



The Commonwealth of Massachusetts

Division of Marine Fisheries

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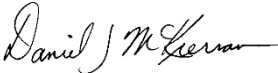
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MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel J. McKiernan, Director 
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—Constraining Certain Shore-Based Angling Activities to Limit Interactions with White Sharks

Proposal

I am proposing to go out to public hearing this winter to constrain certain shore-based fishing activities to limit interactions with white sharks resulting in their intentional or unintentional catch with the goal of protecting white sharks and enhancing public safety. This includes:

1. Banning shore-based shark fishing in specific areas of the Massachusetts coast where white sharks are common. The affected area would start at the Massachusetts – New Hampshire coastal boundary then south to the Cape Cod Canal in Sandwich, then eastward along the southern shore of Cape Cod Bay to Rock Harbor in Orleans, then northward along the eastern shore of Cape Cod Bay to Race Point in Provincetown, then south along the eastern Atlantic facing shore of Cape Cod, inclusive of all of Monomoy Island. Exempt from this would be the shorelines of Plymouth, Kingston, and Duxbury Bays (“Three Bays”) within a straight line drawn between the south westernmost point of Saquish Head to the northernmost point of Plymouth Beach¹. See Figure 1. This prohibition will be made enforceable by defining shore-based shark angling as any rod and reel fishing activity that is not occurring from a vessel and uses a baited hook of a size greater than or equal to 8/0 that is attached to any metal fishing leader.
2. Prohibiting shore-based chumming.
3. Limiting the launching of baits to normal casting when shore fishing.

Background and Rationale

Existing state regulations at 322 CMR 6.37 restrict the ability for fishers to target white sharks. This includes general shark fishing rules, as well as white shark specific rules. As a requirement of the Atlantic States Marine Fishery Commission’s Interstate Fishery Management Plan for Coastal Sharks, any fisher who catches a prohibited species of shark²—which is inclusive of white sharks—are to release the shark in a manner that ensures the maximum probability of survival. Additionally, any recreational shark fisher is required to use circle hooks in the terminal tackle when fishing with bait and any shark caught on any baited hook other than a circle hook is to be released. With regards to white sharks specifically, it is

¹ This is consistent with the definition for Plymouth, Duxbury, and Plymouth Harbors as set forth in DMF’s Inshore Restricted Waters regulations at 322 CMR 4.02.

² As of today the list of prohibited shark species include the following: Atlantic angel, basking, bigeye sand tiger, bigeye sixgill, bigeye thresher, bignose, bluntnose sixgill, Caribbean reef, Caribbean sharpnose, dusky, Galapagos, longfin mako, narrowtooth, night, sandbar, sand tiger, sharpnose sevengill, shortfin mako, silky, smaltail, whale, and white.

unlawful for any person to attract³ or capture⁴ a white shark without authorization from the DMF Director. These white shark specific regulations were developed by DMF in 2015 to address concerns about how the expansion of human interaction with these animals may put both white sharks and people in danger by altering white shark behavior so that they begin to associate the presence of humans with feeding opportunities⁵.

I generally view the state's white shark management program as successful because DMF has largely been able to limit the growth of certain activities that would put humans in intentional and direct contact with these animals (e.g., intrusive research, baited cage diving, targeted fishing) potentially altering their behavior and increasing public safety risks. However, in recent years, a small number of shore-based anglers have been observed targeting and landing white sharks, particularly along the eastern facing beaches of Cape Cod. This activity is often captured on video and shared on social media, either by the angler themselves or by other beachgoers. Earlier this fall, the activity gained some media attention from the Provincetown Independent. The [article](#) reported that shore-based anglers were targeting sharks and were chumming off the beach, using drones to deploy baits, and doing so among a group of local surfers. The local surfers claimed to have observed surfacing white sharks while in the water and that they were "clotheslined" by the fishing gear; the fishers suggested the surfers were intentionally interacting with the fishing gear and claimed they were fishing for sharks other than whites.

