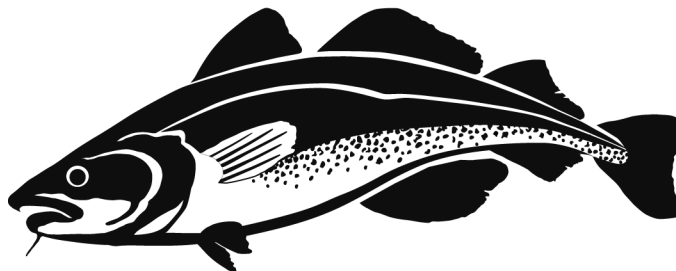


Public Hearing: Emergency Regulations on Commercial Striped Bass Permitting

December 2 – Virtual

Marine Fisheries
Commonwealth of Massachusetts



Public Comment

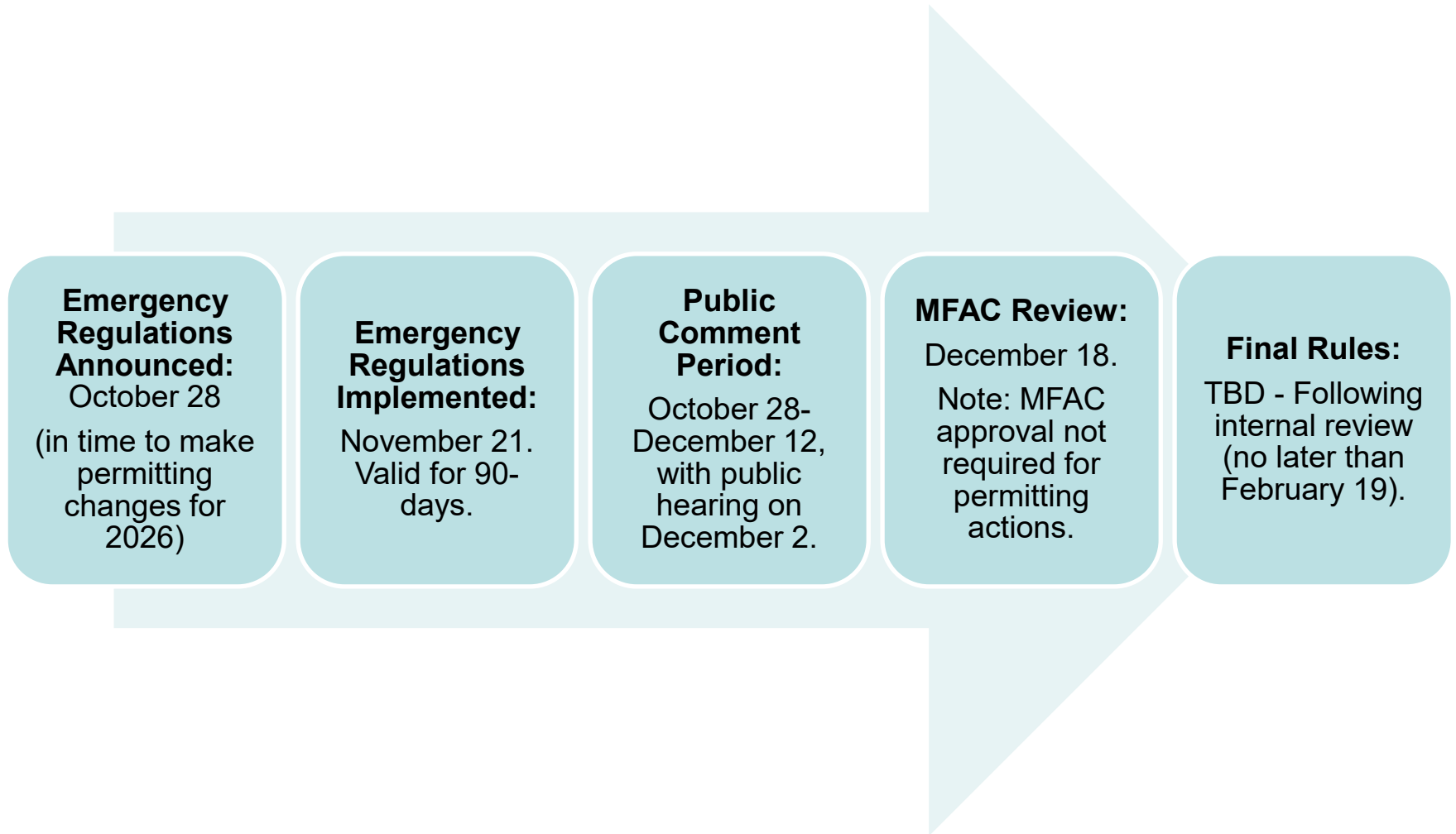
Under the provisions of G.L. c. 30A, and pursuant to the authority found at G.L. c. 130 §§ 2, 80, and 104, the Division of Marine Fisheries (DMF) is taking public comment on a series of emergency regulations enacted to amend 322 CMR 6.07, 7.01, and 7.04 relevant to the permitting of the commercial striped bass fishery beginning in 2026.

