary occurring in waters shallower than the 12' depth contour and would intersect with eelgrass habitat historically mapped by DEP, including in their most recent 2021 eelgrass maps. Accordingly, adopting such a modification would be inconsistent with the underlying rationale for creating the polygon management closures to serve as a proxy for the 12' contour line and to protect mapped eelgrass beds⁴.

Notably, we did not receive any public comment objecting to the vessel tracking requirement. This is likely because the requirement is popular among fishery participants, eight of our active vessels obtained a tracker through the initial pilot, and DMF has created a means to allow latent permit holders to annually opt out of the requirement. Additionally, some of the dual state-federal permit holders are pursuing similar tracking requirements in the federal fishery to regain access to certain discrete sandy areas on Nantucket Shoals currently subject to federal habitat closures.

Enclosed

Maps and coordinates for recommended statewide polygon closure areas
Written public comment.

³ These aggregations were identified by industry and confirmed through both DMF sea sampling and trawl survey data.

⁴ Note that DMF's recommendation seeks to not only protect mapped existing eelgrass habitat but all eelgrass habitat historically mapped by DEP. This will protect areas where eel grass has occurred from potential harm by this dredge gear. This ensures the spatial management program for this fishery dovetails with DMF's efforts to restore eelgrass habitat consistent with the Department's Strategic Plan to execute the Governor's Biodiversity Executive Order.

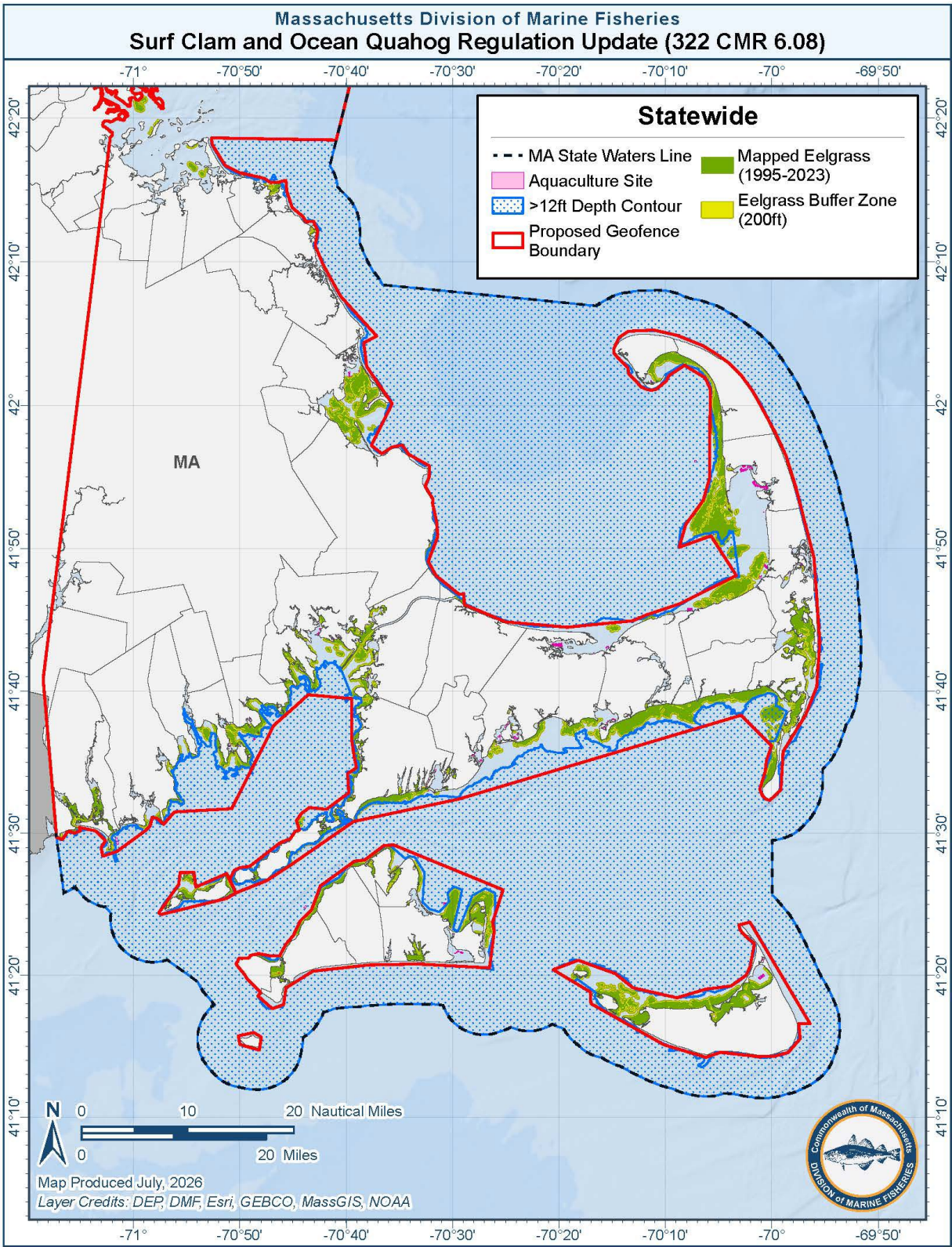


Figure 1. Statewide map of recommended polygon closure area

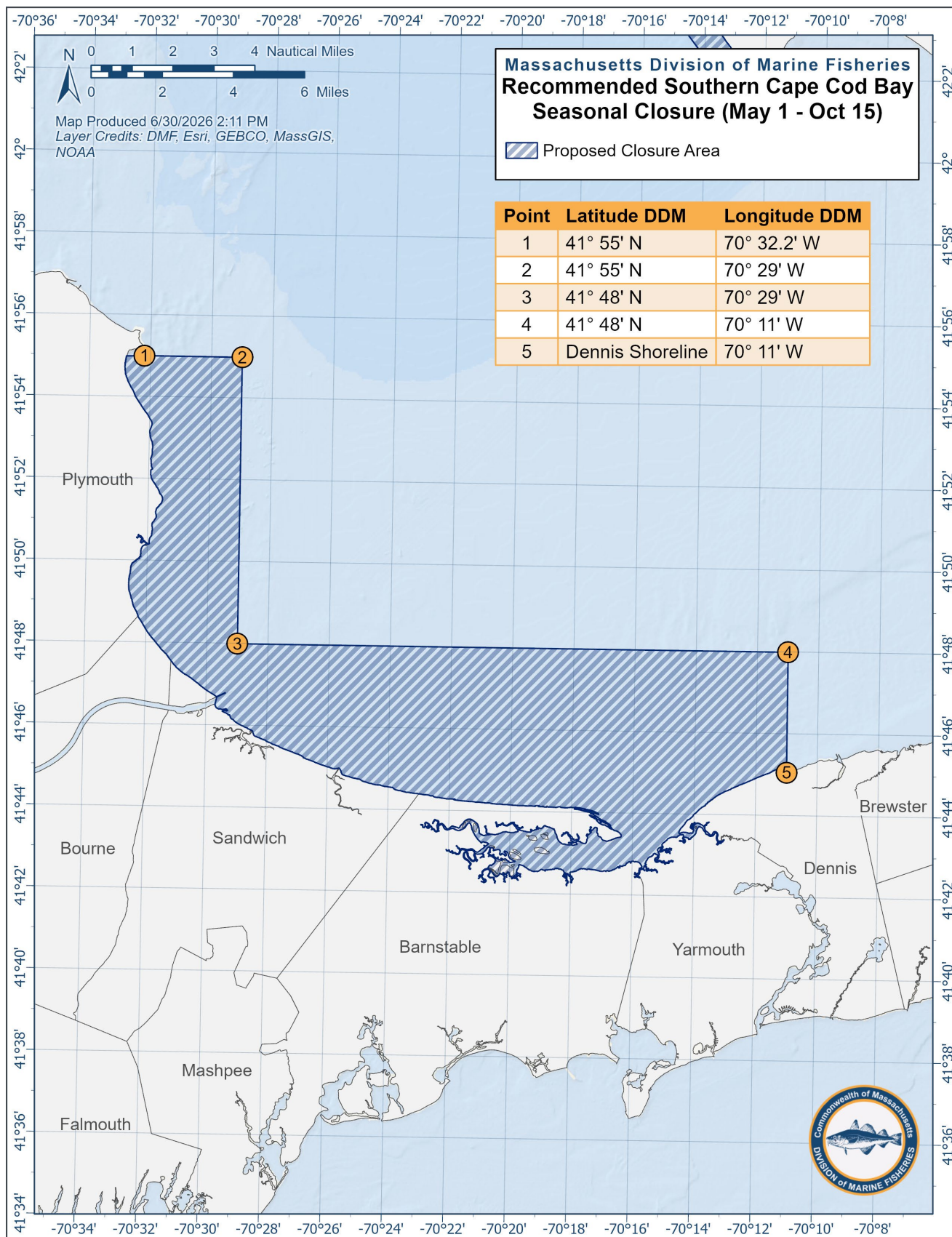


Figure 2. Recommended Southern Cape Cod Bay User Conflict Seasonal Closure Area

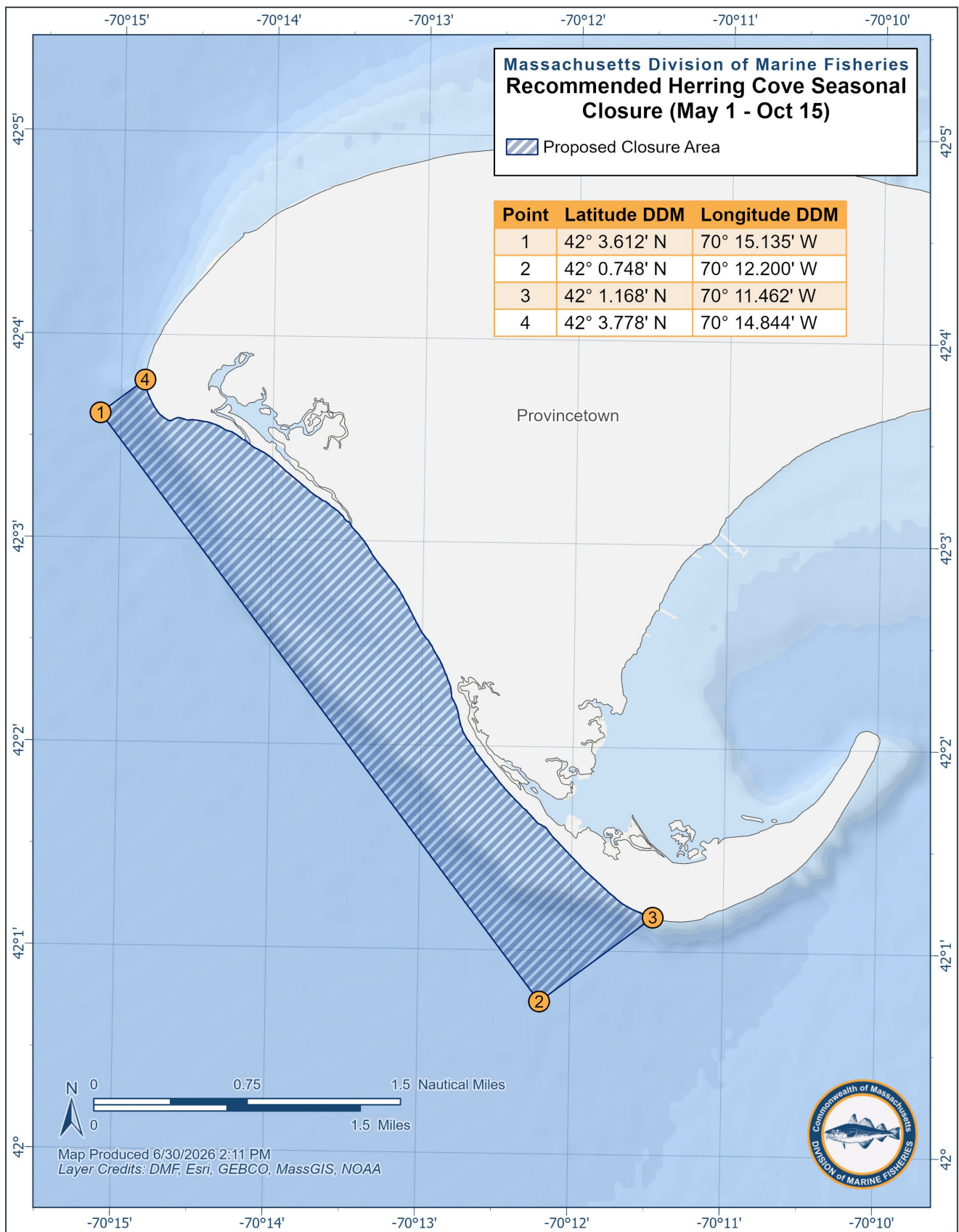
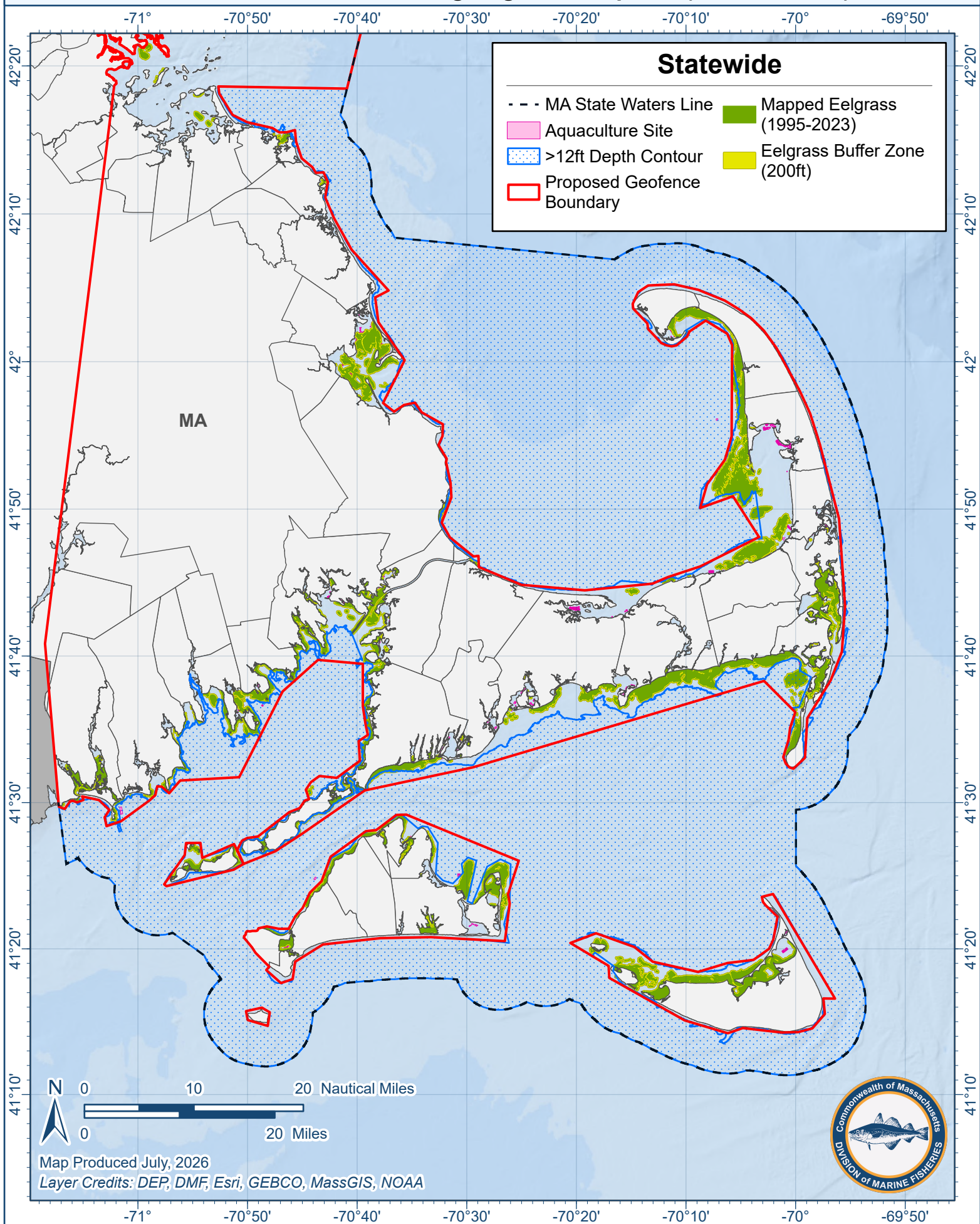
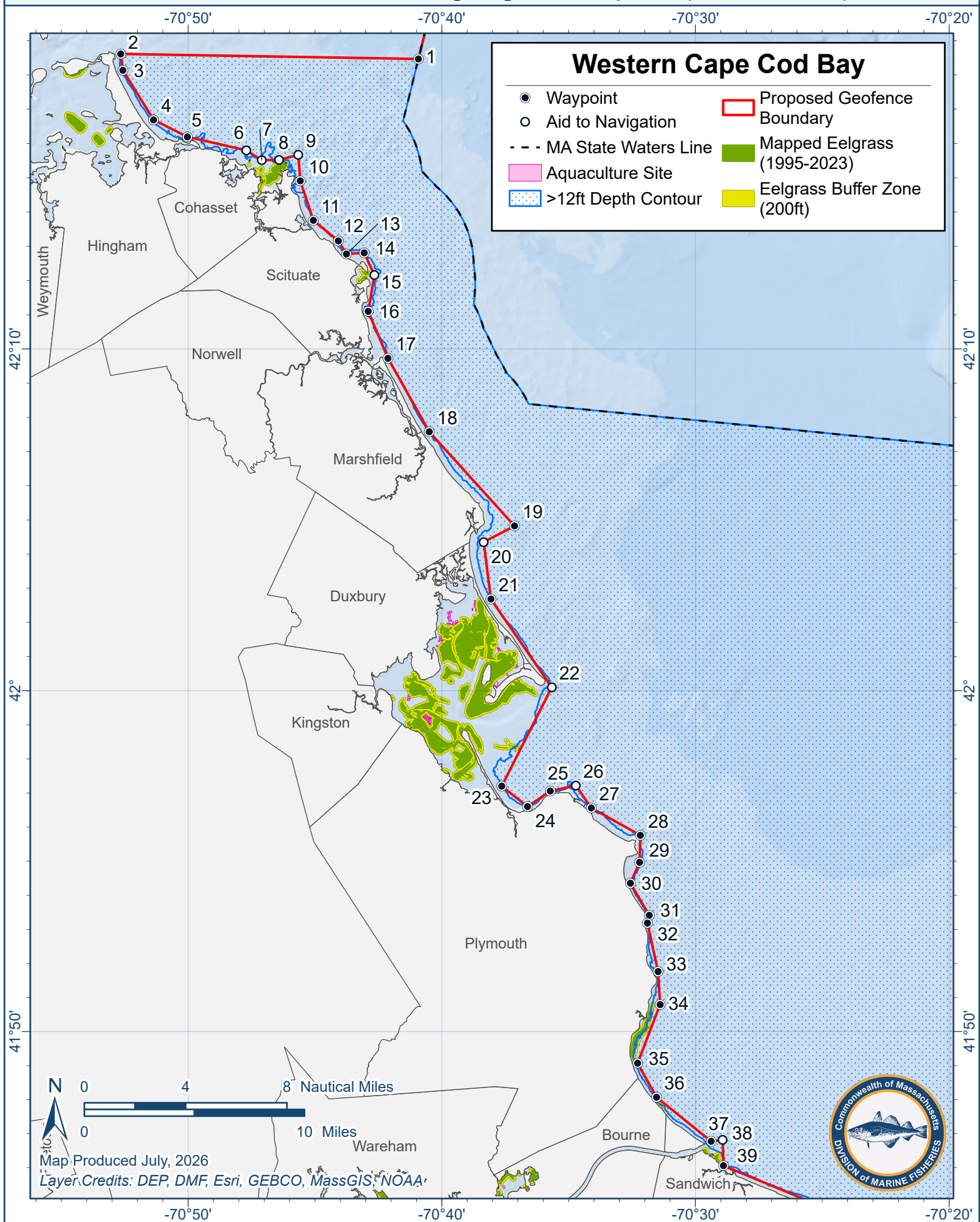


Figure 3. Recommended Herring Cove User Conflict Seasonal Closure Area

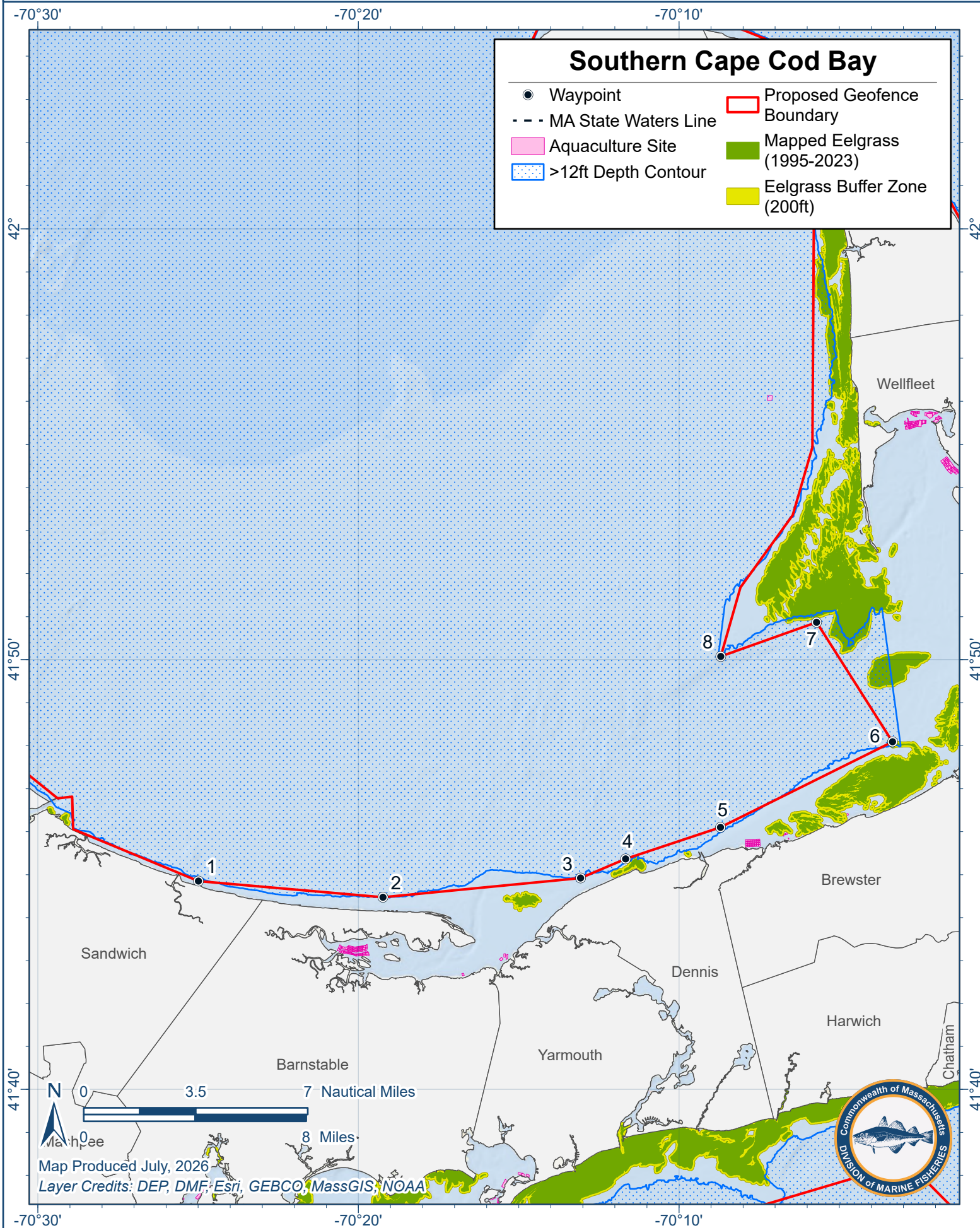
Massachusetts Division of Marine Fisheries
Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



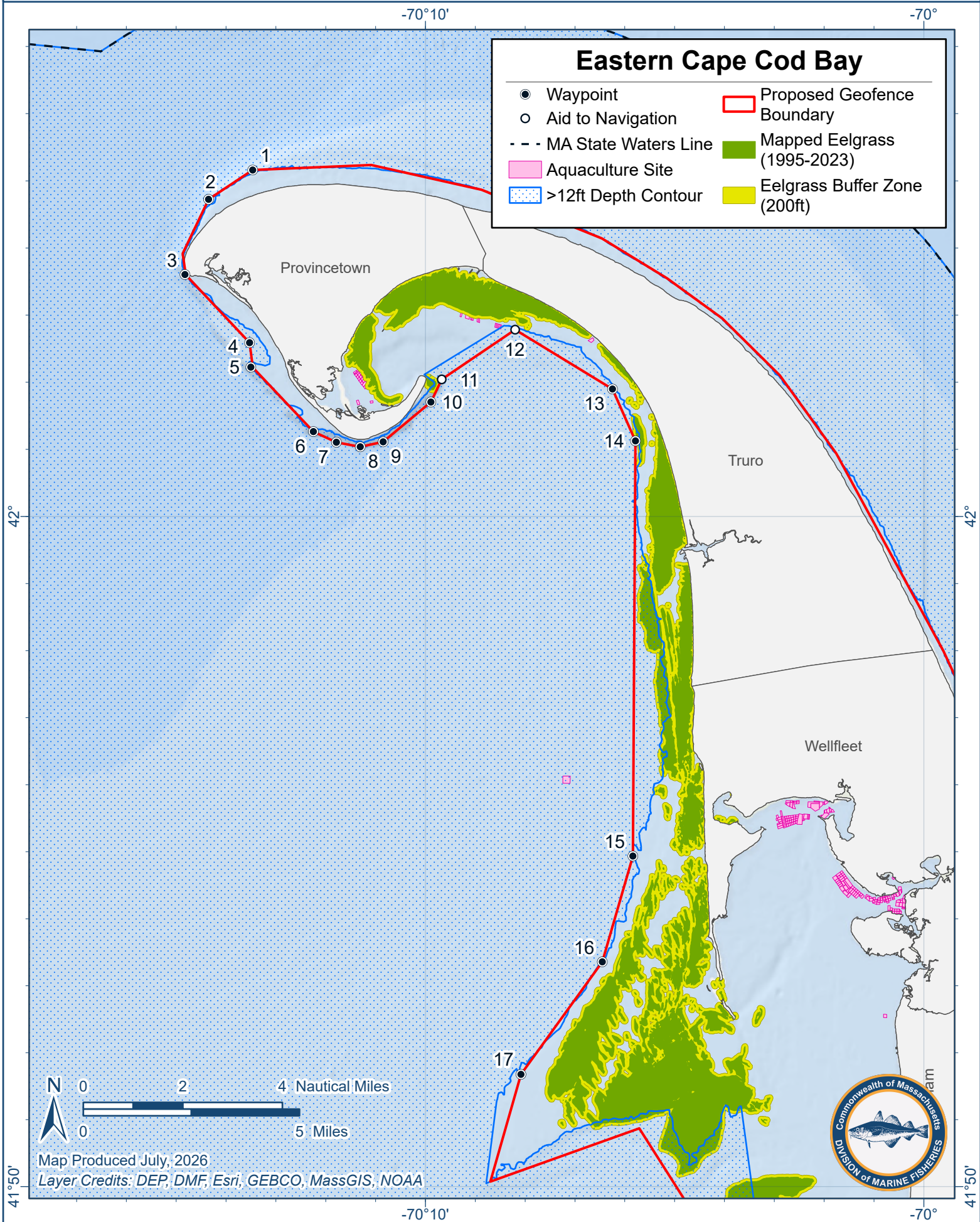
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Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



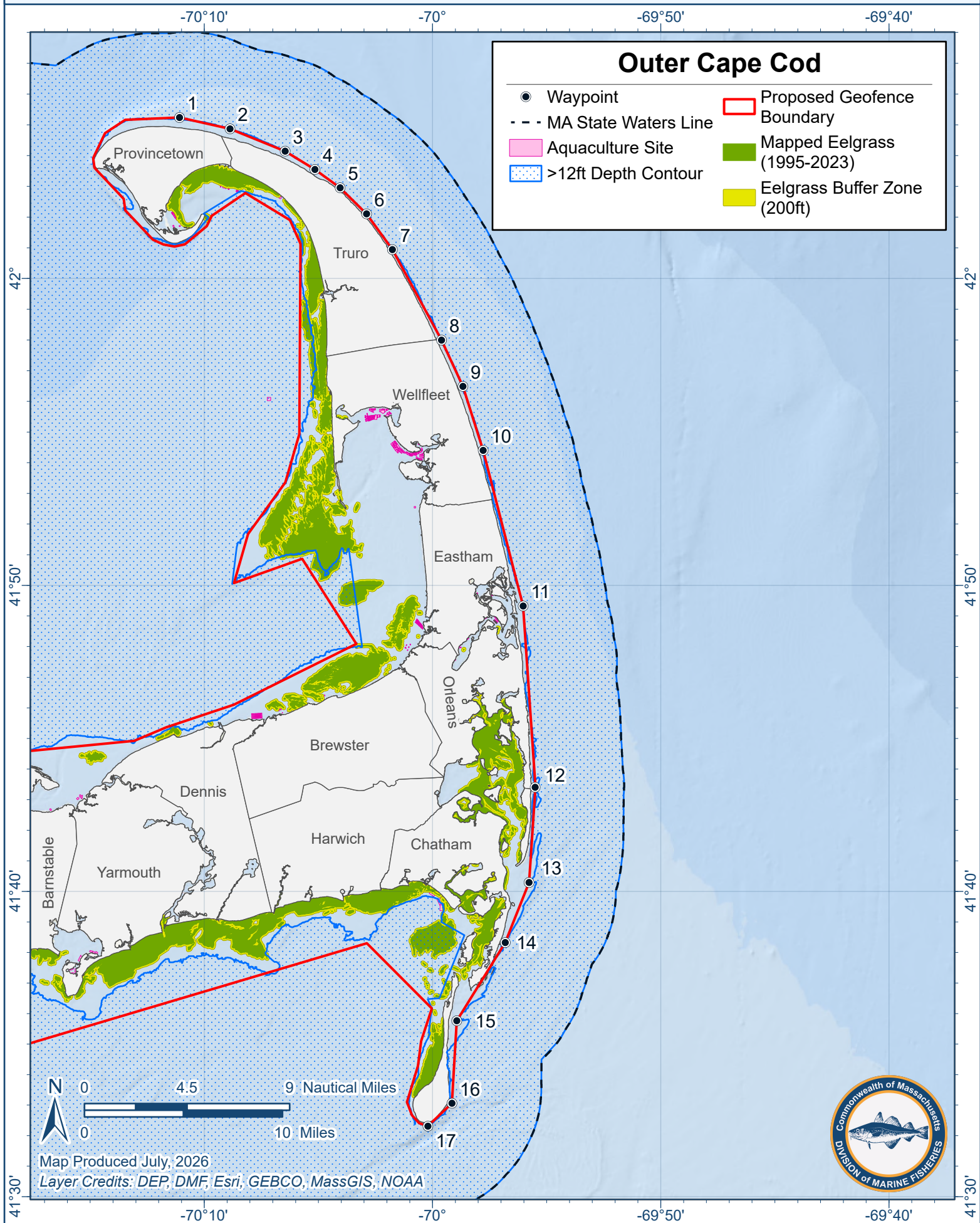
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Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



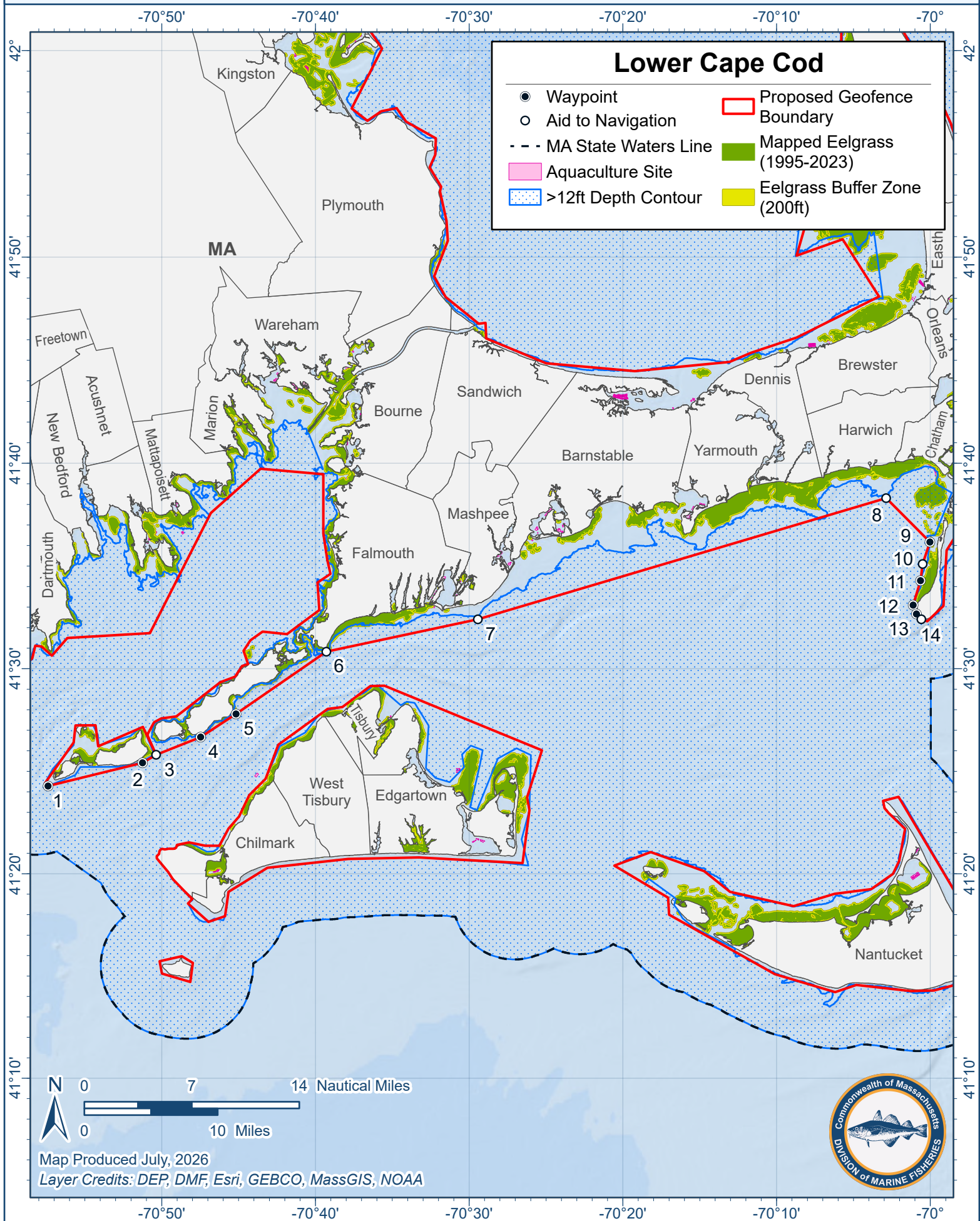
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Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



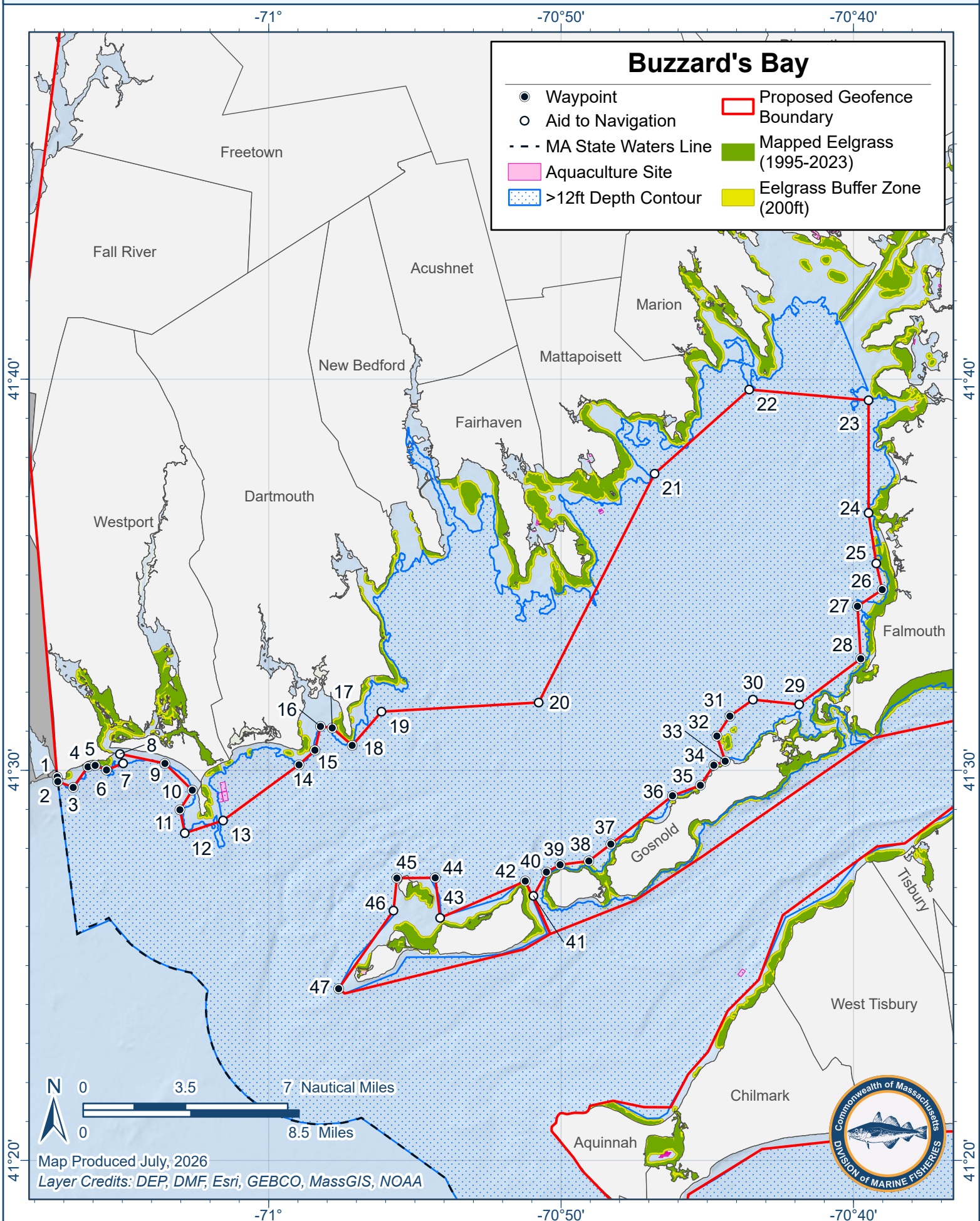
Massachusetts Division of Marine Fisheries
Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



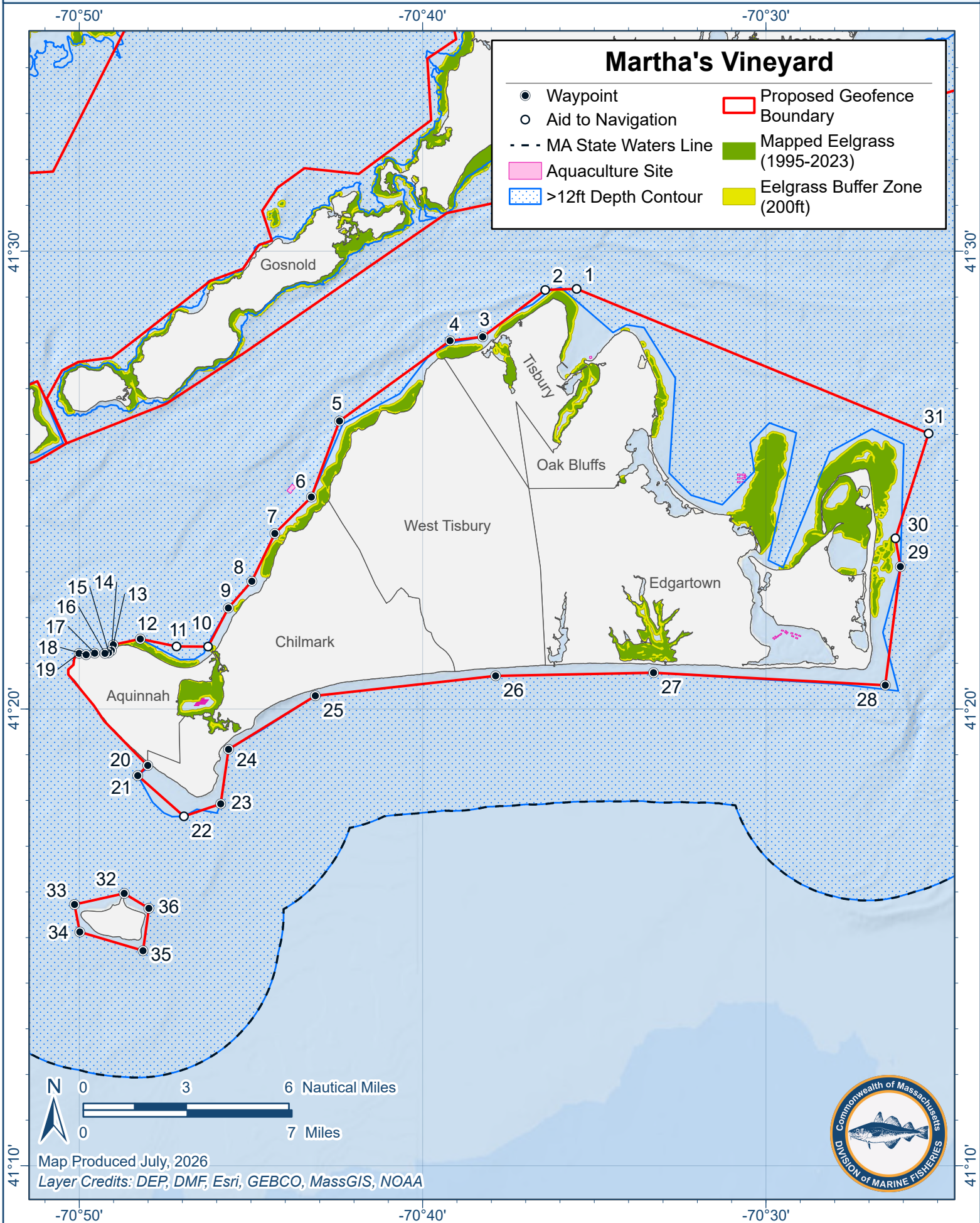
Massachusetts Division of Marine Fisheries
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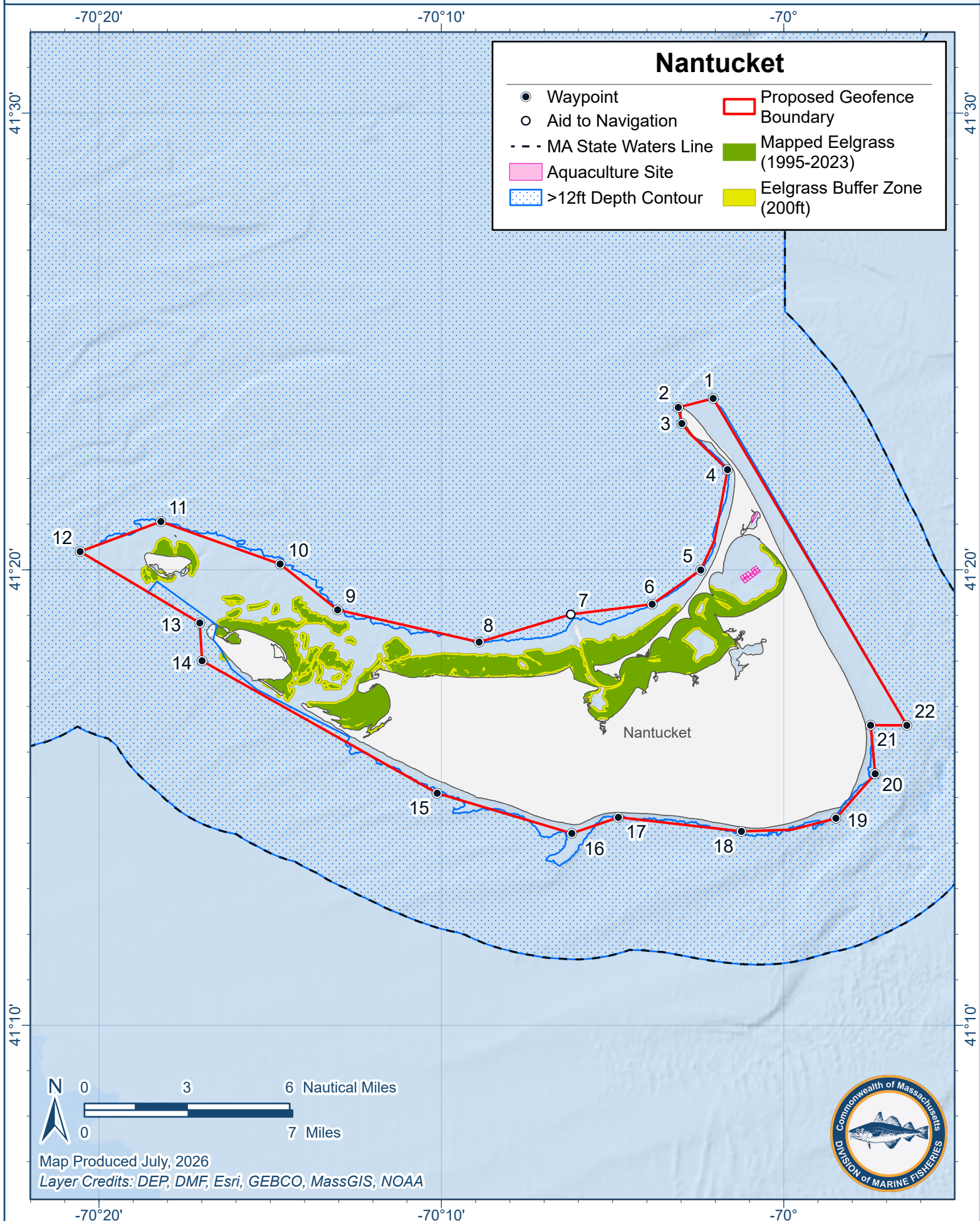
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Massachusetts Division of Marine Fisheries
Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



Massachusetts Division of Marine Fisheries
Surf Clam and Ocean Quahog Regulation Update (322 CMR 6.08)



