



Massachusetts Division of Marine Fisheries

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Policies, Procedures, and Guidelines

Transfer of Limited Entry Regulated Fishery Permit Endorsements for Horseshoe Crab (Bait)

Introduction and Purpose:

The regulated fishery permit endorsement for horseshoe crabs was established in 1999 to authorize participation in the bait fishery for horseshoe crabs pursuant to 322 CMR 6.34. The endorsement was made limited entry in 2008 when issuance was restricted only to the renewal of existing permits. At present, commercial fishers may only obtain a horseshoe crab endorsement through the lawful transfer of an existing endorsement.

Regulated fishery permit endorsement transfers are regulated at 322 CMR 7.06. Among other things, this regulation requires a regulated fishery permit endorsement be actively fished in four out of the past five years for it to be transferable and stipulates that the Director is to develop policies establishing actively fished criteria. 322 CMR 7.06(4)(a)(2). It has been the agency's long-standing internal policy that in the absence of a written policy on actively fished criteria that the minimal criteria apply by default. For species-specific endorsements, this default criteria is that commercial fisher catch reports or SAFIS dealer reports must show evidence of at least one unit of the permitted species has been landed or sold annually for four out of the past five years for the endorsement to be considered actively fished.

Historically, catch and landings in the commercial horseshoe crab bait fishery came principally from hand harvesters. These fishers would take advantage of horseshoe crab spawning behavior and harvest horseshoe crabs when they aggregate along the shoreline during the spring to spawn. Additionally, there was also some harvest coming from inshore mobile gear fisheries in Nantucket Sound that catch horseshoe crabs in their trawl nets and shellfish dredges.

However, this dynamic has changed and nearly all catch and landings in the commercial horseshoe crab bait fishery are now taken by mobile gear fishers, not hand harvesters. This is primarily the product of changes to the state's conservation management program for horseshoe crabs. Specifically, in 2024 DMF adopted an April 15 – June 7 harvest closure to protect spawning horseshoe crabs. This closure effectively eliminated the opportunity for hand harvesters to catch and land these animals by

preventing harvest throughout most of the spawning season when these crabs are aggregated along the shoreline. Additionally, due to fishery economics, horseshoe crabs have become an increasingly important component of the catch and landings for inshore mobile gear fishers over the past decade.

As a result, there is the potential for a disconnect between those persons who hold the horseshoe crab endorsement and those persons conducting fishing activity that may result in the catch of horseshoe crabs. In fact, if a previously active hand harvester ceased horseshoe crab fishing in 2024 after the promulgation of the April 15 – June 7 harvest closure, their horseshoe crab endorsement would not meet the default criteria for actively fished and it would not be transferable. Therefore, new entrants into the state's inshore mobile gear fisheries may be limited in their ability to acquire a horseshoe crab endorsement to retain and land their bycatch.

Therefore, DMF has moved to adopt this policy to facilitate the transfer of horseshoe crab endorsements from previously active hand harvesters to active mobile gear fishers. This is designed to achieve two separate goals. First, it will reduce regulatory discarding in our inshore mobile gear fisheries without activating latent mobile gear fishing effort. Second, it will provide the continued opportunity for previously active hand harvesters to transfer their horseshoe crab endorsement in recognition of the fact that horseshoe crab conservation regulations may have eliminated their ability to access the regulated species and participate in the commercial horseshoe crab bait fishery.

Policy:

In accordance with 322 CMR 7.06(4)(a)(2), and for the purpose of defining actively fished criteria relevant to the transfer of the limited entry regulated fishery permit for horseshoe crabs, DMF establishes that:

1. The transferor must demonstrate that they landed or sold at least one horseshoe crab annually in four out of the past five years, or in the event that the horseshoe crab endorsement is being transferred from a previously active hand harvester to an active mobile gear fisher, the transferor must demonstrate that they landed or sold at least one horseshoe crab annually by hand harvest during the period of 2019 – 2023.
2. If the transfer occurs between a previously active hand harvester and an active mobile gear fisher, the mobile gear fishery must demonstrate that they landed or sold at least one pound of regulated finfish or shellfish taken by mobile gear in four out of the past five years.

Commercial fisher catch reports and SAFIS dealer reports will be used to make these determinations regarding whether or not the above enumerated actively fished criteria are met.

Issue Date: September 23, 2026