



**MARINE FISHERIES ADVISORY COMMISSION
AMENDED BUSINESS MEETING AGENDA**

9:00 AM

August 19, 2021

Held Virtually Via Zoom

Webinar Link: <https://bit.ly/2VLDvpG>

Dial In: 1-301-715-8592

Webinar ID: 850 6868 8014

Webinar Passcode: 924857

1. Introductions and Announcements (9:00 – 9:10)
 - a. Review and Approval of the August 19, 2021 Business Meeting Agenda
 - b. Review and Approval of the June 3, 2021 Draft Business Meeting Minutes
2. Comments (9:10 – 9:30)
 - a. Chairman
 - b. Commissioner
 - c. Law Enforcement
 - d. Director
3. Review of MFAC Authorities in Fisheries Management (9:30 – 9:45)
4. 2021 Quota Managed Species Updates (9:45 – 10:15)
5. In-Season Adjustments (10:15 – 10:45)
 - a. Action on Commercial Black Sea Bass Adjustments
 - b. Review of Authorization for Horseshoe Crab Trip Limit Increase for Trawlers
6. Items for Future Public Hearing (10:45 – 11:15)
 - a. Adjusting the Timing of Inshore Squid Fishery
 - b. Setting of Federal Winter Period Scup Limits
7. Discussion Items (11:15 – 12:00)
 - a. Updates on Protected Species Management
 - i. DMF's Incidental Take Permit Application
 - ii. Atlantic Large Whale Take Reduction Plan
 - b. CARES Act Relief Update
 - c. Updates on August ASMFC Meeting and Joint ASMFC/MAFMC Meeting
 - d. NEFMC Meeting Updates
 - e. Shellfish Program Updates
 - i. PSP Closures
 - ii. Shellfish Advisory Panel Codified in State Law
 - iii. SMAST Contract for Hydrographic Modeling
 - iv. MSI Strategic Plan Final Report
8. Other Business (12:00 – 12:15)
 - a. Status of Sub-Committees
 - b. Commission Member Comments
 - c. Public Comment
9. Adjourn (12:15)

Future Meeting Dates

**9AM
September 23, 2021
TBD**

**9AM
October 28, 2021
TBD**

**9AM
December 2, 2021
TBD**

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.

MARINE FISHERIES ADVISORY COMMISSION

June 3, 2021

Held Virtually via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Bill Doyle, Clerk; Arthur “Sooky” Sawyer; Kalil Boghdan; Bill Amaru; Lou Williams; and Shelley Edmundson.

Division of Marine Fisheries: Daniel McKiernan, Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Story Reed; Jared Silva; Nichola Meserve; Melanie Griffin; Kelly Whitmore; Jeff Kennedy; Bob Glenn; Scott Schaffer; Maren Budrow; Maggie Nazareus; Stephanie Cunningham; and Anna Webb

Department of Fish and Game: Ron Amidon, Commissioner

Massachusetts Environmental Police: Ltc. Moran; Capt. Kevin Clayton; and Lt. Matt Bass

Members of the Public: Beth Casoni; Eunki Seonwoo; and Eric Lorentzen

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the June 3, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF JUNE 3, 2021 BUSINESS MEETING AGENDA

There were no amendments to the June 3, 2021 MFAC business meeting agenda.

Chairman Kane asked for a motion to approve the draft agenda. Kalil Boghdan made a motion to approve the draft agenda. The motion was seconded by Sooky Sawyer. The June 3, 2021 MFAC business meeting agenda was approved by unanimous consent.

REVIEW AND APPROVAL OF APRIL 15, 2021 DRAFT BUSINESS MEETING MINUTES

There were no amendments to the April 15, 2021 draft MFAC business meeting minutes.

Chairman Kane asked for a motion to approve the draft April 15, 2021 meeting minutes. Bill Amaru made motion to approve the April business meeting minutes. Shelley Edmundson seconded the motion. The motion was approved by unanimous consent.

CHAIRMAN'S COMMENTS

Chairman Kane thanked MFAC members for their participation and attendance. He was hopeful the MFAC could begin hosting in person meetings again in the near future.

LAW ENFORCEMENT COMMENTS

Capt. Kevin Clayton handled the comments for the Massachusetts Environmental Police (MEP). He highlighted some recent issues regarding fluke, scup, and sea bass, and river herring.

DIRECTOR'S COMMENTS

Director McKiernan stated the May 13 aerial survey of Cape Cod Bay and Massachusetts Bay by the Provincetown Center for Coastal Studies (CCS) showed the seasonal aggregation of right whales in the area had migrated out. Subsequently, the trap gear closure was lifted and the lobster fishery opened on May 14. The trial regarding Massachusetts fixed gear fisheries and the Endangered Species Act (ESA) was scheduled to begin on June 9th. The trial was scheduled to occur over 12 business days.

The Director moved on to discuss NOAA's Biological Opinion on 10 Fishery Management Plans. With regards to right whales, the document maps out the need for routine review of mortalities, and if entanglements continue to occur, more risk reduction may be required. To this point, the Director emphasized the importance of the recommended buoy line marking rules the MFAC would be taking action on at this meeting. These marking rules will provide regulators with an enhanced ability to determine the origins of entangling gear and establish more surgical risk reduction strategies.

Director McKiernan then moved on to discuss proposed wind lease area on Coxe's Ledge. Calculating the fishing effort and forecasting the effects on fishermen from the development is difficult, largely due to the lack of adequate spatial data for certain sectors (e.g., commercial lobster and for-hire). Dan stated his interested in improving spatial data collection for these sectors and DMF was surveying for-hire fishermen to determine how many trips they take in this area during recent seasons.

The Director then discussed the Massachusetts Shellfish Initiative (MSI). The MSI Strategic Plan was completed in early May and members of the MSI participated in a press conference regarding the release of the report. As recommended in the Strategic Plan, the Shellfish Advisory Panel will be codified in statute and will be required to meet twice a year.

The Port Profile Project, which was completed in early May in conjunction with UMass Boston and the Urban Harbors Institute, was available on DMF's website. Dan thought this document will help municipalities address commercial fishing infrastructure needs.

The Director then welcomed questions from the MFAC.

Ray Kane and Director McKiernan discussed the CCS aerial surveys for right whales around Cape Cod.

Mike Pierdinock, Kalil Boghdan, and Director McKiernan further discussed offshore wind energy development off Martha's Vineyard and Nantucket. Mike P. was disappointed by the extent to which the Bureau of Energy Management addressed concerns from the fishing industry. He also raised issue with how wind arrays may impede navigation by interfering with radar. Mike P. was encouraging fishermen to contact Orsted, as they were providing simulations of navigating wind arrays.

ACTION ITEMS

Buoy Line Marking Rules for Commercial Lobster and Crab Traps

In April 2020, Judge Talwani ordered the Commonwealth to obtain an Incidental Take Permit (ITP) under the ESA to cover the permitting and regulating of buoy lines in fixed gear fisheries due to the risk of such lines entangling endangered turtles and whales. To address this, DMF conducted rule-making in late 2020 and early 2021 to address the risk posed by these buoy lines in anticipation of applying for the ITP. DMF was now pursuing a second round of rule-making towards this goal.

The proposed rules established new and enhanced buoy line marking regulations. The purpose is to better delineate lobster traps fished in state waters fishery from gear fished in other jurisdictions. Should entanglements continue to occur, the origin of the gear could be more readily determined.

Dan noted that Massachusetts has aggressively managed fixed gear interactions with protected whales since the late-1990s. He argued that the entanglements that are continuing to occur are likely from other jurisdictions and being detected in Massachusetts waters, as our waters are well observed. Dan explained that enhanced buoy line marking could help demonstrate this argument and exonerate the MA state-waters fishery if entanglements occur in the future.

Bob Glenn discussed the importance of the need for MA to be able to distinguish the fishery from all other fisheries to allow for Massachusetts lobster trap fishery be listed separately on NOAA's annual List of Fisheries promulgated under the Marine Mammal Protection Act. Last year, DMF provided comments to NMFS suggesting that based on our conservative program to protect right whales, MA should be listed separately. In NOAA's response, it was noted the characteristics of MA fishing gear did not differentiate it enough from other jurisdictions to warrant a separate listing. Bob was optimistic the new rules would accomplish this goal. Bob explained this rule would not

go into effect until 2022. However, it was critical for it to be on the books this summer for NOAA to consider it in their annual development of the List of Fisheries.

Sooky Sawyer and Bob Glenn discussed the use of tracers to meet buoy line marking requirements. Bob indicated that tracers may be used in the body of the buoy line, but solid marks must be used in the surface system. Bob and his staff were eager to work with industry to gain input on methods to comply with these new requirements. There was then additional discussion between Bob Glenn, Jared Silva, Sooky Sawyer, and Lou Williams to clarify how weak inserts could double as a buoy line marks.

Ray Kane asked if DMF was giving away weak rope to industry members. Bob stated that DMF was still doing this and was holding events in June to provide coils of rope to seasonal lobster fishermen and commercial fishermen could obtain rope at these events.

Bill Amaru asked about NOAA's use of underwater cameras to inspect buoy line systems. Bob Glenn stated he is aware of this technique, but noted the process is labor intensive and visibility presents a problem.

Mike Pierdinock was happy to see that DMF is developing these measures to differentiate the state's lobster fishery from those in other jurisdictions.

Chairman Kane asked for a motion to adopt the DMF's recommendation on the buoy line marking rules for commercial lobster and crab traps. Mike Pierdinock made motion to approve the recommendation as provided by the Director. Shelley Edmundson seconded the motion. A roll call vote was taken, and the motion was passed unanimously 8-0.

DISCUSSION ITEMS

Incidental Take Permit Application Update

Bob Glenn provided a brief update on DMF's ITP application. DMF added two additional staff members to work on this project. Scott Schaffer was brought into the statistics program to provide fisheries specific data for the ITP application, and Taylor Stoni was brought in to serve as an ITP permit specialist. These new hires will be critical for DMF's timely completion of the ITP application.

CARES Act Relief Update

Dan McKiernan provided a brief update regarding the second round of CARES relief. He compared and contrasted this second program to the first program. The most notable difference was that the second program will use additional qualification timeframes, which may result in qualifying more people. Additionally, DMF was setting aside a portion of the funding to be potentially allocated to a sector that may have been disproportionately affected. Unlike the first program, applications for this second

program will be sent out all at once, resulting in everyone getting paid at once. Dan was confident the payments would be made in the early fall.

Ray Kane sought clarification on the ASMFC's September 30th deadline to distribute funding. Dan stated this deadline was when the money needs to be turned over from NOAA Fisheries to the ASMFC. The ASMFC will be allowed to make payments to fishermen after this date.

Kalil Boghdan, Kevin Clayton, and Director McKiernan discussed funding for Native American tribes.

Report on ASMFC and Council Meetings

Nichola Meserve reported on recent ASMFC meetings. The ASMFC last met in early May. An issue of primary focus was the ongoing development of Striped Bass Amendment 7. Issues from the scoping document that were selected for continued development include management triggers, conservation equivalency, and recreational release mortality, plus a new item of measures to protect the 2015 year class. Items removed from further considerations include: goals and objectives, BRPs, stock rebuilding schedule, regional management, recreational accountability, and coastal commercial quota allocation.

Nichola then discussed the recently approved commercial black sea bass quota reallocation addendum. NY had brought forward an appeal for not also receiving an initial 2% increase for stock expansion into LIS similar to CT. This was supported by the Policy Board, which remanded the issue back to the species management board for corrective action in August. Because of the joint management of this species, the MAFMC would also be discussing this issue in June to consider withdrawing the submittal of its complementary amendment to NOAA Fisheries. The Bluefish Board would also be meeting jointly with MAFMC in June to take final action on the bluefish allocation and rebuilding amendment.

Nichola noted that the MAFMC meeting would also include a one-hour presentation about the 2020 MRIP estimation methodology that accounted for limited intercept and head boat sampling due to the pandemic. On the subject of Covid, she added that the summer meeting for ASMFC is virtual but the hope is to resume to in person meetings in October (in New Jersey), while the MAFMC was attempting a hybrid virtual/in-person meeting in August (in Philadelphia).

Mike Pierdinock asked about the striped bass measures to protect the 2015 year class. Nichola stated that the specifics were still under development but some configuration of moving size limits was expected. Mike commented on the increased abundance of black sea bass throughout the northeast, not just NY. Nichola reminded him that 25% of the coastwide quota would now be allocated based on regional biomass given the stock's northerly skewed distribution, but NY's appeal sought to address stock

expansion into LIS specifically. Mike asked if the lack of MRIP data would impact the setting of measures, such as necessitating status quo. Nichola indicated that NOAA Fisheries' objective was to develop recreational catch estimates that would be used to inform the setting of measures as usual.

Kalil Boghdan asked if ASMFC foresees any red flags regarding the striped bass fishery. Nichola stated that the goal of Amendment 7 is to prevent the further decline of striped bass. Kalil asked about the timeline of the amendment. Nichola stated it is expected to be implemented by 2023. Kalil emphasized a need for efficiency and speed regarding the amendment.

Dan McKiernan provided a brief update from the lobster management board. Development of the MSE was postponed until the August meeting to prioritize work on Draft Addendum XXVII. A subcommittee was formed to help guide development of Draft Addendum XXVII: trigger mechanism for measures to improve biological resiliency of GOM/GBK stock. The plan is to approve for public comment in August. There was also a technical working group formed regarding electronic vessel tracking.

Mike Pierdinock provided a photo of a proposed wind farm for the commission that displayed the cable that runs from inshore to offshore.

Bill Amaru asked whether or not the fleet should be made aware they are going to be required to have vessel monitoring in the future. Dan stated he cannot speak to that, but would personally advise lobstermen to begin using vessel tracking and added that it would be confidential. NMFS would like to see ASMFC create an addendum to lobster management plan where this can be codified.

Bill Amaru expressed there needs to be a way to implement a VMS program that can benefit the fishery members as well as the data collection given that there is a possibility that VMS does not work properly 100%. Story Reed spoke to his pilot program that is being conducted with lobster fishermen. The longer the pilot program has been running, the more options have become available.

Mike Pierdinock stated the for-hire fleet was concerned over the cost, but added VMS may not be necessary but rather eVTRS are easier and more cost effective.

Melanie Griffin gave an update on NEFMC April meeting and what to expect from the June Meeting. There were no final actions at the April meeting. The June council meeting will be remote, but in person for the remainder of the year. Melanie stated that there was a lot of discussions regarding climate change which included strategies and an action plan. Melanie gave a brief overview of the climate strategies which included the National Climate Science Strategy, Northeast Regional Action Plan, and Scenario Planning by Northeast Region Coordinating Council (NRCC). Melanie then gave an overview of what is to come at the June Council meeting. NEFMC will finalize research

priorities, EBFM workshop plans and comments on SE eVTR and HMS Amendment 13. There will be ongoing development specifications/other priorities regarding groundfish, scallops, herring and skates. Melanie welcomed questions from the commission.

Mike asked Melanie to forward him the information regarding the information to comment on the eVTRs as well as the webinar information for the end of the month.

Allowing Menhaden Seining on Fridays in Boston Harbor

Director McKiernan provided a brief background on seining in Boston Harbor. He then notified the MFAC that DMF amended the purse seine inshore net permit conditions to allow Friday fishing in Boston Harbor. The Director noted he received written support for this action from the Massachusetts Striped Bass Association. However, some members of the recreational fishery have voiced their concerns and frustrations to DMF.

Mike Pierdinock asked about the current menhaden trip limit. Jared Silva stated the current trip limit was 125,000 pounds. However, the vessel that typically fishes in Boston Harbor fishes at about a 25,000-pound capacity. Mike P. then asked about the quota utilization this year compared to years past. Story Reed stated DMF did not have this data on hand but would provide a quota managed species update at the August meeting.

Mike P. then asked if DMF could rescind this allowance. Dan stated he had the authority to rescind the authorization. However, his preference was to let the program run its course then evaluate it moving forward. He also did not want to encourage some individuals to provoke user group conflicts in order to have the authorization pulled. He noted the Boston Harbor seiner was well liked on the waterfront and worked to build relationships with the recreational fishing community in the area. Mike P. agreed with Dan's assessment of the Boston Harbor seiner, but he was worried about boats from other ports showing up to take advantage of the Friday opening.

Ray Kane asked if there was a way to run this opening as a single-year pilot program. Dan stated he would consider this and would discuss future management with the MFAC over the winter.

Kalil Boghdan emphasized that this is a complicated issue. He expressed concern over the opening of the harbor over one petitioner. He was not comfortable with DMF's decision to allow seining on Fridays.

Bill Amaru commended Dan for standing up for what he believes is best for the fishery. Bill understands that this is complex issue. He supported the Director's action, but requested Dan be willing to rescind the authorization should user group conflicts become untenable.

Bill Doyle expressed concern that this action was taken without the approval of the MFAC. He also asked that DMF brief the MFAC on what their authorities are and under what circumstances DMF can work unilaterally.

Lt. Col. Moran asked a clarifying question regarding the closure. He was anticipating receiving some complaints and wanted to ensure that his office was delivering the correct message.

Renewing Period II Summer Flounder Pilot Program

Jared Silva gave a brief background on the pilot program which allows draggers to fish two consecutive days and obtain two trip limits. Jared stated DMF has renewed the program and the tags and LOAs will be distributed next week.

Ray Kane asked if there were any known violations of this pilot program. Jared stated there are no known compliance issues and this program is supported by industry.

Shellfish Program Updates

Jeff Kennedy provided an update on DMF's shellfish program and the ongoing shellfish growing area reclassification work.

Bill Amaru and Jeff Kennedy discussed PSP closures in the Nauset estuary. Jeff recalled that Nauset is unique and the area has been subject to PSP closures in all but two years since 1972. This year's closure was extensive but toxicity was coming down and he anticipated the closures would last a couple more weeks.

OTHER BUSINESS

Status of Sub-Committees

Jared Silva gave an overview of upcoming sub-committee meetings. The sub-committees include state-waters groundfish (expected to convene this Fall for rule changes for 2022); commercial striped bass (expects sub-committee to meet this fall); law enforcement (met last November and Jared expects the meeting will be held the same time this year); and permitting.

MFAC Meeting Dates and Format for Remainder of 2021

Jared Silva discussed how the open meeting law is being adjusted due to the state of emergency being lifted. MFAC will meet virtually via Zoom in August. Jared expected that the first in person meeting will be in September. Jared anticipates that virtual models for public meetings will still be allowed, but he does not know if there will be additional requirements. He opined that there could be technical difficulties with a hybrid model. The MFAC meeting schedule for the remainder of the year is as follows: August 19, Sept 23, October 28, and December 2.

Commission Member Comments

Mike Pierdinock discussed upcoming deadlines for public comments regarding certain fisheries.

Bill Amaru wished everyone a safe and productive Summer.

Ray Kane thanked commission members for their engagement and attendance.

PUBLIC COMMENTS

Eric Lorentzen stated he is the Boston Harbor seiner who petitioned to have the closure on purse seining in Boston harbor lifted on Fridays. He welcomed any questions from the commission. He expressed concern over other operations coming into the harbor.

Beth Casoni asked if there will be an advisory or memo sent to the commercial industry regarding the second round of CARES relief. Director McKiernan stated that DMF will update the webpage in addition to sending an advisory once the spend plan has been approved.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the June MFAC business meeting. **Mike Pierdinock made a motion to adjourn the meeting. The motion was seconded by Bill Doyle. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- June MFAC Business Meeting Final Agenda
- April Meeting Minutes
- Buoy Line Marking Recommendation Memo
- Inshore Net Permit Memo
- Fluke Pilot Program Memo

UPCOMING MEETINGS

August 19, 2021 Via Zoom	September 23, 2021 TBD
October 28, 2021 TBD	December 2, 2021 TBD

Overview of Division of Marine Fisheries Rule Making

The Division of Marine Fisheries (DMF's) enabling statutes, found in Massachusetts General Law Chapter 130 (G.L. c. 130), provides the Director - often with the approval of the Commissioner of the Department of Fish and Game (DFG Commissioner) - with broad authority to develop and implement regulations relative to marine fisheries within the waters under the jurisdiction of the Commonwealth¹² and the landing of fish in Massachusetts ports. This includes, but is not limited to, the regulation of fishing permits; shellfish and aquaculture; fishing gear; catch and effort; and spatial and temporal restrictions. DMF regulations are promulgated at 322 CMR.

All regulations implemented by the Division of Marine Fisheries are subject to administration review under Executive Order 562 (EO562). Additionally, the Massachusetts Administrative Procedure Act at G.L. c. 30A §§ 2 and 3 also requires the agency hold public hearings and/or a public comment period prior to adopting any regulation. In its totality the regulation development process takes approximately 4-6 months.

EO562 was signed by Governor Baker in March 2015. It requires all state agencies to review their regulations to ensure and only pursue regulations that are necessary, written plainly, minimize the regulatory burden on business to the greatest extent practicable and better serve citizens and consumers of the Commonwealth. Agency regulations are reviewed and approved at both the draft and final phase by the DFG Commissioner, Executive Office of Energy and Environmental Affairs and the Executive Office of Administration and Finance to determine compliance with this Executive Order. Each round of administrative review under EO562 typically takes 4-8 weeks depending on the timeliness and complexity of the issue.

Notification and comment requirements are set forth at G.L. c. 30A §§ 2 and 3. These statutes require the agency hold a public hearing and public comment period before adopting, amending or rescinding any regulation³. The public hearing and the conclusion of the public comment period must occur at least 21 days after a Notice of Public Hearing is published in a local newspaper and the agency has informed

¹ The Magnuson Stevens Act, at 18 U.S.C. § 1856(a)(2), defines state jurisdiction to include, "any pocket waters that is adjacent to the state and totally enclosed by lines delimiting the territorial sea..." and "with respect to the body of water commonly known as Nantucket Sound, to the pocket of water west of the seventieth meridian west of Greenwich." As a result, the waters under the jurisdiction of the Commonwealth (state waters) includes all waters within 3 nautical miles of the mean low tide water mark, Buzzards Bay and Mount Hope Bay, those waters of Cape Cod Bay and Massachusetts Bay enclosed within the three nautical mile line as depicted on NOAA charts, and those waters of Nantucket Sound west of 70°00' to the RI/MA border.

² G.L. c. 130 § 17 also authorizes the Director, with approval of the Governor, to extend the state's regulatory authority out 200 miles seaward or a 100 fathom depth, whichever is greater. Such rules would only affect Massachusetts permit holders, as the state only has authority over its permit holders in these waters and not activity in these waters generally. This would thereby disproportionately impact Massachusetts fishermen, without necessarily improving management. DMF encourages issues dealing with offshore fisheries be resolved through the federal Council process.

³ G.L. c. 30A § 2 requires a public hearing be held, "prior to the adoption, amendment, or repeal of any regulation if: (a) violation of the regulation is punishable by fine or imprisonment; (2) a public hearing is required by the enabling legislation of the agency or by any other law; or (c) a public hearing is required as a matter of constitution right." For any regulation that does not meet any of these stipulations, only a public comment period may be held. This is atypical of DMF regulations and DMF often holds both a public hearing and a written public comment period.

parties that have requested notification,⁴ and 7 days after a Notice of Public Hearing is published in the Massachusetts Register⁵. Additionally, per Executive Order 145, DMF must notify the Massachusetts Municipal Association and the Massachusetts Department of Housing and Community Development 14 days prior to giving notice of a public hearing or a public comment period.

Final regulations are submitted to the Massachusetts Secretary of State in accordance with G.L. c. 30A § 6. Final regulations become effective when published in the Massachusetts Register⁶. Following publication in the Massachusetts Register the Secretary of State will serve onto the agency the regulation filing form and replacement pages (this is also true of emergency regulations described below). These replacement pages are used to update official copies of the CMR.

The Director, with approval of the Commissioner, also has the authority to file emergency regulations. This authority is established at G.L. c. 30A § 2 and G.L. c. 130 § 17. Emergency regulations become effective when filed with the Secretary of State. These regulations do not require a public hearing or public comment period and remain in place for a period not to exceed 90-days. Emergency regulations may be extended for additional 90 day periods for cause.

As prescribed by these enabling statutes, DMF may only file an emergency regulation that ensures public safety, public health and general welfare and/or is necessary for the immediate management of the Commonwealth's marine fisheries. Such authority allows the Director to timely address emerging important fishery management issues and/or to ensure the state complies with implementation deadlines resulting from federal and interstate mandates.

Emergency rule making is also subject to EO562 approval. Consequently, emergency rule making may take 4-6 weeks from proposal development to implementation. If DMF moves to adopt an emergency regulation as a final regulation, then formal final rule making is initiated requiring a public hearing and comment period. Final rule making is also subject to EO562 approval.

Role of the Marine Fisheries Advisory Commission in Rule Making

G.L. c. 130 § 1B establishes a Marine Fisheries Advisory Commission (MFAC) within DMF. Under this law, the MFAC, "shall hold public hearings relative to matters within the jurisdiction of the Division and shall make recommendations to the Director for the proper management and development of the marine fisheries of the Commonwealth." G.L. c. 130 § 17A further stipulates that the MFAC is responsible for voting to approve or disapprove of only those proposals of the Director that effect: (1) the manner of taking fish; (2) the legal size limits of fish to be taken; (3) the seasons and hours in which fish may be

⁴ This statutory requirement for notification is principally satisfied through DMF publishing a public hearing notice on its website and through its electronic list serve to which members of the public may subscribe. However, if a party does not have an e-mail address and requests notification of public hearing, then a hard copy of the public notice will be sent to the requestor.