Vector Points of Surf Clam / Ocean Quahog Fishery Boundary Lines

Region	Point ID	Point Type	Latitude DD	Longitude DD	Latitude DDM	Longitude DDM
Western Cape Cod Bay	1	Waypoint	42.307758	-70.682098	42° 18.466'N	70° 40.926'W
Western Cape Cod Bay	2	Waypoint	42.310188	-70.877693	42° 18.612'N	70° 52.661'W
Western Cape Cod Bay	3	Waypoint	42.30225	-70.876259	42° 18.136'N	70° 52.576'W
Western Cape Cod Bay	4	Waypoint	42.27813	-70.856087	42° 16.688'N	70° 51.366'W
Western Cape Cod Bay	5	Waypoint	42.26989	-70.833847	42° 16.194'N	70° 50.031'W
Western Cape Cod Bay	6	Aid to Navigation	42.263302	-70.795143	42° 15.799'N	70° 47.708'W
Western Cape Cod Bay	7	Aid to Navigation	42.25856	-70.785004	42° 15.514'N	70° 47.1'W
Western Cape Cod Bay	8	Aid to Navigation	42.258659	-70.773628	42° 15.52'N	70° 46.418'W
Western Cape Cod Bay	9	Aid to Navigation	42.261162	-70.761047	42° 15.67'N	70° 45.663'W
Western Cape Cod Bay	10	Waypoint	42.248501	-70.759682	42° 14.911'N	70° 45.581'W
Western Cape Cod Bay	11	Waypoint	42.229279	-70.751083	42° 13.757'N	70° 45.065'W
Western Cape Cod Bay	12	Waypoint	42.21928	-70.73468	42° 13.157'N	70° 44.081'W
Western Cape Cod Bay	13	Waypoint	42.212891	-70.729347	42° 12.774'N	70° 43.761'W
Western Cape Cod Bay	14	Waypoint	42.213482	-70.717697	42° 12.809'N	70° 43.062'W
Western Cape Cod Bay	15	Aid to Navigation	42.20266	-70.710983	42° 12.16'N	70° 42.659'W
Western Cape Cod Bay	16	Waypoint	42.185001	-70.71508	42° 11.1'N	70° 42.905'W
Western Cape Cod Bay	17	Waypoint	42.162109	-70.70208	42° 9.727'N	70° 42.125'W
Western Cape Cod Bay	18	Waypoint	42.12632	-70.674942	42° 7.579'N	70° 40.497'W
Western Cape Cod Bay	19	Waypoint	42.080421	-70.618919	42° 4.826'N	70° 37.135'W
Western Cape Cod Bay	20	Aid to Navigation	42.072472	-70.639214	42° 4.349'N	70° 38.352'W
Western Cape Cod Bay	21	Waypoint	42.044731	-70.63443	42° 2.685'N	70° 38.066'W
Western Cape Cod Bay	22	Aid to Navigation	42.001629	-70.594398	42° 0.098'N	70° 35.664'W
Western Cape Cod Bay	23	Waypoint	41.9534	-70.627296	41° 57.204'N	70° 37.638'W
Western Cape Cod Bay	24	Waypoint	41.943401	-70.610397	41° 56.604'N	70° 36.624'W
Western Cape Cod Bay	25	Waypoint	41.951	-70.595413	41° 57.061'N	70° 35.725'W
Western Cape Cod Bay	26	Aid to Navigation	41.953629	-70.578644	41° 57.218'N	70° 34.719'W
Western Cape Cod Bay	27	Waypoint	41.942699	-70.568451	41° 56.562'N	70° 34.107'W
Western Cape Cod Bay	28	Waypoint	41.929329	-70.53624	41° 55.761'N	70° 32.174'W
Western Cape Cod Bay	29	Waypoint	41.9161	-70.536751	41° 54.966'N	70° 32.205'W
Western Cape Cod Bay	30	Waypoint	41.90591	-70.542801	41° 54.355'N	70° 32.568'W
Western Cape Cod Bay	31	Waypoint	41.890209	-70.530388	41° 53.413'N	70° 31.823'W
Western Cape Cod Bay	32	Waypoint	41.886398	-70.531593	41° 53.185'N	70° 31.896'W
Western Cape Cod Bay	33	Waypoint	41.86269	-70.524559	41° 51.762'N	70° 31.474'W
Western Cape Cod Bay	34	Waypoint	41.846519	-70.523232	41° 50.792'N	70° 31.394'W
Western Cape Cod Bay	35	Waypoint	41.817829	-70.538078	41° 49.07'N	70° 32.285'W
Western Cape Cod Bay	36	Waypoint	41.80117	-70.525597	41° 48.071'N	70° 31.536'W
Western Cape Cod Bay	37	Waypoint	41.779579	-70.489731	41° 46.776'N	70° 29.384'W
Western Cape Cod Bay	38	Aid to Navigation	41.780251	-70.482224	41° 46.816'N	70° 28.933'W
Western Cape Cod Bay	39	Waypoint	41.767639	-70.481644	41° 46.059'N	70° 28.898'W
Southern Cape Cod Bay	1	Waypoint	41.747509	-70.416519	41° 44.851'N	70° 24.991'W
Southern Cape Cod Bay	2	Waypoint	41.74123	-70.320587	41° 44.474'N	70° 19.235'W
Southern Cape Cod Bay	3	Waypoint	41.748699	-70.217827	41° 44.923'N	70° 13.07'W
Southern Cape Cod Bay	4	Waypoint	41.756111	-70.19442	41° 45.367'N	70° 11.665'W

Southern Cape Cod Bay	5	Waypoint	41.768341	-70.145103	41° 46.101'N	70° 8.706'W
Southern Cape Cod Bay	6	Waypoint	41.801521	-70.055641	41° 48.092'N	70° 3.339'W
Southern Cape Cod Bay	7	Waypoint	41.84782	-70.095154	41° 50.869'N	70° 5.709'W
Southern Cape Cod Bay	8	Waypoint	41.845482	-70.121147	41° 50.075'N	70° 8.697'W
Eastern Cape Cod Bay	1	Waypoint	42.08601	-70.224426	42° 5.161'N	70° 13.466'W
Eastern Cape Cod Bay	2	Waypoint	42.078739	-70.239189	42° 4.725'N	70° 14.352'W
Eastern Cape Cod Bay	3	Waypoint	42.06007	-70.247093	42° 3.605'N	70° 14.825'W
Eastern Cape Cod Bay	4	Waypoint	42.043159	-70.225471	42° 2.59'N	70° 13.528'W
Eastern Cape Cod Bay	5	Waypoint	42.037079	-70.225037	42° 2.226'N	70° 13.503'W
Eastern Cape Cod Bay	6	Waypoint	42.02108	-70.20414	42° 1.266'N	70° 12.248'W
Eastern Cape Cod Bay	7	Waypoint	42.01844	-70.196442	42° 1.107'N	70° 11.787'W
Eastern Cape Cod Bay	8	Waypoint	42.017311	-70.188461	42° 1.039'N	70° 11.308'W
Eastern Cape Cod Bay	9	Waypoint	42.018539	-70.180809	42° 1.113'N	70° 10.849'W
Eastern Cape Cod Bay	10	Waypoint	42.028419	-70.164841	42° 1.706'N	70° 9.89'W
Eastern Cape Cod Bay	11	Aid to Navigation	42.034039	-70.161217	42° 2.043'N	70° 9.674'W
Eastern Cape Cod Bay	12	Aid to Navigation	42.046391	-70.136673	42° 2.784'N	70° 8.2'W
Eastern Cape Cod Bay	13	Waypoint	42.031658	-70.104134	42° 1.9'N	70° 6.247'W
Eastern Cape Cod Bay	14	Waypoint	42.018768	-70.096428	42° 1.127'N	70° 5.786'W
Eastern Cape Cod Bay	15	Waypoint	41.915588	-70.097313	41° 54.936'N	70° 5.838'W
Eastern Cape Cod Bay	16	Waypoint	41.889271	-70.107521	41° 53.357'N	70° 6.451'W
Eastern Cape Cod Bay	17	Waypoint	41.861259	-70.134727	41° 51.676'N	70° 8.084'W
Outer Cape Cod	1	Waypoint	42.087261	-70.184776	42° 5.236'N	70° 11.087'W
Outer Cape Cod	2	Waypoint	42.08112	-70.147919	42° 4.868'N	70° 8.875'W
Outer Cape Cod	3	Waypoint	42.069031	-70.107628	42° 4.143'N	70° 6.458'W
Outer Cape Cod	4	Waypoint	42.05912	-70.085876	42° 3.548'N	70° 5.153'W
Outer Cape Cod	5	Waypoint	42.049191	-70.067467	42° 2.952'N	70° 4.049'W
Outer Cape Cod	6	Waypoint	42.035061	-70.048172	42° 2.104'N	70° 2.89'W
Outer Cape Cod	7	Waypoint	42.015671	-70.029327	42° 0.941'N	70° 1.759'W
Outer Cape Cod	8	Waypoint	41.96656	-69.993439	41° 57.994'N	69° 59.606'W
Outer Cape Cod	9	Waypoint	41.94146	-69.977814	41° 56.488'N	69° 58.669'W
Outer Cape Cod	10	Waypoint	41.906689	-69.963043	41° 54.402'N	69° 57.782'W
Outer Cape Cod	11	Waypoint	41.822079	-69.933823	41° 49.326'N	69° 56.029'W
Outer Cape Cod	12	Waypoint	41.7234	-69.925056	41° 43.405'N	69° 55.504'W
Outer Cape Cod	13	Waypoint	41.67152	-69.929527	41° 40.291'N	69° 55.772'W
Outer Cape Cod	14	Waypoint	41.638748	-69.946899	41° 38.326'N	69° 56.814'W
Outer Cape Cod	15	Waypoint	41.596069	-69.9823	41° 35.764'N	69° 58.938'W
Outer Cape Cod	16	Waypoint	41.55101	-69.985809	41° 33.061'N	69° 59.149'W
Outer Cape Cod	17	Waypoint	41.538502	-70.003387	41° 32.31'N	70° 0.203'W
Lower Cape Cod	1	Waypoint	41.404709	-70.956596	41° 24.283'N	70° 57.396'W
Lower Cape Cod	2	Waypoint	41.423599	-70.854156	41° 25.416'N	70° 51.25'W
Lower Cape Cod	3	Aid to Navigation	41.430119	-70.839478	41° 25.808'N	70° 50.369'W
Lower Cape Cod	4	Waypoint	41.444489	-70.791168	41° 26.67'N	70° 47.47'W
Lower Cape Cod	5	Waypoint	41.463261	-70.7528	41° 27.796'N	70° 45.168'W
Lower Cape Cod	6	Aid to Navigation	41.513851	-70.654869	41° 30.831'N	70° 39.292'W
Lower Cape Cod	7	Aid to Navigation	41.540119	-70.490593	41° 32.408'N	70° 29.435'W
Lower Cape Cod	8	Aid to Navigation	41.63839	-70.047928	41° 38.304'N	70° 2.876'W

Lower Cape Cod	9	Waypoint	41.60281	-70.000488	41° 36.169'N	70° 0.029'W
Lower Cape Cod	10	Aid to Navigation	41.584999	-70.008331	41° 35.101'N	70° 0.5'W
Lower Cape Cod	11	Waypoint	41.571499	-70.010658	41° 34.29'N	70° 0.64'W
Lower Cape Cod	12	Waypoint	41.55167	-70.018677	41° 33.1'N	70° 1.12'W
Lower Cape Cod	13	Waypoint	41.544472	-70.015068	41° 32.669'N	70° 0.904'W
Lower Cape Cod	14	Aid to Navigation	41.540161	-70.009773	41° 32.411'N	70° 0.586'W
Buzzard's Bay	1	Waypoint	41.49715	-71.120461	41° 29.829'N	71° 7.228'W
Buzzard's Bay	2	Waypoint	41.495201	-71.120132	41° 29.712'N	71° 7.208'W
Buzzard's Bay	3	Waypoint	41.49268	-71.11132	41° 29.561'N	71° 6.679'W
Buzzard's Bay	4	Waypoint	41.501469	-71.102913	41° 30.089'N	71° 6.175'W
Buzzard's Bay	5	Waypoint	41.502079	-71.098824	41° 30.126'N	71° 5.929'W
Buzzard's Bay	6	Waypoint	41.50013	-71.092369	41° 30.009'N	71° 5.542'W
Buzzard's Bay	7	Aid to Navigation	41.502949	-71.082878	41° 30.177'N	71° 4.973'W
Buzzard's Bay	8	Aid to Navigation	41.50695	-71.084732	41° 30.418'N	71° 5.084'W
Buzzard's Bay	9	Waypoint	41.502911	-71.059082	41° 30.175'N	71° 3.545'W
Buzzard's Bay	10	Waypoint	41.491531	-71.043457	41° 29.492'N	71° 2.608'W
Buzzard's Bay	11	Waypoint	41.48315	-71.050552	41° 28.989'N	71° 3.033'W
Buzzard's Bay	12	Aid to Navigation	41.473171	-71.047783	41° 28.391'N	71° 2.867'W
Buzzard's Bay	13	Aid to Navigation	41.478569	-71.025948	41° 28.715'N	71° 1.557'W
Buzzard's Bay	14	Waypoint	41.502338	-70.982674	41° 30.141'N	70° 58.961'W
Buzzard's Bay	15	Waypoint	41.508572	-70.97361	41° 30.515'N	70° 58.417'W
Buzzard's Bay	16	Waypoint	41.5187	-70.970444	41° 31.123'N	70° 58.226'W
Buzzard's Bay	17	Waypoint	41.518059	-70.963753	41° 31.084'N	70° 57.825'W
Buzzard's Bay	18	Waypoint	41.51062	-70.952377	41° 30.638'N	70° 57.143'W
Buzzard's Bay	19	Aid to Navigation	41.525009	-70.935677	41° 31.501'N	70° 56.141'W
Buzzard's Bay	20	Aid to Navigation	41.5289	-70.846123	41° 31.734'N	70° 50.767'W
Buzzard's Bay	21	Aid to Navigation	41.626419	-70.780052	41° 37.585'N	70° 46.803'W
Buzzard's Bay	22	Aid to Navigation	41.66222	-70.726143	41° 39.734'N	70° 43.568'W
Buzzard's Bay	23	Aid to Navigation	41.657681	-70.658119	41° 39.461'N	70° 39.487'W
Buzzard's Bay	24	Aid to Navigation	41.609692	-70.658112	41° 36.582'N	70° 39.487'W
Buzzard's Bay	25	Aid to Navigation	41.5882	-70.653748	41° 35.292'N	70° 39.225'W
Buzzard's Bay	26	Waypoint	41.57703	-70.65033	41° 34.622'N	70° 39.02'W
Buzzard's Bay	27	Waypoint	41.569931	-70.664429	41° 34.197'N	70° 39.866'W
Buzzard's Bay	28	Waypoint	41.547569	-70.662567	41° 32.855'N	70° 39.754'W
Buzzard's Bay	29	Aid to Navigation	41.528061	-70.69767	41° 31.684'N	70° 41.86'W
Buzzard's Bay	30	Aid to Navigation	41.53014	-70.723999	41° 31.809'N	70° 43.44'W
Buzzard's Bay	31	Waypoint	41.523102	-70.737129	41° 31.386'N	70° 44.228'W
Buzzard's Bay	32	Waypoint	41.51461	-70.744568	41° 30.877'N	70° 44.674'W
Buzzard's Bay	33	Waypoint	41.503891	-70.739822	41° 30.234'N	70° 44.389'W
Buzzard's Bay	34	Waypoint	41.502171	-70.7463	41° 30.131'N	70° 44.778'W
Buzzard's Bay	35	Waypoint	41.493599	-70.753937	41° 29.617'N	70° 45.237'W
Buzzard's Bay	36	Waypoint	41.48914	-70.769836	41° 29.349'N	70° 46.19'W
Buzzard's Bay	37	Waypoint	41.468491	-70.804993	41° 28.11'N	70° 48.3'W
Buzzard's Bay	38	Waypoint	41.461288	-70.81752	41° 27.678'N	70° 49.051'W
Buzzard's Bay	39	Waypoint	41.459671	-70.833893	41° 27.581'N	70° 50.033'W
Buzzard's Bay	40	Waypoint	41.456581	-70.84169	41° 27.395'N	70° 50.501'W

Buzzard's Bay	41	Aid to Navigation	41.446369	-70.849091	41° 26.783'N	70° 50.945'W
Buzzard's Bay	42	Waypoint	41.452709	-70.853752	41° 27.163'N	70° 51.225'W
Buzzard's Bay	43	Aid to Navigation	41.436981	-70.90226	41° 26.219'N	70° 54.136'W
Buzzard's Bay	44	Waypoint	41.454109	-70.905052	41° 27.247'N	70° 54.303'W
Buzzard's Bay	45	Waypoint	41.453979	-70.926903	41° 27.239'N	70° 55.614'W
Buzzard's Bay	46	Aid to Navigation	41.440109	-70.928864	41° 26.407'N	70° 55.732'W
Buzzard's Bay	47	Waypoint	41.40675	-70.960098	41° 24.406'N	70° 57.606'W
Martha's Vineyard	1	Aid to Navigation	41.486271	-70.591911	41° 29.177'N	70° 35.515'W
Martha's Vineyard	2	Aid to Navigation	41.485889	-70.607162	41° 29.154'N	70° 36.43'W
Martha's Vineyard	3	Waypoint	41.468842	-70.637497	41° 28.131'N	70° 38.25'W
Martha's Vineyard	4	Waypoint	41.46743	-70.653374	41° 28.046'N	70° 39.202'W
Martha's Vineyard	5	Waypoint	41.438221	-70.707024	41° 26.294'N	70° 42.421'W
Martha's Vineyard	6	Waypoint	41.410549	-70.720703	41° 24.633'N	70° 43.242'W
Martha's Vineyard	7	Waypoint	41.39727	-70.738426	41° 23.836'N	70° 44.306'W
Martha's Vineyard	8	Waypoint	41.379879	-70.74958	41° 22.794'N	70° 44.975'W
Martha's Vineyard	9	Waypoint	41.370152	-70.760986	41° 22.21'N	70° 45.659'W
Martha's Vineyard	10	Aid to Navigation	41.356091	-70.770844	41° 21.366'N	70° 46.25'W
Martha's Vineyard	11	Aid to Navigation	41.356121	-70.786148	41° 21.368'N	70° 47.169'W
Martha's Vineyard	12	Waypoint	41.35886	-70.803726	41° 21.532'N	70° 48.224'W
Martha's Vineyard	13	Waypoint	41.35672	-70.816849	41° 21.404'N	70° 49.011'W
Martha's Vineyard	14	Waypoint	41.35463	-70.817787	41° 21.279'N	70° 49.067'W
Martha's Vineyard	15	Waypoint	41.353809	-70.81913	41° 21.229'N	70° 49.148'W
Martha's Vineyard	16	Waypoint	41.353611	-70.8209	41° 21.217'N	70° 49.254'W
Martha's Vineyard	17	Waypoint	41.353668	-70.825867	41° 21.221'N	70° 49.553'W
Martha's Vineyard	18	Waypoint	41.35313	-70.830017	41° 21.188'N	70° 49.801'W
Martha's Vineyard	19	Waypoint	41.353611	-70.83345	41° 21.217'N	70° 50.007'W
Martha's Vineyard	20	Waypoint	41.312771	-70.800102	41° 18.767'N	70° 48.006'W
Martha's Vineyard	21	Waypoint	41.309059	-70.804962	41° 18.544'N	70° 48.298'W
Martha's Vineyard	22	Aid to Navigation	41.294209	-70.782539	41° 17.653'N	70° 46.953'W
Martha's Vineyard	23	Waypoint	41.298759	-70.764687	41° 17.926'N	70° 45.882'W
Martha's Vineyard	24	Waypoint	41.318642	-70.760887	41° 19.119'N	70° 45.653'W
Martha's Vineyard	25	Waypoint	41.338161	-70.71875	41° 20.29'N	70° 43.125'W
Martha's Vineyard	26	Waypoint	41.345428	-70.631241	41° 20.726'N	70° 37.874'W
Martha's Vineyard	27	Waypoint	41.346581	-70.554581	41° 20.795'N	70° 33.275'W
Martha's Vineyard	28	Waypoint	41.34201	-70.442062	41° 20.521'N	70° 26.524'W
Martha's Vineyard	29	Waypoint	41.385208	-70.434738	41° 23.113'N	70° 26.084'W
Martha's Vineyard	30	Aid to Navigation	41.395519	-70.437141	41° 23.731'N	70° 26.229'W
Martha's Vineyard	31	Aid to Navigation	41.433681	-70.421043	41° 26.021'N	70° 25.263'W
Martha's Vineyard	32	Waypoint	41.26609	-70.811539	41° 15.966'N	70° 48.693'W
Martha's Vineyard	33	Waypoint	41.262058	-70.835663	41° 15.724'N	70° 50.14'W
Martha's Vineyard	34	Waypoint	41.252029	-70.833107	41° 15.122'N	70° 49.986'W
Martha's Vineyard	35	Waypoint	41.245178	-70.802429	41° 14.711'N	70° 48.146'W
Martha's Vineyard	36	Waypoint	41.260651	-70.799591	41° 15.64'N	70° 47.975'W
Nantucket	1	Waypoint	41.395882	-70.034378	41° 23.753'N	70° 2.062'W
Nantucket	2	Waypoint	41.392601	-70.051369	41° 23.557'N	70° 3.082'W
Nantucket	3	Waypoint	41.386719	-70.049629	41° 23.204'N	70° 2.978'W

Nantucket	4	Waypoint	41.369881	-70.027382	41° 22.193'N	70° 1.643'W
Nantucket	5	Waypoint	41.333221	-70.040413	41° 19.994'N	70° 2.425'W
Nantucket	6	Waypoint	41.320721	-70.064056	41° 19.244'N	70° 3.844'W
Nantucket	7	Aid to Navigation	41.317009	-70.103699	41° 19.021'N	70° 6.222'W
Nantucket	8	Waypoint	41.306889	-70.148308	41° 18.414'N	70° 8.899'W
Nantucket	9	Waypoint	41.318649	-70.217171	41° 19.12'N	70° 13.03'W
Nantucket	10	Waypoint	41.335411	-70.245193	41° 20.125'N	70° 14.711'W
Nantucket	11	Waypoint	41.350929	-70.30323	41° 21.056'N	70° 18.194'W
Nantucket	12	Waypoint	41.339958	-70.342537	41° 20.398'N	70° 20.552'W
Nantucket	13	Waypoint	41.313881	-70.284271	41° 18.834'N	70° 17.056'W
Nantucket	14	Waypoint	41.300049	-70.283173	41° 18.004'N	70° 16.99'W
Nantucket	15	Waypoint	41.25161	-70.168716	41° 15.097'N	70° 10.124'W
Nantucket	16	Waypoint	41.236912	-70.103172	41° 14.215'N	70° 6.19'W
Nantucket	17	Waypoint	41.24279	-70.080544	41° 14.568'N	70° 4.833'W
Nantucket	18	Waypoint	41.237659	-70.020607	41° 14.26'N	70° 1.237'W
Nantucket	19	Waypoint	41.242451	-69.974632	41° 14.548'N	69° 58.478'W
Nantucket	20	Waypoint	41.25872	-69.955498	41° 15.524'N	69° 57.33'W
Nantucket	21	Waypoint	41.276482	-69.957764	41° 16.589'N	69° 57.466'W
Nantucket	22	Waypoint	41.27644	-69.940117	41° 16.587'N	69° 56.407'W



Massachusetts Lobstermen's Association

8 Otis Place ~ Scituate, MA 02066

781.545.6984

June 12, 2026

Daniel McKiernan, Director
Massachusetts Division of Marine Fisheries
836 S Rodney French Blvd
New Bedford, MA 02744

RE: Proposed Commercial Surf Clam and Ocean Quahog Dredge Fishery Management Regulations

Director McKiernan,

The Massachusetts Lobstermen's Association (MLA), representing approximately 1,800 commercial lobstermen and women throughout the Commonwealth, respectfully submits the following comments regarding the proposed Commercial Surf Clam and Ocean Quahog Dredge Fishery Management Regulations. We appreciate the Commonwealth's efforts to modernize management of the commercial surf clam and ocean quahog dredge fishery and encourage the adoption of measures that align more closely with existing seasonal management areas and closure boundaries used under the Atlantic Large Whale Take Reduction Plan and other established fisheries management programs.

Established in 1963, the MLA is a member-driven organization that recognizes and supports the interdependence of species conservation and our members' collective economic interests. We continue to work diligently through the management process with the Division of Marine Fisheries, the Atlantic States Marine Fisheries Commission, and the New England Fishery Management Council to ensure the long-term sustainability and profitability of the resources our fishermen depend on.

The MLA supports the continuation and expansion of seasonal closure areas that have proven effective in reducing user conflicts, protecting important marine habitats, and safeguarding newly settled shell lobsters that are particularly vulnerable to disturbance from mobile bottom-tending gear.

Specifically, the MLA supports:

- Maintaining the existing closure area north of Point Allerton in Hull.
- Maintaining the existing seasonal closure off Manomet in southwestern Cape Cod Bay from **May 1 through October 15** to prevent conflicts among user groups and protect newly settled shell lobsters. The MLA further supports extending this closure eastward along the southern portion of Cape Cod Bay from Sandwich to Dennis, creating a more comprehensive and biologically meaningful protected area.

- Establishing a seasonal closure off Herring Cove from Race Point to Wood End from **May 1 through October 15**.

The MLA also requests that the State close the area off the backside of Cape Cod from Race Point south to Monomoy from **May 1 through October 15** to reduce additional gear conflicts and to expand the protection of vulnerable lobsters

Reduction of Gear Conflicts Between Fisheries

A key benefit of the proposed and expanded closure areas is the meaningful reduction in gear conflicts between the commercial lobster fishery and the surf clam and ocean quahog dredge fishery. These two fisheries operate in overlapping offshore and nearshore habitats, particularly during peak seasonal activity periods when both effort and resource sensitivity are at their highest.

Mobile dredge gear has the potential to interact with fixed lobster gear, resulting in gear damage, lost traps, reduced fishing efficiency, and unnecessary economic hardship for commercial lobstermen. Conversely, fixed-gear areas with high lobster trap density can also limit safe and efficient access for dredge operations. Establishing clearly defined seasonal separation zones helps reduce these interactions by spatially and temporally organizing fishing activity in a way that minimizes overlap during peak use periods.

By expanding and maintaining the proposed closures during the **May 1 through October 15** timeframe, the Commonwealth can significantly reduce the likelihood of gear conflict incidents, improve safety at sea, and promote more predictable access for both fisheries. This structured separation enhances operational efficiency for surf clam dredge vessels while protecting the investment and livelihood of fixed-gear lobster fishermen.

Rationale for the Proposed Closures

These areas are important to Massachusetts' lobster fishery and serve as valuable habitat for juvenile marine resources, including newly settled soft-shell lobsters. Seasonal closures during the warmer months provide additional protection during critical periods of growth and recruitment while minimizing gear conflicts between fixed-gear and mobile-gear fisheries. Extending and maintaining these closures will help preserve the long-term productivity of shared fishing grounds and promote coexistence among multiple fishing sectors.

The proposed closure periods are also consistent with existing seasonal management measures familiar to the fishing industry. Aligning closure boundaries and timing with other established fisheries management programs simplifies compliance, reduces confusion among fishermen, and enhances overall effectiveness.

Modern Monitoring and Enforcement

The MLA also believes that advances in fisheries monitoring technology make these seasonal closures more practical and enforceable than ever before. Modern vessel tracking systems, electronic monitoring tools, chart plotters, and geofencing technology allow fishermen and enforcement agencies to clearly identify closure boundaries in real time.

Geofencing systems can automatically alert vessel operators when approaching or entering restricted areas, reducing the likelihood of inadvertent violations. Likewise, vessel location data can provide regulators and enforcement personnel with efficient and accurate means of monitoring compliance without relying solely on traditional patrol efforts. These technologies improve transparency, support voluntary compliance, and create a level playing field for all participants in the fishery.

By incorporating closure areas that are clearly defined and compatible with modern navigation and monitoring systems, the Commonwealth can achieve conservation and conflict-reduction objectives while minimizing enforcement challenges and regulatory uncertainty.

Conclusion

The MLA supports maintaining the existing closure north of Point Allerton in Hull, maintaining and expanding the seasonal closure off Manomet eastward to Dennis from May 1 through October 15, and establishing a seasonal closure within Herring Cove from Race Point to Monomoy during the same period. These measures will help protect important lobster habitat, reduce user group conflicts, and support sustainable management of Massachusetts marine resources. They will also significantly reduce gear conflicts between the commercial lobster fishery and the surf clam and ocean quahog dredge fishery, promoting safer and more efficient operations for both sectors. Furthermore, the widespread availability of geofencing and vessel monitoring technologies provides regulators with effective tools to monitor and enforce these closures, making them both practical and achievable management measures.

The MLA appreciates the opportunity to provide comments and looks forward to continuing to work collaboratively with state managers to ensure the long-term sustainability of Massachusetts fisheries and coastal communities.

Respectfully submitted,

Beth Casoni

Executive Director

LETTS TRUCKING, INC. -F/V ADDY ROSE

7 ANDREW AVE. FAIRHAVEN, MA 02719

508-996-6157 or 508-951-0777



June 4, 2026

Massachusetts Division of Marine Fisheries, **Attn: Dan McKiernan, Director**
251 Causeway Street, Suite 400
Boston, MA 02114

Re: Opposition to Proposed May 15 – October 15 Closure off Herring Cove (Race Point to Wood End)

Dear Director and Members of the Division of Marine Fisheries,

We respectfully submit this letter in opposition to the proposed seasonal closure of the area off Herring Cove from Race Point to Wood End from May 15 through October 15. As owners of the commercial surf clam vessel *FV Addy Rose*, we believe this proposal would have a severe and disproportionate economic impact on the inshore commercial surf clam fleet operating in Provincetown and surrounding waters.

The proposed five-month closure would effectively eliminate access to one of the primary fishing grounds relied upon by inshore surf clam vessels during a significant portion of the fishing season. This restriction would dramatically reduce harvesting opportunities, limit catch volumes, and make it economically unfeasible for many vessels to continue operating. For some boat owners, the closure would force vessels to remain tied to the dock for much of the season, resulting in substantial financial hardship for vessel owners, crew members, and supporting businesses that depend on this fishery.

We are particularly concerned that the proposal places a disproportionate burden on the commercial surf clam industry while favoring other user groups, mainly the lobster fishery. Fisheries management measures should strive to balance competing interests and ensure that one commercial sector is not unfairly disadvantaged to benefit another. The surf clam fishery is an important contributor to the local economy and provides jobs, seafood products, and economic activity throughout the region.

We respectfully request that the Division of Marine Fisheries reject the proposed May 15–October 15 closure or, at a minimum, consider alternative management measures that would achieve conservation objectives without effectively shutting down the inshore surf clam fishery for nearly half the year. We urge the Division to fully evaluate the economic consequences of this proposal and engage directly with affected commercial clam harvesters before moving forward.

Thank you for your consideration of our comments.

FV Addy Rose, Letts Trucking, Inc.

Owners: Joe and Michelle Letts



Outlook

Attention Director Mckiernan

From Raymond Rowell <raymond@capecodfishermen.org>**Date** Fri 6/12/2026 12:58 PM**To** Marine Fish (FWE) <marine.fish@mass.gov> 1 attachment (2 MB)

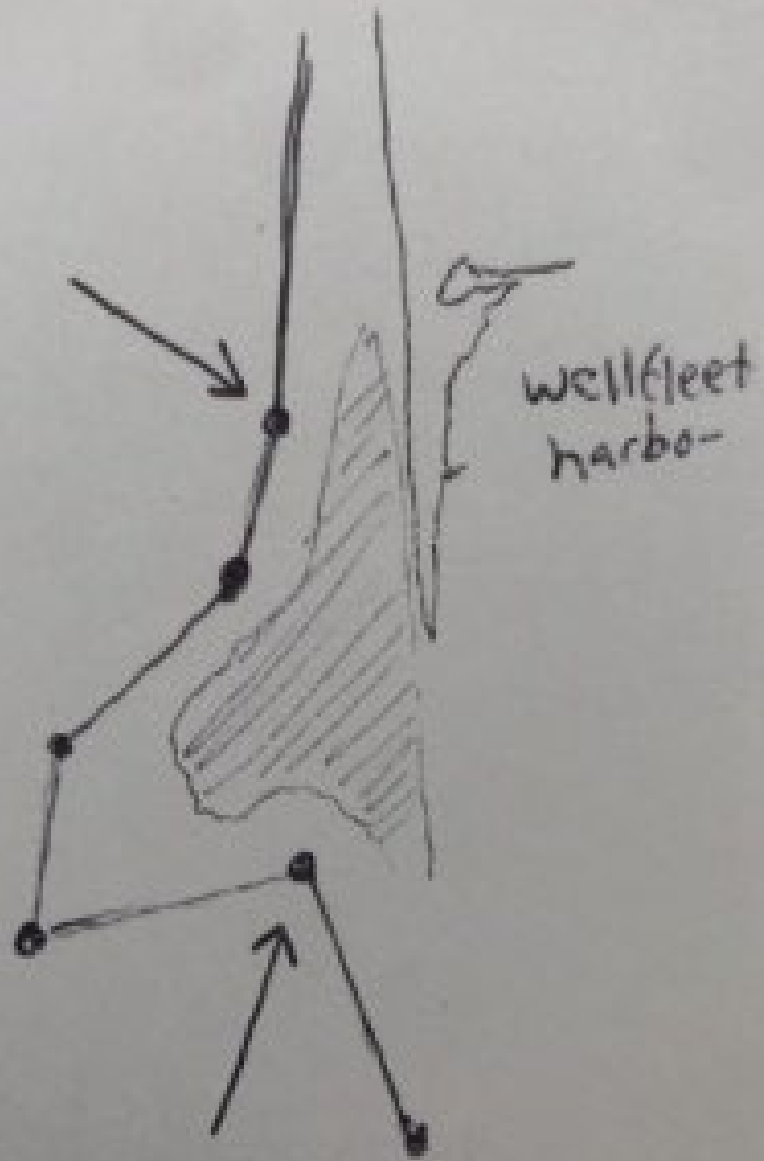
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CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Public Comment Proposed Changes to Surf Clam Regulations

First of all, I want to applaud Jared and the rest of the team at DMF staff for great work on this project, and an even better job presenting these proposed changes to the public via zoom. I think we can all agree that some of these regulations were outdated, and lacked the clarity that can be provided by GPS. I am onboard with all proposed changes, as they provide good protections for a healthy vibrant fishery in the future. Likewise, they do a good job at taking into account various users groups and other species that coexist in the same waters. The only thing that I have an issue with is a few of the waypoints on billingsate shoal that I believe are in need of adjusting. While I couldn't discern to identify the existing waypoints, see attached image that I drew. In the image, I drew arrows to two points that I believe should be attached. West of these points is clean sandy bottom that I fished for years, and never saw any eel grass. Should a good captain encounter any eel grass that returns here, they would be wise to fish elsewhere. This patch of clean sandy bottom has often been used to take new people out to see if they can handle the rigors of the job. There is nothing but sand and clams here, and this close to port area provides a good training ground for "green" deckhands to learn the fishery. Thanks again to Jared and the entire DMF staff for their work on this project, and thanks for your consideration in this public comment. Several members of the fishery also expressed their concern about this area above all others. Sincerely, Ray Rowell
CCCFA staff member and 5 year participant of the state water surf clam fishery

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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).

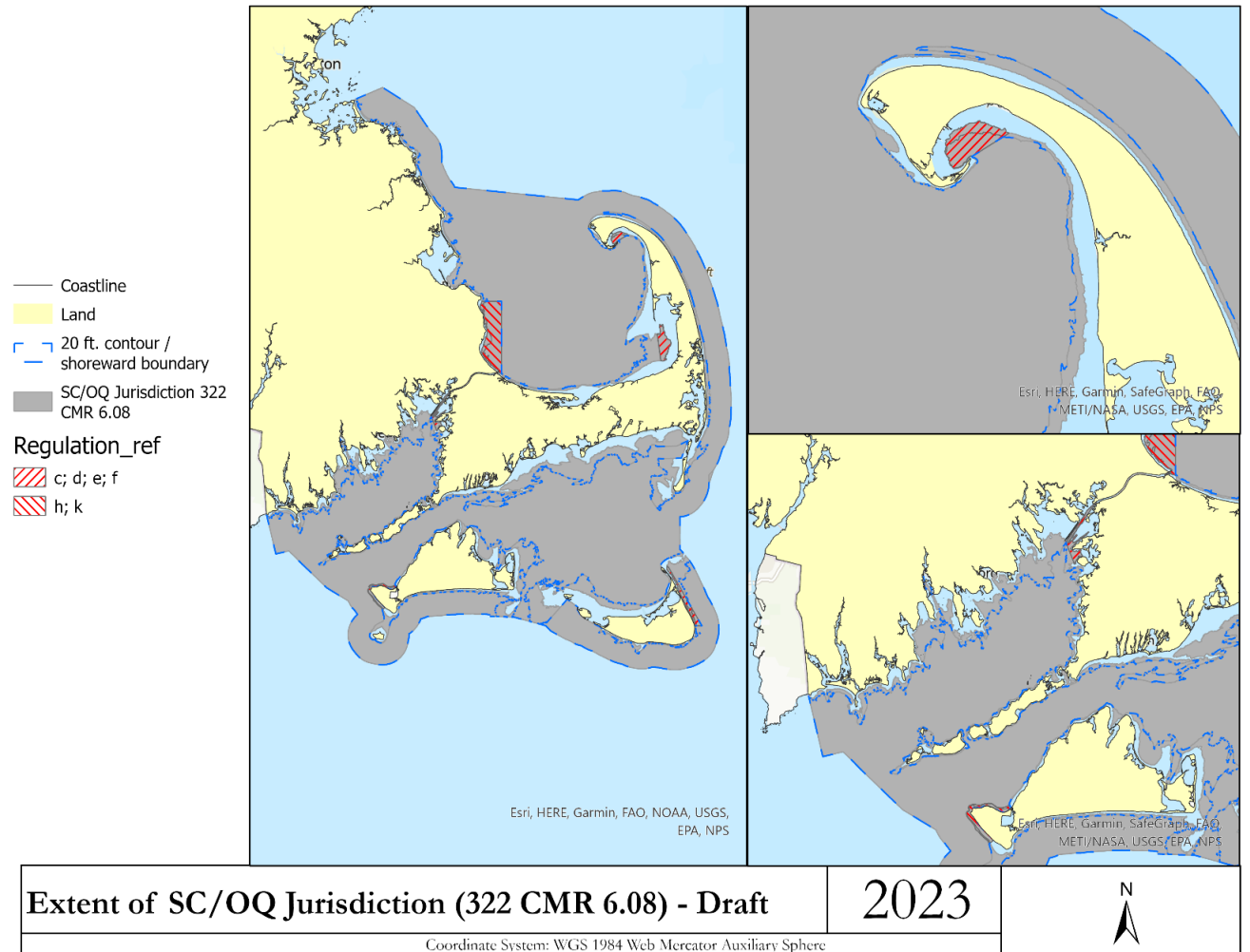
Contaminated Bait Fishery

- 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.



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

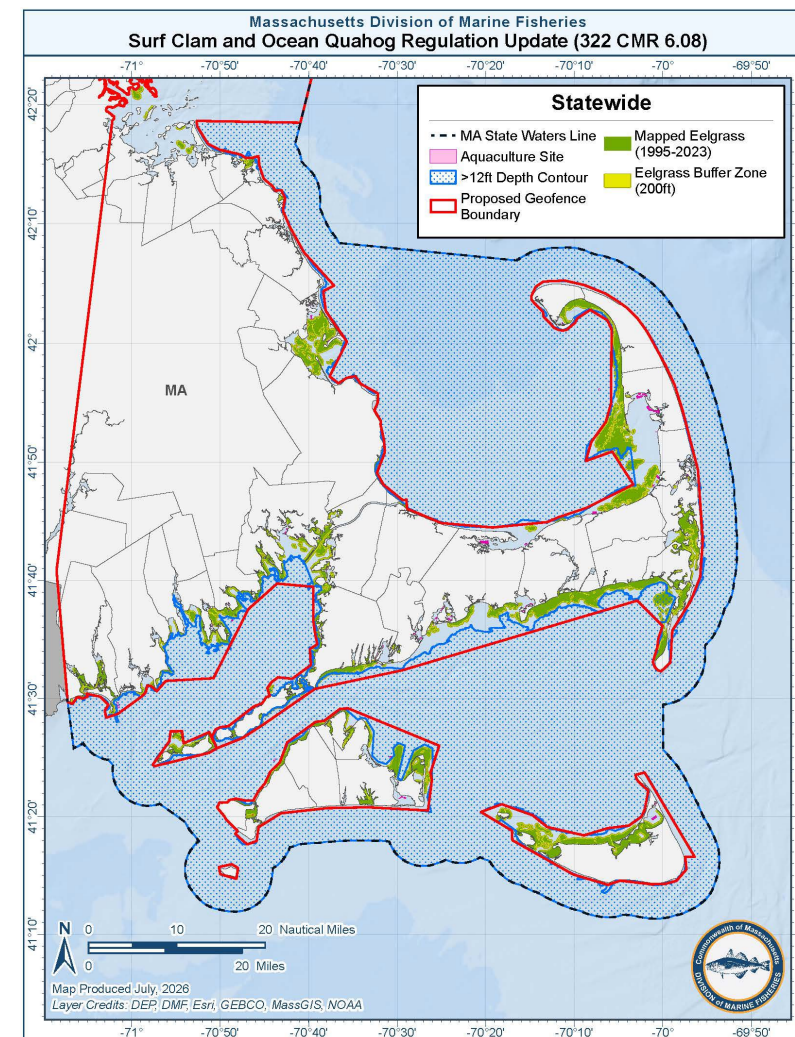
- DMF met with surf clam dredge boats to discuss ways to modernize management to better address habitat concerns and safeguard fishing opportunities.
- 2023: DMF initiated a pilot program to test the use of emerging cellular-based vessel tracking technology as a potential spatial management solution 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.



Replacing Contour Lines with Polygons

Recommendation

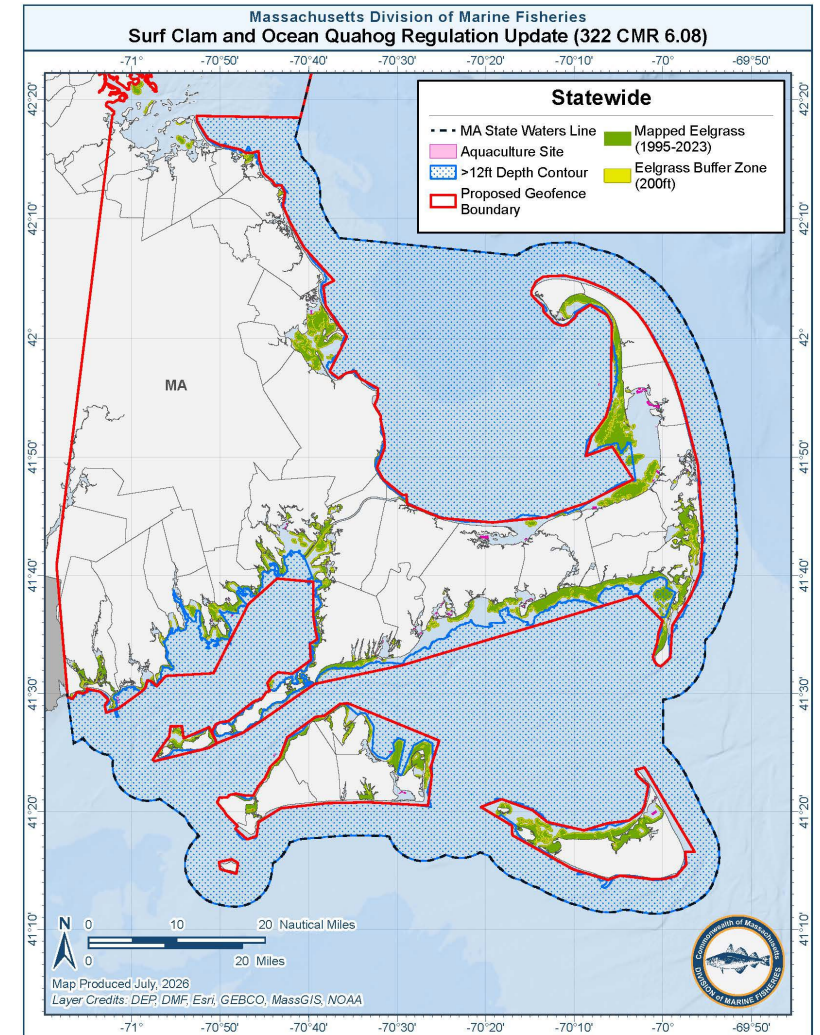
1. Rescind the seasonal 12' and 20' contour line closures.
2. Establish a year-round polygon closure that begins in Pt. Allerton Hull and extends around Cape, Buzzards Bay, and Islands that is a proxy for the 12' depth contour and uses navigational beacons where reasonable.
3. Polygon closure will be 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. 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.
7. Ability to adjust polygon closure lines through newly defined process.



Benefits of New Polygon Management

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.



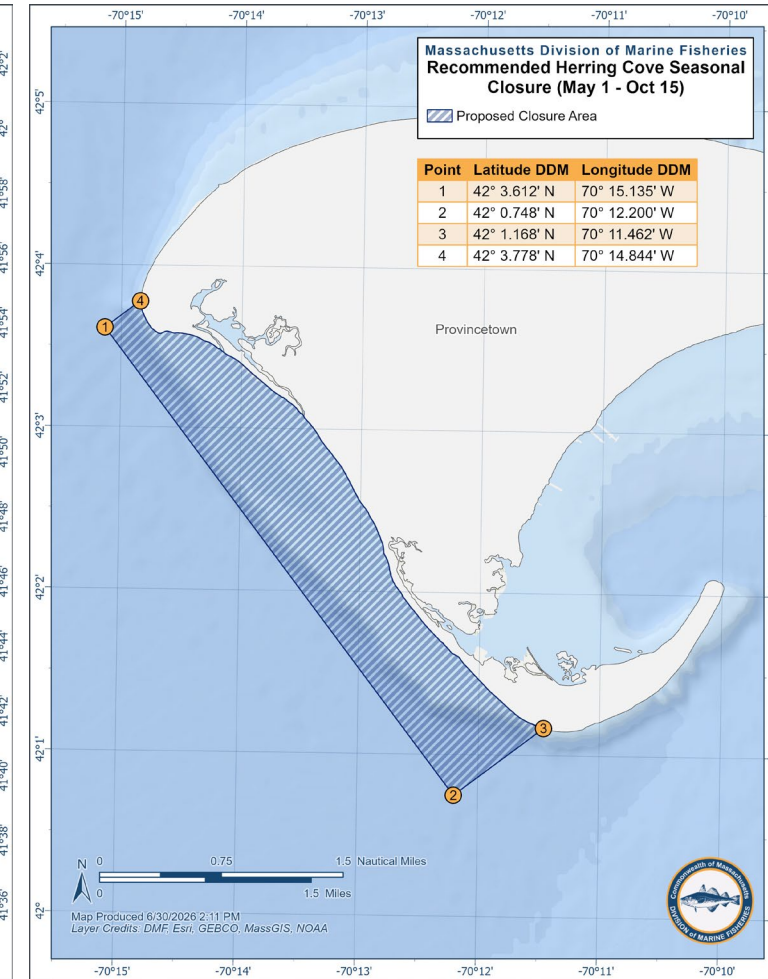
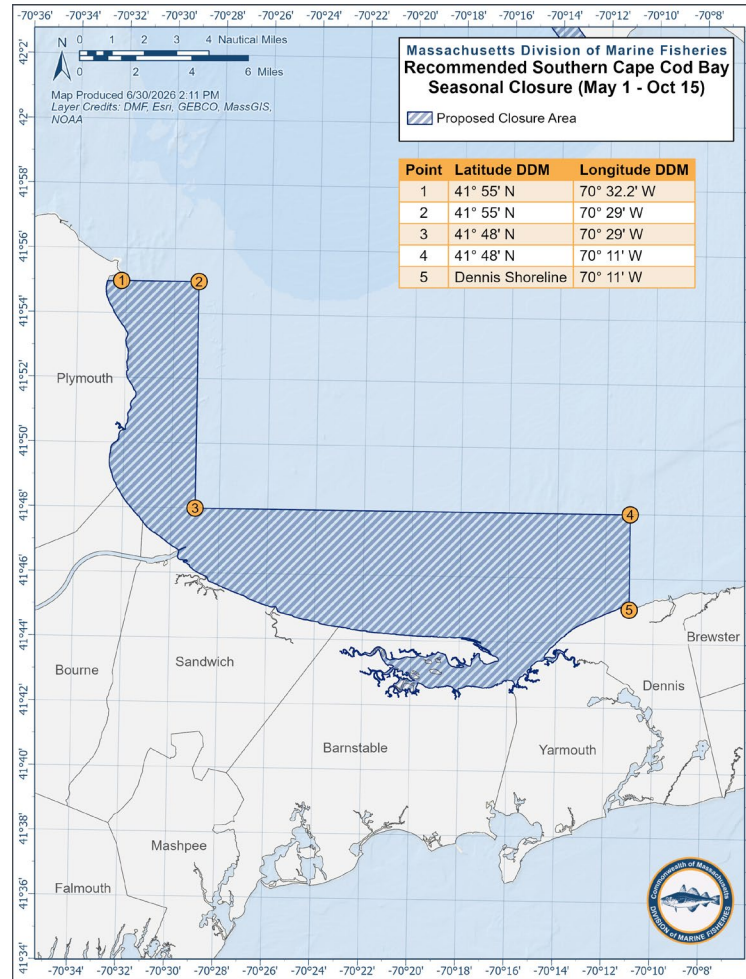
Seasonal User Group Conflict Closures

Recommendation

- Maintain the existing May 1 – October 15 closure off Manomet.
- Expand the Manomet closure along southern Cape Cod Bay to Dennis to include waters off Barnstable.
- Adopt a May 1 – 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.
- CCB closure protects aggregations of large egg-bearing lobsters and new shell lobsters identified by industry and confirmed by DMF sea sampling and trawl survey data.
- Balances interests in Herring Cove through seasonal closure.
- Shifts closure to May 1 (from May 15) to address lobster industry concerns over gear conflicts.