It is my view that this fishing activity violates the existing regulations, presents a public safety risk, and creates an untenable user group conflict. However, while the Massachusetts Environmental Police (MEP) have been able to investigate some of these reported instances—and in one case, were successful in citing an individual for violating the state's white shark rules—the existing rules are difficult to enforce as intended. At last month's MFAC's Law Enforcement Focus Group, MEP officers explained there two major challenges enforcing the existing rules. Foremost, successful enforcement requires MEP be able to demonstrate angler intent and that it difficult to prove and anglers will often claim they are targeting other species of sharks, striped bass, or bluefish⁶. Compounding this issue is the fact that this discrete fishing activity is difficult to detect, particularly as it is primarily occurring on the remote beaches along the eastern shore of Cape Cod.

With the above in mind, there may be benefit to DMF adopting a more straightforward rule controlling white shark fishing to ease enforcement challenges. This would make it easier for MEP, as well as the general public, to easily determine if an angler is shark fishing. In turn, MEP may be able to more efficiently respond to reported violations (similar to the prohibition on commercial striped bass fishing along the Cape Cod Canal).

Moreover, I am concerned about the potential for this activity to expand both in terms of the number of participants and the geographic extent of the fishery. My concern is driven by both general interest in this animal and the substantial social media interest around shore-based shark fishing. Should this growth occur, it would substantially increase the risks to both the public and to white sharks. In response, DMF has developed a series of proposals that I view as being commonsense steps to make the existing

³ 322 CMR 6.37(5) defines the term "Attract" to mean "any activity that lures or may lure any white shark to a person or vessel by using food, bait, chum, dyes, decoys, acoustics, or any other means, excluding the mere presence of persons on the water including those persons conducting commercial or recreational fishing activity."

⁴ 322 CMR 6.37(5) defines the term "Capture" to mean "forcefully gain control of a white shark. Capture includes, without limitation, the restraint or detention of a white shark or any act of intrusive research performed on a white shark. Capture shall not include the incidental catch of white sharks during the course of lawfully permitted fishing activity."

⁵ For more details, review the [March 15, 2015](#) and [July 31, 2015](#) memoranda from DMF to the MFAC regarding the development of emergency and final white shark management regulations.

⁶ DMF does not view these claims as legitimate given the gear being fished and the lack of other shark species available from Outer Cape beaches.

regulatory framework more enforceable and constrain burgeoning fishing activities that may potentially lead to intended or unintended interactions with white sharks resulting in harm to the animal and a public safety risk. My proposals are also informed by existing regulations in other jurisdictions with traditional shore-based shark fisheries, including New York and Florida.

Shore-Based Shark Fishing Prohibition

Shore-based shark fishing has increased in popularity along the east coast of the US. In Massachusetts, directed shore-based recreational fishing for sharks has occurred for decades and there are indications that fishing effort and catch rates have increased dramatically over the past few years. For example, it is now common for shore-based recreational anglers to catch 5–10 sharks in a single trip and some individuals have conventionally tagged over 100 sharks in a single season. The most common species caught by shore-based anglers is the sandbar shark (aka brown shark), but increasing catches of sand tiger and dusky sharks have been reported in recent years. Shore-based shark fishing effort primarily occurs along the south shore of Cape Cod, and on Martha’s Vineyard and Nantucket Islands⁷.

However, with the increasing abundance of white sharks in our coastal waters over the last 15 years, there has been concurrent interest in shore-based targeting of this species, primarily along the eastward facing beaches of Cape Cod. While the targeting of white sharks is clearly prohibited and the existing rules may be readily enforceable in certain instances, I think a more direct approach to managing fishing for white sharks is warranted. To address this, I am proposing to prohibit the shore-based angling for sharks along our coastline on the Gulf of Maine and the Outer Cape (inclusive of all of Monomoy Island), with an exception for the Three Bay System shoreward of a line drawn between the south westernmost point of Saquish Head to the northernmost point of Plymouth Beach. To achieve this, the proposal will define shore-based shark angling as any rod and reel fishing activity not occurring from a vessel that uses a baited hook greater than or equal to 8/0 attached to a metal fishing leader.

The term “shore-based” will be simply defined as “not from a vessel” and the term “shark angling” will be defined based on tackle fished. The proposed gear specifications for shore-based shark angling are based on a minimum hook size threshold (8/0) coupled with the use of a wire leader. This is informed by a 2024 study (Kneebone et al., 2024) that worked with 21 shore-based shark anglers in Massachusetts that found the minimum size circle hook and metal leader lengths used by these fishers was an 8/0 hook and 18” metal leader. Rather than applying a minimum leader size, my preference is to have the rule state shark fishing is the use of any metal leader with a hook that is 8/0 or greater in size, so as to prevent a loophole by simply shortening the leader length by some small amount.