⁵ G.L. c. 30A § 6 establishes the Massachusetts Register publication schedule. The Massachusetts Register is published every other Friday. The publication date also serves as the deadline for submissions to be published in the subsequent issue of the Massachusetts Register. Therefore, a public hearing notice is not published until at least 2 weeks but not more than 4 weeks after it was filed with the Secretary of State.

⁶ Due to the publication schedule at G.L. c. 30A § 6, described in the above footnote, final regulations do not become effective until at least 2 weeks but not more than 4 weeks following a filing with the Secretary of State.

taken; (4) the numbers and quantities that fish may be taken; and (5) the open and closing of areas to the taking of any and all types of fish.

The legislative intent of this statute was to devise a system of governance whereby the Director's broadest authority over the management of marine fishery activities is subject to the input and approval of a citizen panel experienced in marine fisheries. The resulting system allows the MFAC to debate issues germane to marine fisheries management, provide advice to the Director on marine fisheries matters and proposals, and approve certain proposals of the Director relative to marine fisheries management. G.L. c. 130 § 17A also requires that the resulting DMF regulations be approved by the DFG Commissioner.

The G.L. c. 130 § 17A regulation MFAC review process is initiated through initial (draft) proposals of the Director. These draft proposals are developed by DMF based on input from the MFAC, public petition⁷ or in response to changes to state or federal fishery management plans or requirements of the National Shellfish and Sanitation Program's Model Ordinance. Draft proposals are brought to the MFAC for initial debate and then may be taken out to public hearing and public comment.

All public hearings are scheduled and managed by DMF but held jointly by the MFAC and DMF. MFAC approval is not required for DMF to hold a public hearing. However, by practice, DMF may seek input from the MFAC and may look for MFAC support or consensus. The MFAC does not hold public hearings independent of DMF. MFAC members are not required to attend public hearings, but their participation is strongly urged.

At the conclusion of the public hearing and public comment period, the MFAC will be provided with a final recommendation of the Director. The final recommendation will include a rationale for the proposal, as well as all written comment received by DMF and a summary of public comment taken at the public hearing. At a subsequent MFAC business meeting, the recommendation will be considered by the MFAC and subject to a vote.

A motion must be made and seconded by the MFAC to debate and vote on a recommendation of the Director. If a recommendation of the Director is approved, final rule making will commence. If it is not approved, the Director may modify the recommendation. The MFAC may then debate the modified recommendation through a motion that is seconded and may then vote to reject or approve the Director's modified recommendation. The MFAC does not have the legal authority to make a motion unilateral of the Director or to vote on rule changes that are not recommended by the Director. The MFAC may guide the Director towards a modified recommendation through debate and discussion.

⁷ The public may informally or formally petition DMF to adopt, amend or rescind any regulations. Formal petitions must be submitted in accordance with DMF regulations at 322 CMR 2.00. Different standards of review apply depending on whether the petition is formal or informal. Common practice is for DMF to review a public petition. Then based on this review, the Director will determine whether to reject it or adopt it (in part or in whole) as a draft proposal of the Division for potential discussion by the MFAC. DMF is not required to respond to all petitions, to take all petitions to public hearing or submit all petitions to the MFAC. However, if DMF writes a written response to a petition, it is common for the MFAC to be sent a copy of the petition and the agency's response.

It is important to note that MFAC approval is not required by statute for DMF to implement emergency regulations. However, as a matter of practice, DMF may consult the MFAC on any action that uses the agency's emergency regulatory authority. However, emergency regulations require a public hearing and a public comment period, and final approval of the MFAC for matters relevant to G.L. c. 130 § 17A, to become a permanent final regulation.

To enhance interaction between DMF and the MFAC on timely fisheries management issues, the MFAC is encouraged to create sub-committees, when warranted. Sub-Committee meetings may be held to review fishery management issues within their statutory domain under G.L. c. 130 § 17A, as well as issues outside of their statutory domain (e.g., enforcement or permitting⁸). These sub-committee meetings are designed to facilitate engagement, help develop thorough recommendations and promote consensus. Note that because the MFAC's business meetings are subject to the state open meeting law, any deliberation between a quorum (5) or more of MFAC members acting as a sub-committee would be subject to the requirements of such law.

Examples of recent sub-committees include the Law Enforcement Sub-Committee and the Permitting Sub-Committee. The permitting sub-committee was very influential in assisting DMF in the development of policies and regulations concerning limited entry permit and permit endorsement transfer. More recently, the Permitting Sub-Committee helped DMF develop a "permit bundling" policy and an upcoming public hearing proposal to liberalize its vessel replacement rules for Coastal Access Permit holders. The Law Enforcement Sub-Committee has historically been influential in assisting DMF in the development of improved regulations to enhance enforcement and compliance in state waters fisheries. More recently, they helped DMF and the Office of Law Enforcement review state's civil and criminal penalty schedule, which may prove a critical step in modernizing the schedule.

Specifications

For certain fishery management actions, DMF has also developed a specification process that is described by regulation. This process mirrors the notice, comment and MFAC approval process set forth by statute at G.L. c. 30A § 2 and 3 and G.L. c. 130 § 17A. This process was historically developed to timely implement changes that would not otherwise be possible under either the formal or emergency rule making process.⁹ Specifications are implemented through permit conditions, which are described in the below section.

⁸ DMF recognizes the important role that permitting plays in the management of marine fisheries and the interest that fishermen and the MFAC may have in DMF permitting rules and policies. So while the MFAC does not have the legal authority to vote on these items, DMF works to engage the MFAC on these issues to the greatest extent practicable.

⁹ The specification process is not subject to EO562 review. Additionally, the public comment and MFC approval process run concurrent with rather than subsequent to each other. In situations where the MFAC must take immediate action to implement a fisheries management action required by ASFMC or NMFS, the MFAC has voted by fax/email polls, to authorize such action as a specification, rather than at a monthly business meeting.

The specification process is utilized to implement fishery controls that are adjusted on an annual or intra-annual basis and supported up by ASMFC or NMFS specifications or rule making¹⁰. These fisheries are subject to joint management strategies and the specification process allows commercial fisherman to land fish in the Commonwealth that was lawfully harvested (potentially outside of state waters) under interstate or federal agreed up allowances.

Additionally, DMF may use the specification process to pursue in-season adjustments to trip limits for quota managed species. This allows DMF to maximize quota utilization by re-opening fisheries that may have closed before the quota was consumed, or to liberalize catch and effort controls to facilitate quota consumption.

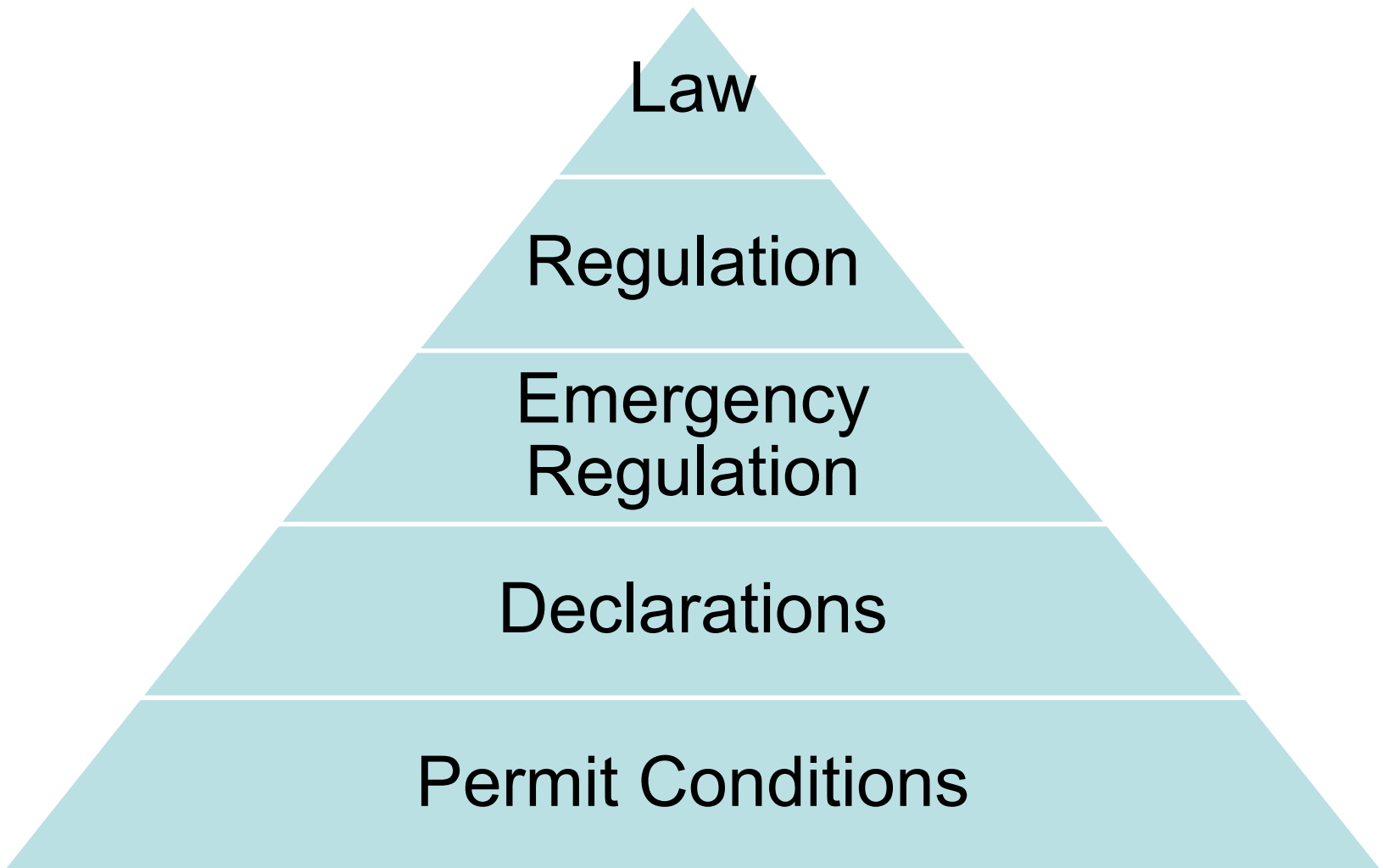
Permit Conditions

Pursuant to G.L. c. 130 § 80 and 322 CMR § 7.01(7), the Director may condition any fishing permit to improve management of marine fisheries or protect public health or safety. Permit conditions are not subject to MFAC approval. However, as a matter of practice the Director may consult or notify the MFAC of actions to conditions permits. Permit conditions are implemented by either a direct letter to permit holders or through a Declaration of the Director to implement a specification.

This authority is typically used in only a few circumstances. These circumstances include, but are not limited to: (1) timely implementation of federal or interstate mandates when emergency rule making or specifications are not viable options; (2) requiring reporting to be up to date prior to renewal of a permit; (3) implementing certain discrete fishery management measures; (4) establishing pilot programs to better improve the management of marine fisheries; (5) adopting specific aquaculture controls (e.g., aquaculture permit conditions); (6) establishing specifications (e.g., sea herring days out); and (7) adopting permit sanctions resulting from adjudicatory hearings.

¹⁰ Examples of this include setting the commercial northern shrimp season, commercial sea herring days out for the Management Area 1A fishery, and commercial spiny dogfish and wintertime scup trip limits.

DMF Rule Making Pyramid



August 23, 2021

Division of Marine Fisheries

Slide 1



DMF Rule Making Authorities and Roles

Statute (G.L. c. 130)

- Process: Established by legislature.
- MFAC Role: No formal role. May be consulted or briefed.
- Common Uses:
 - Setting certain marine fishery limits.
 - Examples: Closed season on edible crabs (G.L. c. 130, §40); Prohibition on harvest of elvers (G.L. c. 130, §100D).
 - Establishing management authority.
 - Examples: DMF oversight on permitting (G.L. c. 130, § 2, 17B, 17C, 37, 38 and 80); Marine Fisheries Advisory Commission and regulation of certain fishing activities (G.L. c. 130, § 17A); Municipal management of certain shellfish (G.L. c. 130, § §52 and 98).
 - Enforcement of violations of marine fisheries laws.
 - Examples: MEP's authority to inspect (G.L. c. 130, § § 9-14); Director's authority to revoke and suspend permits (G.L. . 130, § § 2 and 80); Criminal penalties (G.L. c. 130, §2).



DMF Rule Making Authorities and Roles

Regulation (322 CMR)

- Process: Promulgated by DMF Director pursuant to various authorities at G.L. c. 130 and process set forth at G.L. c. 30A, §§ 2 and 3.
- MFAC Role: Vote to approve fishing regulations governing manner of fishing and size, times, places, and quantities of fish to be taken (G.L. c. 130 §17A). DMF may seek advice on other regulations.
- Common Uses:
 - Catch Regulations: Subject to approval of MFAC and DFG Commissioner (G.L. c. 130 §17A).
 - Example: Striped bass limits (322 CMR 6.07).
 - Permitting Regulations: Subject to approval of the Commissioner (G.L. c. 130, §80)
 - Examples: Contents of permits (322 CMR 7.01); Control Dates (322 CMR 7.04); Transfers (322 CMR 7.03 and 7.06)
 - Regulating Vessel Operating in MA Waters to Protect Marine Species: Subject to approval of Governor (G.L. c. 130, §17(10)).
 - Example: Speed limit to protect right whales (322 CMR 12.06).



DMF Rule Making Authorities and Roles

Emergency Regulation (322 CMR)

- Process: Promulgated by DMF Director with approval of the Commissioner of DFG pursuant to G.L. c. 130, §17(11) and in accordance with process set forth at G.L. c. 30A, § 2..
- MFAC Role: No formal role. DMF may seek advice.
- Regulatory Timeline: Expires after 90-days, unless final regulations promulgated.
- Common Uses:
 - Catch limits in response to changes in federal or interstate management.
 - Example: Annual adjustments to recreational fishing limits for black sea bass (322 CMR 6.28)
 - Address issues pertinent to public health.
 - Example: Vp. controls on commercial oyster fishery (322 CMR 16.07)
 - Managing latent effort.
 - Example: Control dates (322 CMR 7.04)
 - Emerging critical management issues.
 - Example: Speed limit to protect right whales (322 CMR 12.06).



DMF Rule Making Authorities and Roles

Declarations (Legal Notice)

- Process: Implemented by DMF Director in accordance with process set forth at 322 CMR 6.41(2)(d)(2), including two-week written public comment period.
- MFAC Role: MFAC approval required for Director to issue Declaration.
- Implementation: Effectuated through filing of legal notice and adoption of permit conditions.
- Notification: Legal notice published on DMF website, local newspaper, and MA Register. Advisory sent via DMF e-mail list serve. Statement of Permit Conditions sent to all affected permit holders and published on DMF's website.
- Common Uses:
 - In-Season Adjustments in Commercial Quota Managed Fisheries
 - Example: Adjusting black sea bass limits in-season.
 - Setting seasonal landing limits for federally managed fisheries.
 - Example: Winter I and Winter II scup limits.



DMF Rule Making Authorities and Roles

Permit Conditions (Statement of Permit Conditions/Letters of Authorization)

- Process: Adopted by Director as a condition of permit issued, as authorized at G.L. c. 130, §80 and 322 CMR 7.01(7).
- MFAC Role: No formal role. DMF may seek advice.
- Notification: Statement of Permit Conditions set to all affected permit holders and published on DMF's website.
- Common Uses:
 - Letters of Authorization – Pilot Programs
 - Example: Winter Fluke Multiple State Limits
 - Respond to Immediate and Critical Management Challenges
 - Examples: Increase horseshoe crab trawl limits to meet biomedical demand during pandemic.
 - Flexible Alternative to Regulation to Allow for Quick Adjustments
 - Example: Inshore Net Conditions for menhaden seining.
 - Example: Adopting landing days for Area 1A sea herring fishery.



Summary of MFAC Mission and Authority

The MFAC is a public body established by state law (G.L. c. 130, §1B) to assist DMF in the management of marine fisheries. The MFAC is tasked with holding public meetings relative to marine fishery issues and advise DMF on the management and development of state managed fisheries.

MFAC approval is required for all DMF regulations affecting manner of fishing, and times, places, quantities, and sizes of fish to be taken (G.L. c. 130, §17A). Process for this is that DMF Director makes regulatory recommendation to MFAC. MFAC can make motion to vote up recommendation or advise Director on how to amend recommendation. If a recommendation is moved and voted down, DMF Director can withdraw recommendation or revise it based on advice of MFAC.

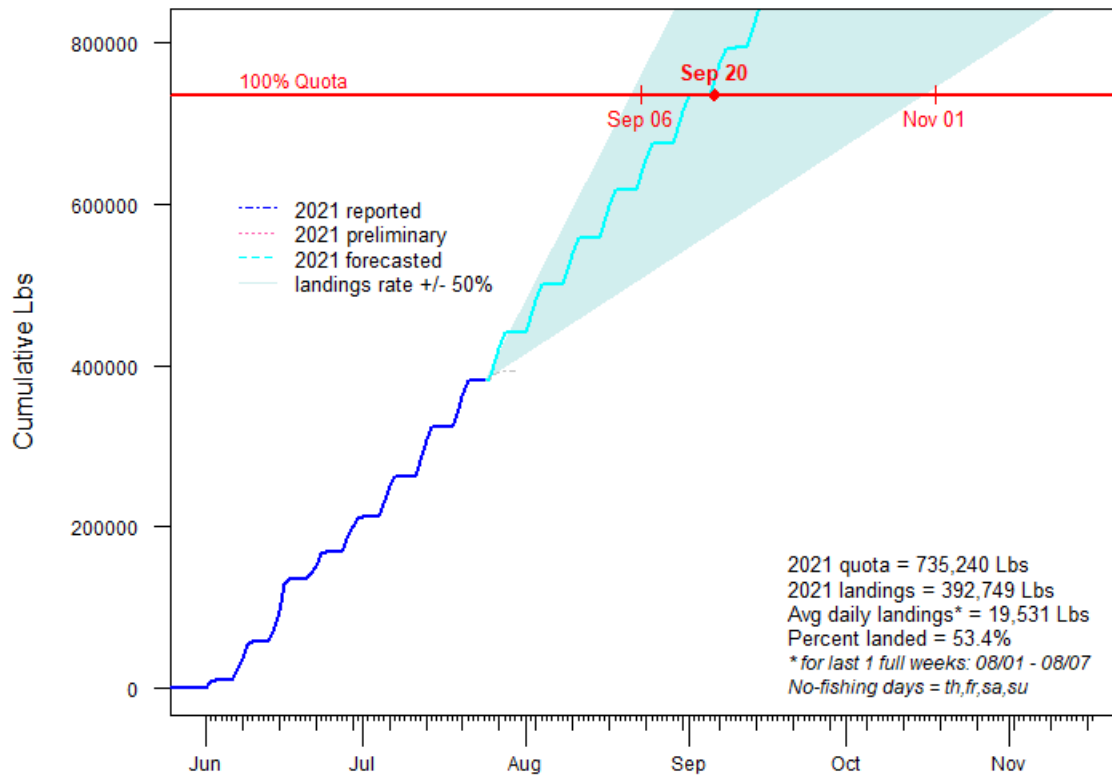
MFAC has legal authority over appointment and removal of DMF Director (G.L. c. 130, §1B). DFG Commissioner moves appointment of DMF Director to MFAC for their approval. DMF Director may be removed with approval of MFAC and DFG Commissioner.

DMF has authority to manage fisheries beyond statutory oversight of the MFAC. This includes permitting (G.L. c. 130, §80), adopting emergency regulations (G.L. c. 130, § 17(11)), establishing permit conditions (G.L. c. 130, §80 and 322 CMR 7.01(7)), and operation of vessels in MA to protect marine species (G.L. c. 130, §17(10)). However, in taking these actions, DMF Director consults MFAC in their capacity as an advisory body.