Maintaining Closure North of Pt. Allerton

Recommendation

1. Retain closure to all state waters north of Pt. Allerton in Hull.

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.
- Ability to open areas for food and bait harvest subject to newly defined public process.



Establishing Process to Adjust Closures

Recommendation

- Adopt a formal process to:
 - Adjust spatial boundaries of polygon closure, temporarily close certain areas to dredge fishing to address emerging issues
 - Temporarily close certain areas to dredge fishing to address emerging issues.
 - Provide access to and open discrete areas north of Pt. Allerton in Hull.
- 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.
- Authority to temporarily close areas is similar to authority held in other places. Authority is infrequently used and permanently closing an area will be subject to a regulatory change.
- Will allow for DMF to investigate and accommodate potential new fishing areas north of Hull should there be resource available.



Vessel Tracking Requirements

Recommendation

- Require vessels with SC/OQ permit install, activate, and maintain an approved electronic vessel tracking device on their vessel by January 1, 2027.
- 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

Recommendation

- 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

Recommendation

- 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.



Recommendation

Spatial Management

- Eliminate 12' and 20' contours in favor of presented polygon closure that runs from Pt. Allerton south around all state waters; provides a 200' buffer around all DEP mapped eelgrass beds; is inclusive of all existing closure and exemption areas; and uses straight lines seaward of 12' depth contour in areas like Buzzards Bay and Vineyard Sound where resource is sparse to create more simplified closure.
- Establish two May 1 – October 15 seasonal closures to ameliorate user-group conflicts.
 - Expand existing Manomet closure along southern shore of Cape Cod Bay to Dennis bounded by 41° 48' north latitude and the west of 70° 11' west longitude.
 - Create new closure in Herring Cove (Provincetown) from Race Point to Wood End.
- Retain existing year-round closure north of Pt. Allerton, Hull.
- Create public process to adjust polygon closure coordinates; open areas north of Pt. Allerton, and create temporary closures to address emerging gear conflicts.

Vessel Monitoring Require by January 1, 2027 all permit holders intending to fish in the fishery install a DMF-approved vessel monitoring device (Viatrax Boat Command). Permit holders may place SC/OQ endorsement on endorsement only permit to opt out of fishery and monitoring requirement. Unless authorized in writing by DMF, device must remain installed, powered, and active and tampering and removal is prohibited.

Night Closure: SC/OQ dredge boats exempt from mobile gear night closure during period of Feb 1 – Apr 30.

Housekeeping: Adopt consistent regulatory language throughout section. Will not result in any modifications to existing rules.





The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | mass.gov/MarineFisheries



Maura T. Healey
Governor

Kimberly Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

Memorandum

To: Marine Fisheries Advisory Commission (MFAC)

From: Daniel J. McKiernan, Director

Date: July 8, 2026

Subject: **2025 Sea Scallop Pilot Program Update**

Overview

In January 2026, the Division of Marine Fisheries (DMF) initiated the North Shore Sea Scallop Pilot Program to increase inshore sea scallop dredge fishing access during the winter period by allowing permit holders to tow scallop dredges inside two discrete areas off Salem and Gloucester ("exemption areas") from February 15 – April 30. This program was generally considered a success in terms of providing additional fishing access with limited incidence of non-compliance or user group conflict. This memorandum serves to provide you only with a summary of this past season. Later this year, I intend to review the potential for renewing this program for 2027 and I will involve the MFAC in this decision-making.

Summary of Pilot Program

This pilot program was the product of an August 2025 industry meeting with DMF staff. At this meeting, a request was made for DMF to consider opening areas within the Year-Round North Shore Mobile Gear Closure Area during the winter months. Whereas these areas were historically closed to mobile gear fishing to prevent gear conflicts with fixed gear fishers, the area is now closed to fixed gear during the winter months as part of seasonal gear closures to protect right whales. Therefore, allowing sea scallop dredging in this area on a seasonal basis would provide fishers with an alternative seasonal fishery without the risk of gear conflicts. We reviewed this request with the MFAC last fall and it was determined that this request was worthwhile pursuing.

Before DMF could move forward with implementing the requested program, certain spatial controls needed to be developed. This process included working with stakeholders to designate open areas that would minimize impacts to habitat, aggregations of spawning cod, underwater archaeological artifacts, subsea cables, recreational divers and their sea scallop fishing opportunities, and on-

demand lobster buoy line gear testing. Based on this feedback, DMF delineated the pilot program exemption areas.

To participate in this pilot program, DMF required vessels hold a valid 2026 Coastal Access Permit (CAP) allowing the towing of scallop dredge gear, have verifiable landings of sea scallops from state waters and a clean enforcement record over the past three calendar years (2023 – 2025), be a Massachusetts resident¹, and install and maintain an operable approved electronic vessel tracking device. The electronic vessel tracking was required to ensure compliance with the spatial boundaries of the exemption areas and to collect high resolution spatial data on where fishery activity occurs.

In total, 31 CAP permit holders were approved to participate in the 2026 pilot program. Of the qualified permit holders, 21 vessels participated and took 262 trips that included fishing in the exemption areas (Figure 1). According to the available data, as of June 2026, DMF estimates that approximately 27,000 pounds of scallop meat were landed, valuing about \$690,000.

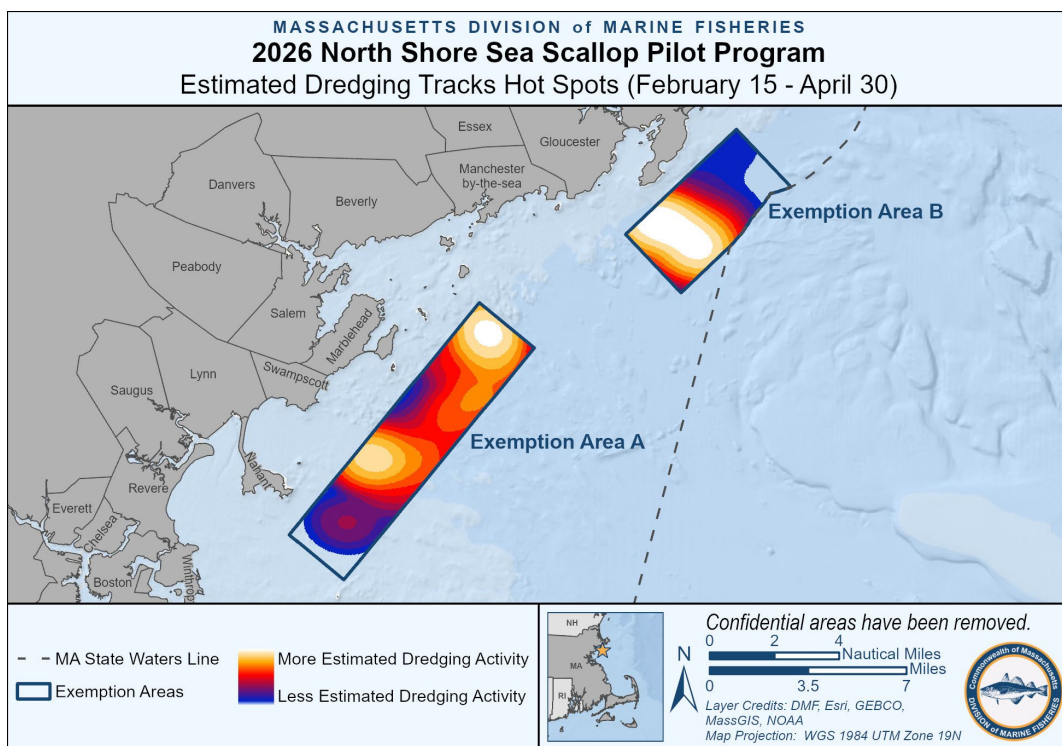


Figure 1. Heat Map of estimated dredge tracks within exemption areas during the 2026 North Shore Sea Scallop Pilot Program

¹ While DMF did not admit any non-residents, the residency requirement was contested by a Maine fisherman through his attorney Olaf Aprans. While this fisher ultimately did not qualify due to his law enforcement record, Attorney Aprans provided the agency with a memorandum that raised several Constitutional objections to DMF discriminating on the basis of residency. Department of Fish and Game attorneys largely concurred with these findings.

Enclosed

February 4, 2026 Notice and Draft Memorandum from Attorney Olaf Aprans



David J. Farrell, Jr. *◇
David S. Smith *■◇
Liam T. O'Connell *◇
Kirby L. Aarsheim *◆◇
Olaf Aprans *◇
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* Admitted in MA
■ Admitted in ME
◆ Admitted in RI
† Admitted in NC
□ Admitted in TX & VA
△ Admitted in SC
▲ Admitted in MD & Washington D.C.
° Of Counsel
◇ Not Admitted in NC

ATTORNEYS AT LAW & PROCTORS IN ADMIRALTY

Email: olaf@fsofirm.com

February 4, 2026

Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Via Email and Regular Mail

Attn: Director Dan McKiernan
Email: dan.mckiernan@state.ma.us

Re: Notice: Unlawful Discrimination against Nonresident Commercial Fishers

Dear Director McKiernan:

Reference is made to our prior correspondence dated February 2, 2026 on behalf of Timothy Oxtan. Please be advised that Mr. Oxtan has elected not to prosecute a civil action against the Massachusetts Division of Marine Fisheries ("DMF") at this time after consultation. As previously advised, such a lawsuit would be based on DMF's unlawful discrimination against him based on his Maine residency.

This correspondence is not written on behalf of Mr. Oxtan, but to provide you notice, generally, that discrimination against nonresident commercial fishers is unlawful based on "clearly established" law. Ashcroft v. al-Kidd, 563 U.S. 731, 741 (2011) (no qualified immunity under 42 U.S.C. § 1983 if public official would understand that what he is doing violates a right under federal law).

We have attached for your reference a DRAFT Memorandum and Verified Complaint we prepared in the event a Civil Action against the DMF went forward. As set forth in the attached brief, enacting fisheries regulations, policies, programs, etc. that discriminate against nonresident commercial fishers violates "clearly established" law under the Privilege and Immunities Clause and the Supremacy Clause (insofar as such interstate discrimination affects federally documented

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vessels owned by nonresidents) of the United States Constitution. Toomer v. Witsell, 334 U.S. 385 (1948); Douglas v. Seacoast Prods., Inc., 431 U.S. 265, 277-83 (1977); Com. v. Westcott, 344 N.E.2d 411, 412, 413 (Mass. 1976); Massachusetts v. Westcott, 431 U.S. 322, 322 (1977).

We respectfully and amicably encourage you to review the enclosed DRAFT Memorandum and consult with your legal advisors regarding the same concerning all DMF's present and future endeavors. We have copied the Massachusetts Attorney General to this correspondence.

Thank you for your time, and we are available to discuss at any mutually convenient time with you or any member of your team.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Olaf Aprans', written in a cursive style.

Olaf Aprans

Enclosures

cc: The Honorable Andrea Joy Campbell (Regular Mail Only)
Attorney General of the Commonwealth of Massachusetts
One Ashburton Place
Boston, MA 02108

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**TIMOTHY OXTON,
Plaintiff,**

v.

**DANIEL J. MCKIERNAN in his official
capacity as Director of the
MASSACHUSETTS DIVISION OF
MARINE FISHERIES.
Defendant.**

Civil Action No.:

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, Timothy Oxtan, alleges:

INTRODUCTION

1. This is an action under 42 U.S.C. § 1983 and under the equitable doctrine of Ex parte Young to enjoin Defendant, the Massachusetts Division of Marine Fisheries, from enforcing an unconstitutional and preempted residency exclusion in the North Shore State Waters Sea Scallop Pilot Program against Plaintiff, a Maine resident holding a valid Massachusetts Coastal Access Permit scallop permit and operating a federally documented vessel.
2. The exclusion violates the Privileges and Immunities Clause (U.S. Const. art. IV, § 2, cl. 1), the Equal Protection Clause (U.S. Const. amend. XIV, § 1), and is preempted under the Supremacy Clause (U.S. Const. art VI, cl. 2) by federal vessel documentation laws, as interpreted in Douglas v. Seacoast Products, Inc., 431 U.S. 265 (1977).

3. Plaintiff seeks only prospective declaratory and injunctive relief, plus attorneys' fees under 42 U.S.C. § 1988.

JURISDICTION AND VENUE

4. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 2201 (Declaratory Judgment Act).
5. Venue is proper under 28 U.S.C. § 1391(b)-(e) because a substantial part of the events giving rise to the claim occurred in this District (pilot program operates in Massachusetts waters off Gloucester/Salem Sound), and Defendant resides in this District.

TIMOTHY OXTON AND F/V COLETTE IVY

6. Plaintiff, Timothy Oxtan, is a resident of Lincoln County, Maine and has been a commercial fisherman his entire adult life.
7. At all material times, Plaintiff was and is the owner of the fishing vessel COLETTE IVY, Official Number 1061983 (the "Vessel").
8. The Vessel is a federally documented vessel, and its Certificate of Documentation is duly issued by the United States Coast Guard pursuant to 46 U.S.C. §§ 12101 et seq. The Vessel's Certificate of Documentation includes a Fishery Endorsement duly issued pursuant to 46 U.S.C. § 12113. Attached hereto, and marked as Exhibit "A," is a true and correct copy of the Vessel's Certificate of Documentation, which is incorporated herein by reference.
9. The Vessel's Certificate of Documentation together with its Fishery Endorsement authorizes the Vessel to transit the waters of the United States and to commercially fish within the waters of the United States pursuant to 46 U.S.C. §§ 12101 et seq., and, more particularly 46 U.S.C. § 12113(b)(1) ("Subject to the laws of the United States regulating

the fisheries, a vessel for which a fishery endorsement is issued may engage in the fisheries.”).

10. At all material times, Plaintiff has held and still holds a Coastal Access Permit Number 183171 (“CAP”) issued by the Defendant Massachusetts Division of Marine Fisheries together with an endorsement to harvest sea scallops within the territorial waters of the Commonwealth of Massachusetts using mobile gear (dredge). Attached hereto, and marked as “Exhibit B” is a true and correct copy of Plaintiff’s CAP, which is incorporated herein by reference.
11. Plaintiff purchased his CAP from another commercial fisherman in 2023 for the price of \$35,000.00, and has lawfully dredged for sea scallops within Massachusetts waters in the calendar years 2024 and 2025 pursuant to the CAP.

DEFENDANT THE MASSACHUSETTS DIVISION OF MARINE FISHERIES

12. The Defendant, Daniel J. McKiernan is the Director of the Massachusetts Division of Marine Fisheries and is sued in his official capacity.
13. The Defendant is responsible for administering all the laws and enacting regulations relating to marine fisheries within the Commonwealth of Massachusetts. See G.L. c. 130, § 1A.
14. The Defendant issues and administers all Coastal Access Permits, including the Plaintiff’s CAP, pursuant to its regulations promulgated under 322 CMR 7.05.

NORTH SHORE STATE WATERS SEA SCALLOP PILOT PROGRAM

15. Historically, the DMF has closed certain regions in Massachusetts to mobile gear fishing (e.g. scallop dredging) because mobile gear conflicts with the fixed gear utilized in the lobster fishery.

16. Recently, however, and during the winter months, fixed gear used in the lobster fishery has been removed from Massachusetts waters to ostensibly protect the North Atlantic Right Whale.
17. This year, the Defendant will allow scallop dredge use within certain historically closed areas in what it has named the “North Shore State Waters Sea Scallop Pilot Program” (the “Pilot Program”).
18. On or about January 20, 2026, the Defendant announced the Pilot Program, in a Marine Fisheries Advisory attached hereto as “Exhibit C” and incorporated by reference. The Pilot Program will allow authorized holders of CAPs to tow sea scallop dredges in certain discrete areas within the Year-Round North Shore Mobile Gear Closure Area off Gloucester and in Salem Sound during the period February 15 through April 30.
19. To participate in the Pilot Program, the Defendant announced the following “eligibility criteria” whereby the commercial fisher must “(1) hold a valid 2026 Coastal Access Permit; (2) have verifiable landings of sea scallops from the waters under the jurisdiction of the Commonwealth during any year over the course of the prior three calendar years (2023-2025); (3) have a clean enforcement record throughout the prior three calendar years (2023-2025); (4) install and maintain an operable cellular based electronic vessel tracking device approved by DMF when participating in the pilot program; and (5) be a Massachusetts resident or a resident of a state who provides Massachusetts with reciprocal access to their state waters sea scallop fishery.” (our emphasis). Exhibit C.
20. Plaintiff satisfies all of the Defendant’s eligibility criteria for participating in the Pilot Program, except for the fifth and last stated criterion, requiring Massachusetts residence (“Criterion No. 5”).

DEFENDANT'S VIOLATIONS OF FEDERAL LAW

21. Criterion No. 5 requiring Massachusetts residence to participate in the Pilot Program deprives Plaintiff of access to commercial scallop dredging in the designated Massachusetts areas, despite his valid CAP and the Vessel's federal documentation conferring nationwide fisheries access rights.
22. The foregoing deprives Plaintiff's rights secured by (and is otherwise in violation of) the following federal laws:
- a. **The Privileges and Immunities Clause (U.S. Const. art. IV, § 2, cl. 1).** The residency exclusion discriminates against nonresidents in pursuing a common calling (commercial scalloping) without substantial justification closely tailored to legitimate state interest. Toomer v. Witsell, 334 U.S. 385 (1948).
 - b. **The Equal Protection Clause (U.S. Const. amend. XIV, § 1).** The classification lacks a rational basis, as nonresidents with a valid Massachusetts Coastal Access permit pose no differential threat to resources or conservation goals.
 - c. **The Supremacy Clause (U.S. Const. art. VI, cl. 2).** The residency criterion is preempted by federal vessel documentation and licensing laws (46 U.S.C. §§ 12101 et seq.), which grant federally documented vessels the right to engage in coastwise fisheries without discriminatory state residency barriers. Douglas v. Seacoast Products, Inc., 431 U.S. 265 (1977) (state nonresident vessel bans preempted).

DEFENDANT'S REJECTION OF PLAINTIFF'S PILOT PROGRAM APPLICATION

23. On or about January 29, 2026, Plaintiff applied to participate in the Pilot Program pursuant to the Defendant's instructions.
24. On or about January 29, 2026, Defendant denied Plaintiff's application to participate in the Pilot Program, advising that he is ineligible to participate as a Maine resident on account of Criterion No. 5.

PLAINTIFF'S IRREPERABLE HARM

25. As a direct and proximate result of the Defendants' unlawful denial of Plaintiff's participation in the Pilot Program, Plaintiff will be unable to fish for scallops in the newly opened areas with his lawfully issued (and purchased) CAP. Plaintiff approximates losing 200 pounds of scallop harvest per day (what he is allowed to catch), which receives an approximate market price of \$30.00 / lb. (\$6,000.00 / day). This results in a total lost economic opportunity of approximately \$444,000.00 for the Pilot Program's 74-day period.
26. This lost economic opportunity is not recoverable as damages, as the Defendant has not waived sovereign immunity therefor.
27. Time is of the essence, and relief must be afforded on an emergency basis, because the Pilot Program begins on February 15, 2026 and Plaintiff requires time to make arrangements for his vessel, crew and gear to participate in the Pilot Program, which may be subject to weather delays.

COUNT I: DEPRIVATION OF FEDERAL CONSTITUTIONAL RIGHTS (42 U.S.C. § 1983; Ex parte Young)

28. Plaintiff incorporates by reference the foregoing allegations of the Complaint as if fully stated herein.
29. Defendant, acting under the color of state law, deprives Plaintiff of rights secured by the Privileges and Immunities Clause, Equal Protection Clause and U.S. documentation and licensing laws (which preempt Defendant via the Supremacy Clause) as alleged above.
30. Pursuant to Ex parte Young, 209 U.S. 123 (1908), Defendant is stripped of state authority when enforcing the unconstitutional residency Criterion No. 5.

31. Plaintiff has been and continues to be injured by Defendant's unlawful conduct as alleged herein.

COUNT II: DECLARATORY AND INJUNCTIVE RELIEF
(28 U.S.C. § 2201; Ex parte Young)

32. Plaintiff incorporates by reference the foregoing allegations of the Complaint as if fully stated herein.

33. Defendant's residency Criterion No. 5 to participate in the Pilot Program is in violation of federal law, specifically Privileges and Immunities Clause, Equal Protection Clause and U.S. documentation and licensing laws (which preempt Defendant via the Supremacy Clause) as alleged above.

34. Plaintiff has been and continues to be injured by Defendant's unlawful conduct as alleged herein.

35. Plaintiff seeks declaratory judgment under 28 U.S.C § 2201 that Defendant's Criterion No. 5 requiring Massachusetts residency to participate in the Pilot Program is unlawful (for the reasons stated above) plus prospective injunctive relief under Ex parte Young.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

1. Declare that Criterion No. 5 of the North Shore Sea Scallop Pilot Program (Massachusetts residency) violates the Privileges and Immunities Clause, Equal Protection Clause, and is preempted under the Supremacy Clause as applied to Plaintiff.
2. Permanently enjoin Defendant from enforcing Criterion No. 5 against Plaintiff, allowing Plaintiff's participation in the Pilot Program.
3. Grant preliminary injunctive relief pending the outcome of this Civil Action to allow Plaintiff access to the Pilot Program during its February 15-April 30 season.

4. Award Plaintiff reasonable attorneys' fees and costs under 42 U.S.C. § 1988(b).
5. Grant any such further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

Respectfully submitted,
Plaintiff, Timothy Oxtan
By its counsel,

Olaf Aprans (BBO # 670434)
FARRELL SMITH O'CONNELL
AARSHEIM APRANS LLP
27 Congress Street, Ste. 109
Salem, MA 01970
(978) 744-8918 x 12
olaf@fsofirm.com

VERIFICATION

I, Timothy Oxtan, depose and state:

I am the Plaintiff in the above described Civil Action. I am over the age of eighteen and competent to testify.

I have read the Verified Complaint for Declaratory and Injunctive Relief, which is true and accurate to the best of my personal knowledge.

I verify and declare under the pain and penalty of perjury of the laws of the United States of America pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed February 3, 2026.

Timothy Oxtan

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**TIMOTHY OXTON,
Plaintiff,**

v.

**DANIEL J. MCKIERNAN in his official
capacity as Director of the
MASSACHUSETTS DIVISION OF
MARINE FISHERIES.
Defendant.**

Civil Action No.:

**MEMORANDUM IN SUPPORT PLAINTIFF'S EX PARTE¹ EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

Plaintiff Timothy Oxtan, a Maine resident and commercial scallop fisher holding a valid 2026 Massachusetts Coastal Access Permit and operating a federally documented vessel, moves this Court for a Temporary Restraining Order (TRO) and Preliminary Injunction to enjoin Defendant Daniel J. McKiernan, Director of the Massachusetts Division of Marine Fisheries ("DMF"), from enforcing eligibility Criterion No. 5 (the "Residency Exclusion" or "Criterion No. 5") of the North Shore State Waters Sea Scallop Pilot Program (the "Pilot Program") against Plaintiff.

The Residency Exclusion requires participants to "be a Massachusetts resident or a resident of a state who provides Massachusetts with reciprocal access to their state waters sea scallop fishery." Doc. No. 1-3, Ex. C, DMF Advisory, January 20, 2026. Despite meeting all other criteria—holding a valid Coastal Access Permit, demonstrating prior landings, maintaining a clean record, and being equipped for required Vessel Monitoring System (VMS) tracking—

¹ Due to the exigencies of time (Pilot Program commences on Feb. 15, 2026) this is filed as an Ex Parte Motion, but the undersigned has certified that the foregoing document was both emailed and delivered via overnight courier to Defendant on February 4, 2026 together with an invitation to respond and/or attend any scheduled hearing.

Plaintiff is excluded solely because he is a Maine resident and Maine does not provide such reciprocity. This exclusion violates federal constitutional rights under the Privileges and Immunities Clause (U.S. Const. art. IV, § 2, cl. 1) and the Equal Protection Clause (U.S. Const. amend. XIV, § 1), and is preempted by federal vessel documentation laws under the Supremacy Clause (U.S. Const. art. VI, cl. 2).

Plaintiff brings this action under 42 U.S.C. § 1983 and the equitable doctrine of Ex parte Young, 209 U.S. 123 (1908), seeking only prospective injunctive and declaratory relief. The Pilot Program opens on February 15, 2026, and closes on April 30, 2026, creating an emergency need for immediate relief to prevent irreparable harm to Plaintiff's livelihood. As detailed below, Plaintiff satisfies the four-factor test for injunctive relief under Fed. R. Civ. P. 65: (1) likelihood of success on the merits; (2) irreparable harm; (3) balance of equities favoring Plaintiff; and (4) public interest. See Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008).

FACTS

Plaintiff is a U.S. citizen and resident of Maine engaged in commercial sea scallop dredging as his primary livelihood. Doc. No. 1, Ver. Compl. ¶ 6. He holds a valid 2026 Massachusetts Coastal Access Permit, issued by DMF, authorizing fishing in Massachusetts state waters. Id. ¶ 10; Doc. No. 1-2, Ex. B, Copy of Permit. Plaintiff purchased his Massachusetts state fishing permit in 2023 for \$35,000.00 and has been lawfully harvesting scallops in Massachusetts state waters for 2024 and 2025. Doc. No. 1, Ver. Compl. ¶ 11.

Plaintiff's vessel is federally documented and enrolled for commercial fisheries with a "Fishery Endorsement" under 46 U.S.C. §§ 12101 et seq., and specifically § 12113(b)(1) ("Subject to the laws of the United States regulating the fisheries, a vessel for which a fishery

endorsement is issued may engage in the fisheries.”). Doc. No. 1, Ver. Compl. ¶¶ 8-9; Ex. A, Cert. of Documentation.

On January 20, 2026, DMF announced the Pilot Program, a limited-access initiative allowing commercial scallop dredging in designated North Shore state waters areas (Gloucester and Salem Sound) from February 15 to April 30, 2026, with a 200-pound daily limit and at-sea shucking requirements. Doc. No. 1, Ver. Compl. ¶¶ 18-19; Doc. No. 1-3, Ex. C, DMF Advisory. Eligibility requires: (1) a valid 2026 Coastal Access Permit; (2) scallop landings in Massachusetts state waters during 2023-2025; (3) a clean record; (4) VMS readiness; and (5) residence in Massachusetts or a state that allows Massachusetts scallopers to fish in its waters. Id.

Plaintiff meets criteria 1-4 but is excluded under Criterion No. 5 because he is a Maine resident and Maine does not provide reciprocal access for Massachusetts residents in Maine's state waters scallop fishery. Doc. No. 1, Ver. Compl. ¶ 20. On January 29, 2026, Plaintiff applied via email to the Pilot Program as instructed but was denied participation solely on this basis on that same date. Id. ¶¶ 23-24.² On or about February 3, 2026, DMF issued a bulletin closing the application period, stating it had received over 30 applications with at least 25 potentially eligible, and that accepting more would obscure the pilot nature, limit evaluation of future regulations, and increase user conflicts. Ex. D, DMF Bulletin. Without injunctive relief, Plaintiff will lose access to this seasonal opportunity, resulting in substantial economic harm. Doc. No. 1, Ver. Compl. ¶¶ 25-27.

² See also Ex. E at p. 7 (Email Application and Rejection attached to correspondence to Defendant dated Feb. 2, 2026).

ARGUMENT

I. PLAINTIFF WILL LIKELY SUCCEED ON THE MERITS.

Plaintiff is likely to prevail on both his constitutional claims and his Supremacy Clause preemption claim. Defendant may argue that the recent application closure of the Pilot Program moots the case or that the Residency Exclusion is narrowly tailored as a tool to limit applicants in this pilot program. These arguments fail, as explained below.

A. The Residency Exclusion Violates the Privileges and Immunities Clause.

The Privileges and Immunities Clause protects nonresidents' right to pursue a "common calling" on substantially equal terms with residents. U.S. Const. art. IV, § 2, cl. 1; Toomer v. Witsell, 334 U.S. 385, 396 (1948).³ Commercial scallop dredging qualifies as a common calling, involving economic livelihood rather than recreation. See id. (striking discriminatory nonresident fees for commercial shrimping); cf. Baldwin v. Fish & Game Comm'n of Mont., 436 U.S. 371 (1978) (upholding recreational hunting fees).

In Toomer, the Supreme Court held that a South Carolina statute violated the privileges and immunities clause because it charged higher fees to nonresidents for state commercial fishing permits. Id. at 396. Toomer remains controlling law and applies to cases like here, when a state fishing regulator discriminates against nonresidents by excluding them from commercial fishing in state waters on the same terms as residents. See Connecticut ex rel. Blumenthal v. Crotty, 346 F.3d 84, 93-100 (2d Cir. 2003) (striking New York lobstering regulations that prohibited nonresident New York permit holders from lobstering in certain areas); Com. v. Westcott, 344 N.E.2d 411, 412, 413 (Mass. 1976) (striking Massachusetts seasonal exclusion of "nonresidents" fishing in Vineyard Sound); Brown v. Anderson, 202 F.Supp. 96, 102-03 (D.

³ Pursuing one's economic calling is considered a "fundamental right" for purposes of the Privileges and Immunities clause.

Alaska 1962) (striking Alaska closure of certain fishing grounds to nonresidents); Edwards v. Leaver, 102 F.Supp. 698, 703 (D.R.I. 1952) (striking Rhode Island permitting scheme limiting fishing licenses to Rhode Island residents); Russo v. Reed, 93 F.Supp. 554, 559-60 (D. Me. 1950) (striking Maine prohibition to nonresidents from fishing in Maine during the summer months); Gospodonovich v. Clements, 108 F.Supp. 234, 237 (E.D. La. 1951) (striking Louisiana commercial fishing permit scheme creating greater rights for residents over nonresidents); Tangier Sound Watermen's Assoc. v. Douglas, 541 F.Supp. 1287, 1300-1301 (E.D. Va. 1982) (striking Virginia crab permitting scheme denying state fishing permits to Maryland residents); Tangier Sound Watermen's Assoc. v. Douglas, 4 F.3d 264 (4th Cir. 1993) (striking higher fees charged to Maryland crab fisherman by Virginia after outright exclusion found unconstitutional); Steed v. Dogden, 85 F.Supp. 956, 958 (W.D. Tex. 1949) (disparate license fees charged to nonresident boats held invalid).

The Exclusion imposes a total bar on nonresidents from non-reciprocating states like Maine, without substantial justification. Defendant must show: (1) a substantial reason for the discrimination beyond mere nonresidency; and (2) close tailoring. Toomer, 334 U.S. at 396. Possible justifications (e.g., conservation or reciprocity) fail: Scallops are migratory (*Placopecten magellanicus*), Plaintiff's valid Massachusetts permit and prior landings pose no greater threat than residents, and the Pilot Program's limited nature undercuts broad claims.

Anticipating Defendant's argument that the Exclusion is narrowly tailored to limit applicants in a pilot program, this fails scrutiny. The Exclusion discriminates based on residency, not program capacity—Defendant could limit participation through neutral means (e.g., lottery, first-come-first-served) without interstate bias. The recent application closure (after 30+ applications) shows the Residency Exclusion is not essential for “limiting” applicants, as this

discretionary application cap was imposed post-hoc. Ex. D, DMF Bulletin. The Pilot Program's experimental nature does not justify constitutional violations. See Toomer, 334 U.S. at 398-99; Connecticut ex rel. Blumenthal, 346 F.3d at 93-100 (both cases rejecting similar resource-based excuses for discrimination).

Defendant may also argue that the Residency Exclusion is justified because Maine itself imposes similar resident-only restrictions on commercial scallop fishing in its state waters (see, e.g., 12 M.R.S. § 6702 and associated regulations). This argument also fails. The fact that Maine unlawfully discriminates against nonresidents does not cure or justify Massachusetts' own violation of the Privileges and Immunities Clause. As the Supreme Court explained in Toomer, 334 U.S. at 396-97, a state may not justify discrimination against nonresidents merely by pointing to the discriminatory practices of another state; each state's restriction must independently satisfy the "substantial reason" and "close tailoring" requirements. See also Hicklin v. Orbeck, 437 U.S. 518, 529-30 (1978) (rejecting the argument that one state's discrimination excuses another's, emphasizing that the Clause demands equal treatment absent a substantial, non-discriminatory justification tied to the discriminating state's own interests).

Maine's own exclusionary policy is itself subject to the same constitutional scrutiny and does not provide Massachusetts with license to engage in reciprocal discrimination. The Privileges and Immunities Clause does not permit a "race to the bottom" in which states mutually burden nonresidents' right to pursue a common calling. See generally Supreme Court of New Hampshire v. Piper, 470 U.S. 274, 284 (1985) (rejecting reciprocity as a justification for excluding nonresidents from economic pursuits). Such a "race to the bottom" is at least one consequence our Federalism system is supposed to prevent. See Douglas v Seacoast Products, Inc., 431 U.S. 265, 274-79 (discussing Gibbons v. Ogden, 9 Wheat. 1 (1824)). Accordingly,

DMF's reliance on Maine's non-reciprocity cannot salvage the Exclusion. Plaintiff is likely to succeed.

B. The Residency Exclusion Violates the Equal Protection Clause.

The Equal Protection Clause prohibits arbitrary classifications. U.S. Const. amend. XIV, § 1. Residency-based exclusions receive rational basis review but are invalid if lacking a legitimate purpose or rational relation. See Sosna v. Iowa, 419 U.S. 393 (1975). Here, the Exclusion arbitrarily distinguishes nonresidents with valid Massachusetts permits from residents or reciprocating-state participants, without evidence of differential resource impact. It fails rational basis, as in analogous fisheries cases. See Toomer, 334 U.S. at 403-04 (noting equal protection overlap).

The application closure does not moot this claim: Plaintiff's exclusion stems from the Residency Exclusion, not the post hoc and discretionary application cap, and injunctive relief would redress it by mandating inclusion. See Lujan v. Defs. of Wildlife, 504 U.S. 555, 560-61 (1992) (requiring redressability). Defendant's anticipated discretion argument fails—rational basis requires a legitimate, non-arbitrary relation, not mere agency deference. The Exclusion is not “narrowly tailored” for limiting applicants; neutral alternatives exist, and the post-hoc February 3, 2026 cap was added separately, and importantly, after Plaintiff's application was submitted and rejected on account of the Residency Exclusion on January 29, 2026. Success is likely.

C. The Residency Exclusion is Preempted Under the Supremacy Clause.

Federal vessel documentation laws preempt discriminatory state restrictions on federally enrolled vessels in commercial fisheries. U.S. Const. art. VI, cl. 2; Douglas v. Seacoast Prods., Inc., 431 U.S. 265, 277-83 (1977) (preempting Virginia nonresident vessel ban); Massachusetts

v. Westcott, 431 U.S. 322, 322 (1977) (preempting Massachusetts seasonal ban on nonresident vessel's fishing in Vineyard Sound).⁴ Plaintiff's federally documented vessel, together with its Fishery Endorsement confers a right to fish in U.S. waters, including state waters, without residency barriers. The Residency Exclusion conflicts with this federal scheme (46 U.S.C. §§ 12101 et seq.), rendering it unenforceable.

It is anticipated that Defendant might conflate the holding in Douglas with the proposition that Defendant is precluded from regulating fisheries within its waters in any way as they pertain to a federally documented vessel, which it is obviously allowed to do under the Magnuson Stevens Fishery Conservation and Management Act (1976). See 16 U.S.C. § 1856 (allowing states to exercise jurisdiction over fisheries in territorial waters). Such an argument, if advanced, misses the point. The point of Douglas is that all federally documented vessels authorized to participate in the United States fisheries are allowed to do so on the same terms as local residents in any state, free of local discrimination and meddling. Here, Plaintiff possesses a valid Massachusetts Coastal Access Permit issued by the Defendant and should be allowed to utilize his federally documented vessel within the Massachusetts fishery on the same terms that Massachusetts has decided to regulate its resident commercial fishers. Plaintiff is likely to succeed based on this controlling precedent.

II. PLAINTIFF WILL SUFFER IRREPARABLE HARM.

Without an injunction, Plaintiff will lose irreplaceable access to the Pilot Program's limited season (February 15-April 30, 2026), suffering economic loss from foregone scallop

⁴ On certiorari in Massachusetts v. Westcott, 431 U.S. 322 (1977) was actually the Massachusetts Supreme Judicial Court's earlier decision in Com. v. Westcott, 344 N.E.2d 411 (Mass. 1976), which held that the seasonal ban on nonresident vessels fishing in Vineyard Sound was barred by the privilege and immunities clause. The Supreme Court declined to address this privilege and immunities issue, however, because it held that the Massachusetts fisheries law improperly banned a federally documented vessel from participating in a state fishery on equal terms in violation of the Supremacy Clause.

harvests (estimated \$444,000.00 based on 200 lb/day limit and market prices). Doc. No. 1, Ver. Compl. ¶ 25. This constitutes irreparable harm, as constitutional violations presume irreparability. Elrod v. Burns, 427 U.S. 347, 373 (1976). The recent closure exacerbates the harm by locking in the discriminatory exclusion with no further application opportunity and the season imminent.⁵

III. THE BALANCE OF THE EQUITIES FAVOR PLAINTIFF.

An injunction burdens Defendant minimally—allowing one additional participant (beyond the 25+ eligible) in a limited pilot program poses no significant administrative or resource strain, especially as the cap was discretionary (i.e. no limit on extra-state applications mattered when DMF decided to close applications by fiat-discretion). In any event, Plaintiff's application was one of the "30+" applications already received, and adding him to the list of eligible applicants at this time is no burden. In contrast, denial harms Plaintiff's livelihood. Equities tip sharply toward Plaintiff, and even anticipating Defendant's discretion argument—the Constitution trumps agency preferences. See League of Women Voters of N.C. v. North Carolina, 769 F.3d 224, 248 (4th Cir. 2014).

IV. THE PUBLIC INTEREST FAVORS RELIEF.

Enjoining unconstitutional discrimination promotes equal access to economic opportunities and upholds federal supremacy in interstate fisheries. Conservation interests are not undermined, as Plaintiff complies with all other limits, and the Pilot Program's rationale (evaluation, conflict avoidance) is preserved with one addition. The public interest lies in

⁵ Further, though harm (in addition to the constitutional violations) is economic in nature, there is no remedy for money damages in either state or federal court against Defendant, as this is an "official capacity" case only and Massachusetts has not waived sovereign immunity for such constitutional violations.

vindicating constitutional rights over unchecked agency discretion. See Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012).

CONCLUSION

As stated above, Defendant's restrictions to its Pilot Program to resident Massachusetts Coastal Access Permit holders is unlawful, and Plaintiff has established all of the elements under the traditional preliminary injunction test for this constitutional deprivation claim. Time is of the essence, because the Pilot Program commences on February 15, 2026 and Plaintiff must prepare his vessel and crew to participate in that program. Accordingly, the foregoing motion should be ALLOWED, and an injunction should issue requiring Plaintiff's participation in this Pilot Program without exclusion based on his Maine residence.

TIME IS OF THE ESSENCE AND PLAINTIFF RESPECTFULLY REQUESTS AN EXPEDITED, EMERGENCY, AND, IF NECESSARY, EX PARTE HEARING AND RULING, PURSUANT TO Fed.R.Civ.P. 65

Respectfully submitted,
Plaintiff, Timothy Oxtan
By its counsel,

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CERTIFICATE OF SERVICE

I certify that on February 4, 2026, I filed the above document via the Case Management/Electronic Case Filing System, through which a copy will be electronically delivered to all attorneys who are listed as registered participants in connection with this case.

I further certify that on February 4, 2026 I have caused the foregoing document, together with the Verified Complaint, to be served upon the Defendant, as follows:

1. Electronically via email to Defendant's Email address: dan.mckiernan@state.ma.us;
 2. Via (a) regular mail, and (b) Federal Express Overnight, to Defendant as follows:
 - a. Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
Attn: Director Daniel J. McKiernan
 - b. Massachusetts Attorney General
1 Ashburton Place, Floor 20
Boston, MA 02108
-

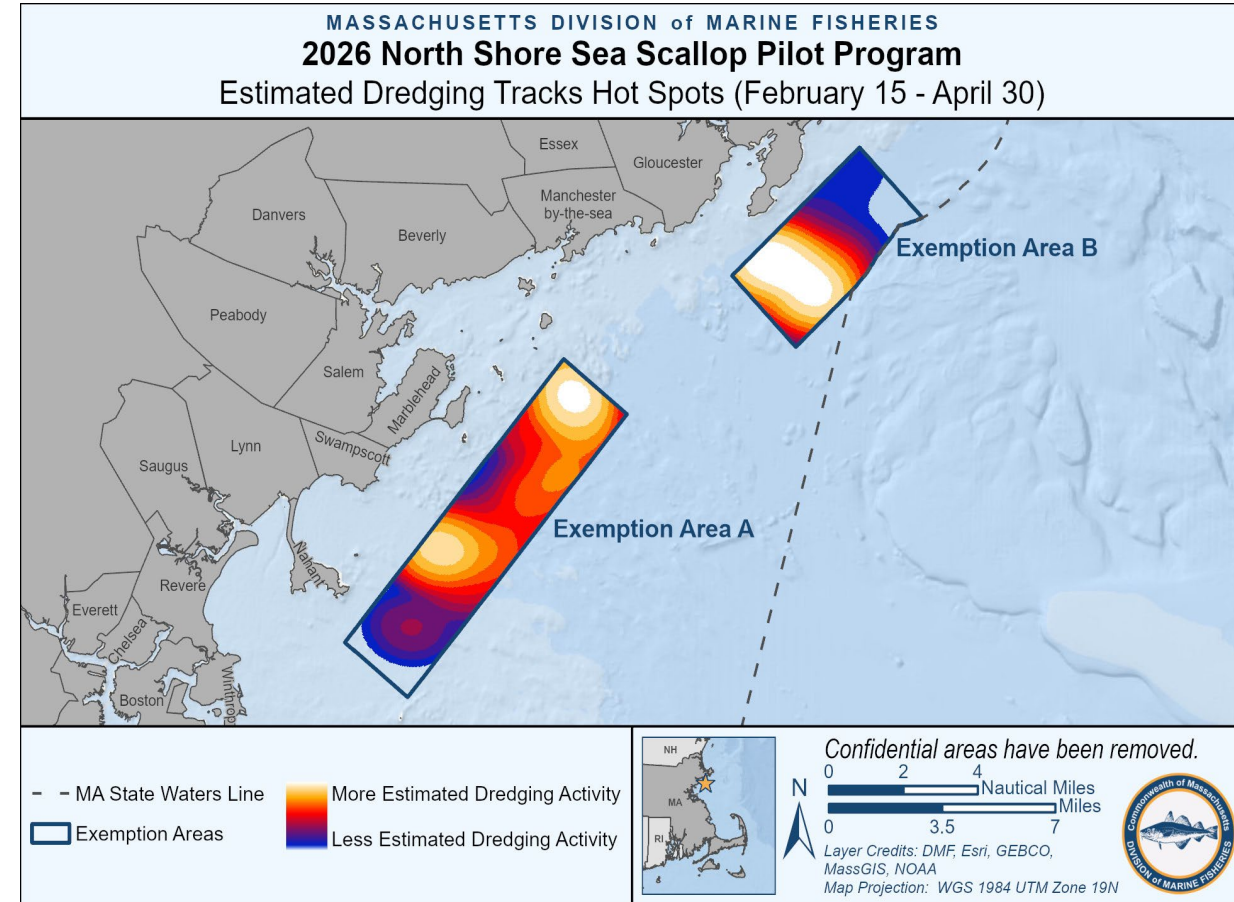
Sea Scallop Pilot Program

Program Background

- Investigate potential for seasonal exemption areas for scallop dredge fishing.
- Program developed with consideration for habitat, aggregations of spawning cod, archeological artifacts, sub-sea cables, recreational interests, and on-demand trap fishing trials.
- Requirements include: CAP endorsement; verifiable scallop landings from 2023-2025; clean enforcement record; and electronic vessel tracking.

Program Findings

- 31 vessels enrolled and 21 participated
- 262 trips were taken with some fishing conducted in Exemption Area A or B.
- DMF estimates that program generated an additional 27,000 pounds of scallop meat landings valued at \$690,000.





The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | mass.gov/MarineFisheries



Maura T. Healey
Governor

Kimberly Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

Memorandum

To: Marine Fisheries Advisory Commission (MFAC)

From: Daniel J. McKiernan, Director

Date: July 8, 2026

Subject: **Commercial Striped Bass Permitting Update**

Last December, I provided the MFAC with my decision for final regulations to restrict access to the commercial striped bass fishery for 2026.¹ Within that memorandum I spoke to my expectation that the regulations would serve as interim measures while DMF continued to develop a long-term permitting approach, including further restricting access using activity criteria and the updated December 31, 2025 control date, a program to accommodate new entrants, and reconsideration of an owner-operator requirement. The complexity of these issues and data requirements to fully evaluate them necessitate an extension of the implementation timeline expressed within that memo from 2027 to 2028. This is not expected to interfere with our achieving the 2029 deadline to implement harvester tagging.

Since that discussion in December, my staff have worked to implement the permitting measures for 2026. The final measures were filed on January 30 and announced via [DMF Advisory](#) on February 6. Prior to that, and pursuant to the emergency regulations implemented last fall, the commercial fishing permit application was updated relevant to striped bass and all 2024 and 2025 striped bass endorsement holders received notification of the limited entry approach, their eligibility to renew, and a reminder of the February 28 renewal deadline. In total, 4,139 striped bass endorsements were issued for 2026, down from 4,635 in 2025. Seven appeals were filed with DMF and three were approved. Each of the approved appeals dealt with a medical disability resulting in the permit holder not obtaining the striped bass endorsement in 2024 or 2025. We distributed another [DMF Advisory](#) just prior to the start of the commercial season to remind all striped bass endorsement holders (and others) of the commercial measures.

¹ Refer to the MFAC's December 18, 2025 business [meeting materials](#) for details; in short these include renewals-only, non-transferability, and an updated control date.

