



**MARINE FISHERIES ADVISORY COMMISSION  
BUSINESS MEETING AGENDA**

**9AM**

**February 13, 2024**

**Via Zoom**

**Login: <https://us02web.zoom.us/j/89534523042>**

**Call In: 1-301-715-8592**

**Webinar ID: 895 3452 3042**

1. Call to Order and Routine Business (9:00 - 9:15)
  - a. Introductions and Announcements
  - b. Review of February 2024 Business Meeting Agenda
  - c. Review and Approval of December 2023 Draft Business Meeting Minutes
2. Comments (9:15 – 9:45)
  - a. Chairman
  - b. Law Enforcement
  - c. Commissioner
  - d. Director
3. Discussion Items (9:45 – 10:45)
  - a. Interstate Fisheries Management Update
    - i. Review of Winter 2024 ASMFC Meeting
    - ii. Addendum II and Changes to For-Hire Striped Bass Filletting Rules
    - iii. Process to Set Recreational Scup, Black Sea Bass and Summer Flounder Limits
  - b. Federal Fisheries Management Council Update
    - i. Review of Winter 2024 NEFMC Meeting
    - ii. Expectations for Recreational Cod and Haddock Limits
  - c. Mobile Gear Fishery Issues
    - i. Recent Industry Meeting State Waters Sea Scallop Fishery
    - ii. Update on Surf Clam Dredge Pilot Program
4. Presentations (10:45 – 11:45)
  - a. Strategic Plan Development for Department of Fish and Game
  - b. Diadromous Fish Passage Work
5. Other Business (11:45 – 12:00)
  - a. Upcoming Public Hearings
  - b. Commission Member Comments
  - c. Public Comment
6. Adjourn (12:00)

All times provided are approximate and the meeting agenda is subject to change.  
The MFAC may amend the agenda at the start of the business meeting.

**Future Meeting Dates**

9AM  
March 19, 2024  
via Zoom

9AM  
April 23, 2024  
TBD

9AM  
May 21, 2024  
TBD

9AM  
June 19, 2024  
TBD

**MARINE FISHERIES ADVISORY COMMISSION**  
**Tuesday, December 19, 2023**  
**Via Zoom**

**In attendance:**

*Marine Fisheries Advisory Commission:* Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Kalil Boghdan; Shelley Edmundson; Bill Amaru; Arthur “Sooky” Sawyer; Chris McGuire; and Bill Doyle  
Absent: Tim Brady and

*Department of Fish and Game:* Commissioner Tom O’Shea

*Division of Marine Fisheries:* Daniel McKiernan, Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Mike Armstrong, Deputy Director; Jared Silva; Julia Kaplan; Derek Perry; Tracy Pugh; Matt Camisa; Melanie Griffin; and Anna Webb.

*Massachusetts Environmental Police:* Lt. Matt Bass

*Members of the Public:* Phil Michaud, Domenic Santoro, Henry Lind, Renee Gagne, Suzanne Phillips

**INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane thanked everyone for their attendance and called the December 19, 2023 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

**REVIEW OF DECEMBER 19, 2023 BUSINESS MEETING AGENDA**

Chairman Kane asked if there were any amendments to the December 19, 2023 MFAC business meeting agenda. No amendments were proposed.

**REVIEW AND APPROVAL OF NOVEMBER 17, 2023 DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked if there were any amendments to the November 17, 2023 draft business meeting minutes. No amendments were sought.

The Chairman then requested a motion be made to approve the minutes. **Bill Amaru made the motion to approve the November 17, 2023 business meeting minutes. Kalil Boghdan seconded the motion. A roll call vote was taken and the motion passed unanimously 4-0-4 with Chairman Kane, Chris McGuire, Sooky Sawyer, and Bill Doyle abstaining.**

### **CHAIRMAN'S COMMENTS**

Chairman Ray Kane welcomed everyone and thanked the MFAC for their continued attendance. Chairman Kane stated that there are no action items today and asked the Commission to direct questions to DMF staff on discussion items. He then turned the floor over to Commissioner O'Shea.

### **COMMISSIONER'S COMMENTS**

Commissioner O'Shea welcomed Chris McGuire who was recently appointed by Governor Healey to the MFAC. He highlighted Chris's experience in marine fisheries science, management, and conservation. Tom looked forward to working with Chris in this new role. Commissioner O'Shea discussed the Department's strategic plan. He was hopeful his staff would be able to present this work to the MFAC at a future meeting. Tom closed his comments by stating that he enjoyed attending a recent meeting of the Stellwagen Bank Charter Association and was impressed by the presentation provided on Atlantic bluefin tuna.

### **LAW ENFORCEMENT**

Lt. Bass handled the comments for the Massachusetts Environmental Police (MEP) and briefly highlighted some ongoing field work.

### **DIRECTOR'S COMMENTS**

Director McKiernan echoed Commissioner's O'Shea and welcomed Chris McGuire to the MFAC. Dan then provided remarks regarding November's Belding Award ceremony—he noted the honor was appreciated by the Hickey family and thanked the MFAC for approving his posthumous nomination of J. Michael Hickey for the award.

Dan discussed the recent substantial federal appropriation for North Atlantic right whale (NARW) science and conservation. As a result, the NARW monitoring and surveillance programs would be expanding along the coast, including DMF's program for Massachusetts. He also noted that DMF's Fisheries Dependent Investigations Program was shifting effort over to increasing port sampling to offset declining effort in the federal program.

Sooky Sawyer discussed alleged gear conflicts between lobster trap fishers and sea scallop dredge boats along the North Shore and concerns among the lobster industry that these gear conflicts were being driven by the transfer of mobile gear permits to out-of-state entities. Dan stated he would look into the gear conflict issue and permit transfer trends.

## **FUTURE PUBLIC HEARINGS ON COMMERCIAL FISHERIES MANAGEMENT**

### Striped Bass Limits

Director McKiernan stated the commercial striped bass quota has been taken during the mid-summer in recent years resulting in earlier than normal closures. DMF anticipated Addendum II to the Fishery Management Plan (FMP) would be approved by the Atlantic States Marine Fisheries Commission (ASMFC) in January and resulting in a quota reduction of up to 14%. Accordingly, with input from the MFAC's Focus Group on Striped Bass, DMF developed a series of proposals to adjust the number and sequence of open fishing days to extend the season later into the year. Additionally, based on comments received from the MFAC's Law Enforcement Focus Group, DMF also drafted proposals to improve compliance by creating greater accountability at primary purchase.

Nichola Meserve then described and discussed the following proposals:

#### *Quota Management:*

1. Reduce the number of open fishing days per week from three to two.
2. Take comment on whether the open fishing days should be consecutive or non-consecutive.
3. Consider automatic triggers to add an open fishing day during the summertime period based on quota use.

#### *Primary Purchase*

1. Clarify the definition of primary purchase to explicitly require that both the harvester and the primary buyer be present.
1. Revise dealer tagging requirements to require tagging of fish immediately upon primary purchase.
2. Amend the definition of an open fishing day from Midnight-to-11:59PM to a window (e.g., 8:00AM-to-7:59AM) that would recognize the common practice of night-time effort in this fishery.

Mike Pierdinock asked about the timing of public hearings. Jared Silva stated that the best-case-scenario would be to host hearings in February and submit final recommendations to the MFAC at their March business meeting. Jared and Mike P. then discussed if hearings would be virtual or in-person. Jared stated the preference was for in-person hearings but was uncertain. Mike P. asked DMF consider a virtual hearing for those unable to attend an in-person event.

Bill Doyle asked about shifting the responsibility of tagging to the harvester. Nichola discussed the administrative challenges related to harvester tagging but noted that there was interest to move in that direction. She expected DMF and the MFAC would likely deliberate on this issue in 2024.

### Temporary Stay to Whelk Gauge Size Schedule

Director McKiernan provided the MFAC with a brief history of DMF's whelk management program. Then he described the current public hearing proposal, which

would temporarily stay the pending whelk gauge increases for at least three years (2024-2026). This pause would maintain the current gauge size and delay future gauge increases until at least 2027. During the pause, DMF was hopeful there would funding for an SMAST student to conduct a management strategy evaluation (MSE) for the channeled whelk fishery. Then based on the results of the MSE, DMF could consider alternative management strategies.

Bill Doyle asked if channeled and knobbed whelk grow at the same rates and whether or not it would be possible to look at channeled and knobbed whelk separately. Shelley Edmundson stated they grow at separate rates. Shelley also added that knobbed whelk are not as commercially valuable as channeled whelk. Ray Kane noted that knobbed whelk are primarily taken as incidental catch in mobile gear fisheries, whereas channeled whelk are primarily caught in the directed trap fisheries. There was some interest among numerous MFAC members in using this pause to consider managing these species separately.

Kalil Boghdan asked about the current market for whelks and how this may impact effort moving forward. It was Director McKiernan's understanding that demand for whelks fell this fall coastwide. With this, there was a drop in ex-vessel value that may have impacted fishing effort. Moreover, it was reported that dealers in other states to our south stopped accepting product. This market dynamic was reportedly driven by macro-economic factors limiting the live whelk market in Asia, limited markets elsewhere for live or processed product, and constraints freezing product. Dan was uncertain if these market conditions would persist into 2024 or beyond. However, should demand remain low, Dan expected price and effort would likely remain diminished.

Shelley Edmundson asked for clarification about when SMAST would have a student available to begin the MSE work. Dan McKiernan stated the work would not likely begin until Fall 2024. Shelley expressed support for the project.

#### Horseshoe Crab Management

Dan McKiernan provided the MFAC with an overview of horseshoe crab stock status and highlighted the public interest in enhancing spawning protections. Dan then discussed horseshoe crab proposals that he hopes will be implemented in 2024, they are as follows:

##### *Horseshoe Crab Spawning Closure*

1. Replace the existing lunar-based spawning closures with a prohibition on all retention of horseshoe crabs during the spring spawning season. The closure period would not extend longer than April 15 – June 7.

##### *Horseshoe Crab Trip Limit*

1. Adjust the hand harvest trip limit of 400 crabs per 24-hour period beginning at 12PM (noon) so that the trip limit is reduced to 300 crabs and applies per calendar day. This will establish a uniform commercial trip limit for all commercial fishers with a regulated fishery limited entry permit endorsement for horseshoe

crabs. DMF is not proposing to adjust the open entry trip limit for mobile gear fishers of 75 crabs, nor the biomedical trip limit of 1,000 crabs.

2. Establish two trip limit triggers to manage the available bait quota for various users.
  - a. The first trip limit trigger will increase the limited entry trip limit to 400 crabs per calendar day if less than 50% of the annual quota is taken on August 1.
  - b. The second trip limit trigger will automatically reduce the limited entry trip limit to 200 crabs if 80% of the annual quota is taken before September 15.

### *Matching Federal Horseshoe Crab Closures*

1. Complement existing federal prohibitions on horseshoe crab harvest within the boundaries of the Monomoy National Wildlife Refuge and the Cape Cod National Seashore.

Bill Amaru and Kalil Boghdan commended DMF for the thoughtful proposals. Bill noted that he was looking forward to hearing from stakeholders at public hearing and Kalil added that he hoped the proposals would be implemented, as provided, for 2024.

Mike Pierdinock asked whether the horseshoe crab catch is recorded by location. Dan stated that harvesters provide DMF with the shellfish growing area of harvest on their trip level reports. However, due to data confidentiality rules, this data is generally aggregated upwards and displayed at a regional level (e.g., Nantucket Sound, Cape Cod Bay). Dan noted that a map of percent harvest by region was published in DMF's memorandum to the MFAC. Senior DMF biologist Derek Perry then spoke to certain population indices and stated that harvest predominantly occurs in areas where the populations are most robust (e.g., Nantucket Sound). There was further discussion about potential impacts climate change may have on horseshoe crabs (e.g., coastal erosion).

Shelley Edmundson highlighted that there has been some work done into evaluating bait alternatives for the conch pot fishery. She was interested in more targeted work focused on green crabs. Dan stated that DMF would be interested in working with Shelley and would promote alternative bait uses.

Chris McGuire thanked DMF for their work on the memo. He asked DMF to clarify comments made regarding green crab fishing opportunities and anticipated impacts of a potential spawning closure on the biomedical industry. Dan McKiernan stated that DMF intends to review its management of green crab fishing activity to see if existing conditions are constraining effort and if there are reasonable ways to scale up fishing effort. It was Dan's understanding that processing activity did not start in earnest until June, but at least one firm relied on local spring harvested crabs to train their seasonal technicians. Should a spawning closure be implemented, the firm would lose access to these crabs and would have to source them from elsewhere or adjust practices.

Commissioner O'Shea thanked DMF staff for their work developing this horseshoe crab proposal and note the importance of this species to the marine ecosystem and marine biodiversity.

#### State Waters Groundfish and May Commercial Groundfish Closure

Jared Silva first discussed the performance of the state waters groundfish fishery over the past several years in relation to the state waters sub-components for the upcoming fishing year. Jared then reviewed an industry petition that would marginally decrease the spatial footprint of the May commercial groundfish closure by moving the southern boundary of this closure north from Boston to Nahant. DMF supported moving this petition forward to public hearing as sub-component availability and limited overlap with known spawning cod aggregations.

#### Mackerel Trip Limit for State Waters

Melanie Griffin reviewed DMF's proposals to adopt commercial mackerel trip limits for the state waters fishery. This trip limit would match the federal open access limit of 5,000 pounds until 80% of the quota is taken at which time it is reduced to 2,500 pounds. The limit would not apply to federal permit holders transiting through or landing in Massachusetts provided the non-conforming fish was lawfully harvested in the federal zone. The purpose of this proposed action was to ensure state management does not undermine federal conservation objectives by having state waters become an area where vessels can avoid federal limits. Based on available SAFIS data, DMF did not anticipate the proposed limits would constrain current state waters fishing activity.

Ray Kane thanked Melanie for her work and diligence on this proposal.

Bill Amaru was doubtful that the scale of the fishing activity or the resource in state waters could undermine federal conservation goals. However, he thought the trip limits seemed reasonable from the perspective of the commercial fishing industry, but was interested in whether highliners would object.

Mike Pierdinock thanked DMF for assisting the hook and line fishers in Massachusetts.

#### Smooth Dogfish Trip Limits

Nichola Meserve discussed DMF's proposal to increase the spiny dogfish trip limit from 100 to 300 pounds for smooth dogfish. Nichola recalled that at the June 2023 business meeting, the Marine Fisheries Advisory Commission unanimously approved an in-season adjustment to increase the 2023 commercial trip limit for smooth dogfish from 100 pounds to 300 pounds. This responded to an industry request to allow commercial fishers—particularly those individuals participating in the summertime mixed species trawl fishery south of Cape Cod—to better access the underutilized smooth dogfish quota. She also indicated that DMF would make this in-season adjustment for 2023, review fishery performance this year, and consider adopting the 300-pound trip limit by regulation for 2024. While the 2023 landings data are confidential pursuant to G.L. c. 130, §211, she noted that several vessels took advantage of this trip limit increase in 2023 and DMF improved the utilization of the state's quota.

Kalil Boghdan asked what the market is for smooth dogfish. Dan McKiernan stated he believes there is a small food market for the product. Bill Doyle added that like spiny dogfish, smooth dogfish are generally exported to Europe with fillets being sent to the UK for use as fish and chips and the bellies sent to Germany and Scandinavia where they are pickled.

## **DISCUSSION ITEMS**

### Interstate Fisheries Management Update

Nichola Meserve provided updates from the December 2023 joint ASMFC-MAFMC meeting on summer flounder, scup, and black sea bass. On the recreational side, for 2024 and 2025, Nichola anticipated recreational harvest would have to be cut by 24% coastwide for summer flounder and 10% coastwide for scup. For black sea bass, limits would remain status quo for 2024. Under status quo management, Massachusetts would be allowed to maintain its open season start date on the third Saturday of May (i.e., May 18 rather than May 19) with a commensurate reduction at the end of the season. States would begin to develop options to achieve these mandatory reductions and the ASMFC would meet in mid-February to review and approve the suites of potential management options provided by the states. DMF would also hold an informational session with the recreational fishery in late February or early March to discuss the various proposals and obtain a sense of preferred measures for emergency rule making. Regarding commercial management, decisions were made to: (1) not pursue any change to the current minimum net mesh size for the trawl fishery for summer flounder and to consider additional selectivity studies as a research priority; and (2) use the framework/addendum process to consider potential changes to the flynet small mesh exemption and the western boundary of the small mesh exemption area for late-2024.

DMF also provided a preview of items of interest at the upcoming January 2024 meeting ASMFC business meeting. This focused on Addendum II to the Striped Bass FMP and spiny dogfish specifications to set commercial quotas for 2024-2026.

Mike Pierdinock expressed concerns regarding anticipated 2024 recreational limits for scup, black sea bass, and summer flounder. Bill Amaru shared Mike's sentiments. Mike P. and Nichola then discussed the challenges involved in reallocated quota underage from the commercial fishery to the recreational fishery.

Bill Amaru, Ray Kane, and Nichola also discussed the details of the mesh size decisions made by the MAFMC and ASMFC.

### New England Fisheries Management Council Update

Melanie Griffin presented on the December NEFMC meeting. The NEFMC approved specifications for Atlantic sea scallops, Northeast multispecies (groundfish), skates, and whiting. Also approved were the 2024 work priorities as recommended by the Executive Committee with a few modifications, including the removal of Ecosystem Based

Fisheries Management (EBFM) deep dive workshops in 2024 and the addition of several priorities under the Inflation Reduction Act (IRA) funds. The latter includes a review of whiting access and the formation of a recreational group to allow for more wholesale discussion of recreational issues. The January NEFMC meeting will consider recommendations to NMFS on recreational groundfish measures and final spiny dogfish specifications.

Mike Pierdinock stated he was pleased with the outcomes of the December meeting.

#### Wind Energy Update

Justin Bopp, DMF's offshore wind specialist, provided the MFAC a wind energy development update. In Southern New England, turbines at Vineyard Wind 1 and South Fork have been installed. On mitigation, \$7.35M is available through New England Wind and the MA Fisheries Innovation Fund and \$11.28M are available through various funds from Sunrise Wind. Justin discussed the timelines for the issuance of the various mitigation funds and how DMF will be involved in the process. In the Gulf of Maine, Justin provided an overview of the early steps being taken towards development.

Kalil Boghdan asked if there have been homeland security or navigation concerns allowing fishing within wind energy areas. Justin Bopp stated that there is no current report available regarding security concerns. Justin then provided Kalil with an overview of specifications of the turbines.

Bill Amaru asked about floating platforms and whether they are currently being used in the European Union. Justin stated there is uncertainty regarding the floating platforms as there are only a handful being utilized in the North Sea.

LTC Moran asked if the gear loss claims would need to be investigated. Justin stated this still needs to be worked out, but he opined that the tracking data DMF has access to may help offset investigative needs.

#### Vessel Tracker Update

Nick Buchan provided the MFAC with a vessel tracker update that focused on how trackers were issued to the federally permitted lobster fleet, some minor compliance issues, how the data is being kept confidential, and DMF's plans to hire a spatial analyst to manipulate and aggregate the data so it can be transparently used in management.

Dan McKiernan voiced his strong support for this work and the need to collect the data to address spatial management issues affecting the offshore lobster fleet. Chairman Kane and Chris McGuire agreed with Dan.

Kalil Boghdan, Chris McGuire, and Nick discussed how fishers are able to opt out of the tracker requirement if they do not intend to trap fish.

Bill Amaru asked for clarification on whether the trackers are required for just lobster fishers. Dan McKiernan stated this the case.

## OTHER BUSINESS

### *Future Business Meeting Dates*

Jared Silva confirmed the following dates for 2024 MFAC meetings: 9AM on February 13 (Zoom); 9AM on March 19 (Zoom); 9AM on April 23 (TBD); 9AM on May 21 (TBD); and 9AM on June 18 (TBD).

### *Commission Member Comments*

Chris McGuire thanked everyone for the warm welcome and stated he looks forward to participating at future meetings.

## PUBLIC COMMENTS

Heidi Ricci from Massachusetts Audubon thanked DMF staff for re-visiting a horseshoe crab spawning closure. She advocated for the adoption of the proposal, as well as a restoration goal added to the strategic plan put forth by the Department of Fish and Game.

Sharl Heller, president of the Southeastern Pine Barrens Alliance stated she is looking forward to the public hearings and noted they support any conservation measures that protect the horseshoe crabs.

Brett Hoffmeister discussed the work of his biomedical firm, and expressed concern over some of the management proposals as they have the potential to negatively impact his business model. He closed his comments by discussing an aquaculture program for horseshoe crabs.

Phil Michaud would like to see more research done on biomedical mortality. He noted the economic and social importance of the fishery.

## ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the December 19 MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Kalil Boghdan. The motion was approved by unanimous consent.**

## **MEETING DOCUMENTS**

- December 19, 2023 MFAC Agenda
- November 17, 2023 Draft MFAC Minutes
- Commercial Striped Bass Proposal Memo
- Proposal to Stay Whelk Gauge Increase
- Horseshoe Crab Management Proposal
- Commercial Groundfish Review and May Closure Proposal
- Proposal for a State Waters Mackerel Trip Limit
- Smooth Dogfish Trip Limit Increase Proposal
- Interstate Fisheries Management Update
- Summary of December 2023 NEFMC Meeting
- Offshore Wind Presentation
- Vessel Tracker Presentation

## **UPCOMING MEETINGS**

**9AM**  
**February 13, 2024**  
**via Zoom**

**9AM**  
**May 21, 2024**  
**TBD**

**9AM**  
**March 19, 2024**  
**via Zoom**

**9AM**  
**April 23, 2024**  
**TBD**

**9AM**  
**June 18, 2024**  
**TBD**



# Atlantic States Marine Fisheries Commission

## 2024 Winter Meeting Summary

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*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

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2024 Winter Meeting  
January 23 – 25, 2024

For more information, please  
contact Toni Kerns, ISFMP,  
Tina Berger, Communications  
or the identified individual at  
703.842.0740

### Meeting Summaries, Press Releases and Motions

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## **AMERICAN LOBSTER MANAGEMENT BOARD (JANUARY 23, 2024)**

### ***Press Release***

### **American Lobster Board Initiates Draft Addendum XXX to Clarify Addendum XXVII Impacts on Foreign Imports**

Arlington, VA – The Commission’s American Lobster Management Board initiated Draft Addendum XXX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum is being considered to clarify how the measures of Addendum XXVII, approved in May 2023, will apply to foreign imports of American lobster.

The Magnuson-Stevens Act prohibits imports of whole live lobster smaller than the minimum possession size in effect at the time under the Commission’s American lobster management program. This provision, referred to as the Mitchell Provision, was passed to prevent imports of lobster smaller than what the US industry can harvest. The current minimum gauge size for Lobster Conservation Management Area (LCMA) 1 of 3 ¼” is the smallest minimum size in effect for the US lobster fishery.

Under Addendum XXVII, changes to the current gauge and escape vent sizes in LCMA 1 (inshore Gulf of Maine) are triggered when a 35% decline in recruit abundance for the Gulf of Maine/Georges Bank stock is observed. As of October 2023, the trigger index had declined by 39% with the inclusion of 2022 survey data in the index. Therefore, a series of gradual changes to gauge and vent size will begin January 1, 2025, starting with an increase to the minimum gauge size in LCMA 1 from 3 ¼” to 3 5/16”. Starting in January 2025, this 3 5/16” gauge size will be the smallest minimum gauge size in effect. Draft Addendum XXX aims to clarify that Addendum XXVII shall include compliance with the Mitchell Provision, meaning the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry.

The Board will meet in late February/early March to consider approving Draft Addendum XXX for public comment. There are currently no regulations in place to restrict the maximum size of imported lobster, though the Board expressed interest in exploring this possibility further through a separate action. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

###

PR24-03

### ***Meeting Summary***

The American Lobster Management Board met to consider reports from the American Lobster and Jonah Crab Technical Committees (TCs); implications of Addendum XXVII size limit changes on imports; federal and Commission rules for Lobster Conservation Management Areas (LCMAs) 2 and 3; a progress update on state implementation of Addendum XXIX on federal vessel trackers; and a nomination to the Jonah Crab Advisory Panel (AP).

The American Lobster TC Chair provided a report on the Board task from the October 2023 meeting to compile information on the lobster resource and fishery in and around the Northern Edge of Georges

Bank. This task responds to a potential action being considered by the New England Fishery Management Council (NEFMC) to allow scallop fishery access in Closed Area II. The TC identified various data sources that could be used to provide information on the seasonal presence and abundance of lobsters, including egg-bearing lobsters, as well as lobster fishery effort, in and around the Northern Edge. The TC will request data from federal trip reports, the Coonamesset Farm Foundation's seasonal bycatch scallop dredge survey, the Commercial Fisheries Research Foundation's Lobster and Jonah Crab Research Fleet, and the Northeast Fisheries Science Center trawl survey to provide analysis of lobster catch, abundance, and fishery effort so that this information can be considered by the NEFMC.

The Chair of the Jonah Crab TC reported on additional information and recommendations requested following approval of the 2023 Benchmark Stock Assessment. The TC recommended additional indicators including fishery-dependent CPUE from Rhode Island, fishery-dependent effort from Massachusetts, and price per pound data for landings of Jonah crab and other crustacean species should be reviewed regularly to monitor the Jonah crab stocks and fishery. The TC does not believe management action to address the stock condition is necessary at this time, but recommends indicator data for the offshore Southern New England stock, where the majority of the fishery occurs, be updated annually, while data for the other three stock areas should be updated every five years. It also recommended engaging the Advisory Panel annually to provide information on the market of the fishery. The Board supported the TC's recommendations.

The Board discussed the implications of the American lobster minimum gauge size increase that will go into effect January 1, 2025 as required by Addendum XXVII. Specifically, the LCMA 1 (inshore Gulf of Maine) minimum size will increase from 3 ¼" to 3 5/16"; after January 1, all LCMAs will have implemented a minimum gauge size greater than the coastwide minimum size of 3 ¼", the size in which no area can be below. The Board's intent is that the Mitchell provision of the Magnuson-Stevens Act, which was passed to prevent imports of lobster smaller than what the US industry can harvest, would prohibit imports of lobster below the new minimum size for LCMA 1, which will be the smallest active minimum size. The Board initiated an addendum to clarify that Addendum XXVII shall include compliance with the Mitchell provision, and the smallest minimum size in effect should apply to foreign imports.