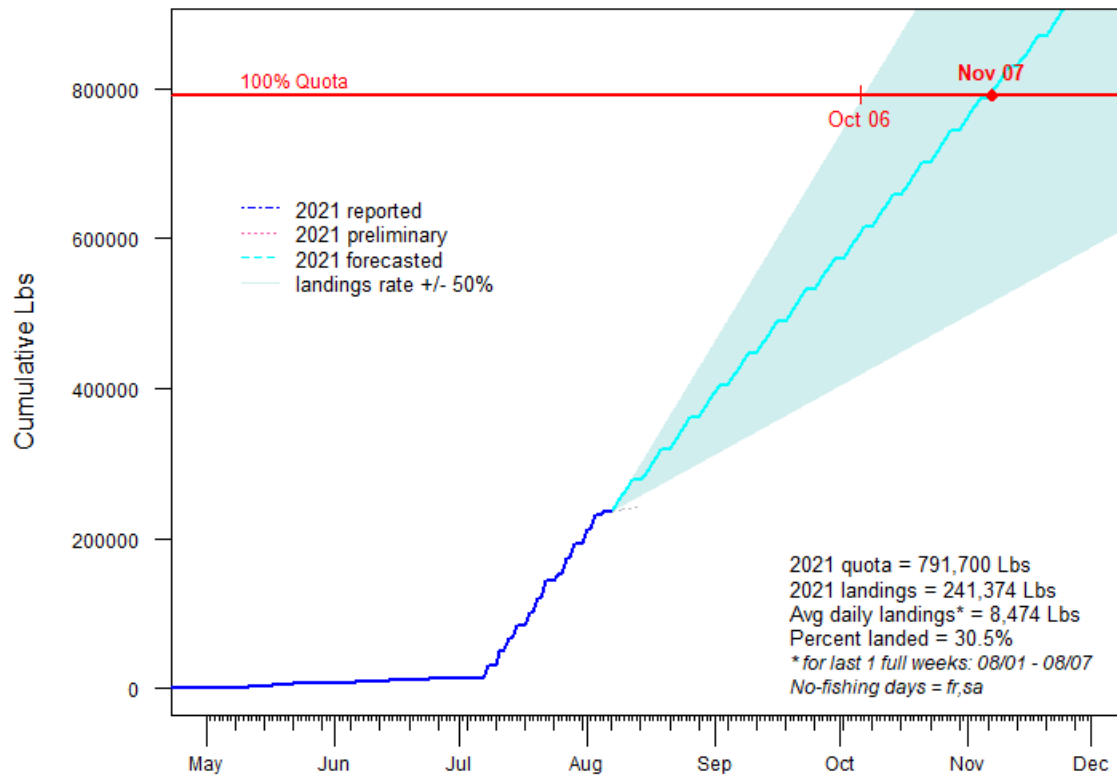
2021 BASS, STRIPED Quota Monitoring

as of August 13, 2021 12:03 PM



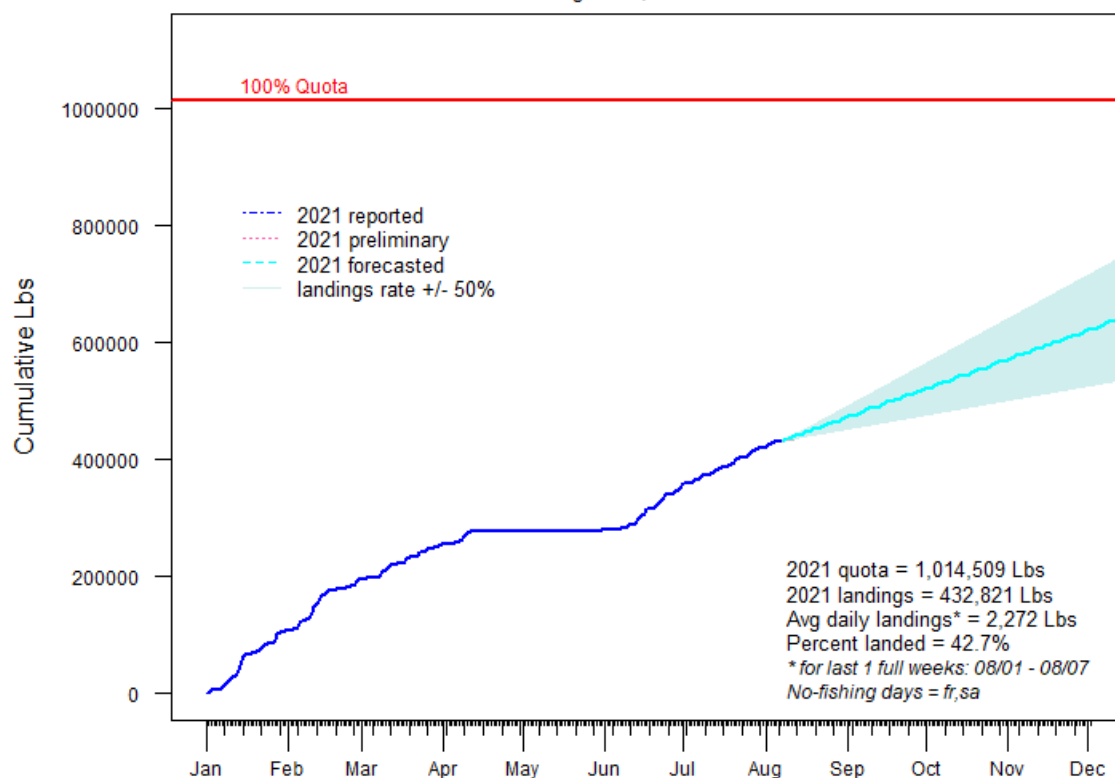
2021 BASS, BLACK SEA Quota Monitoring

as of August 13, 2021 12:00 PM



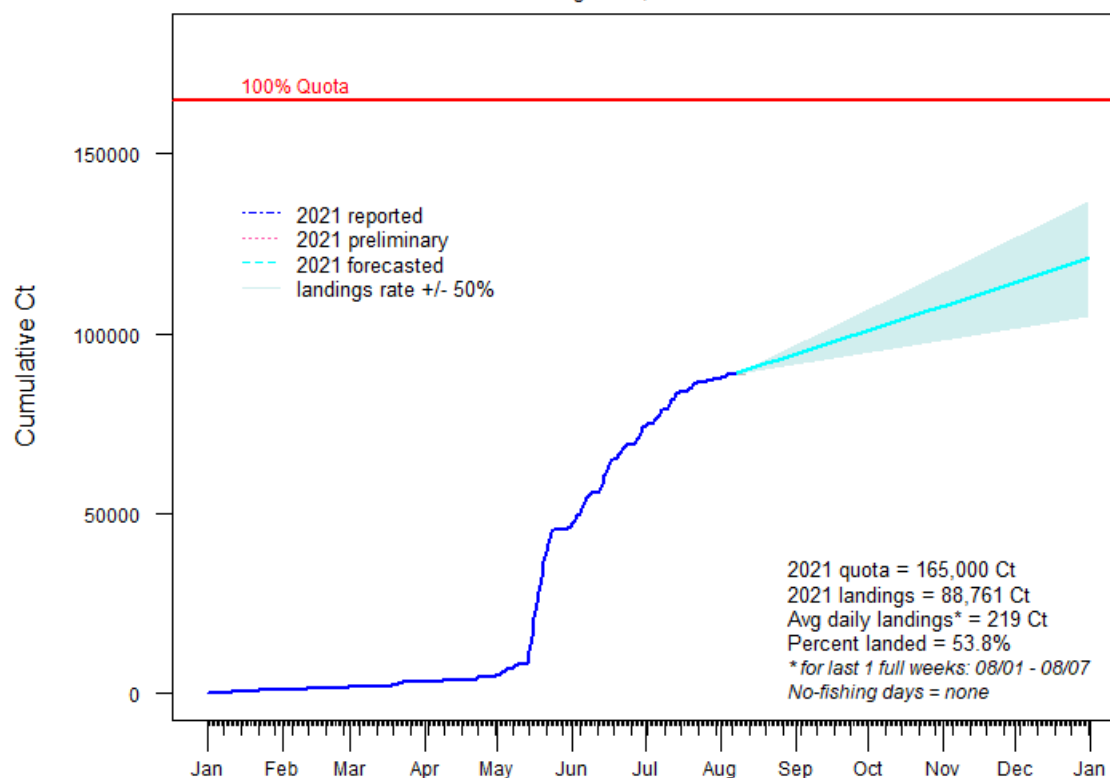
2021 FLOUNDER, SUMMER Quota Monitoring

as of August 13, 2021 11:12 AM



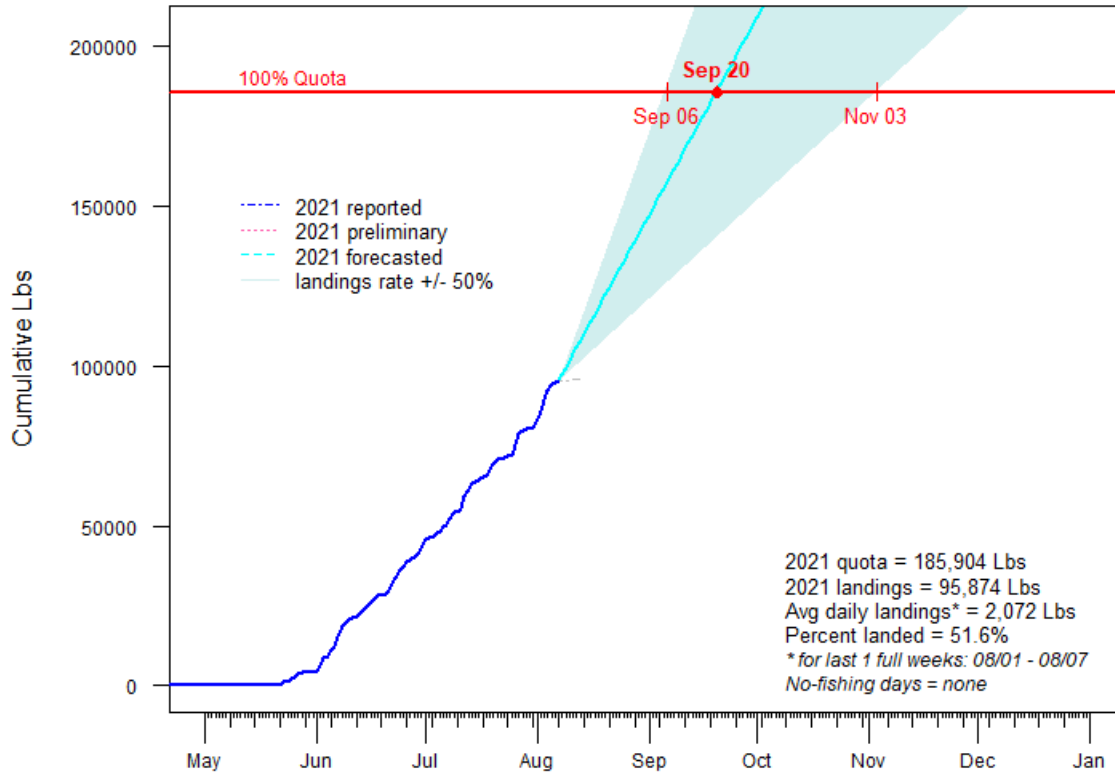
2021 CRAB, HORSESHOE Quota Monitoring

as of August 13, 2021 11:50 AM



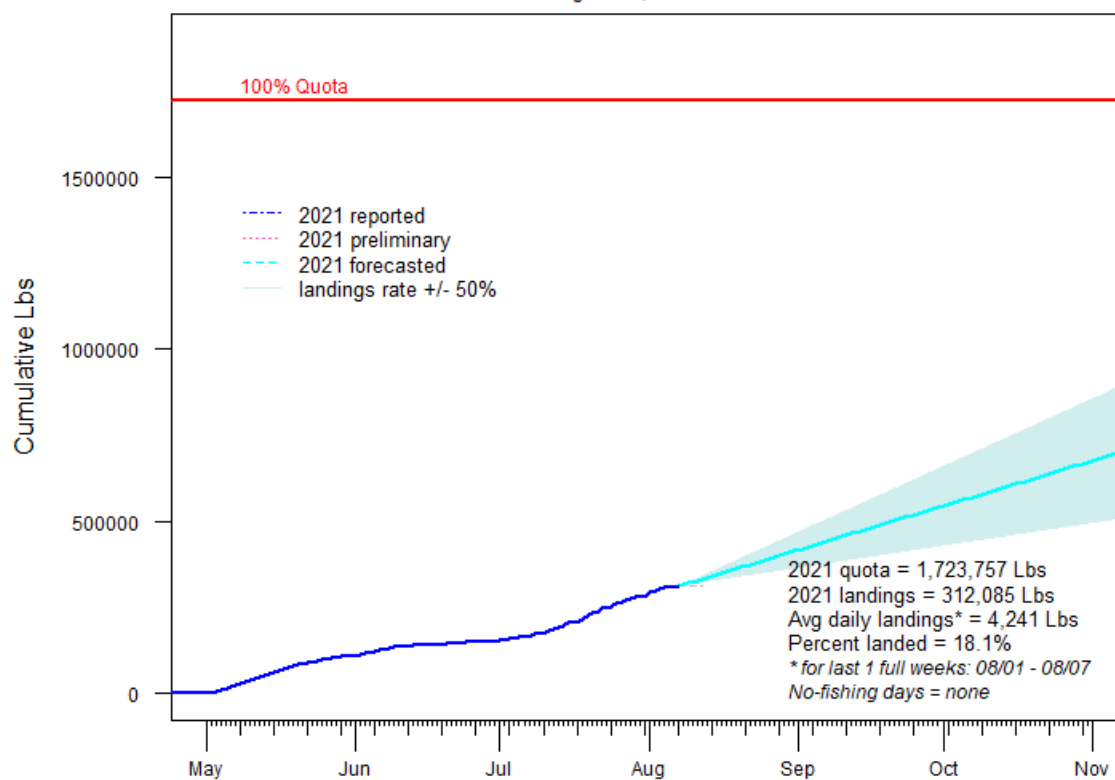
2021 BLUEFISH Quota Monitoring

as of August 13, 2021 11:09 AM



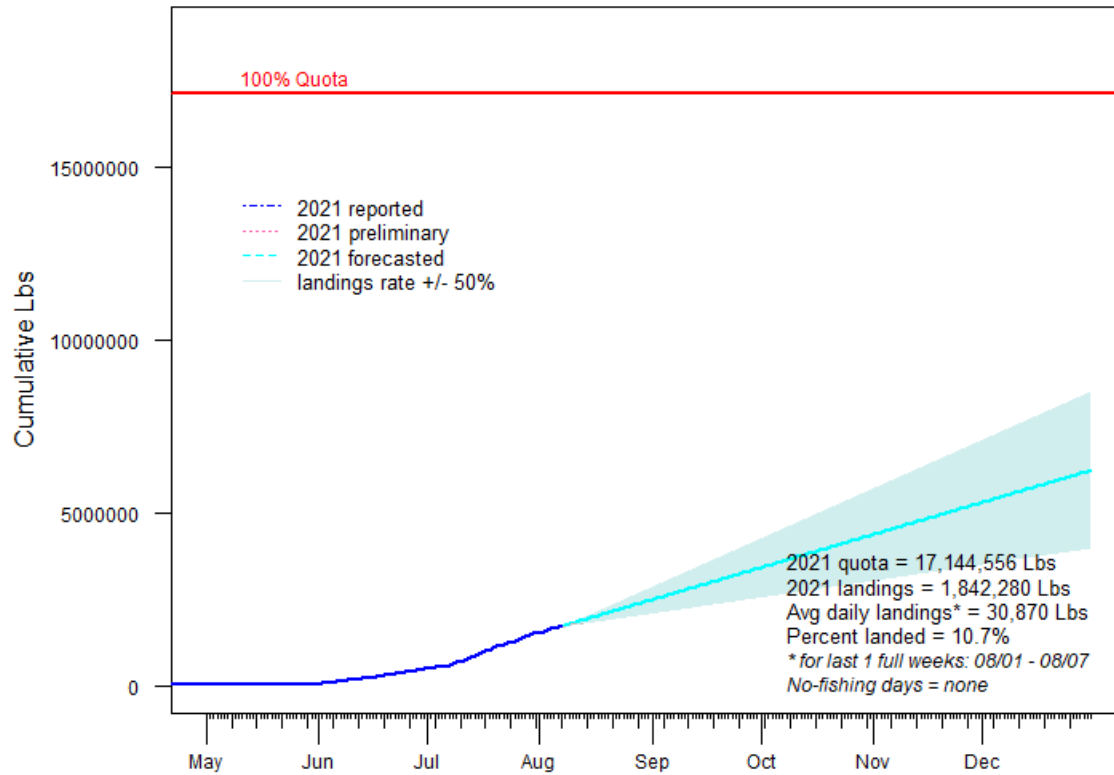
2021 SCUP Quota Monitoring

as of August 13, 2021 11:16 AM



2021 SHARK, DOGFISH, SPINY Quota Monitoring

as of August 13, 2021 12:07 PM



Quota Monitored Species Update

Data current as of 8/18/21 and are subject to change

Anna Webb

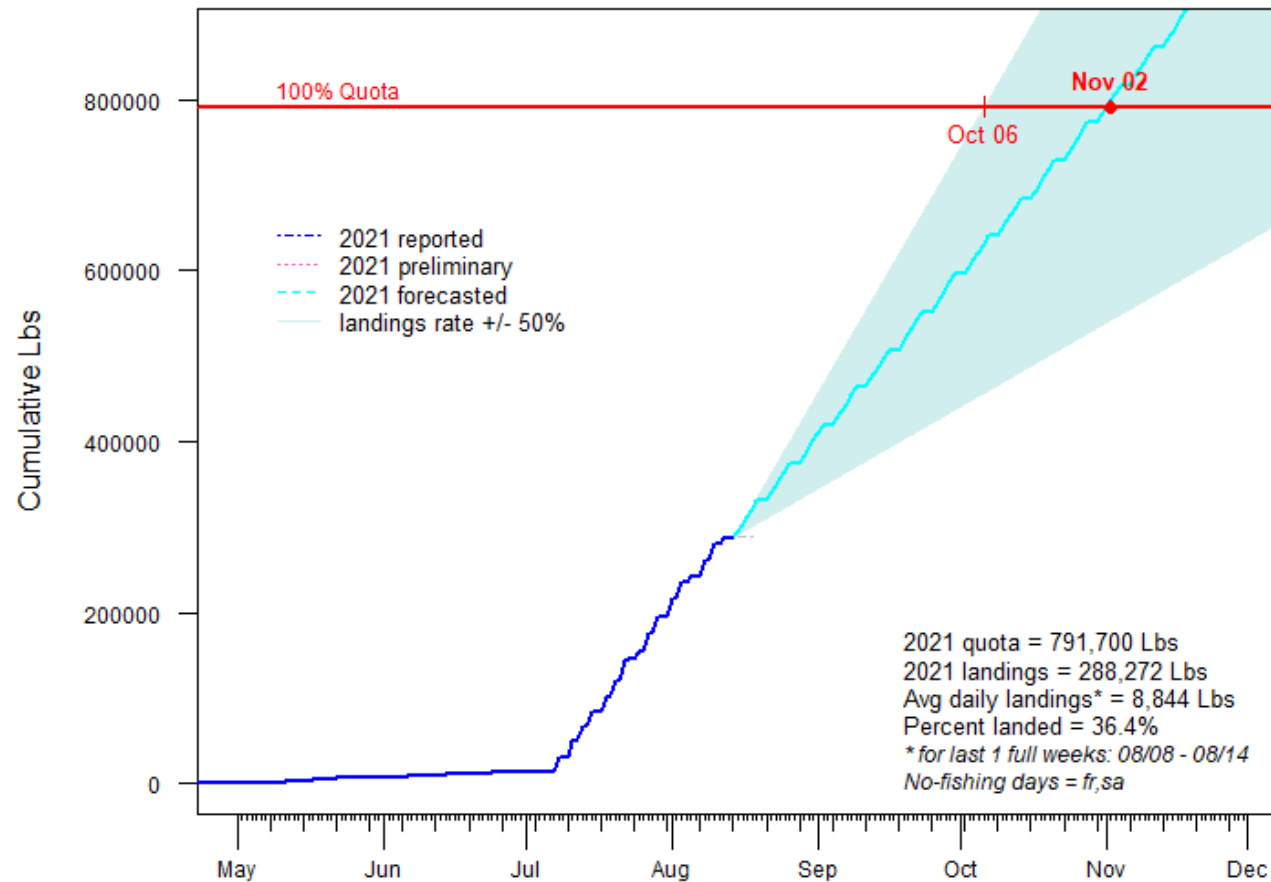
Fisheries Statistics Project Leader

MFAC meeting, 8/19/21

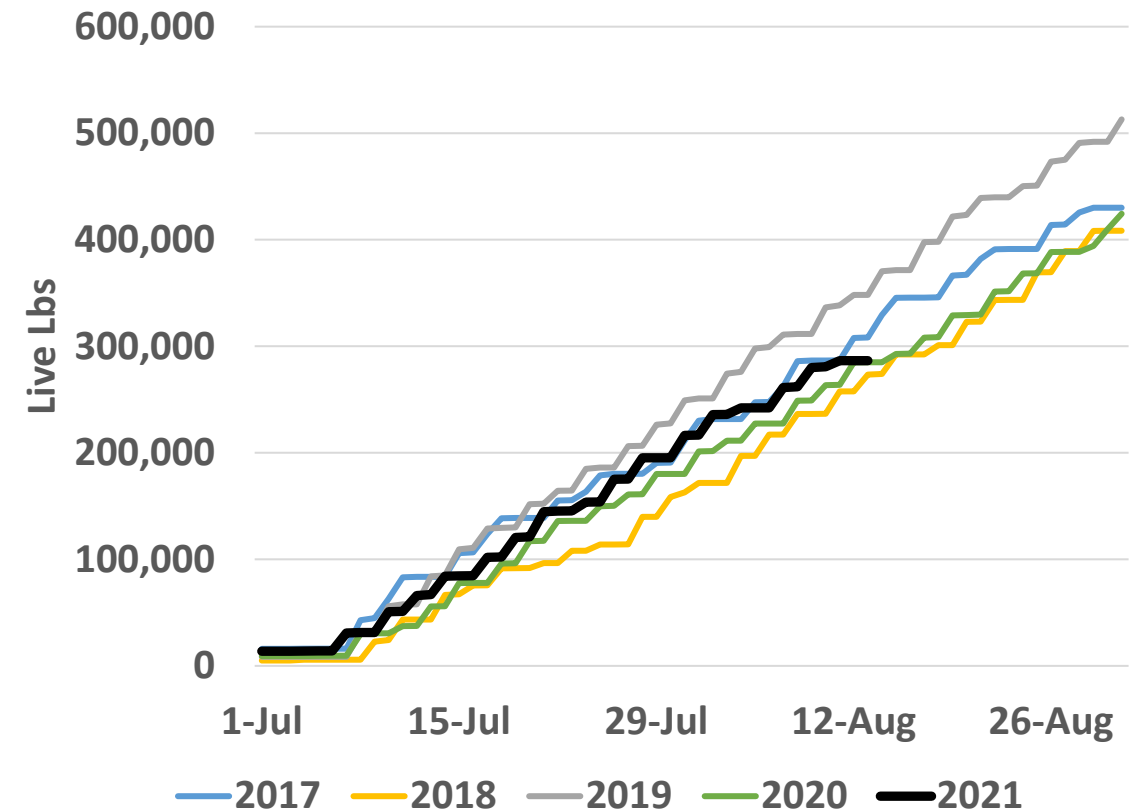
Black Sea Bass

2021 BASS, BLACK SEA Quota Monitoring

as of August 18, 2021 02:45 PM



Annual Running Totals of Landings: Black Sea Bass

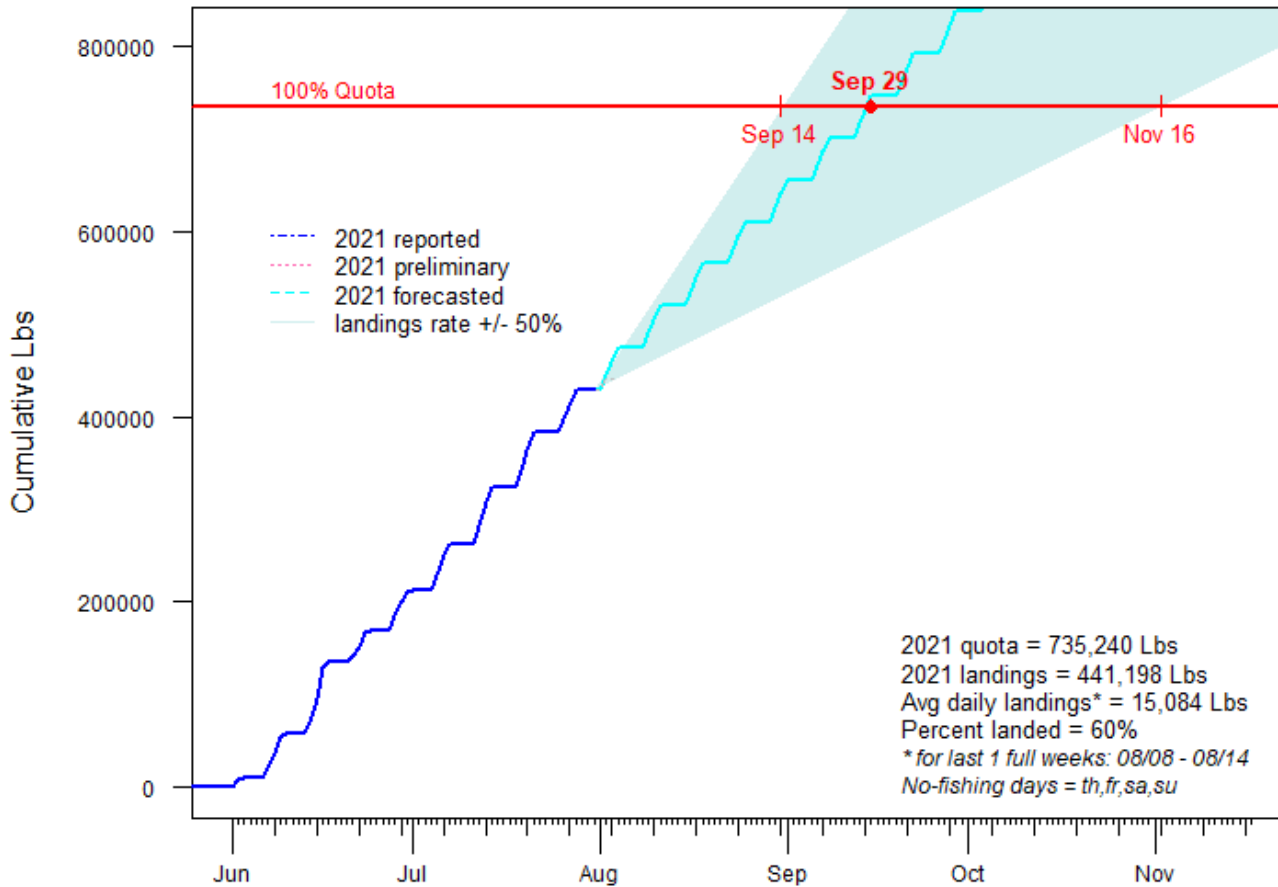


Quota significantly increased in 2020 with a small increase in 2021

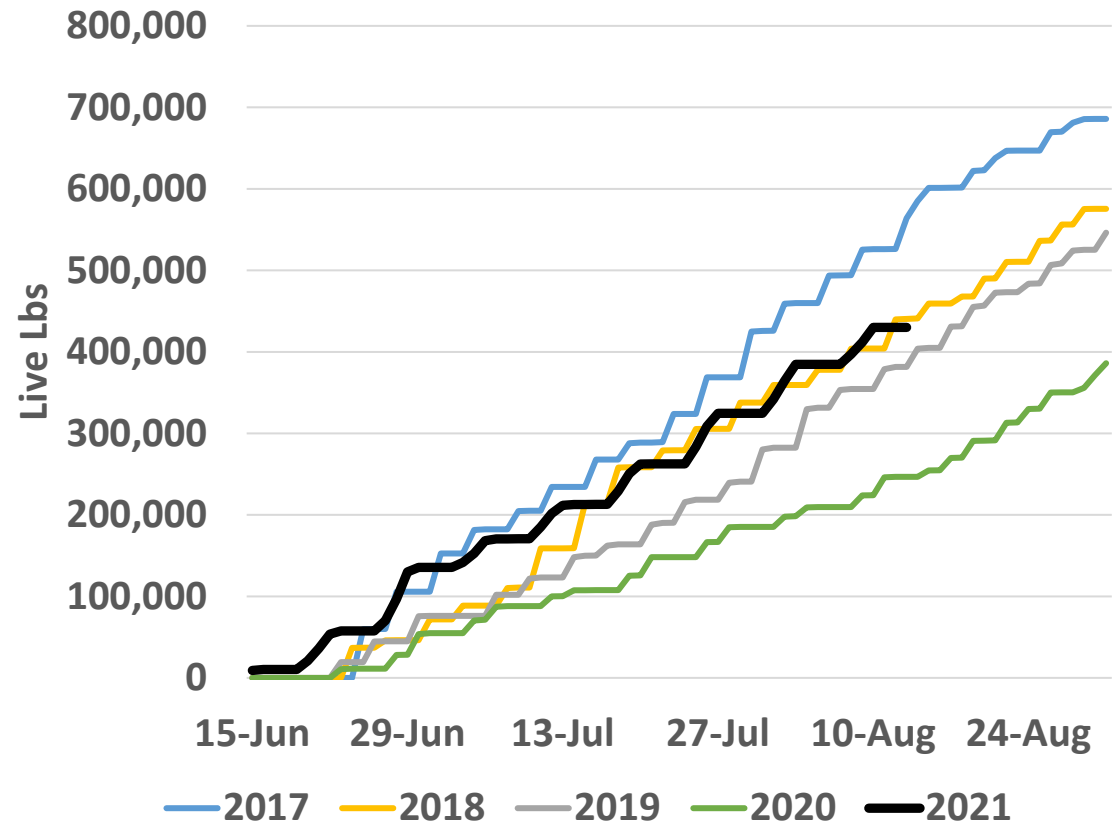
Striped Bass

2021 BASS, STRIPED Quota Monitoring

as of August 18, 2021 02:52 PM



Annual Running Totals of Landings: Striped Bass



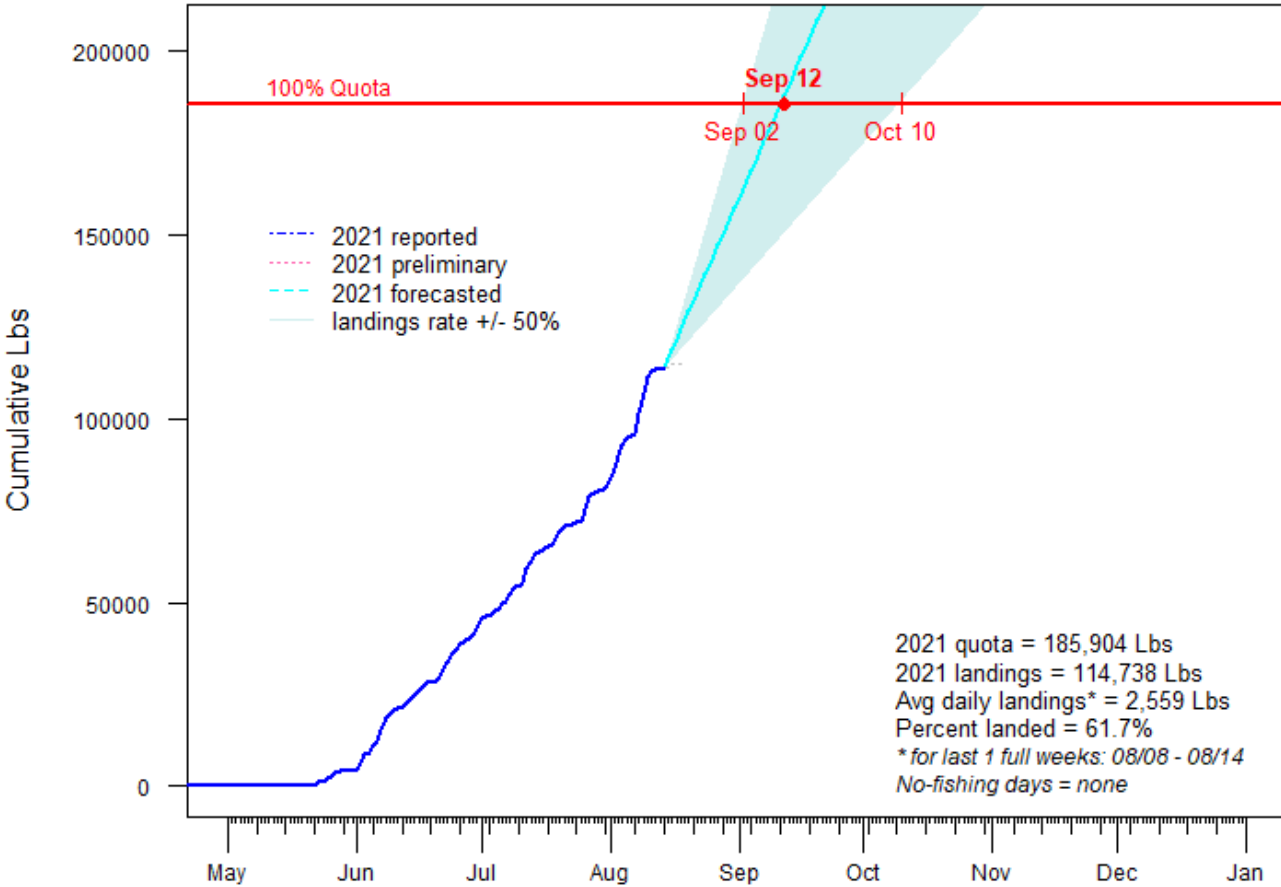
Quota decreased ~15% in 2020

Note: X-axis scale on the left figure is off by about two weeks. However, projection dates are accurate.