To continue progress on the long-term permitting approach, DMF reconvened the MFAC Striped Bass Focus Group and DMF's Ad Hoc Commercial Striped Bass Industry Advisory Panel in the first half of this year. The MFAC Focus Group met in March and provided some initial guidance on activity thresholds, entry and exit mechanisms, and an owner-operator requirement (Attachment 1). DMF incorporated this guidance into developing the agenda, presentation, and discussions proposals for the Ad-Hoc Industry Advisory Panel meeting that occurred in June (Attachment 2). Both of these groups are providing DMF with valuable input to help develop an eventual public hearing proposal that will afford all those affected an opportunity to provide comment and help shape the final outcome. Please note that all analyses and concepts reviewed thus far are preliminary and have been for discussion purposes only.

For next steps, I anticipate reconvening the MFAC Striped Bass Focus Group later this summer to discuss the feedback from the advisory panel and attend to the remaining issues for the public hearing proposal. This timeline will enable us to include the 2025 harvester-reported landings in the analysis of potential activity criteria that have yet to be incorporated into preliminary work. Then, my goal is to bring a public hearing proposal to the MFAC prior to the end of the calendar year, schedule public hearings for later winter/early spring 2027, and adopt regulations by mid-2027. This will provide DMF staff with sufficient time to administer and implement the permitting changes for 2028, including but not limited to software updates, permit holder notifications, and addressing appeals.

Meeting Summary

MFAC Striped Bass Focus Group

March 25, 2026, 6:30pm, Virtual

Attendance:

MFAC Striped Bass Focus Group: Ray Kane, Eric Nelson, Ray Jarvis

DMF: Dan McKiernan, Story Reed, Nichola Meserve, Ben Gahagan, Anna Webb

Overview:

DMF reconvened the focus group to continue developing the long-term commercial striped bass permitting approach following the regulations implemented for 2026 (i.e., renewals only, non-transferability, updated control date). The meeting focused on: 1) activity criteria to further limit renewals; 2) exit:entry program; and 3) owner-operator requirement. The participants discussed some relevant approaches in other states, reviewed preliminary activity criteria analyses, identified several preferred strategies, and brought attention to areas in need of further consideration. DMF will use the input from the focus group to continue drafting an agenda, presentation, and discussion proposals for the ad hoc industry panel at its next meeting.

Discussion Areas:

Activity Thresholds

- Reviewed preliminary results of 300-lb, 600-lb, and 900-lb minimums for boat permit holders, met in 1 or 2 years during 2022-2025 (the 4 years prior to the control date, missing 2025), with an alternate of 5-trip or 10-trip minimums for individual/rod&reel permit holders.
 - Interest in a poundage threshold that removes casual participants but also recognizes that a shift in species distribution and abundance has altered harvest opportunities among coastal areas in recent years. Discussed 600-lb threshold as possible appropriate balance, rather than lengthening the reference period years, which could result in issuing more permits to individuals not active for many years. Point was made that this has always been a highly mobile fishery (e.g., many trailered vessels) and those highly engaged adapt to changes in the resource. Also, while south shore landings are no longer 90% of harvest, they have still been at least 40% in recent years.
 - Preference for requirement to meet minimum poundage in just one year within reference period. If two years required, someone highly active in 2025 (and subsequently) could be cut out, whereas the control date was updated for the reason of being inclusive of recent activity.
- Discussed possible eligibility for commercial harvesters earning majority of income from fishing but landing species other than striped bass (for example, individuals that may want to retain STB endorsement to use in retirement from full-time commercial fishing).

Attachment 1

- Discussed how this could result in hundreds of additional permits being issued to individuals not planning to use for years, reducing the number of permits available to others and complicating harvester tagging. Example of New York was given in which the state had offered permits to those meeting a fishing-income criteria, but the state stopped after several years because issuing too many permits. It was noted that the various ways in which harvesters draw their pay from fishing, as well as other personal financial situations, would also complicate a percent-income approach.
- Can alternatively consider these individuals in prioritization of new entrants.
- Interest to consider a lower minimum poundage level for commercial harvesters also active in the for-hire fishery. Because of the season overlap, for-hire operators make daily decisions about which activity to engage in (ever since DMF prohibited mixing of trips) and may be unable to devote the same amount of effort to commercial striped bass fishing as others.
 - DMF will identify dual STB endorsement and for-hire permit holders and review their commercial striped bass landings level in order to evaluate a potential alternative threshold.
 - This alternative would also include a threshold of activity in for-hire fishing. As a point of reference, CARES Act fisheries relief eligibility for for-hire businesses required a minimum of 50 for-hire trips taken in a year for charter boat eligibility, while head boats were assigned to one of two tiers: 10-40 for-hire trips in a year (partial share) and 41+ for-hire trips in a year (full share). Trip count was determined from eVTRs where possible, otherwise estimated using annual for-hire revenue (from Schedule C tax form)/avg revenue per trip (provided by applicant).
- Reviewed breakdown of preliminary eligibility counts by resident/non-resident status (generally about 10-15% non-resident). While there is interest in preserving the state quota for state residents, DMF has been advised we may not pursue a residency requirement on legal basis. In addition, part of the state's quota allocation is based on historic non-resident landings and challenges would arise when a long-term active resident participant moves out of state. Discussed instead how the prioritization of new entrants could favor residents, e.g., criteria for in-state landings or crewing on a vessel making in-state landings.

Mechanism for New Entrants

- Continued support for an alternative to broad transferability of the permit, specifically retired/forfeit permits going into a pool for reissuance to new applicants. Reviewed Rhode Island's exit:entry program and waiting list prioritization process in detail. Suggestion to also research Maine's scallop dragging license lottery.
- Support to tier the applicant pool and give highest priority to active commercial (particularly rod & reel) or for-hire permit holders and crew members. Also put military members, veterans, and apprenticeship program graduates above others without any professional fishing experience.

Attachment 1

- Many various ways to structure the pool/lottery. DMF to seek feedback beginning with basic approach of a random lottery within each waiting list tier and fulfilling tiers in order.
- Interest to consider whether/how those current striped bass endorsement holders that do not qualify under the new activity threshold could be prioritized in the waiting list.
- Support to allow transfers to immediate family members (of minimum age), provided the permit is active. DMF noted that posthumous transfers can be complicated and would prefer to allow transfer prior to that. Interest is to strike a balance between recognizing heritage and access to new entrants.

Mechanism for Exiting the Fishery

- Support to consider ongoing actively fished criteria for permit renewal to prevent latent effort from amassing and blocking new entrants. Suggestion to consider the same poundage threshold as initial access criteria, with a two- to three-year look back period. For example, achieve 600 pounds in any one of the past three years to be eligible for renewal, or achieve 600 pounds in aggregate from the prior two years. These approaches would recognize the various reasons that someone might not fish for a year, and variability in resource availability.

Owner-operator Requirement

- Continued support for owner-operator requirement. To address the reason that DMF decided against requiring owner-operator in 2026 on account of the public comment received, DMF suggested a one-time opportunity for those in a “permitting arrangement” with someone else to be able to transfer the permit to that person, as was done when owner-operator was adopted in the coastal lobster fishery. Could require a signed sworn affidavit that the second-party was actually the one previously fishing the permit and achieving the activity threshold rather than the named permit holder. Support for developing this concept.

Meeting Summary

Ad Hoc Commercial Striped Bass Industry Advisory Panel

June 11, 2026, 6:00pm, Virtual

Attendance:

Panel: Dealers - Tory Bramante (Atlantic Coast), Monte Rome (Intershell); Harvesters - Craig Poosikian (Orleans), Jeremy Furtado (Arlington), Dave Leveille (Gloucester), Ryan Torcicollo (Essex), Randy Sigler (Marblehead), Russ Laky (Newbury), Robert Moss (Chatham)

DMF: Dan McKiernan, Story Reed, Anna Webb, Nichola Meserve, Jared Silva

MFAC Striped Bass Focus Group: Ray Kane, Eric Nelson, Ray Jarvis

Overview:

DMF reconvened the advisory panel for a second meeting to continue developing the long-term limited entry program for the commercial striped bass fishery to be implemented in 2028. The panel previously met on July 31, 2025 from which input was factored into DMF's short-term limited entry program implemented in 2026 (i.e., renewals only, non-transferability, updated control date). The meeting focused on: 1) activity criteria to further limit renewals; 2) exit:entry program; and 3) owner-operator requirement. At the meeting, DMF staff provided a presentation (attached) that outlined considerations for each focus area and offered a preliminary proposal for discussion purposes. Panel input is summarized below.

Panel Input:

Activity Criteria to Further Limit Renewals

- Multiple comments were made in support of a 600 lb/year or higher sold landings threshold for boat permit eligibility. These individuals felt this was a relatively low bar to be met by anyone seriously engaged in the fishery.
- One comment emailed after the meeting stated expressing frustration that permits would be revoked for latency from people who have landings history outside the reference period, and who have been intending to use it in the future again. Another emailed comment supported an exemption for long-time active watermen in other commercial fisheries to retain their striped bass endorsement for future use.
- The Panel was unanimously opposed to the idea of a lower landings threshold for dual commercial/for-hire permittees as was included in DMF's discussion proposal. They did not see

Attachment 2

the need for this based on the landings thresholds being considered for commercial-only permittees.

- There was no direct comment on the reference periods suggested by DMF (the 3 or 4 years prior to the control date).

Exit:Entry Program

- Among the Panel members, there were divergent opinions on transferability. Some supported allowing transfers of active permits to eligible recipients similar to other limited entry permits in MA. They noted that transferability would be a benefit to current permit holders (many who have been invested in the fishery for decades) and would likely guarantee that recipients of transfers would become active harvesters. Others were opposed to transferability on the basis of it turning a privilege into an asset, as well as being a hindrance to affordable entry for the next generation, and noting the difference in investment between the striped bass fishery and other more capitalized fisheries. However, the Panel was unanimously in support of allowing transfers of active permits to immediate family members.
- Several Panel members spoke in support of the concept of tiering the waiting list/lottery for new entrants so that applicants currently involved in other fisheries get top priority. However, there were several suggestions to add a mechanism to ensure that some permits became available to the lower tiers not just the top 1-2 tiers (such as an allocation of available permits to each tier, or some fraction of the permits being in a lottery without any regard to the tiering).
- It was suggested that the amount of years someone is on the waiting list be factored into their waiting list status (akin to point system approaches for some hunting permits). Also, that there be a fee associated with application to the waiting list, both to generate revenue for program administration and incentivize use of the permit if awarded.
- The Panel widely supported the concept of ongoing activity criteria to maintain a permit as renewable. It was discussed how any exceptions to the ongoing activity criteria need to be clearly defined and firm.

Owner-Operator

- The Panel continued to support an owner-operator requirement and agreed with DMF's suggested approach for one-time permit transferability in 2028 to address the types of permit partnership issues brought up during public comment on the emergency regulations for 2026.

Enc: Commercial Striped Bass Industry Advisory Panel presentation

Commercial Striped Bass Industry Advisory Panel

Meeting #2
June 11, 2026, 6PM
Virtual



Purpose

- Continue development of strategy to reduce commercial striped bass permit issuance, limit latent effort, and manage new entry in support of fishery management objectives:
 - Implement harvester tagging (ASMFC mandate by 2029)
 - Support economically viable fishery
 - Maintain opportunity for new access to extent possible

Invitees

- Panel:
 - Dealers: Rory O'Donnell (Red's Best), Tory Bramante (Atlantic Coast), Monte Rome (Intershell)
 - Harvesters: Craig Poosikian (Orleans), Jeremy Furtado (Arlington), Dave Leveille (Gloucester), Ryan Torcicollo (Essex), Mike Lundholm (Sagamore), Randy Sigler (Marblehead), Russ Laky (Newbury), Robert Moss (Chatham)
- MFAC Striped Bass Focus Group: Ray Kane, Eric Nelson, Ray Jarvis
- DMF: Dan McKiernan, Story Reed, Anna Webb, Nichola Meserve, Jared Silva, Ben Gahagan



Process & Timeline

Phase 1: Implementation of Short-term Limited Entry Program in 2026

- Development & stakeholder consultation throughout mid-to-late 2025 (Industry Advisory Panel, MFAC Focus Group, Public Comment, MFAC)
- Outcome: renewals only (2024 or 2025 valid for 2026), non-transferability, control date update to 12/31/25. 2026 permit issuance reduced to 4,139 (from 4,635 in 2025).

Phase 2: Implementation of Long-term Limited Entry Program in 2028

- Development & stakeholder consultation throughout mid-to-late 2026 and early 2027
- Focus: Activity criteria to further limit renewals, exit:entry program, owner-operator

**Current
Step**

Phase 3: Implementation of Harvester Tagging Program in 2029

- Development & stakeholder consultation throughout late 2027-early 2028
- Expect that we can administer a program with ~500 permit holders



Tonight's Agenda

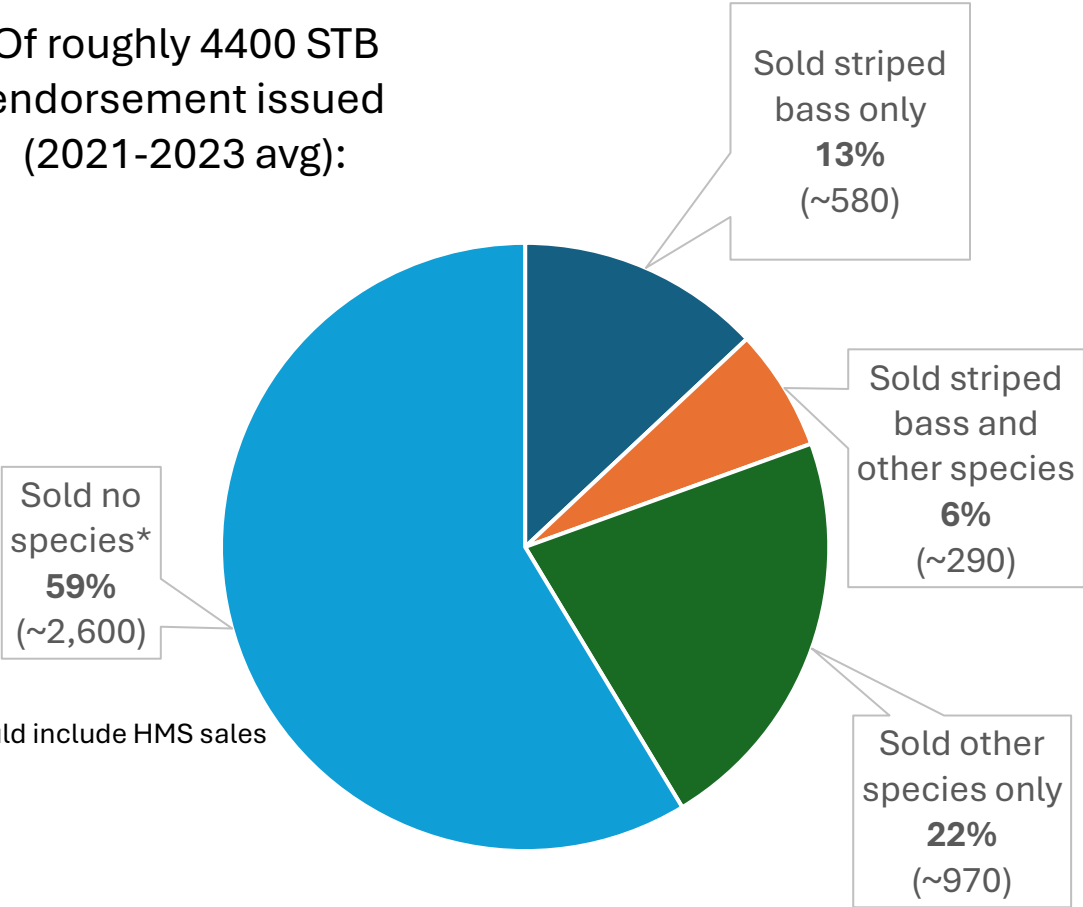
1. Activity criteria to further limit renewals
2. Attrition and new entry
3. Owner-operator requirement

For each: factors to consider & discussion proposal

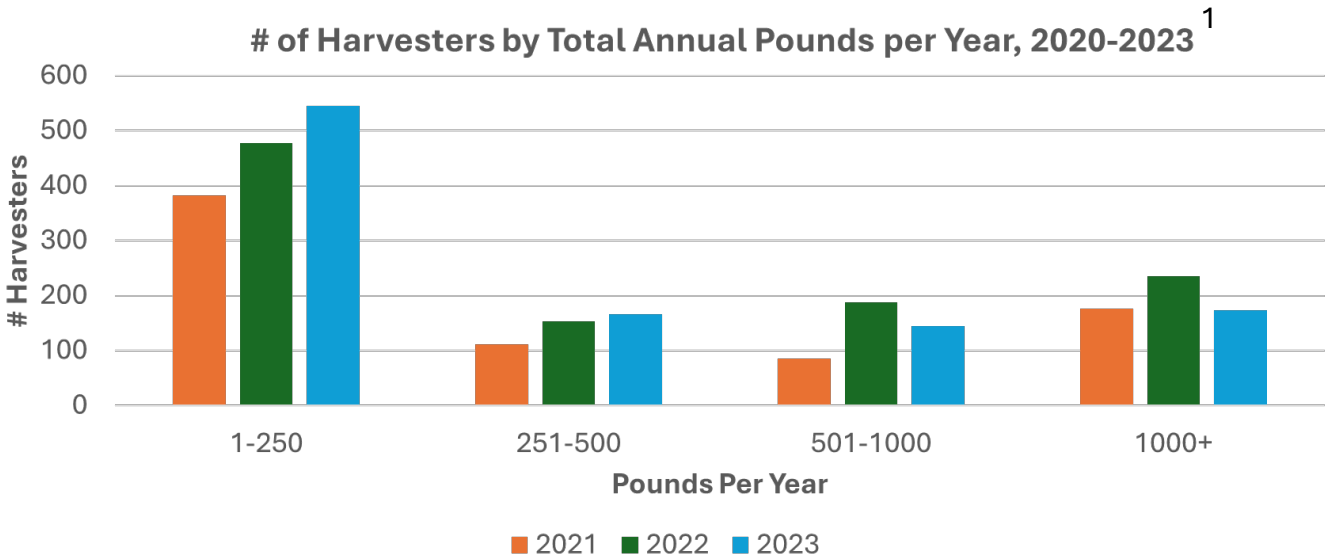


Activity Criteria: Recap on Effort Trends

Of roughly 4400 STB endorsement issued (2021-2023 avg):



* Could include HMS sales



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 7/29/25.
¹ Includes fish sold and not sold (personal consumption). “No Catch” trips are not included.



Activity Criteria: Considerations

- Must use commercial striped bass activity prior to 12/31/25 control date
- Exclude those using permit for non-comm. purposes => use sold landings only (not personal use harvest)
- Objective to remove latent effort => use more recent year(s) to qualify; not qualify based solely on activity in other commercial/for-hire fisheries (can consider in new entrant prioritization)
- Various real reasons that someone might not fish in a particular year => multiple years in which to qualify
- Updated the control date to be inclusive of those most recently active => must meet threshold in only a single year
- Spatial shifts in species availability vs traditional high mobility of fleet => landings threshold that recognizes these competing forces
- Harvest amounts affected by underlying commercial permit type (boat vs rod & reel trip limit) => different landings thresholds by permit held
- Harvest amounts affected by participation in for-hire fishery that can not co-occur in same trip => different landings threshold if active in for-hire fishery
- Cannot discriminate based on residency



Activity Criteria: Preliminary Analysis

Eligibility of the 4,139 STB endorsements issued in 2026 at various activity thresholds using past 3 or 4 years*:

* 2025 not yet available => eligibility counts are underestimated in this table

Reference Years	Boat Permits						Individual/R&R Permits			
	≥300 lb/yr sold STB		≥600 lb/yr sold STB		≥900 lb/yr sold STB		≥5 trips/yr sold STB		≥10 trips/yr sold STB	
	in ≥1 yr	in ≥ 2 yrs	in ≥1 yr	in ≥ 2 yrs	in ≥1 yr	in ≥ 2 yrs	in ≥1 yr	in ≥ 2 yrs	in ≥1 yr	in ≥ 2 yrs
2022-2024* (4 years once 2025 included)	727	372	504	246	373	162	5	1	1	0
2023-2024* (3 years once 2025 included)	586	259	401	148	281	95	5	1	1	0



Activity Criteria: Preliminary Analysis

For-hire vessel consideration; using 3-year reference period*

(* 2025 not yet available => eligibility counts are underestimated in this table)

Reference Years: 2023-2024* (3 years once 2025 included)	Boat Permits					
	≥300 lb/yr sold STB		≥600 lb/yr sold STB		≥900 lb/yr sold STB	
	in ≥1 yr	in ≥ 2 yrs	in ≥1 yr	in ≥ 2 yrs	in ≥1 yr	in ≥ 2 yrs
Total #	586	259	401	148	281	95
Also hold for-hire (estimated)	103	47	70	26	47	18

- 476 of the 2026 Boat Permit/STB holders had a For-hire Permit in 2025. Some of these are already included in total eligible counts.
- An additional amount of them could qualify under a lower striped bass landings threshold.
 - Ex. If use 600 lb in 1 year criteria, 401 boat permits qualify, of which 70 are also for-hire permit holders. If use 300 lb in 1 yr criteria for for-hire permit holders, up to an additional 33 dual permitted vessels (103-70) could qualify.



Activity Criteria: Discussion Proposal

- Must have held a permit in the prior year (“renewal”)
- Reference period: **2022 – 2025**, with landings threshold met in **any single year**
 - If results in more permits than manageable (once 2025 data included), drop 2022 from reference period
- Landings threshold according to permit(s):
 - Individual/Rod & Reel Permit: **5 trips**/year with striped bass sold
 - Boat Permit: **600 pounds**/year of striped bass sold
 - ~ 30 fish (could achieve with 2 days at 15 fish or 6 days at 5 fish or 15 days at 2 fish)
 - Boat Permit with *active* For-hire Permit: **300 pounds**/year of striped bass sold
 - Criteria for active for-hire permit: **20 for-hire trips** in the same year (documented through eVTR or estimated using for-hire revenue reported in taxes)



Managing Attrition and New Entry: Considerations

- Permit transferability as primary access mechanism greatly increases barriers to entry => alternative approach to new entry
- Trade-off between recognizing family tradition/heritage vs. access for other types of new entrants => limited transferability to immediate family members
- Want new entrants to be active participants => prioritize waiting list using recent activity in fishing
- Potential for latent effort either from initial access criteria or to develop over time => ongoing activity criteria for permit renewal
- Various real reasons might not be active for a year => multiple years in which to remain active
- DMF administrative capacity for more complex effort management => more time after end of season to prepare for permit renewal and new entrant opportunities (earlier default closure date)



Managing Attrition and New Entry: Discussion Proposal

- Non-renewed and “non-renewable” permits are forfeit and made available to waiting list per exit:entry ratio (1:1, but adjustable based on factors such as quota level, tagging administration)
 - Exception to renew expired (active) licenses to persons returning from active military service
- Permits not meeting ongoing activity criteria are non-renewable:
 - Same threshold as initial access with rolling three-year reference period
 - E.g., To renew in 2029, must have sold 600-lb in 1 year between 2026-2028
 - Exceptions for active military and documented disability: use three years preceding the event
- Waiting list for prospective entrants
 - Must apply each year; application available during renewal season
 - Ineligible if previously had a permit revoked or suspended
 - Prioritization of applicants into tiers by fishing activity (*next slide*)
 - Fulfill each tier in order; lottery within a tier if not enough permits to fulfill
- Limited permit transferability
 - Active permit to immediate family member age 14+ (same definition of active as to renew)



New Entry Waiting List Prioritization: Discussion Proposal

1st Tier:

- Meet Actively Commercial Fishing criteria with Hook & Line gear
- Meet Actively For-hire Fishing criteria

2nd Tier

- Meet Actively Participating criteria in Commercial Hook & Line or For-hire fishery

3rd Tier:

- Meet Actively Commercial Fishing criteria with non-H&L gear
- Meet Actively Participating criteria in non-H&L fishery

4th Tier:

- Partially meet Actively Fishing/Participating criteria (permit for 1 year or made 1-19 trips total)
- Certificate holders of approved fishing apprenticeship program
- Active military members and honorably discharged veterans

5th Tier:

- Any individual age 14+

Definitions

“Actively Commercial Fishing”: **commercial permit holder** in immediate **two preceding years** with a total of **20 commercial trips** in MA (verified through trip level reporting).

“Actively For-hire Fishing”: **for-hire permit holder** in immediate **two preceding years** with a total of **20 for-hire trips** in MA (verified through eVTR or estimated using tax records of revenue).

“Actively Participating”: **paid crew member** in immediate **two preceding years** with total of **20 trips** in MA (verified through Captain’s affidavits and income verification (W-2, 1099, pay stub).



Owner-operator Requirement: Considerations

- Permit holder on board during fishing
 - Exceptions via LOA for: immediate family; active military duty; or for up to 2 years for good cause, including death or disability of permit holder. In all cases, permit must meet actively fished criteria.
 - Others can take landed fish to dealer and conduct the sale.
- Included in emergency regulation for 2026
 - Supported by industry Advisory Panel and MFAC
 - Appropriate to small-scale fishery; improve compliance & enforcement; prevent permit leasing.
- Rescinded in final rule because of public comment
 - Permit/fishing partnership arrangements (e.g., “put permit in my cousin’s name because he owns the boat but I use it to fish the permit”)
 - O-O exception for immediate family would solve some but not all of these situations.
 - Expected heavy admin burden of LOA requests in 2026 with ~4000 permits still being issued.
- Rationale for requirement hasn’t changed.



Owner-operator Requirement: Discussion Proposal

- Require owner/operator in same year that access is further limited (2028).
- But allow a **one-time transfer allowance** to address the fishing/permitting arrangements.
 - Notification of permit renewal eligibility would come with notification of one-time transfer allowance to person responsible for the fishing activity that qualified the permit for renewal.
 - Current and intended permit holder would both sign affidavit certifying who had been responsible for the qualifying landings and requesting the transfer. Fraud would have consequences of permit revocation and waiting list ineligibility.
- Accommodate realities of not having owner-operator requirement previously; similar to implementation of lobster O-O requirement.
- More manageable number of possible LOA requests for alternate operator after reduce permit count in 2028.



Commercial Striped Bass Permitting Update

- Goals & Objectives: reduce permit issuance and latent effort and manage access to enable implementation of harvester tagging by 2029 (mandate), support economically viable fishery for active participants that is responsive to changing stock conditions, and maintain reasonable opportunity for new entry reflective of this fishery's history.
- Timeline: adopted an interim limited entry permitting approach for 2026 (renewals only, non-transferable, updated control date); developing proposal for long-term approach for 2028 implementation (activity filter using control date, exit:entry program, owner-operator requirement).
- Process: extensive input via MFAC Focus Group & DMF Industry Advisory Panel; second round of meetings occurred this spring.
- Next Steps: reconvene MFAC Focus Group this summer; develop public hearing proposal for MFAC review in late 2026; public hearings in late winter/early spring; mid-2027 regulation changes; rest of year to implement for 2028.





June 2026 NEFMC Meeting Summary

The [New England Fishery Management Council](#) (NEFMC) met June 23-25 in Mystic, CT. Meeting highlights and Council **motions** are provided below, with embedded links to additional materials. Audio recordings by agenda topic are available [here](#). The NEFMC convenes next in Plymouth, MA on September 15-17, 2026.

ANNOUNCEMENTS

- The Council honored outgoing members **John Pappalardo** (MA) and Peter Arrestaad (CT) for their many years of service. In celebrating Mr. Pappalardo's 100th Council meeting, Vice Chair Melanie Griffin and DMF Director Dan McKiernan acknowledged John's exceptional contributions to MA fisheries and fishing communities, including as a former Marine Fisheries Advisory Commission member, and offered heartfelt appreciation for his enduring dedication, creative thinking, and impact. Mr. Pappalardo is the CEO of the Cape Cod Commercial Fishermen's Alliance (since 2010) and previously served for a decade as the organization's Policy Director. NOAA Fisheries will announce new Council appointments in late June.
- The Council held a reception marking the [50th anniversary](#) of the *Magnuson-Stevens Fishery Conservation and Management Act* (MSA). Established in 1976, the nation's eight Regional Fishery Management Councils [celebrate 50 years](#) of sustaining fisheries and fishing communities; an interactive [timeline](#) highlights major milestones.
- The annual Gloucester Fishermen's Memorial Service will be held on Saturday, August 8th at 5:00pm, to remember and honor all of those who have lost their lives fishing from America's oldest seaport, including those of the F/V *Lily Jean*. The Service starts with a procession from the American Legion, down Middle St. to Stacy Blvd. The Fishermen's Memorial Service Committee invites everyone to join the procession and service.

COUNCIL ACTIONS

Atlantic Herring – To improve the likelihood of timely catch setting by the start of the fishing year on January 1, 2027, the Council **agreed to develop Atlantic herring fishery specifications for 2027-2031 as a stand-alone action** from additional management measures, **with final approval scheduled for September**. Separately, the Council **initiated a second action to develop management measures, specifically supporting the Atlantic Herring Plan Development Team's continued work on alternatives to 1) modify Atlantic herring management measures to avoid or minimize the catch of river herring and shad (RH/S) through time/area closures with and without the existing catch cap methodology, 2) update the Atlantic herring specifications process, and 3) modify carryover provisions for unharvested catch**. Work on RH/S management measures is expected to take place concurrently with Atlantic herring specifications development but with a later final approval date of April 2027. A peer review of the Atlantic herring Management Track stock assessment is scheduled for June 29-30; results will inform specifications.

Sea Scallops – Staff reported a positive start to the 2026 scallop fishing year, with stronger catch rates and landings than in recent years particularly for the Mid-Atlantic. Cooler water temperatures may have contributed to improved scallop survival. Scallop resource surveys are underway in all areas; results will be reviewed later this summer. The Council **initiated an action to set Atlantic sea scallop fishery specifications for 2027 and defaults for 2028**, with final approval expected in December. Like Atlantic herring, the Council **agreed to consider management measures via a separate action, Framework 42**, in the interest having specifications in place by the start of the fishing year on April 1. **Framework 42 will consider developing sub-management areas in the Northern Gulf of Maine (NGOM) and region-specific Limited Access Day-at-Sea allocations between the Mid-Atlantic and Georges Bank areas**. Work on Framework 42 will occur concurrently with specifications but have a later final approval date of April 2027. The Council **adopted Scallop Research Set-Aside (RSA) priorities for 2027-2028**, with scallop resource surveys remaining the most highly ranked. The Council **requested that GARFO communicate a lowering in the prioritization of sea turtle research to the NOAA Fisheries Office of Protected Resources and Office of Science and Technology, so that turtle research can be funded through those offices going forward**. Due to the delayed release of the 2026 Scallop RSA solicitation, there will not be a solicitation in 2027. GARFO reported 14 RSA projects have been selected for support (from a pool of 40 applicants); projects will be announced soon. The Council contracted SMAST to develop a new scallop Stock Projection Model to be used alongside stock projections run by the NEFSC for setting annual

specifications; project completion is expected in June 2027. Staff overviewed the three-year workplan for implementation of the long-term [Scallop Strategic Plan](#).

Groundfish – The Council initiated **Groundfish Framework 74**, an action to set fishery specifications for groundfish stocks for 2027-2031. The scope of Framework 74 includes development of alternatives to revise status determination criteria, as appropriate; set FY2027 total allowable catches (TACs) for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and FY2027-2028 TACs for GB yellowtail flounder; set FY2027 specifications for GB cod and GB haddock; set FY2027-2028 specifications for GB yellowtail flounder; set FY2027-2031 specifications for Gulf of Maine (GOM) haddock, American plaice, witch flounder, pollock, northern windowpane flounder, and southern windowpane flounder; set FY2027-2031 specifications for Atlantic halibut, exploring sources of best available science to support catch setting; review sub-component analysis for stocks with revised specifications; review GB haddock sub-ACL in the mid-water trawl/herring fishery, set the sub-ACL at a fixed percentage amount, and discontinue the review requirement; re-evaluate the approach used for SNE/Mid-Atlantic yellowtail flounder scallop fishery sub-ACL; simplify the criteria for reducing the size of the southern windowpane flounder accountability measures area; and adjust administration of the B-DAS Program and Area II Yellowtail Flounder/Haddock SAP to change the default status. Final action on Framework 74 is expected in December, for prospective implementation by May 1. The Council received a highly detailed narrative on the results of the [Amendment 23 Groundfish Sector Monitoring Program Review](#). This work describes changes in patterns of bias in reported catches from observed and unobserved sector trips before and after implementation of (Amendment 23) changes to commercial groundfish monitoring and reporting system, intended to improve accuracy and reliability of catch data. The Amendment 23 Review report will be delivered to the Council this summer. The Council received an update on continued work to support development of a tiered groundfish ABC Control Rule (Framework 68) that considers stability and better addresses goals of the Groundfish FMP; final action is expected in April 2027. The peer review for the Georges Bank Haddock Management Track Assessment will occur June 29-30. Data updates for several other groundfish stocks are expected to be delivered to the Groundfish Plan Development Team in October.

Risk Policy – As a culmination of three years of work, the Council approved its revised **Risk Policy concept, effective for use immediately**, and dissolved the Risk Policy Working Group as all planned tasking was completed. Following Concept approval, the Council proceeded to conduct its first formal weighting of the five identified Risk Policy factors (i.e., key elements to characterize risk). In closed session, each voting Council member anonymously **weighted each factor** (from 0-4, corresponding to range of risk tolerance). The weights were averaged to determine a global weighting scheme for the factors across stocks/FMPs. The Council **approved weights (normalized, sum to 1) as follows: SSB/stock status = 0.26; recruitment = 0.22; climate vulnerability = 0.16; recreational fishery characterization = 0.15; commercial fishery characterization = 0.21**. Over the summer/fall, each FMP's Plan Development Team will score the five factors using prescribed [methods](#). Results of factor *weight* x *score* will describe stock-specific risk tolerance to be considered during specifications setting. The first FMPs to utilize the new output will be groundfish, scallops, and small-mesh multispecies. The Council recognized Working Group Chair Megan Ware (ME) for her innovation and commitment to achieving an improved Risk Policy.

Whiting – The Council initiated an action to **1) set Small-Mesh Multispecies (Whiting) fishery specifications for up to five years, 2027-2031, 2) consider application of the Risk Policy in the catch setting process, and 3) consider a modification to the red hake possession limit and Accountability Measures trigger**. Measures to be considered in the action include an adjustment to the northern red hake possession limit from 3,000 to 5,000 pounds due to improved resource conditions, adjusting the southern red hake possession limit from 600 to 1,000 pounds, adjusting the monkfish and lobster allowances for exemption area trips in Cultivator Shoal and Southern New England Exemption Areas to be consistent with existing limits in other fisheries (note: this excludes Raised Footrope Trawl areas). Final action is expected in December. The Council also **agreed to consider, during priority setting this fall, development of an action to identify various adjustments to Exemption Area (boundaries, seasons, and consistency with bycatch thresholds) to increase the utilization of small-mesh stocks**. These adjustments could be based upon analysis of large mesh fishery catch ratios and other data. Several Council members expressed reservation with delaying Exemption Area modifications, as the Committee recommendations were developed over several years. However, the measures would need to be considered under the Groundfish plan as well, and the action relates to a planned near-term holistic review of all the Council's exemption areas (e.g., spiny dogfish) over the next year or so.

Habitat – The Council provided its recommendations to the NOAA Fisheries GARFO Regional Administrator regarding the three-year review of two [Dedicated Habitat Research Areas](#) (DHRAs) designated under the Omnibus Habitat Amendment in 2018. Based on recent and ongoing work (e.g., disturbance/species presence, passive acoustics, eDNA studies) as well as future planned research (e.g., habitat quality/species composition, biomass spillover), the Council **recommended retention of the Stellwagen DHRA**. Alternatively, due to lack of planned

research relating to the Council's habitat questions since its designation, the Council **requested administrative removal of the Georges Bank DHRA**. Regarding Atlantic surfclams, the Council **approved the elements to include in the scope of the Great South Channel Surfclam Dredge Exemption Program Review**, as **recommended** by the Habitat Committee, Advisory Panel, and staff, with flexibility to include other information as time allows and to focus the analysis as needed. The Program Review final report is expected in September. Staff provided an update on the **2026 Essential Fish Habitat Framework** for revising EFH designations for several groundfish stocks, small-mesh multispecies stocks, and Atlantic sea scallops. Final action on the updated EFH designations is planned for September.

Ecosystem Component Species Evaluation – The Council reviewed continued development of a screening process to **evaluate a species/stock for eligibility as an Ecosystem Component (EC)**. ECs are stocks that a Council or the Secretary has determined do not require conservation and management, but desire to list in a fishery management plan (FMP) to achieve ecosystem management objectives. Designation as an EC removes the requirement under full management for annual catch limits (ACLs), other reference points, or accountability measures. However, a Council may adopt management measures for ECs in an FMP. Advice determined by the screening tool would be non-binding and subject to Council discretion as to whether to designate any EC. A final tool/guidance document for Council technical staff use is expected ahead of priority setting in December. Species included in the evaluation are sand lance, cusk, southern windowpane flounder, SNE/Mid-Atlantic yellowtail flounder, witch flounder, red hake, offshore hake, Atlantic wolfish, rosette skate, and thorny skate.

UPDATES & DISCUSSION

Monkfish & Skates – After discontinuing scoping to consider an Individual Fishing Quota program for the monkfish and/or skate wing fisheries in April, the Council held listening sessions to gather input on fishery concerns and future management recommendations. Listening session **comments** were centered on poor markets for monkfish and skate and on protected species concerns (e.g., impacts of Atlantic sturgeon and harbor porpoise measures on the fisheries). As these items are outside of the Council's purview, the Council **agreed to collaborate with the Mid-Atlantic Fishery Management Council (MAFMC) to develop a letter to NOAA Fisheries GARFO requesting additional information on the effectiveness of current Harbor Porpoise Take Reduction Plan measures and whether modifications could reduce negative socioeconomic impacts on relevant fisheries, consistent with concerns raised during the spring 2026 monkfish and skate listening sessions** (motion also passed by the MAFMC in June).

E.O. 14276 'Restoring American Seafood Competitiveness' – In addressing two items under the Seafood E.O. priority, the Council first received an overview of **input** received during joint NEFMC/MAFMC advisory panel meetings held to inform the Council's evaluation of the need for modification of Vessel Baseline Restrictions. Additional work to characterize vessels with permit suites, multiple baselines, and permits in Confirmation of Permit History (CPH), and trends in relinquished permits will be discussed in September. The vessel baseline evaluation will inform 2027 priority setting. Next, the Council discussed **NOAA's request** for the Council to include rescinding the Herring Industry-Funded Monitoring (IFM) program in its response to E.O. 14276. Council members were generally supportive of adding this to the list of potential work priorities for 2027, to be considered in December.

Enforcement Committee – In May, the Council's **Enforcement Committee** met after a 17-month pause for restructuring. The Committee is now comprised of uniformed officers and NOAA General Counsel. They discussed enforcement of the April 2026 NGOM scallop fishery and Redfish Exemption Program net mesh size regulations, and heard public comment on gear conflicts in Scallop Area II/ Lobster Management Area 3, where a proliferation of lobster gear was reportedly inhibiting scallop access. The Committee will discuss these issues further this fall.

Holistic Strategic Plan Initiative – The Council continues to develop a **Holistic Strategic Plan** which will identify key performance indicators and evaluation criteria to guide how the Council sets its annual work priorities. In June, the Council reviewed the Plan's draft **Implementation Charter**. Final approval of the Plan is expected in September.

NEFSC Fishery Monitoring and Research Division – The Science Center's Monitoring Division staff presented many **details** on staffing, funding, sea days and achieved coverage rates, human and electronic monitoring, the merger of biological port sampling and NEFOP, and plans for data modernization, etc.

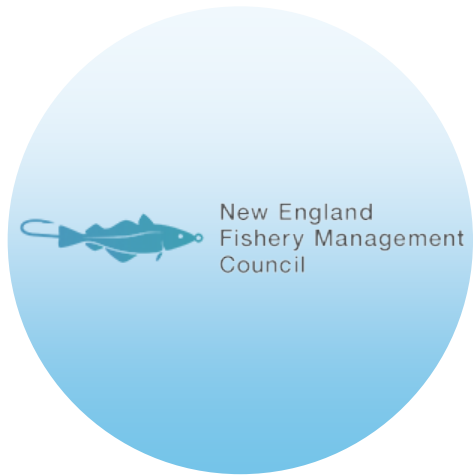
Agency Activities – Reports on recent agency activities are available from the **Council Executive Director**, **GARFO**, **NEFSC**, **MAFMC**, **ASMFC**, **U.S. Coast Guard**, and **ICCAT/HMS/Dolphin-Wahoo**.

LOOKING AHEAD

In [September](#), the Council will consider:

- Approval of Atlantic herring fishery specifications for FY2027-2031
- Approval of the second set of Essential Fish Habitat updated designations for Council-managed species
- Approval of the Council's Holistic Strategic Plan
- Receive the Vessel Baseline Restrictions Evaluation
- Receive the Great South Channel Surfclam Dredge Exemption Program Review
- Discuss potential 2027 Council Work Priorities

New England Regional Fishery Updates



- MSA Turns 50
- June Summary
- Looking ahead to Fall



Initiated Actions in June

Specifications

Atlantic herring FY 2027-2031

Atlantic sea scallop FY2027 and FY2028
(default)

Groundfish FY2027-2031

Whiting FY2027-2031

Separate Management Actions

Atlantic herring: 1) RH/S catch caps or time/area closures, 2) modify specs process, 3) modify carryover

Scallop FW42: 1) NGOM sub-area management ad 2) regional DAS allocations



Final Decisions in June

Atlantic Sea Scallop RSA Priorities FY2027 – FY2028

High Priority

- Scallop Resource Surveys

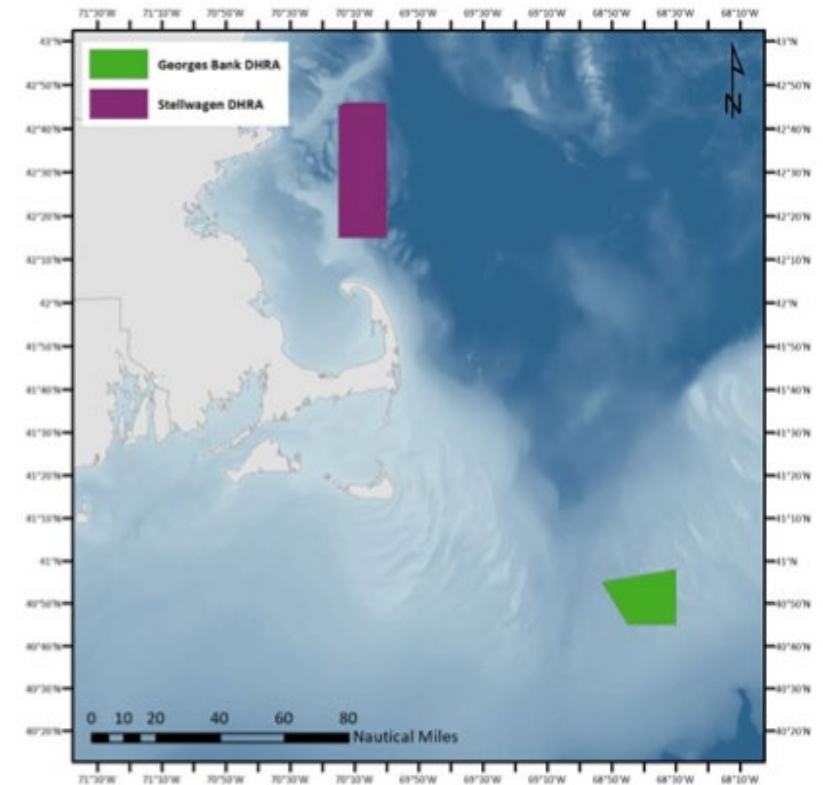
Medium Priority

- Scallop Biology
- Commercial Fishing Gear
- Fishing in High Density Areas
- Bycatch
- Scallop Enhancement

General Research Needs

- Sea Turtles
- Wind
- Habitat Characterization and Fishery Impacts

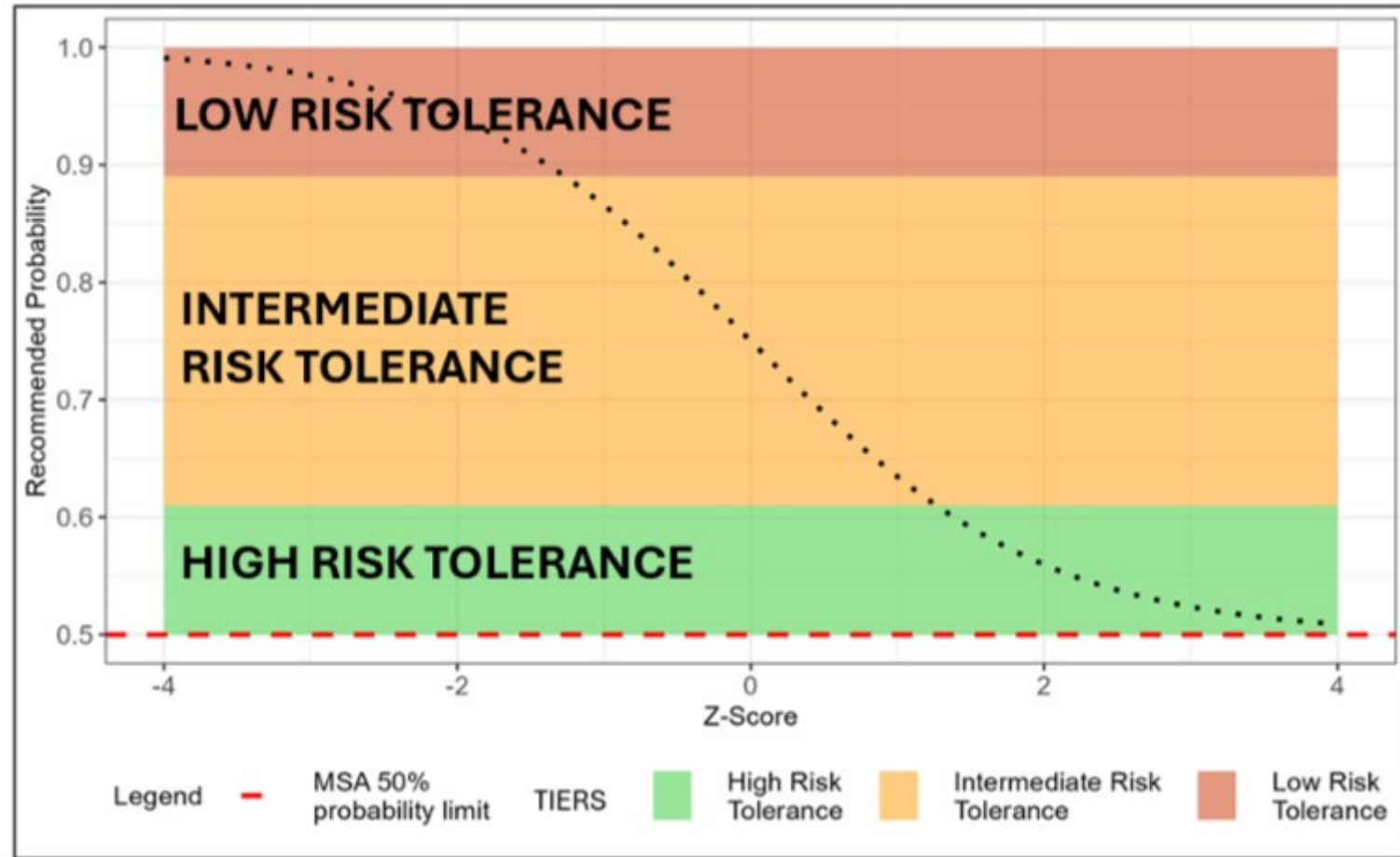
Administrative removal of Georges Bank Dedicated Habitat Research Area (DHRA)



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Final Decisions in June – Risk Policy

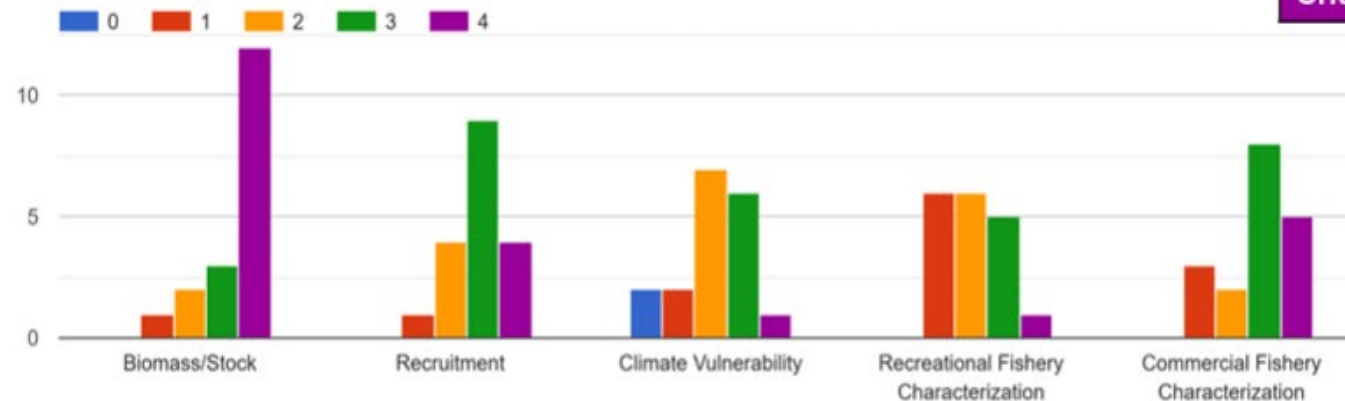


Final Decisions in June – Risk Policy

RESULTS: GLOBAL WEIGHTING DISTRIBUTION

All Managed Resources (All FMPs)

Distribution of weights for each factor by voting Council members (n=18)



Least Important
Slightly Important
Important
Highly Important
Critically Important

	SSB/ Stock Status	Recruitment	Climate Vulnerability	Recreational	Commercial
Mean (0-4)	3.44	2.89	2.11	2.06	2.83
Normalized	0.26	0.22	0.16	0.15	0.21

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Monkfish/Skates

Recent Developments:

- CPUE review
- Adapting governance
- IFQ start/stop ? Listening Sessions
- Request modifications to Harbor Porpoise Take Reduction Plan to reduce negative socioeconomic impacts on relevant fisheries



Looking ahead to September

SSC Dates

August 11-12: Atlantic herring

~~August 24~~: river herring/shad

September Council Meeting Overview

UPDATES 	DECISION / REVIEW 	REPORTS 	INITIATE ACTION 	FINAL ACTION 
Groundfish Action: Specifications (FW74)		Vessel Baseline Evaluation		Herring Action: Specifications
Small Mesh Action: Specifications		Regional Stock Prioritization		Holistic Strategic Plan Implementation
Scallop Action: Specifications		GSC Clam Exemption Review		EFH Framework 2



Looking ahead to Prioritization

Scallops: Northern Edge access, Permit Stacking, Strategic Plan Goals

Atlantic herring: Industry Funded Monitoring removal

Exemption Area Review: Groundfish and Surf Clam



2025 Commercial Landings Year-in-Review & 2026 Quota Managed Species Update

Marine Fisheries Advisory Commission meeting, 7/14/2026



2025 Commercial Landings Year-in-Review

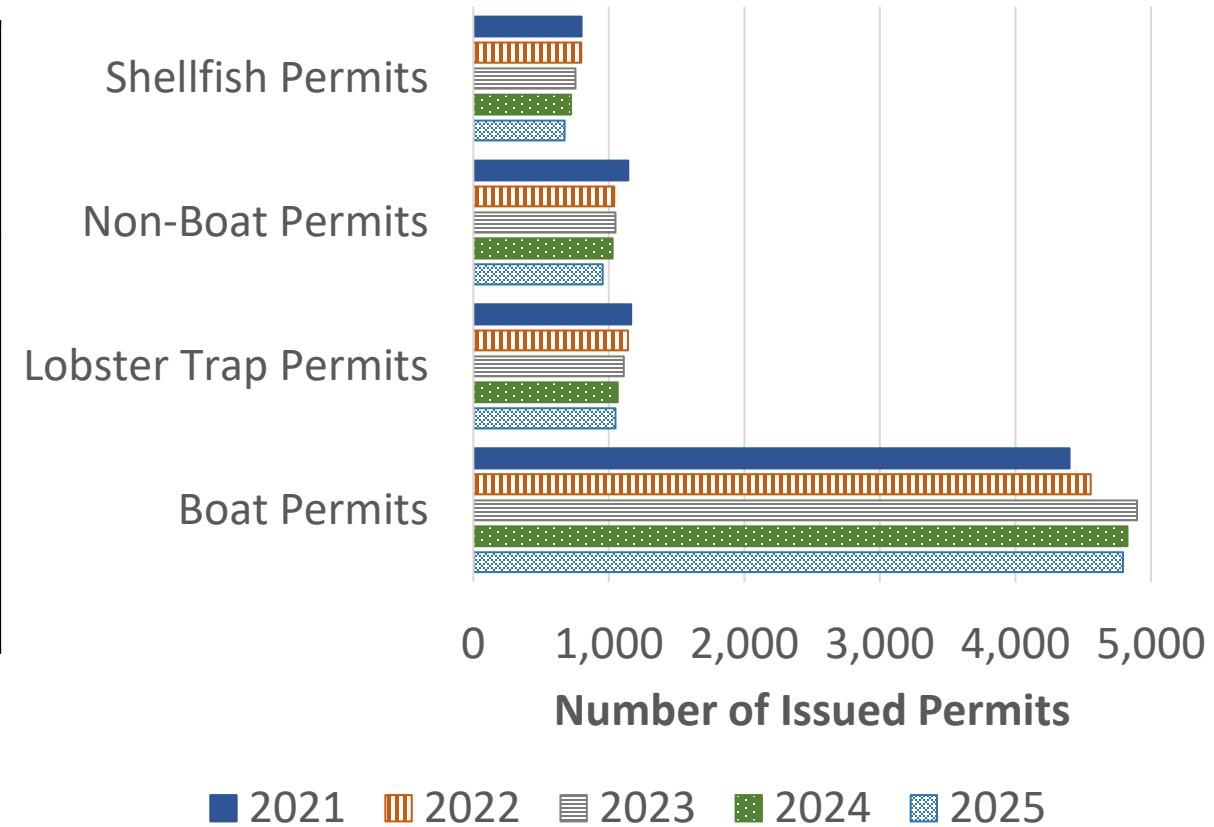
Data Source: MA Permitting Data, ACCSP Data Warehouse as of April 2026, SAFIS eDR as of 7/9/26. Values are not adjusted for inflation.