In relation to the recent NOAA rulemaking to implement ownership and trap cap provisions for LCMAs 2 and 3, consistent with Addenda XXI and XXII, the Board discussed the measures included in the NOAA interim rule, how they differ from the Commission's addenda, and the impacts to industry. Addenda XXI and XXII, approved in 2013, aimed to scale the capacity of the Southern New England (SNE) fishery to the diminished size of the SNE resource. However, in the decade that has passed since the Commission intended for complementary federal measures to be implemented, increases in the cost of bait and fuel, the loss of fishing ground to wind energy development, marine mammal protections, and the expansion of the Jonah crab fishery have significantly changed the fishery. Given these changes, the industry no longer supports reduced maximum trap limits for LCMAs 2 and 3. The Board recommended the Commission withdraw its request to implement the measures set in Addenda XXI and XXII with two exceptions and tasked the Plan Development Team to review the original goals and objectives of the plans and make recommendations for alternate measures to achieve those goals, considering recommendations from the LCMA 2 and 3 Lobster Conservation Management Teams. At the ASMFC Spring Meeting, the Board will consider these recommendations and determine if an addendum or other

action is needed to solicit a change to the measures in NOAA's interim rule, which are scheduled to become effective May 1, 2025.

The Board received an update on the status of state implementation of Addendum XXIX. Addendum XXIX, approved in 2022, established electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fisheries. The Addendum went into effect on December 15, 2023 but several states have not yet implemented the required regulations. The Board agreed to send a letter to states that have not implemented the required measures, urging them to take action in a timely fashion to ensure compliance with the Interstate FMP for American Lobster.

The Board approved the nomination of Denny Colbert, a commercial offshore trap fisherman from Massachusetts, to the Jonah Crab Advisory Panel. Additionally, the Board agreed to postpone pursuing a Management Strategy Evaluation for American lobster until after the completion of the ongoing benchmark stock assessment.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

### ***Motions***

#### **Main Motion**

**Motion to initiate an addendum to clarify that Addendum XXVII shall include compliance with the Mitchel provision and signal to NMFS that the smallest implemented minimum size should apply to imports.**

Motion made by Mr. McKiernan and seconded by Mr. Grout. Motion amended.

#### **Motion to Amend**

**Motion to amend to add consideration of a maximum size limit for imports.**

Motion made by Mr. Keliher and seconded by Mr. McKiernan. Motion passes by unanimous consent.

#### **Main Motion as Amended**

**Motion to initiate an addendum to clarify that Addendum XXVII shall include compliance with the Mitchell provision, signal to NMFS that the smallest implemented minimum size should apply to imports, and also consideration of a maximum size limit for imports.**

Motion passes by unanimous consent.

**Move to recommend to the ISFMP Policy Board that the Commission send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 – transfers of Multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII.**

Motion made by Mr. McKiernan and seconded by Mr. Borden. Motion passes with 1 null vote (ME) and 1 abstention (NOAA Fisheries).

**Move to send states who have not implemented the electronic vessel tracking requirement for federal lobster permit holders a letter stating that the implementation deadline for this action was December 15, 2023 and states need to implement this requirement in a timely fashion to ensure compliance with the Lobster FMP.**

Motion made by Mr. Keliher and seconded by Mr. Grout. Motion passes by unanimous consent.

**Move to approve the nomination of Denny Colbert to the Jonah Crab Advisory Panel.**

Motion made by Mr. McKiernan and seconded by Mr. Abbott. Motion passes by unanimous consent.

**Move to have the Plan Development Team review the conservation measures originally set in Addenda XXI and XXII and make recommendations for alternate measures to achieve those reductions inclusive of the Lobster Conservation Management Team recommendations by the ASMFC Spring Meeting.**

Motion made by Ms. Patterson and seconded by Mr. Keliher. Motion passes by unanimous consent.

### **SPINY DOGFISH MANAGEMENT BOARD (JANUARY 23, 2024)**

#### ***Meeting Summary***

The Spiny Dogfish Management Board met to review the results of the 2023 management track assessment, set the specifications for up to the next three fishing years, and elect a Vice-Chair.

Pending approval of identical quotas from the NOAA Fisheries Greater Atlantic Regional Fisheries Administrator, the Board approved the following coastwide commercial quotas for the 2024-2027 fishing years (May 1-April 30): 10,699,021 pounds for 2024/2025; 10,972,394 pounds for 2025/2026, and 11,223,720 pounds for 2026/2027. The quotas are consistent with the measures recommended to NOAA Fisheries by the Mid-Atlantic Fishery Management Council. The Board also established a 7,500-pound commercial trip limit for the northern region states of Maine through Connecticut, while New York through North Carolina have the ability to set state-specific trip limits based on the needs of their fisheries. The Mid-Atlantic and New England Fishery Management Councils will forward their recommendations for federal waters (3 –200 miles from shore) to the Regional Administrator for final approval.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	7,500	To be specified by the individual southern region states					
Allocation	58%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
2024-2025	6,205,432	289,708	817,903	95,868	633,385	1,154,982	1,501,743
2025-2026	6,363,989	297,110	838,802	98,317	649,569	1,184,494	1,540,115
2026-2027	6,509,758	303,915	858,015	100,569	664,447	1,211,625	1,575,391

The quotas are based on the 2023 management track assessment, which updated the 2022 research track assessment to include data through 2022, extended the initial year from 1989 to 1924, and updated the stock projections through 2026. For the terminal year of 2022, the assessment estimated spawning output to be 101% of the target and fishing mortality to be at 89% of the threshold. However, while the stock is neither overfished nor experiencing overfishing, the assessment also found a lower productivity of the stock, requiring reduced quotas to prevent overfishing in the future.

The Board also elected Joe Cimino (NJ) as Vice-Chair.

For more information, please contact James Boyle, FMP Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

### ***Motions***

**Move to approve FY2024-2026 spiny dogfish specifications: commercial quota 2024-2025 be set at 10,699,021 pounds; 2025-2026 be set at 10,972,394 pounds; 2026-2027 be set at 11,223,720 pounds consistent with those adopted by the Mid-Atlantic Fishery Management Council pending their approval by NOAA Fisheries.**

Motion made by Ms. Meserve and seconded by Mr. Kaelin. Motion passes (11 in favor and 1 abstention from NOAA Fisheries).

**Move to approve the spiny dogfish northern region trip limit for fishing years 2024/25, 2025/26, and 2026/27 at 7,500 lb.**

Motion made by Mr. Kaelin and seconded by Mr. Grout. Motion carries with 1 abstention (NOAA Fisheries).

**Move to nominate Joe Cimino as Vice-Chair of the Spiny Dogfish Board.**

Motion made by Mr. Batsavage and seconded by Mr. Luisi. Motion passes by unanimous consent.

## **AMERICAN EEL MANAGEMENT BOARD (JANUARY 23, 2024)**

### ***Meeting Summary***

The American Eel Management Board met to approve two Draft Addenda for public comment, and the Fishery Management Plan (FMP) Review for the 2022 fishing year. The Board initiated both addenda in August 2023. Draft Addendum VI addresses Maine's glass eel quota. Maine's glass eel quota has been set at 9,688 pounds since 2015 and a new addendum is needed to establish a quota for the 2025 fishing year and beyond. The Draft Addendum considers maintaining the current Maine quota level, and the duration of the quota once established.

Draft Addendum VII considers reducing the yellow eel commercial catch cap in response to the recent stock assessment, which found the coastwide stock is depleted and recommended reducing yellow eel landings. Specifically, the draft addendum considers options for setting the coastwide cap using a new tool proposed in the assessment called *I<sub>TARGET</sub>*. *I<sub>TARGET</sub>* recommends harvest levels based on catch and abundance indices, and the management goals. In addition, Draft Addendum VII considers modifying monitoring requirements for the state young-of-year (YOY) surveys and trip level catch and effort reporting based on stock assessment and Technical Committee (TC) recommendations. The stock assessment and TC recommended making some biological sampling components of the YOY survey

optional because the data have not been useful in informing stock-wide trends. The stock assessment also noted that the harvester catch per unit effort data that are currently required under Addendum I have not been indicative of trends in the stock as a whole, and thus have not been used in any of the American eel assessments. Draft Addendum VII considers options to make the collection of these data optional to ease the monitoring burden on states.

Finally, the Board approved the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia. A press release will follow with information on state public hearings on Draft Addenda VI and VII.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

### ***Motions***

**Move to remove in Section 3.1, Option 2: Reduce Maine's glass eel quota by 21.8%.**

Motion made by Ms. Ware and seconded by Mr. Reid. Motion passes (14 in favor, 3 opposed, 2 abstentions).

**Move to approve Draft Addendum VI for public comment, as modified today.**

Motion made by Ms. Ware and seconded by Ms. Patterson. Motion passes by consent.

**Move to remove Sections 3.1 and 3.2 from the draft addendum VII and postpone further action on the coastwide cap options until coastwide landings reach 600,000 lb. in a given year.**

Motion made by Mr. Clark and seconded by Mr. Dize. Motion fails (1 in favor, 18 opposed).

**Motion to remove Section 3.1, option 2**

Motion made by Mr. Clark and seconded by Ms. Ware. Motion fails (8 in favor, 11 opposed).

**Move to approve Draft Addendum VII for public comment, as modified today.**

Motion made by Ms. Patterson and seconded by Ms. Madsen. Motion passes by consent.

**Move to approve the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia.**

Motion made by Ms. Braun and seconded by Ms. Fegley. Motion passes by consent.

**Move to approve Sara Rademaker and Timothy LaRochelle to the American Eel Advisory Panel.**

Motion made by Ms. Ware and seconded by Mr. McKiernan. Motion passes by consent.

### **EXECUTIVE COMMITTEE (JANUARY 24, 2024)**

#### ***Meeting Summary***

The Executive Committee met to discuss several issues, including a Legislative Committee update; tasking a revitalized Committee on Economics & Social Sciences (CESS); refining the Commission election process; reviewing the Commission's Draft 2024-2028 Strategic Plan; and discussing future meeting week

format and a letter to NOAA regarding fisheries disaster funding. The following action items resulted from the Committee's discussions:

- Staff presented a report on behalf of the Legislative Committee. He presented on the uncertain nature of Fiscal Year 2024 appropriations; plans within Congress to address Magnuson-Stevens Act reauthorization and failures of the Marine Recreational Information Program; and the need for a working waterfronts protection program.
- Staff reported on the revitalization of CESS, including a new Chair, Sabrina Lovell, and Vice Chair, Andrew Scheld, as well as presented a summary of potential projects for the future including potentially looking into the economic impact of year-round recreational fishing for northern states as well as developing standardized social and economic indicators for species or regions.
- Staff presented the updated Officer Election Procedures, which clarified the processes with regard to two-year terms and regional rotation of the officers, aligning the processes with the way the Commission has been operating.
- Staff presented a report on the development of the Draft 2024-2028 Strategic Plan. There was consensus among Commissioners the document did not need a full re-write, rather some course corrections to the current plan. Staff detailed the proposed changes and after receiving Committee input, staff will finalize the plan for review and action by the Business Session of the Commission later in this meeting.
- Staff led a discussion on the potential for moving to three in-person and one fully virtual meeting a year. After thorough discussion, it was decided to keep the schedule of four in-person meetings a year, retaining the option to attend virtually if necessary.
- Florida requested, and the Committee supported, sending a letter to NOAA regarding fisheries disaster funding.

For more information, please contact Laura Leach, Director of Finance and Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org).

### ***Motions***

No motions were made.

## **COASTAL PELAGICS MANAGEMENT BOARD (JANUARY 24, 2024)**

### ***Meeting Summary***

The Coastal Pelagics Management Board met to consider the terms of reference for the Benchmark Assessment for Atlantic Migratory Group (AMG) Cobia (SEDAR 95), receive a progress update on the AMG cobia recreational allocation draft addendum, consider the Spanish Mackerel Fishery Management Plan (FMP) Review for the 2022 fishing year, and receive an update from the South Atlantic Fishery Management Council (SAFMC) on Coastal Migratory Pelagics (CMP) Framework Amendment 13 and the upcoming mackerel port meetings.

The Board reviewed and approved the SEDAR 95 terms of reference, developed by SEDAR and the Cobia Technical Committee (TC), for use in the assessment. Most notably, the terms of reference include a review of the stock structure and unit stock definitions through genetic, tagging, and other

data sources as available. SEDAR 95 is scheduled to be completed in November 2025 and presented to the Board in early 2026.

The Board received a progress update from the Cobia Plan Development Team (PDT) on the scoping of the recreational reallocation draft addendum initiated at the Commission's Annual Meeting in October 2023. The PDT asked for Board feedback on a number of topics related to the proposed alternatives including, the applicability of an automatic allocation trigger, the data range for calculating recreational allocations, recreational measures setting timelines, and the incorporation of management uncertainty into the action. The Board discussed how upcoming changes to the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) estimates may affect aspects of the draft addendum, especially for the state-by-state and regional allocation alternatives. Ultimately, the Board supported continuing efforts to complete the draft addendum for implementation in 2025. The Board supported the PDT further exploring all proposed alternatives outlined in the staff presentation. The Board also supported the removal of COVID-19 impacted years from allocation calculations and exploration of a five-year recreational measures setting process timeline.

The Board reviewed the Spanish Mackerel FMP Review for the 2022 fishing year and state compliance. All states' regulations were consistent with the FMP, and the Board approved *de minimis* requests from Rhode Island, New Jersey, Delaware, and Georgia. The Spanish Mackerel Plan Review Team (PRT) emphasized the need to understand the dynamics of the fishery across regions, especially as the fishery increases in more northern states. The PRT noted that some of this regional analysis could be included in the forthcoming paper that was tasked by the Board to the newly formed Spanish Mackerel TC to characterize the fisheries along the coast. The PRT also emphasized the importance of continuing coordination between the Commission and SAFMC on future management action that could address differences between the Interstate and federal FMPs, which include differences in commercial management zones, trip limits, and closures.

The Board received an update from SAFMC on CMP Framework Amendment 13, which has been postponed until after the Spanish and king mackerel port meetings are concluded. Spanish mackerel port meetings remain in the planning process and are scheduled to be held along the Atlantic coast from April-November 2024.

Lastly, the Board elected Lynn Fegley from Maryland as Vice-Chair. For more information on cobia, please contact Chelsea Tuohy, FMP Coordinator, at [ctuohy@asmfc.org](mailto:ctuohy@asmfc.org), and for more information on Spanish mackerel, please contact Emilie Franke, FMP Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### ***Motions***

**Move to approve the Terms of Reference for the SouthEast Data, Assessment, and Review Atlantic Cobia Benchmark Stock Assessment (SEDAR 95).**

Motion made by Ms. Fegley and seconded by Dr. Rhodes. Motion carries by unanimous consent.

**Move to approve the Spanish Mackerel Fishery Management Plan Review for the 2022 fishing year, state compliance reports, and *de minimis* requests from Rhode Island, New Jersey, Delaware, and Georgia.**

Motion made by Mr. Haymans and seconded by Ms. Burgess. Motion carries by consent.

**Move to elect Ms. Lynn Fegley from Maryland as Vice Chair of the Coastal Pelagics Management Board.**  
Motion made by Ms. Madsen and seconded from Dr. Rhodes. Motion passes by consent.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (JANUARY 24, 2024)**

### ***Press Release***

### **ASMFC Atlantic Striped Bass Board Approves Addendum II *Establishes Measures to Continue Progress Towards Stock Rebuilding***

Arlington, VA – The Commission’s Atlantic Striped Bass Management Board approved Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The Addendum modifies recreational and commercial measures to reduce fishing mortality in 2024, establishes an expedited response process to upcoming stock assessments, and addresses requirements for recreational filleting. Addendum II builds upon the 2023 emergency action by changing the measures in the FMP to reduce fishing mortality and support stock rebuilding. Addendum II measures will replace the emergency action measures upon its implementation by the states by May 1, 2024.

“First and foremost, thank you to the 2,000 members of the public who submitted public comments. The Board had difficult issues to discuss, and public comments were a crucial part of the deliberations,” said Board Chair Megan Ware from Maine. “The Board remains focused on rebuilding the stock by 2029. The upcoming 2024 stock assessment will be an important checkpoint on progress toward rebuilding.”

For the ocean recreational fishery, the Addendum implements a 28” to 31” slot limit, 1-fish bag limit, and maintains 2022 season dates for all fishery participants; this maintains the same ocean recreational measures adopted under the recent emergency action. For the Chesapeake Bay recreational fishery, the Addendum implements a 19” to 24” slot limit, 1-fish bag limit, and maintains 2022 season dates for all fishery participants. For the commercial fishery, the Addendum reduces commercial quotas by 7% in both the ocean and Chesapeake Bay.

To address concerns about recreational filleting allowances and compliance with recreational size limits, the Addendum establishes two requirements for states that authorize at-sea/shore-side filleting of striped bass: racks must be retained and possession limited to no more than two fillets per legal fish.

To enable an expedited management response to upcoming stock assessments prior to the 2029 rebuilding deadline, the Addendum establishes a mechanism allowing the Board to respond to a stock assessment via Board action if the stock is not projected to rebuild by 2029.

States must submit implementation plans by March 1, 2024 for Board review and approval, which will take place at a special Board meeting to be scheduled for later in March. All Addendum II measures must be implemented by May 1, 2024.

Addendum II will be available in February on the Commission website at <http://www.asmfc.org/species/atlantic-striped-bass> under Management Plans and FMP Reviews. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org) or 703.842.0740.

PR24-02

### ***Meeting Summary***

In addition to approving Addendum II, the Board met to consider a conservation equivalency (CE) proposal submitted by New Jersey under Addendum II, and to approve nominations to the Atlantic Striped Bass Advisory Panel.

New Jersey submitted a CE proposal to continue the state's recreational Striped Bass Bonus Program (SBBP) under Addendum II. New Jersey has reallocated its commercial quota to the recreational SBBP through CE for the past several years. The SBBP is based on New Jersey's existing commercial quota and is managed using that quota. Participants must apply to the SBBP and a tag system is used to ensure quota is not exceeded. New Jersey proposed to continue the quota reallocation, and outlined SBBP size limits and quota levels dependent on the measures selected under Addendum II. Based on the final Addendum II measures selected by the Board, New Jersey specified the SBBP would maintain the status quo SBBP size limit (24" to <28") with a 7% quota reduction to 200,798 pounds. This proposal was unanimously approved by the Board.

Lastly, the Board approved Toby Lapinski representing Connecticut and Julie Evans representing New York to the Atlantic Striped Bass Advisory Panel.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### ***Motions***

#### **Main Motion**

**Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28" to 31" with 2022 seasons for all modes.**

Motion made by Dr. Armstrong and seconded by Mr. Abbott.

#### **Motion to Amend**

**Motion to amend to replace Option B with Option C: 1 fish at 28" to 31" with 2022 seasons for private vessel/shore anglers; 1 fish at 28" to 33" with 2022 seasons for the for-hire mode.**

Motion made by Dr. Davis and seconded by Mr. Hasbrouck. Motion fails (7 in favor, 9 opposed).

(Roll Call: In favor – RI, CT, NY, NJ, PRFC, MD, DE; Opposed – NH, ME, VA, DC, NC, PA, NOAA, USFWS, MA)

#### **Main Motion**

**Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28" to 31" with 2022 seasons for all modes.**

Motion made by Dr. Armstrong and seconded by Mr. Abbott. Motion passes (14 in favor, 2 opposed).

(Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, DC, NC, PA, NOAA, USFWS, CT, MA, RI; Opposed – NY, NJ)

#### **Main Motion**

**Move to approve in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: 19" to 24" slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons.**

Motion made by Mr. Luisi and seconded by Ms. Braun.

**Motion to Substitute**

**Move to substitute to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19" to 24" slot, 1 fish for all modes, 2022 seasons.**

Motion made by Mr. Sikorski and seconded by Mr. Geer. Motion passes (13 in favor, 3 opposed). (Roll Call: In favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, VA, DC, DE, ME, NH; Opposed – NJ, PRFC, MD)

**Main Motion as Substituted**

**Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19" to 24" slot, 1 fish for all modes, 2022 seasons.**

**Motion to Substitute**

**Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: (19" to 24" slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19" to 24" slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025.**

Motion made by Mr. Luisi and seconded by Ms. Braun. Motion fails (4 in favor, 12 opposed). (Roll Call: In favor – MD, PRFC, VA, NJ; Opposed – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DC, DE, ME, NH)

**Main Motion as Substituted**

**Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19" to 24" slot, 1 fish for all modes, 2022 seasons.**

**Motion to Substitute**

**Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C1: (19" to 23" slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19" to 24" slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025.**

Motion made by Mr. Luisi and seconded by Dr. Davis. Motion fails (6 in favor, 9 opposed, 1 abstention). (Roll Call: In favor – RI, CT, NY, NJ, MD, DE; Opposed – NH, ME, PRFC, VA, DC, NC, PA, NOAA, MA; Abstention – USFWS)

**Main Motion as Substituted**

**Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19" to 24" slot, 1 fish for all modes, 2022 seasons.**

Motion passes (14 in favor, 2 opposed). (Roll Call: In favor – NH, ME, DE, PRFC, VA, DC, NC, PA, NOAA, USFWS, NY, CT, MA, RI; Opposed – MD, NJ)

**Main Motion**

**Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for: racks to be retained; skin to be left intact; and possession to be limited to no more than two fillets per legal fish.**

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

### **Motion to Amend**

#### **Move to amend to remove “skin to be left intact.”**

Motion made by Mr. Gary and seconded by Mr. Cimino. Motion passes (12 in favor, 2 opposed, 2 abstentions). (Roll Call: In favor – DE, MD, PRFC, VA, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – ME, NH; Abstention – NOAA, USFWS)

### **Main Motion as Amended**

#### **Move to approve in Section 3.1.4 Recreational Filletting Allowance Requirements Option B: For states that authorize at-sea/shore-side filletting of striped bass, establish minimum requirements, including requirements for racks to be retained and possession to be limited to no more than two fillets per legal fish.**

Motion passes (14 in favor, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, NC, DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS)

### **Main Motion**

#### **Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.**

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

### **Motion to Substitute**

#### **Move to substitute to approve in Section 3.2.1. Commercial Quota Reduction Option A status quo.**

Motion made by Mr. Clark, second by Mr. Hasbrouck. Motion fails (3 in favor, 13 opposed). (Roll Call: In favor – DE, VA, NY; Opposed – NH, ME, MD, PRFC, DC, NC, PA, NOAA, USFWS, NJ, CT, MA, RI)

### **Main Motion**

#### **Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.**

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

### **Motion to Amend**

#### **Motion to amend to replace 14% with 7%.**

Motion made by Mr. Luisi and seconded by Mr. Kaelin. Motion passes 8 in favor, 6 opposed, 2 abstentions). (Roll Call: In favor – RI, MA, NY, NJ, VA, PRFC, MD, DE; Opposed – NH, ME, DC, NC, PA, CT; Abstentions – NOAA, USFWS)

### **Main Motion as Amended**

#### **Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 7% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.**

Motion passes (13 in favor, 1 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, DC, PA, NJ, NY, CT, MA, RI; Opposed - NC; Abstentions – NOAA, USFWS)

#### **Move to approve in Section 3.3 Response to Stock Assessments Option B: Board could respond via Board action to change management measures by voting to pass a motion at a Board meeting.**

Motion made by Dr. Davis and seconded by Mr. Borden. Motion passes (11 in favor, 5 opposed). (Roll Call: In favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DE, ME, NH; Opposed – MD, PRFC, VA, DC, NJ).

### **Main Motion**

**Move to approve the following compliance schedule:**

- **States must submit implementation plans by March 1, 2024.**
- **The Board will review and consider approving implementation plans in March 2024.**
- **States must implement regulations by May 1, 2024.**

Motion made by Dr. Armstrong and seconded by Mr. Borden

### **Motion to Amend**

**Motion to amend to replace “implement regulations by May 1, 2024” with “implement recreational regulations by May 1, 2024, and all commercial measure in 3.2.1 effective January 1, 2025.”**

Motion made by Mr. Geer and seconded by Mr. Clark. Motion fails (7 in favor, 7 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, VA, PRFC, NC; Opposed – DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS)

### **Main Motion**

**Move to approve the following compliance schedule:**

- **States must submit implementation plans by March 1, 2024.**
- **The Board will review and consider approving implementation plans in March 2024.**
- **States must implement regulations by May 1, 2024.**

Motion passes (10 in favor, 4 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – DE, MD, PRFC, VA; Abstentions: NOAA, USFWS)

**Move to approve Addendum II to Amendment 7 to the Atlantic Striped Bass FMP, as amended today.**

Motion made by Dr. Davis and seconded by Mr. Kane. Motion passes (12 in favor, 4 opposed).

(Roll call: In favor – RI, MA, CT, NY, NJ, USFWS, NOAA, PA, NC, DC, ME, NH; Opposed – DE, MD, PRFC, VA)

**Move to approve New Jersey’s conservation equivalency proposal to allow the commercial quota to be shifted to the bonus tag program. The program will continue with its status quo tag administration and size limit of 24 to less than 28 inches. The starting commercial quota will be 200,798 pounds.**

Motion made by Mr. Cimino and seconded by Mr. Grout. Motion passes by unanimous consent.

**Move to approve Toby Lapinski representing Connecticut and Julie Evans representing New York to the Striped Bass Advisory Panel.**

Motion made by Mr. Gary and seconded by Mr. Sikorski. Motion passes by unanimous consent.

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (JANUARY 25, 2024)**

### ***Meeting Summary***

The ISFMP Policy Board met to receive an update from Executive Committee; review results of the 2023 Commissioner Survey; consider a species declared interest request; discuss aquaculture in the exclusive economic zone (EEZ); review a trawl survey white paper from Northeast Fisheries Science Center (NEFSC); consider a request from the Atlantic Striped Bass Board; provide clarification to the American Lobster Board; and receive updates from NOAA Fisheries and the Atlantic Coastal Cooperative Statistics Program (ACCSP).

The Commission Chair, Joe Cimino, presented the Executive Committee Report (see Executive Committee meeting summary earlier in this document) to the Board. The Executive Committee recommended the Commission send a letter to congressional leadership supporting legislations that would establish a federal working waterfront grant program. The Policy Board unanimously supported the letter.

Commissioners completed a survey of Commission performance in 2023, which measures Commissioners' opinions regarding the progress and actions of the Commission in 2023. Cooperation with federal partners consistently scored as the issue of greatest concern with sentiment expressed it's the responsibility of the federal partners to engage with the Commission more. Utilization and availability of Commission resources consistently rated high among Commissioners. Climate change and changing environmental conditions continue to be the top impediment to rebuilding stocks. Other listed concerns included data reliability and short-term interests or political pressures outweighing long-term progress. Issues the Commission should focus on more include the incorporation of socioeconomics into allocation, incorporating environmental factors into analyses, and building climate resilient stocks.

The Policy Board approved New York's request to be a participating state under the Commission Cobia Fishery Management Plan. Since 2019, New York has seen a significant increase of cobia in its state waters, which is reflected in both its commercial and recreational catch. Per the guidelines of the Commission's Rules and Regulations, New York meets the criteria to participate in the management program for this fishery.

Danielle Blacklock of the NOAA Fisheries Aquaculture Office presented on aquaculture in the EEZ. The Office is seeking opportunities to expand US aquaculture in the Atlantic, specifically Atlantic striped bass, but it is illegal to harvest striped bass from the EEZ. The Board raised several concerns and requested Ms. Blacklock provide further information on several issues including economic impacts to the wild caught commercial market, potential biological impacts on the wild Atlantic striped bass population (including measures to prevent impacts), spatial impacts to the fishing industry (e.g., some areas of the Atlantic have several competing uses like alternative energy areas and closed fishing areas, such as sanctuaries, monuments, habitat areas, and other aquaculture areas), and how enforcement would be addressed.

