



The Commonwealth of Massachusetts

Division of Marine Fisheries

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November 6, 2025

Cate O'Keefe
Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dan Salerno
Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Evaluation of Surf Clam Access in Federal Waters

Dear Dr. O'Keefe and Mr. Salerno:

I write to support a 2026 management priority to evaluate revisions to the Atlantic surf clam exemption fishery in the Great South Channel Habitat Management Area (GSC HMA). The conclusion of research activity in the HMA in early 2026 and concerns of shifting effort into state waters make this a timely priority for the New England Fishery Management Council (NEFMC).

In April 2018 the NEFMC established the GSC HMA. One year later, the NEFMC approved three surf clam exemption areas in the GSC HMA in the Clam Dredge Framework Adjustment. This framework also established the intent to develop a research program for potential development of additional exemptions in the future. In support of this intent, the NEFMC's Habitat Plan Development Team identified four objectives for focused habitat research which can be addressed through study of the Rose and Crown and Davis Bank East closed areas. It is my understanding that research conducted by Coonamessett Farm Foundation under an existing Exempted Fishing Permit (EFP) will conclude in early 2026. Analysis from this and previous EFPs should provide better information for the NEFMC to evaluate where Atlantic surf clams and mussels can be harvested with minimal impact to sensitive fish habitat in those areas.

It is extremely concerning that restrictive surf clam access in federal waters appears to be resulting in an unintended shift of effort into Massachusetts state waters. Preliminary findings reveal a likely displacement of effort from the federal restricted area to state waters manifested in a trend of Massachusetts surf clam landings coming increasingly from state waters (Figure 1).

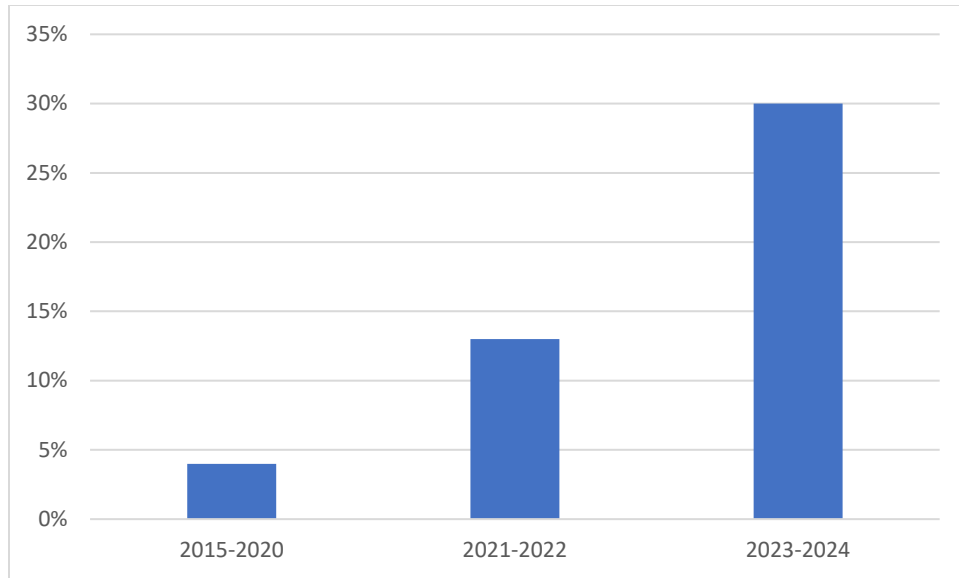


Figure 1. Average % of surf clams landed in MA harvested from state waters (2015-2024).

Simultaneously, Massachusetts Division of Marine Fisheries (DMF) is addressing potential conflict between surf clam dredging activities and habitat conservation that could be exacerbated by continued increasing activity in state waters. Current regulations rely on poorly defined depth contour lines as boundaries to restrict access shoreward of those boundaries. These regulations have proven challenging to comply with and enforce.

DMF is working toward modernizing the longstanding spatial management program for the surf clam and ocean quahog dredge fishery in state waters by utilizing GPS systems and low-cost cellular-based vessel tracking devices, like those required of federally permitted lobster trap vessels. Working with industry and municipalities, DMF has developed new spatial boundaries that generally incorporate a proxy for the 12' contour using straight lines between GPS coordinates and navigational beacons. These new proposed boundaries also incorporate a 200' buffer around mapped eelgrass beds and existing management area closures.

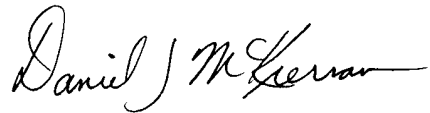
As part of this modernization effort, DMF will be requiring state-permitted surf clam and ocean quahog dredge vessels to install real-time, low-cost electronic vessel tracking devices that use cellular technology and allow for geofencing the newly created management areas. These state-approved trackers have a 1-minute ping rate, which we believe is sufficient to monitor these discrete management areas. Fine-scale tracking allows for spatial controls, including geofences around sensitive habitat (e.g., eelgrass beds), user-conflict zones, or area closures, as well as compliance monitoring.

Several vessels have installed these trackers during a voluntary pilot phase, allowing DMF to ensure the technology is sufficient for this purpose. Additionally, industry members with dually permitted (state/federal) surf clam dredge vessels have suggested that the more frequent ping rate of location data collected by the state-required devices would better capture their discrete fishing activity than their current federal vessel monitoring system requirements. These federal waters fishing location data could help inform the NEFMC and NOAA Fisheries on where they are fishing in the GSC HMA. Four vessels that fall into this category have recently requested tracker devices and DMF has furnished them as part of the ongoing pilot program. The vessel owners would have access to their own data and could

make it available to NOAA Fisheries in the discussion concerning the appropriateness of the current closures.

I hope you will look favorably on this request and accept my pledge to facilitate the future sharing of the data consistent with existing data protocols. I am confident the fishery participants are eager to provide the best available data to engage with the regulators and policy makers on these matters.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. McKiernan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel J. McKiernan
Director

Cc: Allen Rencurrel
Mike Pentony, GARFO