Permitting Trends

Permit Category	Number of 2024 Permits Issued	Number of 2025 Permits Issued
Commercial	7,732	7,553
Dealer	1,878	1,900
Primary Buyer	511	525
Non-Primary Buyer	1,367	1,375
Special	525	513

Number of Permits Issued by Year and Permit Type Category



Data Source: MA Permitting Data as of April 2026

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Species over \$2 Million Ex-Vessel Value in 2025

Rank	Species	Whole Pounds	Ex-Vessel Value (USD)
1	Sea Scallop	153,685,157	\$334,033,336
2	American Lobster	17,913,051	\$120,130,871
3	Eastern Oyster	10,808,058	\$36,675,860
4	Haddock	5,516,795	\$9,987,884
5	Atlantic Surf Clam	31,471,157	\$8,986,512
6	Monkfish	10,816,316	\$6,568,923
7	Jonah Crab	6,340,904	\$6,372,914
8	American Plaice	2,762,456	\$5,367,561
9	Soft Clam	1,775,432	\$5,246,525
10	Pollock	4,854,701	\$5,092,851
11	Acadian Redfish	8,920,775	\$4,982,552
12	White Hake	3,470,820	\$4,886,940

Rank	Species	Whole Pounds	Ex-Vessel Value (USD)
13	Northern Quahog	3,266,960	\$4,435,774
14	Bluefin Tuna	862,431	\$4,229,280
15	Silver Hake	3,953,827	\$3,915,952
16	Menhaden	12,203,537	\$3,672,468
17	Winter Flounder	1,400,898	\$3,600,772
18	Winter Skate	10,980,902	\$3,455,079
19	Witch Flounder	2,135,236	\$3,073,773
20	Striped Bass	683,431	\$2,900,614
21	Channeled Whelk	842,341	\$2,681,681
22	Razor Clam	557,947	\$2,664,481
23	Summer Flounder (Fluke)	619,487	\$2,571,732
24	Black Sea Bass	831,246	\$2,426,737

Data Source: ACCSP Data Warehouse as of April 2026; value and prices are not adjusted for inflation.



2025 Quota Summary

Species	Landings (Whole Lbs)	Final Quota	Percent Landed
Black Sea Bass	831,744	837,216	99.35%
Bluefish	98,343	162,663	60.46%
Fluke	622,487	596,041	104.44%
Bait Horseshoe Crab	137,261	140,000	98.04%
Menhaden (Quota)	11,085,623	10,845,719	102.21%
Scup (Summer)	527,545	1,342,936	39.28%
Striped Bass	683,431	683,773	99.95%
Tautog	61,348	57,942	105.88%

Data Source: ACCSP Data Warehouse as of April 2026

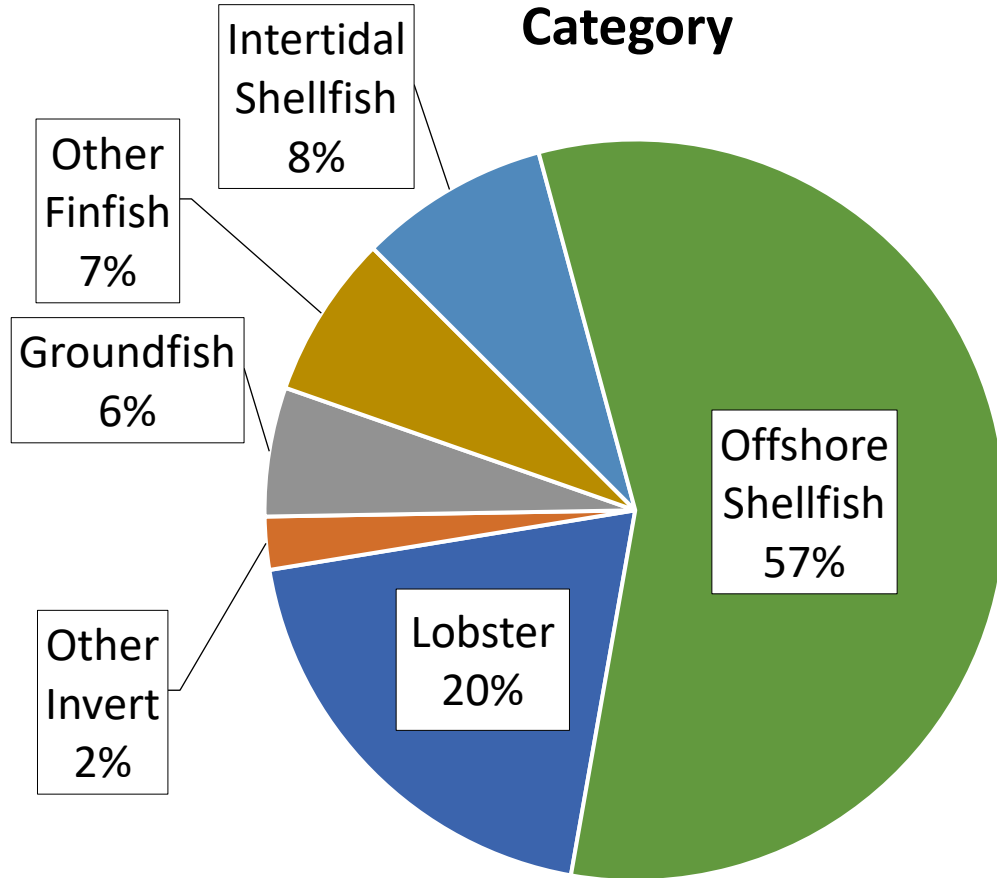
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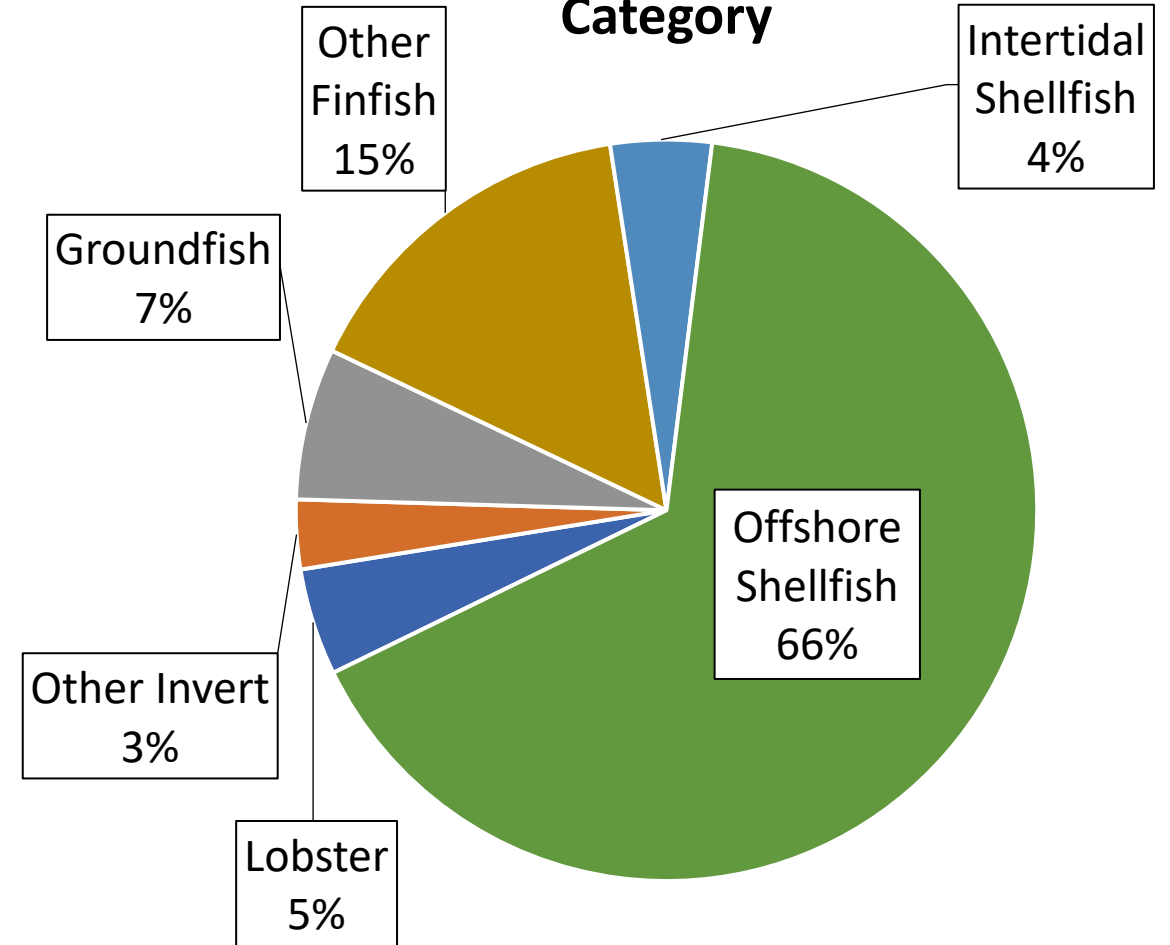


2025 Value and Landings by Species Categories

2025 Ex-Vessel Value (USD) by Species Category



2025 Landings (Live Lbs) by Species Category



Data Source: ACCSP Data Warehouse as of April 2026

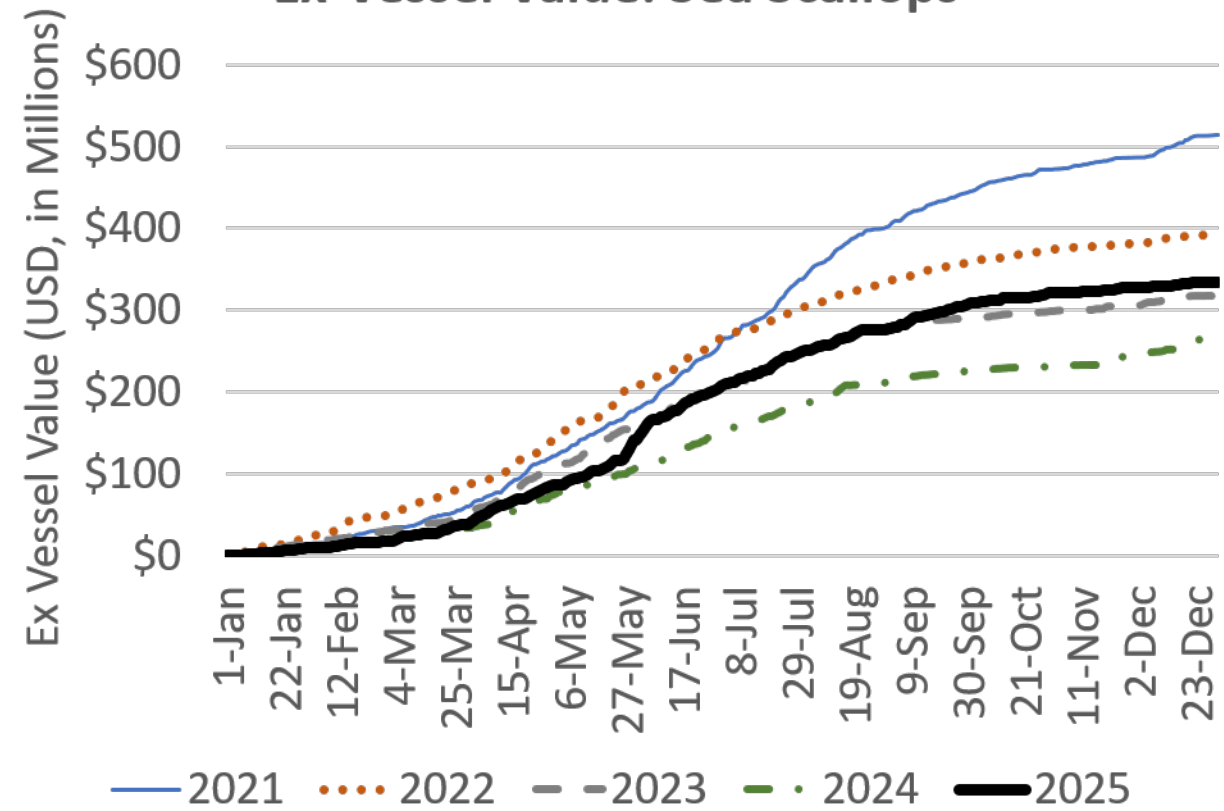
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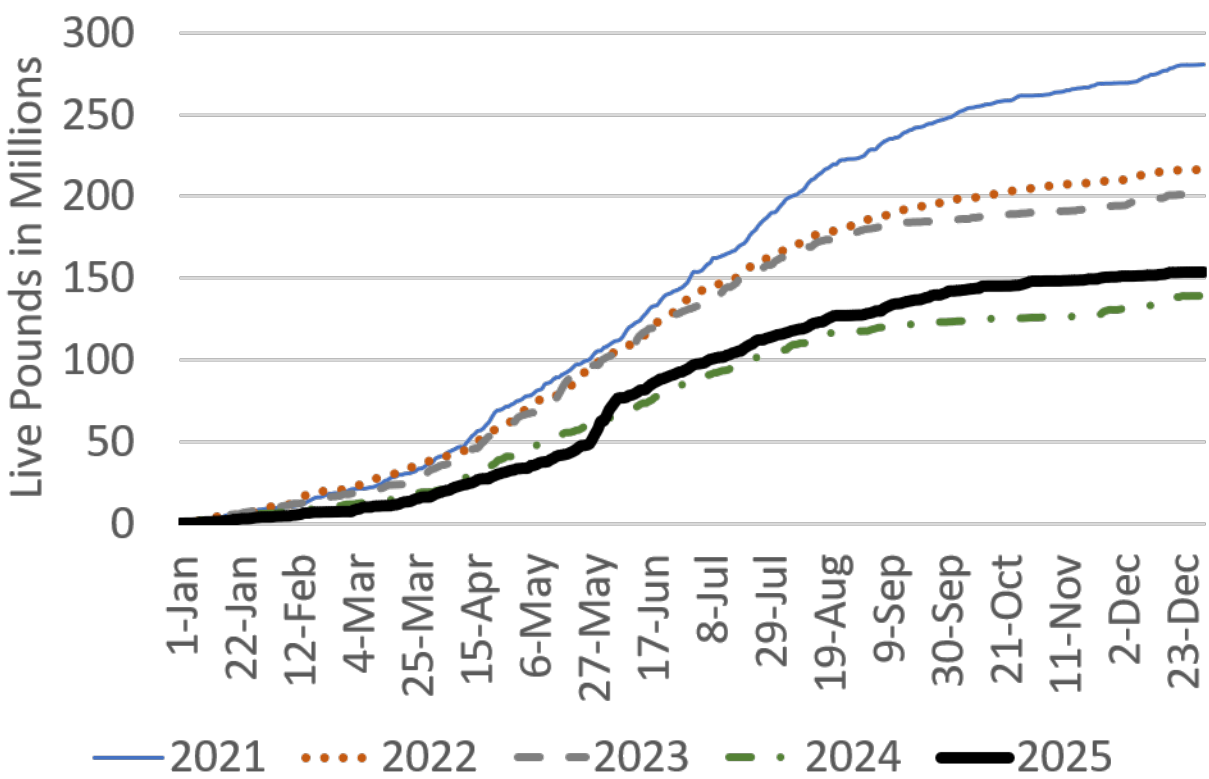


Running Total of Ex-Vessel Value and Landings: Sea Scallops

Ex-Vessel Value: Sea Scallops



Live Pounds Landed: Sea Scallops

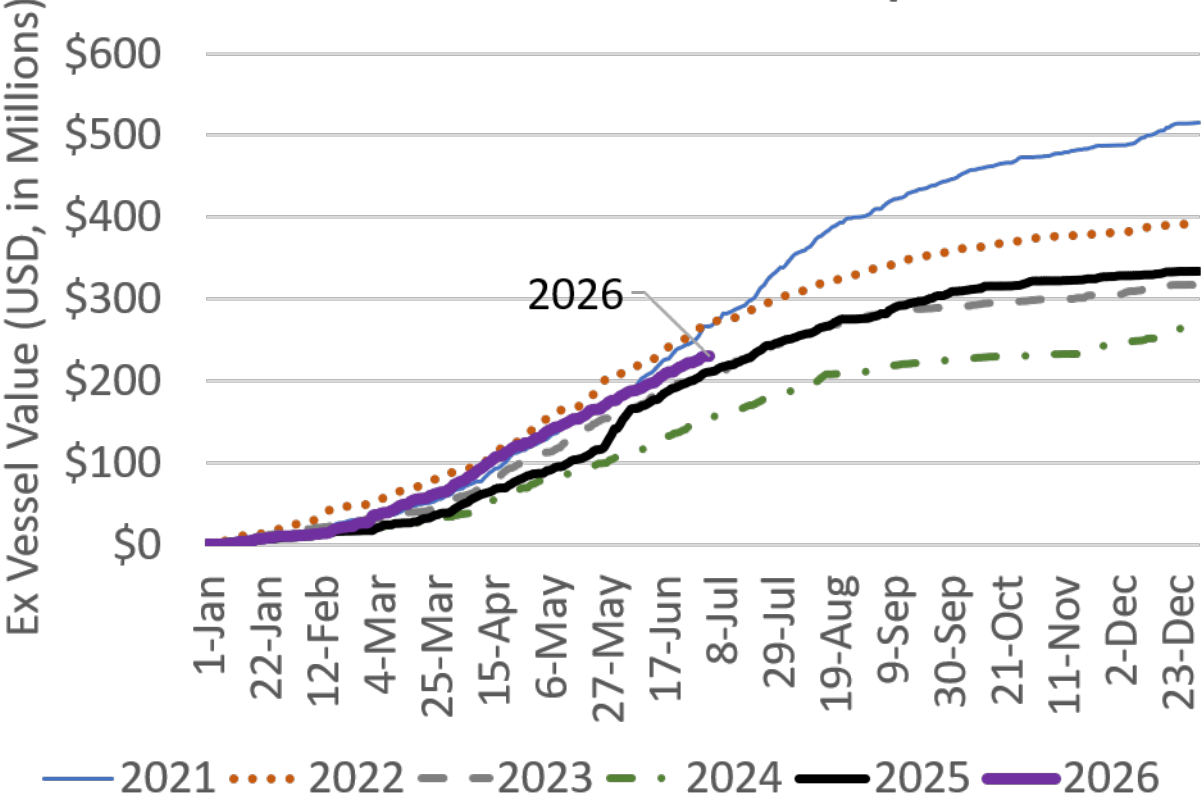


Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.

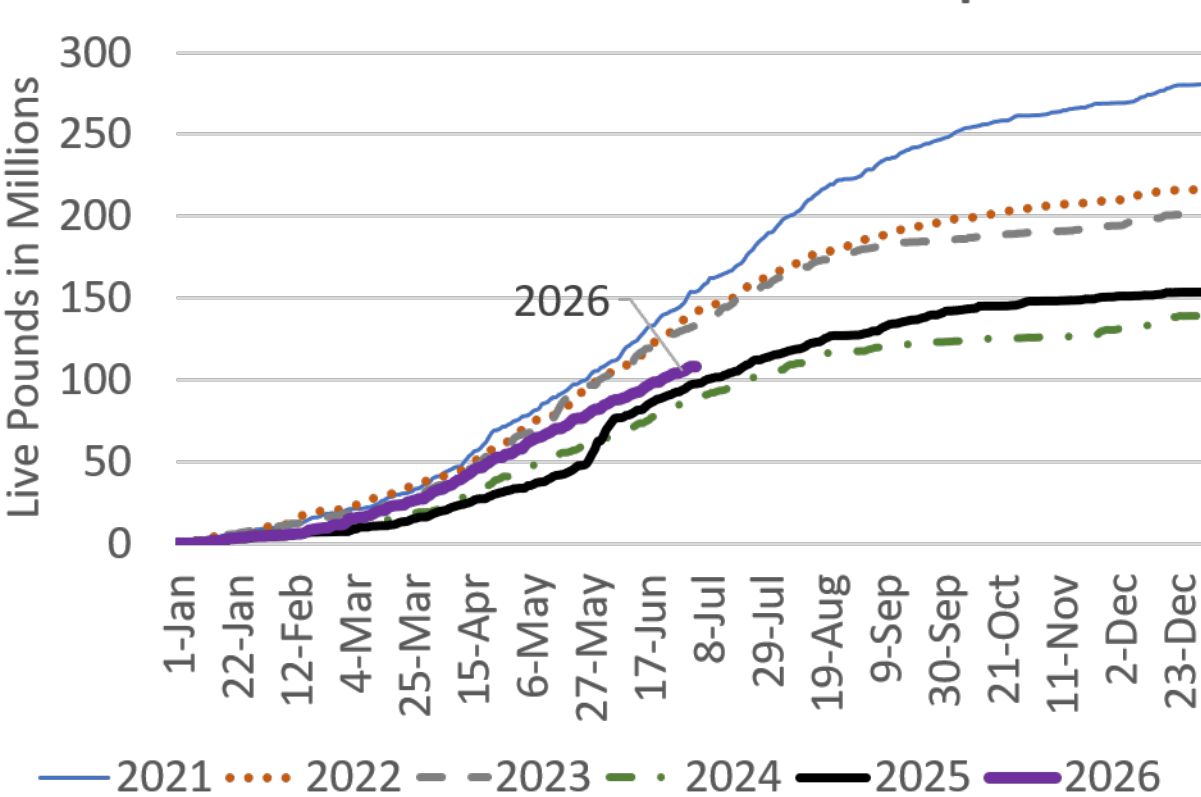


Running Total of Ex-Vessel Value and Landings: Sea Scallops with 2026

Ex-Vessel Value: Sea Scallops



Live Pounds Landed: Sea Scallops

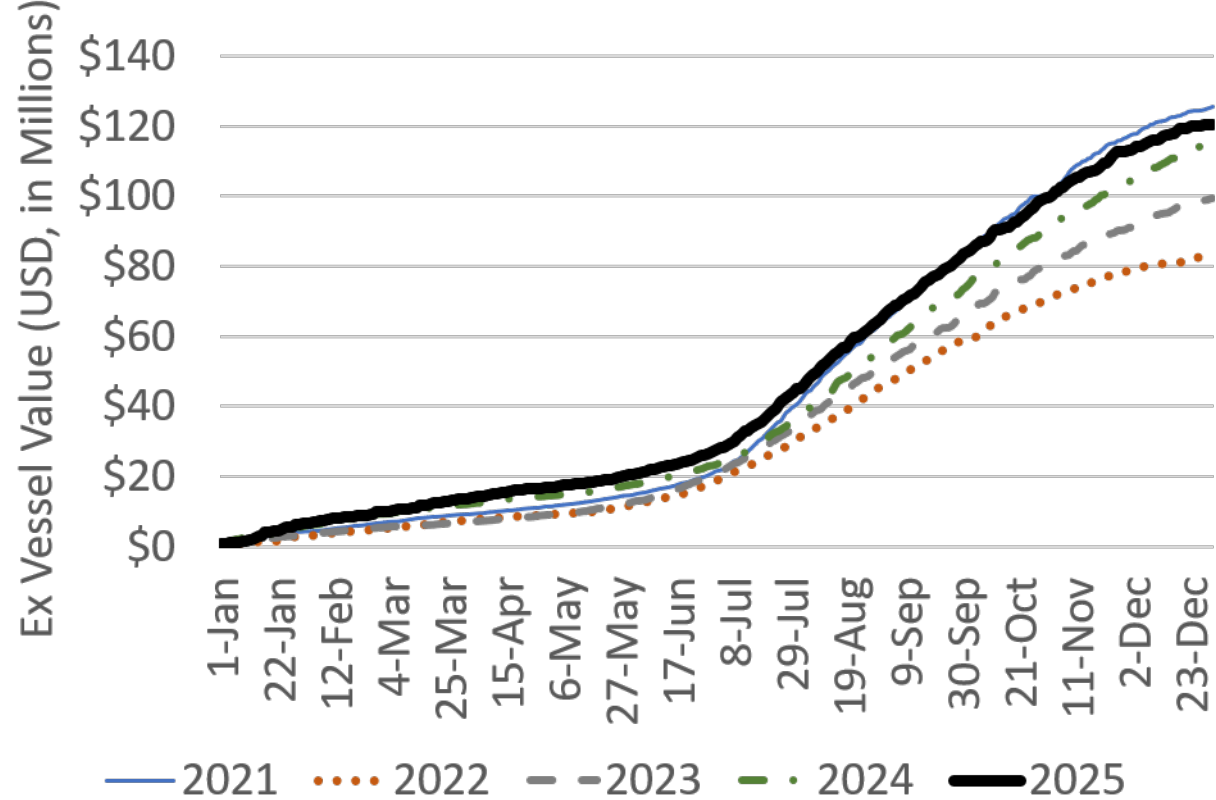


Data Source: SAFIS eDR as of 7/9/2026; 2026 data are preliminary; value and prices are not adjusted for inflation.

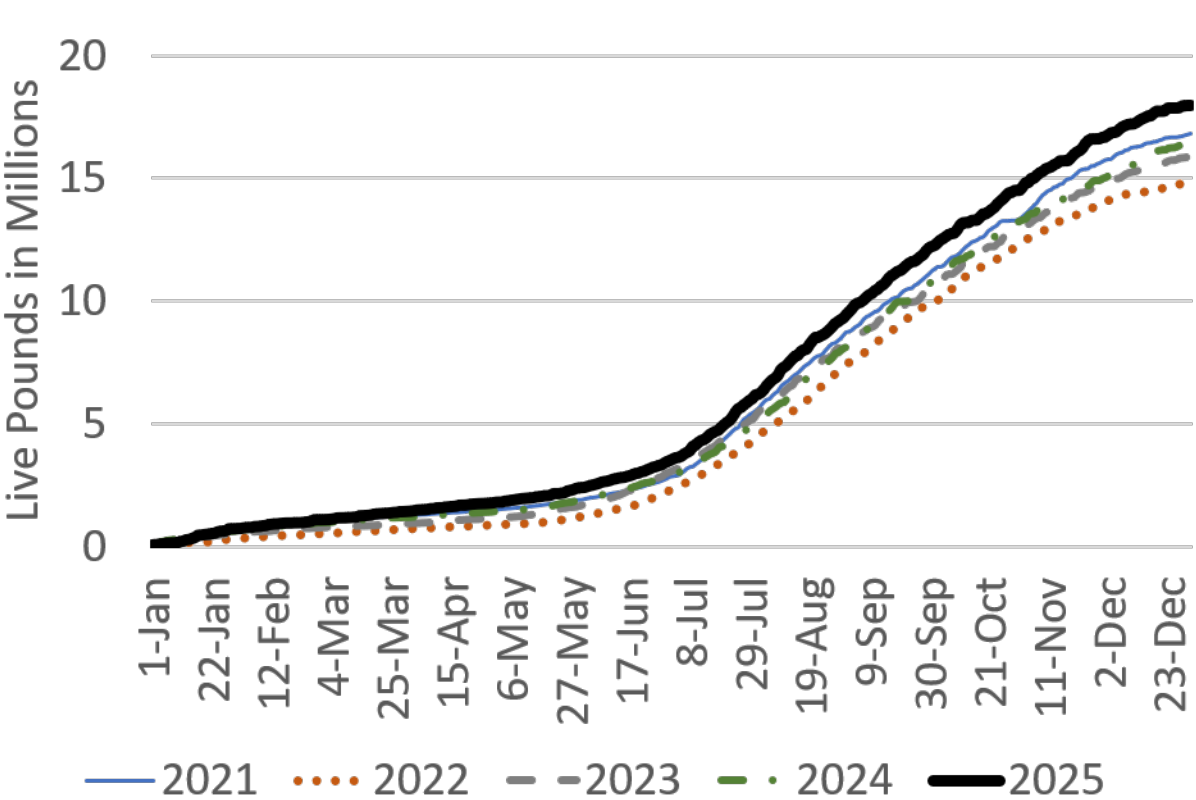


Running Total of Ex-Vessel Value and Landings: Lobster

Ex-Vessel Value: Lobster



Live Pounds Landed: Lobster

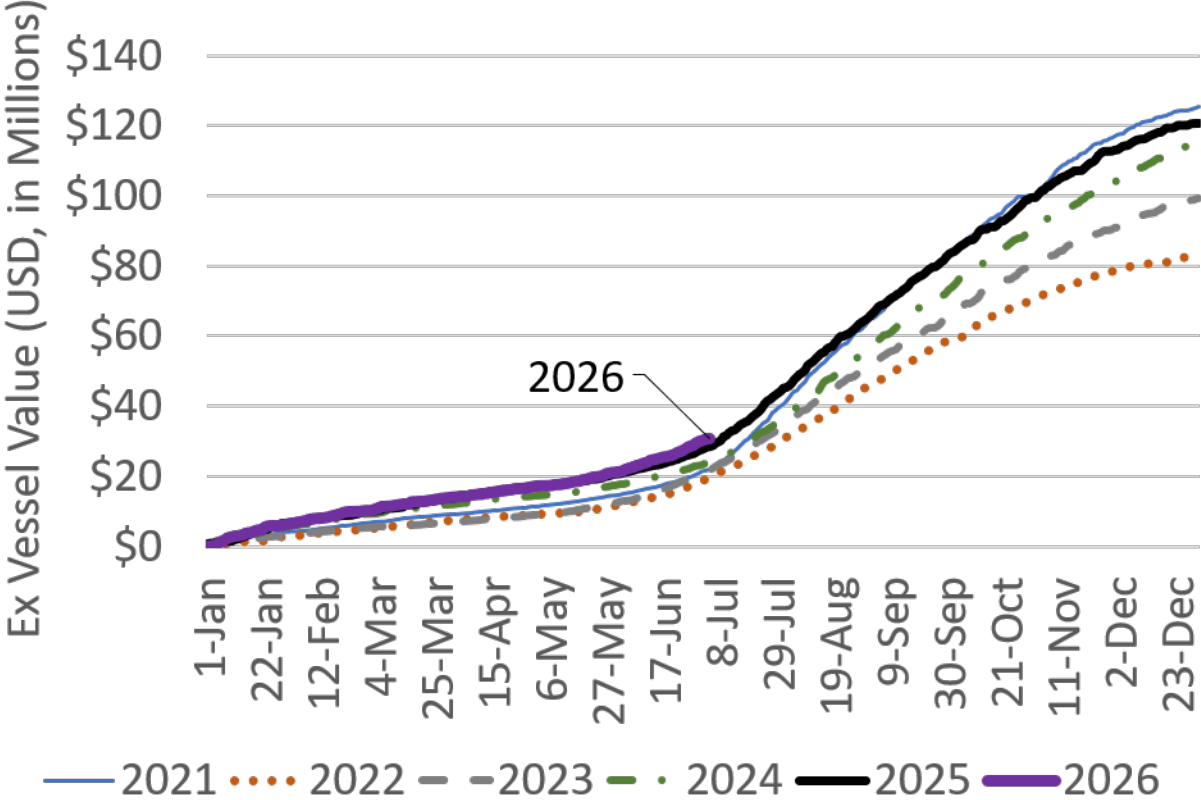


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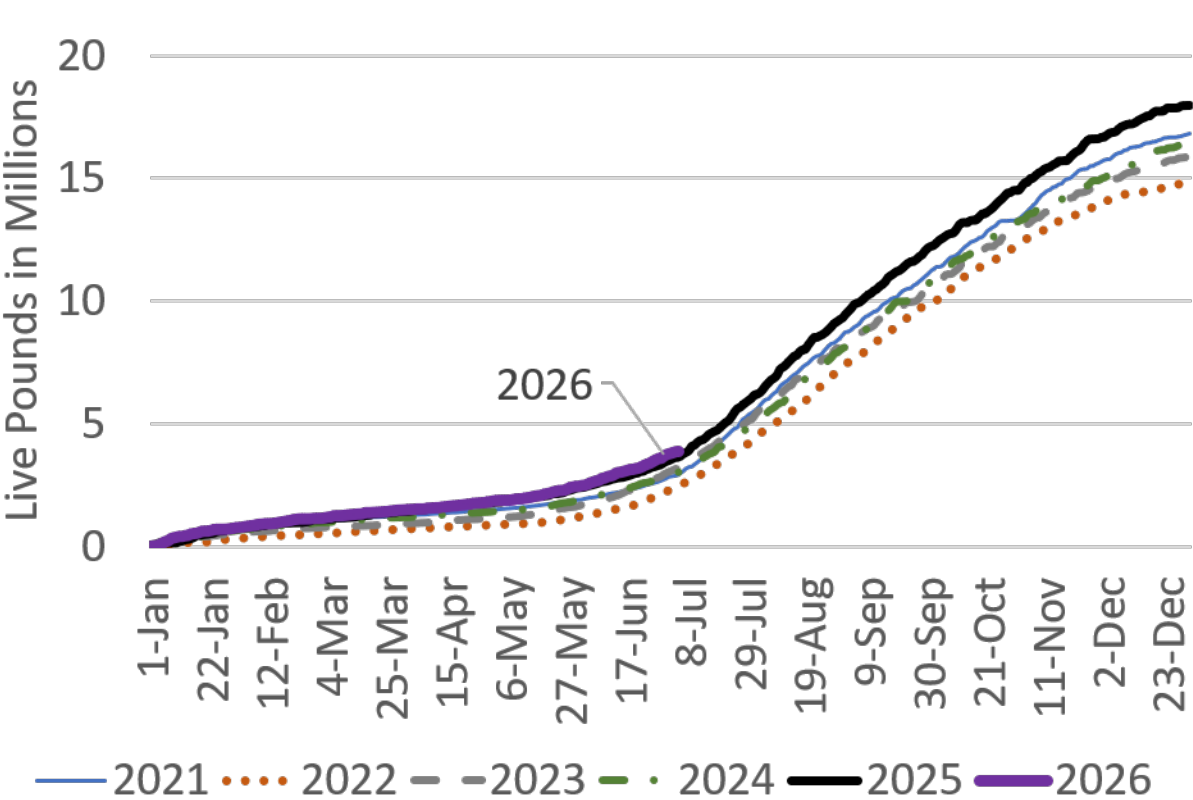


Running Total of Ex-Vessel Value and Landings: Lobster with 2026

Ex-Vessel Value: Lobster



Live Pounds Landed: Lobster



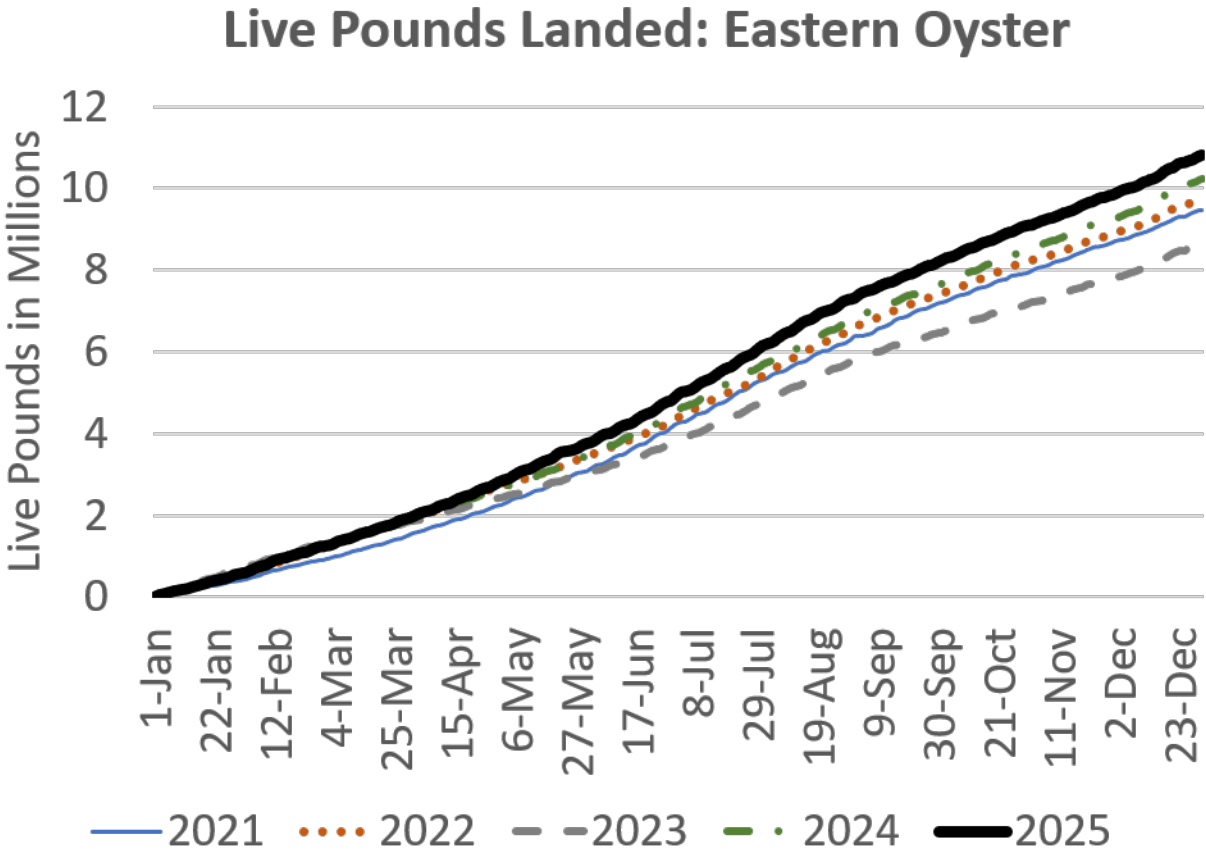
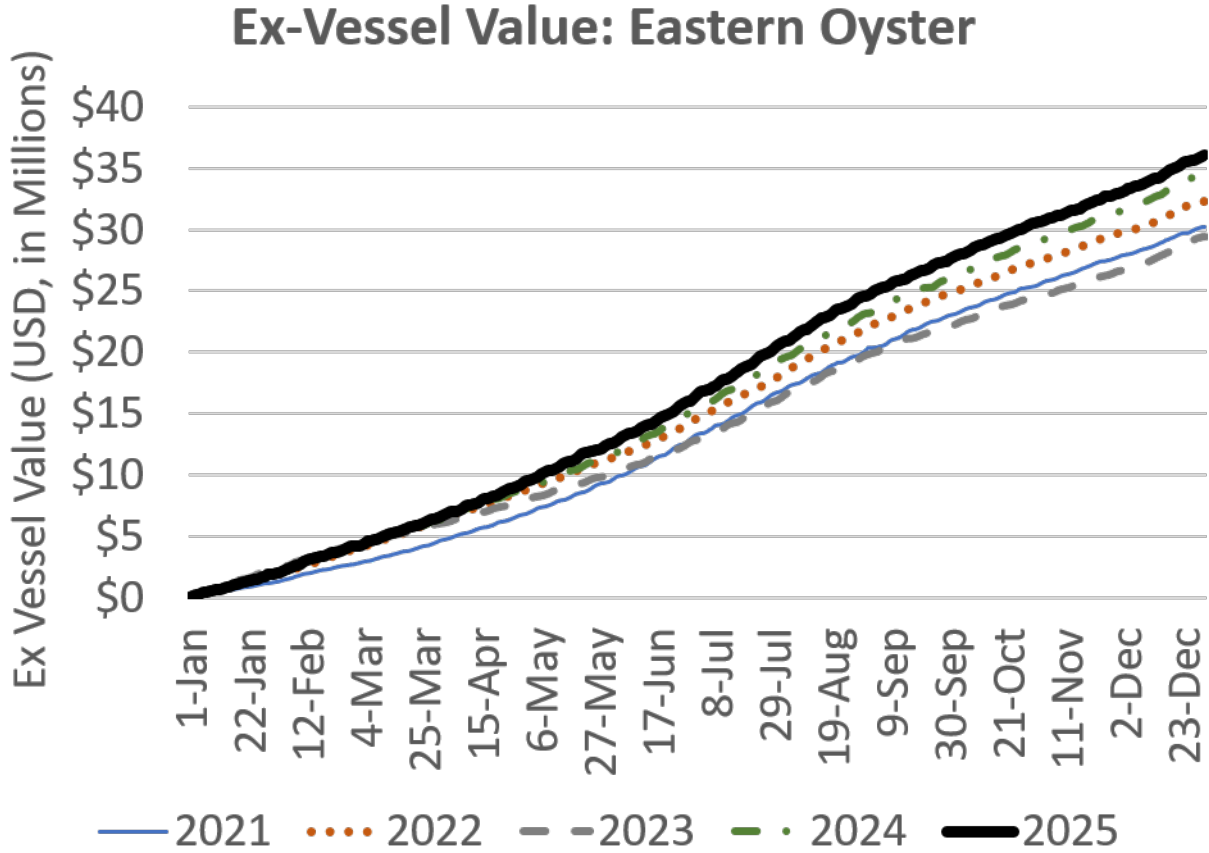
Data Source: SAFIS eDR as of 7/9/2026; 2026 data are preliminary; value and prices are not adjusted for inflation.