As a result of the loss of sea days experienced in the NEFSC 2023 Spring Bottom Trawl Survey and the accumulated loss of sea days since 2015, the New England Fishery Management Council (NEFMC) requested the NEFSC provide an overview of survey status and steps being taken to maintain the quality and quantity of survey data used to support fishery management in the region. Based on the information provided by the NEFSC, management bodies requested NEFSC prepare a white paper outlining an industry-based survey that is complementary to the Spring and Autumn Bottom Trawl Survey (BTS). Dr. Kathryn Ford presented the white paper, which is part of the effort to consider at least four options for contingencies in the event the R/V Bigelow is not available for the BTS, including (1) the R/V Pisces, (2) an NEFSC-operated vessel, (3) industry-based vessels calibrated to the R/V Bigelow, and (4) a parallel industry-based survey. The white paper addressed option #4. The full contingency plan including all options is anticipated to be completed in FY2024. The plan for an industry-based multispecies BTS was developed in coordination with the Northeast Trawl Advisory Panel (NTAP), which includes commercial fishing, fisheries science, and fishery management professionals in the Northeast. An NTAP working group provided feedback to ensure the feasibility and maximize the value of the industry-based survey

(IBS) as a contingency to the BTS. While there was not complete agreement on all details of the IBS, the white paper represented a starting point to further develop an IBS. If implemented, the IBS would develop its own unique time series that could be used to generate indices of abundance and other data useful to stock assessments, fishery management, ecosystem status, and scientific studies. When the BTS is conducting regular survey operations on the R/V Bigelow, the IBS would be a parallel survey to increase the number of stations sampled in a given stratum. When the BTS is not conducting regular survey operations on the R/V Bigelow and cannot operate under other contingency options, the IBS would be the only shelf-wide fishery-independent bottom trawl survey in the Northeast region. The Board expressed the importance of an IBS, as stakeholder buy-in and confidence in the data are significantly increased. As a member of NTAP, the Board recommended NTAP and the NTAP IBS Working Group develop an outline detailing a proposal to conduct an IBS Pilot Program to test the viability of the program as presented in the white paper. The pilot should concentrate on adapting the survey design elements of the white paper (section 2) to current Industry platform capabilities, with a focus on the NEAMAP platform. The Board asked for a delivery date in time for the Commission's Spring Meeting and the Council's April meetings. NEFSC expressed that timeline would likely not be possible.

In addition to the American Lobster Management Board's recent action to initiate an addendum to address the Mitchell Provision (see Draft Addendum XXX press release under the American Lobster Board header earlier in this document), the Policy Board recommended that the Lobster Board address concerns about the lack of regulations to restrict the maximum size of imported lobster through a separate management document. This issue would need to be addressed through the amendment process.

Due to the length of the Atlantic Striped Bass Management Board meeting on January 24, there was no time to address an issue requested under other business. There is continued concern about the difficulty of addressing the challenges associated with striped bass recreational release mortality. The Board agreed to assign a workgroup to review past discussions on striped bass recreational release mortality and consider how the Atlantic Striped Bass Management Board could address it moving forward, particularly following the upcoming striped bass benchmark stock assessment.

NOAA Fisheries received a petition from the Friends of Animals to list the Atlantic horseshoe crab as threatened or endangered throughout its range under the Endangered Species Act (ESA). The petition also requests that critical habitat be designated for the species in Atlantic waters. The petition states "several of the listing criteria identified in the ESA are contributing to the decline of the Atlantic horseshoe crab: it has been historically overutilized for commercial and scientific purposes; existing regulatory mechanisms purportedly protecting it are inadequate for its survival; its habitat is threatened by sea-level rise associated with climate change; and other man-made factors threaten its continued existence." NOAA is processing the petition and will keep the Commission informed.

Lastly, ACCSP has recently completed an update to the ACCSP Public and Login Data Warehouse system to reflect the direction of the Marine Recreational Information Program (MRIP) on the presentation of cumulative and wave level data. These changes have been in development over the past 6 months with feedback from staff and volunteer testers from the Recreational Technical Committee. These changes are supported by MRIP and available via the ACCSP website now. There will be additional ACCSP outreach notifications to aid in information dissemination to expanded target audiences.

For more information, please contact Toni Kerns, Fisheries Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### ***Motions***

**Move to add New York as a state with a declared interest in the Cobia FMP.**

Motion made by Mr. Gary and seconded by Mr. Kane. Motion passes by consent.

**Move to recommend to task NTAP and the NTAP Industry Based Survey (IBS) Working Group to develop an outline detailing a proposal to conduct an IBS Pilot Program to test the viability of the program as presented in the "Proposed Plan for a Novel Industry Based Bottom Trawl Survey" white paper with a particular focus on adapting Section 2 "Survey Design Elements" to current Industry platform capabilities. Delivery date for the outline should be in time for further discussion at the Spring 2024 meeting cycle for the Commission and both the Mid-Atlantic and New England Councils in April 2024.**

Motion made by Mr. Reid and seconded by Mr. Keliher. Motion passes by consent.

### **BUSINESS SESSION OF THE COMMISSION (JANUARY 25, 2024)**

#### ***Meeting Summary***

The Commission met to consider an addition to the 2024 Action Plan, approval of the 2024-2028 Strategic Plan, and a recommendation from the American Lobster Management Board. In its first order of business, the Commission approved the addition to the 2024 Action Plan of a new task to take a management action with the Mid-Atlantic Fishery Management Council to address summer flounder commercial measures.

The Commission also considered approval of the 2024-2028 Strategic Plan, which guides the Commission's programs and activities for the next five years. The Commission approved the Plan, with the minor changes recommended by the Executive Committee and additional input from other Commissioners. The final Strategic Plan will be available on the Commission's website at <https://asmfc.org/about-us/guiding-documents> by the end of January.

In response to NOAA Fisheries Interim Rule on implementing measures consistent with the Commission's Addenda XXI and XXII, the Commission considered and approved a recommendation from the American Lobster Management Board to send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement certain measures of Addenda XXI and XXII. More information on this issue can be found under the meeting summary for the American Lobster Board earlier in this document.

For more information, please contact Robert Beal, Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org).

### ***Motions***

**On Behalf of the Lobster Board move the Commission send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 transfers of multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII.**

Motion made by Dr. McNamee. Motion passes by consent.



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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Lt. Governor


REBECCA L. TEPPER  
Secretary

THOMAS K. O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission

FROM: Daniel McKiernan, Director 

DATE: February 9, 2024

SUBJECT: Update on 2024 Recreational Summer Flounder, Scup, and Black Sea Bass Management

#### Overview

This memorandum provides the range of options for Massachusetts' 2024 recreational summer flounder, scup, and black sea bass measures submitted by the Massachusetts Division of Marine Fisheries (DMF) to the Atlantic States Marine Fisheries Commission (ASMFC) for approval.

#### Background

Headed into 2024, there is a 28% coastwide recreational harvest reduction required for summer flounder, a 10% coastwide recreational harvest reduction required for scup, and a status quo coastwide harvest requirement for black sea bass per the management plan's "Percent Change Approach" to setting recreational measures. Measures implemented in 2024 for summer flounder and scup were informed by the species' 2023 stock assessments and will remain status quo for 2025, while the 2024 black sea bass stock assessment will serve to inform the setting of 2025 recreational black sea bass measures.

The reductions for summer flounder and scup are necessary because recreational harvest for both species in 2024 is expected to exceed their limit under status quo (2023) measures. For summer flounder, because stock biomass is "low" (below the target level), the requirement is to reduce coastwide harvest all the way to the limit (-28%). For scup, because stock biomass is "very high" (>150% of the target level), the coastwide harvest reduction is capped at 10% (rather than the 18% reduction that would be needed to achieve the limit). For black sea bass, 2024 is being treated like the second year of the two-year management cycle due to a delay in the assessment schedule, allowing the coast to hold steady after taking a 10% harvest reduction in 2023.

Massachusetts is considered its own "region" for recreational summer flounder management under the interstate management plan and thus can design its own set of regulations (open season, bag limit, and size limit) that are expected to achieve a 28% harvest reduction relative to the state's projected harvest under the 2023 regulations. For scup, Massachusetts, Rhode Island, Connecticut, and New York will work as a region to maintain largely consistent regulations to achieve a 10% harvest reduction relative to the region's projected harvest under the 2023 regulations. For black sea bass, the states are required to maintain their 2023 regulations but with an allowance to make minor adjustments to the season provided harvest is not projected to increase.

States were required to submit their range of options to the ASMFC on January 19. All states are using the same methodology (i.e., the Recreation Demand Model as configured with ASMFC Technical Committee input) to design their range of options. The ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board is scheduled to meet on February 14 to consider approval of the states' range of options. DMF plans to conduct a public scoping meeting on our approved range of options in late February/early March, seek the Marine Fisheries Advisory Commission's support for a selected option at the March business meeting, and then implement the new regulations by emergency action to achieve the earliest effective date possible.

### **Massachusetts Range of Options**

DMF submitted 14 options to achieve a state-specific 28% summer flounder recreational harvest reduction and three options to achieve a Massachusetts–New York regional 10% scup recreational harvest reduction. Additionally, DMF submitted one option to amend our 2024 black sea bass season to maintain a Saturday opening date, with a commensurate adjustment to the season ending date.

Summer Flounder: Massachusetts' 2023 rules for summer flounder include a May 21–September 29 season, 5-fish bag limit, and 16.5" minimum size, for all recreational fishing modes. Under these rules, Massachusetts 2024 harvest is projected to be 189,129 pounds (or 2.1% of projected coastwide harvest under coastwide status quo rules). The breakdown of this projected harvest by mode is 92% private vessel and 8% for-hire vessel. Refer to Table 1 for information on the percent reduction achieved by modifying one type of measure at a time. Note that combining changes is not additive. Table 2 provides the range of options submitted by DMF to ASMFC to achieve a state-specific 28% harvest reduction in 2024. Option set #5 (in which for-hire vessels and private vessels are managed with different size and bag limits) is considered non-preferred by DMF, submitted in anticipation of possible stakeholder interest.

Scup: Massachusetts' 2023 rules for scup include a May 1–December 31 season, 30-fish bag limit, and 10.5" size limit, with the exception of a 9.5" size limit for shore anglers, and a 40-fish bag limit for anglers aboard for-hire vessels during May 1–June 30. (The only difference within the region is that RI, CT, and NY have the for-hire bonus season during September 1–October 31.) Under these rules, Massachusetts 2024 harvest is projected to be 1,639,430 pounds (or 10.8% of projected MA-NY harvest under regional status quo rules and 10.6% of projected coastwide harvest under coastwide status quo rules). The breakdown of MA's projected harvest by mode is 54% shore, 25% private vessel, and 20% for-hire vessel. Refer to Table 3 for information on the percent reduction achieved by modifying one type of measure at a time in Massachusetts. Note that combining changes is not additive. Table 4 provides the range of options submitted by DMF to ASMFC to achieve a regional 10% harvest reduction in 2024.

Black Sea Bass: Massachusetts' 2023 rules for black sea bass include a May 20–September 7 season, 4-fish bag limit, and 16.5" minimum size. Under these rules, Massachusetts 2024 harvest is projected to be 851,614 pounds (or 10.1% of projected coastwide harvest under coastwide status quo rules). The breakdown of MA's projected harvest by mode is 95% private vessel and 5% for-hire vessel. Table 5 provides the range of options submitted by DMF to ASMFC to modify the season to begin on a Saturday in 2024, with a commensurate adjustment to the season ending date so as to not increase harvest.

Table 1. Example summer flounder harvest reductions achieved in 2024 by changing one measure at a time in Massachusetts. FH = for-hire vessel mode, PV = private/rental vessel mode, SH = shore angler mode.

Size Limit Changes Alone		Bag Limit Changes Alone		Season Changes Alone	
Min. Size	Reduction	Bag	Reduction	Season	Reduction
17"	-13.3% (-13.9% FH, -13.2% PV)	4 fish	-3.1% (-3.0% FH, -3.1% PV)	6/1–9/29	-3.0% (-1.5% FH, -3.2% PV)
17.5"	-26.6% (-27.4% FH, -26.7% PV)	3 fish	-8.3% (-8.8% FH, -8.1% PV)	7/1–9/29	-18.8% (-5.0% FH, -20.1% PV)
18"	-39.1% (-40.4% FH, -39.1% PV)	2 fish	-18.0% (-21.5% FH, -17.8% PV)	7/12–9/29	-29.1% (-21.9% FH, 29.8% PV)
Can leave SH at 16.5" without affecting reduction.		1 fish	-39.9% (-49.6% FH, -39.0% PV)	5/21–9/2	-6.3% (-2.5% FH, -6.5% PV)
				5/21–8/16	-28.6% (-23.1% FH, -29.0% PV)

Table 2. Range of Massachusetts summer flounder options submitted to ASMFC to achieve a state-specific 28% harvest reduction. Changes from the 2023 measures are highlighted in red. FH = for-hire vessel mode, PV = private/rental vessel mode, SH = shore angler mode.

	Mode	Season	Bag	Min. Size	Impact by Mode
2023	All Modes	May 21 – Sept 29 (132 days)	5 fish	16.5"	n/a
# 1	Vessels	May 24 – Sept 23 (123 days)	5 fish	17.5"	-28.1% FH, -28.2% PV, n/a SH
	Shore			16.5"	
# 2	Vessels	May 24 – Sept 30 (130 days)	4 fish	17.5"	-28.5% FH, -28.1% PV, n/a SH
	Shore			16.5"	
# 3	Vessels	a) May 24 – Aug 27 (96 days) or b) June 5 – Sept 2 (90 days) or c) June 11 – Sept 15 (97 days) or d) June 18 – Sept 29 (104 days)	3 fish	17"	-25.4% FH, -28.1% PV, n/a SH
	Shore			16.5"	-22.8% FH, -29.4% PV, n/a SH -22.2% FH, -28.9% PV, n/a SH -21.6% FH, -29.2% PV, n/a SH
# 4	All Modes	a) May 24 – Aug 26 (95 days) or b) June 5 – Sep 2 (90 days) or c) June 12 – Sept 15 (96 days) or d) June 18 – Sept 29 (104 days)	2 fish	16.5"	-29.1% FH, -28.6% PV, n/a SH -24.8% FH, -28.7% PV, n/a SH -24.6% FH, -28.9% PV, n/a SH -23.9% FH, -28.7% PV, n/a SH
# 5	For-hire	a) May 24 – Aug 26 (95 days) or b) June 5 – Sep 2 (90 days) or c) June 12– Sep 15 (96 days) or d) June 18 – Sept 29 (104 days)	5 fish	17.5"	-34.1% FH, -28.6% PV, n/a SH -30.5% FH, -28.7% PV, n/a SH
	Private & Shore		2 fish	16.5"	-30.1% FH, -28.9% PV, n/a SH -29.3% FH, -28.7% PV, n/a SH

Table 3. Example scup harvest reductions achieved in 2024 by changing one measure at a time in Massachusetts. FH = for-hire vessel mode, PV = private/rental vessel mode, SH = shore angler mode.

Size Limit Changes Alone		Bag Limit Changes Alone		Season Changes Alone	
Min. Size	Reduction	Bag Limit	Reduction	Season	Reduction
½" increase vessels only	-6.0% (-14.8% PV; -13.0% FH)	20 fish (except bonus)	-2.1% (-4.5% SH; no PV/FH impact)	Close Oct-Dec	-1.7% (-6.5% PV, little FH/SH impact)
½" increase all modes	-10.4% (-7.6% SH)	15 fish (except bonus)	-3.7% (-7.3% SH; no PV/FH impact)	Close Sep-Dec	-12.2% (-18.6% PV, -13% SH, -2.3% FH)
		30 fish for bonus	-1.34% (-6% FH; no PV/SH impact)	Close May 1-14	-7.7% (-3.5% SH, -6.7% PV, -20.8% FH)

Table 4. Range of Massachusetts scup options submitted to ASMFC to achieve a MA–NY regional 10% harvest reduction. Changes from the 2023 measures are highlighted in red. FH = for-hire vessel mode, PV = private/rental vessel mode, SH = shore angler mode.

	Mode	Season	Bag	Min Size	MA Impact by Mode	Impact by State
2023	Shore	May 1 – Dec 31	30 fish	9.5"	n/a	n/a
	Private Vessel	May 1 – Dec 31	30 fish	10.5"		
	For-hire Vessel	May 1 – June 30	40 fish	10.5"		
		July 1 – Dec 31	30 fish			
# 1	Shore	May 1 – Dec 31	30 fish	9.5"	0% SH -15.6% PV -14.0% FH	-6.7% MA -4.6% RI -9.4% CT -13.1% NY
	Private Vessel	May 1 – Dec 31	30 fish	11"		
	For-hire Vessel	May 1 – June 30	40 fish	11"		
		July 1 – Dec 31	30 fish			
# 2	Shore	May 1 – Dec 31	9 fish	9.5"	-14.8% SH -0.9% PV -25.0% FH	-13.3% MA -15.6% RI -4.5% CT -11.2% NY
	Private Vessel	May 1 – Dec 31	9 fish	10.5"		
	For-hire Vessel	May 1 – June 30	20 fish	10.5"		
		July 1 – Dec 31	9 fish			
# 3	Shore	April 1 – Dec 31	20 fish	10"	-13.2% SH -15.0% PV -13.8% FH	-10.6% MA -8.5% RI -9.4% CT -10.3% NY
	Private Vessel	April 1 – Dec 31	20 fish	11"		
	For-hire Vessel	April 1 – April 30	20 fish	11"		
		May 1 – June 30	40 fish			
		July 1 – Dec 31	20 fish			

Table 5. Range of Massachusetts black sea bass options submitted to ASMFC to revise the season (to open on the nearest Saturday) without increasing harvest. Changes from the 2023 measures are highlighted in red. FH = for-hire vessel mode, PV = private/rental vessel mode, SH = shore angler mode.

	Mode	Season	Bag	Min Size	Impact by Mode
<b>2023</b>	All Modes	May 20 – Sept 7	4 fish	16.5"	n/a
<b># 1</b>	All Modes	May 18 – Sept 3	4 fish	16.5"	-0.7% overall (+1.5% FH, -0.9% PV)



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission

FROM: Daniel McKiernan, Director

DATE: February 9, 2024

SUBJECT: Implementing Striped Bass Addendum II

#### Background

On January 25, the Atlantic States Marine Fisheries Commission (ASMFC) approved new coastwide recreational and commercial management measures for Atlantic striped bass under Addendum II to Amendment 7 of the interstate fishery management plan. These measures are necessary to reduce fishing mortality and maintain a positive trajectory for the population to rebuild by 2029. States have until May 1, 2024—at the latest—to implement new measures as necessary.

Addendum II adopts the following:

- For the ocean recreational fishery, a 28–31” slot limit, 1-fish bag limit, and the seasons in place in 2022;
- For the Chesapeake Bay recreational fishery, a 19–24” slot limit, 1-fish bag limit, and the seasons in place in 2022;
- Two requirements for states that authorize filleting in a recreational fishery: racks must be retained, and not more than two fillets per legal fish can be possessed;
- For the commercial fisheries, 7% reductions to the state-by-state ocean quotas and the shared Chesapeake Bay quota; and
- A mechanism allowing the Board to respond to a stock assessment with new management measures via Board action (rather than the addendum process) if the stock is not projected to rebuild by 2029.

#### Implementation in Massachusetts

**Recreational Slot Limit:** In response to the ASMFC’s 2023 emergency action requiring a 31” recreational maximum size limit, DMF implemented a 28” to less than 31” slot limit last May. While the Management Board’s emergency action motion was interpreted as allowing the retention of fish up to and including 31.0” in length, DMF adopted the emergency rule as *less than 31”* to maintain consistency with Addendum VI’s 28” to less than 35” slot limit. Our neighboring states of New Hampshire, Rhode Island, and Connecticut (as well as Pennsylvania) went with the same approach. While the Addendum II measure specifies a 28” to 31” slot limit (inclusive of 31.0”), DMF’s inclination is to maintain our existing 28” to less than 31” slot limit for continuity (making use of the four-years’ worth of instructing anglers that the slot limit is exclusive of the upper size limit). Preliminary discussions with our neighboring states indicate

that Rhode Island and Connecticut are likely to maintain the *less than* approach for the same reason, whereas New Hampshire is likely to align with Maine’s up to and including 31.0” approach. No rule change is needed in Massachusetts provided we retain the *less than* approach.

Recreational Filleting Allowance: Current state regulations authorize “operators and crew onboard for-hire vessels” to “fillet or process legal sized striped bass for recreational customers at sea provided that: 1) the skin is left on the fillet; and 2) not more than two fillets taken from legal striped bass are in the possession of each customer of that trip, representing the equivalent of one fish per angler.” Otherwise, the regulations stipulate that “recreational fishermen shall not mutilate any striped bass in a manner that prevents the accurate measurement of the fish.”

At a minimum, the for-hire allowance will need to be amended to require that the racks (i.e., carcasses) be retained, including language that addresses the duration of this requirement (i.e., at what point the racks may be discarded). While I anticipate some apprehension from the Massachusetts for-hire fleet with this requirement, I’m certain this can be overcome. We are *the* outlier along the entire Atlantic coast in authorizing at-sea filleting of striped bass without a rack retention requirement and can learn from numerous other states’ experience (refer to the Appendix in [Addendum II](#) for relevant state regulations). DMF will hold a scoping meeting for interested for-hire permit holders to provide input on crafting clear regulatory language and expectations about the filleting allowance, including when and where retained racks may be disposed, before undertaking emergency rulemaking to meet the implementation deadline for this FMP requirement.

DMF does not intend to eliminate our existing skin-on requirement in the for-hire filleting allowance, despite it not being included as an FMP requirement. We believe that the skin-on requirement is important to species identification and has not been a source of consternation that we are aware of—perhaps because skin can be mostly pared off and left attached at just one end of the fillet if there are for-hire patrons unwilling/unable to subsequently skin their fillets.

Additionally, during this era of heightened conservation, DMF will not consider extending the filleting allowance beyond the for-hire mode. The filleting allowance accommodates the for-hire fleet’s legacy activity of providing an additional service to their patrons who often lack the technical and logistical ability to fillet fish and dispose of racks. Extending the allowance to the general recreational sector with the now-mandatory rack retention clause is also more likely to create a shoreside refuse issue. Whereas for-hire vessels can be expected to return to sea the same or next day for another fishing trip—at which time any retained racks can easily be discarded (should other options of shoreside disposal not be available)—the same cannot be assumed for shore anglers or private vessel anglers.

DMF will, however, look to clarify our existing no-filleting requirement for shore and private vessel anglers. The Division’s long-standing interpretation of the “no mutilation that prevents an accurate measurement” language is that it allows acts such as evisceration and de-scaling but prohibits filleting; however, the question has periodically been raised to DMF whether it could be understood to allow filleting provided the rack is kept for measurement. During the development of Addendum II, several states also indicated that they have similar language about striped bass not being landed in a manner that interferes with its measurement which is interpreted by their law enforcement as filleting being allowed with racks retained. There was also comment during our state public hearings on the draft addendum about the frequent observation of filleting by private anglers. All of this speaks to the need to clarify and educate on this aspect of the regulations. For example, our regulations state much more explicitly that commercial fishermen not “fillet or process any striped bass other than by evisceration” in addition to not “mutilate any striped bass in such a way as to interfere with or affect a proper or adequate measurement of the fish.”

Commercial Quota: Under the 7% commercial quota reduction, Massachusetts' striped bass quota is reduced from 735,240 pounds to 683,773 pounds (at the existing 35" minimum size limit). Our regulations identify the quota as "the allowable annual Massachusetts commercial harvest of striped bass pursuant to the ASMFC Interstate Striped Bass Management Plan, reduced by any overage incurred in the previous year" hence no regulatory change is needed. DMF is considering changes to the open commercial fishing days and primary purchase requirements through the normal rulemaking process, as previously discussed with the MFAC and recently announced.

Other Measures: The remaining measures of Addendum II are not relevant to Massachusetts' direct management of the striped bass fishery.

### **Timeline**

As noted above, the implementation deadline for all compliance measures of Addendum II is May 1, 2024. DMF will need to proceed with emergency rulemaking to achieve this deadline. The planned scoping meeting regarding changes to the filleting allowance will occur in late February/early March. DMF will review the draft emergency regulation language with the MFAC at the March business meeting.