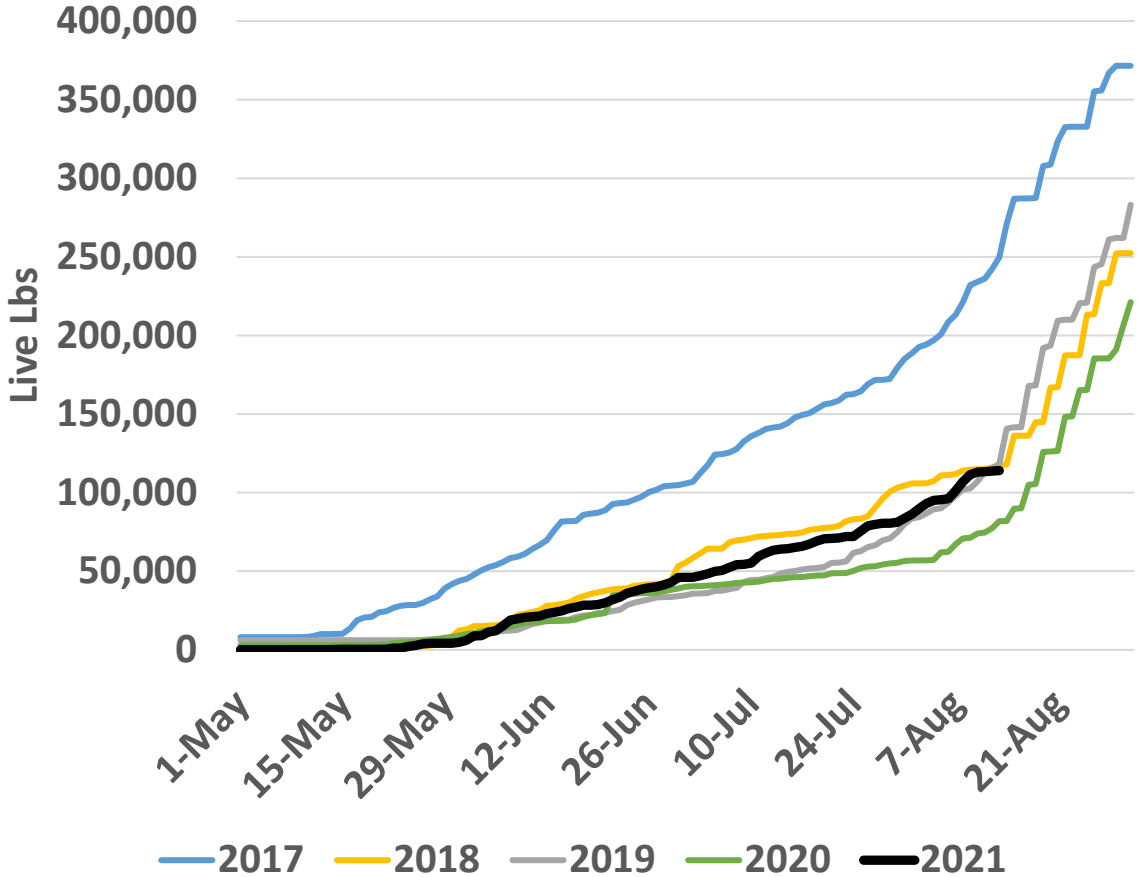
Bluefish

2021 BLUEFISH Quota Monitoring

as of August 18, 2021 02:29 PM



Annual Running Totals of Landings: Bluefish

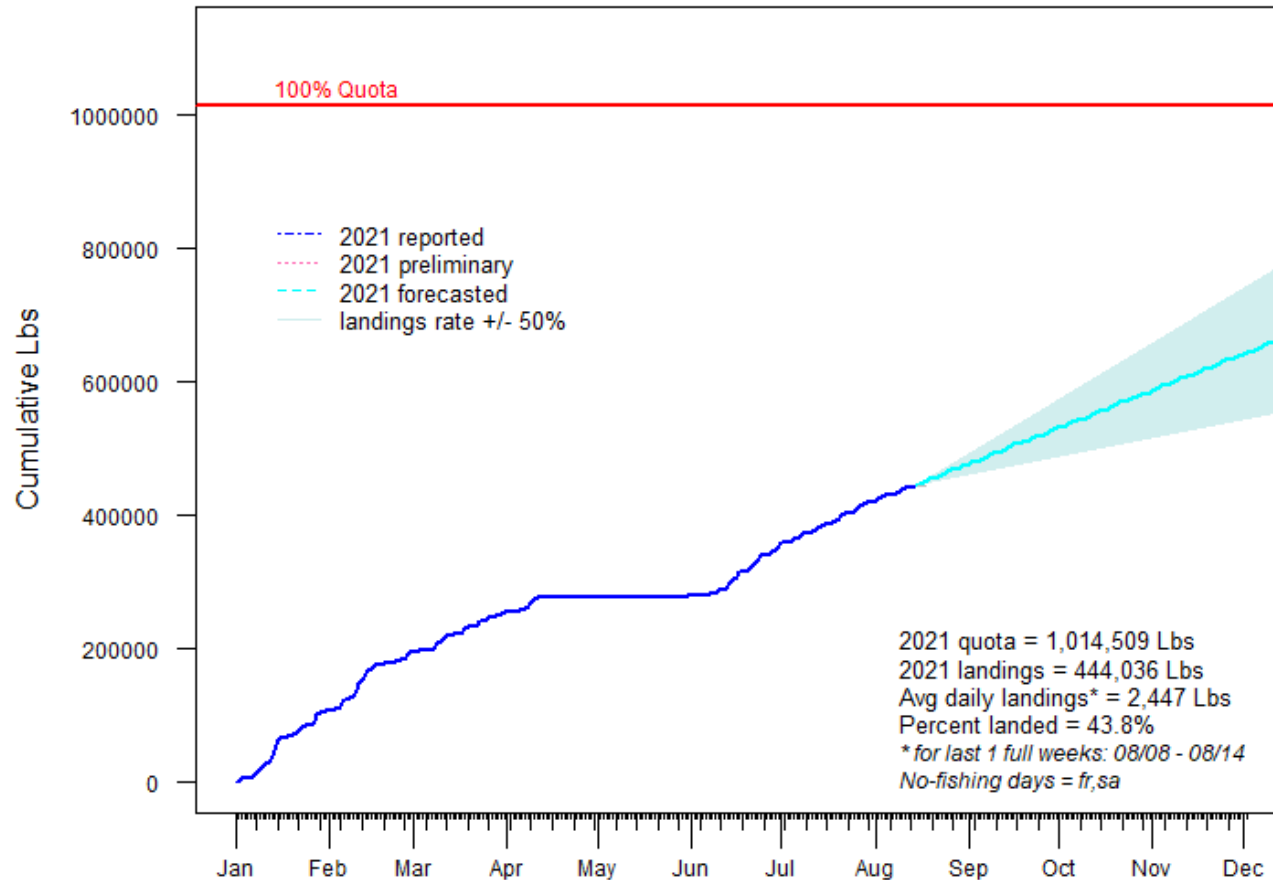


Quota significantly decreased in 2020

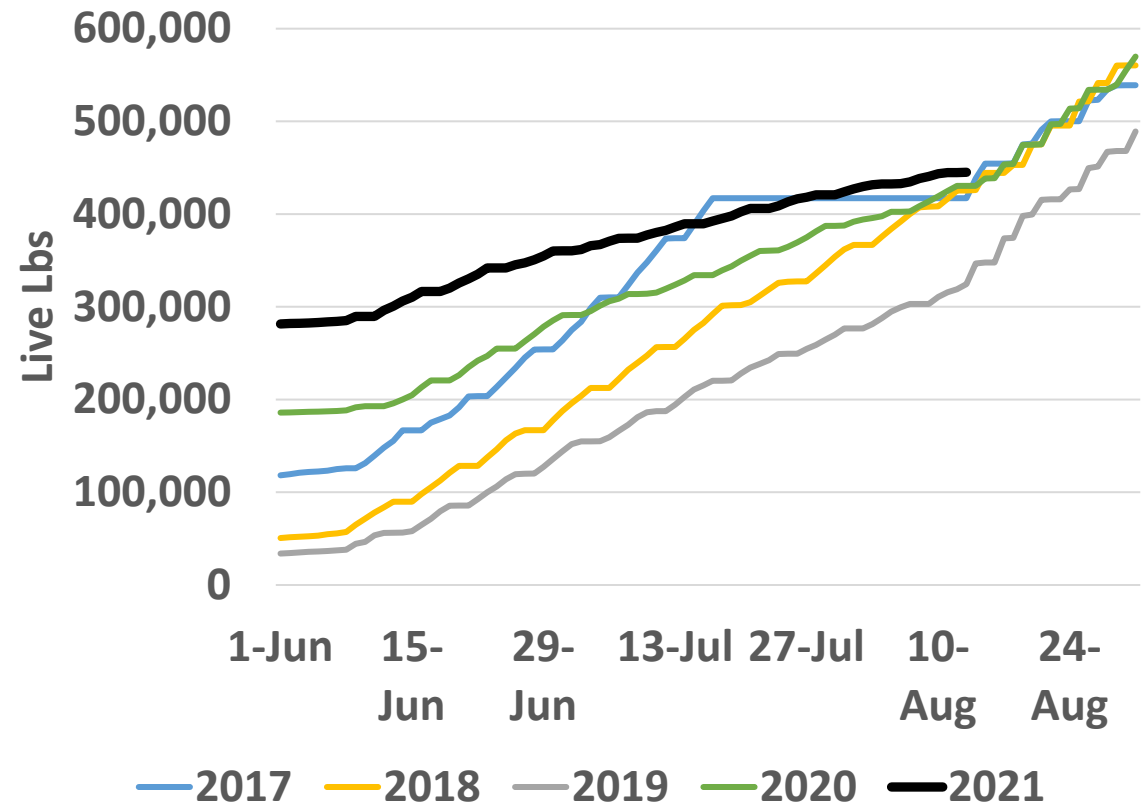
Summer Flounder (Fluke)

2021 FLOUNDER, SUMMER Quota Monitoring

as of August 18, 2021 02:38 PM



Annual Running Totals of Landings: Fluke

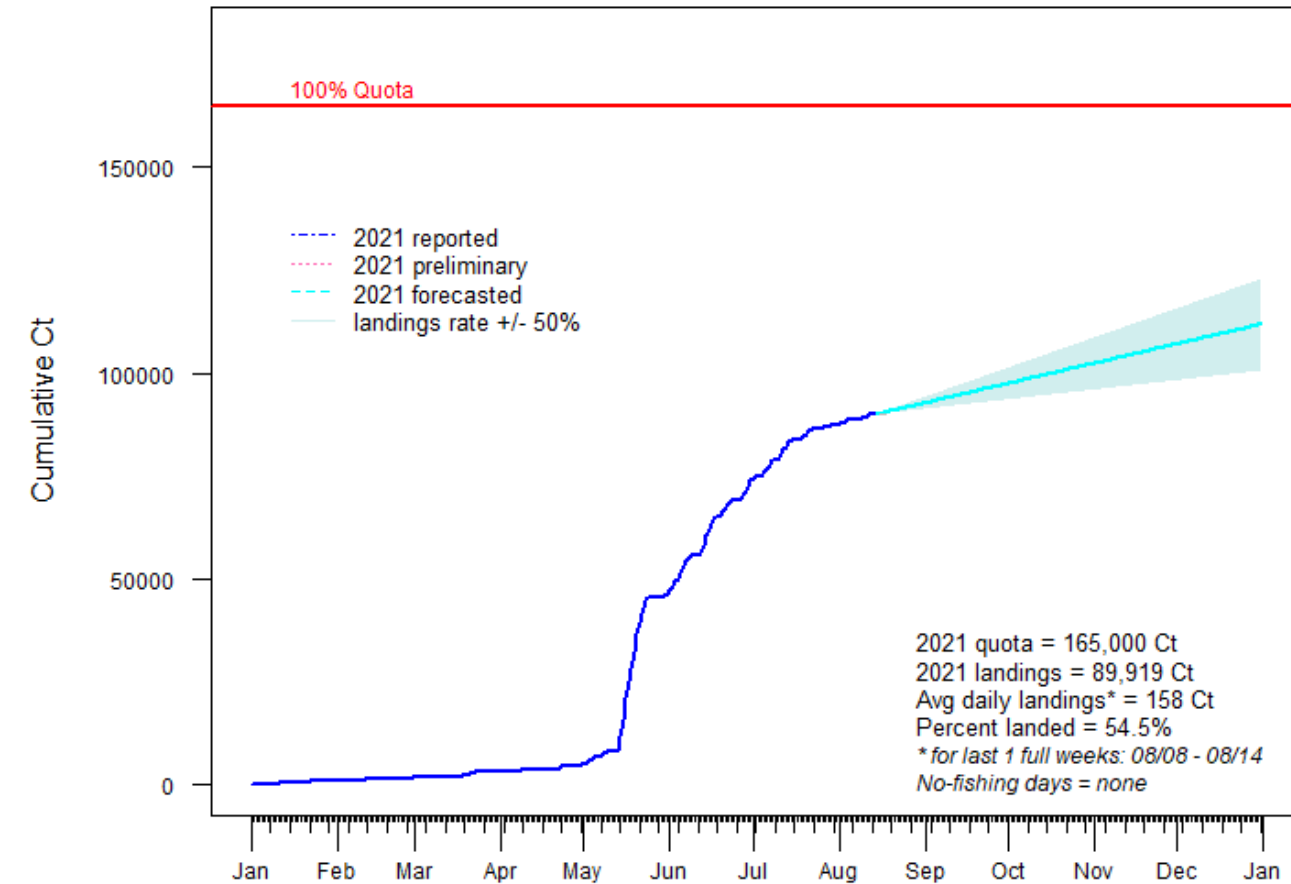


Quota increased almost 100% between 2018 & 2021

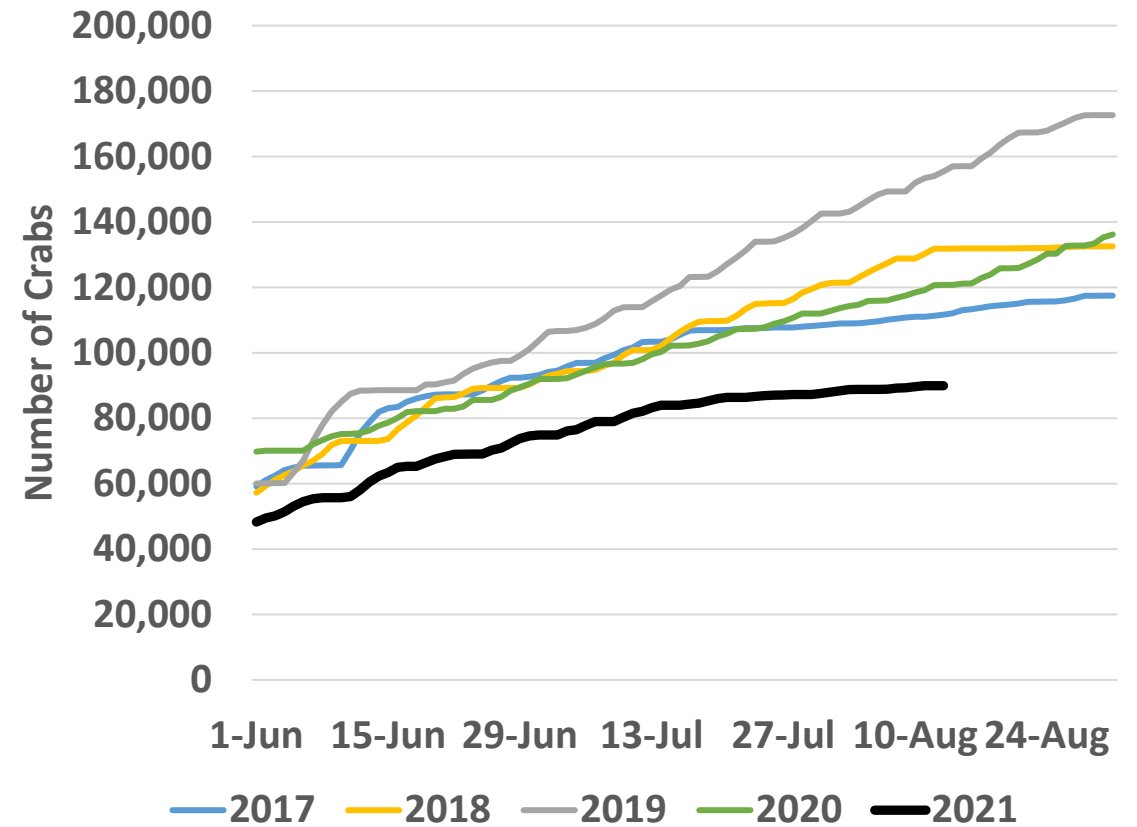
Horseshoe Crab

2021 CRAB, HORSESHOE Quota Monitoring

as of August 18, 2021 02:42 PM



Annual Running Totals of Bait Landings: Horseshoe Crab



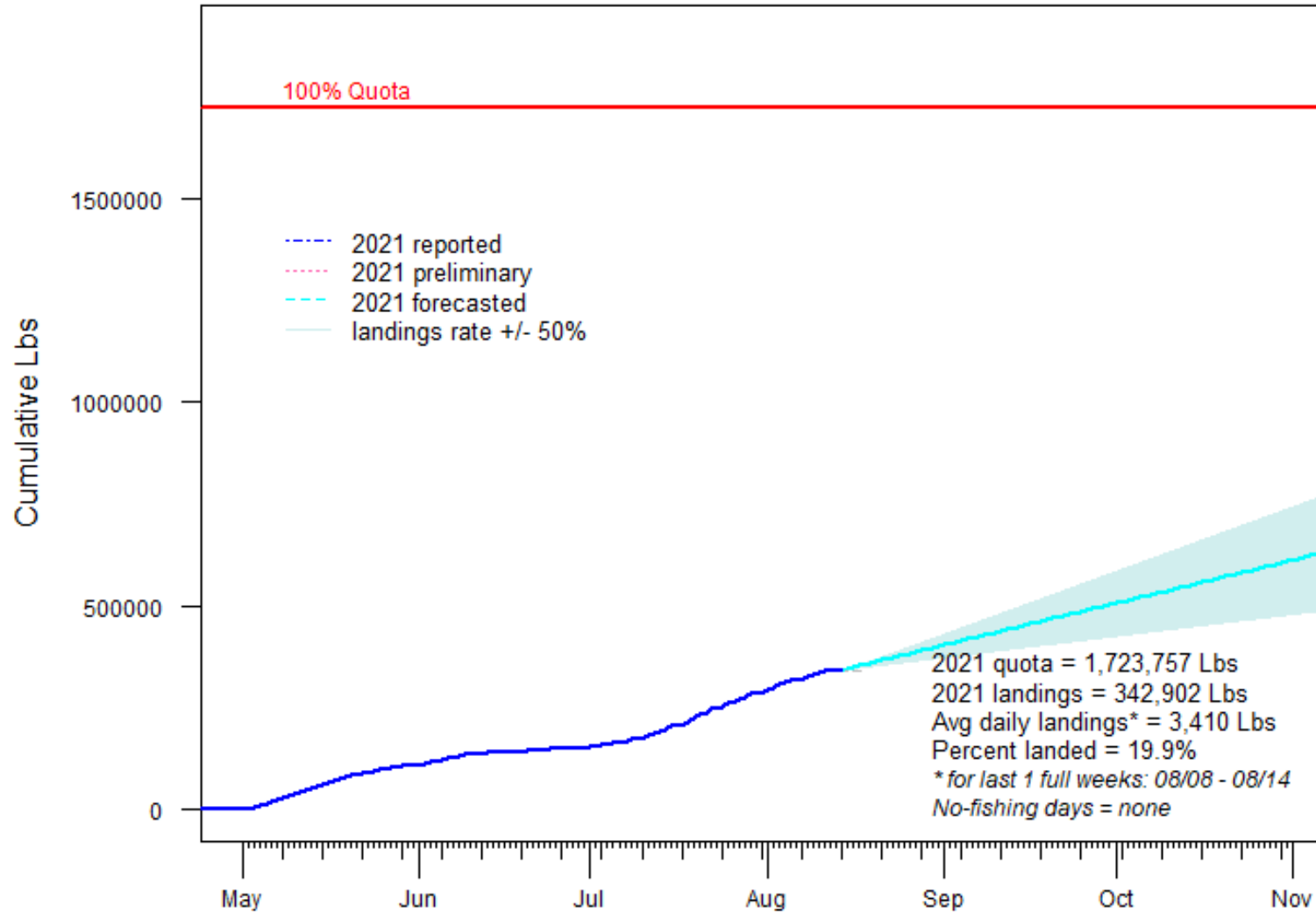
Missing 2021 data may skew these results

No change in quota over time series

Scup

2021 SCUP Quota Monitoring

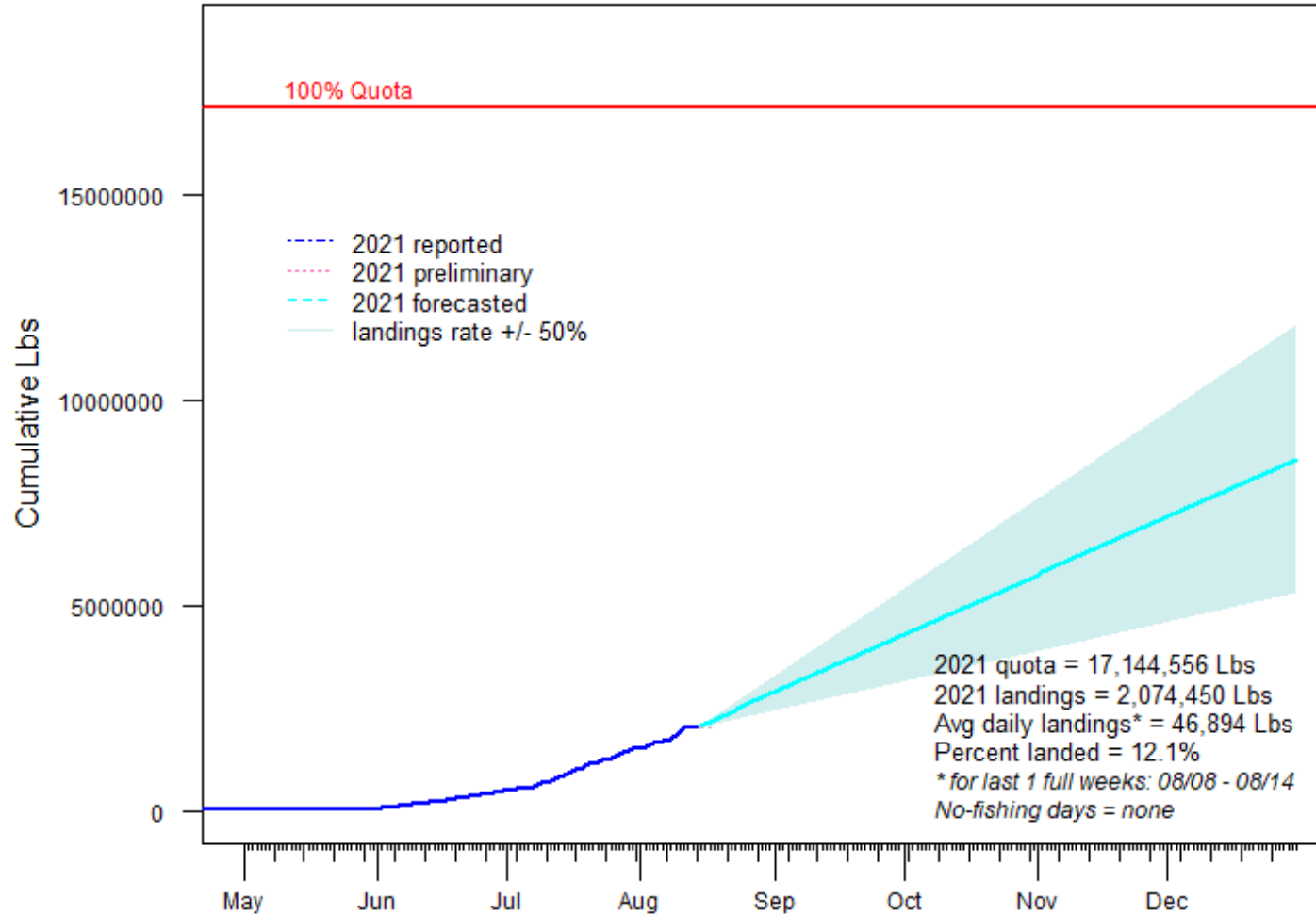
as of August 18, 2021 02:40 PM



Spiny Dogfish

2021 SHARK, DOGFISH, SPINY Quota Monitoring

as of August 18, 2021 03:04 PM



Menhaden

- Please see the Memorandum issued with the meeting documents for more information.