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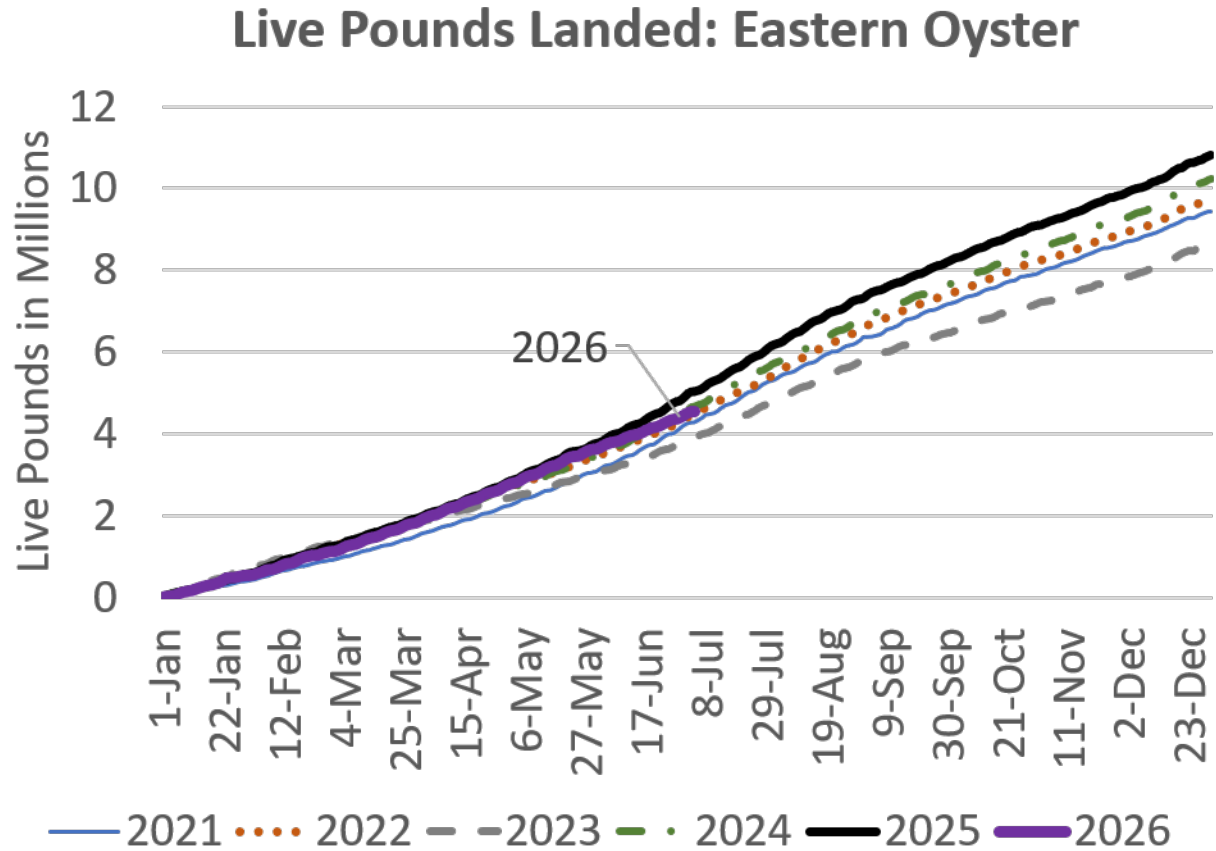
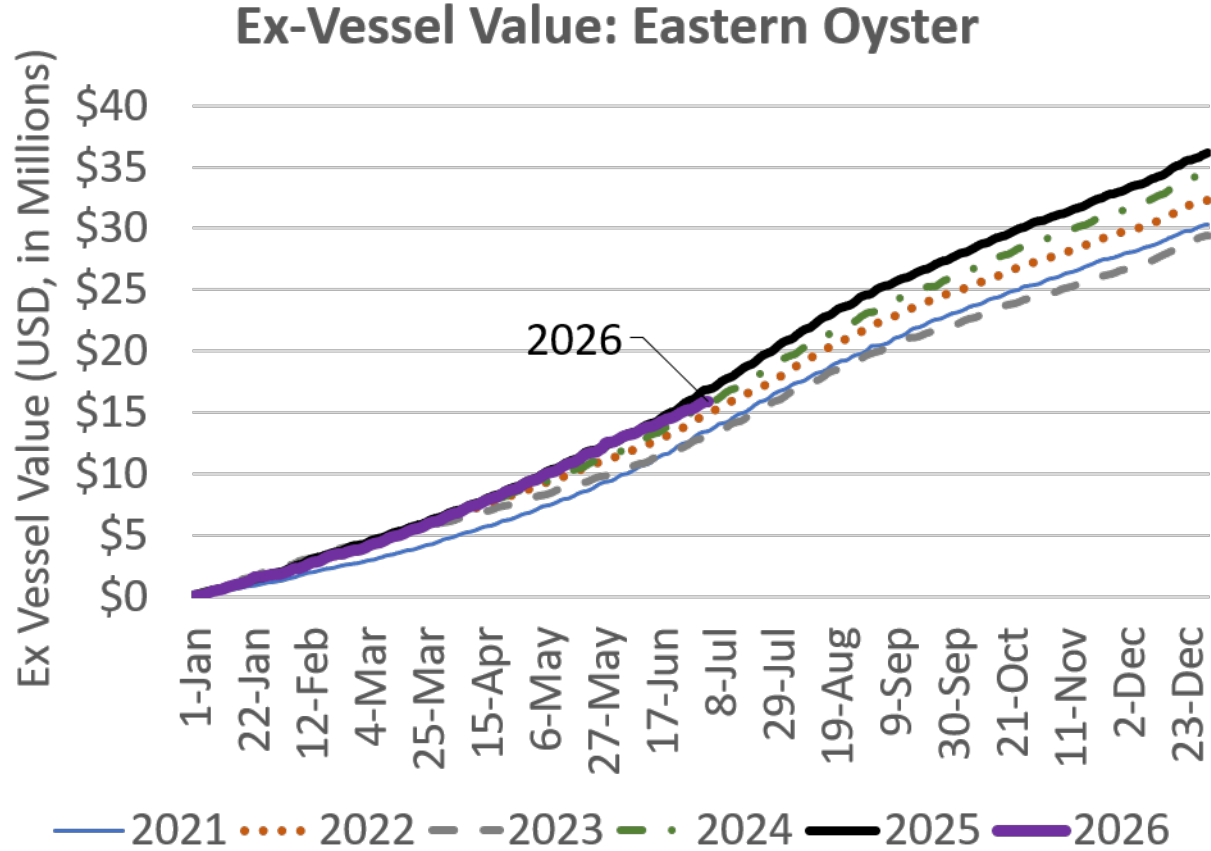
Running Total of Ex-Vessel Value and Landings: Oyster



Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Running Total of Ex-Vessel Value and Landings: Oyster with 2026

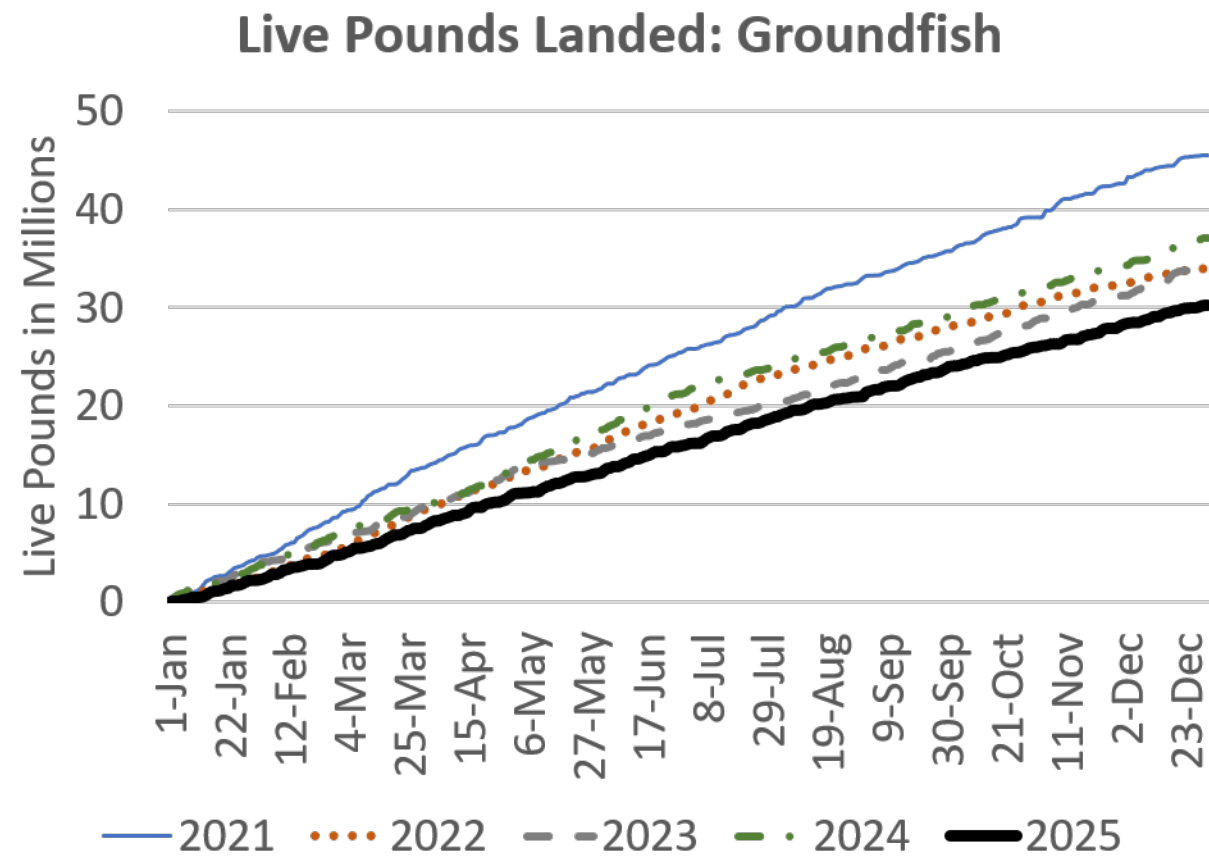
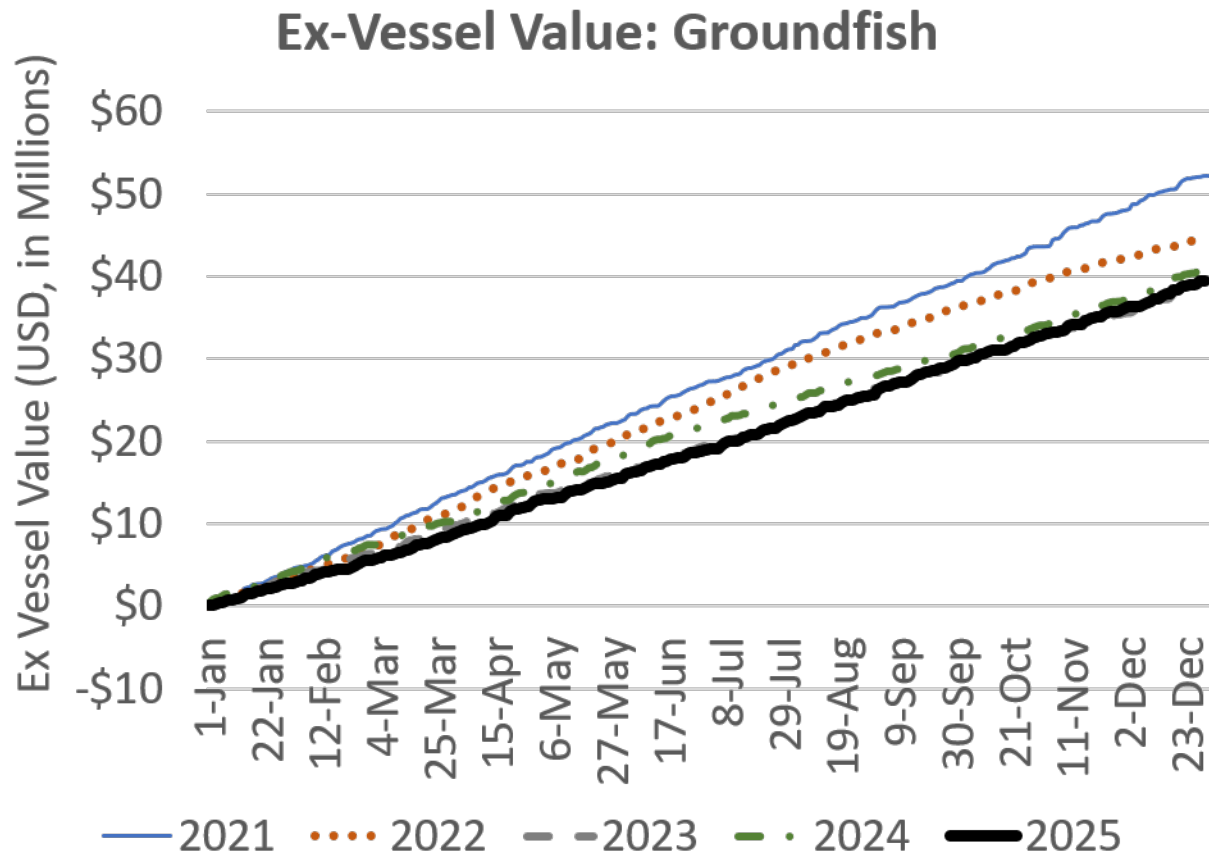


Data Source: SAFIS eDR as of 7/9/2026; 2026 data are preliminary; value and prices are not adjusted for inflation.

MFAC– July 14, 2026



Running Total of Ex-Vessel Value and Landings: Groundfish

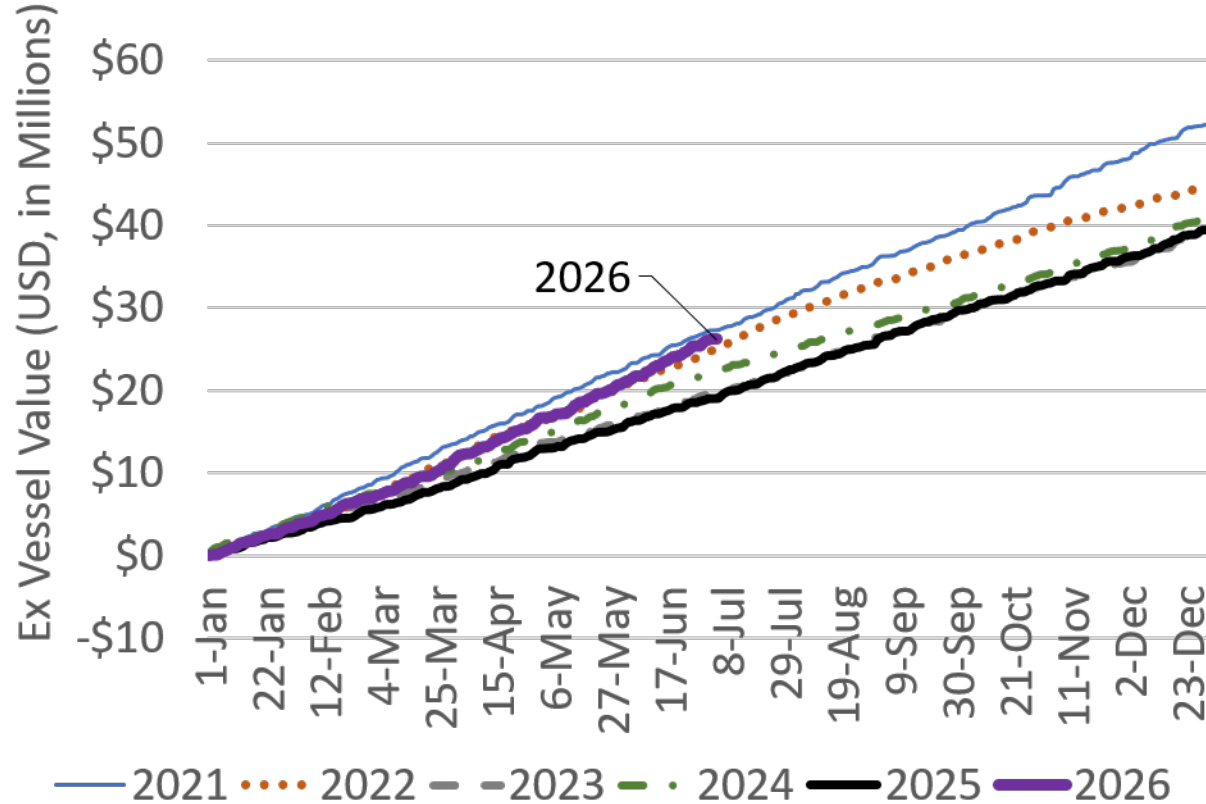


Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.

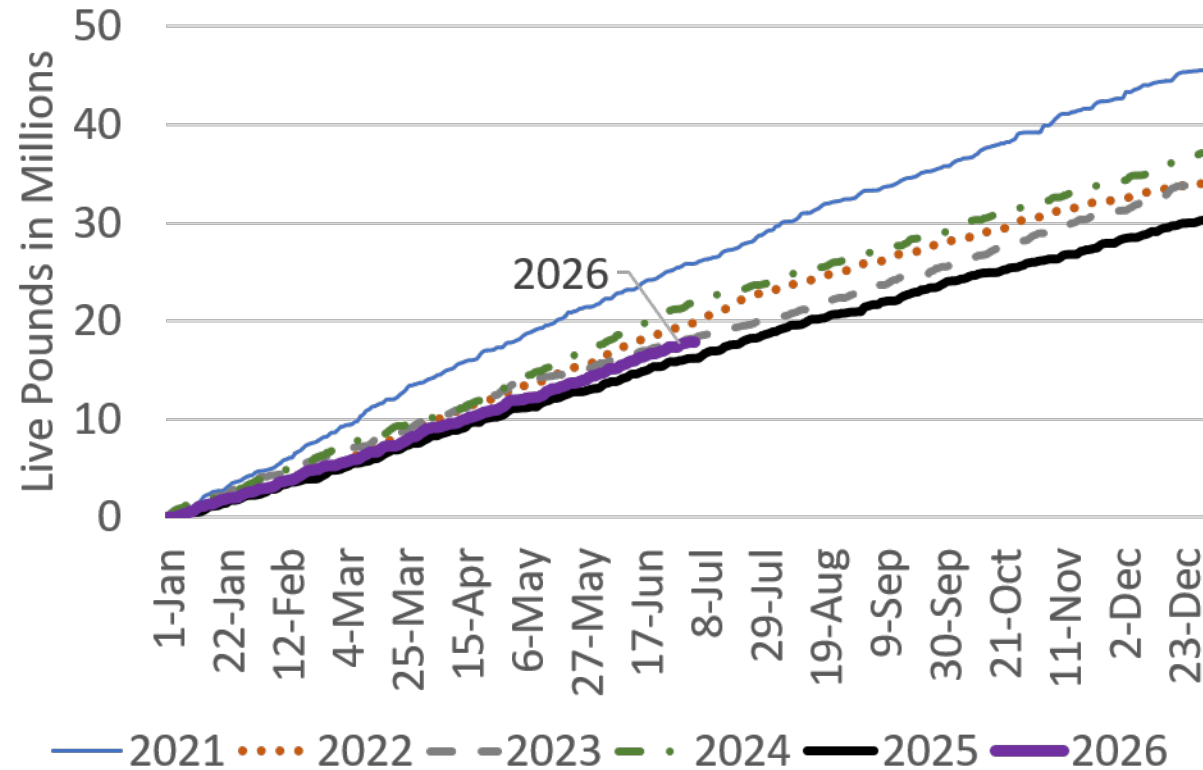


Running Total of Ex-Vessel Value and Landings: Groundfish with 2026

Ex-Vessel Value: Groundfish



Live Pounds Landed: Groundfish



Data Source: SAFIS eDR as of 7/9/2026; 2026 data are preliminary; value and prices are not adjusted for inflation.

MFAC– July 14, 2026

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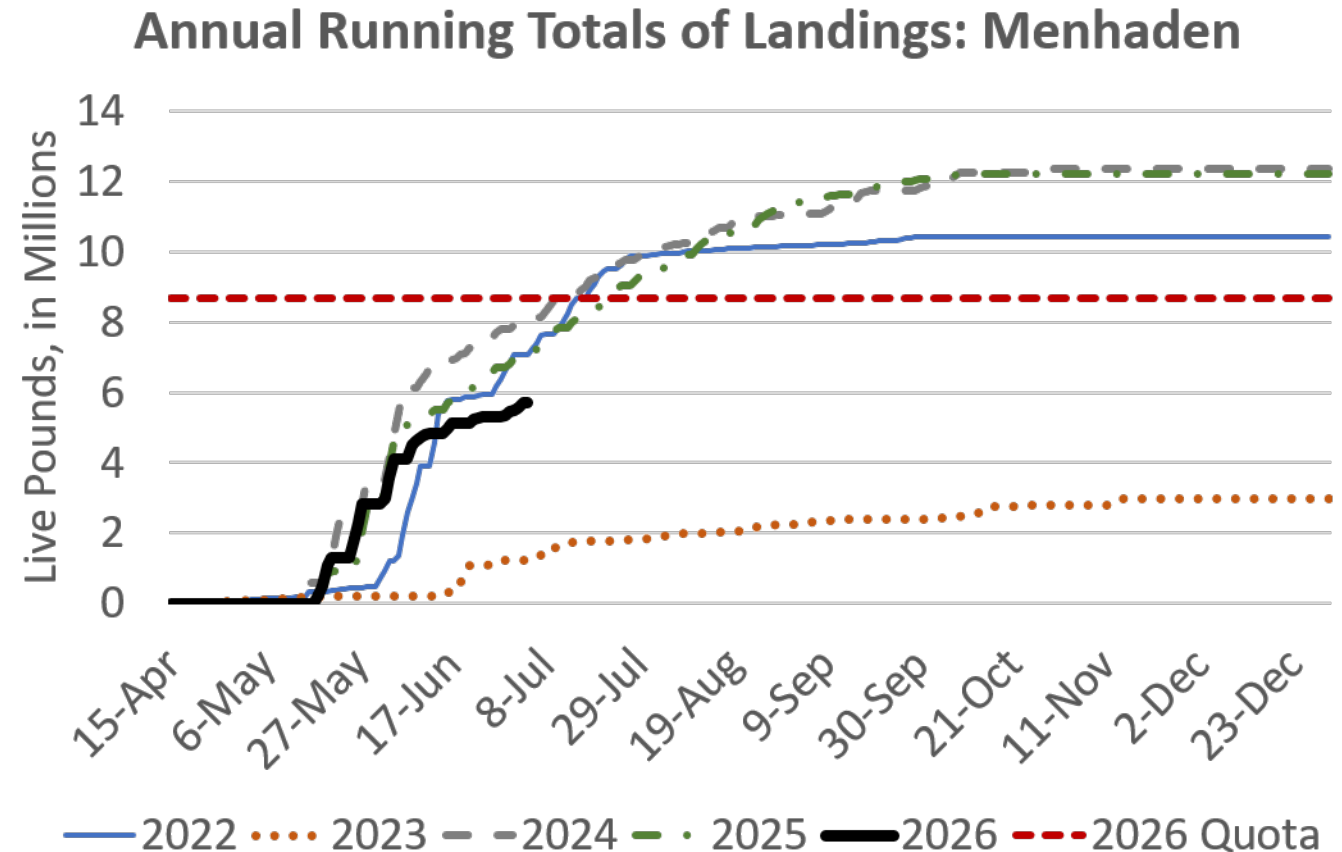
2026 Quota Species Overview

Data Source: SAFIS eDR as of 7/9/26. 2026 data are preliminary and subject to change. Results are shown through week ending 7/4/26. Spiny dogfish are not included due to confidential 2026 landings to date.



Menhaden: Landings

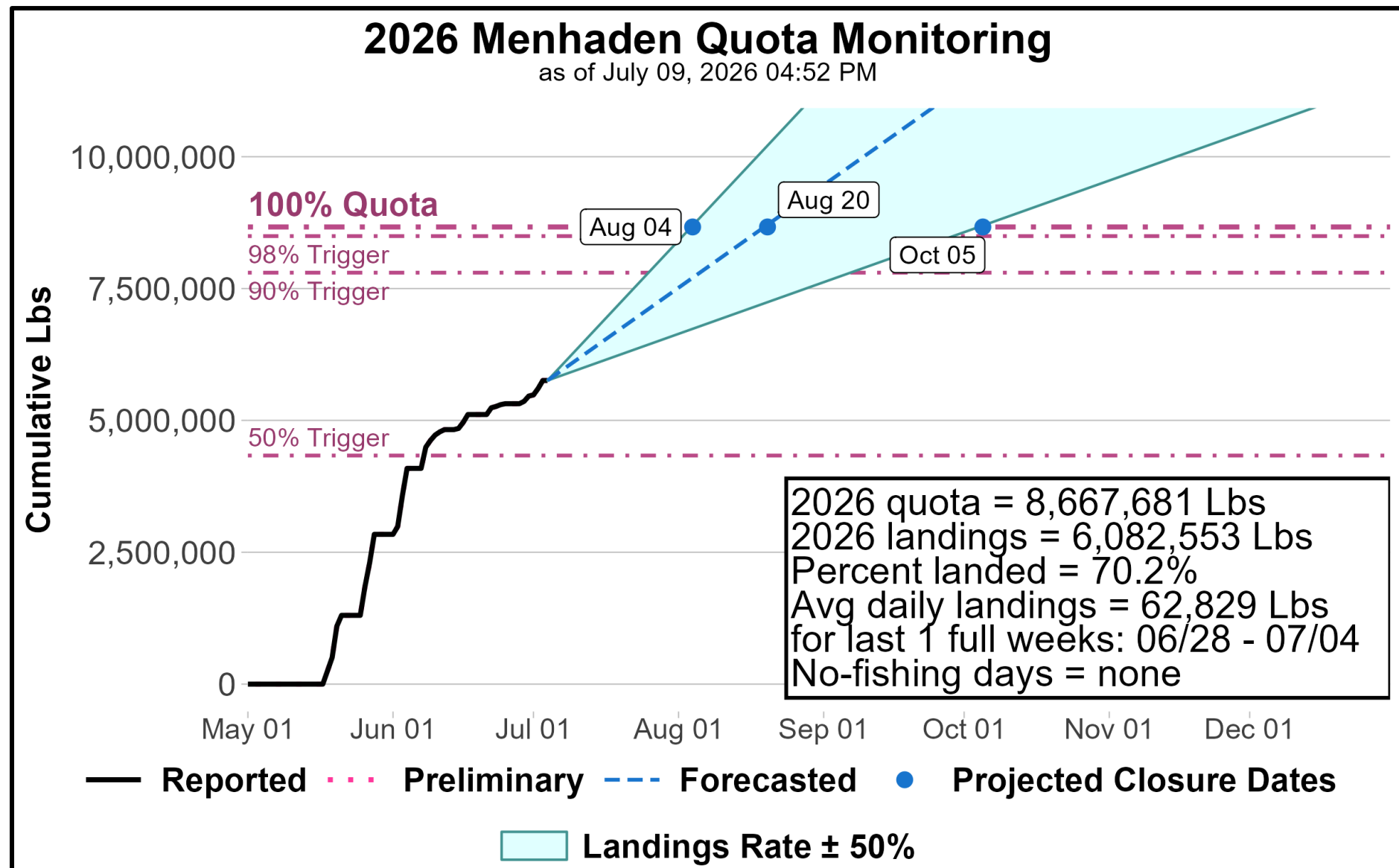
- Quota decrease for 2026
- As of 7/9:
 - 2026 percent landed: 70.2%
- 2026 Possession Limit Changes to date
 - 120,000 lb Limit: last day 6/8, limit dropped to 25,000 lbs
- Pending triggers for limited access permits:
 - 6,000 lb if 98% of quota is taken after 9/1
 - 360,000 lb if more than 10% remains on 10/15



Data Source: SAFIS eDR as of 7/9/2026



Menhaden: 2026 Quota Monitoring



Data Source: SAFIS eDR as of 7/9/2026

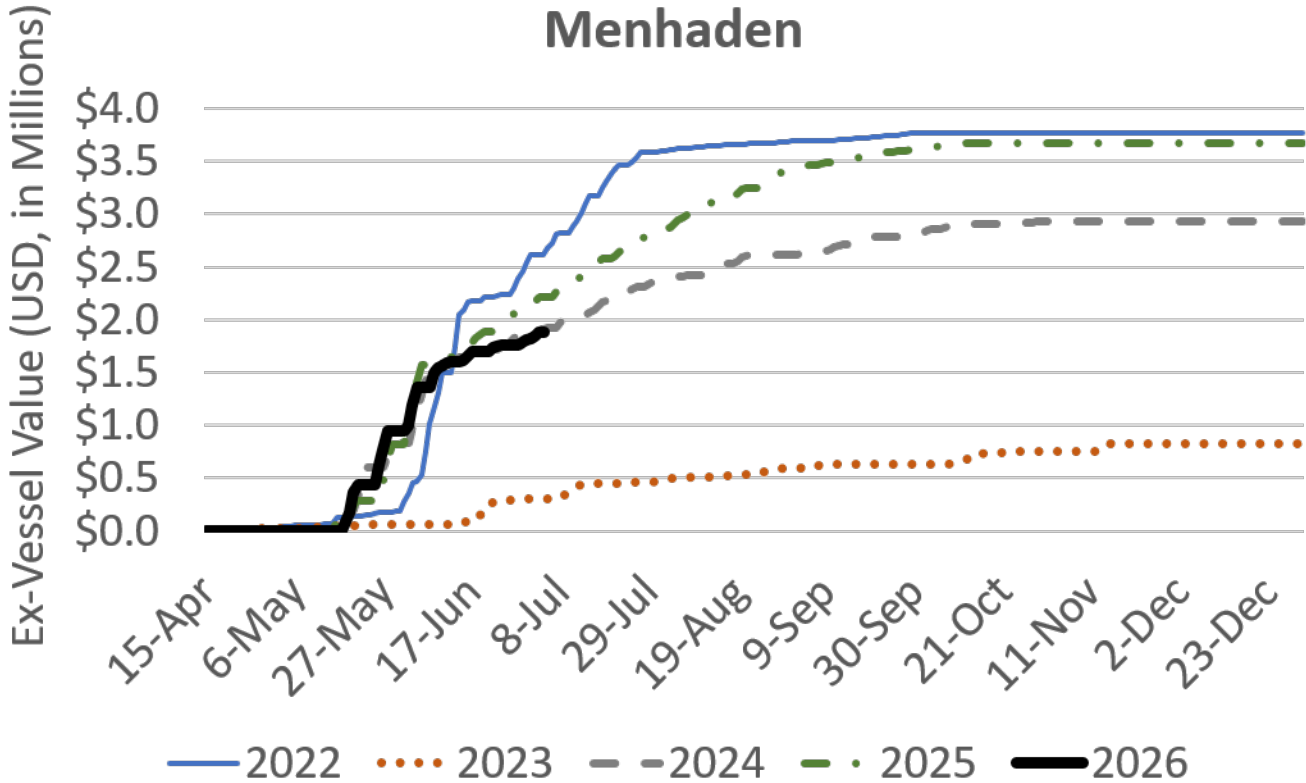
MFAC— July 14, 2026

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Menhaden: Ex-Vessel Value

Annual Running Totals of Ex-Vessel Value:
Menhaden



Menhaden Average Price by Month and Year.
An * indicates the value is confidential.

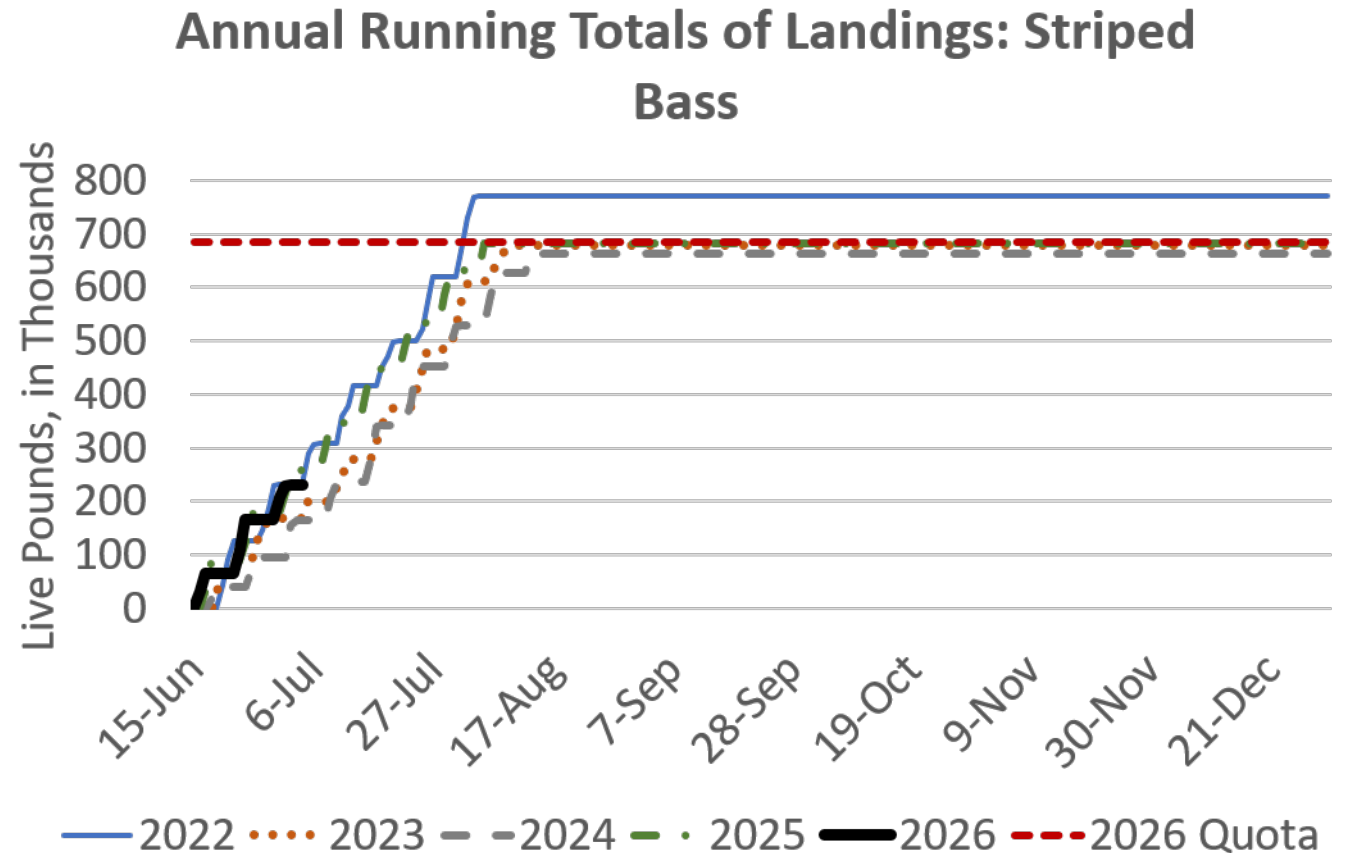
Month	2022	2023	2024	2025	2026
May	*	\$0.28	\$0.24	\$0.31	\$0.33
June	\$0.37	\$0.24	\$0.24	\$0.31	\$0.33
July	\$0.34	\$0.27	\$0.23	\$0.30	\$0.31
August	\$0.36	\$0.30	\$0.25	\$0.29	n/a
September	\$0.30	\$0.28	\$0.24	\$0.28	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Striped Bass: Landings

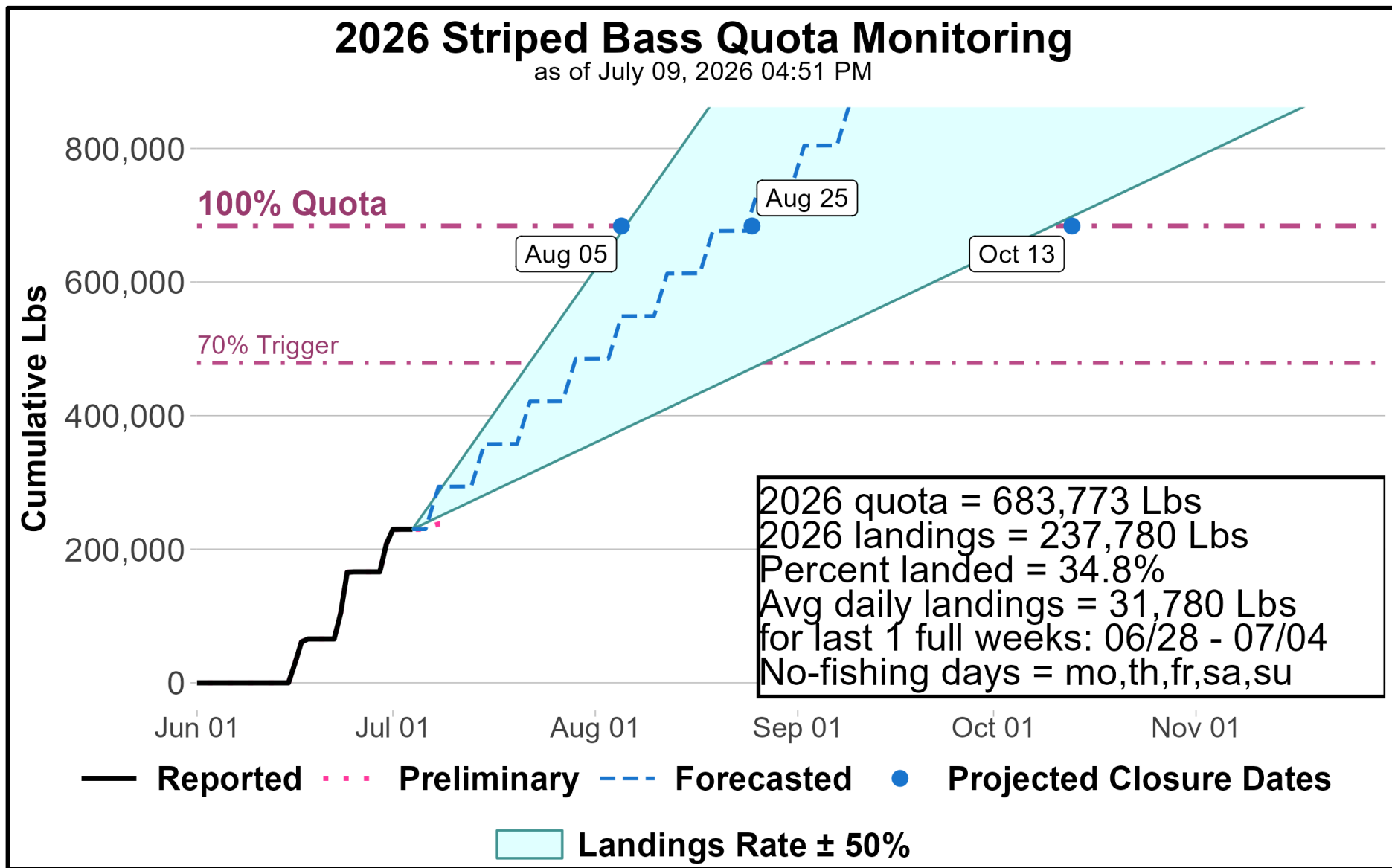
- Quota decreased in 2024
- As of 7/9
 - 2026 percent landed: 34.8%
- Pending triggers:
 - Add Thursday as an open fishing day if >30% remains on 8/1
 - Open Monday – Friday if any quota remains on 10/1



Data Source: SAFIS eDR as of 7/9/2026



Striped Bass: 2026 Quota Monitoring



Data Source: SAFIS eDR as of 7/9/2026

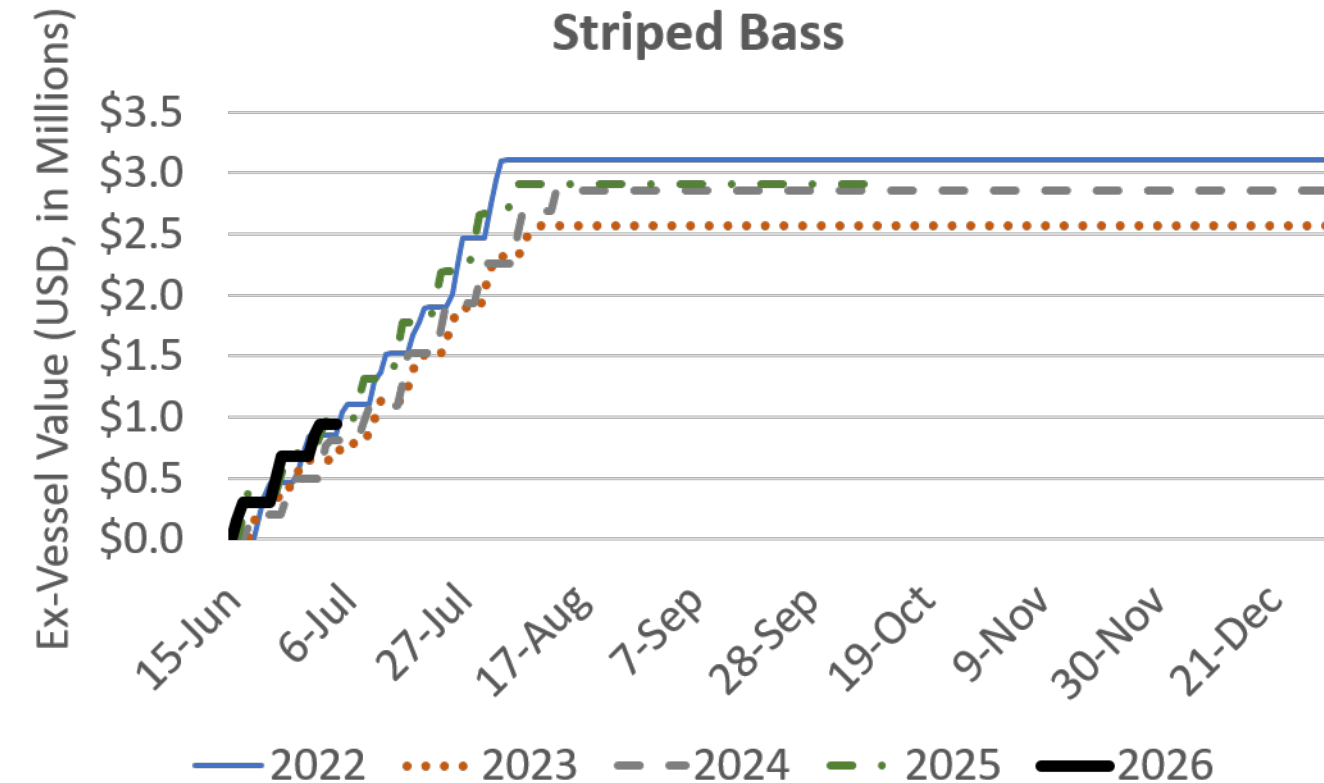
MFAC— July 14, 2026

Massachusetts Division
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Striped Bass: Ex-Vessel Value

Annual Running Totals of Ex-Vessel Value:
Striped Bass



Striped Bass Average Price by Month and Year

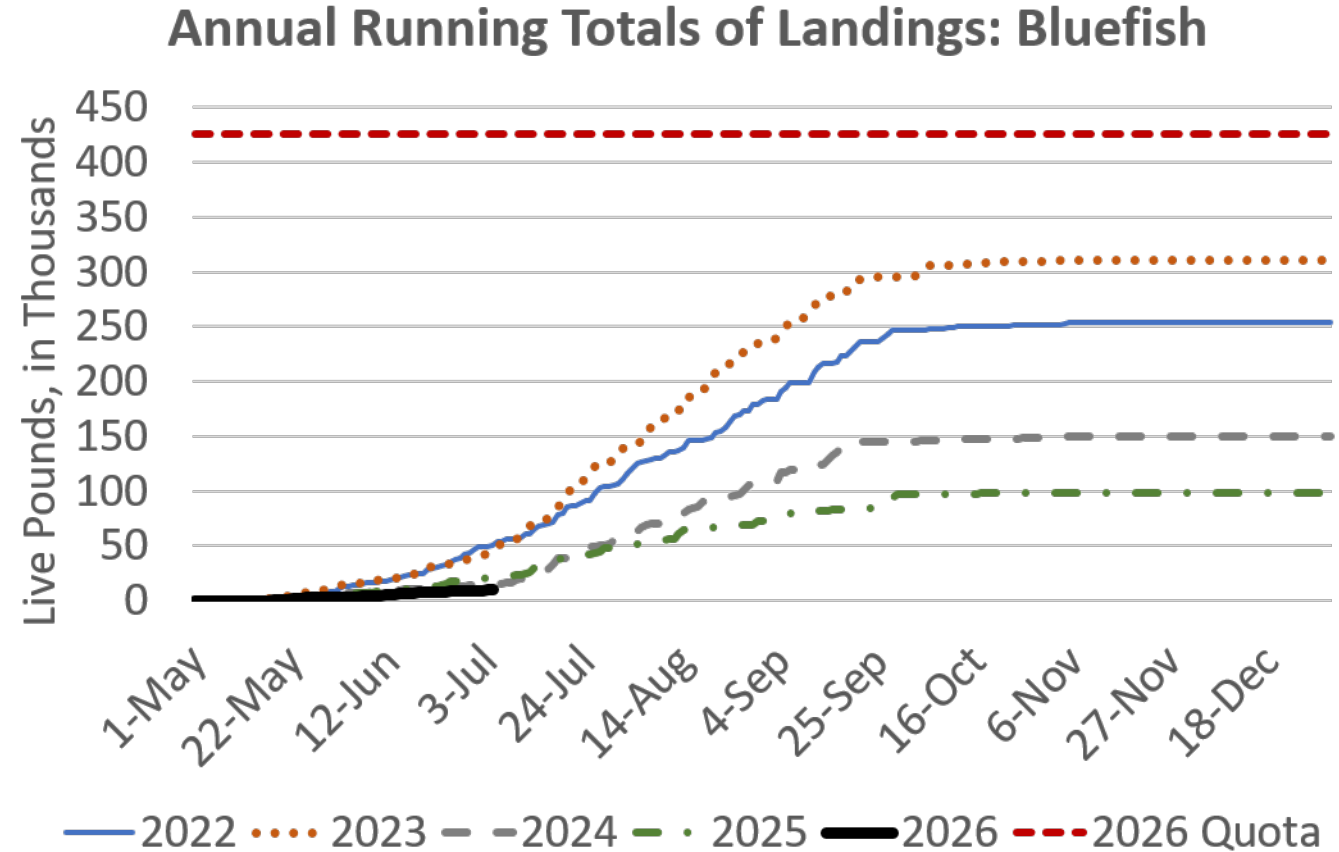
Month	2022	2023	2024	2025	2026
June	\$3.66	\$3.88	\$5.15	\$3.91	\$4.12
July	\$4.17	\$3.85	\$4.08	\$4.29	\$4.47
August	\$4.24	\$3.50	\$4.45	\$4.87	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Bluefish: Landings

- As of 7/9
 - 2026 percent landed: 2.3%
 - No projected closure date for 2026 yet

