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**Notice of Public Hearing and Comment Period:
Commercial Surf Clam and Ocean Quahog Dredge Fishery Management Regulations**

Under the provisions of G.L. c. 30A, and pursuant to the authorities found at G.L. c. 130, §§ 17A, 21, 52, and 80 the Division of Marine Fisheries (DMF) is taking public comment on a series of draft regulations at 322 CMR 4.00, 6.00, and 7.00 to modernize the management of the commercial surf clam and ocean quahog dredge fishery. A summary of the proposals is enumerated below. The full text of the regulations and other relevant documents may be found on [DMF's proposed regulations webpage](#).

1. Spatial Management (322 CMR 6.08). The following spatial management regulations will apply to all vessels using dredge gear to harvest surf clams and ocean quahogs:
 - a. Eliminate the seasonal contour line closures. Replace these closures with mapped and published polygons defined by GPS coordinates. These new closures approximate the 12' contour line but also include a 200' buffer around all eelgrass beds mapped by the Department of Environmental Protection and are inclusive of existing management closures and exemption areas. In areas where there is limited surf clam resource (e.g., Buzzards Bay) the shape of the polygon is simplified by drawing straight lines that may extend beyond the 12' contour.
 - b. Maintain the existing closure north of Point Allerton in Hull.
 - c. Maintain existing May 15 – October 15 closure off Manomet in southwestern Cape Cod Bay to prevent user group conflicts and protect new shell lobsters and extend this closure eastward along southern Cape Cod Bay from Sandwich to Dennis.
 - d. Close the waters within Herring Cove from Race Point to Wood End seasonally from May 15 – October 15.
 - e. Establish a process to adjust closure boundaries to address user group conflicts; protect, restore, and sustain critical benthic habitats; and investigate and open additional areas to dredge fishing.
2. Electronic Vessel Tracking (322 CMR 6.08 and 7.11). Mandate that by January 1, 2027, all vessels fishing with dredge gear for surf clams and ocean quahogs shall install and maintain operable electronic tracking devices onboard their vessels. DMF may issue authorizations to temporarily power down these tracking devices to address discrete issues related to device failure, vessel haul-out, and other similar technological issues with the device.

3. Night Closure (322 CMR 4.06 and 6.08). Exempt surf clam and ocean quahog dredge vessels from the mobile gear night closure from February 1 through April 30 annually. This shall not apply to the contaminated bait fishery.
4. Housekeeping (322 CMR 6.08). Enhance, clarify, and streamline regulatory language relevant to permitting requirements; catch restrictions; bycatch of municipally managed species; and the contaminated bait fishery. These adjustments do not modify existing requirements.

DMF will accept written public comment through 5PM on Friday, June 12, 2026. Please submit written comments by email to marine.fish@mass.gov to the attention of Director McKiernan. DMF will also host a virtual public hearing on Tuesday, June 2, 2026 at 6PM. To attend this virtual public hearing, please register [here](#).

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: DMF issued 32 surf clam/ocean quahog dredge permit endorsements in 2025. These draft regulations will affect that subset of permit holders who fish for surf clams and ocean quahogs with dredge gear in Massachusetts waters. Based on recent fishing effort, DMF anticipates there are fewer than 10 active permits.

Select Yes or No and Briefly Explain

- Will small businesses have to create, file, or issue additional reports?
Yes. The draft regulations require a vessel tracking device which will automatically generate fishing location data reported to DMF.
- Will small businesses have to implement additional recordkeeping procedures?
No. The draft regulations will not result in additional record keeping procedures
- Will small businesses have to provide additional administrative oversight?
Yes. The draft regulations require a vessel tracking device which will automatically generate fishing location data reported to DMF.
- 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.
- 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.
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
DMF has acquired a sufficient number of Viatrx Boat Command devices to provide them to the active fleet at no cost. However, industry will be responsible for covering installation, maintenance, and the annual subscription, which approximates about \$300 per year.
- 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 modernize the spatial management program to enhance enforcement, compliance, and habitat protection while ameliorating user group conflicts consistent with the agency's management authority at G.L. c. 130, §§1A, 21, and 52.
- 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?
Yes. The draft regulations require a vessel tracking device which will automatically generate fishing location data reported to DMF.

- 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.
- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?
No. The draft regulations will not affect the formation of small businesses in Massachusetts.
- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?
No. The draft regulations will not affect the formation of small businesses in Massachusetts.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No. The draft regulations adopt more stringent requirements in order to modernize the spatial management program to enhance enforcement, compliance, and habitat protection and ameliorate user group conflicts.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No. The draft regulations adopt more stringent requirements in order to modernize the spatial management program to enhance enforcement, compliance, and habitat protection and ameliorate user group conflicts.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
Yes. Compliance is simplified through the use of spatial monitoring devices that are integrated with chart plotter programs.
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No. These draft regulations seek to establish a regulatory framework to modernize the spatial management program to enhance enforcement, compliance, and habitat protection while ameliorating user group conflicts consistent with the agency's management authority at G.L. c. 130, §§1A, 21, and 52.
- 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 modernize the spatial management program to enhance enforcement, compliance, and habitat protection while ameliorating user group conflicts consistent with the agency's management authority at G.L. c. 130, §§1A, 21, and 52.