# Interstate Fisheries Management Update

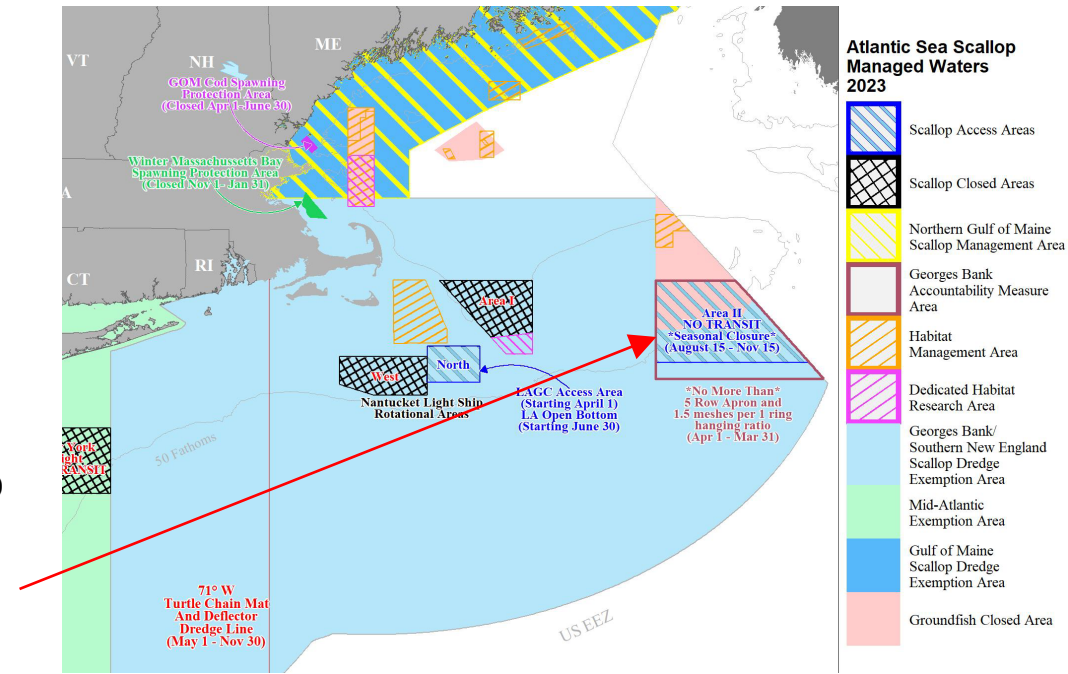
- ASMFC Winter 2024 Meeting (January 23-25)
- February 14 Summer Flounder, Scup & Black Sea Bass Management Board Meeting

Marine Fisheries  
Advisory Commission  
February 13, 2024



# American Lobster

- Initiation of Draft Addendum XXX to clarify Addendum XXVII impacts on foreign imports
  - MSA prevents imports of lobster smaller than ASMFC rules
  - Currently smallest is 3 ¼" (LMA 1)
  - Addendum XXVII changes to 3 5/16" as of January 1, 2025
  - Addendum XXX will clarify application of 3 5/16" minimum to foreign imports
- TC is investigating implications of possible NEFMC action to allow scallop fishery access in Closed Area II
- Request sent to NOAA Fisheries NOT to implement most of the reduced trap caps in Lobster Areas 2 and 3 (So. NE) recommended in Addenda XXI and XXII (significant fishery changes since 2013); possible future addendum
- Letters to be sent to states that have not implemented the lobster tracker requirement by the Dec 15, 2023 deadline
- No management action in response to Jonah crab assessment; monitoring of indicators (annually in SNE, every 5 years elsewhere)



# Striped Bass

- Addendum II approved with May 1, 2024 implementation deadline:
  - Ocean Recreational Fishery: 28.0 – 31.0” slot limit, 1-fish bag limit, and 2022 seasons
  - Chesapeake Bay Recreational Fishery: 19.0 – 24.0” slot limit, 1-fish bag limit, and 2022 seasons
  - Requirements for states that allow filleting in recreational fishery
    - Rack retention
    - Maximum 2 fillets per fish
  - Ocean and Chesapeake Bay Commercial Fisheries: 7% quota reduction
  - Tool to allow Board to respond to stock assessments with Board action (rather than addendum ) if stock not projected to meet 2029 rebuilding deadline
- Implementation in Massachusetts:
  - No change needed for slot limit if maintain 28” to *less than* 31” (DMF preference)
  - No change needed for quota reduction
  - Changes required to add rack retention to for-hire filleting allowance and to clarify no filleting in other modes.
    - Opportunity for for-hire operator (and others) to provide input on February 21, 6pm virtual meeting
  - March 19 MFAC business meeting to review changes, then emergency rule-making



# Spiny Dogfish

- ASMFC, MAFMC & NEFMC adopted the following specifications:
  - 10.70 mlb, 10.97 mlb and 11.22 mlb for FYs 2024-2026
  - Maintained federal waters and Northern Region (ME-CT) trip limit of 7,500 lb.
- NOAA Fisheries abstained or objected to quotas at meetings, over concern about projected discards used

# American Eel

- Two addenda initiated
  - To continue ME's commercial glass eel quota of 9,688 lb beyond 2024
  - To consider revisions to the coastwide yellow eel commercial cap
  - MA is *de minimis* with no effect from either possible action; MA stakeholders can join virtual hearings to comment



# *Recreational Fluke, Scup, and Black Sea Bass*

- 28% summer flounder harvest reduction, 10% scup harvest reduction, and status quo black sea bass harvest
- Two-year measures for summer flounder & scup; only 2024 for black sea bass
- Range of options submitted to ASMFC for approval on February 14
- DMF virtual scoping meeting on February 21, 6PM; written comment received through March 7
- DMF and MFAC to select measures for emergency rulemaking at the March 19 MFAC business meeting

## **Black Sea Bass – Options for 2024 management only (status quo included):**

	Mode	Season	Bag	Min Size	Impact by Mode
<b>2023</b>	All Modes	May 20 – Sept 7	4 fish	16.5"	n/a
<b># 1</b>	All Modes	<b>May 18 – Sept 3</b>	4 fish	16.5"	-0.7% overall (+1.5% FH, -0.9% PV)



## Summer Flounder – Options for 2024-2025 management (status quo for comparison only):

	Mode	Season	Bag	Min. Size	Impact by Mode
<b>2023</b>	All Modes	May 21 – Sept 29 (132 days)	5 fish	16.5"	n/a
<b># 1</b>	Vessels	May 24 – Sept 23 (123 days)	5 fish	17.5"	-28.1% FH, -28.2% PV, n/a SH
	Shore			16.5"	
<b># 2</b>	Vessels	May 24 – Sept 30 (130 days)	4 fish	17.5"	-28.5% FH, -28.1% PV, n/a SH
	Shore			16.5"	
<b># 3</b>	Vessels	a) May 24 – Aug 27 (96 days) or b) June 5 – Sept 2 (90 days) or c) June 11 – Sept 15 (97 days) or d) June 18 – Sept 29 (104 days)	3 fish	17"	-25.4% FH, -28.1% PV, n/a SH
	Shore			16.5"	-22.8% FH, -29.4% PV, n/a SH -22.2% FH, -28.9% PV, n/a SH -21.6% FH, -29.2% PV, n/a SH
<b># 4</b>	All Modes	a) May 24 – Aug 26 (95 days) or b) June 5 – Sep 2 (90 days) or c) June 12 – Sept 15 (96 days) or d) June 18 – Sept 29 (104 days)	2 fish	16.5"	-29.1% FH, -28.6% PV, n/a SH -24.8% FH, -28.7% PV, n/a SH -24.6% FH, -28.9% PV, n/a SH -23.9% FH, -28.7% PV, n/a SH
<b># 5</b>	For-hire	a) May 24 – Aug 26 (95 days) or b) June 5 – Sep 2 (90 days) or c) June 12– Sep 15 (96 days) or d) June 18 – Sept 29 (104 days)	5 fish	17.5"	-34.1% FH, -28.6% PV, n/a SH -30.5% FH, -28.7% PV, n/a SH
	Private & Shore		2 fish	16.5"	-30.1% FH, -28.9% PV, n/a SH -29.3% FH, -28.7% PV, n/a SH

*#4 removed  
from public  
scoping options*

## Scup – Options for 2024-2025 management (status quo for comparison only):

	Mode	Season	Bag	Min Size	MA Impact by Mode	Impact by State
2023	Shore	May 1 – Dec 31	30 fish	9.5"	n/a	n/a
	Private Vessel	May 1 – Dec 31	30 fish	10.5"		
	For-hire Vessel	May 1 – June 30	40 fish	10.5"		
		July 1 – Dec 31	30 fish			
# 1	Shore	May 1 – Dec 31	30 fish	9.5"	0% SH -15.6% PV -14.0% FH	-6.7% MA -4.6% RI -9.4% CT -13.1% NY
	Private Vessel	May 1 – Dec 31	30 fish	11"		
	For-hire Vessel	May 1 – June 30	40 fish	11"		
		July 1 – Dec 31	30 fish			
# 2	Shore	May 1 – Dec 31	9 fish	9.5"	-14.8% SH -0.9% PV -25.0% FH	-13.3% MA -15.6% RI -4.5% CT -11.2% NY
	Private Vessel	May 1 – Dec 31	9 fish	10.5"		
	For-hire Vessel	May 1 – June 30	20 fish	10.5"		
		July 1 – Dec 31	9 fish			
# 3	Shore	April 1 – Dec 31	20 fish	10"	-13.2% SH -15.0% PV -13.8% FH	-10.6% MA -8.5% RI -9.4% CT -10.3% NY
	Private Vessel	April 1 – Dec 31	20 fish	11"		
	For-hire Vessel	April 1 – April 30	20 fish	11"		
		May 1 – June 30	40 fish			
		July 1 – Dec 31	20 fish			



Questions?



## MA Summer Flounder Regulation History

Years	Season	Bag Limit	Size Limit
2002-2004	Jan 1 – Dec 31	7 fish	16.5"
2005	Jan 1 – Dec 31	7 fish	17"
2006	Jan 1 – Dec 31	7 fish	17.5"
2007-2008	Jun 10 – Aug 15	5 fish	17.5"
2009	Jul 1 – Aug 14	5 fish	18.5"
2010	May 22 – Sep 6	5 fish	18.5"
2011	May 22 – Sep 30	5 fish	17.5"
2012	May 22 – Sep 30	5 fish	16.5"
2013-2014	May 22 – Sep 30	5 fish	16"
2015-2016	May 22 – Sep 23	5 fish	16"
2017	May 22 – Sep 23	4 fish	17"
2018-2021	May 23 – Oct 9	5 fish	17"
2022-2023	May 21 – Sep 29	5 fish	16.5"

## 2023 State-by-State Summer Flounder Measures

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16.5	5 fish	May 21-September 29
Rhode Island (Private, For-Hire, and all other shore-based fishing sites)	18	4 fish	May 3-December 31
RI Shore Program (7 designated shore sites)	18	2 fish*	
	17	2 fish*	
Connecticut	18.5	4 fish	May 1-October 9
CT Shore Program (45 designated shore sites)	17		
New York	18.5	4 fish	
New Jersey	Slot limit 17-18	2 fish**	May 2-September 27
	18	1 fish**	
NJ Shore program site (ISBSP)	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16	4 fish	January 1-December 31
Maryland			
PRFC			
Virginia			
North Carolina	15	1 fish	September 15 -29



# Summer Flounder (28% harvest reduction)

	Mode	Season	Bag	Min. Size	Projected Harvest in 2024
<b>2023 Rules</b>	All Modes	May 21 – Sept 29	5 fish	16.5"	189,129 lb <ul style="list-style-type: none"> <li>• 92% Private Vessel, 8% For-hire Vessel</li> <li>• 2% of coastwide total under SQ</li> </ul>

## Size Limit Changes Alone

Min. Size	Reduction
17"	-13.3% (-13.9% FH, -13.2% PV)
17.5"	-26.6% (-27.4% FH, -26.7% PV)
18"	-39.1% (-40.4% FH, -39.1% PV)
<i>Can leave SH at 16.5" without affecting reduction.</i>	

## Bag Limit Changes Alone

Bag	Reduction
4 fish	-3.1% (-3.0% FH, -3.1% PV)
3 fish	-8.3% (-8.8% FH, -8.1% PV)
2 fish	-18.0% (-21.5% FH, -17.8% PV)
1 fish	-39.9% (-49.6% FH, -39.0% PV)

## Season Changes Alone

Season	Reduction
6/1–9/29	-3.0% (-1.5% FH, -3.2% PV)
7/1–9/29	-18.8% (-5.0% FH, -20.1% PV)
7/12–9/29	-29.1% (-21.9% FH, 29.8% PV)
5/21–9/2	-6.3% (-2.5% FH, -6.5% PV)
5/21–8/16	-28.6% (-23.1% FH, -29.0% PV)



## Recent MA Scup Regulation History

Years	Mode	Season	Bag	Size
2012	FH	May 15 – Jun 18	45 fish	11"
		Jun 19 – Sep 17	20 fish	
	PV/SH	May 24 – Sep 26	20 fish	10.5"
2013-2017	FH	May 1 – Jun 30	45 fish	10"
		Jul 1 – Dec 31	30 fish	
	PV/SH	May 1 – Dec 31	30 fish	
2018	FH	May 1 – Jun 30	45 fish	9"
		Jul 1 – Dec 31	30 fish	
	PV/SH	May 1 – Dec 31	30 fish	
2019-2021	FH	Jan 1 – Apr 30 & Jul 1 – Dec 31	30 fish	9"
		May 1 – Jun 30	50 fish	
	PV/SH	Jan 1 – Dec 31	30 fish	
2022	FH	Jan 1 – Apr 30 & Jul 1 – Dec 31	30 fish	10"
		May 1 – Jun 30	50 fish	
	PV/SH	Jan 1 – Dec 31	30 fish	
2023	FH	May 1 – Jun 30	40 fish	10.5"
		Jul 1 – Dec 31	30 fish	
	PV	May 1 – Dec 31	30 fish	10.5"
	SH	May 1 – Dec 31	30 fish	9.5"

## 2023 State-by-State Scup Measures

State	Mode	Season	Bag	Size
MA	Private Vessel	May 1 - Dec 31	30 fish	10.5"
	Shore			9.5"
	For-hire	May 1 - Jun 30	40 fish	10.5"
		Jul 1 - Dec 31	30 fish	
RI/CT/NY	Private Vessel	May 1 - Dec 31	30 fish	10.5"
	Shore			9.5"
	For-hire	May 1 - Aug 31 & Nov 1 - Dec 31	30 fish	10.5"
		Sep 1 - Oct 31	40 fish	
NJ	All	Aug 1 - Dec 31	30 fish	10"
DE/MD/NC	All	Jan 1 - Dec 31	40 fish	9"
VA	All	Jan 1 - Dec 31	30 fish	9"

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# Scup: 10% harvest reduction

	Mode	Season	Bag	Min. Size	Projected Harvest in 2024
2023 Rules	Shore	May 1 – Dec 31	30 fish	9.5"	1,639,430 lb
	Private Vessel	May 1 – Dec 31	30 fish	10.5"	<ul style="list-style-type: none"><li>• 54% Shore, 25% Private Vessel, and 20% For-hire Vessel</li><li>• 11% of MA-NY regional harvest and 11% of coastwide harvest under SQ</li></ul>
	For-hire Vessel	May 1 – June 30	40 fish	10.5"	
		July 1 – Dec 31	30 fish		

## Size Limit Changes Alone

Min. Size	Reduction
½" increase vessels only	-6.0% (-14.8% PV; -13.0% FH)
½" increase all modes	-10.4% (-7.6% SH)

## Bag Limit Changes Alone

Bag Limit	Reduction
20 fish (except bonus)	-2.1% (-4.5% SH; no PV/FH impact)
15 fish (except bonus)	-3.7% (-7.3% SH; no PV/FH impact)
30 fish for bonus	-1.34% (-6% FH; no PV/SH impact)

## Season Changes Alone

Season	Reduction
Close Oct-Dec	-1.7% (-6.5% PV, little FH/SH impact)
Close Sep-Dec	-12.2% (-18.6% PV, -13% SH, -2.3% FH)
Close May 1-14	-7.7% (-3.5% SH, -6.7% PV, -20.8% FH)



# Recreational Fluke, Scup, and Black Sea Bass Measures

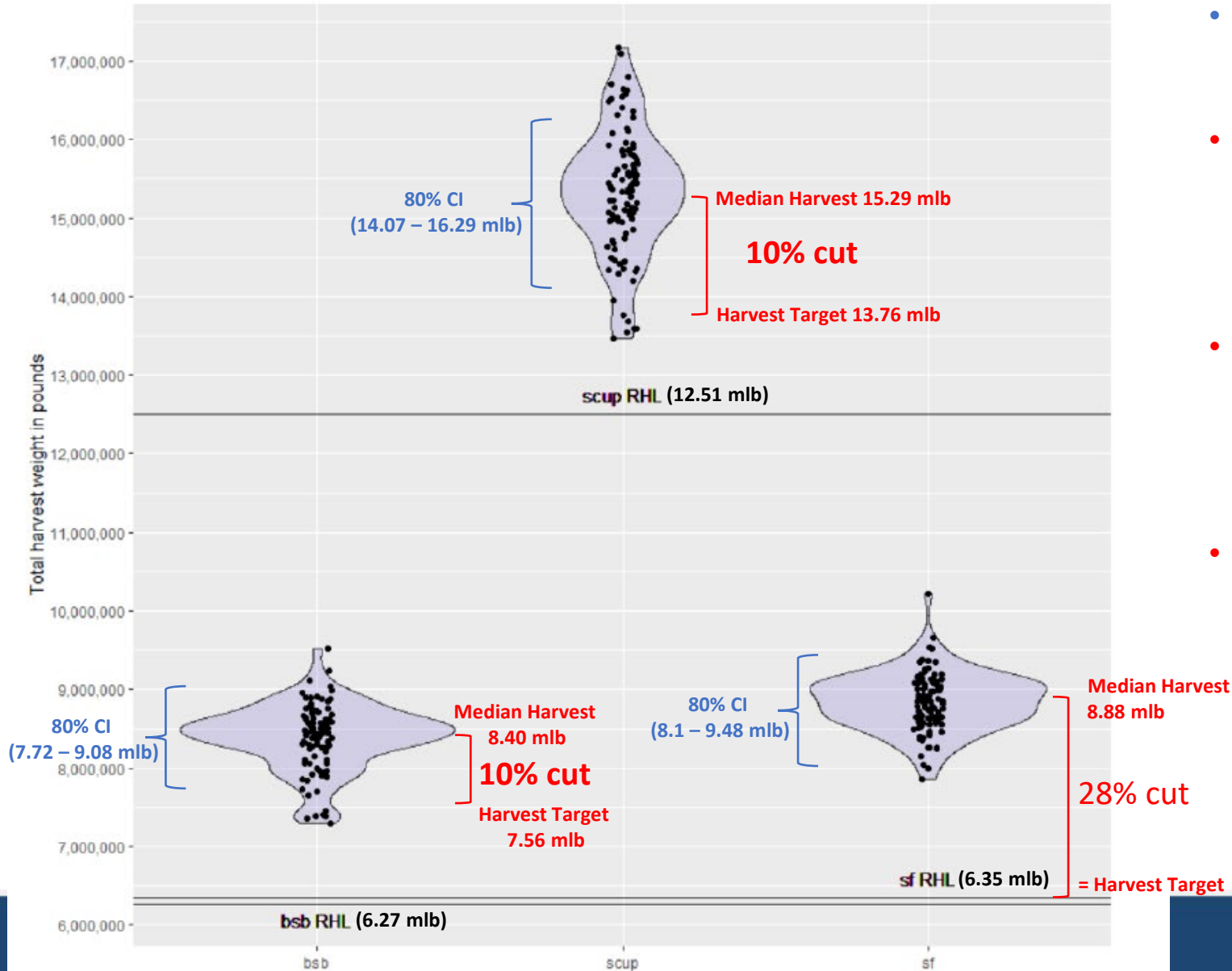
## Commercial Quotas and Recreational Harvest Limits

		2023	2024	2025
Fluke	Quota	15.27	8.79 (-42%)	8.79
	RHL	10.62	6.35 (-40%)	6.35
Scup	Quota	14.01	21.15 (+51%)	18.80
	RHL	9.27	13.18 (+42%)	11.84
Black Sea Bass	Quota	4.80	6.00 (+25%)	n/a
	RHL	6.57	6.27 (-4%)	n/a

## Percent Change Approach

Future RHL vs Harvest Estimate	Stock biomass compared to the target stock size (B/B <sub>MSY</sub> )	Change in Harvest
Future 2-year average RHL is <b>greater than</b> the upper bound of the harvest estimate confidence interval (harvest is expected to be lower than the RHL)	<b>Very high</b> (at least 150% of the target stock size)	<b>Liberalization</b> percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 40%</u>
	<b>High</b> (between the target and 150% of the target stock size)	<b>Liberalization</b> percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 20%</u>
	<b>Low</b> (below the target stock size)	<b>Liberalization: 10%</b>
Future 2-year average RHL is <b>within</b> the confidence interval of the harvest estimate (harvest is expected to be close to the RHL)	<b>Very high</b> (at least 150% of the target stock size)	<b>Liberalization: 10%</b>
	<b>High</b> (between the target and 150% of the target stock size)	<b>No change: 0%</b>
	<b>Low</b> (below the target stock size)	<b>Reduction: 10%</b>
Future 2-year average RHL is <b>less than</b> the lower bound of the harvest estimate confidence interval (harvest is expected to exceed the RHL)	<b>Very high</b> (at least 150% of the target stock size)	<b>Scup &amp; Black Sea Bass</b> <b>Reduction: 10%</b>
	<b>High</b> (between the target and 150% of the target stock size)	<b>Reduction</b> percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 20%</u>
	<b>Low</b> <b>Fluke</b> (below the target stock size)	<b>Reduction</b> percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 40%</u>

## Projected total harvest under SQ measures



- All 3 species have projected harvest (80% CI) above their RHL under status quo measures.
- **Scup:** because biomass >150% target, take a 10% cut from median projected harvest (instead of an 18% cut to RHL).
  - 2-year specs, so 2025 status quo with 2024
- **Fluke:** because biomass <100% target, take full reduction from median projected harvest to RHL: 28% cut.
  - 2-year specs, so 2025 status quo with 2024
- **Black sea bass:** because biomass >150% target, take a 10% cut from median projected harvest (instead of a 25% cut to RHL)
  - 1-year specs because 2024 assessment
  - Instead, treat 2024 as year-2 of 2023/2024: 10% cut taken in 2023, with 2024 status quo.

## **Overview: JANUARY 2024 New England Council**

The New England Fishery Management Council (NEFMC) met January 30<sup>th</sup> – February 1<sup>st</sup> in Portsmouth, NH. Below, find highlights on actions and discussions with **Council motions** denoted in bold (consensus unless tallied). The Council is seeking applicants to its 2024-2025 Advisory Panels for whiting, skate, monkfish, groundfish (GAP/RAP), herring, and sea scallop FMPs; [applications](#) due February 9. The NEFMC next meets in Mystic, CT April 16<sup>th</sup> - 18<sup>th</sup>.

## **Council Actions**

**RECREATIONAL GROUNDFISH** – The Council **recommended to NOAA Fisheries Greater Atlantic Regional Office (GARFO) recreational measure for Gulf of Maine (GOM) cod, GOM haddock, and Georges Bank (GB) cod for fishing year 2024**, including:

- GOM Cod: Open Sep. 1 – Oct. 31; minimum size 23"; possession limit of 1 fish/day
- GOM Haddock: Open May 1 – Feb. 28/29 & Apr. 1-30; min size 18"; poss. limit of 15 fish/day
- GB Cod: Open May 1-31 & Sep. 1 – Apr. 30; min size 23"; possession limit of 5 fish/day

**NORTHEAST MULTISPECIES** – Regarding the Atlantic Cod Management Transition Plan, the Council **agreed to write a letter to the NOAA Fisheries Northeast Fishery Science Center (NEFSC) requesting that the four cod management track assessments have robust external peer reviews, and that the letter be sent in time for discussion at the upcoming Assessment Oversight Panel (AOP) meeting for the 2024 cod management track assessment on February 28**. The Council indicated the higher level of peer review is warranted given a trawl survey calibration error discovered in the Georges Bank assessment after the research track peer review that may affect all recent stock assessments using the Woods Hole Assessment Model (WHAM) including cod, and that these assessments incorporate a profound change in our understanding of cod stock structure and are the first time this new understanding will be used in management. The Council **requested the NEFSC document modifications in the Georges Bank cod research track assessment which reflect the corrected calibration of trawl survey data and equilibrium-at-age cod in the WHAM model** (and include in the assessment portal/present to the AOP). Recall, the Council took final action commercial groundfish FY2024-FY2026 specifications through [Framework 66](#) approval in December.

**SPINY DOGFISH** – The Council **adopted Spiny Dogfish fishery specifications for 2024-2026, resulting in commercial quotas of 10.70 mil. pounds for 2024; 10.97 mil. pounds for 2025; 11.22 mil. pounds for 2026** (consensus; 1 opposed). These specifications are consistent with those approved earlier this winter by the Mid-Atlantic Council and Atlantic States Marine Fisheries Commission (ASMFC).

**ATLANTIC HERRING** – The Council **approved the 1) Atlantic Herring FMP Amendment 10 scoping document, as amended and incorporating suggestions, for public comment and 2) public scoping meetings notice**. This action is looking to minimize, through time/area regulations, user conflicts in the Atlantic herring fishery and fishery interactions with river herring/shad bycatch. Several adjustments to Amendment 10 scoping document language were adopted, including clarification of a section of the problem statement (consensus; 1 opposed) and on the Council's intent to gather input on measures other than adjustments to the ABC control rule or rebuilding plan (14 supported; 3 opposed). Improvements to background material and structure were also suggested.

## **Council Updates on Ongoing Priorities**

**NEFSC INDUSTRY BASED SURVEY** – The Council commented on NEFSC's white paper outlining potential development of an industry-based multispecies federal bottom trawl survey (IBS) to complement Bigelow fall/spring surveys. Similar to a motion passed by the January ASMFC Policy Board, the Council **recommended to task the Northeast Trawl Advisory Panel (NTAP) and the NTAP Bigelow Contingency Working Group to develop an outline detailing a plan to conduct a multi-vessel IBS**

**Pilot Program to test the viability of the program presented in the “Draft Proposed Plan for a Novel Industry-Based Multispecies Bottom Trawl Survey on the Northeast U.S. Continental Shelf” white paper with a particular focus on refining Section 2 “Survey Design Elements,” considering Northeast Area Monitoring and Assessment Program (NEAMAP) protocols and current industry platform capabilities. A progress report on the draft plan should be presented in time for further discussion at the April 2024 meetings of the NEFMC and MAFMC, and the spring 2024 meeting of the ASMFC.**

**EAST COAST CLIMATE COORDINATION / SCENARIO PLANNING** - As part of next steps for the East Coast Climate Change initiative, the Council submitted several multiyear Inflation Reduction Act (IRA) proposals in December/January with a total proposed budget of \$2.5 mil. and anticipated start date of April 1, 2024. IRA [initiatives](#) include additional support for the Council’s ongoing work on an Atlantic cod management transition plan and revision of its groundfish ABC control rules, as well as new priorities including operationalizing ecosystem approaches in New England fisheries management, operationalizing East Coast Climate Change Scenario Planning Initiative action items, developing a holistic strategic plan for climate resilient New England fisheries management, and enhancing the participatory process for climate resilient fisheries.

**ATLANTIC STURGEON BYCATCH** – The Council received a synopsis of recently-drafted framework alternatives for a joint New England/Mid-Atlantic action to reduce sturgeon bycatch in monkfish and spiny dogfish large-mesh gillnet fisheries. Potential measures apply to federally permitted vessels and include time/area closures and gear restrictions within a series of four bycatch hotspot polygons (off SNE & NJ for monkfish; off NJ, VA, & DE/MD for spiny dogfish). Final action is expected in April, to comply with the 2021 batched fisheries Biological Opinion. Due to recent exceedance of the 2021 Opinion’s take level, the biological opinion has been reinitiated.

**NEFSC FISHERY MONITORING AND RESEARCH** – NEFSC staff provided a review of Monitoring and Research Division’s activities, including updates on observer sea day coverage, monitoring challenges and spending plans, as well as details on ongoing and new cooperative research programs including recreational biological sampling and a pilot hook and line (jig) survey.

**ON-DEMAND WORKING GROUP** – The On-Demand Gear Conflict Working Group presented research and background regulatory findings from their December deliberations and discussed best approaches for Council deliverables. Deliverables include documentation of gear conflict measures currently in place, how those measures could be changed to accommodate on-demand gear, and a comparative analysis of those impacted by closures vs open to on-demand. A final report is expected fall 2025, however, advice on reducing gear interactions/conflicts resulting from Atlantic Large Whale Take Reduction Team-proposed measures is expected in spring 2024, ahead of NOAA Fisheries’ proposed rule for gillnets and other trap/pot fisheries.

**MRIP FISHING EFFORT SURVEY** – NOAA Fisheries informed the Council on survey design improvements to the national network of recreational fishing effort mail surveys (FES). Current and revised surveys will be released in 2024, with calibration estimates completed in 2026.