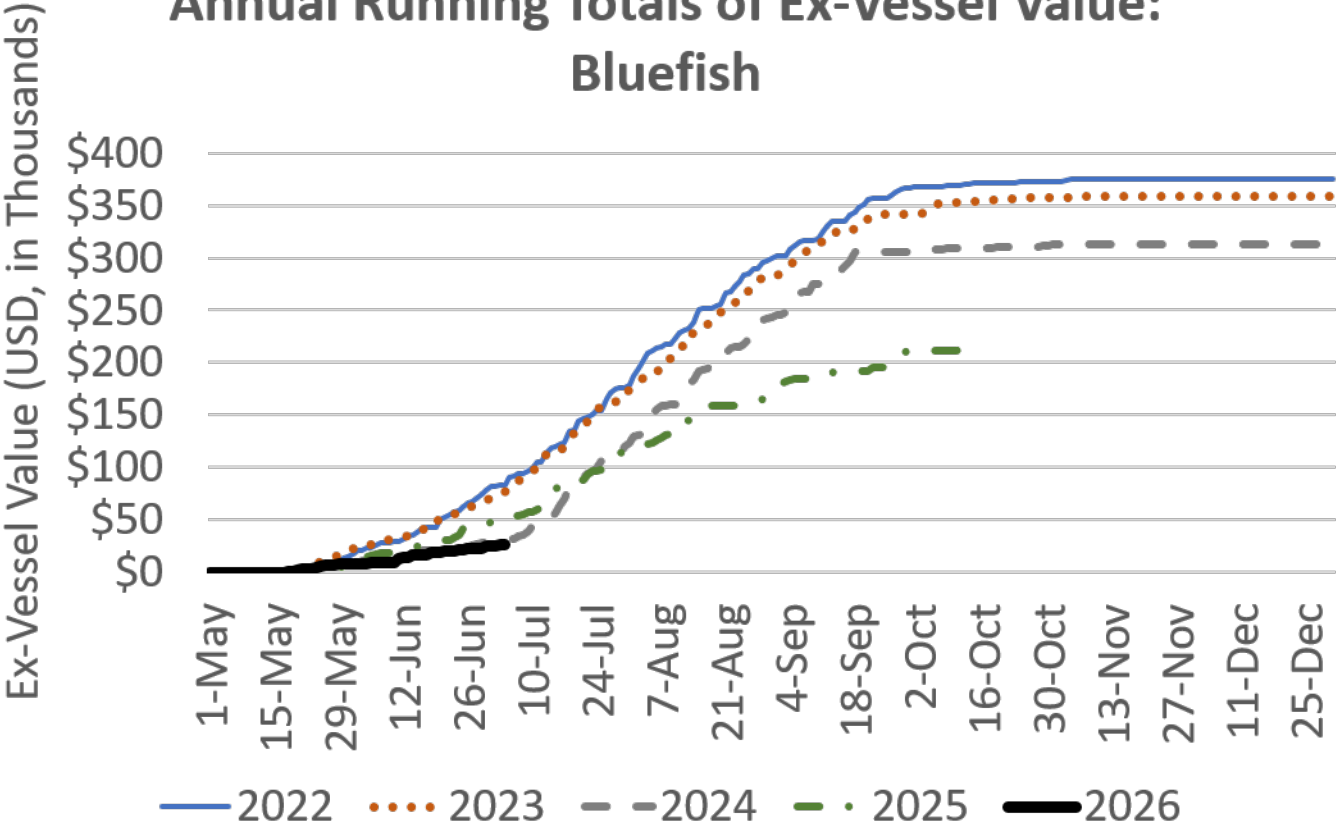


Data Source: SAFIS eDR as of 7/9/2026



Bluefish: Ex-Vessel Value

Annual Running Totals of Ex-Vessel Value:
Bluefish



Bluefish Average Price by Month and Year

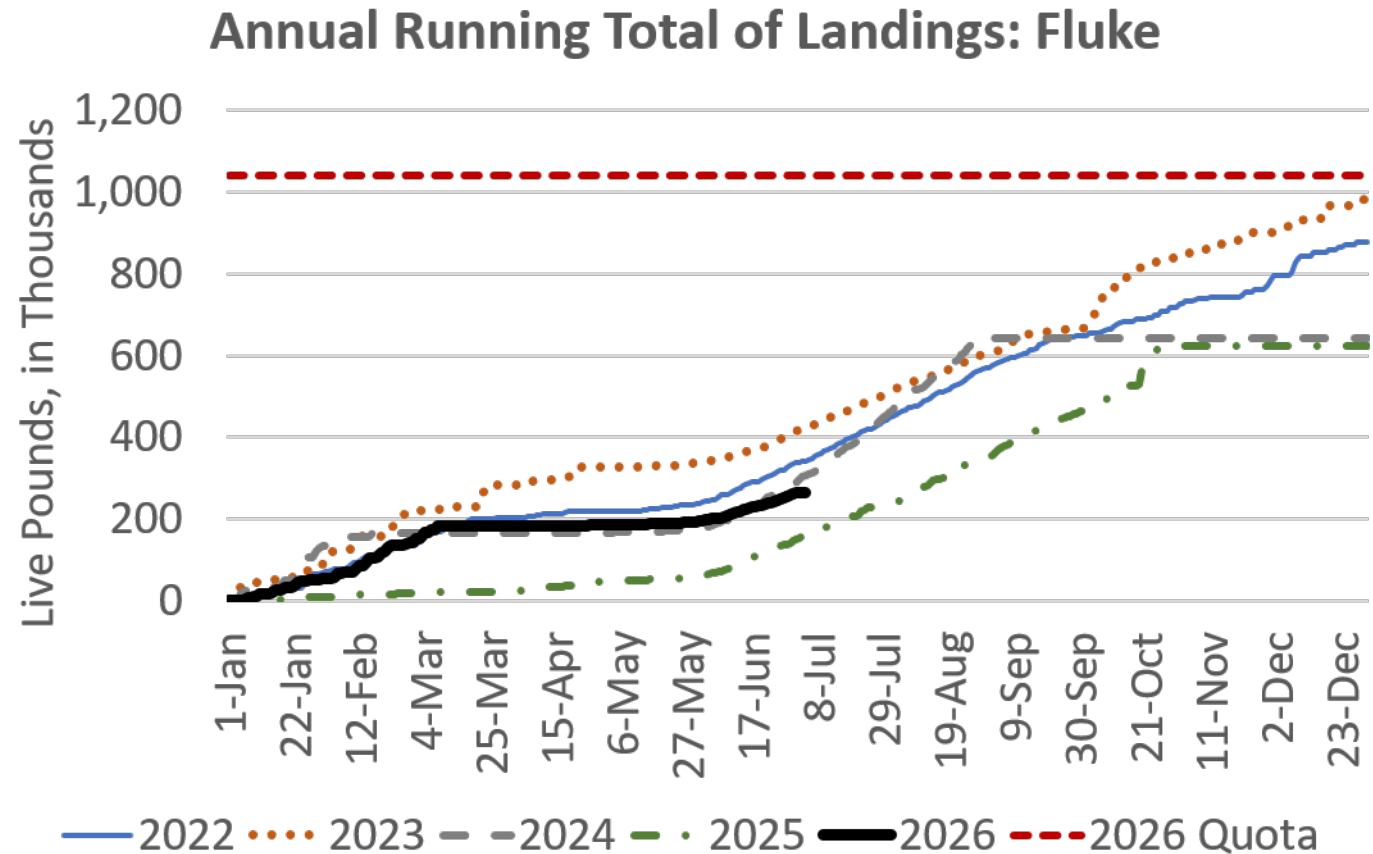
Month	2022	2023	2024	2025	2026
June	\$1.68	\$1.79	\$2.46	\$2.36	\$2.75
July	\$1.67	\$1.12	\$2.23	\$2.32	\$3.10
August	\$1.58	\$1.07	\$2.36	\$2.44	n/a
September	\$1.05	\$0.97	\$1.62	\$1.58	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Summer Flounder (Fluke): Landings

- Quota significantly decreased 2024 and 2025, increased 2026
- 2026 Period 1 landed ~18%, Period 2 opened 4/23
- As of 7/9:
 - 2026 percent landed: 25.6%
 - No projected closure date for 2026 yet
- Pending triggers:
 - Decrease to 400 lb if 75% taken before 8/15
 - Decrease to 200 lb if 90% taken before 9/1
 - Increase to 1,000 lb if >20% remains on 9/1
 - Increase to 5,000 lb if >10% remains on 10/1

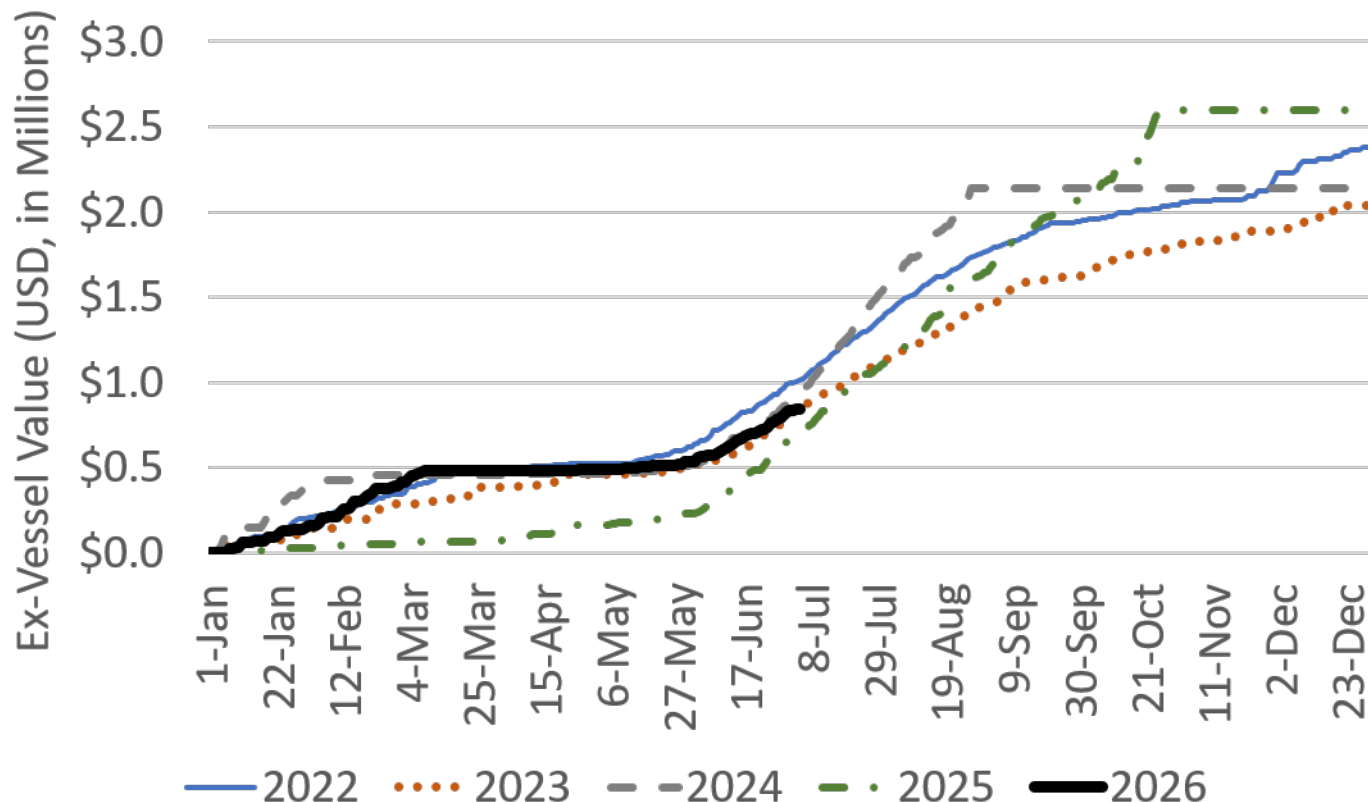


Data Source: SAFIS eDR as of 7/9/2026



Summer Flounder (Fluke): Ex-Vessel Value

Annual Running Total of Ex-Vessel Value: Fluke



Fluke Average Price by Month and Year. Note that prices displayed here are averaged across all sizes.

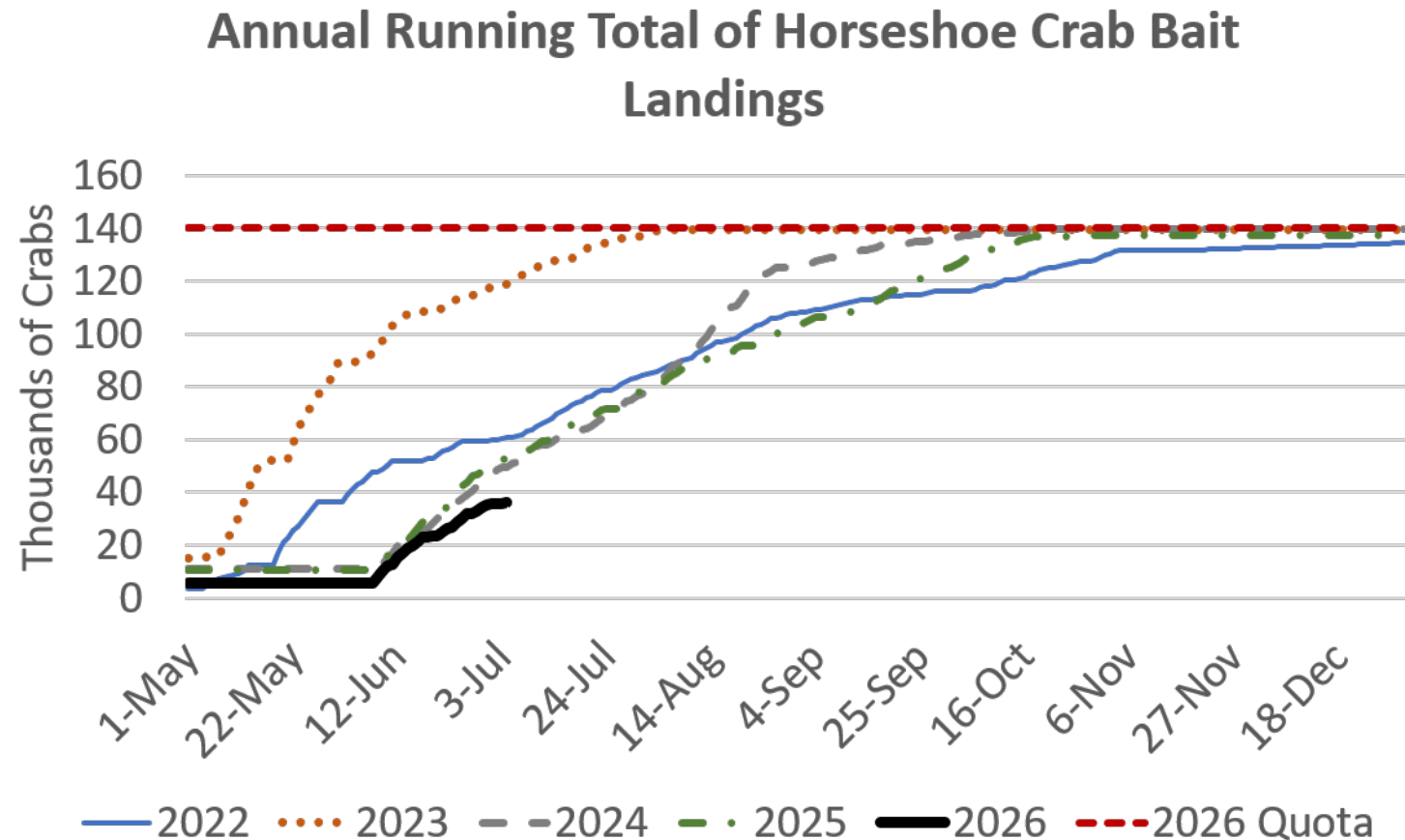
Month	2022	2023	2024	2025	2026
May	\$4.91	\$3.62	\$4.45	\$4.68	\$4.79
June	\$3.81	\$4.16	\$3.30	\$4.91	\$4.21
July	\$3.69	\$3.29	\$3.99	\$4.79	\$4.36
August	\$2.96	\$3.47	\$3.18	\$4.93	n/a
September	\$2.30	\$2.76	n/a	\$3.86	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Bait Horseshoe Crab: Landings

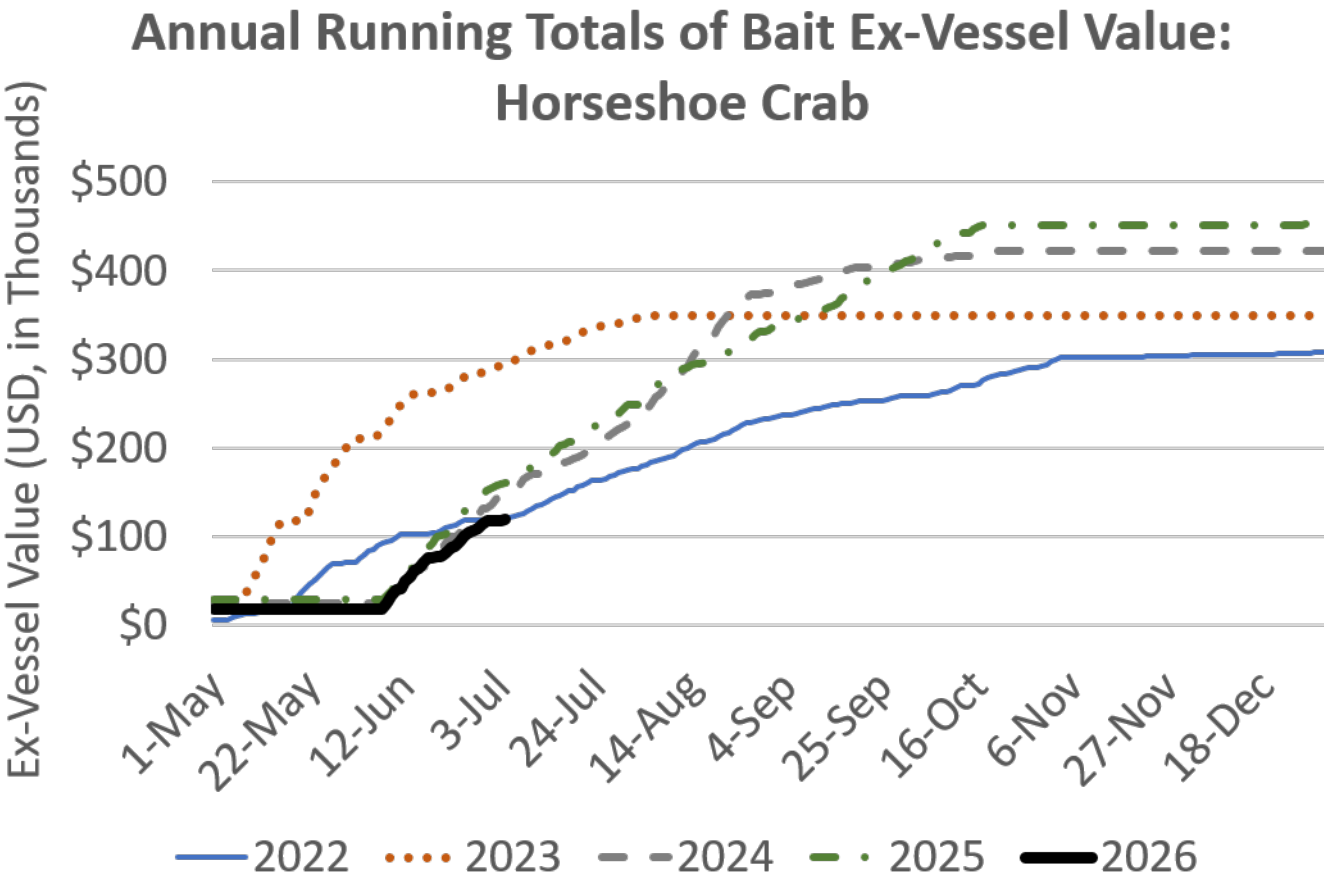
- 4/15-6/7 closure implemented in 2024
- As of 7/9
 - 2026 percent landed: 26.8%
 - No projected closure date for 2026 yet
- Pending triggers:
 - Reduce possession limit to 200 crabs if 80% taken on or before 9/15
 - Increase possession limit to 400 crabs if 50% remains on 8/1



Data Source: SAFIS eDR as of 7/9/2026



Bait Horseshoe Crab: Ex-Vessel Value



Bait Horseshoe Crab Average Price by Month and Year

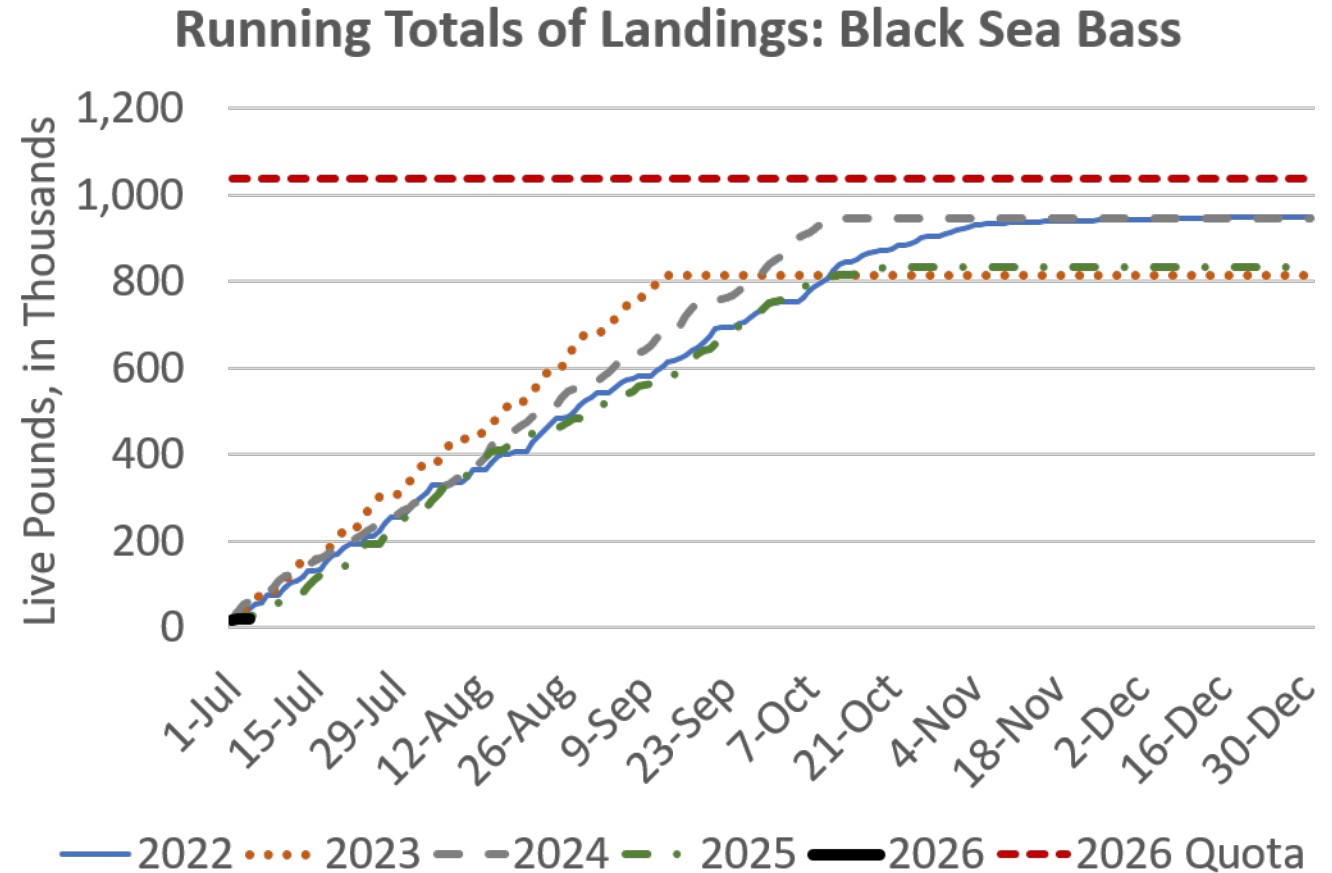
Month	2022	2023	2024	2025	2026
June	\$2.12	\$2.76	\$3.13	\$3.12	\$3.30
July	\$2.28	\$2.74	\$2.97	\$3.39	\$3.26
August	\$2.48	\$2.73	\$3.05	\$3.51	n/a
September	\$2.86	n/a	\$3.25	\$3.47	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Black Sea Bass: Landings

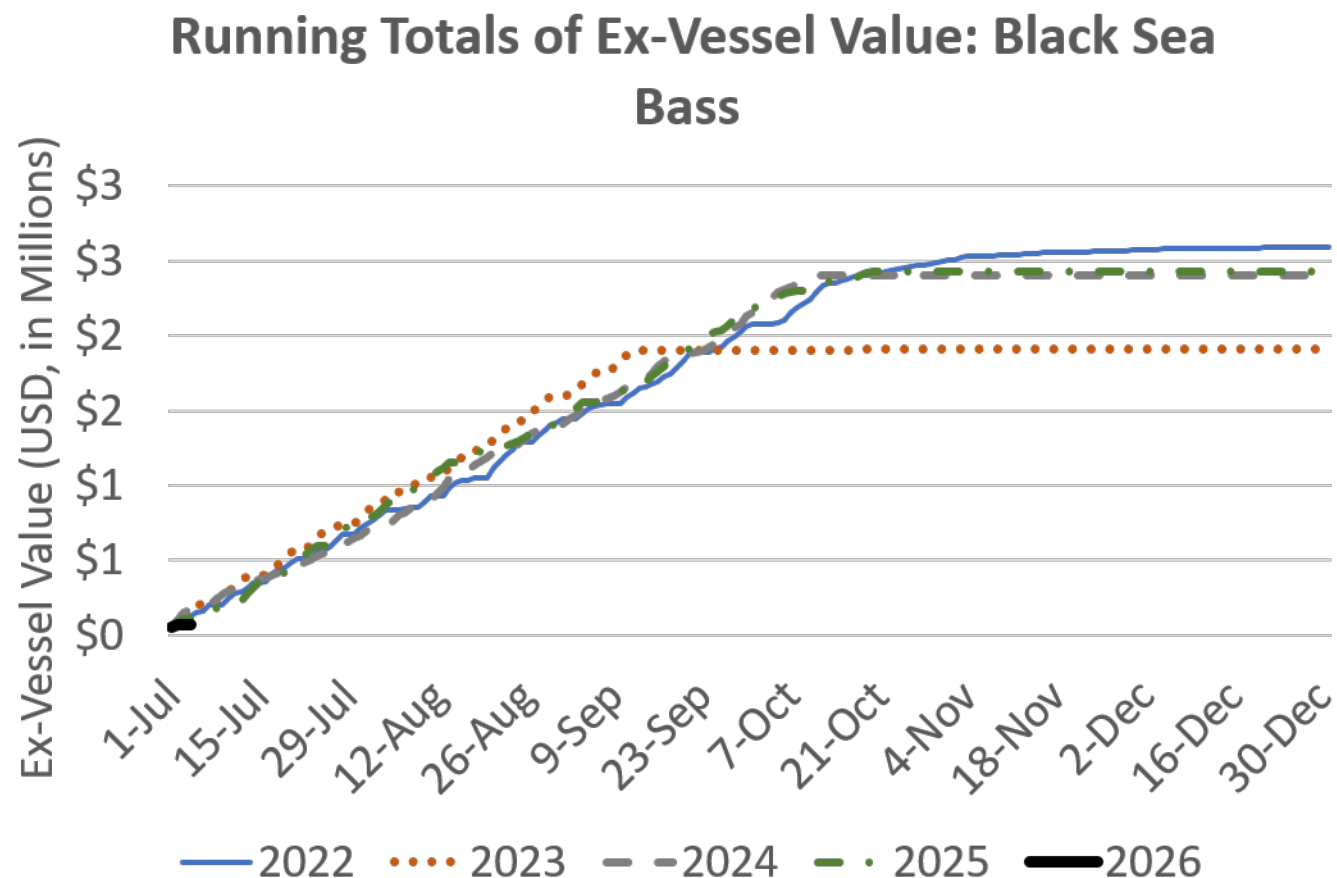
- Pot and Rod & Reel fishery opened 7/1
- Quota increased in 2022, decreased 2023, increased 2024, decreased 2025, increased 2026
- As of 7/9
 - 2026 percent landed: 2.6%
 - No projected closure date for 2026 yet
- Pending Triggers:
 - Increase possession limit if >15% remains on 9/1



Data Source: SAFIS eDR as of 7/9/2026



Black Sea Bass: Ex-Vessel Value



Black Sea Bass Average Price by Month and Year. Note that prices displayed here are averaged across all sizes.

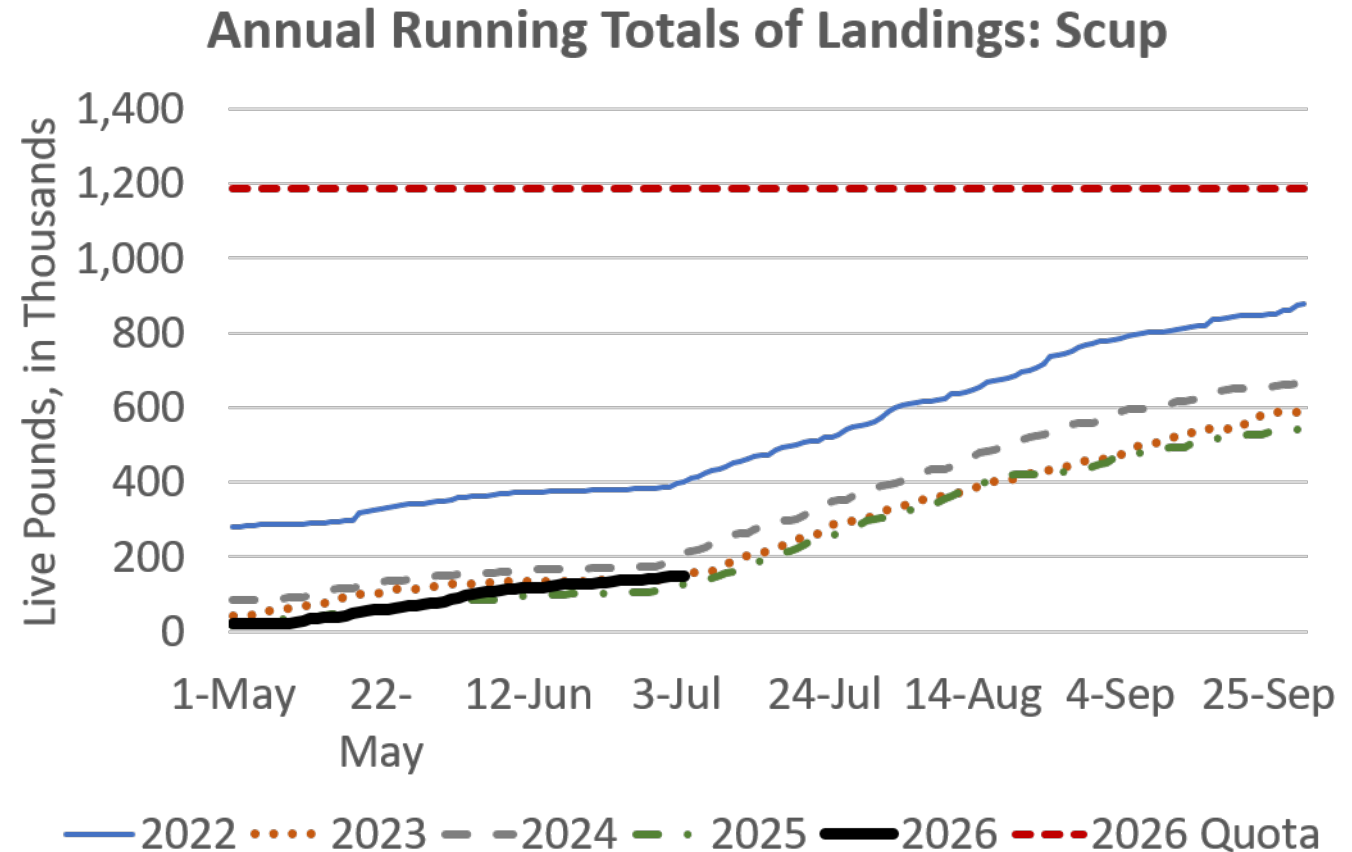
Month	2022	2023	2024	2025	2026
July	\$2.57	\$2.31	\$2.40	\$3.00	\$4.20
August	\$2.74	\$2.34	\$2.55	\$2.72	n/a
September	\$2.98	\$2.33	\$2.65	\$2.96	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Summer Scup: Landings

- As of 7/9
 - 2026 percent landed: 11.3%
 - No projected closure date for 2026 yet

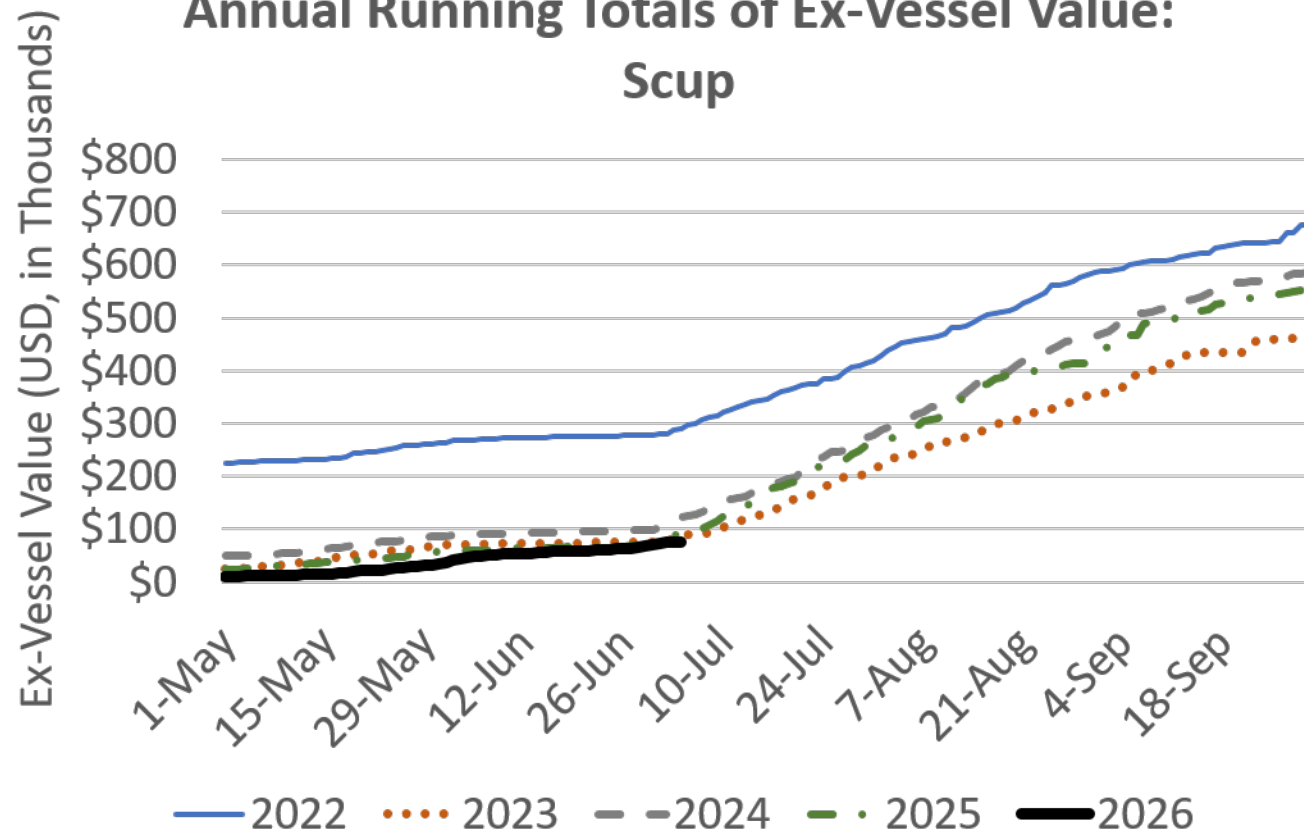


Data Source: SAFIS eDR as of 7/9/2026



Summer Scup: Ex-Vessel Value

Annual Running Totals of Ex-Vessel Value:
Scup



Summer Scup Average Price by Month and Year

Month	2022	2023	2024	2025	2026
May	\$0.56	\$0.55	\$0.53	\$0.53	\$0.60
June	\$0.47	\$0.36	\$0.54	\$0.48	\$0.66
July	\$0.78	\$0.80	\$0.87	\$1.01	\$0.90
August	\$0.79	\$0.96	\$1.05	\$1.22	n/a
September	\$0.88	\$0.83	\$1.15	\$1.19	n/a

Data Source: SAFIS eDR as of 7/9/2026; value and prices are not adjusted for inflation.



Questions?

Email: anna.webb@mass.gov

Cell Phone: 978-559-1948





The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | mass.gov/MarineFisheries



Maura T. Healey
Governor

Kimberly Driscoll
Lt. Governor

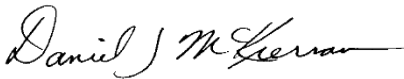
Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

Memorandum

To: Marine Fisheries Advisory Commission (MFAC)

From: Daniel J. McKiernan, Director 

Date: July 8, 2026

Subject: **Summer Flounder Period II Consecutive Daily Trip Limit Program**

Overview

This memorandum serves two purposes. First, I am informing you that I have expanded access to the Summer Flounder Period II Consecutive Daily Trip Limit Program ("Program"). The Program will now be open to those offshore draggers who hold a Fluke Endorsement but not a Coastal Access Permit ("CAP")¹. Second, I want to prompt a conversation with the MFAC regarding how this program and the summertime summer flounder fishery have evolved. It is my perspective that fishing effort is increasingly occurring offshore—likely driven by changes in the geographic distribution of the species—and this Program is shifting away from its initial purpose and effectively towards an aggregate limit program.

Background

DMF initiated the Summer Flounder Period II Consecutive Daily Trip Limit Program in 2019. This responded to requests from dayboat inshore draggers who sought to target summer flounder in state waters off Nantucket and not return to mainland ports on a daily basis. Historically, these dayboats could offload to an authorized "buy boat" operated by a seafood dealer (primary buyer) in Nantucket, allowing these vessels to lay up overnight closer to the fishing grounds. However, a buy boat had not been active in several years and these dayboats had to make long and costly daily steams to and from the fishing grounds and face high dockage fees.

The Program sought to lessen these economic challenges through enhancing the operational efficiency of dayboat draggers. Specifically, the Program allowed CAP permit holders to fish two consecutive days in state waters without coming back to port by authorizing them to possess and land

¹ The Coastal Access Permit or CAP is the regulated fishery permit endorsement necessary to use trawl nets and other types of mobile gear in Massachusetts waters.

two consecutive daily trip limits provided no more than one daily limit was taken on a single calendar day and each day's catch was segregated and labeled.

Decision to Expand Access to Non-CAP Permit Holders in 2026

DMF has historically denied applications from offshore draggers seeking to participate in this program because they do not hold a CAP. However, I revisited this decision recently in response to interest from local offshore draggers who do not have a CAP. I have decided to expand programmatic access to these permit holders for 2026. At this time, vessels have landed less than 25% of the state's 1-million pound quota. This leaves ample quota available for the rest of the year and I think it is improbable that additional participation in the Program will cause an early season closure. Therefore, I think it is valuable to expand access to this Program to encourage quota utilization to the benefit of our seafood industry at large.

Offshore Participation in the Program and Considerations for the Future

DMF has historically sought to manage the summer flounder quota in a manner that finds balance between the interests of larger vessels capable and permitted to fish offshore (and who may hold summer flounder landing permits in multiple states) and inshore dayboats who rely on the Massachusetts quota. This has primarily been accomplished by establishing seasonal quota allocations that provide the offshore fishery with wintertime access, preserve most of the quota for the inshore summertime fishery where it benefits the largest number of permit holders, and rolls over any remaining quota to the offshore fishery in the fall. Further, DMF and the MFAC set low trip limits during the summertime fishery to support dayboat fishing without incentivizing offshore trips.

For a diversity of reasons, this balance has been challenged in recent years. Dayboat fishing effort in state waters is diminished compared to 20 years ago. This is likely driven by demographics, economics, and environment. DMF and the MFAC have also sought to encourage quota utilization resulting in higher trip limits which incentivizes offshore fishing effort. Lastly, with the geographic distribution of summer flounder moving to the north and the east, the biomass of fish during the summertime is seemingly moving to federal waters off Nantucket and Marthas Vineyard. In recent years, harvester data show that summer-time landings have generally been split between trips occurring in state and federal waters.

This evolution has impacted participation in the Program. DMF initiated the program to benefit the dayboat dragger fleet and limited participation to only those vessels who had a CAP allowing them to tow mobile gear in state waters. However, the CAP is an imperfect proxy for a dayboat dragger because many larger boats (up to 72' length) with federal summer flounder permits hold a CAP and can obtain the authorization to participate in this Program. This has created a schism whereby there is a population of dayboat draggers who utilize the Program as initially intended, and a population of larger draggers who may utilize the Program as initially intended and also may use it more as an aggregate limit to possess and land summer flounder taken offshore on a multiday trip where the vessel may be targeting other species (e.g., squid, groundfish).

The permit conditions affecting the Program (and summer flounder trip limit regulations generally) have been amended on several occasions in recent years to grapple with diverging state and federal fishing behaviors and to ensure that the Program is not resulting in offshore boats dominating quota usage and producing early season quota closures. One critical difference is that night fishing is prohibited in state waters but allowed in federal waters. Vessels fishing in the Program in state waters can take a double limit on a trip that spans two calendar days and presumably exceeds a 24-hour period (due to the night closure), allowing for the clean enforcement of the regulations and permit conditions requiring that no more than one daily trip limit be harvested during any single calendar day. This is obscured on trips occurring in federal waters, as these vessels can continue to fish overnight, allowing for a trip that is less than 24-hours, and there is no certainty that the daily limit is never exceeded on a single calendar day. While in prior years, DMF has required trips last at least 24 hours to address this issue, we lifted that requirement this year in the interest of using our large annual quota and allowing vessels to operate efficiently given the high cost of marine fuel.

Undoubtably, the summer flounder fishery is evolving and I expect summertime fishing effort will continue to shift into the federal zone. With that, the above-described considerations and challenges should, at a minimum, persist. I'd like to work with the MFAC and industry to resolve these tensions and figure out a more uniform way to allow our permit holders to profitably target summer flounder while ensuring there is adequate quota available to keep the fishery open into the fall months. Key questions include how to establish rules about allowed trip limits based on the parameters governing the trip (e.g., length of the trip exceeding 24 hours or not, determining if the trip began and ended on different calendar days).

P2 Summer Flounder Consecutive Daily Limit Program

Initial Purpose

- Developed in 2019 to allow inshore day boat fleet to operate more efficiently given shift of fish towards the east, fuel and dockage costs, and lack of buy boat on Nantucket.
- Day boat vessels could fish consecutive days (no night fishing), lay up off Nantucket, and land double limits provided no more than a single limit was caught each day.
- Program required vessels hold a CAP with relevant species-specific endorsements (e.g., Fluke, Sea Bass, Scup, Shellfish, HSC).

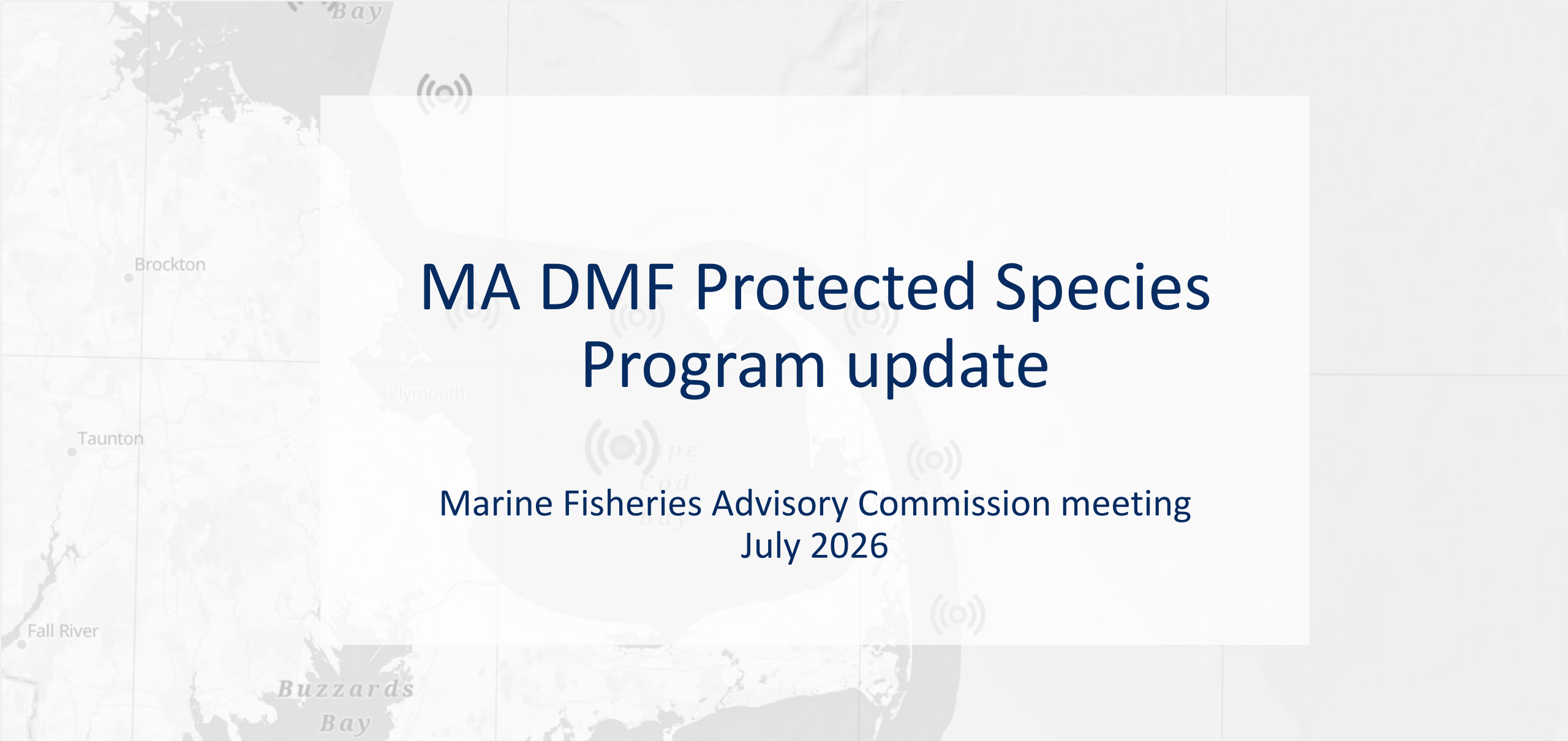
Program Benefits and Challenges

- Program has widely benefited inshore day boat fleet and has been renewed annually since 2019 subject to minor modifications.
- CAP requirement limits participation to those boats who are authorized to fish in state waters, but does not limit fishing activity to state-waters-only. Federal permit holders may fish offshore where night fishing is allowed.
- Program has been criticized for enhancing offshore vessel access to summertime quota and potentially contributing to early season closures in some years.
- Complaints that some offshore vessels fish short overnight trips to land double limits and are likely not complying with daily retention requirements prompting DMF to require 24-hour trips in some years. .

Modifications to 2026 Program

- Given quota availability and fuel costs, DMF is did not renew 24-hour trip requirement this year.
- As of July 10, 2026, expanded program to include non-CAP offshore draggers.



A map of the Massachusetts coastline is shown in the background, with a white rectangular text box overlaid in the center. The map includes labels for 'Brockton', 'Plymouth', 'Taunton', 'Fall River', and 'Buzzards Bay'. Several radio signal icons are scattered across the map. The text box contains the main title and meeting information.