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Daniel McKiernan, Director
FROM: Nichola Meserve, Fisheries Policy Analyst
DATE: August 16, 2021
SUBJECT: 2021 Menhaden Quota Transfers

This memo summarizes DMF's efforts to manage the state's 2021 commercial menhaden fishery, including the process for requesting quota transfers in a regional approach.

MA's initial 2021 quota allocation was 5,422,022 pounds (1.27% of the ~428.57 mlb TAC as adjusted for the 1% Episodic Event Set Aside¹ and relinquished quota from DE²). Recall that the 2021 (and 2022) coastwide TAC was reduced 10% with the implementation of Ecological Reference Points for menhaden that consider their role as forage fish. Landings in MA began in earnest in mid-May, earlier than usual. Our 85% quota use trigger to reduce the limited entry fishery's trip limit from 125,000 lb to 25,000 lb was tripped for Saturday, June 12, and a quota closure was instituted less than a week later, with the last open day being Thursday, June 17.

DMF had previously requested and been granted access to the EESA and entered into that fishery the next day, Friday, June 18 with a 25,000-pound trip limit for limited entry participants. RI had previously entered into EESA on Thursday, June 8, and ME followed us with an entry date of Saturday, June 24. ME exited the EESA fishery on Thursday, July 1 (to avoid causing an overage with their high daily landings) and MA and RI stayed in the EESA fishery through Friday, July 17, when it was projected to be exhausted. MA's preliminary landings tally under the EESA are 1,962,248 lb, or roughly 45% of the 4,285,786-lb set-aside. Due primarily to an accounting error (on ASMFC's part), there was an overage of the EESA by about 425,000 lb, which is expected to be covered by transferred quota rather than accounted for in next year's EESA.

¹ The Episodic Event Set Aside (EESA) is a feature of the FMP that sets aside 1% of the overall TAC to add flexibility for increased harvest during episodic events, reduce discards, and prevent fish kills. Episodic events are times and areas where Atlantic menhaden are available in usually large amounts, causing a state to reach its quota prior to September 1. The states of Maine through New York are eligible to harvest from this set aside.

² Prior to the start of a fishing year, a state may relinquish all or part of its quota, which is then redistributed to the remaining states according to their 2009–2011 landings. This provision was added to the FMP at the same time as the 0.5% default minimum allocation to all states to minimize latent quota.

In late June, recognizing a regional need for additional menhaden quota, the three states participating in the EESA—ME, MA, and RI—began working cooperatively to pursue menhaden quota transfers for use after each state’s EESA fishery concluded. The intent was to reduce the burden on donor states by minimizing the number of transfer letters and avoiding competing transfer requests through thoughtful coordination. Through this approach, a total of 8,271,164 pounds was donated from six states to be shared amongst ME, MA, and RI, in shares agreed upon by the three states for each transfer (Table 1). DMF accepted the transfers to MA, totaling 2,492,791 lb, in a staggered approach such that our quota use remained above 85%, resulting in the 25,000-lb trip limit being in place for limited entry permit holders. With these transfers, MA was able to re-open the quota managed fishery from Monday, July 19 through Tuesday, August 10.

In determining a sharing formula for these transfers, the three states agreed that neither an approach based strictly upon the Amendment 3 allocations (which would disadvantage ME) nor more recent years’ landings (which would disadvantage MA and RI) was preferred. Hence, other factors were taken into consideration such as each state’s participation and capacity levels and current year fishery trend. For example, ME has considerably more participants and capacity than either of the other states despite more conservative trip limits having been implemented (e.g., 23,800-lb/week limit), and quota transfers greatly help the state to minimize its use of the incidental catch/small-scale fishery provision in which landings are not accountable to the TAC; RI has an additional layer of biomass-based management in Narragansett Bay that can limit harvest opportunity; and MA tries to balance competing desires from commercial fishing interests for a mid-scale fishery open throughout the summer to supply the local bait market, with other stakeholders’ interests for ecosystem considerations and forage demand, while also avoiding fish kills and on-the-water user group conflict.

Through this regional approach to transfers, MA received the second highest proportion of the transferred quota. While MA finished (and started) with the highest allocation among the three states, we also increased our quota by the lowest percentage (Table 1). Both MA and RI took smaller shares of later transfers allowing ME a larger proportion. DMF agreed to this for MA based on projections that the total quota transferred would be enough to keep the mid-scale fishery open through late August. However, the daily landings rate increased, resulting in the mid-August quota closure.

MA’s adjusted quota of 7,914,813 lb is about 0.5 mlb less than that of 2020 (transfer adjusted quota of 8,417,582 lb, of which 8,416,937 lb was reported landed). However, EESA reported landings in 2021 (1,962,248 lb, preliminary data) are about 1.6 mlb more than 2020’s (361,485 lb). Taken together, MA’s reported 2021 landings that are accountable to the TAC (i.e., quota and EESA fisheries) are expected to be about 10% higher than 2020. Additionally, the earlier quota closure in 2021 (August 11 compared to 2020’s October 24, except for an August 7–16 closure) combined with high menhaden prices (about triple the average) are expected to result in more landings under the 6,000-lb incidental catch/small scale fishery allowance in 2021 than in 2020 (49,350 lb).

There has been considerable interest (often critical) of DMF’s management of the menhaden fishery in 2021 from the non-commercial fishery public, mostly in response to our

announcements of additional commercial fishing access. Made possible by our transparency in management, these comments frequently reveal a level of unfamiliarity with the species positive stock status, ecological management, FMP provisions, the contribution of MA to the coastwide fishery and the role of quota transfers, the potential for fish kills, and recollection of historical periods of much greater menhaden landings in MA. DMF remains committed to balancing user group views and needs, provided they are based in fact. Notably, many of the interstate FMP's management measures that cause this attention (e.g., state quota shares that are mismatched with shifting regional abundance, the incidental catch/small-scale fishery provision and growing purse seine landings under it) are undergoing review and consideration of revision in a recently initiated Draft Addendum I to Amendment 3. That said, we have been made aware of some on-the-water abuses by commercial vessels in 2021 causing user-group conflict and are taking appropriate remedial actions.

Table 1. 2021 Menhaden Transfer Summary, delineating donor state and proportional sharing of the transfers among the three cooperating states of MA, MA & RI.

Date of Donation	From	Total Amt.	ME Portion	MA Portion	RI Portion	MA Transfer Status
1-Jul	CT	750,000	300,000 (40%)	262,500 (35%)	187,500 (25%)	Effect. Jul 17
2-Jul	NC	2,000,000	800,000 (40%)	700,000 (35%)	500,000 (25%)	Effect. Jul 17
2-Jul	SC	1,500,000	675,000 (45%)	525,000 (35%)	300,000 (20%)	Effect. Jul 27
8-Jul	GA	1,621,164	972,698 (60%)	405,291 (25%)	243,175 (15%)	Effect. Jul 27
13-Jul	PA	1,000,000	600,000 (60%)	250,000 (25%)	150,000 (15%)	Effect. Aug 5
13-Jul	FL	1,400,000	840,000 (60%)	350,000 (25%)	210,000 (15%)	Effect. Aug 5
	TOTAL	8,271,164	4,187,698 (~51%)	2,492,791 (~30%)	1,590,675 (~19%)	
Initial Quota			2,194,396 (0.52% of TAC)	5,422,022 (1.27% of TAC)	2,196,815 (0.52% of TAC)	
Adjusted Quota			6,382,094 (1.5% of TAC)	7,914,813 (1.87% of TAC)	3,787,490 (0.89% of TAC)	
Quota Increase			191%	46%	72%	



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: August 16, 2021
SUBJECT: In-Season Adjustments to 2021 Commercial Black Sea Bass Limits

Recommendation:

I am recommending the MFAC vote in favor of the following in-season adjustments to the 2021 commercial black sea bass limits:

1. Effective August 30, 2021, increase the directed commercial black sea bass trip limits for hook and line and pot fishermen by 25%. This will increase the commercial pot limit from 400 pounds to 500 pounds and the hook and line limit from 200 pounds to 250 pounds.
2. Effective August 30, 2021, increase the number of open fishing days per week for the directed commercial black sea bass hook and line and pot fisheries from three days per week (Sunday/Tuesday/Thursday) to five days per week (Sunday – Thursday).
3. Effective October 1, 2021, eliminate the remaining closed fishing days in the directed commercial black sea bass hook and line and pot fisheries.

Rationale

As of August 7, 2021, the commercial black sea bass fishery has harvested approximately 30% of its 2021 commercial quota (791,700 pounds). While our quota monitoring program projects the 2021 quota will be taken in early November, this projection is based on current catch rates persisting through the fall. Experience tells us that this will not occur.

In September and October, we encounter worsening seasonal weather. This leaves the small vessel operators—who constitute much of the directed hook and line and pot fisheries—with the difficult choice between braving poor sea conditions or forgoing income. In response, we typically enhance access to the quota through increasing the number of open fishing days to allow fishermen to choose their fishing days more safely.

During the fall period, black sea bass also begin to migrate offshore. This requires fishermen travel further distances to target the species. To this point, we have received anecdotal reports from fishermen and dealers that the “jumbo” and “large” grade fish have already moved

offshore. Therefore, taking immediate action to increase trip limits would make the fishery more economically efficient by allowing them to offset the increased overhead associated with having to travel further distances with the ability to land more fish per trip.

Bear in mind that DMF last adjusted the regulatorily set commercial fishing limits for the directed hook and line and pot fishery for black sea bass in 2017. Since that time, the annual commercial black sea bass quota allocated to Massachusetts by the Atlantic States Marine Fisheries Commission has increased by about 32%, due to high stock abundance, as well as the reduction of scientific uncertainty and the incorporation of recalibrated MRIP data into the stock assessment. Rather than adjusting the baseline regulatory limits for black sea bass, DMF has instead favored using annual in-season adjustments to ensure full quota utilization.

To date, quota utilization in 2021 has been rather similar to 2020. After the first week of August 2020, about 25% of the state's 728,565-pound black sea bass quota was landed. Then at the August 2020 business meeting, the MFAC unanimously approved my recommended in-season adjustments to increase access to the available quota. The 2020 in-season adjustment increased trip limits for potters from 400 pounds to 500 pounds and hook and liners from 200 pounds to 250 pounds beginning on August 31; allowed directed pot and hook and line fishing from Sundays – Thursdays beginning on August 31; and eliminated the remaining closed fishing days on October 2. This is effectively the same as my recommendation this year. As a result of this action, the 2020 commercial quota was taken in early November and the fishery closed on November 5. This action enabled the commercial fishery to take its allocated quota, and the black sea bass quota remained available through the fall tautog season allowing rod and reel fishermen to retain a bycatch of black sea bass. I anticipate my recommended action this year will produce a similar positive result, if approved.

Public Comment

In proposing this in-season adjustment for 2021, DMF held a two-week written public comment period. Comment was sparse, which is typically indicative of the fact that the proposal is not objectionable.

The comments received from commercial fishermen and dealers generally supported the proposal, as it would provide them with the opportunity to utilize and profit from the quota available to the state.

Certain commercial fishermen raised concerns about how increasing supply may result in an erosion of market value. I do not share this concern. This has not occurred in prior years. Moreover, my recommendation is not designed to increase catch rates, but offset the limiting impacts of fall weather and fish migration through increased trip limits and fishing days. As a result, I do not anticipate this recommended action will flood the market with additional fish. That said, I am intrigued by continued issues with the markets for black sea bass and will continue to have our Seafood Marketing Program work to build more robust demand for this local, sustainable, and high-quality seafood product.

DMF also received some comments from recreational fishermen who opposed the proposal. These comments fall into three general categories:

1. Individuals who did not support increasing commercial access due to conservation concerns. I do not share these expressed concerns. The stock assessment indicates the black sea bass stock is robust and is not overfished nor experiencing overfishing. The most recent stock assessment indicates spawning stock biomass in 2019 remained 2.1 times above its target. While SSB has declined some since the peak in 2014, and there are fewer larger fish in the population this year as compared to prior years, this is attributable to an anticipated year-class effect in which recent large year classes (e.g., 2011 and 2015) are aging out of the fishery, not a general stock status issue. Looking forward, the 2018 year-class is above average. Moreover, even if the stock was not in as strong of a condition, the quota is set based on the status of the stock and the commercial fishery should have access to the fish allocated to it.
2. Individuals who supported the proposal provided it occurred only after the recreational fishery closes on September 9. While I understand this sentiment, I think it is appropriate to move forward with the proposal as recommended. We have received reports that the fish have already begun to migrate offshore. This limits recreational fishing opportunities, as many rank and file anglers are not steaming south of the Vineyard to target black sea bass. Moreover, the recommendation continues to restrict commercial fishing access on Fridays and Saturdays through the recreational fishing season, so these fisheries will not interact on these popular recreational fishing days. Lastly, I am concerned that delaying these actions until September 9 will result in the commercial fishery not taking its annual quota this season. Given these factors, I think the benefit of providing the commercial fishery with this access on August 30 outweighs potential impacts to the recreational fishery during its last few days of operation in early September.
3. Individuals who want to see additional access provided to the recreational fishery. Given the differences in how the recreational and commercial fisheries are managed, we are not afforded a similar ability to increase access to the recreational fishery through in-season adjustments. In fact, the recreational fishery is already expected to harvest in excess of its coastwide recreational harvest limit in 2021, as it did in 2020, due to the setting of status quo measures. The ASMFC and MAFMC are working on two management actions that have the potential to improve the regulatory situation for recreational black sea bass fishermen: (1) the commercial/recreational allocation amendment; and (2) a “harvest control rule” approach that would better incorporate stock status trends and indicators into the setting of recreational measures.

Enclosed
Public Comment

From: [Meng Prim](#)
To: [Fish, Marine \(FWE\)](#)
Subject: black sea baas
Date: Friday, July 30, 2021 12:36:34 PM

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increase limits for regular angular also

From: [Sam Sims](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Black Sea Bass Commercial Fishery
Date: Friday, July 30, 2021 12:49:15 PM

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Hello there,

My name is Sam Sims, and I've been a Massachusetts resident and angler for the last 25 years. In my time fishing the south coast and Buzzards Bay, I've noticed the near complete depletion of our fluke and flounder fishery, and I fear Black Sea bass may be next to suffer a similar fate at the rate we are progressing.

Black Sea bass are a slow growing fish, and given my time on the water (at least 3 days a week per season) I've watched countless party boats and commercial vessels harvest juvenile and just barely limit sea bass at an astonishing rate. In fact, after the first month of the season opening, I've found it to be difficult to catch keeper size sea bass in the more common locations due to overfishing by commercial boats.

Additionally, Because of the ease of access to sea bass in shallower waters, I've found they are a target for poaching from close to shore vessels -often out of the New Bedford area.

CONCLUSION-

I understand there have been days lost to inclement weather but that's to be expected. Catch limits are imposed with the understanding that days WILL be lost due to weather, and we should not alter them. Especially for a species already suffering from overfishing, and incredibly sensitive to current conditions. Where do we draw the line on days lost and not lost? Some seasons are better than others for good reason, it's part of the process that keeps nature in balance. Decisions like these set great precedent for future decisions to come. Please do the right thing by not altering the limits.

Thank you,

Sam Sims

From: [David Coombs](#)
To: [Fish, Marine \(FWE\)](#)
Subject: black sea bass in season adjustments
Date: Friday, July 30, 2021 11:50:53 AM

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Good idea from our perspective. Shame to have to source from out of state when the fish are in our waters and the state has quota. When restaurants put them on the menu they need to have as steady a supply as possible so they don't have to disappoint customers.

David Coombs
Chief Operating Officer
Steve Connolly Seafood Company
Boston & Gloucester MA
617-427-7700

From: [Michael Polisson](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Reed, Story \(FWE\)](#)
Subject: black sea bass
Date: Monday, August 2, 2021 8:37:23 PM

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I suggest that you open the fishery now and adjust as necessary to fully utilize the maximum yield for mass commercial fishermen.....later in the season weather would be a factor in reducing the catch and not allowing our fishermen to fully utilize the quota that has been allocated by ASMFC.....

Let our fishermen fish!!!!!!

From: [Jay Walpole](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Jack Creighton](#)
Subject: Black Sea Bass
Date: Friday, July 30, 2021 11:39:34 AM

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It is my opinion that the reason that the quota is not being fulfilled is that there is a reduced number of Black Sea Bass and not the lack of effort to harvest them.

It would benefit all in the long run, if that species quota was not increased.

Please consider not increasing the number of commercial fishing days.

Jay Walpole
774-237-02090

From: [Crosby Family](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Black sea bass
Date: Friday, July 30, 2021 3:19:33 PM

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Keep the restrictions in place to allow for stock rebound!

Brad Crosby

From: [Richard Nardini](#)
To: [Fish, Marine \(FWE\)](#)
Subject: black seabass quota
Date: Sunday, August 1, 2021 3:01:30 PM

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GIVE IT ALL AWAY WHY DONT YOU!!!!

From: [Rick Bleakney](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Change in sea bass commercial rules
Date: Sunday, August 1, 2021 8:29:00 AM

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I'd like to see the recreational season extended also

Sent from my iPhone

From: jackbroisi@aol.com
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Black Sea Bass
Date: Friday, July 30, 2021 11:51:48 AM

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Sure just keep adjusting for the Commercial guys, while your at it might as well do the same thing with Stripers so they can kill the rest of the dwindling population! Oh and just to let you know the commercial draggers in the Spring have done a great job of decimating the recreational Fluke fishery in Vinyard sound!

Disillusioned Recreational Fisherman

[Sent from the all new AOL app for Android](#)

From: [cskeezer](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Dan McKiernan
Date: Monday, August 16, 2021 11:08:42 AM

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Good morning. I believe that the in season change to the black cbass fishery should happen asap. I am already seeing the fish patterns changing with my fish traps. The scup have already pushed off from where we been catching them all of July. The jumbo cbass have started to push out to deeper waters already catching them 20 miles out In federal waters in Lobster gear. With the out of people NOT chasing them because they are to busy lobstering and don't wanna set a fish pot we will be having a tuff time like last year chasing them into the late season. Once October comes the weather patterns are just hard to fish around and most of is just give up. Hope my info helps in your decision. Thanks

Chris Stowell
F/V Jim Dandy

Sent from my Verizon, Samsung Galaxy smartphone

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Sea-bass
Date: Monday, August 2, 2021 7:34:31 AM

From: CARL HOWARD <dehoward@comcast.net>
Sent: Saturday, July 31, 2021 6:20 AM
To: Fish, Marine (FWE) <marine.fish@mass.gov>; McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: Sea-bass

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Dan - I am in agreement with the 5 days 500 lbs

Thanks again Carl Howard

From: [rapdiver](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Increasing limits
Date: Wednesday, August 4, 2021 8:27:09 AM

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Do not increase commercial limits.

M.rapoza

Sent from my T-Mobile 4G LTE Device

From: [Joseph Gomes](#)
To: [Fish, Marine \(FWE\)](#)
Date: Friday, July 30, 2021 2:24:27 PM

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If I understand correctly the commercial fisherman are not catching as many fish as your "quota" allows. MUST it follow that you seem to perceive a growth in the overall population and therefore raise the quota? Since they are not catching there are 2 possibilities; 1, not as many fish as was supposed or 2, the fisherman aren't very lucky, after all it IS fishing.

We have decimated our state fish, we're doing another good job on the recovered striper population and now that black bass are coming back we should pound them harder?? I am not at all sure how in hell you guys figure this is management. It seems a whole lot more like trying to catch as many as possible to match some arbitrary and very likely OVER generous quota.

Just for the record; I rarely keep a trout limit, or Canada goose, or duck and only occasionally do I get a pheasant limit hunting without dogs. Just because you call it a quota rather than a 'limit' does not mean that it can or ought to be realized on every venture out. If you want certainty you don't belong in the outdoors.

From: [Brian Corville](#)
To: [Fish, Marine \(FWE\)](#)
Date: Saturday, July 31, 2021 2:34:36 PM

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Sea bass in Nantucket and vineyard sounds plummeted after spring season now is not the time to make increases in any sector as there is a shortage of 15 inch class fish as a commercial fisherman and active charter boat captian I am in tune with these fish and have a large network of captains all in agreement in this 2021 season is in trouble .Captain Brian courville.
<((()))><.

From: [Estaphan, Mitchell](#)
To: [Fish, Marine \(FWE\)](#)
Subject: RE: Black Sea Bass Regulations
Date: Friday, July 30, 2021 6:12:03 PM

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Hello,

My name is Mitchell Estaphan, I have a commercial Permit for Rod & Reel (ID# 161098). I believe you should not increase the commercial fishing days or the limits because I have personally experienced a decline in the fishery over the past few years in the migrating and breeding grounds of Buzard Bay. The abundance and size have decreased significantly. Please let the fishery to naturally thrive with the existing quotas and restrictions.

Regards,

Professor Mitchell Estaphan, MS, CAGS

Psychology Instructor

Bristol Community College

From: fishingsister@aol.com
To: Fish, Marine (FWE)
Cc: [McKiernan, Dan \(FWE\)](#); [Armstrong, Michael \(FWE\)](#)
Subject: Re: Public Comment Sought on In-Season Adjustments to 2021 Commercial Black Sea Bass Fishing Limits
Date: Friday, July 30, 2021 4:28:50 PM

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I have been seeing "exponentially more" boats "fishing for money" (they call it commercial fishing) out of Westport. In the past 5 we went from about 20 boats fishing on a busy day to 50 or so last year. This year there are over 75 boats and yesterday alone there were over 100 boats, many fishing areas and spots that I've never seen other boats fishing before. They suck an area dry and move on like a swarm of locusts and people at my marina have been complaining to me that they can't find any legal sea bass within miles of The Westport River when the sea bass were thick "just outside" a few years ago.

When the population is "healthy", it is "probably safe" to crank up a quota by 10% or maybe even 20% but 60%???

On top of that you also sell a "commercial license" to every Tom, Dick and Harry to try and make sure that every one of those fish are killed, regardless of whether you may or may not have exceeded reality with said increase.

Also, in addition to all the rod and reel boats out there, I have also seen an explosion in the numbers of sea bass/fish pots outside of Westport. Worse, a lot of the boats I'm seeing are the same ones that I've seen poaching small blackfish for "the Asian live market" in the past. AND I've yet to EVER see and EPO boat checking anyone out there.

When the sea bass fishing falls apart in Massachusetts State Waters the MENZA Candidates at The DMF will scratch their heads and say "gee, we couldn't see that coming" (like with the cod, the flounder, the fluke and the stripers). Then they say "it couldn't be over-fishing, it must be global warming".

Lastly, while I rant: "What's the point"? The MA-DMF has a 100% running history of completely ignoring public comments and what the public wants/what is in the best interest of the public.

PUT THAT INTO THE PUBLIC RECORD.

Captain Jason Colby
Little Sister Charters
fishingsister@aol.com
617-755-3740
www.littlesister1.com

In a message dated 7/30/2021 10:54:41 AM Pacific Standard Time, rp writes:

Sadly expected!

Sent from my iPhone

On Jul 30, 2021, at 1:38 PM, Andy wrote:

agreed.

On Jul 30, 2021, at 1:08 PM, John wrote:

I get those notifications on my own anyway, and when I was reading it this

morning I said "wow" out loud to myself as I was shaking my head in disbelief. I mean, it's as if they are purposely trying to see how quickly they can wipe out a fishery as soon as it starts to do fairly decently. And of course the recreational season will be closed while comms kill almost unlimited numbers for 7-days a week, all on 12" sea bass. I mean, the recreational fishery must be the cause of all ills.... right? Of course. Just a matter of time before they adjudicate circle hooks for recreational fluke and sea bass.

I mean, aside from \$\$\$\$\$\$ of course, how can you justify 7-days a week? And if they're not catching quota, well, hello!? Do they have to catch and sell every last fish in the ocean? What if they missed one?

On Friday, July 30, 2021, 12:08:39 PM EDT,

Would you believe it?

