



Massachusetts Division of Marine Fisheries

Paul Diodati, Director

Policies, Procedures, and Guidelines

Issue: Performance Criteria for Conch Pot Endorsement Transfers
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Introduction and Purpose:

This licensing policy establishes performance criteria for conch pot endorsement transfers. For a conch pot endorsement to be considered actively fished, trip level reports must show a permit holder has legally fished for, landed, and sold a minimum of 5,000 lbs of conch per year in four out of the past five years.

Background:

Pursuant to the authority at M.G.L. c. 130 s. 2, 17, 17A, and 80 and 322 CMR 7.01 and 7.06, the Director of the Division of Marine Fisheries (*Marine Fisheries*) may control the issuance, renewal and transfer of commercial fishing permits and permit endorsements. This authority includes, but is not limited to, enacting permit issuance moratoriums to limit entry into a fishery and prescribing the means and manners by which limited entry permits and permit endorsements can be transferred.

In 1990, *Marine Fisheries* limited entry into the conch pot fishery to reduce gear conflicts and constrain conch pot fishing effort at 1990 levels. This moratorium on the issuance of new conch pot endorsements has remained in place since that time. In 1999, *Marine Fisheries* promulgated limited entry permit transfer regulations at 322 CMR 7.06. These regulations established that limited entry endorsements must be actively fished in four out of the previous five years to be eligible for transfer, and provided the Director with the discretion to determine the definition of “actively fished”. At the time the transfer regulations were enacted, *Marine Fisheries* did not specifically define performance criteria for actively fished. As a result, all conch pot endorsements were potentially transferable provided they had any reported landings in four of the previous five years.

This protocol for conch pot permit endorsement transfers remained in place until 2010, when a moratorium was placed on their transfer in response to the increased demand for horseshoe crabs, which were used as bait in the conch pot fishery. The horseshoe crab bait demand was likely due to an increase in effort in the conch pot fishery. This moratorium was to remain in place until the health of the channeled whelk resource and the performance of the fishery could be evaluated. A study and report were completed in April of 2012 (Glenn & Wilcox 2012). Findings of the report include the following:

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- 1) There are localized depletions occurring in the channeled whelk population;
- 2) Depletions are likely a product of an insufficient minimum size to protect spawning stock coupled with increased fishing effort (the number of conch pots hauled doubled from 2005 to 2010);
- 3) The increase in fishing effort may be attributable to the regional depletion of the Southern New England lobster resource concurrent with the increased ex-vessel value for whelk; and
- 4) Since 2000, on an annual basis, about 41% of all conch pot endorsements have not been fished.

The Director's responsibilities include balancing the interests of industry while ensuring resources are sustainably managed. Because the whelk resource is locally depleted in some areas and its life history dictates that recovery will be slow, it is appropriate to allow the transfer of conch pot endorsements only from active permit holders that have annually contributed a substantial quantity of landings towards the annual harvest. Transferring conch pot permit endorsements with limited landings has the potential to further increase effort and landings.

Policy:

Until further notice, conch pot endorsements may be transferred provided the permit has been actively fished. "Actively fished" shall be defined as having legally fished for, landed, and sold a minimum of 5,000 lbs. of whelk annually (as documented in verifiable landings reports) for four of the previous five years. All other permit transfer criteria at 322 CMR 7.06 shall apply.

Literature Cited:

Glenn, R. and S. Wilcox. 2012. Profile of the Channeled Whelk Pot Fishery. A report to the Director and Massachusetts Marine Fisheries Commission. Massachusetts Division of Marine Fisheries, New Bedford, MA.