MA DMF Protected Species Program update

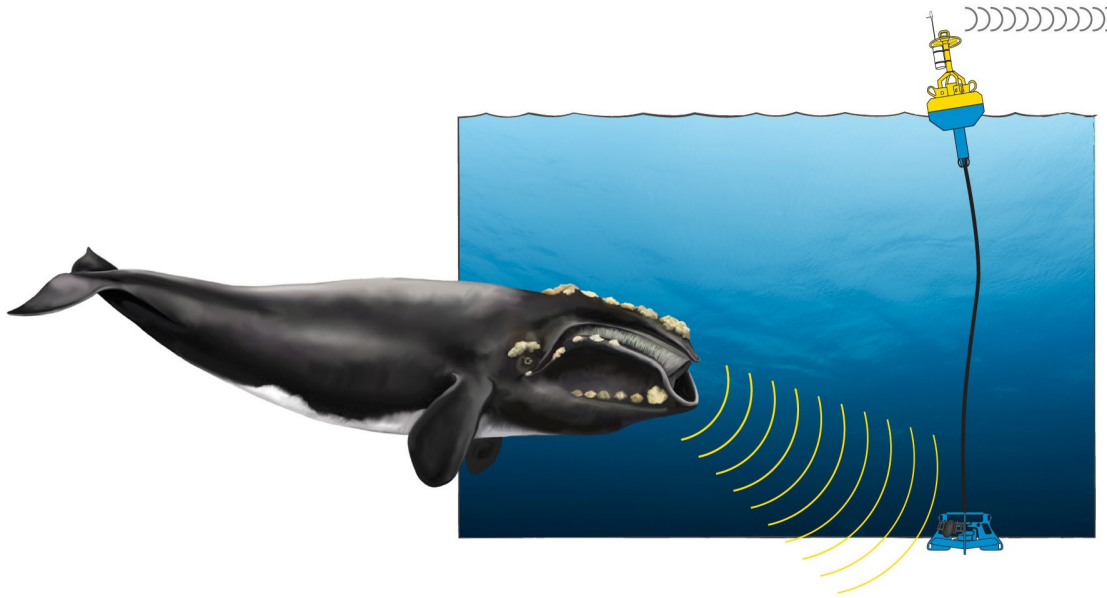
Marine Fisheries Advisory Commission meeting
July 2026

Massachusetts Division
of Marine Fisheries



Near real-time PAM – 2 sites

- Detections relayed via satellite
- Robots4Whales.com
- Since Feb 2025



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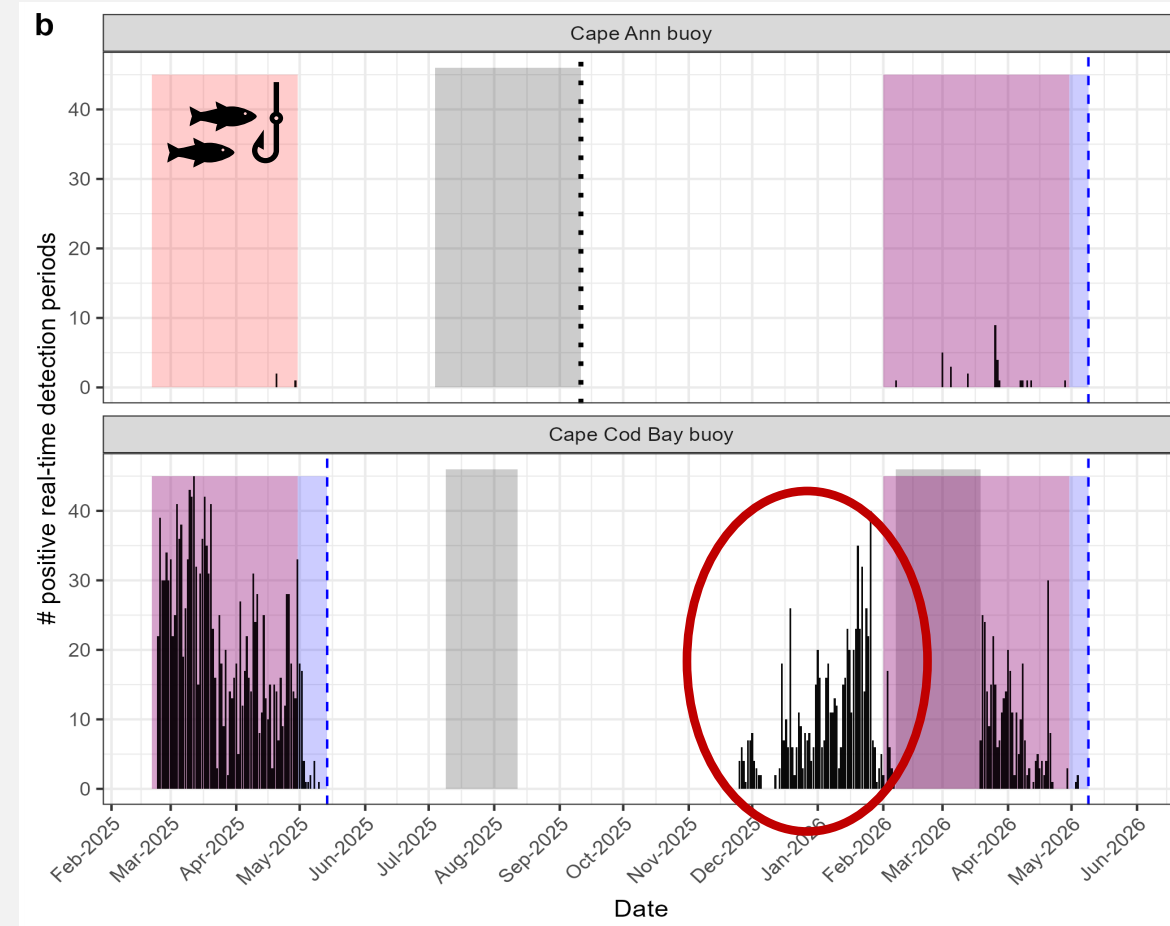
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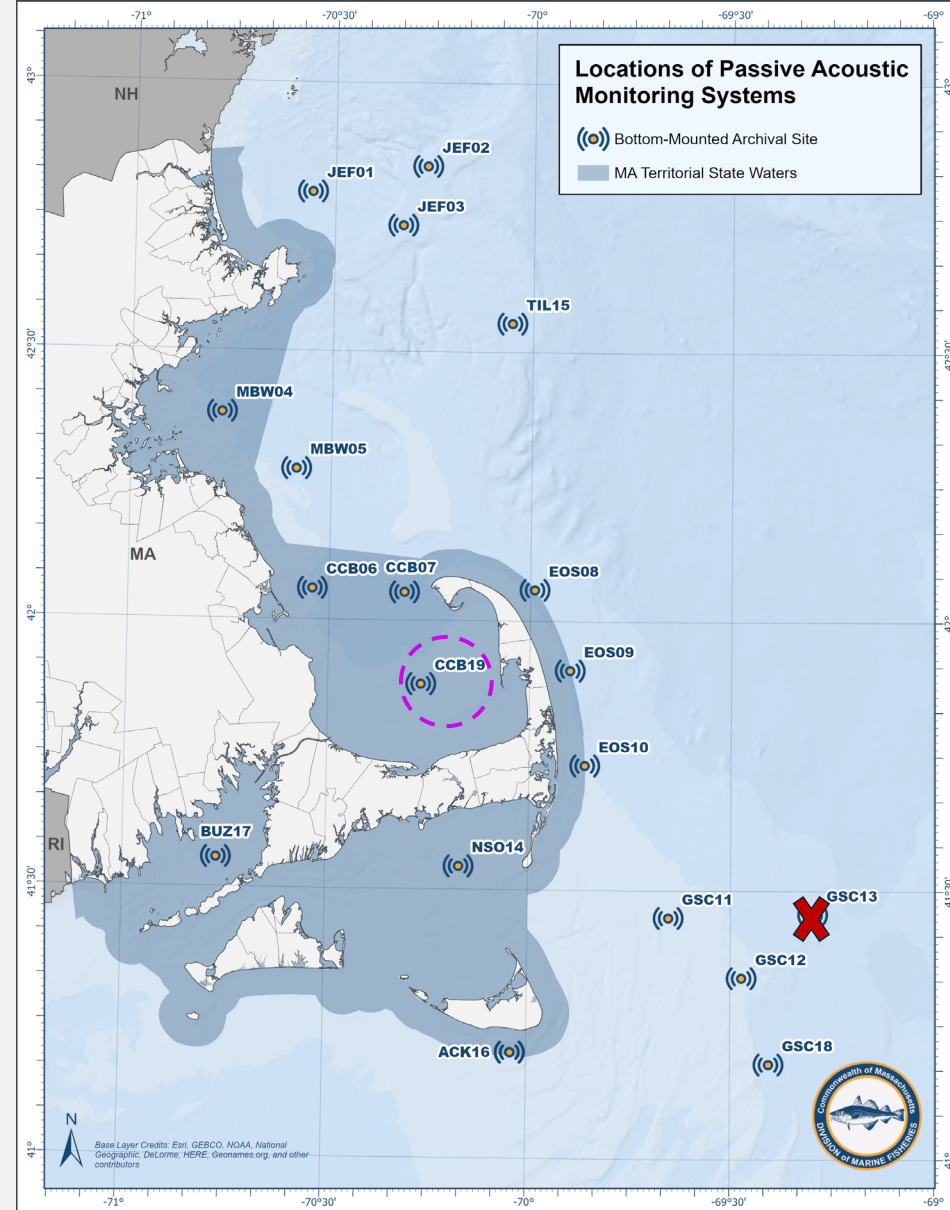
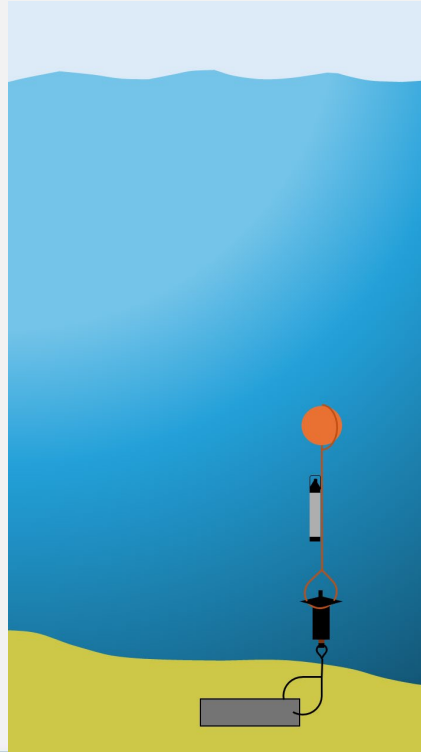
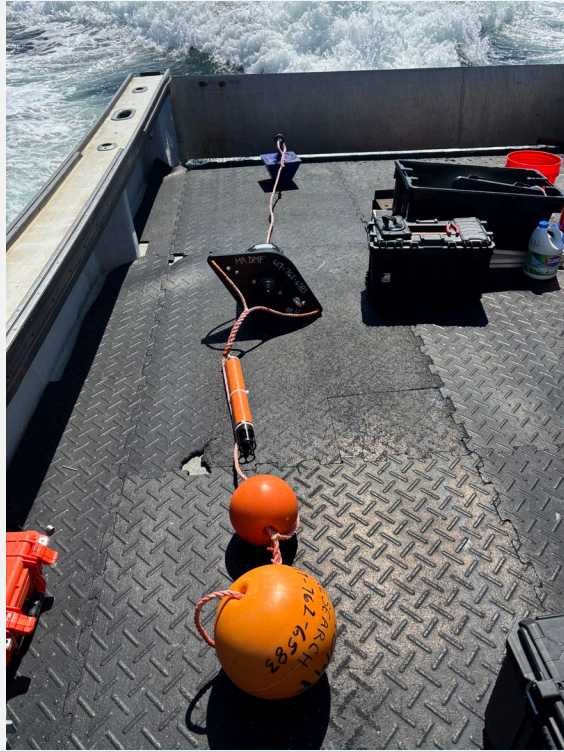
Early Influx of NARWs to CCB

- Entanglement occurred prior to start of the seasonal gear closure
- Near real-time buoy started picking up NARW detections in late November 2025
 - First year of real-time acoustic coverage in the lead up to closure start
- Flight of CCB on Jan 10 observed 33 NARWs
 - Most documented in a flight in January
- CCS will add flights in October – December to increase visual surveillance



Archival PAM – 17 sites

- Continuously recording, 48 kHz
- Data retrieved approx. every 5 mos
- Since March 2025



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Archival PAM – 17 sites

- Currently in the midst of our third recovery/fourth deployment
- To date, we have processed data for 15 of the 38 recovered five-month deployments
- Building infrastructure since program began
 - Purchase equipment
 - Acquire data storage system
 - Added more acoustic staff; training staff on data processing
 - Expect to move faster with analyses going forward
- Some challenges with equipment
 - Some devices stuck on seafloor (rescue missions with ROV, grappling, possible dive ops)
 - Alternative/additional locations possible going forward



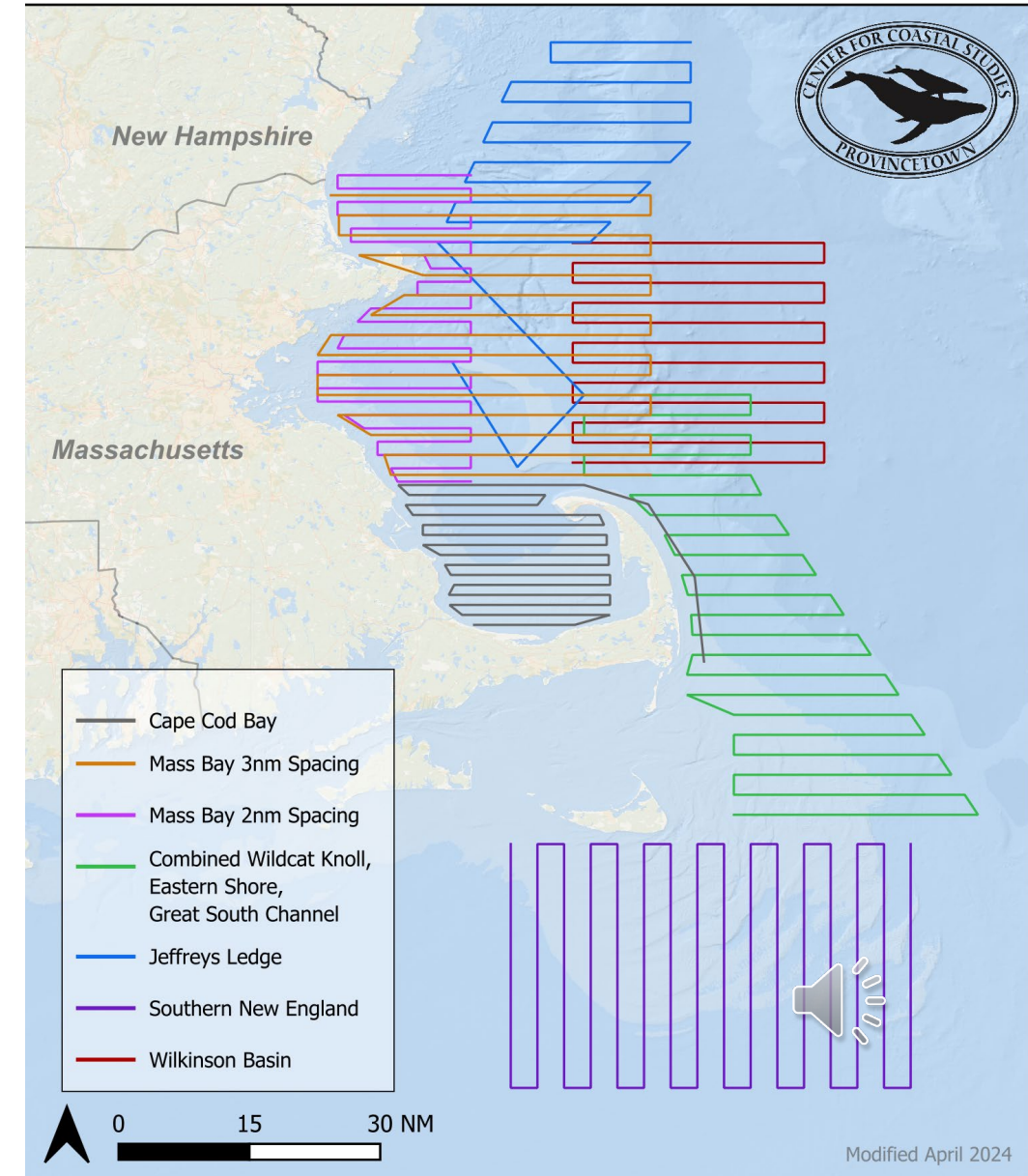
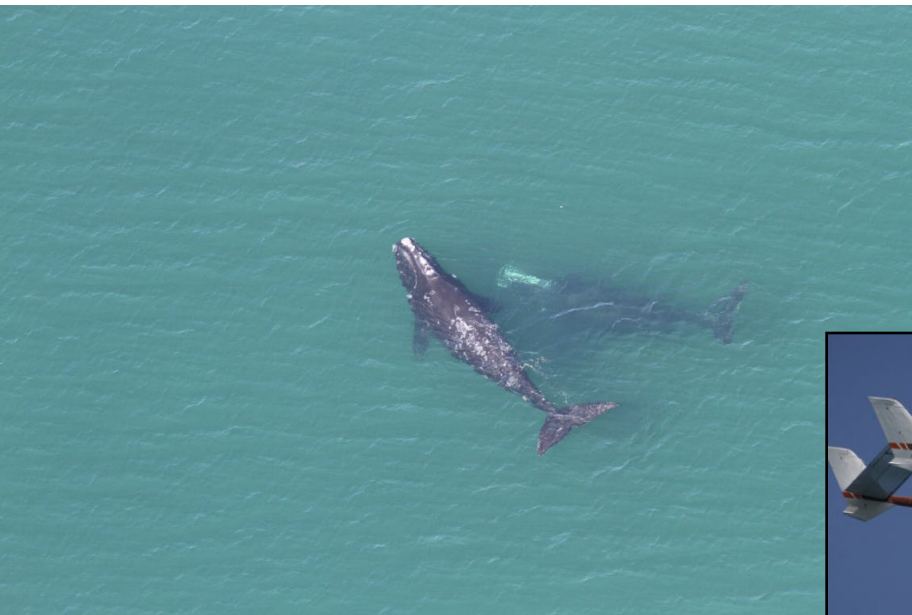
Right Whale Aerial Surveillance Program

Since 1998, Mass DMF and Center for Coastal Studies partner on aerial surveillance of right whales in winter and spring - ~250 hrs of flight time

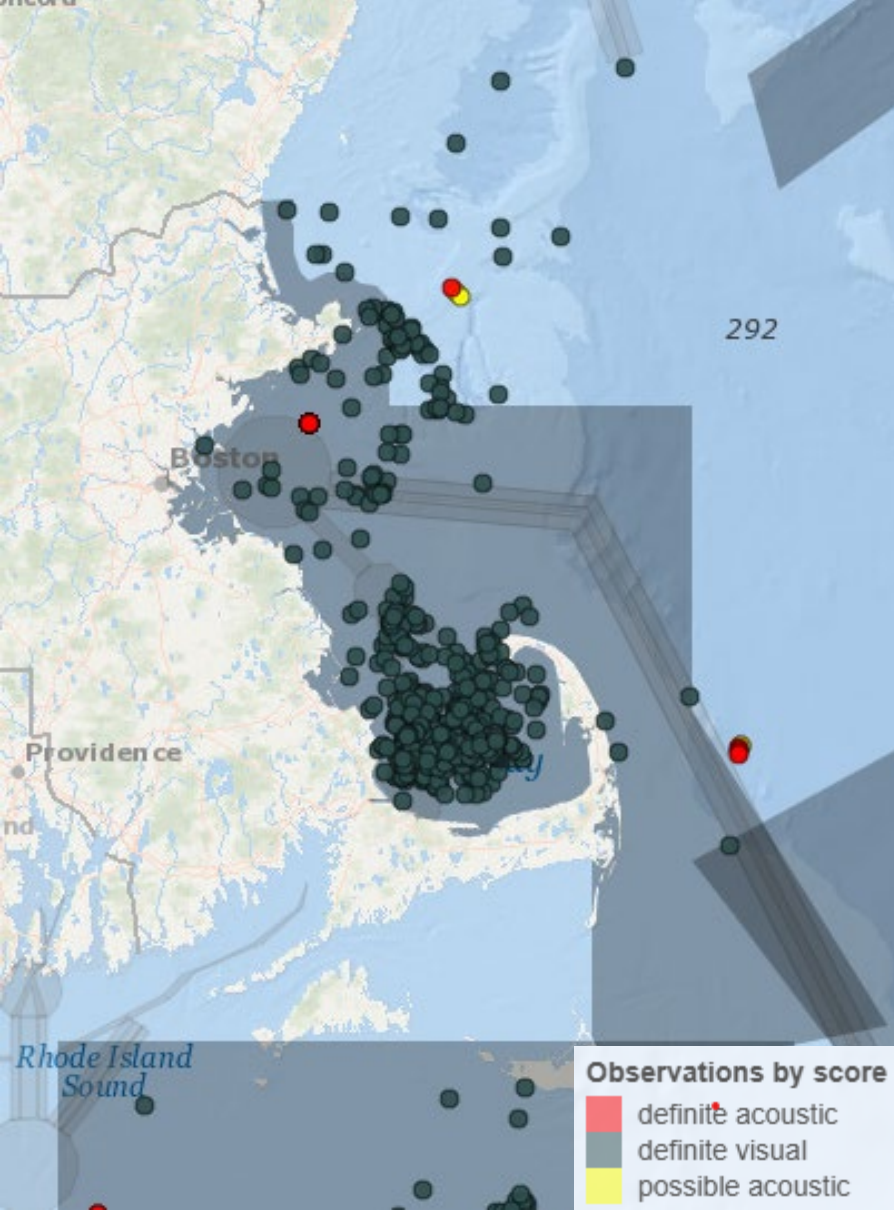
Monitor the presence of right whales in MA waters.

Assist in dynamic management of Massachusetts Restricted Area.

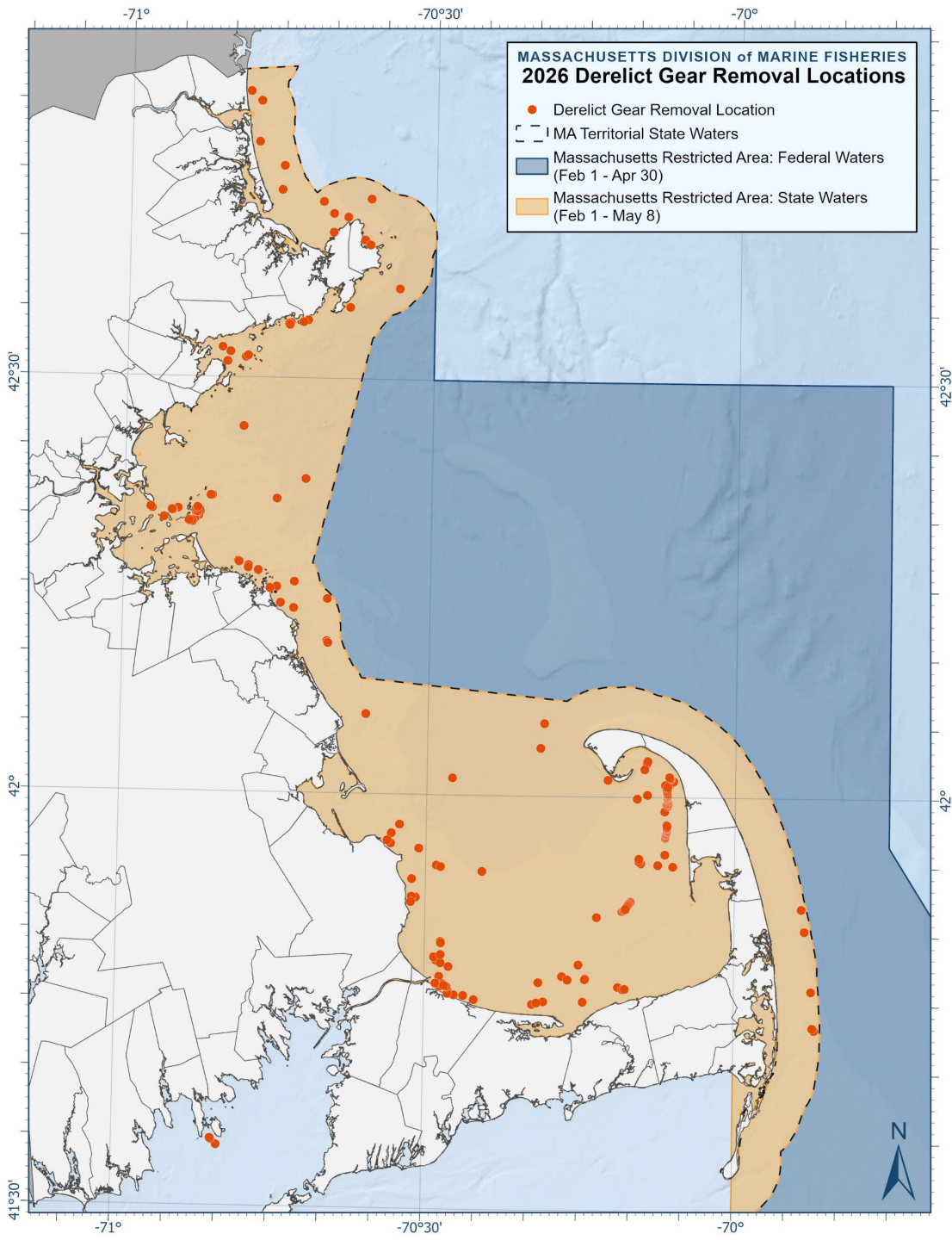
Assist with disentanglement efforts



2025 – 2026 NARW Season



- November 1, 2025 – May 31, 2026
- 39 Survey Days
- 241 Flight hours
- 188 unique individuals identified
- Includes survey effort for Cape Cod Bay, Mass Bay, Jeffreys, and Outer Cape



2026 MA Restricted Area Closure – Gear Removal Effort

- 16 trips with 5 different commercial lobstermen
- 245 buoy lines removed
- 625 traps removed
 - 90% commercial, 9% recreational, 1% unidentifiable
 - 149 single traps, 476 traps in trawls

DMF Derelict Fishing Gear Removal/Disposal Program



- Fall 2025 – Senator Tarr allocated \$50,000
- Jan. 2026 – 8 municipalities and org. awarded
 - Locations in Rockport, Gloucester, Hull, Scituate, Sandwich, New Bedford, Falmouth, Provincetown
 - Gear collection sites, targeted beach clean-ups, and informative seminars
- Early June reporting: over 42,000lbs collected and properly disposed
 - 17,000lbs of rope
 - 24,500lbs of traps, wire, & other heavy gear

DMF's On-Demand EFP

- DMF obtained an Exempted Fishing Permit to allow access to the Massachusetts Restricted Area with on-demand gear in 2026 closed season.
- Two participants joined in 2026.
- Used on-demand gear purchased through DMF's On-Demand Grant Program.
- DMF applying for 2027 closed season EFP
- Expecting additional fishermen joining in 2027



On-Demand Gear Grant Program

Fishery	Year	Participants	Spent
Fixed Gear	2025	11	\$158,242.81
	2026	11	\$255,329.56
Mobile Gear	2025	7	\$32,243.74
	2026	7	\$41,810.5
Totals		36	\$487,626.61



- \$35,000 grant to fixed gear fishers to aid in conducting ODG fishing
- \$6,000 to mobile gear fishers to help visualize ODG on seafloor
- Grant still open - \$176,000 remaining with additional \$300,000 coming in next CAA grant (through 2029)
- Trends in purchasing:
 - Majority of all participants both years purchased TimeZero and Starlink to get real-time location updates
 - Fixed gear purchases included ODG units, transducers, and rope
 - More purchases of ODG likely in the future as additional participants transition out of NEFSC Gear Library

2026 NARW Entanglement

2025 calf of Monarch

- First observed off Manomet Point, January 17
 - Seen gear-free a week prior in CCB
 - Bullet buoy and two loose wraps of entangling line around tail stock plus ~30ft of trailing line
 - Disentanglement attempt by CCS – added telemetry buoy
- 2nd disentanglement attempt near Truro on the backside of Cape Cod, January 18
 - Cutting grapple removed bullet buoy, telemetry buoy, & trailing line. Two loops of line remain around tail.



*The 2025 calf of North Atlantic right whale #2460 “Monarch” with line wrapped around its tail and fluke in Cape Cod Bay, Massachusetts.
Credit: Center for Coastal Studies, taken under NOAA permit #24359.*



NOAA Fisheries Entangling Gear Analysis Report



Gear removed from the entangled 2025 calf of North Atlantic right whale #2460 "Monarch" on January 18, 2026.

Credit: NOAA Fisheries

- 28 ft of 3/8" vertical line recovered
 - 15' sink line, 13' float line
 - 2 south shore sleeves approx. 25' apart
- Gear parted at a weak contrivance during 2nd disentanglement attempt
- Confirmed single lobster trap set on west side of Billingsgate Shoal, based on owner interview

2025 Calf of Monarch – Latest Update

- Resighted south of Nantucket by NEAq aerial team, April 17
 - Body condition appeared good, still two loose wraps around tail stock
- NMFS preliminary classifying this case a “serious injury” – an injury that will likely result in mortality:
 - Based on wrap around the tail which may become constricting as the animal grows.

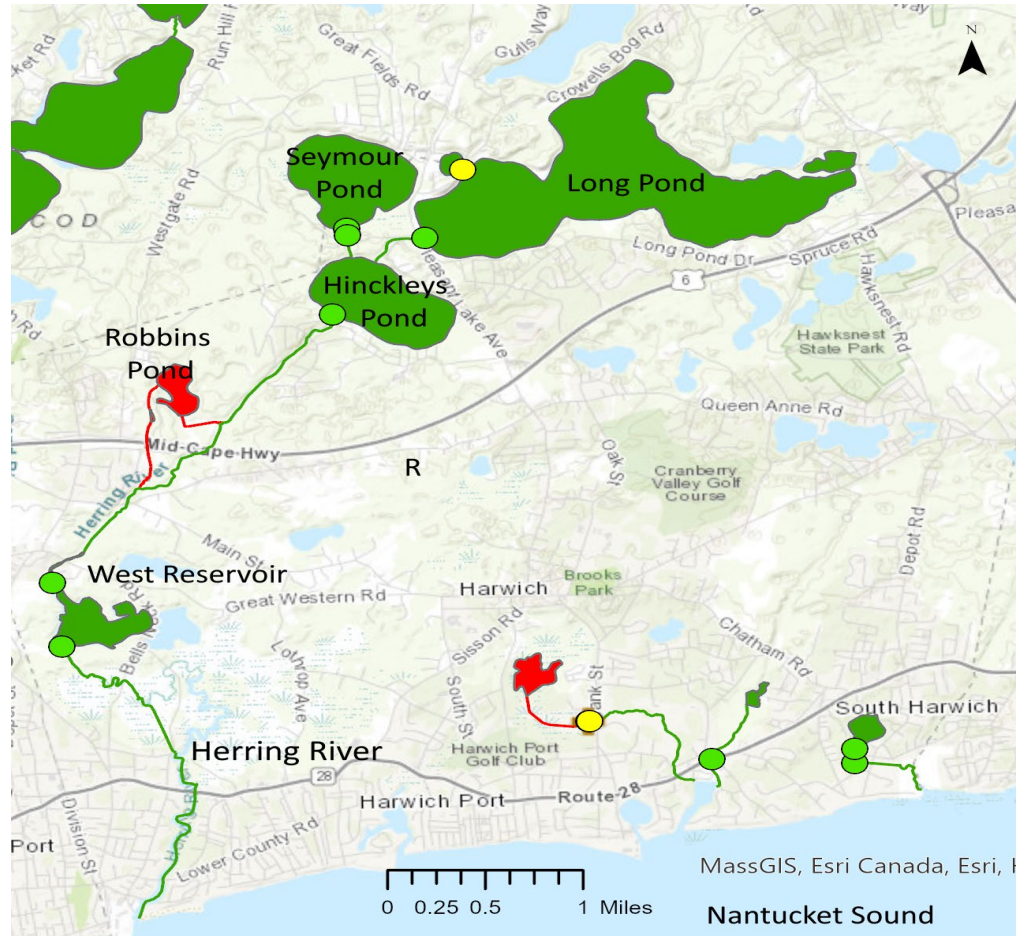


Upcoming TRT Schedule

- Pause of the Plan still runs through December 31, 2028
 - Bill introduced by Jared Golden (ME) to extend until 2035 (pending)
- NMFS planned webinars and scoping in summer and fall 2026
- Full team meetings in December 2026 and March 2027
 - Team to deliberate on additional risk reduction measures needed
- Proposed rule released in Fall 2027
- Implementation of final rule effective January 1, 2029
- **Unknown what level of risk reduction needed due to changes in NARW mortality and birth rates, and what that means per jurisdiction given differing baseline risk levels.**



River Herring Harvest Herring River, Harwich



Massachusetts Marine Fisheries Advisory Committee
July 14, 2026

River Herring Harvest Sustainable Fishery Management Plan



DMF closed river herring harvest in 2006

ASMFC required SFMPs in 2012 for river herring fisheries or closures

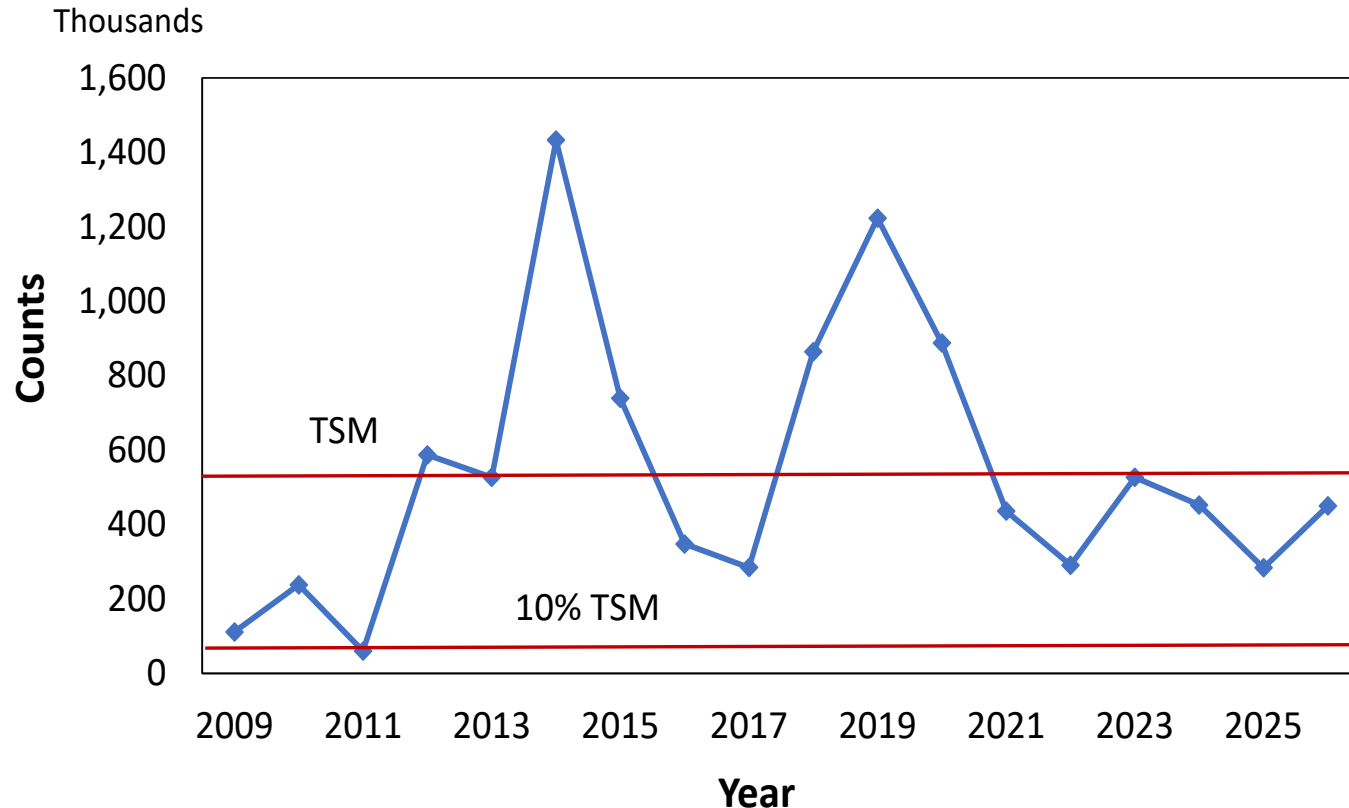
- Four Towns have recently requested ASMFC harvest plans
- Nemasket River SFMP approved in 2016. Renewed with new Herring River, Harwich, plan in 2022
- SFMP for the Herring Brook, Town of Pembroke, approved in 2025
- Harwich opened harvest in 2026, for the first time in 22 years

Herring River – Harwich Herring Fishery

- Historical and cultural importance
- Over 1000 acres of spawning and nursery habitat
- Strong stewardship through the Harwich Department of Natural Resources
- Annual spawning run electronic count at West Reservoir



Herring River, Harwich - River Herring Counts 2009 - 2026



SFMP

- Electronic counter data – 11 years. Plus 7 years of volunteer visual data adjusted by a ratio 17% from years with both counts
- SFMP allows 10% harvest of time series mean (~54,000 fish)

Herring River Harvest Management

Pre-Ban Management: All runs in Town opened 4 days/week ,
March 1st to June 15th. Limit of 1,000 permits. Variable bag limits

SFMP Target - 10% of TSM = 54,685 fish

Town 2026 Target - 3% of TSM = 16,405 fish

Harvest Permits - 150 maximum with 4:1 ratio of Harwich
residents to non-residents

Season - 7 open days

Bag Limit - 20 fish per permit / day

Trip Tickets - daily trip ticket required for possession

Herring Harvest - 2026

Coordination – Preseason discussions with DMF and MEP staff. DMF staff attended all harvest dates

Permits - Sold 100 resident permits and 30 non-residents. Same costs as shellfish permits

Trip Tickets - Expire 30 days after issue date

Total Harvest – 4,405 herring (<1% of TSM)



Herring Harvest - 2026

7 Harvest Dates

April 19th - Cool weather, slow catches

April 20th - Cool weather, slow catches

April 27th - Steady run, bag limits

May 2nd - Strong run, quick bag limits

May 8th - Strong run, quick bag limits

May 9th - Strong run, first bluebacks

May 22nd - Mix of bluebacks, alewife and downrunners

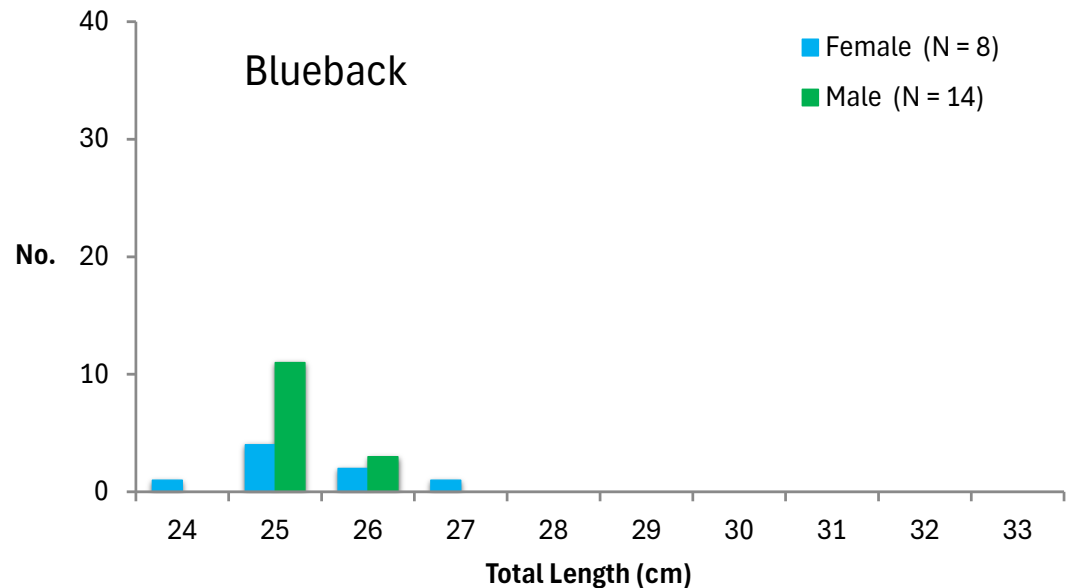
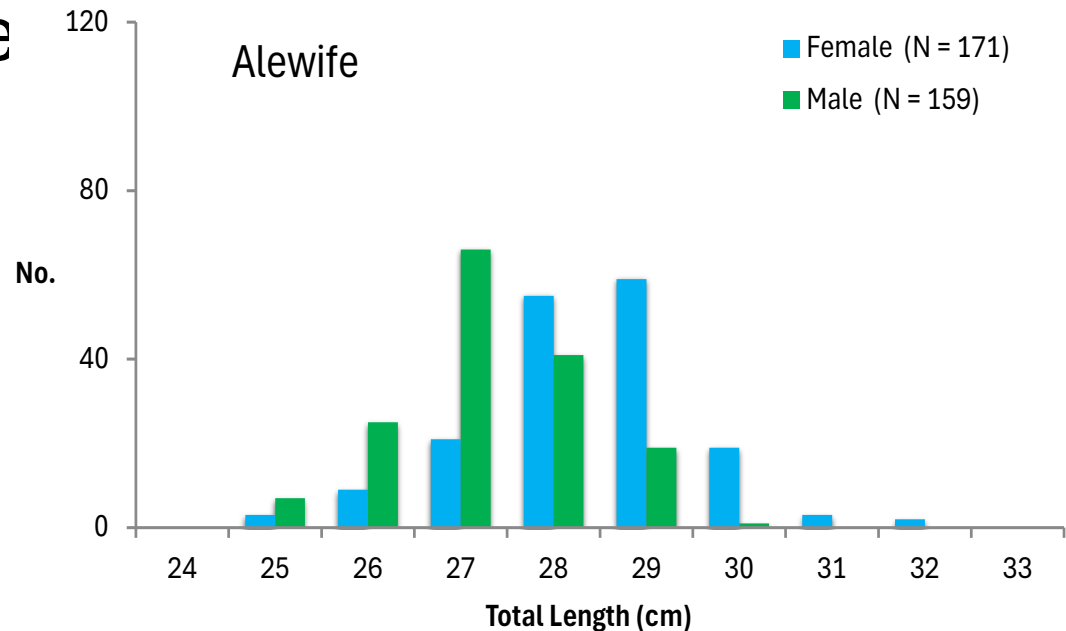


Herring River – Alewife length composition

Biological samples collected at Herring River since 2013

Augmented data with harvest samples in 2026

	Female	Male
Alewife	288	277 cm
Blueback	260	256 cm



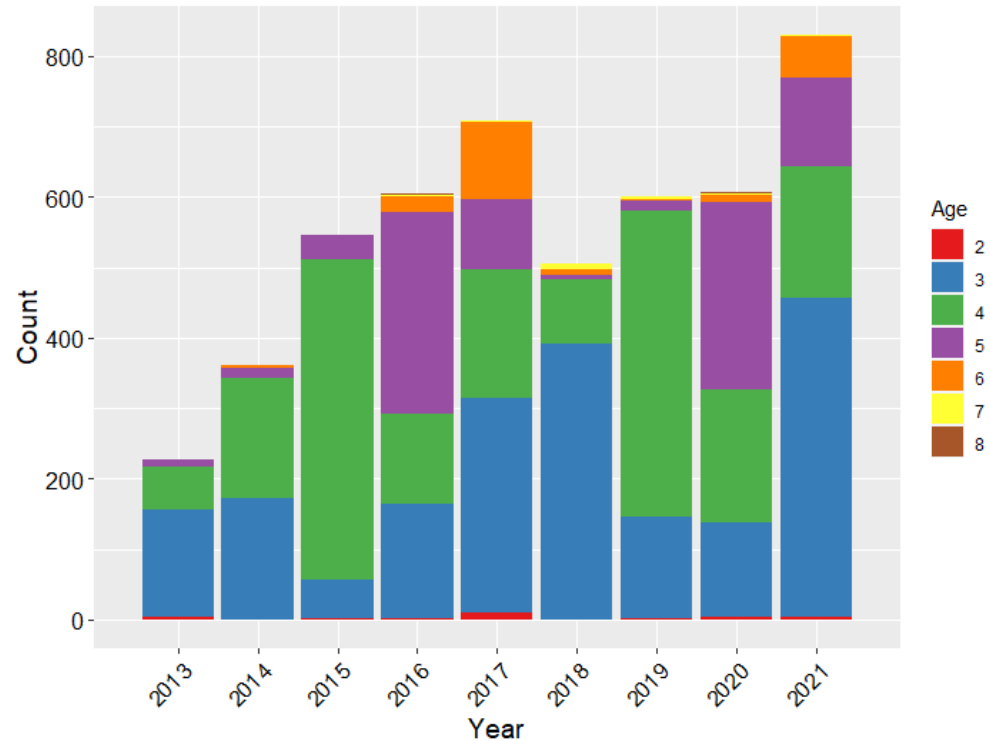
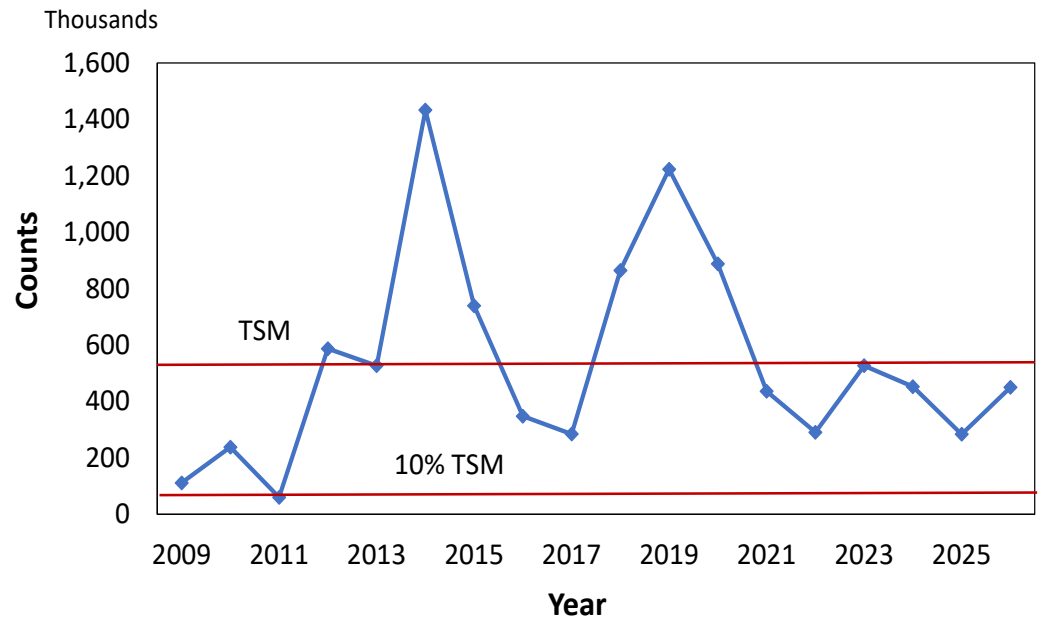
Herring River – Alewife age composition

Two large year classes have driven over 10 years of run data

2010 – 238,000 fish

2015 – 739,000 fish

Moderate to low recruitment since the 2015 cohort faded in 2021



Next Steps

Data Review – Continue to monitor run data and evaluate SFMP metrics

SFMP Renewal – Harwich and Nemasket River up for ASMFC renewal in 2027

Herring Brook, Pembroke – Looking to have a limited harvest in 2027

Stony Brook, Brewster – Requested consultation with DMF on harvest plan

Congratulations to the Town of Harwich