1. Limited Access (322 CMR 7.01)
2. Owner Operator (322 CMR 6.07 and 7.01)
3. Non-Transferability (322 CMR 7.01)
4. Control Date (322 CMR 7.04)

DMF will accept written public comment through 5PM on Friday, December 12, 2025. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov).



Timeline for Rule Making



Overview

Actions

- Established striped bass permit endorsement as limited entry. Issuance through renewals only except that in 2026 restricted to those that held one in 2024 or 2025.
- Required the named permit holder to be present when commercial striped bass fishing is occurring (“owner-operator”).
- Established the striped bass permit endorsement as non-transferable.
- Updated the striped pass permit endorsement Control Date from June 14, 2022 to December 31, 2025.

Rationale

- Preserve remaining commercial fishing opportunities for existing participants.
- Reduce mis-use of permit for recreational fishing and improve reporting.
- Prevent activation of latent effort and uphold small-scale nature of fishery.
- Improve accountability, compliance, and enforcement.
- Allow for more recent fishing activity to be included in future eligibility criteria.
- Progress towards coming into compliance with interstate harvester tagging mandate.



Background

Stock Status & Commercial Quota

- Striped bass are overfished and subject to a rebuilding plan.
- ASMFC-assigned commercial quota has been reduced to roughly half its peak level due to declining stock status.
- Returning to prior quota levels will be challenging under ongoing recruitment failure.
- Low quota and high participation results in short season (generally 15-20 days), despite restrictive limits.

Open Access Permitting

- Open access permitting leads to roughly 4,500 striped bass endorsements issued each year. Typically, about 4,000 are renewals and 500 are new.
- Only about 20% of issued endorsements report selling any striped bass in a year.
- Most active permits are minimally engaged in commercial fishing. Of those selling striped bass, two-thirds sell only striped bass. Roughly half take less than 4 trips and harvest less than 15 fish in a year.
- Concern that permit is being obtained to avoid more strict recreational fishing regulations and catch is not properly reported.
- Fish harvested under commercial permit for personal use is not counted against quota.



Background (cont.)

New Interstate FMP Requirement for Harvester Tagging

- Addendum III (approved Oct 2025) removes state discretion for harvester or dealer tagging programs.
- By 2029, all commercially harvested fish must be tagged by harvester prior to offloading/removing vessel from water (or immediately if shore fishing).
- MA issues and accounts for tags to ~125 primary buyers per year.
- Tags can not be issued in unlimited quantity, and unused tags must be returned.
- DMF can not effectively administer a harvester-based tagging program to 4,500 permittees.

Control Date

- Control dates serve to advise that access to a fishery may be limited in the future using history prior to the control date as qualifying criteria. The specific criteria (such as landings and permits held) are established in a future regulatory action.
- Permit applicants sign affidavits acknowledging all applicable control dates.
- Striped bass control date has been updated multiple times to avoid become stale.



