



The Commonwealth of Massachusetts
Division of Marine Fisheries

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Maura T. Healey
Governor

Kimberly Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

November 21, 2025

Notice of Public Hearing and Comment Period
Draft Regulations to Establish a Framework to Permit and Regulate the Removal, Possession, and Disposal of Fishing Gear Debris

Under the provisions of G.L. c. 30A, and pursuant to the authority found at G.L. c. 130 § 31, the Division of Marine Fisheries (DMF) is taking public comment on a series of draft regulations to amend 322 CMR 4.01, 7.01, and 15.08 to establish a framework to permit and regulate the removal, possession, and disposal of fishing gear debris.

Public Hearing and Comment Schedule

DMF will accept written public comment through 5PM on Tuesday, December 16, 2025. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov). Additionally, DMF will host a virtual public hearing on Monday, December 15, 2025 at 6PM via Zoom. You can register to attend this public hearing via this [Zoom registration link](#).

Regulatory Proposal

1. Regulatory Framework (322 CMR 4.01).
 - a. Adopt relevant definitions, including “fishing gear”, “fishing gear debris”, “intact”, “intact commercial trap/pot gear”, and “intact recreational trap pot gear” so as to differentiate between fishing gear subject to private property rights and fishing gear debris that may be handled and disposed of through the proposed regulatory framework.
 - b. Authorize the Division of Marine Fisheries and the Massachusetts Environmental Police to — at any time — remove, possess, and dispose of any fishing gear debris.
 - c. Authorize any person or entity to — at any time — remove, possess, and dispose of fishing gear debris occurring above mean low-tide.
 - d. Allow any commercial fisher using mobile gear to possess and remove of fishing gear debris incidentally taken during lawful fishing operations while maintaining the existing prohibition on these fishers destroying, injuring, or otherwise molesting fishing gear.

- e. Provide DMF discretionary authority to issue a Special Project Permit to a qualified person or entity to remove, possess, and dispose of fishing gear debris found below mean low-tide subject to an application that demonstrates the expertise of the applicant, the likelihood of the project's success, and the ability for the project to avoid gear conflicts and prevent interactions with fishing gear.
2. Special Project Permit (322 CMR 7.01). Update the regulatory language for the Special Project Permit to include the removal and disposal of fishing gear debris.
 3. Aquaculture Gear Marking (322 CMR 15.08). Reinforce municipal requirements that all aquaculture gear be sufficiently tagged and marked with information that makes the aquaculture gear identifiable to a permit holder so as to enable municipal authorities to address the recovery of derelict aquaculture gear.

Initial Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No.: 322 CMR 4.00, 7.00 and 15.00

Estimate of the Number of Small Businesses Impacted by the Regulation: DMF does not anticipate this regulation will directly impact any small business in Massachusetts. Rather, this establishes a regulatory framework that enables the clean-up of fishing gear debris from the Commonwealth's shores and coastal waters. The most common type of fishing gear debris is pot/trap gear, of which there are about 1,000 permit holders who may incidentally contribute to the accumulation of fishing gear in the Commonwealth.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No. The draft regulations will not result in additional reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No. The draft regulations will not result in additional record keeping procedures.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. The draft regulations will not result in additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. The draft regulations will not result in having to hire additional employees for the purpose of compliance.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, No. The draft regulations will not result in having to hire professional services for the purpose of compliance.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No. The draft regulations will not require capital investment.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) No. These draft regulations seek to establish a regulatory framework to enable and permit the removal and disposal of fishing gear debris from the Commonwealth's shoreline and coastal waters consistent with G.L. c. 130, §31.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. There are no other duplicative or conflicting state regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? All audits and inspections are done in accordance with M.G.L. c. 130. No additional inspections are required by this draft regulation.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. The draft regulations will not require continuing educational services.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No. The draft regulations will not affect the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No. The draft regulations will not affect the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The draft regulations do not establish or address compliance or reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The draft regulations do not establish or address compliance or reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The draft regulations do not establish or address compliance or reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? These draft regulations seek to establish a regulatory framework to enable and permit the removal and disposal of fishing gear debris from the Commonwealth's shoreline and coastal waters consistent with G.L. c. 130, §31.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. These draft regulations seek to establish a regulatory framework to enable and permit the removal and disposal of fishing gear debris from the Commonwealth's shoreline and coastal waters consistent with G.L. c. 130, §31.