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Notice of Public Hearing and Comment Period:

Commercial Summer Flounder, Black Sea Bass, and Scup Limits; Commercial Horseshoe Crab Quotas; Commercial Sea Scallop Dredge Gear; Recreational Bluefish Limits; and Permitting

Under the provisions of G.L. c. 30A, and pursuant to the authorities found at G.L. c. 130, §§ 2, 17A, 21, 38B, and 80, the Division of Marine Fisheries (DMF) is taking public comment on a series of proposed regulatory amendments at 322 CMR 4.00, 6.00, and 7.00. The draft regulations outlined below affect the management of commercial fisheries for summer flounder, black sea bass, scup, horseshoe crab, and sea scallop; commercial fisheries permitting; and recreational bluefish limits. Full text of the regulations may be found on [DMF's website](#) along with additional background information.

Schedule for Public Comment Period and Hearing

DMF will accept written public comment through 5PM Friday, February 27, 2026. Please submit written comments to the attention of Director Daniel McKiernan by email to marine.fish@mass.gov. DMF will also host an in-person public hearing on Tuesday, February 24, 2026 from 6 – 9PM at Admiral's Hall located at 101 Academy Drive in Buzzards Bay, MA on the campus of Massachusetts Maritime Academy. If you cannot attend the in-person hearing there will be a listen-in-only option via Zoom ([register here](#)).

Proposed Regulatory Amendments

1. Sea Scallop Dredge Width (322 CMR 4.13). To create uniform regulations across jurisdictions, DMF proposes to modify the state's maximum sea scallop dredge width from 10 feet to 10.5 feet to align with federal small-dredge requirements.
2. Recreational Bluefish Limits (322 CMR 6.19). In response to coastwide liberalizations to the recreational bluefish limits, DMF proposes to increase the daily bag limit from 3 fish to 5 fish for anglers fishing from shore or a private/rental vessel and from 5 fish to 7 fish for anglers fishing from a charter or party boat.
3. Commercial Summer Flounder Limits (322 CMR 6.22). In response to an increase in the state's commercial summer flounder quota for 2026 and 2027, DMF proposes to:
 - a. Establish a quota-based trigger for the Period I (January 1–April 22) and Period II (April 23–December 31) quota allocations whereby Period I receives 30% of the annual quota

- when it exceeds 750,000 pounds and 15% of the annual quota when it does not. The Period II fishery receives the remainder plus any underage from Period I.
- b. Establish a quota-based trigger for the Period I trip limit whereby the trip limit is 5,000 pounds for all authorized gears when the annual quota exceeds 750,000 pounds and 2,000 pounds when it does not.
 - c. Increase the Period II summertime (April 23–September 30) trip limit from 500 pounds to 600 pounds for net fishers and 325 pounds to 400 pounds for hook fishers.
 - d. Eliminate Saturday as a closed fishing day during the Period II summertime fishery thereby allowing commercial fishing seven days per week.
 - e. Modify the quota-based trigger for the Period II fall (October 1–December 31) trip limit whereby the trip limit is 3,500 pounds, rather than 5,000 pounds, if at least 10% of the annual quota remains on October 1.
4. Commercial Scup Limits (322 CMR 6.27). In response to recent fishery performance, DMF proposes to liberalize the commercial scup limits during June to:
 - a. Increase the daily trip limit for directed hook and line and pot gear from 400 pounds to 800 pounds.
 - b. Add Monday and Thursday as open fishing days thereby allowing commercial fishing Sunday through Thursday.
 5. Commercial Black Sea Bass Limits (322 CMR 6.28). In response to an increase in the state’s commercial black sea bass quota for 2026 and 2027, DMF proposes to:
 - a. Amend the in-season date where closed fishing days are automatically eliminated for directed hook and line and pot gear from September 15 to September 1.
 - b. Amend the in-season date where trip limits for directed hook and line and pot gear may be automatically increased based on quota availability from September 15 to September 1.
 - c. Eliminate the April 1 – April 22 closure period for trawlers thereby allowing them to land an incidental catch of up to 100 pounds year-round or until the quota is taken.
 6. Commercial Horseshoe Crab Quotas (322 CMR 6.34). In response to changing demand for horseshoe crabs, DMF proposes to:
 - a. Reduce the annual horseshoe crab bait quota by 40,000 crabs thereby moving it from 140,000 crabs to 100,000 crabs.
 - b. Reallocate these 40,000 crabs to the biomedical quota at a 1:2 ratio thereby increasing the annual biomedical quota from 200,000 crabs to 280,000 crabs.
 7. Housekeeping Affecting Regulated Fishery Permit Endorsements (322 CMR 7.01). To reduce the complexity of the commercial fisheries permitting system, DMF proposes to:
 - a. Eliminate the Sea Scallop Shucking Endorsement. Any vessel lawfully authorized to possess and land sea scallops will be allowed to land shucked product. A Shellfish Endorsement will remain necessary to land whole in-shell product from areas open to the harvest of shellfish shellstock.
 - b. Eliminate the sub-endorsements to the Coastal Access Permit for Squid, Whiting, Sea Herring, and Northshore Mobile Gear. The activities authorized by these sub-endorsements will instead be covered by the Coastal Access Permit.
 8. Modifications to Offshore and Coastal Lobster Permit Rules (322 CMR 7.03 and 7.06). In response to industry requests, DMF proposes to allow any existing Coastal Lobster Permit