**HABITAT** – The Habitat technical team continues work on its five-year Essential Fish Habitat review and on an analysis of habitat disturbance related to potential scallop access for four concept areas on the Northern Edge (results expected in April). A siting update on Blue Waters Fisheries offshore aquaculture project was postponed. The Habitat Area of Particular Concern (HAPC) for Southern New England, recommended by the Council due to the potential adverse impact of offshore wind energy projects on EFH (cod and other species), was finalized by NOAA Fisheries on February 2.

**RISK POLICY** – The Risk Policy Working Group provided progress on revising the Council’s Policy Statement and Roadmap. In January, the group compared several approaches (current, decision tree, and tiered) in a ‘mock trial’ using southern red hake. A draft risk policy is expected in June.

**STANDARDIZED BYCATCH REPORTING METHODOLOGY (SBRM)** – The Council received an update on the three-year review of SBRM years 2021-2023; a NMFS technical report expected late spring.

**BLACK SEA BASS RESEARCH TRACK ASSESSMENT (RTA)** – Although black sea bass is not managed by NEFMC, the Council requested a presentation on the recent RTA, as the work represents an important step in application of ecosystem and climate influences to our region's stock assessments. Several advances made in this RTA garnered Council inquiry and engagement, including the integration of an environmental covariate (bottom temperature) with recruitment.

**AGENCY REPORTS** – Council [Executive Director](#), [NEFSC](#), [Mid-Atlantic Council](#), [ASMFC](#), [U.S. Coast Guard](#), [NOAA General Counsel](#), [ICCAT Advisory Committee](#), and a [U.S. Congressional update](#). NOAA GARFO announced suspension of the Maximum Retention electronic monitoring program (MREM) as of May 1, 2024, citing low of industry participation (1-2 vessels) relative to program administration costs. Sector vessels will need to use at-sea monitors or audit model EM to meet observer requirements.

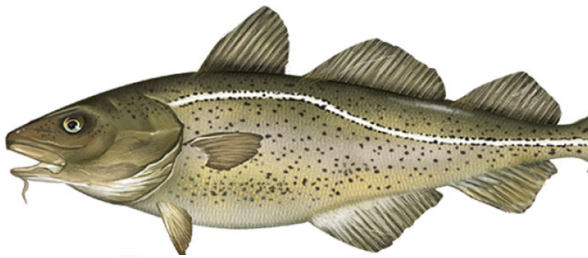
# New England Regional Fishery Updates



- January Summary
- April Agenda



# Recreational Groundfish



Stock	FY2023 sub-ACL (mt)	Council's Proposed FY2024 sub-ACL (mt)	% Change
GOM Cod	192	192	0%
GOM Haddock (Emergency Action)	793	759	-4%



Stock	FY2023 catch target (mt)	Council's Proposed FY2024 catch target (mt)	% Change
GB Cod	113	113	0%



# Recent Catches

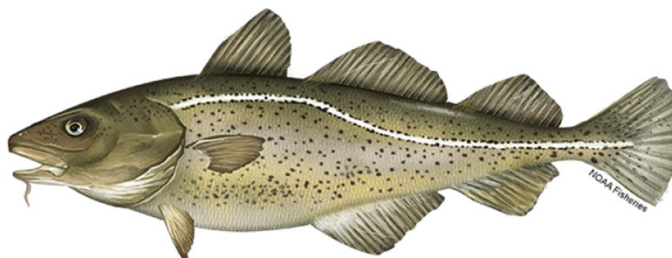
Stock	Fishing Year	Catch (A+B)	Landings (A)	Discards (B)	Rec sub-ACL	% Catch Limit Taken
GOM Cod	2020	184.0	41.5	142.4	193	95.3
	2021	146.2	58.6	87.6	193	75.8
	2022	165.7	23.9	141.8	192	86.2
	<b>AVERAGE</b>	<b>165.3</b>	<b>41.3</b>	<b>123.9</b>	<b>193</b>	<b>85.8</b>
GOM haddock	2020	1,202.3	913.7	288.5	6,210	19.4
	2021	901.5	772.8	128.7	5,295	17.0
	2022	477.2	398.4	78.8	3,634	13.1
	<b>AVERAGE</b>	<b>860.3</b>	<b>695.0</b>	<b>165.3</b>	<b>5,046</b>	<b>17.0</b>

Fishing Year	GB Cod Rec Catch	GB Cod Rec Catch Target	% Catch Limit Taken
2015	165.1	N/A	N/A
2016	477.5	N/A	N/A
2017	52.9	N/A	N/A
2018	37.1	138	26.9
2019	99.9	138	72.4
2020	294.4	138	213.3
2021	236.0	138	171.0
2022	157.1	75	209.5

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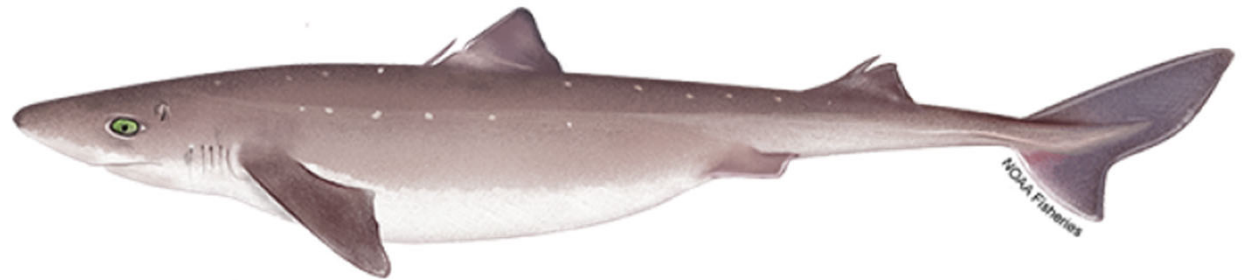
	GB cod	
	Current	FY2024
Open Season	5/1-5/31; 9/1-4/30	<b>5/1-5/31; 9/1-4/30</b>
Minimum Size	23"	<b>23"</b>
Possession limit	5	<b>5</b>



	GOM Cod		GOM Haddock		
	Current	FY2024	Current		FY2024
Open Season	9/1-10/31	9/1-10/31	5/1-2/28; 4/1-4/30		5/1-2/29; 4/1-4/30
Minimum Size	22"	23"	17" (private)	18" (for-hire)	18"
Possession limit	1	1	10	15	15



# Spiny Dogfish



## NEFMC in agreement with MAFMC & ASMFC:

2024-2026 specifications setting commercial quotas of

- 10.7 million pounds for 2024;
- 10.97 million pounds for 2025; and
- 11.22 million pounds for 2026

Massachusetts Division  
of Marine Fisheries



## Atlantic Herring Fishery Management Plan

**DRAFT**

### SCOPING DOCUMENT

for

### Amendment 10



Prepared by the

New England Fishery Management Council

What is the Council considering?

- (1) Measures to attain optimum yield and improve the conservation status of Atlantic herring by accounting for its role as a forage species in the ecosystem (other than adjustments to the ABC control rule or the rebuilding plan);
- (2) User group conflicts created by competing interests for the Atlantic herring resource by time and management area; and
- (3) Measures designed to address the catch of shad and river herring in the directed Atlantic herring fishery, including catch caps and/or time area closures.

**Scoping Meetings to be held**

**March – April**

**from ME to CT, and online.**

Massachusetts Division  
of Marine Fisheries



# April Agenda

Massachusetts Division  
of Marine Fisheries



# Questions?

Massachusetts Division  
of Marine Fisheries





# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



MAURA T. HEALEY  
Governor

KIMBERLEY DRISCOLL  
Lt. Governor


REBECCA L. TEPPER  
Secretary

THOMAS O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: February 9, 2024

SUBJECT: **Recent Industry Meeting on Mobile Gear Fishing**

On Thursday, February 1, DMF held a virtual industry meeting focused on mobile gear fishing issues. The meeting was recorded and has been published to [DMF's YouTube channel](#) and a copy of the presentation provided by DMF is appended to this memorandum. The purpose of the meeting was to: (1) address emerging issues regarding the harvest of whole in-shell sea scallops from state waters; (2) provide an overview of the upcoming spring and summertime trawl fishery south and west of Cape Cod; and (3) hear from industry members regarding their concerns and interests<sup>1</sup>.

#### Whole In-Shell Sea Scallops

Around the holidays, the Massachusetts Environmental Police documented a vessel retaining and landing whole in-shell sea scallops taken from an area classified as Prohibited and closed to the direct harvest of shellstock. This incident was brought to the attention of the Department of Public Health (DPH) and it prompted a recall of whole in-shell sea scallops previously sold into commerce by the same commercial fisher. This recall caught the attention of local media outlets raising questions about the safety of Massachusetts' scallops. This incident created a situation whereby confidence in the state's seafood industry was being undermined. Moreover, through informal communications with the fleet it became apparent that additional education was warranted regarding the harvest and handling of whole inshell sea scallops.

The rules governing the harvest of whole in-shell product differs greatly from shucked product. Because the whole in-shell product is sold as the full mollusk—and contains the bivalve and gonads—it is regulated subject to the controls developed by the National Shellfish Sanitation Program's Model Ordinance for the sanitary control of molluscan shellfish for human consumption. As such, DMF requires the inshell product only be harvested from the designated shellfish growing area (DSGA) classified as Approved and in the Open Status. Moreover, there are additional shellfish permitting, tagging, and handling requirements to create records for the purpose of recall and traceability and to prevent cross-contamination and time-to-temperature abuse. Shucked adductor muscles are not subject to

<sup>1</sup> DMF typically hosts this meeting at our New Bedford office during the wintertime period and it is focused on the summertime inshore trawl fishery, but given the emerging sea scallop issue, DMF decided to broaden the agenda and hold the meeting virtually to accommodate the geographic diversity of interests. The trawl fleet will have another opportunity to interface with DMF regarding the management of the inshore summertime fishery at in-person public hearings later this winter.

the same rigorous regulation because they are biologically separate from the bivalve and gonad and do not pose the same public health risk.

At the February 2 meeting, DMF provided industry with an in-depth presentation on the subject, and on February 8, published the Policy on Permitting and Regulatory Guidelines for the State Waters Sea Scallop Dredge Fishery to the [agency's website](#) and distributed it to all Coastal Access Permit holders and primary buyers of whole in-shell sea scallops. Hopefully, through these efforts, industry can avoid similar non-compliance incidents moving forward and we can maintain the good reputation of the state's seafood industry.

At the virtual meeting, DMF took question and comments from various members of the mobile gear fishery. There was some interest in DMF's ability to reclassify the center of Massachusetts Bay ([MB14](#)) and the mouth of the Merrimack River ([N1](#)). These are areas that contain commercial quantities of sea scallops and are currently classified as Prohibited due to potential contamination from wastewater treatment plant outfalls. If these areas—or sub-areas thereof—could be reclassified as Approved, then this would increase the area where fishers may dredge for and retain whole inshell scallops. However, given the large volume of effluent that moves daily through these outfalls, DMF did not anticipate it would be able to upgrade the classification of these DSGAs per FDA guidelines.

Additionally, there was some interest in DMF considering a opening the North Shore mobile gear closure between Winthrop and Gloucester seasonally during the trap gear closure. In 2018, DMF considered a pilot program that would open some of these waters to scallop dredge fishing during February and March as part of a pilot study to inform whether or not the area should be opened on a more permanent seasonal basis. While this occurred prior to the expansion of the trap gear closure into Massachusetts Bay (2021), DMF did receive over 200 comments in opposition to the action and many of these comments were from members of the public concerned about impacts the fishing activity may have on: inshore habitat; lobsters, juvenile finfish, and spawning cod; shipwrecks and other historically significance marine archaeological sites; traditional dive, finfish, and lobster fishing businesses; and the Algonquin natural gas pipeline. Ultimately, former Director Pierce determined he could not commit the resources necessary to adequately investigate these questions. Moreover, these inshore waters along the North Shore are all classified as Prohibited due to the presence of sewage outfalls, and without spatial monitoring, I am concerned that an allowance to dredge in the area may further open the door for the landing of contaminated shellstock.

#### Trawl Fishery South and West of Cape Cod

DMF also presented on the 2024 quotas for summer flounder, horseshoe crabs, black sea bass, and scup and potential rule changes affecting summer flounder, horseshoe crabs, and whelk. Public hearings on these subjects (and others) are scheduled for 5PM on February 28 at the Massachusetts Maritime Academy and 5PM on February 29 at DMF's Gloucester Field Station.

There was some industry interest in DMF taking action to decouple the management of knobbed whelks from the management of channeled whelks; to consider changes to net mesh size restrictions and trip limits to better target underutilized species like scup; and to increase the winter flounder trip limit in the Gulf of Maine<sup>2</sup>; and consider changes to the timing of existing small mesh fisheries (e.g., Longfin squid and whiting) and potential new small mesh fisheries (e.g., Illex squid). These requests cannot be accommodated for 2024 given the late timing and the need to investigate questions surrounding each ask, but can be considered moving forward. With regards to the upcoming public hearings for 2024 rule

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<sup>2</sup> The current 500-pound trip limit for Gulf of Maine winter flounder is set in the Atlantic States Marine Fisheries Commission's (ASMFC) Fishery Management Plan. Accommodating any increase to this trip limit would require both a state and ASMFC action.

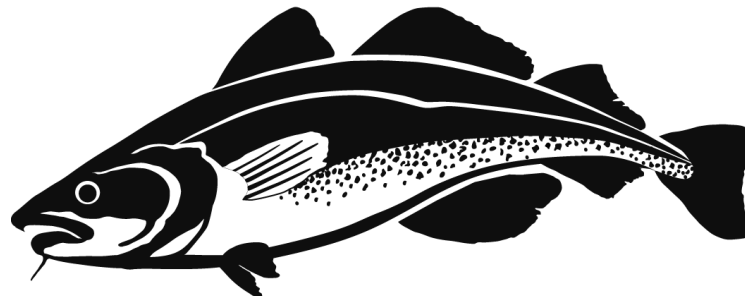
changes, DMF will take comment on renewing the multi-day pilot program and will provide analyses that project likely summer flounder quota closure dates at various trip limits based on recent performance.

# Mobile Gear Industry Meeting

February 1, 2024

**Marine Fisheries**

Commonwealth of Massachusetts



# Meeting Agenda

1. Harvest of Whole Inshell Sea Scallops in State Waters
  - a) Permitting
    - i. DMF Permits and Endorsements
    - ii. Shellfish Transaction Cards and Employee Shellfish Transaction Cards
    - iii. Annual Shellfish Affidavit
  - b) Where and When Can Sea Scallop Dredge Fishing Occur
    - i. Mobile Gear Fishing Rules and Closures
    - ii. Shellfish Classification Program and Sanitary Closures
    - iii. Overlaying Mobile Gear and Sanitary Closures Rules
  - c) Shellstock Handling up to Primary Sale
    - i. Tagging of Shellstock
    - ii. Sanitary Harvest and Handling
  - d) Primary Purchase and Reporting
    - i. Harvester Reporting
    - ii. Requirements at Primary Purchase
2. Trawl Fishery South and West of Cape Cod
  - a) Quota Outlook
  - b) Upcoming Public Hearings
3. Other Business
  - a) Surf Clam Pilot Program Update
  - b) Recent Request from Industry
  - c) Further Discussion



# What is the Model Ordinance?

## **National Shellfish Sanitation Program (NSSP)**

### **Guide for the Control of Molluscan Shellfish 2019 Revision**



NSSP is a Federal/State cooperative program recognized by USDA and ISSC for sanitary control of molluscan shellfish sold for human consumption.

NSSP developed and updates Model Ordinance to establish adoptable standards and practices governing the sanitary control of molluscan shellfish.

States regulatory authorities must adopt regulations that conform to the Model Ordinance for shellfish to be sold into interstate commerce.

In Massachusetts, DMF is the regulatory authority governing shellfish harvesters and DPH is the regulatory authority governing shellfish dealers.

DMF permits and regulates shellfish harvest in accordance with Model Ordinance requirements.



# Permitting Requirements

## Commercial Fishing Permit

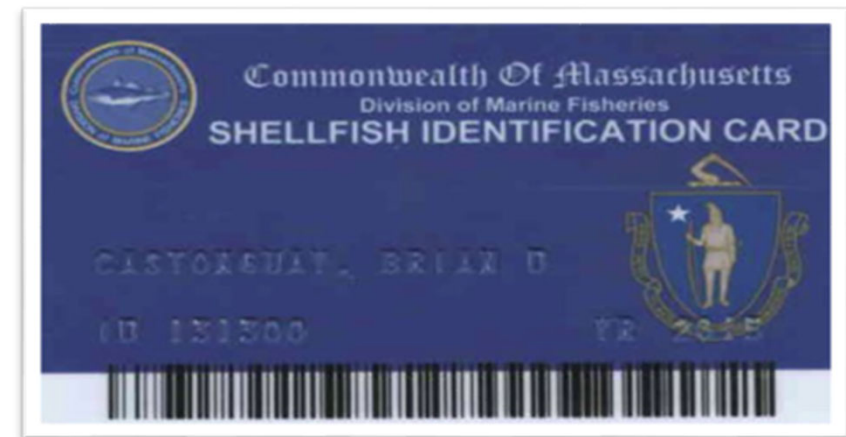
- Mobile Gear Coastal Access Permit (CAP) endorsement required to participate in Massachusetts state waters sea scallop dredge fishery.
- Permit must be further endorsed for "Shellfish" (no cost) to land whole in-shell sea scallops harvested from both state and federal waters. No shellfish endorsement required if the vessel lands only shucked meats.
- "Sea Scallop Shucking" endorsement (no cost) required to land sea scallop meat (adductor muscle) harvested from either state or federal waters.

## Shellfish Transaction Card

- Shellfish Endorsement holders will automatically receive a DMF-issued Shellfish Transaction Card.
- Shellfish Endorsement and Transaction Card not required to possess, land, and sell sea scallop meat.
- Any hired captain that possess or sells whole in-shell sea scallops without the named permit holder present must obtain a Shellfish Captains Permit and Employee Shellfish Transaction Card (no cost).
- Transaction cards create hard record documenting sale of shellfish to establish traceability to protect public health.
- State issued ID must be presented at primary purchase and must match person on Transaction Card.

## Shellfish Affidavit

- All persons who obtain a Shellfish Transaction Card must annually sign DMF's shellfish affidavit.
- DMF has adopted this affidavit as a means of complying with NSSP requirements for harvester education.

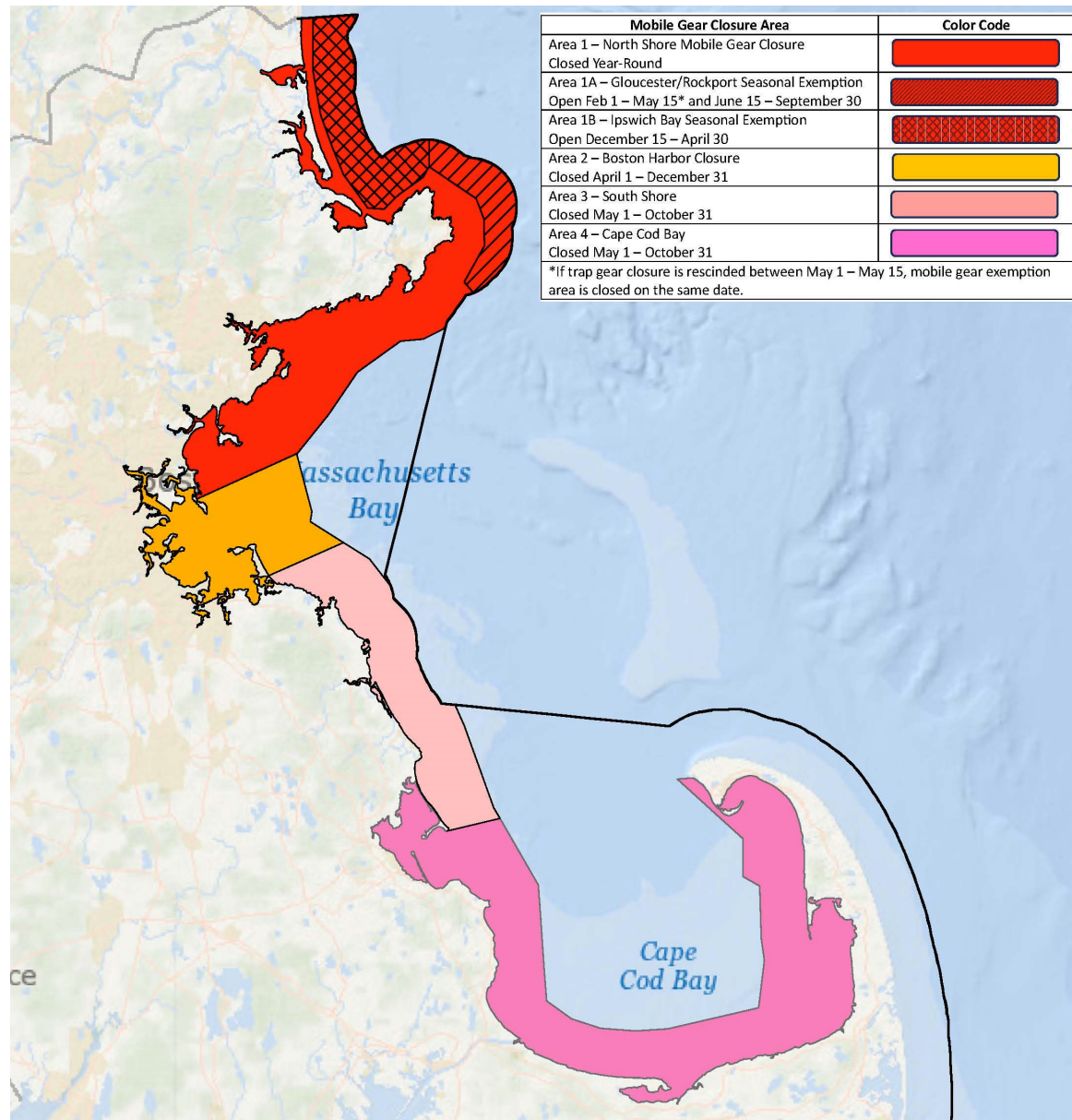


# Mobile Gear Regulations

- DMF, through the MFAC, regulates the use of mobile gear.
- Regulations include year-round and seasonal closures of certain nearshore waters (map) and apply to sea scallop dredge gear.
- Closures are historic and designed to prevent user group and gear conflicts and protect sensitive inshore habitats.
- DMF also regulates sea scallop dredge width (10' or less); ring size (4" or greater); and twine top mesh size (10" or greater); and prohibits night fishing.



Source: New Bedford Fishing Heritage Center



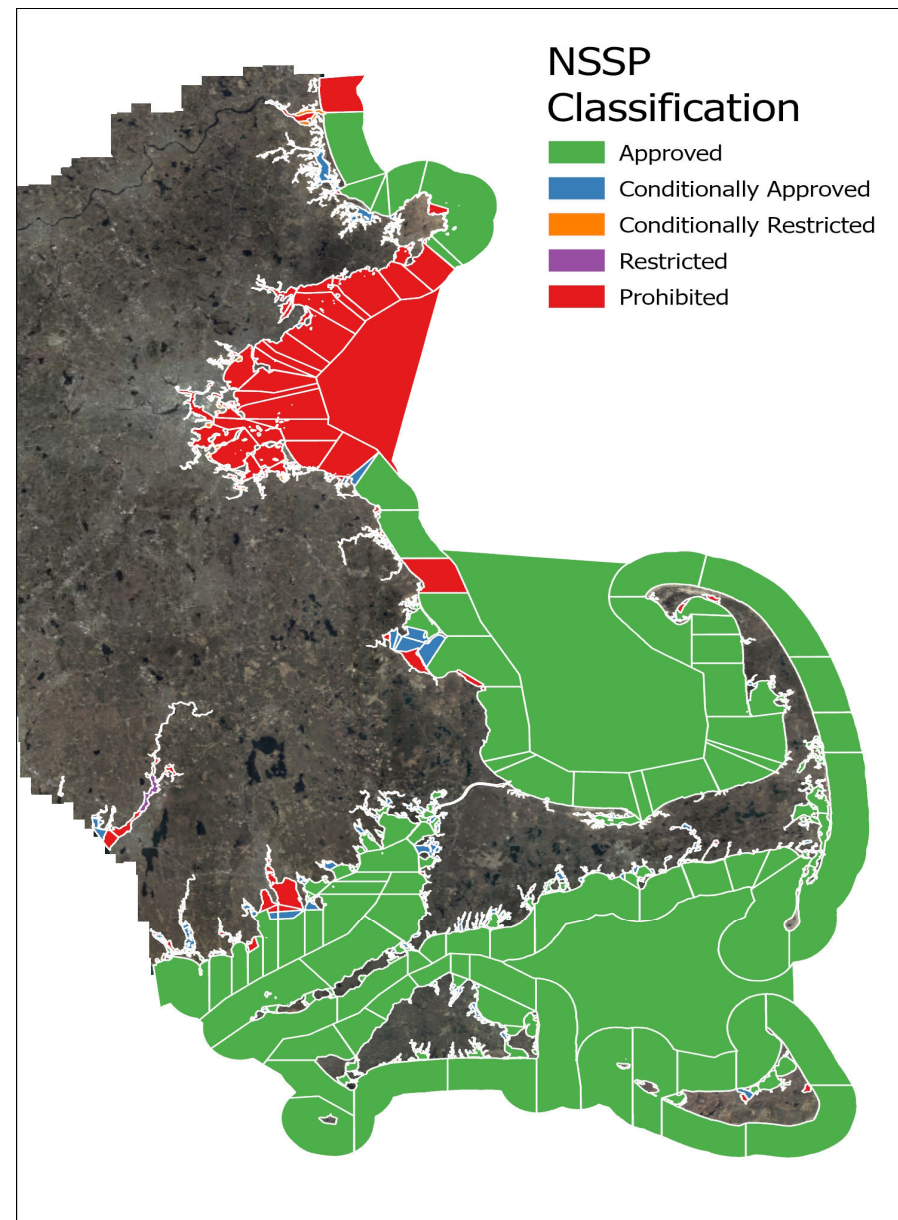
# Shellfish Classification

**Growing Area Classifications.** Classification based on observed contamination and potential contamination sources and defines the type of shellstock harvest activity that may occur.

- **Approved**: Open to harvest for direct consumption.
- **Conditionally Approved**: Open to harvest for direct human consumption under certain conditions subject to CAMP
- **Conditionally Restricted**: Limited degree of contamination at all times. Closed to harvest for direct consumption unless soft shell clams for depuration.
- **Restricted**: Limited degree of contamination at all times. Closed to harvest for direct consumption unless relayed or depurated.
- **Prohibited**: Subject to contamination at all times. Closed to harvest for direct consumption.