This aspect of the proposal should exclude gears commonly fished from shore for striped bass, bluefish, or other target finfish species. DMF’s understanding—informed by our own experience, as well as discussions with anglers and tackle shops—is that most shore anglers targeting other species are fishing smaller hook sizes (e.g., 6/0) and are not using metal leaders except when targeting bluefish. Note that some shore-based anglers may want to target bluefish using large baits requiring the use of metal leaders attached to large hooks (e.g., 8/0). The extent to which there may be interest in this activity should be exposed during the public hearing and public comment process and may help inform potential modifications to my final recommendation that could accommodate existing lawful fishing practices.

As for the spatial extent of this proposed prohibition, I am focused on having it apply as broadly as possible to shorelines where white sharks may be present, so that the prohibition is not just displacing this fishing activity from one area to another. Additionally, I am proposing to have it apply only in areas

⁷ Under current Massachusetts state law, circle hooks must be used when targeting sharks with natural baits, and all of these species are prohibited from retention.

where there is little to no existing shore-based shark fishing activity for non-white shark species (e.g., sandbar, dusky, sand tiger). This will prevent the new rule from negatively impacting historic and lawful shore-based recreational shark fishing activity. Note that the strong presence of white sharks tends to displace other shark species, so robust populations of these other species would not be expected to occur in areas frequented by white sharks. Based on acoustic telemetry data and other observations collected by DMF's shark research program, the areas where white sharks may be present include most waters north and east of Cape Cod (including Monomoy Island). Accordingly, the waters along the South Cape and Islands, where recreational shark fishing for non-white shark species has historically occurred, are not included in this proposal. Additionally, I am proposing to exempt the shoreline inside the Three Bays system given there is a traditional shore-based catch and release sand tiger shark fishery in this area, and we have no data to suggest that white sharks frequent these potentially exempted waters. I will consider exempting other similar areas in my final recommendation should the issue be raised in public comment.

Chumming Prohibition

My proposal also seeks to ban chumming when fishing from shore throughout the Commonwealth. There have been documented conflicts between shore-based shark fishers using chum and beachgoers on Nantucket and Cape Cod, including the incident that the Provincetown Independent recently reported on ([linked above](#)). Since most shore-based shark fishing occurs on beaches, and the use of chum attracts sharks, this activity poses an unnecessary public safety risk, particularly in areas where shore-based shark fishing may continue and white sharks may occur (e.g., Nantucket). Moreover, the prohibition will likely have limited impact on traditional non-white shark fishing activity as the use of chum is not as common.

Casting Mandate

The last aspect of my proposal is to mandate the casting of baited hooks and prohibit anglers from deploying baited hooks by other means. The use of drones, bait cannons, and other mechanized devices is becoming more commonly used to deploy bait. In the context of shark fishing, it allows the angler to place the bait beyond the surf where white sharks typically occur. Like the chumming prohibition, this proposal seeks to further constrain the potential for anglers to target white sharks under the guise of legal shore-based angling, particularly in those areas where shore-based shark fishing would remain authorized.

However, my proposal applies more broadly to all shore fishing activity—not just that which falls within the gear-based definition of shark fishing. This is principally driven by the concerns I have regarding the use of mechanized bait deployment devices in the shore-based striped bass fishery, as it allows anglers to observe fish (in the case of drones) and set baits to target fish in areas that are further from shore and beyond the traditional reach of the shore angler. This increases the efficacy of shore angling, but also likely increases the stress put on the fish and the fight time to bring the fish to shore. Given striped bass are the predominant species that would be targeted with these tools from shore, and the substantial concerns about release mortality in the recreational striped bass fishery, I think it is critical to be precautionary and get out ahead of the widespread use of these tools.

Based on public comment, I would be amenable to considering an exemption for the use of traditional, manual bait delivery systems (e.g., kayaks) should there be sufficient public interest. However, the intent of my proposal is to broadly prohibit the activity because I think the most straightforward rule is the best for enforcement and compliance. Then the public hearing and comment period can be used to inform DMF and the MFAC of potential carve outs to a final rule.

Figure 1. Proposed Areas Where Shore-Based Shark Angling Would Be Allowed and Prohibited