From: marine.fish@public.govdelivery.com

To: fishinglsister@aol.com

Sent: 7/30/2021 8:29:55 AM Pacific Standard Time

Subject: Public Comment Sought on In-Season Adjustments to 2021 Commercial Black Sea Bass Fishing Limits

Having trouble viewing this email? [View it as a Web page.](#)

July 30, 2021

DMF Seeks to Adjust 2021 Commercial Fishing Limits for Black Sea Bass

In response to fishery performance and quota utilization so far in 2021, DMF is proposing in-season adjustments to 2021 commercial fishing limits for black sea bass. As of July 25, 2021, Massachusetts has landed 128,000 pounds of its 791,000-pound 2021 quota (16%). This is similar to the state's quota utilization at this point in 2020 (14.1%). In 2020, DMF increased the number of fishing days per week and the trip limits on August 31 and again on October 2 (see [Notice](#)); the 2020 annual quota was taken on November 5 and the fishery closed effective November 6. DMF is seeking to take a similar action this year and is proposing the following in-season adjustments for 2021:

- Open Fishing Days. Effective August 30, 2021, increase the number of open fishing days per week from three

(Sunday/Tuesday/Thursday) to five (Sunday – Thursday). Then effective October 1, eliminate all closed fishing days and allow commercial fishing seven days per week. This will provide the commercial fishery with additional access to the quota during the fall period to account for potential days lost to weather, as this small boat fishery is frequently limited by worsening fall weather.

- **Trip Limits.** Effective August 30, 2021, increase the black sea bass pot and hook and line trip limits by 25% from 400 pounds for potters and 200 pounds for hook and liners to 500 pounds for potters and 250 pounds for hook and liners. This will allow commercial fishermen to retain and land additional fish on a daily basis in order to achieve the annual quota.

DMF last adjusted the regulatorily set commercial fishing limits for the directed hook and line and pot fishery for black sea bass in 2017. Since that time, the annual commercial black sea bass quota allocated to Massachusetts by the Atlantic States Marine Fisheries Commission has increased by about 32% in response to improving stock conditions. Despite these quota increases, DMF has not amended the regulatory limits for the directed fishery, instead favoring using the quota to extend the fishery into the fall and relying on annual in-season adjustments to ensure full quota utilization.

Instructions for Public Comment

DMF is seeking comments on the above described proposals. Of specific interest is whether these proposed adjustments should occur earlier or later in the season or whether additional adjustments and trip limit increases are necessary. DMF will be accepting public comment on these proposals through Friday, August 13, 2021. Please address all written comments to Director Dan McKiernan. All comments are to be submitted to DMF by e-mail (marine.fish@mass.gov) or by post (251 Causeway Street, Suite 400, Boston, MA 02114).

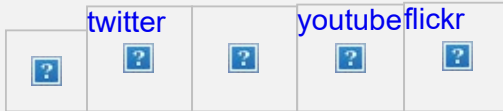
Public comment will be considered in DMF's final recommendation to the Marine Fisheries Advisory Commission (MFAC). The MFAC will review the public comments and vote on DMF's final recommendation at their August 19, 2021 business meeting. If approved by the MFAC, the in-season adjustments will be announced on August 20, 2021 and will be in effect for the remainder of 2021 fishing season, unless otherwise amended.

For more information about the management of marine fisheries in Massachusetts, contact DMF at 617-626-1520 or visit our website at www.mass.gov/marinefisheries.



Massachusetts Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
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Massachusetts Division of Marine Fisheries · 251 Causeway Street, Suite 400 ·
Boston, MA 02114



From: [John Richardson](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Michael Pierdinock](#); [Carl Carlson](#); [Rob Rhodes](#)
Subject: Recommendation to Adjust Commercial Sea Bass Limits
Date: Thursday, August 5, 2021 4:49:12 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Captain John Richardson

95 Clifton Ave, Hull, MA 02045

cell (781) 718-0306 ~ office (781) 749-2209

je.richardson.builder@gmail.com

August 5, 2021

Director Dan McKiernan

Department of Marine Fisheries

251 Causeway Street, Suite 400

Boston, MA 02114

Dear Director McKiernan,

I support DMF efforts to adjust closing dates as a means of increasing access to healthy commercial fisheries such as Black Sea Bass. In this great fishery, it is disappointing to see the recreational/for hire season close before November 1st, and without an equivalent seasonal adjustment effort to increase recreational access as well.

Increasing commercial fishing days and trip limits makes less sense considering this action's probable negative effect on price per pound.

That said, if these adjustments go forward as stated in the public notice, I would request that the effective date be changed from August 30, 2021 to September 9, 2021 to avoid conflict between commercial and recreational/for

hire anglers.

Thank you,

Capt John Richardson

Member and Trustee, Stellwagen Bank Charter Boat Association

From: [Ronald J. Larochelle](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Sea Bass closure
Date: Friday, July 30, 2021 4:45:52 PM

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Sirs : If there are over 600,000 lbs . of Sea Bass still to be caught in Mass waters , please explain why the recreational season is being closed on Sept 8 .

Sent from [Mail](#) for Windows 10

From: [Jack Skammels](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Sea bass
Date: Saturday, July 31, 2021 5:38:53 PM

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Yes , like SB , its unlikely that we reach quotas..it makes you guys look bad. SB should of opened with RI... again the advisory committee has won the approval for thier best interests. WOW, 1 week earlier , which translated into 1 day early ,due to the opening falling on a Wednesday....and it blew 25 mph out of the NW , great ,Again we watched the commercial size fish slide north ,. Especially with this springs warmer temps.

I JUST CANT UNDERSTAND WHY WE CANT CATCH THEM WHEN THEY ARE THEY'RE... BUT RI can and open when they move north

.. where members of the Mfac board reside.. and not meet quota again.... I must be missing something.... sorry for the vent, ...

You guys do a great job...

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone
Get [Outlook for Android](#)

From: [DAVID DEMSKI](#)
To: [Fish, Marine \(FWE\)](#)
Subject: seabass quota
Date: Monday, August 2, 2021 2:14:03 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is David Demski permit 7023 have 40 years pot fishing experience. The prices this year are the worst in recent because to many fish not enough demand so profits are marginal to increase fishing days and quota which sounds good will actually be worse for the fisherman it will drive prices even lower and add more expense especially in september and october when demand drops off. It is best to leave daily trip/quota and the same and let the entire seabass quota remain not caught if that happens.

From: [CARL HOWARD](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Subject: Sea-bass
Date: Saturday, July 31, 2021 6:20:20 AM

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Dan - I am in agreement with the 5 days 500 lbs

Thanks again Carl Howard



P.O. Box 1230
Marshfield, MA 02050
www.stellwagenbank.org

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Capt. Brian Curry

Capt. Robert Savino

Capt. John Richardson

August 9, 2021

Dan McKiernan, Director
Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, Massachusetts 02114

**RE: Comments to Adjust 2021 Commercial Fishing Limits
for Black Sea Bass**

Dear Mr. McKiernan:

On behalf of the Stellwagen Bank Charter Boat Association (SBCBA) whose membership includes the for hire fleet, recreational anglers and commercial fisherman that fish the state and federal waters off the coast of Massachusetts, we offer the following comments to Adjust the 2021 Commercial Fishing Limits for Black Sea Bass.

Presently the recreational and for hire fleet has a black sea bass season from May 18th to Sept 8th with a bag limit of 5 fish per angler @ 15 inches. It is a shame that Massachusetts has such a tremendous black sea bass fishery yet our recreational anglers have the shortest recreational season with the most restrictive trip limits in comparison to other states on the east coast. As a result, clients from New York, New Jersey and elsewhere do not book trips with us and venture to nearby states that have expanded seasons and liberalized size and bag limits resulting in a detrimental impact to the for hire fleet, recreational anglers and all of those that rely on such to make a living.

In 2020, due to COVID, the for hire fleet had a black sea bass season into October. This worked well with clients booking trips with an opportunity to catch black sea bass, summer flounder, scup and taug. Without the black sea bass option, clients prefer fishing in Rhode Island or elsewhere to our detriment. We continue to be disappointed with our black sea bass season not extending into the fall.

The for hire/reactional black sea bass season ends September 8th. We request that the proposal as stated in the public notice is effective September 9th the day after our season is closed to avoid conflict between



P.O. Box 1230
Marshfield, MA 02050
www.stellwagenbank.org

the commercial fisherman and recreational/for hire anglers. This will also increase the potential for recreational anglers/for hire fleet to land a fish and to put food on the table prior to September 8th.

It should also be noted whether such a change is appropriate?
Commercial fishers have indicated that the value of black sea bass has reduced from 2020 to 2021. Increasing the commercial fishing days and trip limits hopes to achieve landing the quota but will likely drive the price per pound further downward.

In conclusion, the SBCBA request that the proposal as stated in the public notice is effective September 9th and consider whether such an increase in quota will work with the downward spiral in the price of black sea bass this year negatively impacting the ability to sell the fish.

If you have any questions or comments please email or give me a call.

Very truly yours,

Capt Rick Golden

Capt Rick Golden
SBCBA, Secretary
1620anglers@gmail.com

Capt. Eric Morrow

Capt. Eric Morrow
SBCBA, Board of Directors
capteric@fishbountyhunter.com

Capt. William Hatch

Capt. William Hatch
SBCBA, Board of Directors
machacafishing@gmail.com



P.O. Box 1230
Marshfield, MA 02050
www.stellwagenbank.org

Capt. Jeff Viamari

Capt. Jeff Viamari
SBCBA Member
jeff@badinfluencesportfishing.com

Cc: Dan McKiernan, MassDMF
Ron Amidon, MassF&G

In-Season Adjustment: 2021 Commercial Black Sea Bass Limits

Recommendation

- Trip Limits. Effective August 30, increase the directed commercial black sea bass trip limits for hook and line and pot fisheries by 25%. This will increase the commercial pot limit from 400 pounds to 500 pounds and the commercial hook and line limit from 200 pounds to 250 pounds.
- Open Fishing Days (August 30 – September 30). Effective August 30, increase the number of open fishing days per week for the directed commercial black sea bass hook and line and pot fisheries from three-days per week (Sunday/Tuesday/Thursday) to five-days per week (Sunday – Thursday).
- Open Fishing Days (October 1 – December 31). Effective October 1, eliminate the remaining closed fishing days (Fridays and Saturdays) in the directed commercial black sea bass hook and line and pot fisheries.





The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



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KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: July 30, 2021

SUBJECT: **Immediate Increase to Horseshoe Crab Limits for Trawlers to Meet Biomedical Demands**

Action

Effective Sunday, August 1, DMF will increase the horseshoe crab possession and landing limit for trawlers to 400 crabs per trip. This increases the limited entry trip limit from 300 crabs to 400 crabs and the open entry limit from 75 crabs to 400 crabs. To implement this adjustment as expediently as possible, I am making this change through a Letter of Authorization (LOA). LOAs are being issued today to all 15 Coastal Access Permit holders who have SAFIS dealer records indicating they sold horseshoe crabs during the current management and reporting period (i.e., June 10, 2021 – July 24, 2021) for the south Cape's large mesh mixed species trawl fishery.

Under normal circumstances, I would propose making this change via an in-season adjustment to quota managed fishery limits. This process requires a two-week comment period and approval by the MFAC. Therefore, such changes could not then be implemented until after the next MFAC business meeting on August 19, 2021. However, I have determined it is in the best interest of the Commonwealth of Massachusetts to take a more expedient action and immediately issue LOAs to active trawlers to increase their horseshoe crab trip limits. This action is being taken in response to a low supply of crabs currently available to the biomedical industry. Given the ongoing pandemic, meeting biomedical demand for these crabs for LAL production is critical. The rationale for this decision is provided in greater detail below.

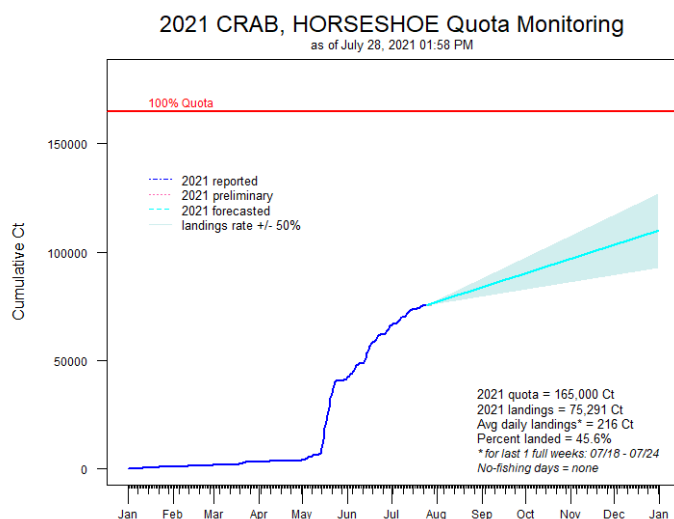
Rationale

The Falmouth-based biomedical firm — The Associates of Cape Cod — extract horseshoe crab blood to produce limulus amebocyte lysate (LAL). LAL is then used to detect the presence of bacterial endotoxins in medical equipment. The firm obtains crabs through two discrete sources: biomedical harvesters and bait dealers. Biomedical harvesters catch horseshoe crabs, provide them directly to the firm for bleeding, bled crabs are marked to prevent recapture, and then are returned to the embayment from which they were caught. Bait dealers, who obtain crabs from hand harvesters and trawlers, allow the biomedical firm to borrow the crabs for LAL extraction prior to sale as bait.

All crabs—other than those caught by biomedical harvesters and returned to the water—count against the state’s horseshoe crab quota, including those borrowed from bait dealers by the biomedical firm. Massachusetts has an annual horseshoe crab quota of 165,000 crabs. This quota is approximately 50% of what the state is allocated to take under the ASMFC’s Horseshoe Crab FMP. However, about 20-years ago, DMF and the MFAC unilaterally imposed a more restrictive quota to promote horseshoe crab conservation.

During the summertime mixed species trawl fishery in Nantucket and Vineyard Sounds, fishermen will fish with large mesh for summer flounder, and commonly catch other species such as horseshoe crabs, whelks, scup, and black sea bass. The horseshoe crabs retained by these fishermen are sold into the bait market and count against the state’s horseshoe crab quota. While some minimal hand harvest may occur, the trawl fishery has been the primary source of horseshoe crabs during the summertime period.

Fig 1. 2021 Quota Monitoring for Horseshoe Crabs through July 24, 2021



The weekly quota managed fishery report (Fig 1) produced by DMF’s Statistics Project for this past week (July 18 – July 24) shows a flattening in horseshoe crab landings. Moreover, the utilization of the quota is below where it was in 2020¹. For the past week average daily landings are only 216 crabs and the fishery has taken 45.6% of its annual quota. These low landings are likely driven by two factors—a decrease in overall effort in the summertime inshore trawl fishery in the Sounds (more on this below) and recent regulatory changes limiting the quantity of crabs fishermen without a horseshoe crab endorsement may retain².

Low levels of trawl landings are creating a shortage of crabs available on the bait market. This supply shortage coincides with a period of high seasonal demand from the biomedical industry. While the biomedical firm is receiving some crabs from biomedical harvesters, the number of crabs they receive from biomedical harvesters are insufficient to meet overall demand, and they

¹ As of July 25, 2020, MA landed 86,998 crabs, which is 11,707 more crabs than have been landed this year. On August 21, 2020, DMF increased the possession and landing limit for trawlers who do not hold a limited entry horseshoe crab endorsement from 75 crabs to 300 crabs through a Letter of Authorization. Ultimately, the 165,000 crab quota was not taken, as MA fishermen landed only 163,295 crabs.

² Prior to 2020, trawlers participating in the summertime mixed species trawl fishery south of Cape Cod who did not hold a horseshoe crab endorsement were eligible to receive an LOA from DMF allowing them to take 300 crabs per trip, consistent with the limit for those trawlers who held a limited entry horseshoe crab endorsement. In 2019, Massachusetts achieved (and exceeded) its horseshoe crab quota for the first time ever. This resulted in the state closing the horseshoe crab fishery on August 31 and forcing the regulatory discarding of crabs throughout the remainder of the season. In response, DMF eliminated the LOA program and instead adopted an open entry limit of 75 crabs. In retrospect, this open entry limit was likely set at too nominal of a level and should be reconsidered.

are reliant on the bait market to make up the difference. Moreover, DMF is hearing from commercial fishermen that poor summer flounder catch in the Sounds and low horseshoe crab limits are making the inshore trawl fishery unprofitable. Accordingly, I am concerned we may see fishermen make economic decisions to leave this fishery over the next month to pursue other opportunities and this will exacerbate existing horseshoe crab supply issues affecting both the biomedical firm and the conch pot bait market.

By increasing the horseshoe crab trip limit to 400 crabs, we will be increasing access to the available horseshoe crab quota for the 15 vessels who have taken horseshoe crabs in the mixed trawl fishery this year. This will enhance the quantity of crabs available to the bait market and thereby provide crabs for the biomedical firm to bleed for LAL production. Additionally, the added income provided through this increase in horseshoe crab landings may help to keep these active vessels working in this trawl fishery.

Other Considerations

Over the past few seasons, we have seen a substantial decrease in effort in the summertime mixed species trawl fishery south of Cape Cod. It is my understanding that there are a number of factors conspiring to cause this attrition (e.g., poor inshore summer flounder fishing conditions, high costs for dockage, the greying of the fleet, profitability of other fisheries). I intend to look into this issue more this fall and winter and will hold meetings with fleet and analyze fishery performance overtime. The rules governing this fishery were developed and tweaked over the past 30-years. Considering the ongoing challenges facing the summertime inshore trawl fishery, it is time to reimagine how we permit and manage this fishery to ensure fishermen are able to profitably pursue available quota and supply fish to markets.

Attached

Sample Letter of Authorization



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Governor

KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: August 13, 2021

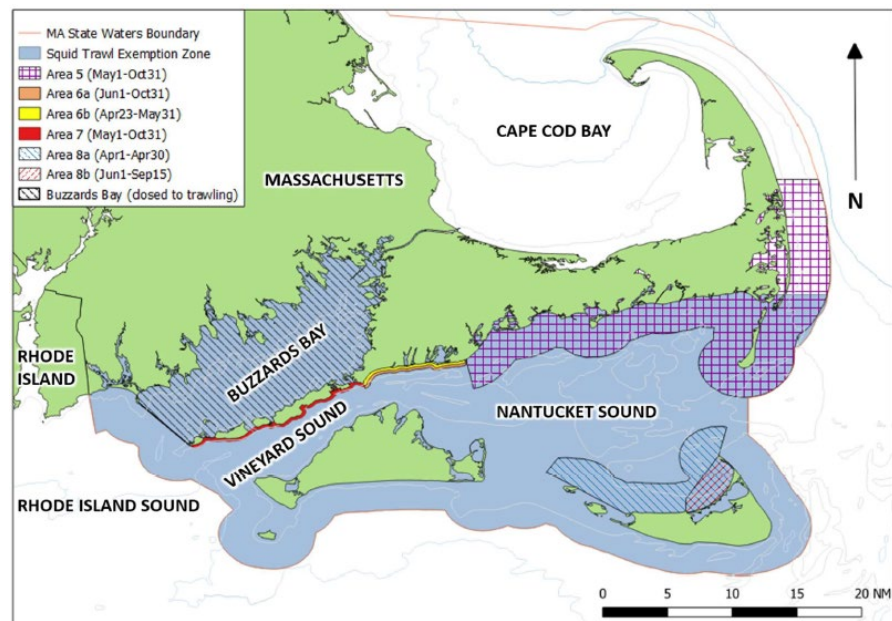
SUBJECT: Proposal to Adjust the Timing of the Inshore Small Mesh Trawl Squid Season

Proposal

I recommend going to public hearing this coming fall or winter with a proposal that would adjust the timing of the inshore small mesh trawl squid season. At present, regulations at 322 CMR 4.06(5)(a) allow this fishing activity to occur within the seasonal Small Mesh Squid Trawl Exempted Area (Fig 1) from April 23 – June 9 and the Director may extend the season beyond June 9 via permit condition. My proposed adjustment would extend the season by an additional six-days — through June 15—and strike the language about the Director extending the fishery.

Figure 1.

Small Mesh Squid Trawl Exempted Area and Mobile Gear Closures



Source: MA DMF

Background

The current timing of the inshore small mesh trawl squid fishery dates back to the early 1990s. At that time, the closure date was frequently amended, moving it between earlier and later dates in June. These changes sought to find a balance between providing commercial fishermen with access to the resource while abundant in state waters; preventing large catches of small squid and juvenile scup, black sea bass, or summer flounder; and addressing concerns from other

stakeholder groups, namely recreational fishermen. Note that in the early to mid-1990s the interstate and federal Summer Flounder, Scup, and Black Sea Bass management plans were being developed to rebuild these species.

Eventually, a small mesh trawl season of April 23 to June 9 was codified in 322 CMR, and DMF was granted the authority to extend the season if sea sampling data demonstrated the catch of squid was predominately large tubes and there was little bycatch of small squid or juvenile scup, black sea bass, and summer flounder¹. This approach was developed based on sea sampling work that I conducted with former Director Pierce, as well as feedback from stakeholders.

By the early 2010s, the state's observer program deferred much of the sampling to the more robust federal observer program. As a result, DMF became reliant on federal observer data to determine if it was appropriate to extend the squid fishery. This was problematic because federal observer data is typically not available until at least 90 days after trip completion. However, the federal observer program expedited sampling data to DMF, allowing for analysis of trips occurring within a week. Despite this cooperation, DMF was unable to review near-real time data; found it difficult to determine why some bycatch was being discarded (e.g., size restrictions, lack of permits to retain certain species, other regulatory constraints, marketability); and there were only a small number of observed tows that DMF could determine occurred exclusively in state-waters and could be used in our analysis.

In 2018, this regulation was modified to more broadly allow the Director to extend the fishery via permit condition. This eliminated the requirement that such a decision be supported by evidence that an extension would not result in large catches of small squid and juvenile scup, black sea bass, and summer flounder. Instead, staff would call various fishermen and dealers to get a sense of what was being caught and landed, and then try to verify this anecdotal data against the most recent federal observer reports (if available).

Since 2015, DMF extended the fishery beyond June 9 on three occasions. In 2015, the fishery was extended through June 18, and in 2016 and 2019, it was extended through June 16. In 2017, 2018, 2020, and 2021 the fishery closed as scheduled on June 10. This past year provides an interesting scenario, as a nor'easter blew through around Memorial Day and fishing conditions waned during the first week of June. Accordingly, I determined that based on reports of sparse local abundance, we would not extend the fishery beyond June 9 and this announcement was made on June 7. However, immediately following this announcement we received multiple reports that another run of large squid had made their way into the Sound. Had this occurred a day or two before, my decision likely would have been different.

Rationale

Annually, as we approach June 9 closure date, DMF receives frequent calls from constituents advocating a certain position on a potential seasonal extension. Based on the information available to us, we try to make the best decision we can on whether or not to extend the season. This decision has become more and more difficult to make, as we have become more reliant on

¹ The regulation at 322 CMR 4.06(4)(c)(1)(d) read, "the Director may extend the seasonal small mesh squid fishery if it is determined that continued fishing with small mesh will not result in large catches of small squid less than five inches mantle length, or juvenile scup, black sea bass, or summer flounder."

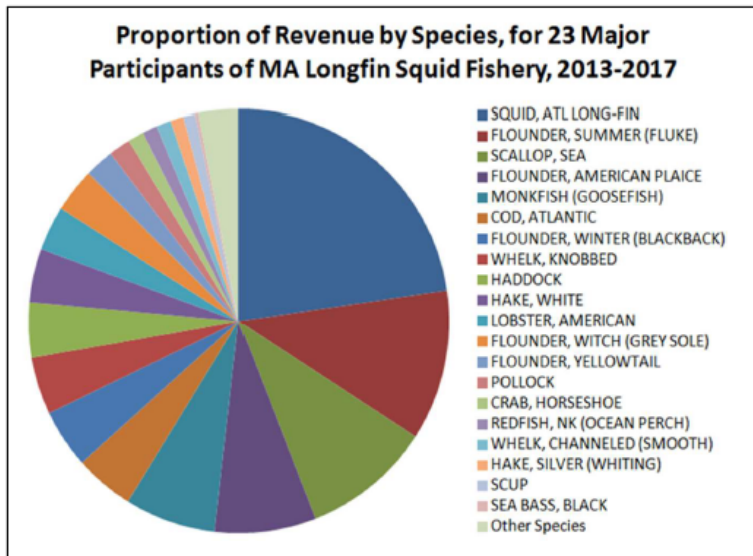
federal observer data and anecdotal reports. Considerable staff resources (both at DMF and the federal observer program) are allocated to acquiring, keypunching, analyzing and preparing the sampling data, as well as communicating with the fishing industry leading up to the closure. It is certainly an imperfect system, and it frequently foments consternation and frustration among whatever user group feels negatively impacted by our ultimate decision.

From an administrative perspective—based on my experience as Director grappling with this closure date—I prefer moving forward with a more streamlined approach to managing this fishery. First and perhaps most importantly, I think a firm end date would provide greater certainty to all stakeholders. *Commercial fishermen and dealers would be able to better structure their operations knowing the fishery firmly ends on a certain date. In addition, recreational fishermen would be assured the fishery would end on a certain date, providing for fewer user-group conflicts and leaving forage in the water for target predator species.*

Expanding the season by an additional six days would also benefit the trawl fishery without substantially departing from how we currently manage the fishery. The performance of the inshore squid fishery is subject to interannual variability, and this is likely dependent upon squid that survive the offshore wintertime fishery. In years when there is a strong run of squid later in the season, DMF typically extends the fishery; when the run is not as strong, the fishery typically tapers off early as fishermen move on to target other species. This change would effectively allow for this to continue to occur without the added administrative action of having to extend the fishery.