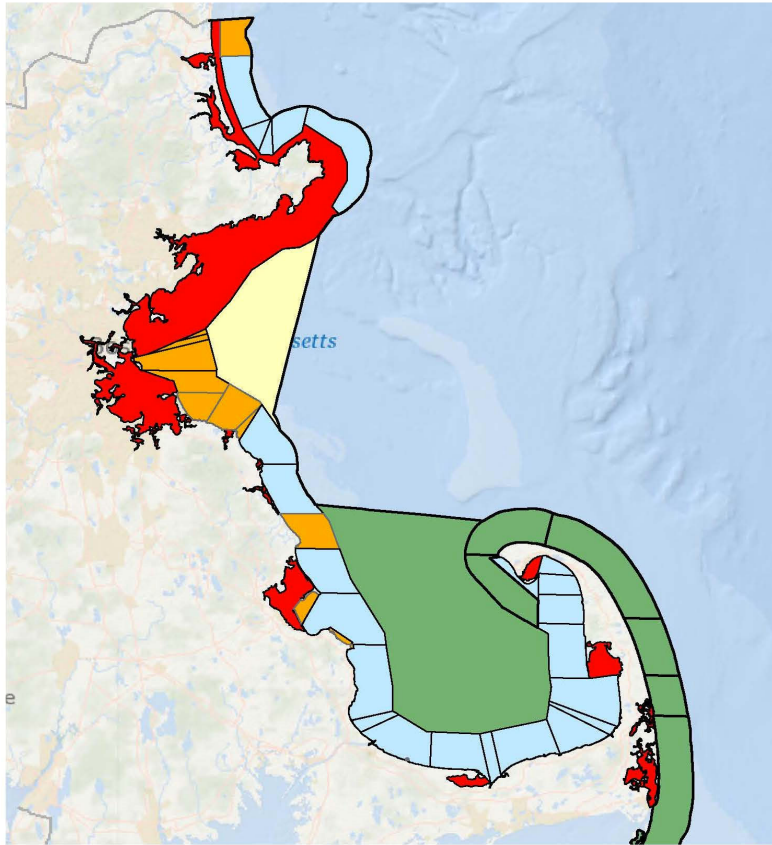
## DMF Classification Program

- DMF conducts sanitary surveys every 12 years with follow-up triennial reports for all 1.7 million acres of the Commonwealth's marine waters.
- Coastal waters are subdivided into over 300 growing areas (DSGAs) based on hydrographical and geographic features.
- Wastewater treatment plant outfalls pose significant source of potential contaminants and large PROHIBITED buffer zones must be maintained.
- Status of a DSGA may temporarily change from OPEN to CLOSED based on environmental conditions affecting water quality, pollutants or toxins (e.g., rainfall, treatment plant failure, oil spill, red tide).
- Classification upgrades can only occur when pollution sources are deemed to no longer be a risk to public health and water quality meets the microbial standards set by the NSSP



# Harvest Areas for Whole Inshell Scallops

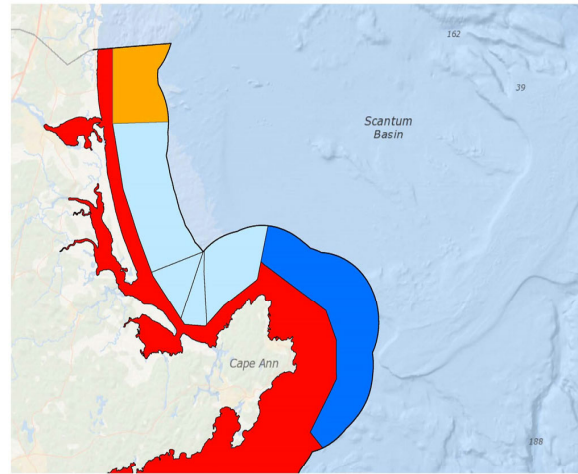
Map of Sea Scallop Dredging Activity by Area North and East of Cape Cod



Area Designation	Color Code
Open Year Round to Dredging for Shellstock or Shucked Product	
Open Year Round to Dredging for Shucked Product Only	
Open Seasonally to Dredging for Shellstock or Shucked Product	
Open Seasonally to Dredging for Shucked Product Only	
Closed Year Round to Dredging – No Fishing Allowed	

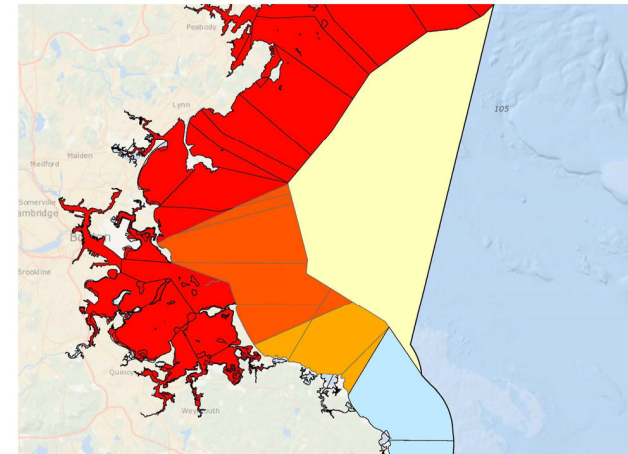
- Commercial dredging activity must consider both mobile gear closures and shellfish classifications.
- Whole in-shell sea scallops may only be retained from DSGAs classified as APPROVED and in the OPEN status that are also open to sea scallop dredging.
- Only shucked meats may be retained from any DSGA with a classification other than APPROVED or any growing area in the CLOSED status.
- For enforcement purposes, all sea scallops must be shucked if a trip occurs at anytime within any DSGA with a classification other than APPROVED in the OPEN status.

Map of Sea Scallop Dredging Activity in Ipswich Bay



Area Designation	Color Code
Area 1A – Open February 1 – End of Trap Closure and June 15 – September 30 to Dredging for Shellstock or Shucked Product	
Area 1B – Open December 15 – April 30 to Dredging for Shellstock or Shucked Product	
Open Seasonally to Dredging for Shucked Product Only	
Closed Year Round to Dredging – No Fishing Allowed	

Map of Sea Scallop Dredging Activity in Massachusetts Bay



Area Designation	Color Code
Open Year Round to Dredging for Shucked Product Only	
Area 2 – Open January 1 – March 31 to Dredging for Shucked Product Only	
Area 3 – Open November 1 – April 30 to Dredging for Shucked Product Only	
Area 3 – Open November 1 – April 30 to Dredging for Shellstock or Shucked Product	
Closed Year Round to Dredging – No Fishing Allowed	

February 1, 2024

Massachusetts Division  
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# Comments and Questions

February 1, 2024

Massachusetts Division  
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# Shellstock Tagging

- Harvesters must tag each container of whole in-shell sea scallops harvested.
- Tags must be waterproof, durable, & at least 2 5/8" by 5/14".
- Each tag must list legibly in indelible ink: (1) name of permit holder; (2) DMF permit number; (3) date and time of harvest; (4) type of shellfish harvested; (5) quantity of shellfish harvested; (6) initials for the state of harvest; (7) alpha numeric sequence for harvest area; (8) aquaculture site (if applicable); and the following statement in bold – **THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREFATER KEPT ON FILE FOR 90 DAYS.**
- Whole in-shell sea scallops harvested in different DSGAs may not be comingled in the same container.
- For state harvested shellfish, the DSGA is the harvest area.
- For federally harvested shellfish, the federal Statistical Reporting Area is the harvest area.
- Tagging and segregation requirements do not apply to shucked meats.

## Harvester Tag

**NAME** Dan McKiernan, DBA DMF Scallops

**HARVESTER PERMIT #** 1111

**HARVEST DATE:** 2/1/24 @ 7AM

**HARVEST AREA:** MA - N11.0

**TYPE OF SHELLFISH:** Sea scallops

**QUANTITY OF SHELLFISH:** 100 lbs

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL THE CONTAINER IS EMPTY OR RETAGGED, AND THEREAFTER KEPT ON FILE FOR 90 DAYS.**

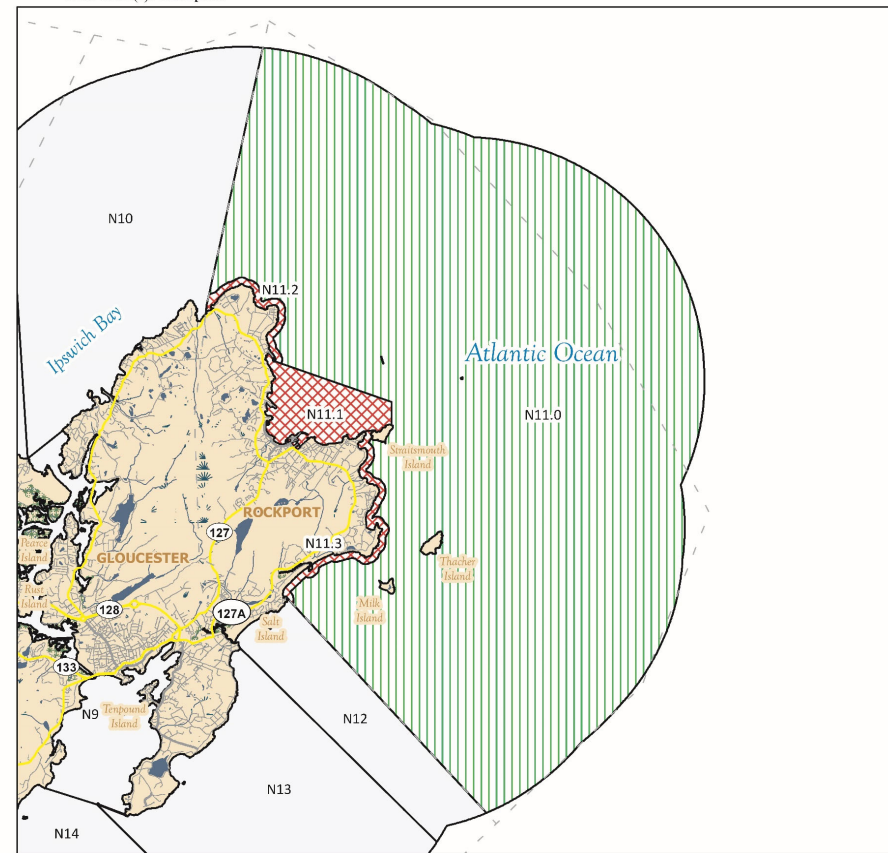


**Massachusetts**  
**Division of Marine Fisheries**  
SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: N11  
Area Name: ROCKPORT  
Area Town(s): Rockport

Shellfish Area Classification			
	Approved		Conditionally Restricted
	Conditionally Approved		Prohibited
	Restricted		

Produced: 2016-01-14



This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

Marsh/Wetland Saltmarsh Pond/Lake/Reservoir  
-- Town Boundaries Stream/Ditch/Canal

0 0.5 1 miles

February 1, 2024

Massachusetts Division  
of Marine Fisheries



# Harvest and Handling of Whole In-shell Scallops

## **Sanitary Control of Whole In-shell Product**

- Shellstock must be held in smooth & easily cleanable containers impervious to water (e.g., plastic fish tote).
- Containers must be kept separate from debris, bilgewater, fuel, and other contaminants.
- Containers of shellstock should be held in areas out of direct sunlight and away from defecation from birds.
- If shellstock are washed, use only potable water or water from an APPROVED growing area in the OPEN status.
- If shellstock are iced, use only water from a potable source.
- Shellstock must be landed and sold within 18 hours from the first time of harvest during period of May 1 – October 31 and on the same calendar day as harvested from November 1 – April 30.
- Shellstock may only be sold to a licensed wholesale dealer authorized as a primary buyer of shellfish.
- Direct to public or direct to retailer/restaurant sales are prohibited.

## **Control of Shucked Product**

- Shucked product may not be soaked (e.g., sodium tripolyphosphate).
- Direct to public sale may be allowed under a retail boat permit subject to DMF/DPH policy.

## **State Waters Trip Limits**

- 200 pounds of shucked meat per trip
- 2,000 pounds of in-shell product per trip
- Whole product must be stored in level filled tote with one tote equaling 100 pounds.
- Exempt are federal permit holders transiting directly through state waters to land product.



# Comments and Questions

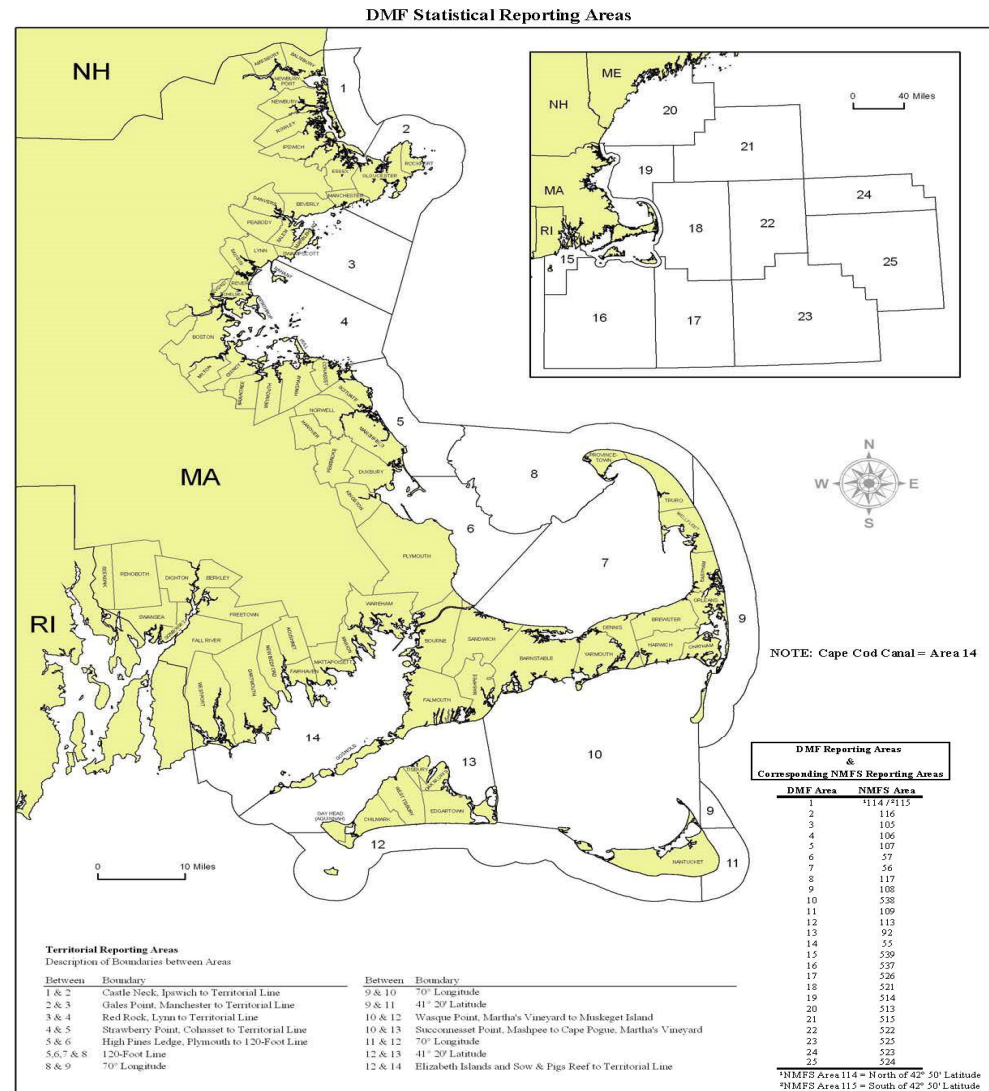
February 1, 2024

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# Harvester Reporting

- All commercial fishers are to report to DMF a monthly, comprehensive, trip level report for all commercial trips and landings. DMF accepts both paper and electronic reports.
- Vessels providing federal VTRs are exempt from state reporting requirements and are held to the GARFO reporting rules.
- State (and federal reports) collect elements including trip start and end dates, gear used, harvest area, species, estimated quantities and units of measure, intended disposition of the landing, and dealer to whom the product was sold.
- For state reporting fishers, DSGA must be provided for all gear reported that harvests shellfish (e.g., shellstock, scallop meats, finfish bycatch).
- For additional guidance on state reporting, contact DMF's Fisheries Statistics Project ([dmf.stats@mass.gov](mailto:dmf.stats@mass.gov); 978-491-6279).
- For additional guidance on federal reporting, contact GARFO.



February 1, 2024

Massachusetts Division  
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# Primary Buyer Expectations

- Wholesale dealers are dually permitted and managed by DMF and DPH.
  - DMF works closely with DPH's Food Protection Program on shellfish safety issues.
  - DPH's food code regulations at 105 CMR 500.
- Primary buyers of any shellfish, including whole inshell sea scallops and sea scallop meats, must be wholesale dealers with a facility in MA.
- Scallops may only be purchased from fishers with a valid DMF-issued commercial fishing permit. Shellfish Endorsement and Shellfish Transaction Card required of fishers selling whole in-shell sea scallops.
- Shellfish Transaction Card must be presented at sale of shellstock and match individual's state ID.
- Upon purchase of shellstock, primary buyer must create a transaction record using the embossed Shellfish Transaction Card. Transaction record must be retained for at least 90-days.
- Purchases must be accurately reported electronically into SAFIS on a weekly basis.
- Reported elements include landing date, purchase date, fisher, vessel, species, market and grade, unit of measure, quantity purchase, price paid, and harvest area (DSGA for state waters; SRA for federal waters)
- Whole in-shell product may only come from a harvest area classified as APPROVED and in OPEN status.
- Each container of whole, in-shell product must have an accurate harvester tag affixed.
- Harvester tag must remain affixed until replaced with a dealer tag or container is empty.
- Once removed, harvester tag must remain on dealer premise for at least 90 days.
- Tags and transaction card slips should be made available to DMF, MEP, or DPH upon request.



# Comments and Questions

February 1, 2024

Massachusetts Division  
of Marine Fisheries



# 2023 Quota Performance and 2024 Quota Outlook

Species	2023 Quota	2023 Landings	Percent Landed	Closure Date	2024 Quota
Summer Flounder	1,334,363 lb (1.358 mlb initial)	981,160 lb	73.5%	N/A	599,507 lb
Horseshoe Crab	140,000 crabs	139,746 crabs	99.8%	8/7/23	140,000 crabs
Scup (May 1 – Sept 30)	826,996 lb (1.18 mlb initial)	547,175 lb	66.2%	N/A	1,778,071 lb
Black Sea Bass	816,071 lb (741,071 lb initial)	813,028 lb	99.6%	9/13/23	926,338 lb

## Summer Flounder:

- 56% reduction for 2024 resulting from 42% cut in coastwide quota which reduces state share from ~9% back to baseline 6.82%.
- 2023 assessment: stock experienced overfishing in 2022; prior assessment overestimated biomass; biomass trending down due to below average recruitment since 2011.
- Summer fishery allocation (70%) is 419,655. DMF reduced Period I fishery trip limit to 100 pounds effective 2/6.

## Horseshoe Crab

- Quotas will remain status quo at 140,000 crabs for the bait fishery and 200,000 crabs for biomedical fishery.

## Scup

- 2023 assessment indicates stock remains at 2.5 times its target biomass.
- Quota is rebounding back to recent levels after dip in 2023.

## Black Sea Bass

- Quota is increasing by about 25% coastwide due to projected commercial discards declining (com ACL status quo).
- MA 2023 quota overage (109.7% utilization of initial quota) mitigated by end of year quota transfer; no payback in 2024.



# Anticipated Rule Changes for 2024

## Overview

- DMF will likely hold two in-person public hearings in late-February on rule changes to commercial fishing regulations.
- Relevant to South Cape trawl fishery are proposals affecting summer flounder, horseshoe crabs, whelk, and smooth dogfish.

## Inshore Summertime Summer Flounder

- Maintain current season (April 23 – September 30) and current trip limits (600 lbs for nets; 400 pounds for hooks).
- Adopt a trigger that automatically reduces trip limit to 400 pounds for nets and 200 pounds for hooks if 75% of the quota is taken before August 1.
- Adopt a trigger that automatically increases the trip limit to 800 pounds for all gears on September 1 if less than 75% of the quota is taken.

## Offshore Fall/Winter Summer Flounder

- Reduce trip limit from 10,000 pounds to 5,000 pounds for both October 1 – December 31 and January 1 – April 22 seasons.

## Horseshoe Crab

- Prohibit all horseshoe crab harvest from April 15 – June 7 to protect spawning crabs.
- Establish a 300-crab trip limit for all permitted bait harvesters regardless of gear type. Maintain 75-crab open access limit for non-permitted mobile gear fishers.
- Adopt a trigger that automatically reduces permit holder trip limit to 200 crabs if 80% of the quota is taken before September 16.
- Adopt a trigger that automatically increases permit holder trip limit to 400 crabs on August 1 if more than 50% of the quota remains available.

## Whelk

- Stay the whelk gauge increases for 3 years to develop a Management Strategy Evaluation for channeled whelk fishery.
- Maintain the current 3 1/8" gauge width until at least April 15, 2027 (applies to both knobbed and channeled whelk).

## Smooth Dogfish

- Increase smooth dogfish trip limit from 100 pounds to 300 pounds.



# Comments and Questions

February 1, 2024

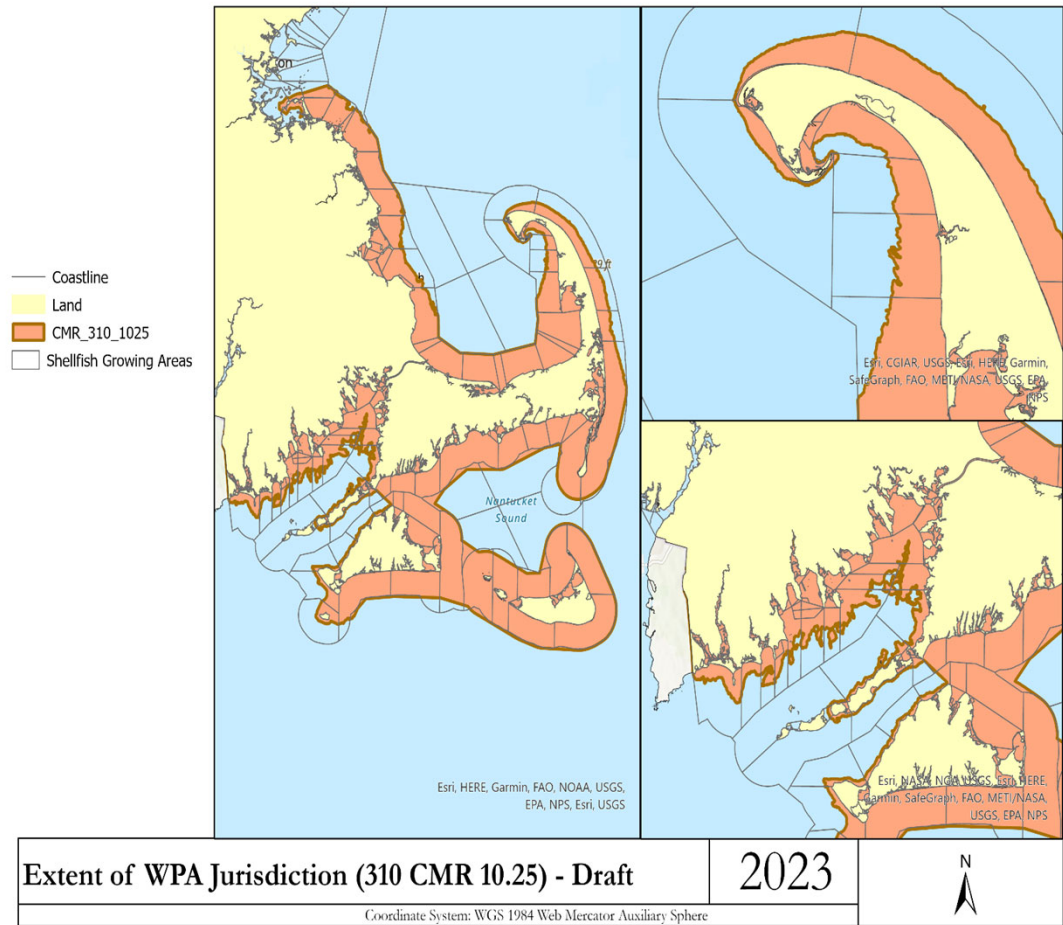
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# Surf Clam Pilot Program

## Background

- 2007: Provincetown ConCom used WPA authority to ban hydraulic dredging in town waters around Herring Cove.
- 2017: Court found town does not have authority to ban fishing activity. However, hydraulic dredging constitutes “dredging” under WPA, so ConCom and DEP may permit and regulate activity in wetland resource areas.
- 12’ and 20’ seasonal contour line closures are difficult to comply with and enforce.
- DMF wants to use geo-spatial technology to address various management issues:
  - Replace contour lines with fixed point closures.
  - Build polygon closures around sensitive habitats.
  - Use low-cost electronic monitoring systems to manage new closures.
  - Could be used to inform vessels when they enter closed or contaminated areas.



# Surf Clam Pilot Program

## Participation

- 5 Vessel Monitoring System devices mailed
- 2 properly installed and sending data to date, another is not currently fishing
- Regular follow up with participating vessels.
- Still have 1 device to give out.
- Pilot FAQ document completed and distributed as needed.

## Preliminary Results

- Proof of concept for geofencing and alerts is successful. Other vessels will continue to enhance these results.

## Next steps

- Develop and map functional exclusion geozones taking into account necessary buffer zones.
- Set meeting with industry to gather feedback on refining the geozones.
- Test a functional geozone with alert system, possibly with an observer(s).
- Develop plan for VMS device acquisition for SC/OQ fleet.
- Propagate rule making.
- Model identifying fishing effort within a track.



# Comments and Questions

February 1, 2024

Massachusetts Division  
of Marine Fisheries



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# Permitting Requirements

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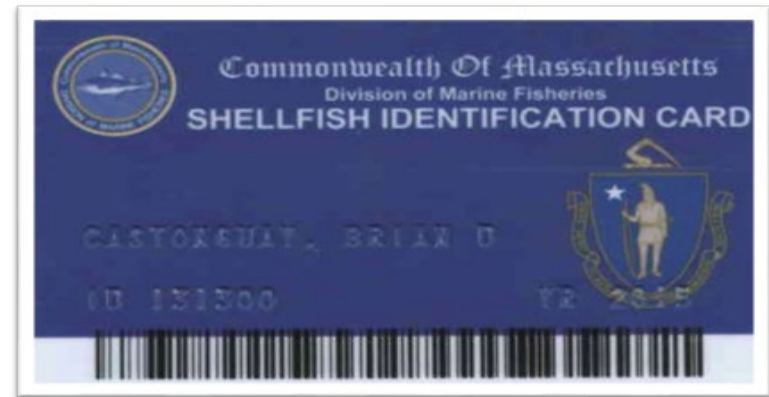
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- Shellfish Endorsement holders will automatically receive a DMF-issued Shellfish Transaction Card.
- Shellfish Endorsement and Transaction Card not required to possess, land, and sell sea scallop meat.
- Any hired captain that possess or sells whole in-shell sea scallops without the named permit holder present must obtain a Shellfish Captains Permit and Employee Shellfish Transaction Card (no cost).
- Transaction cards create hard record documenting sale of shellfish to establish traceability to protect public health.
- State issued ID must be presented at primary purchase and must match person on Transaction Card.