holder whose corresponding vessel holds a federal lobster trap permit to permanently surrender their Coastal Lobster Permit to DMF in exchange for an Offshore Lobster Permit thus permanently converting their trap fishery authorization from dual state-federal to federal only.

Initial Small Business Impact Statement

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

CMR No: 322 CMR 4.00, 6.00, and 7.00

Estimate of the Number of Small Businesses Impacted by the Regulation: In 2025, DMF issued 7,504 commercial fishing permits, 890 for-hire fishing permits, 1,876 seafood dealer permits, and 2 biomedical processor permits. Each of these permit holders may be impacted by these draft regulations.

- Will small businesses have to create, file, or issue additional reports?
No. The proposed regulations will not result in additional reporting requirements.
- Will small businesses have to implement additional recordkeeping procedures?
No. The proposed regulations will not result in additional record keeping procedures.
- Will small businesses have to provide additional administrative oversight?
No. The proposed regulations will not result in additional administrative oversight.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?
No. The proposed regulations will not result in having to hire additional employees for the purpose of compliance.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer,
No. The proposed regulations will not result in having to hire professional services for the purpose of compliance.
- 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 proposed regulations will not require capital investment.
- 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. DMF regulations control the harvest of marine species to comply with federal law, manage state-quotas and protect the environment. Performance standards are not appropriate without individual transferable quotas allocated to individual fishermen. Managing state-waters fisheries with individual quotas would have negative economic impacts across the seafood industry.
- Do any other regulations duplicate or conflict with the proposed regulation?
No. There are no other duplicative or conflicting state regulations.
- Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?
No. All audits and inspections are done in accordance with M.G.L. c. 130. No additional inspections are required under this amendment.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
No. DMF does not anticipate the proposed regulations will require small businesses to provide educational services to keep up to date with regulatory requirements.
- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?
No. The proposed regulations do not deter entry into the fishing and seafood industry. Other factors - such as permit and vessel availability and cost and shoreside infrastructure – influence the formation of new businesses.
- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?
No. The proposed regulations do not address enhancing entry into these fisheries and other factors, such as permit and vessel availability and cost and shoreside infrastructure, determine the formation of new businesses.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No. This is not addressed by these draft regulations.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No. This is not addressed by these draft regulations.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?

No. This is not addressed by these draft regulations.

- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?

No. Operational standards are needed for consistent and clear notification, enforcement, and compliance.

- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?

No. Operational standards are needed for consistent and clear notification, enforcement, and compliance