Providing this economic opportunity to the trawl fishery is important. In 2020, DMF biologists Brad Schondelmeier and Bill Hoffman, produced the report titled, “Characterization of the Massachusetts Spring Longfin Squid Fishery” or “Squid Report”. The report concluded, “the longfin squid fishery represents an important fishing opportunity and source of income for vessels” based on the fact that during the period of 2013 – 2017, “longfin squid sales accounted for 22.7% of total annual revenue (\$30,011,000 over 5 years) for ‘Massachusetts squid boats’”. For these vessels that consistently participated in the squid fishery and landed their catches in MA ports, it is the single most important species by value on an annual basis (Fig 2). Therefore, providing opportunity for these fishermen to take advantage of the squid resource while it is in our waters helps to ensure their profitability over the calendar year. This is particularly important for those

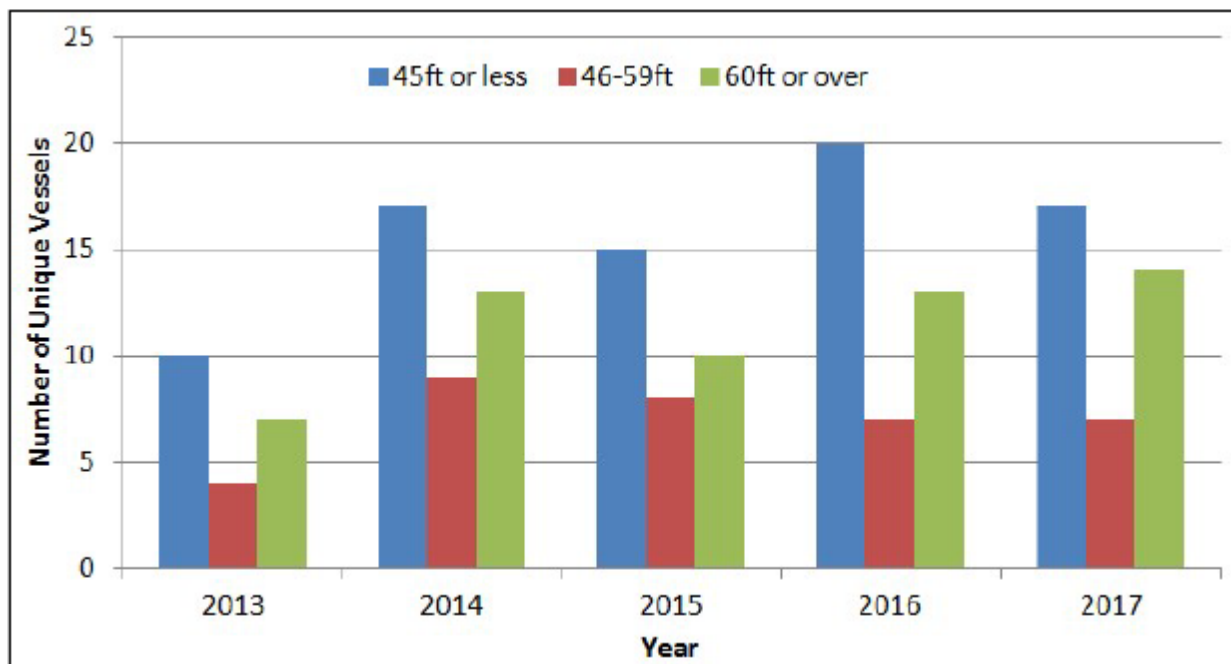
Figure 2.
Proportion of Revenue by Species for 23 Major
Participants of MA Longfin Squid Fishery, 2013 – 2017.



Source: Unpublished NMFS Dealer Data

smaller sized trawlers who are the most active participants in the Nantucket Sound squid trawl fishery (Fig 3).

Figure 3.
Number of Unique Vessels Landing Squid from Trips in Federal Statistical Area 538
(Nantucket Sound) by Vessel Length Class



Source: Unpublished NMFS and MA DMF Dealer and VTR Data

Anticipated Concerns

Based on prior experience managing the squid fishery, I expect this proposal will be met with some concerns regarding bycatch and discards, localized forage depletion, and egg mop disturbance. However, I do not view this modest proposal as having a meaningful impact on these items. This proposal will only allow for a small increase in fishing access in both space and time. If current rules are to persist, in years when the squid run is good in June it can be anticipated that DMF will extend the squid fishery though at least June 15 based on prior actions. Therefore, the only real change in management would be the extension of the squid fishery in years when the squid run is not strong in June and effort during these years will likely be constrained by resource availability and fishery economics. Therefore, I do not think this proposal will meaningfully impact bycatch and discards or egg mop disruption caused by the overall inshore small mesh trawl fishery for squid. This is also supported by the findings of DMF's 2020 Squid Report.

Bycatch Concerns

The 2020 DMF report concludes, "bycatch in the overall small-mesh otter trawl fishery is near the median when measured against other fisheries and gear types. This is not surprising, nor concerning, considering the use of small-mesh nets." The Squid Report further demonstrates the

most commonly caught bycatch species are scup (14.3% of total catch), followed then by black sea bass (2.1% of total catch) and summer flounder (1.1% of total catch) (Figure 4).

Figure 4.
Aggregated Catch Rates and Proportions for Top 20 Finfish and Other Species of Interest

Species	Kept lbs	Discard lbs	Total lbs	% Discard	% Finfish Catch	% Total Catch
SCUP	23,881	136,933	160,814	85.1%	49.5%	14.3%
SEA BASS, BLACK	1,354	22,091	23,445	94.2%	7.2%	2.1%
BUTTERFISH	6,330	15,376	21,706	70.8%	6.7%	1.9%
SKATE, LITTLE	0	20,679	20,679	100.0%	6.4%	1.8%
SEA ROBIN, NORTHERN	24	19,129	19,152	99.9%	5.9%	1.7%
SKATE, WINTER	1,162	17,705	18,867	93.8%	5.8%	1.7%
FLOUNDER, SUMMER (FLUKE)	3,007	9,325	12,331	75.6%	3.8%	1.1%
MACKEREL, ATLANTIC	1,988	7,811	9,798	79.7%	3.0%	0.9%
DOGFISH, SMOOTH	189	6,483	6,672	97.2%	2.1%	0.6%
FLOUNDER, WINTER	105	4,457	4,561	97.7%	1.4%	0.4%
FLOUNDER, WINDOWPANE	250	3,354	3,604	93.1%	1.1%	0.3%
ALEWIFE	100	3,249	3,349	97.0%	1.0%	0.3%
SKATE, LITTLE/WINTER, NK	0	2,250	2,250	100.0%	0.7%	0.2%
BLUEFISH	2,053	131	2,184	6.0%	0.7%	0.2%
HERRING, NK	0	2,145	2,145	100.0%	0.7%	0.2%
HAKE, SILVER (WHITING)	145	1,636	1,781	91.9%	0.5%	0.2%
TAUTOG (BLACKFISH)	195	1,496	1,690	88.5%	0.5%	0.1%
BASS, STRIPED	0	1,479	1,479	100.0%	0.5%	0.1%
FLOUNDER, FOURSPOT	0	1,399	1,399	100.0%	0.4%	0.1%
SKATE, NK	0	1,050	1,050	100.0%	0.3%	0.1%
SEA ROBIN, STRIPED	64	872	936	93.2%	0.3%	0.1%
SEA ROBIN, NK	122	700	822	85.2%	0.3%	0.1%
HERRING, ATLANTIC	135	652	787	82.9%	0.2%	0.1%
HERRING, BLUEBACK	0	468	468	100.0%	0.1%	0.0%
SHAD, AMERICAN	0	444	444	100.0%	0.1%	0.0%
MENHADEN, ATLANTIC	4	244	248	98.6%	0.1%	0.0%
MONKFISH	99	97	196	49.4%	0.1%	0.0%
WEAKFISH	0	34	34	100.0%	0.0%	0.0%
COD, ATLANTIC	4	13	17	79.3%	0.0%	0.0%
Other Finfish Species	149	1,814	1,963	92.43%	0.60%	0.17%
Finfish Total	41,357	283,516	324,873	87.3%	100.0%	28.8%

Source: Unpublished NEFOP Data

Scup is the predominant species being incidentally caught and discarded in this fishery. The 2021 management track stock assessment for scup shows the stock is not overfished and overfishing is not occurring. Moreover, spawning stock biomass was estimated at 389 million pounds in 2019, which is about two times the biomass target of 198 million pounds. Adding an additional six-days of fishing opportunities within the Small Mesh Squid Trawl Exempted Area should not contribute significantly to overall bycatch or bycatch mortality rates of these species.

It is noteworthy that moving the inshore squid season to June 15 would align it with the April 15 – June 15 season when small mesh trawlers are allowed to land up to 2,000 pounds of scup according to the interstate and federal management plans. This seasonal trip limit was implemented in 2019 to reduce the regulatory discarding of scup in the squid trawl fishery. This synchronization would eliminate any confusion as to where scup retention with small mesh may occur. This should result in enhanced enforcement, compliance, and data collection.

Historically, there has also been some concern about the bycatch and discard of other species, such as river herring and striped bass. With regards to river herring, the 2020 report concluded that while small mesh fisheries are likely contributing to the delayed rebuilding of populations, it is difficult to conclude to what extent this is being influenced by the squid trawl fishery. Bycatch of river herring represents .34% of total catch (Fig 4), which is an order of magnitude lower than other small mesh fisheries in the region (e.g., herring, mackerel, whiting). As for striped bass, they only make up a nominal amount of bycatch by weight (0.1%) in this fishery and are lively when returned to the water quickly.

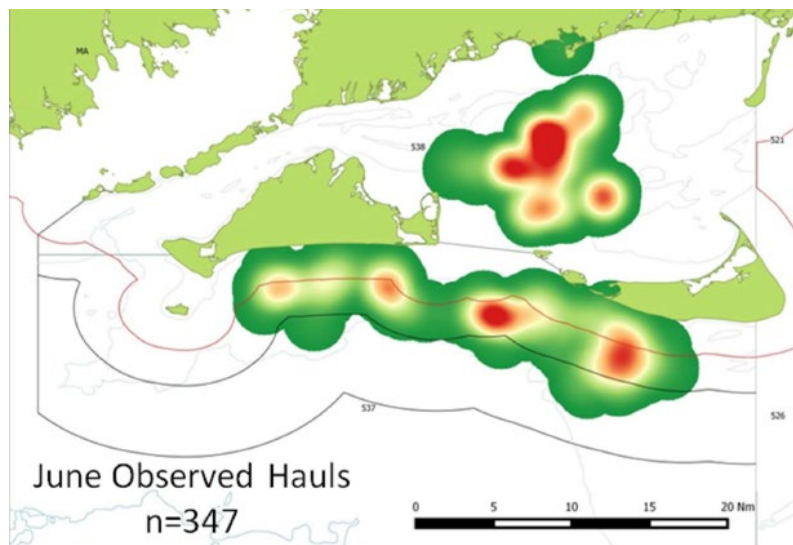
Forage and Striped Bass

Concerns have also been raised that the squid fishery is influencing access to the striped bass resource by depleting forage availability and bycatch mortality. The Squid Report did not find support for these conclusions. A 2003 study by DMF demonstrates striped bass inhabiting Nantucket Sound have a diverse diet (Nelson et al., 2003). Crustaceans (50% by weight) and bony fish (40% by weight) were the primary prey items, while unidentified cephalopods (e.g., squid) only comprised 3.3% of stomach contents by weight. where as.

Egg Mop Disruption

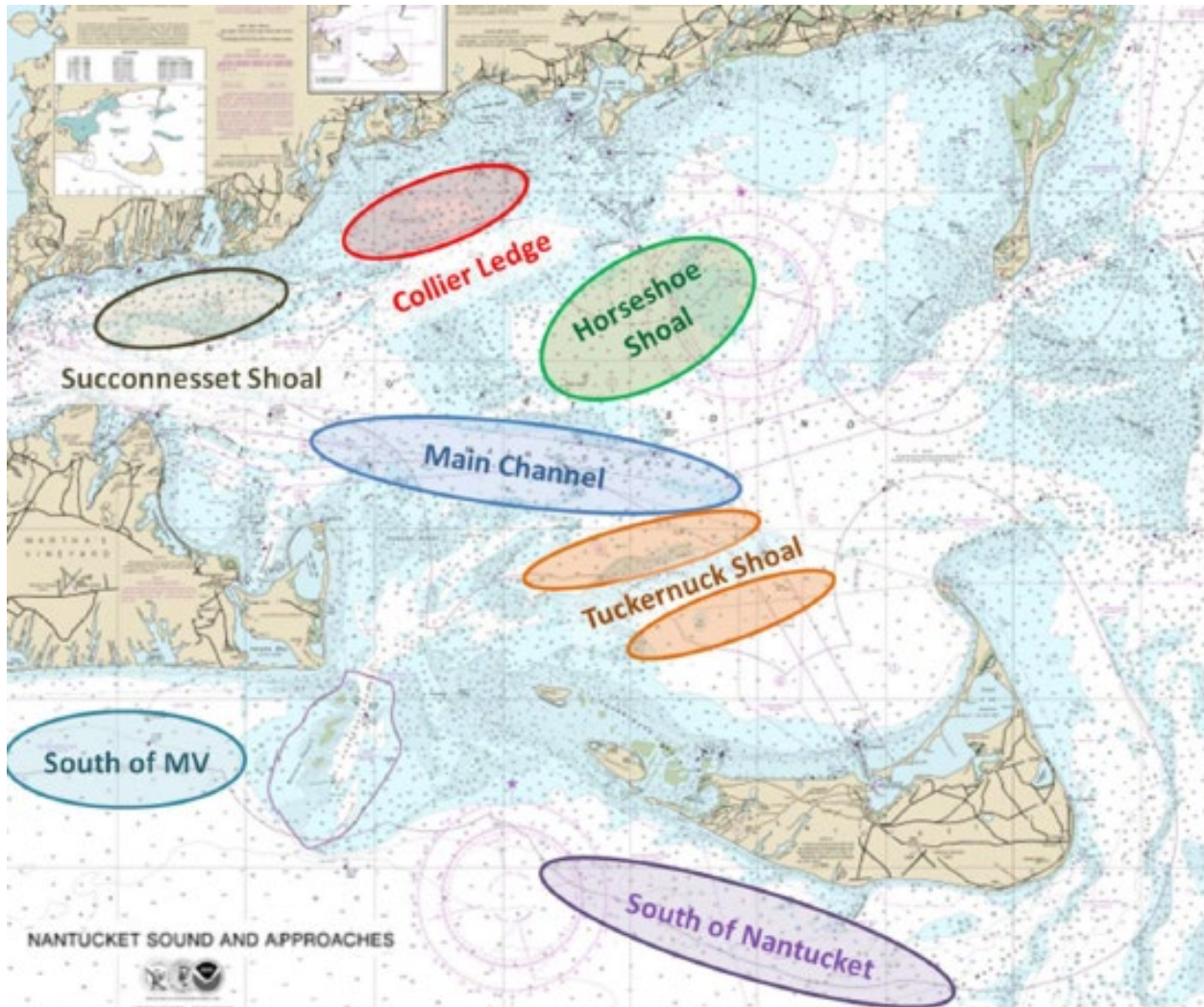
Another commonly voiced concern regarding the inshore squid fishery is the disruption of egg mops by trawlers. The Squid Report shows that nearly all observed squid trawling effort in state waters during June is centralized in two discrete areas: South of the Islands between Squibnocket (Martha's Vineyard) and Madequecham Beach (Nantucket) along the state/federal line and in Nantucket Sound between Horseshoe Shoal and Tuckernuck Shoals (Figs. 5 and 6). Fishing effort is not as intense in other areas in response to several factors, including regulatory closures (e.g., Buzzards Bay, inshore Cape Cod) and untowable bottom (e.g., shoals and fixed gear). This provides substantial spatial refuge where egg mops remain undisturbed on the bottom.

Figure 5.
June Heat Map of Starting Points of Observed Hauls



Source: Unpublished NEFOP Data

Figure 6.
Common Names for Fishing Grounds within Small Mesh Squid Trawl Exempted Area



Source: MA DMF

Proposed Regulatory Language and 322 CMR 4.06 and 6.39

4.06: Use of Mobile Gear

(4) Trawl Net Mesh Minimum Size.

- (a) Trawl Net Mesh Measurement. Minimum mesh size is measured by the inside stretch of the net mesh. The net mesh is measured by a wedge-shaped gauge having a taper of two centimeters in eight centimeters, inserted into the meshes under a pressure or pull of five kilograms. The mesh size will be the average of measurements of any series of 20 consecutive meshes. The mesh in the cod end will be measured at least ten meshes

from the lacings beginning at the after-end and running parallel to the long axis. Upon request, the Director may approve in writing the use of other mesh size gauges or methods.

(b) Minimum Trawl Net Mesh Size. Except as authorized at 322 CMR 4.08(2)(c), all vessels fishing with trawl gear within the waters under the jurisdiction of the Commonwealth shall only possess and fish with nets that have a minimum mesh size opening that measures at least 6½ inches throughout the cod-end and six inches throughout the remainder of net.

(c) Exempted Small Mesh Fisheries. To authorize commercial trawl fishermen to seasonally target valuable finfish species that cannot be caught in commercially viable quantities without the use of small mesh trawls, the following exemptions are authorized. While fishing in an exempted small mesh trawl fishery, a vessel shall not also possess nets that conform with the minimum mesh size at 322 CMR 4.08(2)(b)

1. Seasonal Small Mesh Squid Fishery. From April 23rd through **June 15th June 9th**, lawfully permitted vessels may fish small mesh trawls within the small mesh squid exempted area.

a. Vessels participating in this fishery must hold a CAP further endorsed for squid, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR

7.01(4)(a): *Regulated Fishery.*

b. The seasonal mobile gear closures at 322 CMR 4.06(2)(h) and (i) apply.

c. No vessel that is in possession of small mesh trawls within the small mesh squid exempted area may possess, retain and land more than 100 pounds of winter flounder, yellowtail flounder, summer flounder or windowpane flounder, in any combination.

~~d. Fishery Extension. The Director may extend the seasonal small mesh squid fishery if it is determined that continued fishing with small mesh will not result in large catches of small squid less than five inches mantle length, or juvenile scup, black sea bass or summer flounder.~~

2. Seasonal Whiting Small Mesh Raised Footrope Trawl Fishery.

a. Area 5. From September 1st through September 30th, lawfully permitted vessels may fish with a small mesh raised footrope trawl, as defined at 322 CMR 8.06(2): *White Perch*, within Area 5, defined at 322 CMR 4.06(1).

i. Vessels participating in this fishery must hold a CAP further endorsed for whiting and North Shore mobile gear, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a): *Regulated Fishery.*

ii. Vessels participating in this fishery must comply with the Area 5 restrictions set forth at 322 CMR 4.06(2)(a)1.d.

b. Upper Cape Cod. From September 1st through November 20th, lawfully permitted vessels may fish with a small mesh raised footrope trawl in the Upper Cape Cod Whiting Area defined in 322 CMR 8.06(1)(a): *Area.*

i. Vessels participating in this fishery must hold a CAP further endorsed for whiting, issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(4)(a).

ii. Vessels participating in this fishery must comply with 322 CMR 8.06: *Minimum Size and Possession Limits.*

c. Raised Footrope Trawl Specifications. The raised footrope trawls fished by vessels under these exemptions must comply with the trawl and sweep specifications set forth at 322 CMR 8.14(2): *Trawl Specifications*.

(d) Net Modifications.

1. No fishing vessel may use any means, device, or material, including but not limited to ropes, lines, chafing gear, liners, net strengtheners, or double nets, if it obstructs the meshes of the net or otherwise diminishes the size of meshes of the net described in 322 CMR 4.08(2).
2. All netting in trawl nets not made on a braiding machine, whether of braided or twisted twine, whether machine made or hand-made, shall use only one knot, the weavers knot or sheet bend or a knot by another name, which in only a weavers knot.
3. The ends of the twine, called the bars, that exit the knot are constructed so their lay does not cross or twist.
4. One splitting strap and one bull rope (if present) consisting of line or rope no more than two inches in diameter, may be used if such splitting strap and/or bull rope does not obstruct the meshes of the net or otherwise diminish the size of meshes of the net.
5. Canvas, netting, or other material may be attached to the underside of the cod end to reduce wear and prevent damage provided that no more than 25% of the meshes are obstructed.

6.39: Longfin Squid (*Dorytheuthis pealeii*) ~~Loligo~~ Squid Management

(1) Season. It is unlawful for any commercial fisherman to land or possess ~~Loligo~~ longfin squid using small-mesh otter trawls **except as authorized at 322 CMR 4.06(4)(c)(1) during the April 23 through June 15 seasonal small mesh squid fishery within the small mesh squid exempted area, as defined at 322 CMR 4.06(1).** ~~as specified in 322 CMR 8.07: Mesh-Size Restrictions from June 16th June 10th through April 22nd, unless the period when trawlers are allowed to use small-mesh nets to fish for squid is amended by the Director.~~

(2) Possession Limits. It is unlawful for commercial fishermen using mobile gear to land or possess greater than 2,500 pounds of ~~Loligo~~ longfin squid per vessel per 24-hour day when:

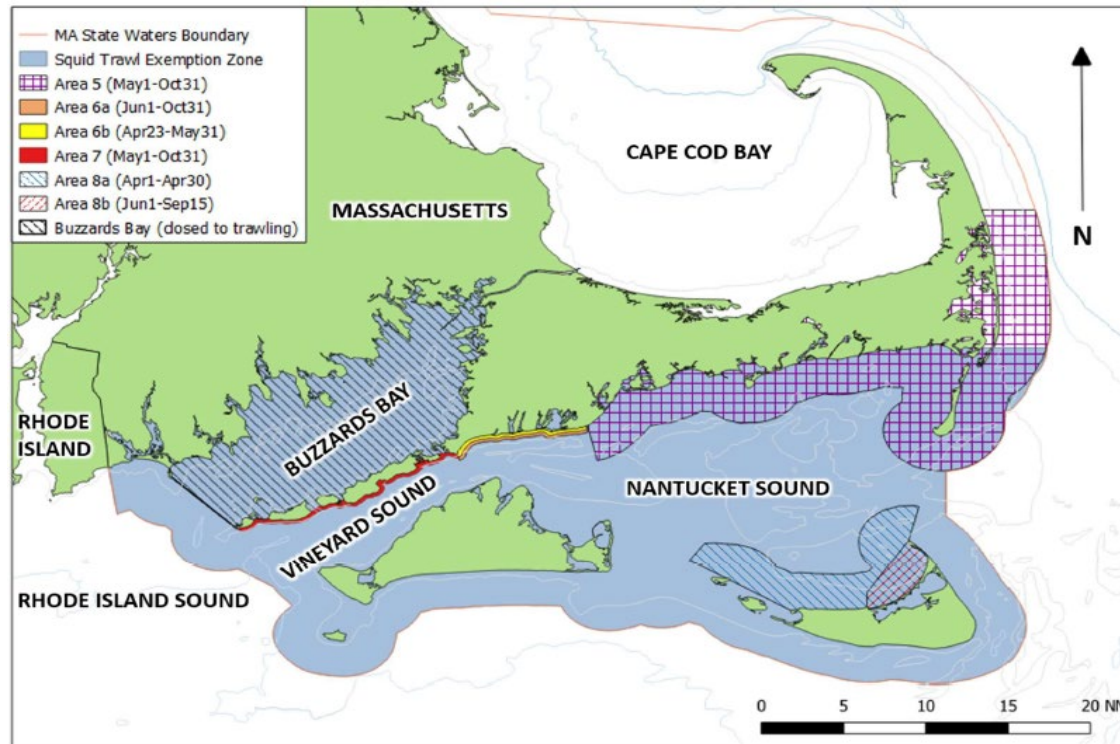
- (a) NOAA Fisheries has announced that the federal incidental trip limit is in effect;
- (b) the Director has filed a notice with the *Massachusetts Register*; and
- (c) the Director has sent notice *via* the Division's email listserve and posted notice on the Division's website.

(3) Commercial Fishery Limit Adjustments. The director may adjust ~~Loligo~~ longfin squid commercial fishery landing/possession limits to correspond to limits established by NOAA Fisheries.

Inshore Small Mesh Squid Fishery Season

Proposal

- Extend squid fishery by six days from April 23 – June 9 to April 23 to June 15.
- Eliminate provision that allows DMF to extend squid fishery past closure date established by regulation.



August 23, 2021

Division of Marine Fisheries

Slide 1





The Commonwealth of Massachusetts

Division of Marine Fisheries

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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: August 13, 2021
SUBJECT: Proposal Affecting Winter I and Winter II Scup Limits

Background

The annual commercial coastwide scup quota is divided into three seasonal quota management periods (Table 1). The Summer period is subject to the state-by-state quotas allocated under the interstate fishery management plan and subject to each state's quota management regulations. During the Winter I and Winter II periods—when harvest occurs predominantly in offshore waters—the fishery is managed at the federal level with a coastwide trip limit. Historically, DMF has sought to match the federal trip limit for Winter I and Winter II periods to allow vessels fishing offshore to possess and land lawfully harvested scup in our ports.

In recent years, this has been accomplished through a declaratory process, which requires—among other things—a two-week public comment period and approval of the MFAC. DMF begins this process when NOAA Fisheries announces the federal Winter I trip limit in November or December and the Winter II trip limit in August or September. At times, these announcements do not come with enough advance notice to set the state waters limit prior to the start of the period, given the MFAC's monthly meeting schedule.