## Shellfish Affidavit

- All persons who obtain a Shellfish Transaction Card must annually sign DMF's shellfish affidavit.
- DMF has adopted this affidavit as a means of complying with NSSP requirements for harvester education.

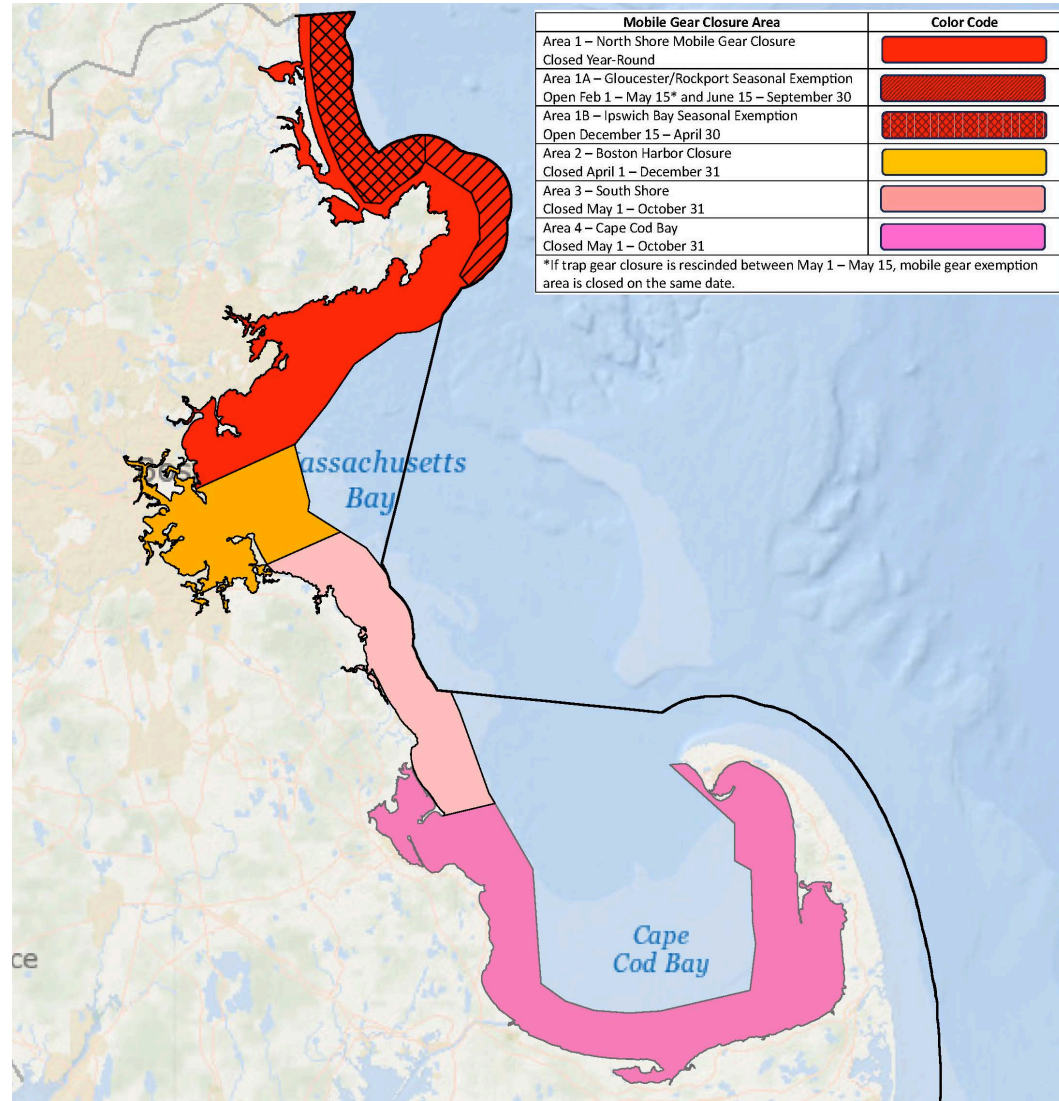


# Mobile Gear Regulations

- DMF, through the MFAC, regulates the use of mobile gear.
- Regulations include year-round and seasonal closures of certain nearshore waters (map) and apply to sea scallop dredge gear.
- Closures are historic and designed to prevent user group and gear conflicts and protect sensitive inshore habitats.
- DMF also regulates sea scallop dredge width (10' or less); ring size (4" or greater); and twine top mesh size (10" or greater); and prohibits night fishing.



Source: New Bedford Fishing Heritage Center



February 1, 2024

Massachusetts Division  
of Marine Fisheries



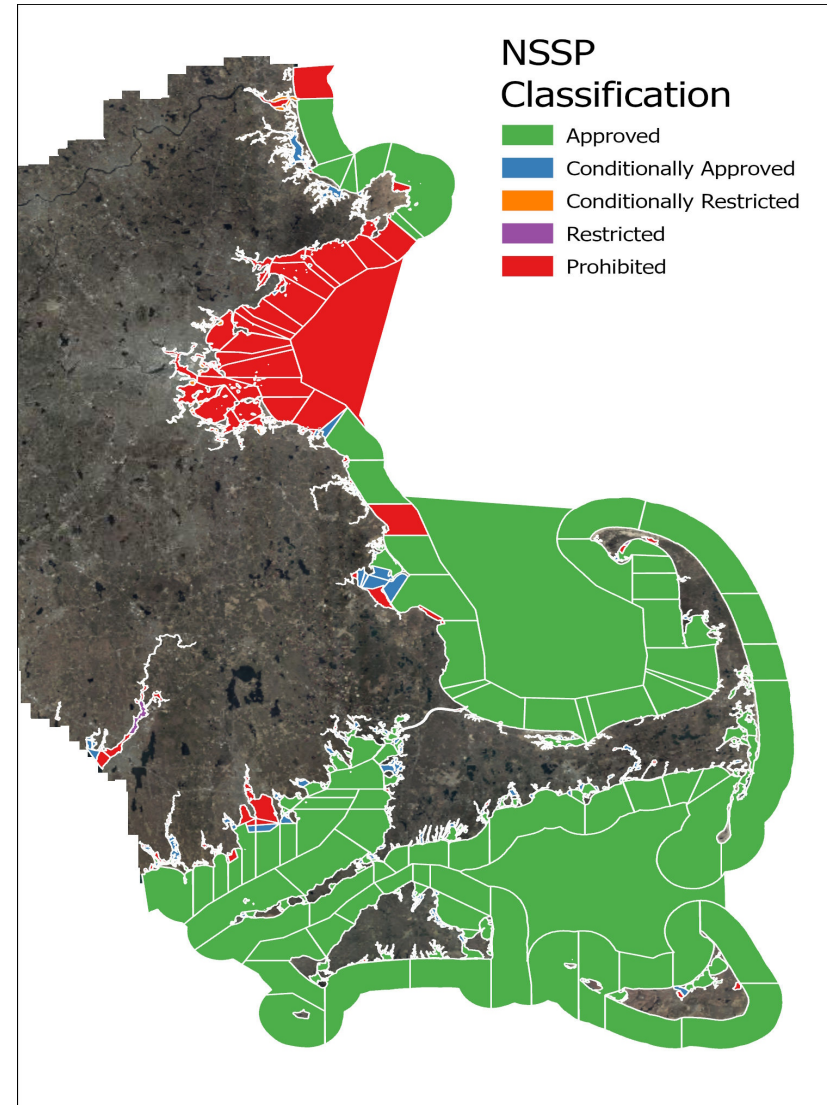
# Shellfish Classification

**Growing Area Classifications.** Classification based on observed contamination and potential contamination sources and defines the type of shellstock harvest activity that may occur.

- **Approved:** Open to harvest for direct consumption.
- **Conditionally Approved:** Open to harvest for direct human consumption under certain conditions subject to CAMP
- **Conditionally Restricted:** Limited degree of contamination at all times. Closed to harvest for direct consumption unless soft shell clams for depuration.
- **Restricted:** Limited degree of contamination at all times. Closed to harvest for direct consumption unless relayed or depurated.
- **Prohibited:** Subject to contamination at all times. Closed to harvest for direct consumption.

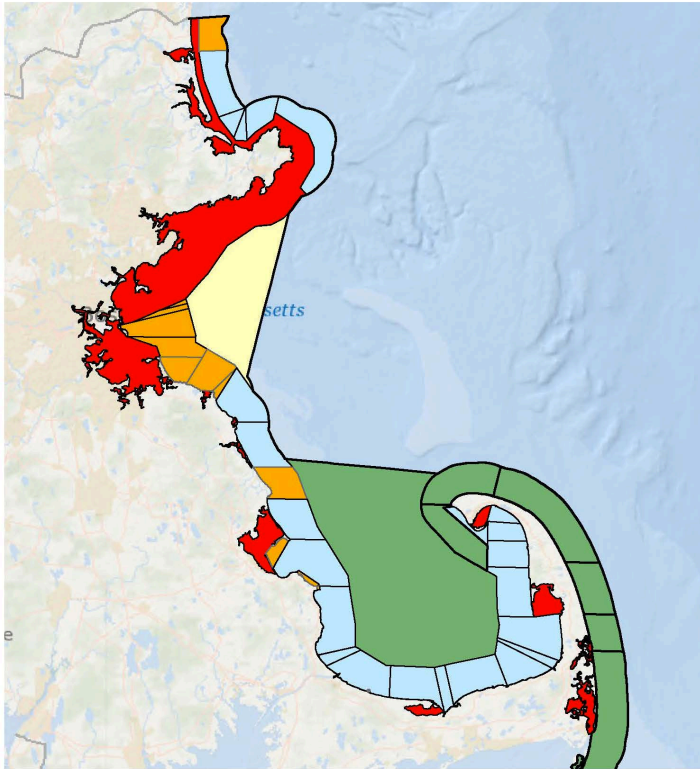
## DMF Classification Program

- DMF conducts sanitary surveys every 12 years with follow-up triennial reports for all 1.7 million acres of the Commonwealth's marine waters.
- Coastal waters are subdivided into over 300 growing areas (DSGAs) based on hydrographical and geographic features.
- Wastewater treatment plant outfalls pose significant source of potential contaminants and large PROHIBITED buffer zones must be maintained.
- Status of a DSGA may temporarily change from OPEN to CLOSED based on environmental conditions affecting water quality, pollutants or toxins (e.g., rainfall, treatment plant failure, oil spill, red tide).
- Classification upgrades can only occur when pollution sources are deemed to no longer be a risk to public health and water quality meets the microbial standards set by the NSSP



# Harvest Areas for Whole Inshell Scallops

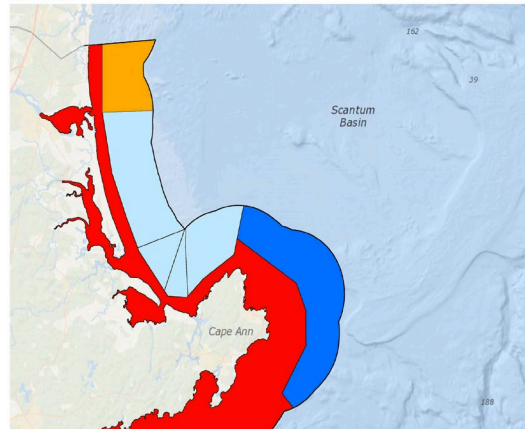
Map of Sea Scallop Dredging Activity by Area North and East of Cape Cod



Area Designation	Color Code
Open Year Round to Dredging for Shellstock or Shucked Product	
Open Year Round to Dredging for Shucked Product Only	
Open Seasonally to Dredging for Shellstock or Shucked Product	
Open Seasonally to Dredging for Shucked Product Only	
Closed Year Round to Dredging – No Fishing Allowed	

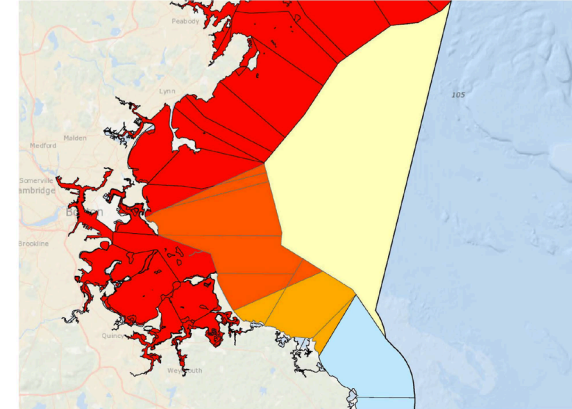
- Commercial dredging activity must consider both mobile gear closures and shellfish classifications.
- Whole in-shell sea scallops may only be retained from DSGAs classified as APPROVED and in the OPEN status that are also open to sea scallop dredging.
- Only shucked meats may be retained from any DSGA with a classification other than APPROVED or any growing area in the CLOSED status.
- For enforcement purposes, all sea scallops must be shucked if a trip occurs at anytime within any DSGA with a classification other than APPROVED in the OPEN status.

Map of Sea Scallop Dredging Activity in Ipswich Bay



Area Designation	Color Code
Area 1A – Open February 1 – End of Trap Closure and June 15 – September 30 to Dredging for Shellstock or Shucked Product	
Area 1B – Open December 15 – April 30 to Dredging for Shellstock or Shucked Product	
Open Seasonally to Dredging for Shucked Product Only	
Closed Year Round to Dredging – No Fishing Allowed	

Map of Sea Scallop Dredging Activity in Massachusetts Bay



Area Designation	Color Code
Open Year Round to Dredging for Shucked Product Only	
Area 2 – Open January 1 – March 31 to Dredging for Shucked Product Only	
Area 3 – Open November 1 – April 30 to Dredging for Shucked Product Only	
Area 3 – Open November 1 – April 30 to Dredging for Shellstock or Shucked Product	
Closed Year Round to Dredging – No Fishing Allowed	

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# Shellstock Tagging

- Harvesters must tag each container of whole in-shell sea scallops harvested.
- Tags must be waterproof, durable, & at least 2 5/8" by 5/14".
- Each tag must list legibly in indelible ink: (1) name of permit holder; (2) DMF permit number; (3) date and time of harvest; (4) type of shellfish harvested; (5) quantity of shellfish harvested; (6) initials for the state of harvest; (7) alpha numeric sequence for harvest area; (8) aquaculture site (if applicable); and the following statement in bold – **THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREFATER KEPT ON FILE FOR 90 DAYS.**
- Whole in-shell sea scallops harvested in different DSGAs may not be comingled in the same container.
- For state harvested shellfish, the DSGA is the harvest area.
- For federally harvested shellfish, the federal Statistical Reporting Area is the harvest area.
- Tagging and segregation requirements do not apply to shucked meats.

## Harvester Tag

NAME Dan McKiernan, DBA DMF Scallops

HARVESTER PERMIT # 1111

HARVEST DATE: 2/1/24 @ 7AM

HARVEST AREA: MA - N11.0

TYPE OF SHELLFISH: Sea scallops

QUANTITY OF SHELLFISH: 100 lbs

**THIS TAG IS REQUIRED TO BE ATTACHED UNTIL THE CONTAINER IS EMPTY OR RETAGGED, AND THEREAFTER KEPT ON FILE FOR 90 DAYS.**

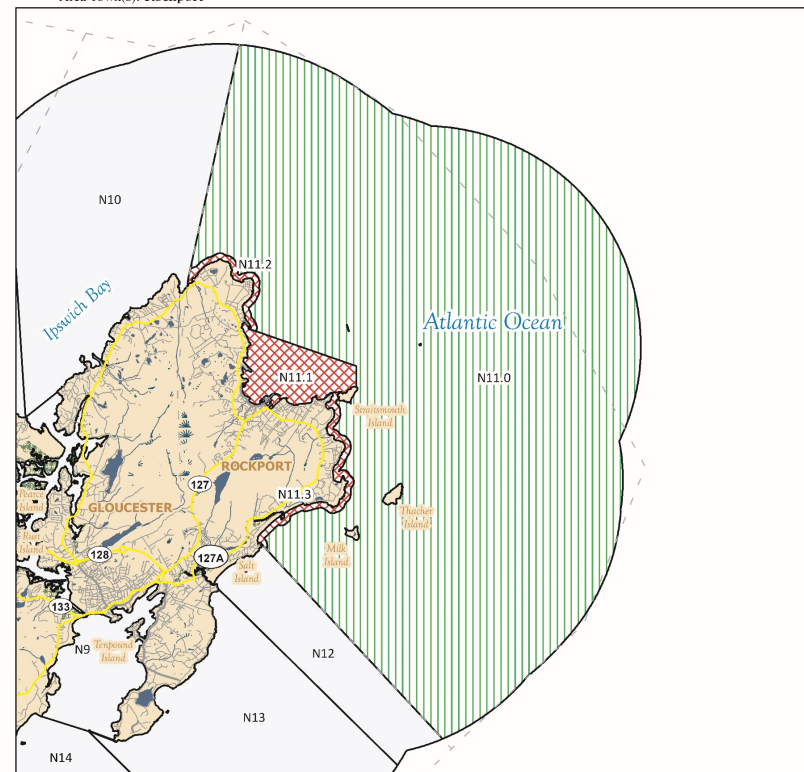


Massachusetts  
Division of Marine Fisheries  
SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: N11  
Area Name: ROCKPORT  
Area Town(s): Rockport

Shellfish Area Classification			
	Approved		Conditionally Restricted
	Conditionally Approved		Prohibited
	Restricted		

Produced: 2016-01-14



This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

Marsh/Wetland Saltmarsh Pond/Lake/Reservoir  
 Town Boundaries Stream/Ditch/Canal

0 0.5 1 miles  
NORTH

February 1, 2024

Massachusetts Division  
of Marine Fisheries



# Harvest and Handling of Whole In-shell Scallops

## **Sanitary Control of Whole In-shell Product**

- Shellstock must be held in smooth & easily cleanable containers impervious to water (e.g., plastic fish tote).
- Containers must be kept separate from debris, bilgewater, fuel, and other contaminants.
- Containers of shellstock should be held in areas out of direct sunlight and away from defecation from birds.
- If shellstock are washed, use only potable water or water from an APPROVED growing area in the OPEN status.
- If shellstock are iced, use only water from a potable source.
- Shellstock must be landed and sold within 18 hours from the first time of harvest during period of May 1 – October 31 and on the same calendar day as harvested from November 1 – April 30.
- Shellstock may only be sold to a licensed wholesale dealer authorized as a primary buyer of shellfish.
- Direct to public or direct to retailer/restaurant sales are prohibited.

## **Control of Shucked Product**

- Shucked product may not be soaked (e.g., sodium tripolyphosphate).
- Direct to public sale may be allowed under a retail boat permit subject to DMF/DPH policy.

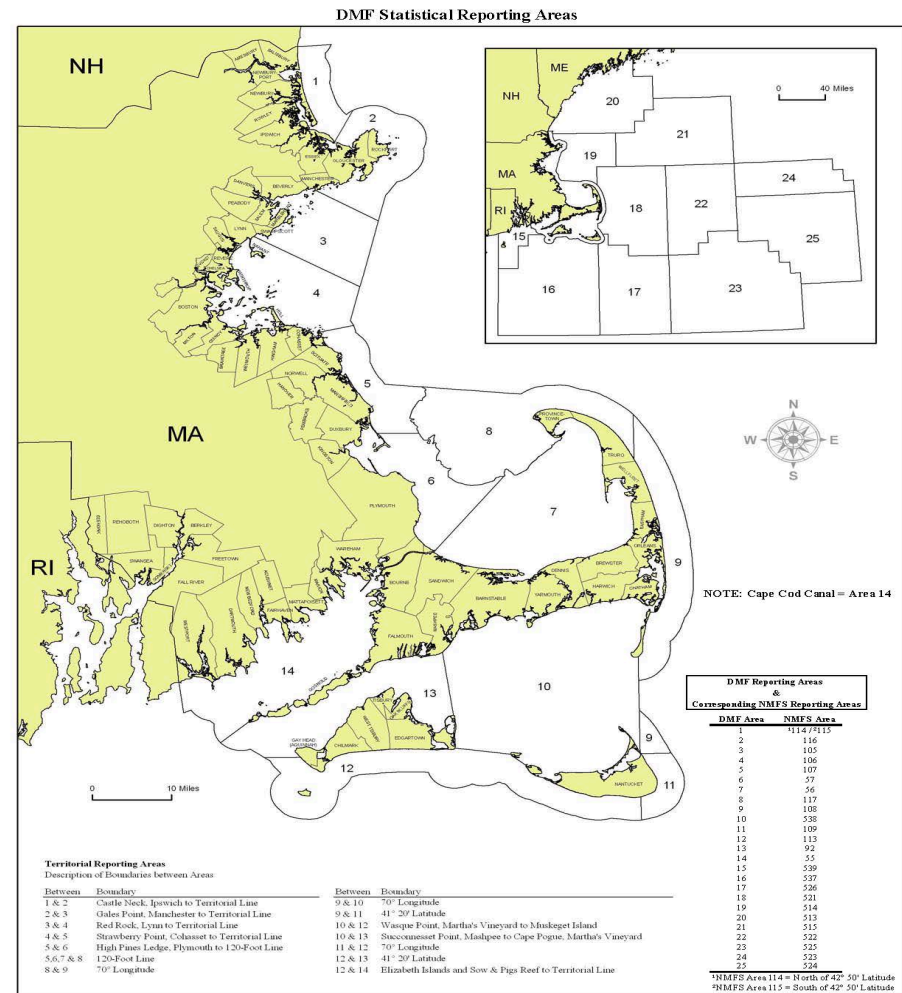
## **State Waters Trip Limits**

- 200 pounds of shucked meat per trip
- 2,000 pounds of in-shell product per trip
- Whole product must be stored in level filled tote with one tote equaling 100 pounds.
- Exempt are federal permit holders transiting directly through state waters to land product.



# Harvester Reporting

- All commercial fishers are to report to DMF a monthly, comprehensive, trip level report for all commercial trips and landings. DMF accepts both paper and electronic reports.
- Vessels providing federal VTRs are exempt from state reporting requirements and are held to the GARFO reporting rules.
- State (and federal reports) collect elements including trip start and end dates, gear used, harvest area, species, estimated quantities and units of measure, intended disposition of the landing, and dealer to whom the product was sold.
- For state reporting fishers, DSGA must be provided for all gear reported that harvests shellfish (e.g., shellstock, scallop meats, finfish bycatch).
- For additional guidance on state reporting, contact DMF's Fisheries Statistics Project ([dmf.stats@mass.gov](mailto:dmf.stats@mass.gov); 978-491-6279).
- For additional guidance on federal reporting, contact GARFO.



# Primary Buyer Expectations

- Wholesale dealers are dually permitted and managed by DMF and DPH.
  - DMF works closely with DPH's Food Protection Program on shellfish safety issues.
  - DPH's food code regulations at 105 CMR 500.
- Primary buyers of any shellfish, including whole inshell sea scallops and sea scallop meats, must be wholesale dealers with a facility in MA.
- Scallops may only be purchased from fishers with a valid DMF-issued commercial fishing permit. Shellfish Endorsement and Shellfish Transaction Card required of fishers selling whole in-shell sea scallops.
- Shellfish Transaction Card must be presented at sale of shellstock and match individual's state ID.
- Upon purchase of shellstock, primary buyer must create a transaction record using the embossed Shellfish Transaction Card. Transaction record must be retained for at least 90-days.
- Purchases must be accurately reported electronically into SAFIS on a weekly basis.
- Reported elements include landing date, purchase date, fisher, vessel, species, market and grade, unit of measure, quantity purchase, price paid, and harvest area (DSGA for state waters; SRA for federal waters)
- Whole in-shell product may only come from a harvest area classified as APPROVED and in OPEN status.
- Each container of whole, in-shell product must have an accurate harvester tag affixed.
- Harvester tag must remain affixed until replaced with a dealer tag or container is empty.
- Once removed, harvester tag must remain on dealer premise for at least 90 days.
- Tags and transaction card slips should be made available to DMF, MEP, or DPH upon request.



# 2023 Quota Performance and 2024 Quota Outlook

Species	2023 Quota	2023 Landings	Percent Landed	Closure Date	2024 Quota
Summer Flounder	1,334,363 lb (1.358 mlb initial)	981,160 lb	73.5%	N/A	599,507 lb
Horseshoe Crab	140,000 crabs	139,746 crabs	99.8%	8/7/23	140,000 crabs
Scup (May 1 – Sept 30)	826,996 lb (1.18 mlb initial)	547,175 lb	66.2%	N/A	1,778,071 lb
Black Sea Bass	816,071 lb (741,071 lb initial)	813,028 lb	99.6%	9/13/23	926,338 lb

## Summer Flounder:

- 56% reduction for 2024 resulting from 42% cut in coastwide quota which reduces state share from ~9% back to baseline 6.82%.
- 2023 assessment: stock experienced overfishing in 2022; prior assessment overestimated biomass; biomass trending down due to below average recruitment since 2011.
- Summer fishery allocation (70%) is 419,655. DMF reduced Period I fishery trip limit to 100 pounds effective 2/6.

## Horseshoe Crab

- Quotas will remain status quo at 140,000 crabs for the bait fishery and 200,000 crabs for biomedical fishery.

## Scup

- 2023 assessment indicates stock remains at 2.5 times its target biomass.
- Quota is rebounding back to recent levels after dip in 2023.

## Black Sea Bass

- Quota is increasing by about 25% coastwide due to projected commercial discards declining (com ACL status quo).
- MA 2023 quota overage (109.7% utilization of initial quota) mitigated by end of year quota transfer; no payback in 2024.

February 1, 2024

Massachusetts Division  
of Marine Fisheries



# Anticipated Rule Changes for 2024

## Overview

- DMF will likely hold two in-person public hearings in late-February on rule changes to commercial fishing regulations.
- Relevant to South Cape trawl fishery are proposals affecting summer flounder, horseshoe crabs, whelk, and smooth dogfish.

## Inshore Summertime Summer Flounder

- Maintain current season (April 23 – September 30) and current trip limits (600 lbs for nets; 400 pounds for hooks).
- Adopt a trigger that automatically reduces trip limit to 400 pounds for nets and 200 pounds for hooks if 75% of the quota is taken before August 1.
- Adopt a trigger that automatically increases the trip limit to 800 pounds for all gears on September 1 if less than 75% of the quota is taken.

## Offshore Fall/Winter Summer Flounder

- Reduce trip limit from 10,000 pounds to 5,000 pounds for both October 1 – December 31 and January 1 – April 22 seasons.

## Horseshoe Crab

- Prohibit all horseshoe crab harvest from April 15 – June 7 to protect spawning crabs.
- Establish a 300-crab trip limit for all permitted bait harvesters regardless of gear type. Maintain 75-crab open access limit for non-permitted mobile gear fishers.
- Adopt a trigger that automatically reduces permit holder trip limit to 200 crabs if 80% of the quota is taken before September 16.
- Adopt a trigger that automatically increases permit holder trip limit to 400 crabs on August 1 if more than 50% of the quota remains available.