Background (cont.)

Permit Transfers

- All permits/endorsements are non-transferable unless authorized by DMF. Transfer of limited entry permits provides a mechanism for new entrance (however, not the only approach).
- All transferable permits are subject to actively fished and recipient experience criteria, with exceptions (e.g., death/disability/military, immediate family, certain permit bundles).

Owner-operator Status

- Requires the permit holder to be present during fishing activity; does not extend to the sale or transport of fish for purpose of sale.
- Owner-operator requirement has been applied to several other limited entry fisheries (e.g., coastal lobster, menhaden, fish/conch pot, individual permits) to prevent permit leasing, maintain nature of fishery, enhance compliance and accountability.
- Exceptions immediate family, active military duty, and up to 2 years for death/disability/other good cause as determined by Director (LOA required).



Limited Entry

Established striped bass permit endorsement as limited entry beginning in 2026. Issuance is through renewals only; however, for 2026 includes anyone holding one in 2024 or 2025.

- Ceased the issuance of “new” permits. New permits are those not held in the prior year.
- In first year (2026), inclusive of permit holders from prior two years (2024 or 2025).
- ~4,500 permits may still be issued for 2026.
- First step towards further reducing permits to preserve remaining opportunity for existing participants and enable adoption of harvester tagging program.
- Through a separate rule-making process (not this regulatory action), DMF anticipates using the control date with additional eligibility criteria to further reduce issuance in 2027.



Owner-Operator

Established the striped bass endorsement as owner-operator.

- Permit holder must be present during fishing; someone else can bring fish to primary buyer.
- Consistency across all permits with striped bass endorsements. Individual/rod & reel and coastal lobster permits were already owner-operator; this treats boat permits the same.
- Exceptions for immediate family, activity military service, and 2 years post death/disability or other good cause as determined by the Director (LOA required).
- Prevents permit leasing, enhances accountability and compliance, upholds permit sanctions, consistent with small-scale nature of fishery.



Transferability

Established the striped bass endorsement as non-transferable.

- While transferability is one way to allow for new entrants, it can significantly drive up the cost.
- DMF intends to explore alternative approaches to new access that maintain lower barrier to entry; more consistent with open access history of this small-scale, entry-level fishery.
- This does not effect “permit upgrades” – will be able to move striped bass endorsement from an Individual Permit to a Boat Permit for example.



Control Date

Updated the striped pass permit endorsement Control Date from June 14, 2022 to December 31, 2025.

- Will need to further reduce permit holders to achieve mandate for harvester tagging through use of control date.
- Outdated control dates become “stale”.
- Use of the June 14, 2022 control date to further reduce permits could rescind access from a participant that was only active in more recent years (e.g., 2022-2026).
- New control date incorporates activity through the end of the 2025 commercial fishing season.
- How the control date is used to further reduce permits is the subject of future rule-making (not this emergency action).



Questions & Comments

- Establish striped bass permit endorsement as limited entry. Issuance through renewals only except that in 2026 restricted to those that held one in 2024 or 2025.
- Require the named permit holder to be present when commercial striped bass fishing activity is occurring (“owner-operator”).
- Establish the striped bass permit endorsement as non-transferable.
- Update the striped pass permit endorsement Control Date from June 14, 2022 to December 31, 2025.



Next Steps

Conclude this Rule-Making

- Finalize emergency rules this winter (with or without modifications based on public comment and DMF decisions).

Future Action to Reduce Permits

- Develop a public hearing proposal to further reduce permit issuance using control date and to manage attrition and new entrants in 2027. Anticipate proposal and hearings in mid-2026. Final rulemaking in time for 2027 permitting season.

Future Action to Implement Harvest Tagging

- Development of public hearing proposal for harvester tagging program in 2028 (2029 at latest per FMP). Anticipate proposal and hearings in mid-2027.