## Whelk

- Stay the whelk gauge increases for 3 years to develop a Management Strategy Evaluation for channeled whelk fishery.
- Maintain the current 3 1/8" gauge width until at least April 15, 2027 (applies to both knobbed and channeled whelk).

## Smooth Dogfish

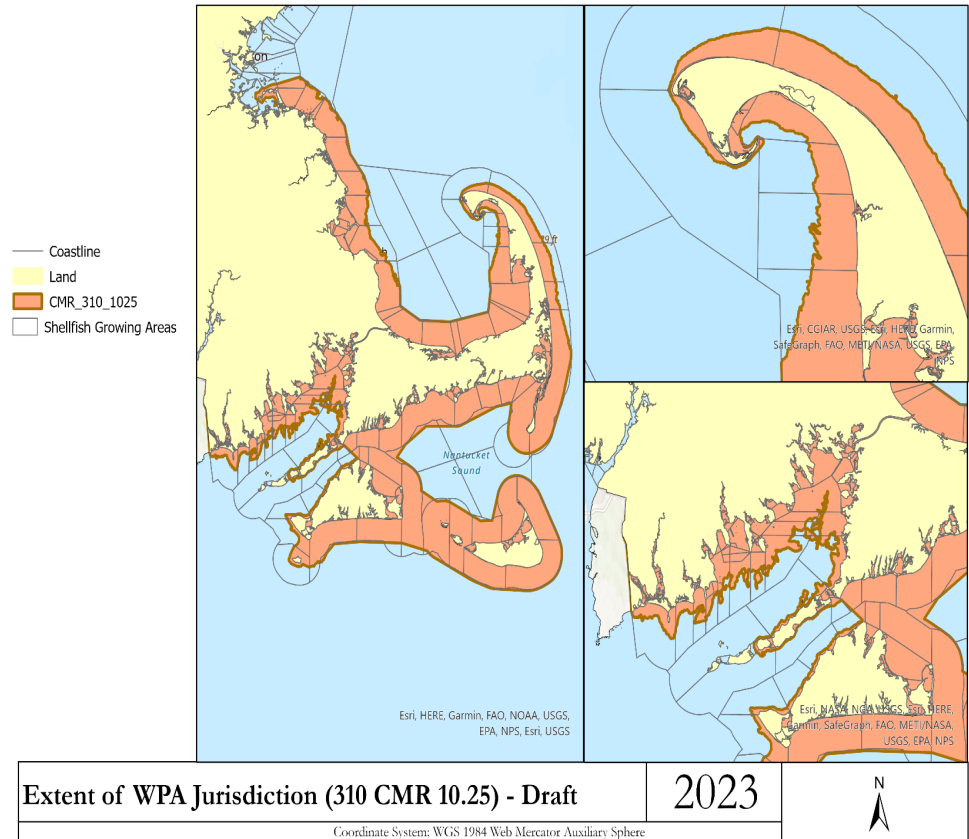
- Increase smooth dogfish trip limit from 100 pounds to 300 pounds.



# Surf Clam Pilot Program

## Background

- 2007: Provincetown ConCom used WPA authority to ban hydraulic dredging in town waters around Herring Cove.
- 2017: Court found town does not have authority to ban fishing activity. However, hydraulic dredging constitutes “dredging” under WPA, so ConCom and DEP may permit and regulate activity in wetland resource areas.
- 12' and 20' seasonal contour line closures are difficult to comply with and enforce.
- DMF wants to use geo-spatial technology to address various management issues:
  - Replace contour lines with fixed point closures.
  - Build polygon closures around sensitive habitats.
  - Use low-cost electronic monitoring systems to manage new closures.
  - Could be used to inform vessels when they enter closed or contaminated areas.



# Surf Clam Pilot Program

## Participation

- 5 Vessel Monitoring System devices mailed
- 2 properly installed and sending data to date, another is not currently fishing
- Regular follow up with participating vessels.
- Still have 1 device to give out.
- Pilot FAQ document completed and distributed as needed.

## Preliminary Results

- Proof of concept for geofencing and alerts is successful. Other vessels will continue to enhance these results.

## Next steps

- Develop and map functional exclusion geozones taking into account necessary buffer zones.
- Set meeting with industry to gather feedback on refining the geozones.
- Test a functional geozone with alert system, possibly with an observer(s).
- Develop plan for VMS device acquisition for SC/OQ fleet.
- Propagate rule making.
- Model identifying fishing effort within a track.



# Comments and Questions

February 1, 2024

Massachusetts Division  
of Marine Fisheries





# Department of Fish and Game Strategic Plan

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Marine Fisheries Advisory Commission

February 13, 2024

# Agenda

## DFG Strategic Plan and Planning Process Overview

### Strategic Plan Themes

- Biodiversity
- Climate Mitigation and Resilience
- Environmental Justice
- Relevance, Capacity, Visibility

# Strategic Plan Intent

- Create a **unifying vision** for the Department that supports its four priority themes.
- **Align** with the strategic plan and goals of the Executive Office of Energy and Environmental Affairs under the Healey Administration.
- **Manage complexity** facing the Department in the coming years.
- **Drive funding and resources**, collaboration, stakeholder engagement, and outcomes.

# Strategic Plan Themes

- Set bold **biodiversity conservation goals** and strategies for Massachusetts.
- Expand and integrate **climate mitigation and resilience strategies** across our programs.
- **Connect with environmental justice communities**, providing equitable access to wildlife, fisheries, boating-based recreation, restoration, and conservation opportunities.
- **Build capacity, visibility, and relevance** of the Department and Divisions.

# Strategic Plan Development

- Facilitation Team
- DFG Project Management Team
- Steering Committee
- Project Team
- Theme Working Groups

# Strategic Plan MFAC Considerations

- Within the context of the DFG Strategic Plan, what are three big things DMF could do to advance these themes over the next five years?
- Any cautions or concerns that we should be aware of moving forward?

# Strategic Plan Biodiversity Theme

- **Protect**

- Key habitats
- Landscapes
- Seascapes

- **Sustain**

- Ecosystem services
- Food security

- **Restore**

- Habitats
- Species
- Connectivity

- **Connect**

- All people with nature

# Strategic Plan Climate Theme

- **Make Room to Move**
  - Restoring and connecting aquatic habitats
- **Building Resilience**
  - Coastal & marine habitats
  - In the face of sea-level rise
  - To address water quality degradation
- **Sequester & Store Carbon**
  - Inventory SAV and macroalgae habitats
- **Do our Climate Part**
  - Participate in clean energy siting
- **Partner for Action & Impact**
  - Participate in permitting processes that impact migrating fish or Essential Fish Habitats

# Strategic Plan Environmental Justice Theme

- **Strengthen Capacity to Advance Environmental Justice (EJ)**
  - Hire DFG EJ Coordinator & establish EJ team
  - Assess staff awareness & develop staff trainings
- **Advance Equity through Communication, Engagement, and Access**
  - Centralized DFG web page for EJ communications
  - Review projects, programs, and grants
  - Implement Language Access Plan (LAP)
- **Improve Access to Nature and its Benefits**
  - Increase awareness of existing public access facilities for EJ populations
  - Targeted access plan for agency properties and public access points
  - Increase food security
- **Engage with Tribes**
  - Advance a respectful relationship
  - Identify common areas of interest & potential opportunities for engagement

# Strategic Plan Relevance Theme

- **Advancing the Department's identity**
  - Across Divisions
  - Within EEA
  - Externally to the public
- **Ensuring Nature is for Everyone**
  - Effective outreach
  - Education
  - Engagement
- **Increase Capacity**
  - Staffing
  - Equipment
  - Funding

# Final Reflections

## Department of Fish and Game Strategic Plan



# Diadromous Fish Updates - 2023



Brad Chase, Mass. Div. of Marine Fisheries  
MFAC – February 13, 2024



# Large Watershed Restoration Projects

- NRCS Cape Cod Watershed Restoration Plan
- Herring River Restoration, Wellfleet
- Talbot Mills Dam removal, Concord River,
- War Memorial Park, fishway, Town River, West Bridgewater
- South River nature-like fishway, Marshfield
- Horn Pond fishway, Aberjona River, Woburn
- Town Brook, Plymouth (multiple sites)
- Ipswich River, Ipswich (multiple sites)
- Westport River, Westport
- Forge Pond Dam Fish Passage Improvements, Kingston
- Stump Brook fish passage improvement, East Bridgewater
- High Street Dam removal, Town River, Bridgewater
- Monatiquot River Restoration, Braintree

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# DMF Fishway Crew - 2023



Great Herring  
Pond, Bourne



Indian Head River Dam,  
Pembroke/Hanover



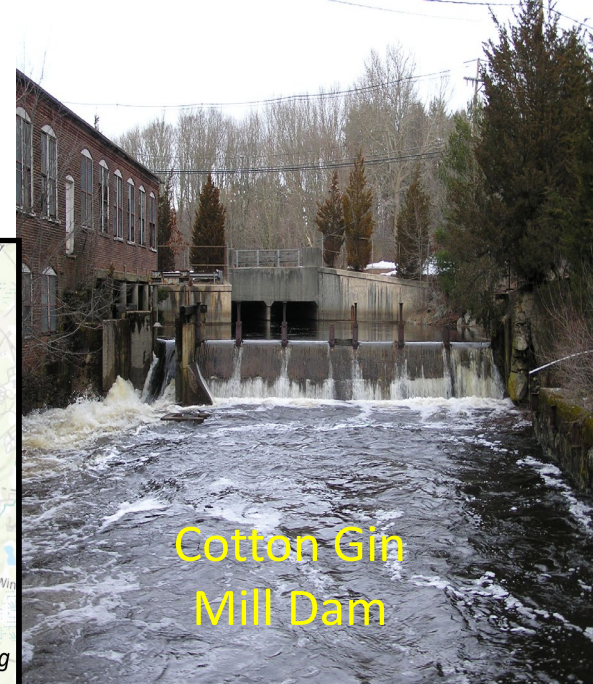
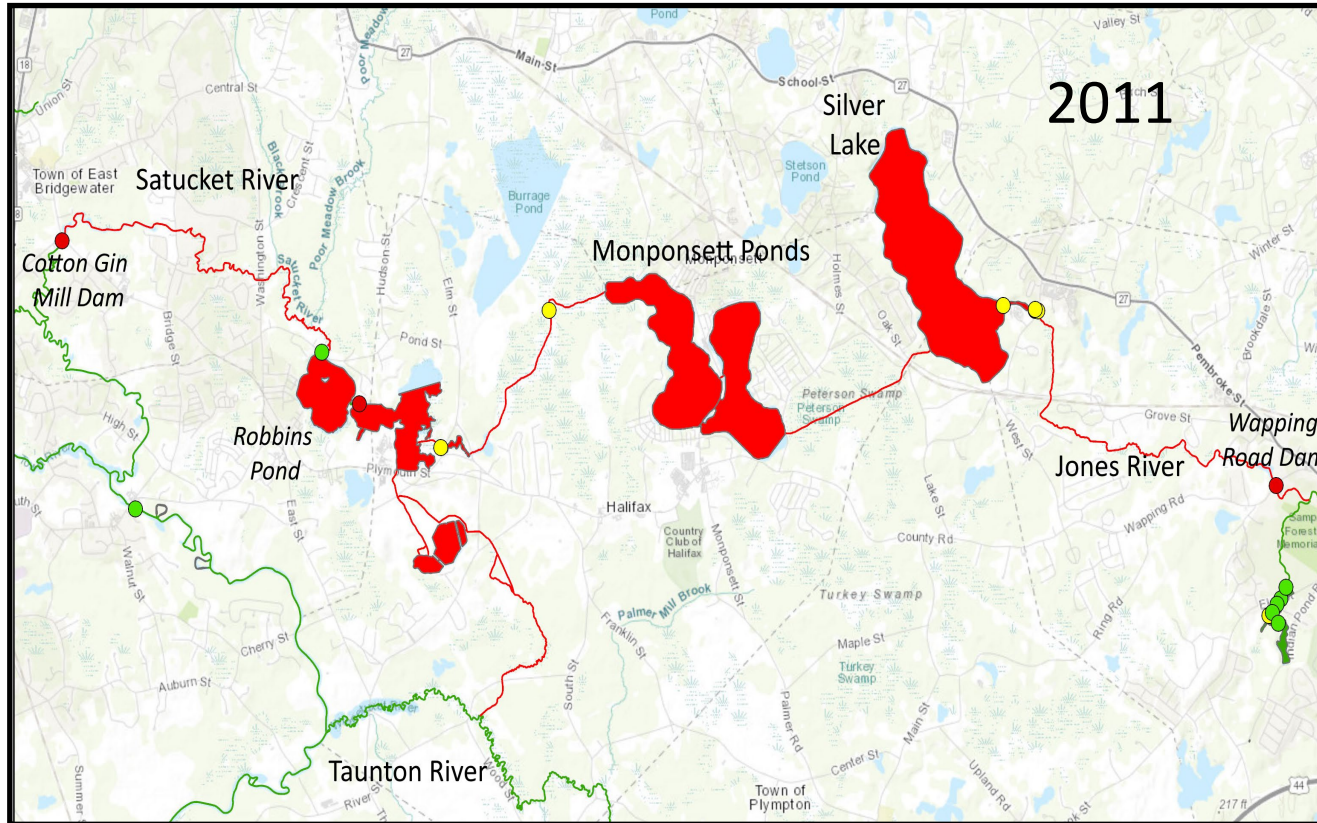
Soules Pond Dam,  
Kingston

# Gorham Mill Pond, Herring Brook, Pembroke



DMF and Pembroke Herring Fisheries Commission install Alaskan Steeppass fishway. Recycled from Elm Street Dam removal project in Kingston

# Stump Brook Bog Reservoir Dam, East Bridgewater



Cotton Gin  
Mill Dam

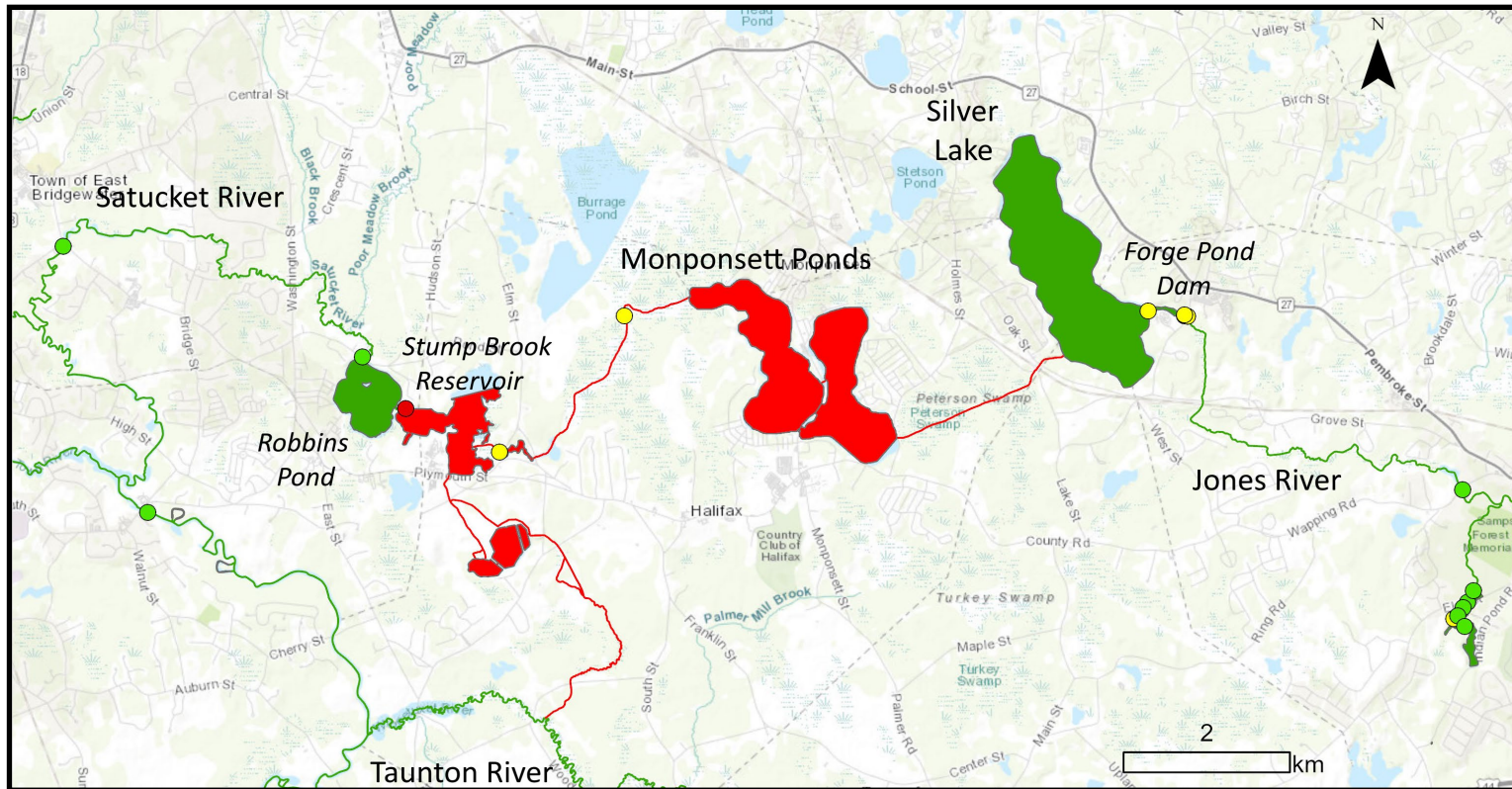


Dam removed -  
2017

Cotton Gin Mill Dam removal in 2017 allowed  
fish passage to 124-acre Robbins Pond

Passage at bog dam gains passage to 168-acre  
Reservoir and the 528-acre Monponsett Ponds

# Reconnect Massachusetts Bay to Narragansett Bay



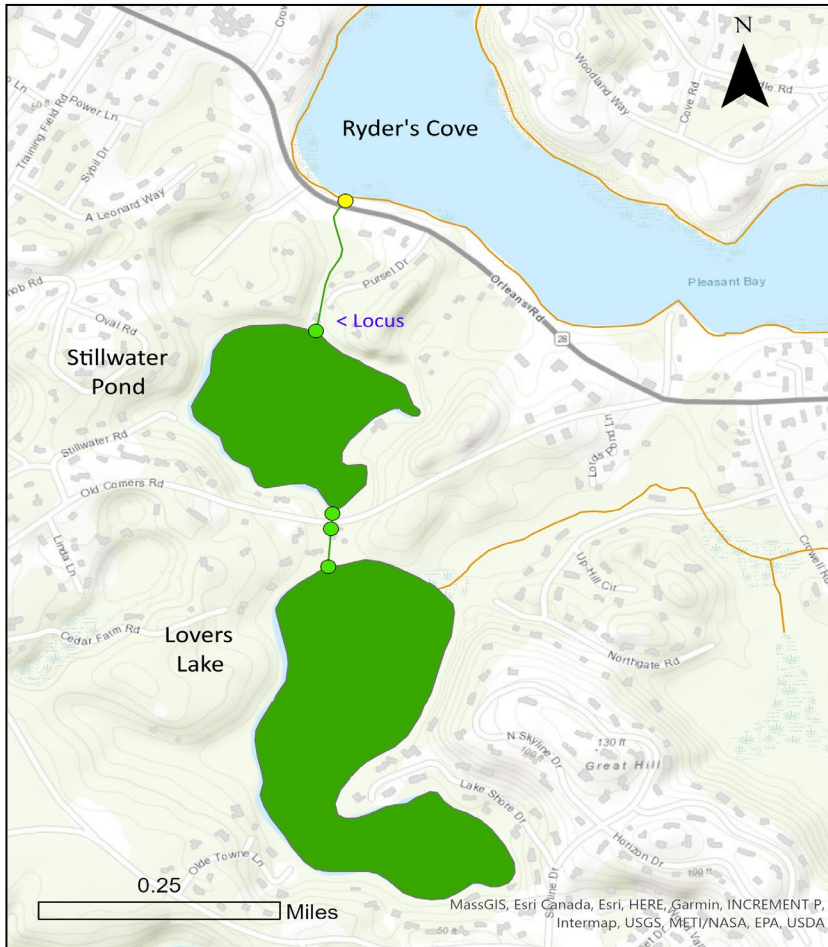
2019 – fish passage open for 764 acres

# Stump Brook Bog Reservoir Dam, East Bridgewater



Cooperative project with DMF and cranberry bog farmer to install Alaskan Steeppass fishway. Recycled from Elm Street Dam removal project in Kingston

# Stillwater Pond Fishway Channel Repair, Chatham



Cooperative project with DMF and the Town of Chatham to repair  
4 concrete fishway channel weirs

# Stillwater Pond Fishway Channel Repair, Chatham

- 1 week of labor
- \$2,000 material cost



# Howlett Brook, Topsfield



Cooperative project with DMF development, NOAA funding, and IRWA leading contract with SumCo



# High Street Dam Removal, Town River, Bridgewater



- Dam removal and bridge construction underway by Manafort
- Large cooperative project funded by Bipartisan Infrastructure Act

# Fore River Watershed, Braintree



# Fish Passage Barriers



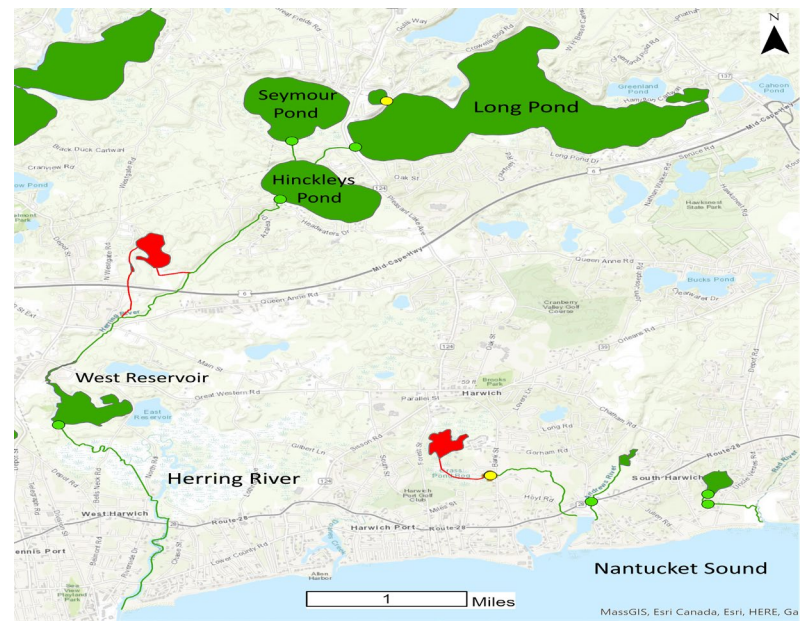
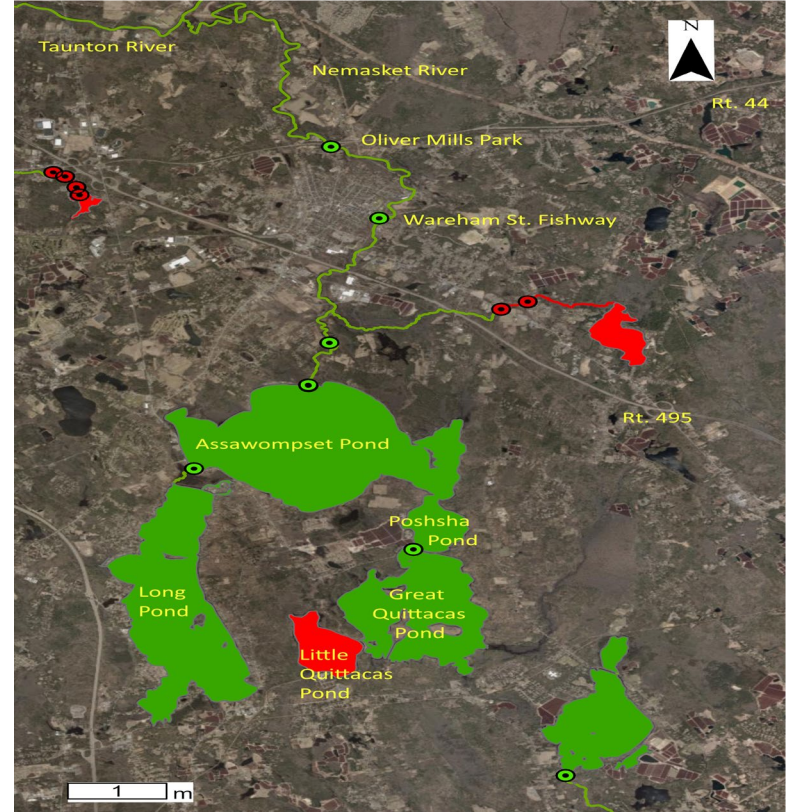
# River Herring Stocking 2023

- Bourne Pond, Falmouth
- Tom Matthews Pond, Yarmouth
- Little Sandy Pond, Yarmouth
- Mill Pond, Barnstable
- Island Creek Pond, Duxbury



# River Herring Harvest ASMFC Sustainable Fishery Mgt Plans

- Four Towns have requested DMF for harvest plans in the last 6 years
- Nemasket River plan renewed in 2022
- Herring River, Harwich, approved in 2022



# 2024 Rule Making Timeline

## Commercial Fisheries Regulations

- Topics:
  - Horseshoe crab spawning closure, trip limits, and matching federal closures.
  - Summer flounder trip limits.
  - Whelk gauge schedule.
  - Smooth dogfish trip limits.
  - Striped bass trip limits and primary purchase rules.
  - Menhaden season and trip limits.
  - Mackerel state waters trip limit.
  - Sanitary harvest and handling of shellfish.
  - Updating Vp icing rules to match Plan.
  - Permit transfers and electronic display.
- Schedule:
  - 2/28 – 5PM at MA Maritime Academy.
  - 2/29 – 5PM at Annisquam River Station.
  - 3/8 – Close of public comment period.
  - 3/19 – MFAC review and approval.

## Lobster Regulations

- Topics:
  - Addendum XXVII carapace size changes, v-notch rules, and trap tag rules.
  - Approving weak rope with tracer.
- Schedule:
  - 3/22 – Public hearing at MLA Annual Weekend.
  - Early April close of public comment.
  - 4/23 – MFAC review and approval.

## Recreational Fishing Limits

- Topics:
  - Scup, black sea bass, and summer flounder limits.
  - Striped bass filleting refinements.
- Schedule:
  - 2/21 – Scoping meeting on bsb/sc/fl and striped bass filleting.
  - 3/19 – MFAC review of emergency measures.
  - 5/1 – Implementation of emergency rules.
- Other:
  - DMF will coordinate with NOAA fisheries on cod and haddock rules.