Table 1. Commercial Scup Seasonal Quota Management

Period	% of Coastwide Quota	Trip Limits
Winter I (January 1–April 30)	45.11%	Coastwide: 50,000 lb
Summer (May 1–September 30)	38.95%	State-by-state quotas and trip limits
Winter II (October 1–December 31)	15.94% plus underage from Winter I	Coastwide: 12,000 lb plus 1,500 lb per 500,000 lb rolled over

Proposal

DMF's current process for mirroring the federal rules (as described above) is fairly intensive, often behind schedule, and of limited value given that most if not all expected harvest occurs by federal permit holders already beholden to the federally-established limits. Accordingly, it is my preference to streamline the administration of the federal Winter period trip limits through the

establishment of regulations that will not require use of the declaratory process. To do this, I am moving to go to public hearing this fall with the proposal enumerated below.

1. For state-only permit holders and dually (state and federal) federal permit holders fishing in state waters:
 - a. Establish a 1,500-pound harvest and retention limit for the period of October 1–April 14. This would effectively extend the state’s summer period directed fishery limits throughout the winter period. Given the limited abundance of scup in our waters during the Winter periods, the low ex-vessel value for this species, and regulations that limit scup catch (e.g., night closure for mobile gear, minimum net mesh size), it is unlikely that harvesters will take advantage of this trip limit.
 - b. Establish a 2,000-pound harvest and retention limit for the period of April 15–April 30. This would allow harvesters to retain scup in state waters consistent with state and federal rules governing small mesh fisheries, effectively allowing these vessels to retain potential scup bycatch in the inshore squid trawl fishery, should there be an early run.
2. For Federal permit holders:
 - a. Adopt a regulation that would allow them to possess and land scup Massachusetts in excess of the state limit (described above) throughout October 1–April 30, provided the fish were caught in federal waters in accordance with federal regulations. This is a similar approach to how DMF addresses the possession and landing of non-conforming groundfish and sea scallop catch taken in federal waters by federal permit holders.

This approach would establish suitable limits for state waters while continuing to allow federal permit holders to possess and land scup in Massachusetts in accordance with the federal limits during the Winter I and Winter II fisheries without requiring DMF and the MFAC go through the process of setting these limits each season. This will effectively reduce administrative burden without altering how the fishery currently operates.

Given the timeline for rule making, it is doubtful that a final regulation—if approved by the MFAC—would be implemented prior to January 1, 2022. Therefore, I anticipate we will continue to use the existing declaratory process to set the 2021 Winter II limits and 2022 Winter I limits. Then we would transition to using this new approach for the 2022 Winter II limits.

Proposed Regulatory Language at 322 CMR 6.27

6.27: Scup Fishery Management

(3) Commercial Fishery Management.

- (a) Permit Requirements. A regulated fishery permit endorsement, issued by the Director pursuant to 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement*, is required to sell scup, or to fish for, retain, possess or land scup in accordance with scup commercial fishery regulations at 322 CMR 6.27(2).
- (b) Minimum Size. It is unlawful for any commercial fisherman or dealer to possess scup less than nine inches in total length.

(c) Winter I and Winter II Fishery. ~~The Winter I fishery occurs during the period of January 1st through April 30th. This is a federal commercial scup management period. Federal limits are set pursuant to 50 CFR 648.122 and 648.123. The Director shall establish state possession and landing limits through Declaration, in accordance with the procedure set forth at 322 CMR 6.41(2)(d).~~

1. During the period of October 1 – April 14, it shall be unlawful for any commercial fisherman to retain, possess or land more than 1,500 pounds of scup within the waters under the jurisdiction of the Commonwealth during any calendar day or any trip, whichever period of time is longer.

2. During the period of April 15 – April 30, it shall be unlawful for any commercial fisherman to retain, possess or land more than 2,000 pounds of scup within the waters under the jurisdiction of the Commonwealth during any calendar day or any trip, whichever period of time is longer.

3. Exemption for Federal Permit Holders. Vessels with federal permits allowing the taking of scup from federal waters may possess and land more than the state regulated limits set forth at 322 CMR 6.27(3)(c)(1) and (2), provided said scup were lawfully taken from federal waters. It shall remain unlawful for any vessel with federal permits allowing the taking of scup to retain or possess scup in excess of the possession limits

state regulated limits set forth at 322 CMR 6.27(3)(c)(1) and (2) while fishing in the waters under the jurisdiction of the Commonwealth. If a vessel with federal permits is possessing scup in accordance with this section, the vessel shall transit directly through state-waters and make no stops except to land fish in a Massachusetts port unless otherwise directed by the Massachusetts Environmental Police or the United States Coast Guard; all fishing gear shall be out of the water and properly stowed on the vessel; and the vessel, crew, gear, and catch shall be in compliance with all applicable federal regulations.

(d) Summertime Fishery. The summertime fishery occurs during the period of May 1st through September 30th and is subject to the commercial scup quota. The commercial scup quota is managed through gear type specific trip limits, seasons and fishing days.

1. Weirs. During this period, commercial fishermen, permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to operate a fish weir, shall not be subject to daily possession limits or closed commercial fishing days for scup caught in fish weirs. The weir fishery shall close when the aggregate landings among all permitted weir fishermen reach 300,000 pounds of scup.

2. Trawlers. During this period, commercial fishermen, permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to fish for scup with trawl gear may fish for, possess and land scup seven days per week. Trawlers shall not land more than 10,000 pounds of scup per calendar week or possess more than 10,000 pounds of scup at any one time. The calendar week shall begin on Sunday at 12:01 A.M. and end on the following Saturday at 11:59 P.M.

3. All Other Gear Types. Commercial fishermen, permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to fish for scup with any other gear type including, but not limited to, hook and line and scup pots, are subject to the following seasonal limits:

- a. May 1st through May 31st. During this period, these commercial fishermen may fish for, possess and land scup Sundays through Thursdays and shall not possess or land more than 800 pounds of scup per calendar day or per fishing trip, whichever period is longer. The possession and landing of scup is prohibited on Fridays and Saturdays.
- b. June 1st through June 30th. During this period, these commercial fishermen may fish for, possess and land scup on Sundays, Tuesdays and Wednesdays and shall not possess or land more than 400 pounds of scup per calendar day or per fishing trip. The possession and landing of scup is prohibited on Mondays, Thursdays, Fridays and Saturdays.
- c. July 1st through September 30th. During this period, these commercial fishermen may fish for, possess and land scup seven days per week and shall not possess or land more than 1,500 pounds of scup per calendar day or per fishing trip.

4. Quota Closure. It shall be unlawful for commercial fishermen to land or possess scup once the Director has determined that 100% of the annual commercial scup quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

~~(e) Winter II Fishery. The Winter II fishery occurs during the period of October 1st through December 31st. This is a federal commercial scup management period. Federal limits are set pursuant to 50 CFR 648.122 and 648.123. The Director shall establish state possession and landing limits through Declaration, in accordance with the procedure set forth at 322 CMR 6.41(2)(d).~~

(f) Trip Limit Restrictions on Trawl Vessels. Notwithstanding the state waters trawl mesh minimum size restrictions at 322 CMR 4.06: *Use of Mobile Gear*, vessels using trawls shall not possess more than 1,000 pounds of scup from October 1st through April 14th, more than 2,000 pounds of scup from April 15th through June 15th, nor more than 200 pounds of scup from June 16th through September 30th, unless fishing with nets that have a minimum mesh size of five inches diamond applied throughout the cod end of the net for at least 75 continuous meshes forward of the terminus of the net and all other nets are stowed and not available for immediate use.

Proposal to Amend Process for Setting Winter Period Commercial Scup Limits

Current Process

- Wait for NOAA to announce federal Winter I (January 1 – April 30) and Winter II (October 1 – December 31) trip limits.
- Initiate state Declaration Process to mirror federally proposed trip limits.
 - Conduct two-week public comment period.
 - Obtain MFAC approval schedule.
- Announce new rules
 - Publish with local newspaper and MA Register.
 - Send notice out via e-mail list serve and post on DMF website.

Proposed New Rules

- State-Waters for All Permit Holders:
 - Adopt a 1,500 pound harvest and retention limit for October 1 – *April 22*. This is consistent with summertime trawl limit.
 - Adopt a 2,000 pound harvest and retention limit for *April 23* – April 30. This timing is consistent with start of MA's small mesh squid season and limit is commensurate with small mesh allowance in FMP.
- Federal Permit Holders in Federal Waters:
 - Allow possession and landing in excess of state limit consistent with federal limit, provided fish were lawfully caught in federal waters.



Protected Species Update

Massachusetts Marine Fisheries Commission Meeting

August 19, 2021

Incidental Take Permit Application

- NMFS 2022 List of Fisheries
 - Federal Register / Vol. 86, No. 150 / Monday, August 9, 2021 / Proposed Rules
 - <https://www.govinfo.gov/content/pkg/FR-2021-08-09/pdf/2021-16653.pdf>
 - NMFS proposes to add a new fishery – “MA Mixed Species Trap/Pot Fishery”
 - Listed as Category II fishery
 - Includes the Massachusetts lobster pot, whelk pot, and fish pot fisheries
 - MFAC/DMF rulemaking on season closure extension, 1,700 lb rope, and gear marking played a critical part in NMFS making this designation
 - Critical milestone for DMF in our incidental take permit application

ALWTRP Rulemaking

- NMFS has re-convened the ALWTRT and tasked the team with developing strategies to reduce the risk of mortality and serious injury (MSI) to NARW by 60 to 80% in the;
 - Northeast Sink Gillnet Fishery – (includes MA state water sink gillnet fishery)
 - Atlantic Mixed Species Trap/Pot Fishery - (includes the Whelk Pot and Fish Pot Fishery)
- Goal is to reduce the annual rate of SIM to less than PBR – 0.7 whales per year
- NMFS is in the process of modeling the risk baseline that each of these fisheries poses using the DST
- Initial ALWTRT discussion have focused on;
 - Time/area closures
 - Gear modifications/weak rope
 - Consideration of exemptions to portions of the fisheries that occur in shallow coast waters that do not overlap with NARW's

ALWTRT Next Steps

- Preparing to develop a new set of ALWTRT recommendations for U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. This is primarily needed for right whales but also humpbacks due to gillnet concerns
- We will be conducting public scoping in September and October 2021
- Reconvene the full team in early 2022 to discuss scoping results and assemble potential alternatives, identify data needs to support decision making
- Full team vote on alternatives in early 2022.
- Aiming for a proposed rule and Draft Environmental Impact Statement by the end of 2022 or early 2023 and a final rule in 2023.



Atlantic States Marine Fisheries Commission

2021 Summer Meeting Webinar Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Summer Meeting Webinar
August 2-5, 2021

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

Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (AUGUST 2, 2021)

Press Release

ASMFC American Lobster Board Initiates Draft Addendum XXIX

The Commission's American Lobster Management Board initiated Draft Addendum XXIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum considers implementing electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery, with the goal of collecting high resolution spatial and temporal effort data.

"In my opinion, this is the single most important thing the American Lobster Board can do to ensure the viability of the American lobster fishery," stated Board Chair Dan McKiernan from Massachusetts. "Through the proposed action, the Board seeks to significantly improve our understanding of stock status, identify areas where lobster fishing effort might present a risk to endangered North Atlantic right whales, and provide important information to help reduce spatial conflicts with other ocean uses, such as wind energy development and aquaculture."

A number of challenges facing the fishery (e.g., rising water temperatures, protected species interactions, reduced recruitment) present a critical need for the collection of enhanced spatial and temporal data via electronic tracking devices in the offshore fishery. The stock assessment models that estimate exploitation and abundance for American lobster could be greatly improved with these data, as they would provide size composition data at a finer resolution than what is currently available. Additionally, the models used to assess the location of vertical lines in the fishery and their associated risk to endangered right whales could be substantially improved with vessel tracking data, which could impact federal risk reduction requirements for the fishery. Better understanding the footprint of the U.S. lobster fishery will also be vital to ocean planning efforts to minimize spatial conflicts with other ocean uses such as aquaculture, marine protected areas, and offshore energy development, as well as provide fishery managers tools to help maintain industry fishing grounds. Furthermore, vessel tracking could improve the efficiency and efficacy of offshore law enforcement efforts.

Draft Addendum XXIX will propose specifications for tracking devices to ensure the collected data meet both management and assessment needs. These specifications include data reporting rates, preferred technologies, and minimum standards for tracking devices. Implementation timelines, as well as budgetary and staff resource needs will be further discussed as the Draft Addendum is developed. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR21-14

Meeting Summary

In addition to initiating a Draft Addendum to consider implementing electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery, the American Lobster Management Board (Board) considered a number of items: a progress report on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank resiliency, a Jonah Crab pre-assessment report

and recommendations on initiating a stock assessment from the Jonah Crab Technical Committee (TC), and paths forward for developing a management strategy evaluation (MSE) for the lobster fishery.

Staff updated the Board on the development of the Draft Addendum XXVII, which aims to proactively increase biological resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock. The Plan Development Team (PDT) provided draft management options and considerations for developing a trigger mechanism that would automatically implement management measures to improve the biological resiliency of the GOM/GBK stock if the trigger is reached. The TC also provided preliminary recommendations for defining management triggers based on indices of abundance and identified management measures most likely to increase stock resiliency, such as changes to minimum and maximum gauge sizes. The TC is currently developing an analysis to project the impacts of various gauge size changes on the stock and the fishery. The PDT will finalize the Draft Addendum based on the results of this analysis, and the Board will consider Draft Addendum XXVII for public comment in October 2021.

The Jonah Crab TC Chair presented a pre-assessment report to the Board, which provided the TC's evaluation of available data sets, findings on potential approaches for a near-term stock assessment to provide management advice, and research recommendations to advance future stock assessments. To date, there is no range-wide stock assessment of Jonah crab, stock status is unknown, and there has been limited science-based advice available to support management of the fishery. Given the data available, a steady increase in landings as the fishery has developed, and persistent uncertainty about sustainability and market limitations, the TC recommends moving forward with a stock assessment. The TC believes conducting a near-term stock assessment would help answer questions about the status and sustainability of the resource and provide more information with which to manage the fishery in a shorter timeframe. The Board agreed with this recommendation and approved the initiation a stock assessment for Jonah crab to be completed in 2023.

The Board also discussed proposed paths forward for the development of a management strategy evaluation (MSE) for the lobster fishery. In May, the TC recommended the Board pursue a two-phase MSE focused on the Gulf of Maine/Georges Bank (GOM/GBK) stock, with the goal of providing short-term management guidance while concurrently building the framework to expand the MSE to a spatially explicit approach. As the first steps in the MSE process, the TC recommended 1) forming a steering committee composed of Board and TC members, Commission staff, members of the Commission's Committee on Economics and Social Sciences, industry stakeholders, and individuals with past experience in MSE, and 2) conducting a workshop to develop management goals and objectives. Though the Board expressed interest in pursuing an MSE, it postponed development of an MSE in order to prioritize ongoing work on other actions. Considering current workloads for Draft Addenda XXVII and XXIX, the Board again agreed to delay discussing next steps for MSE until its next meeting.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to initiate an addendum to implement electronic tracking for federally-permitted vessels in the lobster and Jonah crab fishery, with the goal of collecting high resolution spatial and temporal effort data. This tracking data shall be collected under the authority of the Atlantic Coastal Fisheries

Cooperative Management Act. The PDT should use the Work Group report on vessel tracking as guidance when developing options and system characteristics.

Motion made by Mr. Reid and seconded by Ms. Patterson. Motion approved by unanimous consent.

Move to initiate a stock assessment for Jonah crab to be completed in 2023

Motion made by Mr. Kane and seconded by Mr. Borden. Motion approved by unanimous consent.

ATLANTIC LARGE WHALE TAKE REDUCTION TEAM UPDATE (AUGUST 2, 2021)

Meeting Summary

NOAA Fisheries provided an overview of North Atlantic right whale mortalities and gear interactions by fishery and gear type along the Atlantic coast. It also updated the states on its efforts and those of the Atlantic Large Whale Take Reduction Team to develop recommendations to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce risk to North Atlantic right whales in a number of fisheries. There are two rulemakings in process. Phase I focuses on the Northeast American lobster and Jonah crab trap fisheries, and is in its final stages of rulemaking. Phase 2 focuses on a number of additional fisheries, including gillnets on a coastwide basis and Atlantic mixed species trap/pot fisheries, and is in the initial scoping phases. The video of this session, can be found [here](#).

For more information, please contact Colleen Coogan with NOAA Fisheries at colleen.coogan@noaa.gov or visit the ALWTRP webpage at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 3, 2021)

Press Release

States Achieve Required Coastwide Reductions in Atlantic Striped Bass Total Removals *Development of Draft Amendment 7 Continues; Board Initiates Addendum to Amendment 6*

The Commission's Atlantic Striped Bass Management Board's review of the performance of the 2020 fishery yielded positive news, with the states achieving Addendum VI's goal of reducing total removals by 18% relative to 2017 levels. In fact, the states realized an estimated 28% reduction in total removals coastwide in numbers of fish from 2017 levels. Total removals include commercial harvest, commercial dead discards, recreational harvest, and recreational release mortality. Addendum VI was initiated in response to the 2018 benchmark assessment and aims to reduce total removals in order to end overfishing and reduce fishing mortality to the target level in 2020. The next stock assessment update for striped bass, scheduled to occur in 2022, will provide an update on the status of stock relative to the biological reference points.

The COVID-19 pandemic disrupted data collection for the Marine Recreational Information Program (MRIP) dockside sampling program, but MRIP was able to fill those data gaps using information from 2018 and 2019. While this does increase the uncertainty around the estimates of total recreational catch, there is still high confidence in those estimates and the estimates of the realized reductions.

After considering 2020 fishery performance, the Board provided guidance on a number of topics related to the development of Draft Amendment 7 (e.g., recreational release mortality, conservation equivalency, management triggers). Amendment 7 was initiated in August 2020 to update the

management program to reflect current fishery needs and priorities as the status and understanding of the resource and fishery has changed considerably since implementation of Amendment 6 in 2003. The Amendment is intended to build upon Addendum VI's action to end overfishing and initiate rebuilding. The Plan Development Team will continue to develop options for the Draft Amendment based on the guidance received from the Board.

Concurrent with the development of Draft Amendment 7, the Board initiated an addendum to Amendment 6 to consider allowing the voluntary transfer of commercial striped bass quota between states/jurisdictions that have commercial quota. This action is in response to a request from the State of Delaware to reconsider Delaware's current commercial quota allocation.

Based on progress made on Draft Amendment 7 and Draft Addendum VII to Amendment 6, the Board's next opportunity to meet and consider possible approval of both documents for public comment will be in October during the Commission's Annual Meeting. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

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PR21-15

Meeting Summary

The Atlantic Striped Bass Management Board met to review the draft Fishery Management Plan (FMP) Review and state compliance for fishing year 2020; review the juvenile abundance index (JAI) for the Albemarle Sound-Roanoke River (A-R) striped bass stock; provide guidance to the Plan Development Team (PDT) on the development of Draft Amendment 7; and consider options for addressing commercial quota allocation in a future management document.

The Board received a report from the Technical Committee (TC) on the JAI for the A-R striped bass stock in North Carolina. The A-R JAI showed recruitment failure for three consecutive years (2018, 2019, 2020), which tripped the recruitment-based management trigger established through Amendment 6 to the Atlantic Striped Bass FMP. The TC reviewed potential factors contributing to A-R recruitment declines and considered recommending action to the Board. The TC's report noted recent management action by North Carolina to reduce the total allowable landings for the Albemarle Sound and Roanoke River management areas in response to the 2020 A-R stock assessment. The TC report also noted results from an analysis of river flow and young-of-year recruitment conducted by the North Carolina Division of Marine Fisheries. The low JAI values from 2017–2020 align with high flow rates observed during those years which exceeded the upper bound of flow that provides the greatest chance of successful striped bass spawns. Considering North Carolina's recent management action to reduce striped bass total allowable landings and the ongoing monitoring and analysis of river flow impacts on recruitment, the TC recommended no action by the Board. Following the TC's recommendation, the Board did not take any action in response to the recruitment-based management trigger that was tripped by the A-R JAI in 2020.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

Motions

Move to approve the FMP Review for the 2020 fishing year and state compliance reports.

Motion made by Mr. Hasbrouck and seconded by Mr. Armstrong. Motion approved by unanimous consent.

Move to initiate an addendum to amendment 6 to allow voluntary transfers of commercial striped bass quota as outlined in the memo of July 26th, 2021 to the Atlantic Striped Bass Management Board regarding these transfers

Motion made by Mr. Clark and second by Mr. Geer. Motion passes (8 in favor, 7 opposed).

Move to approve Chris Dollar and Charles Green representing Maryland to the Striped Bass Advisory Panel.

Motion made by Mr. Luisi and seconded by Mr. Gary. Motion stands approved by unanimous consent.

TAUTOG MANAGEMENT BOARD (AUGUST 3, 2021)

Meeting Summary

The Tautog Management Board (Board) met to receive a progress report on the stock assessment update, review the Risk and Uncertainty Decision Tool for tautog, and consider the Fishery Management Plan (FMP) Review for the 2020 fishing year and implementation of the commercial tagging program.

The Stock Assessment Subcommittee (SAS) is continuing work updating each of the regional assessment models. The COVID-19 pandemic impacted data collection in 2020 and resulted in delays in data availability as well as some missing data. The SAS was able to overcome these challenges, and the assessment update is anticipated to be completed later this fall. In conjunction with the assessment update, the Board was also presented an overview of the Risk and Uncertainty Decision Tool, which the ISFMP Policy Board previously approved using tautog as a pilot case. The Decision Tool will be developed with feedback from the Board, Technical Committee (TC), Advisory Panel (AP), and Committee on Economic and Social Sciences (CESS) to provide the Board a framework for making management changes in response to the stock assessment update if needed.

The Board was also presented with the FMP Review for the 2020 fishing season. Coastwide commercial landings and recreational harvest declined from 2019 to 2020 and this trend is likely attributed to restrictions from the COVID-19 pandemic affecting market demand for tautog with restaurants and markets closed along the coast. A few states saw their commercial landings increase, most notably Massachusetts and Rhode Island which exceeded their state quotas and have adjusted their 2021 state quotas to account for those overages. The Board approved the FMP Review, state compliance, and *de minimis* requests from Delaware and Maryland.

The Board was presented reports from the TC, a subset of the AP, and the Law Enforcement Committee (LEC) on the implementation of the commercial tagging program in 2020. Generally, the tagging program was implemented with minimal issues in most states, with challenges largely attributed to learning how to apply tags correctly. New York and Connecticut both implemented the tagging program starting in 2021. New York TC members reported they received many complaints, most notably about increased mortality associated with tagging while at sea. Based on feedback from New York, the TC recommended the Board consider additional research and tagging trials to evaluate

alternative tag types. To address these concerns, the Board agreed Rhode Island, and Massachusetts should discuss and share best tagging practices with New York prior to the Annual Meeting.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to accept the FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* requests from Delaware and Maryland.

Motion made by Dr. Davis and seconded by Mr. Miller. Motion passes unanimously.

SCIAENIDS MANAGEMENT BOARD (AUGUST 3, 2021)

Meeting Summary

The Sciaenids Management Board met to review the annual Traffic Light Analysis (TLA) for spot and Atlantic croaker; receive a recommendation on the use of a TLA for black drum; approve the red drum and Atlantic croaker annual Fishery Management Plan (FMP) Reviews, state compliance reports, and *de minimis* requests; consider approval of a croaker state implementation plan from Florida; and receive an update on the Red Drum Simulation Stock Assessment.

Review Traffic Light Analysis (TLA) for Spot and Atlantic Croaker and Technical Committee Recommendations

The Board was presented with the findings of the TLA reports from the Spot and Atlantic Croaker Technical Committees (TCs). The TLAs use recreational and commercial landings for a harvest metric and several fishery-independent surveys for an abundance metric. While both commercial and recreational harvest datasets were available for 2020, there are caveats associated with the 2020 data due to interrupted sampling because of the COVID-19 pandemic. The pandemic had a greater effect on fishery-independent sampling with several surveys missing 2020 data altogether. Additionally, the Chesapeake Bay Multispecies Monitoring and Assessment Program, which is used for both species, was not available for 2019-2020 due to lack of calibration factors, although it will be available in the future. Data limitations lead to an 'unknown' status for the 2021 TLAs for both species for abundance metrics. Harvest metrics could be calculated for the TLA but since management measures were triggered last year to reduce harvest, the metrics should not be used since they reflect a decrease in harvest due to the management action. Because management measures were triggered in 2020, both species must retain triggered management measures until 2023 (spot) and 2024 (Atlantic croaker) due to the timeline outlined in Addendum III for each species. Therefore, despite the challenges faced when running the TLAs for spot and croaker, the TC recommended retaining current triggered management and reevaluate in 2022 to determine stock status when additional data becomes available.

Review Technical Committee memo with recommendations for the Black Drum Traffic Light Approach and Benchmark Stock Assessment

At the March meeting of the Sciaenids Board, the Board tasked the TC with evaluating the use of a TLA for black drum if the TC recommended delaying the next benchmark stock assessment currently scheduled for 2022. The TC met and reviewed updated data to discuss the merit of a TLA compared to the scheduled stock assessment. The TC determined that continuing with the scheduled stock assessment is preferred over the development of a TLA at this time to provide updated reference

points for the stock based on recalibrated MRIP data. The benchmark stock assessment will continue as scheduled in 2022.

Fishery Management Plan Reviews for Red Drum and Atlantic Croaker, and Review of State Implementation Plan from Florida

The Board reviewed and approved the 2020 Fishing Year FMP Reviews and state compliance reports for red drum and Atlantic croaker. *De minimis* requests were approved for New Jersey's and Delaware's 2022 red drum fisheries. For Atlantic croaker, *de minimis* status was approved for New Jersey (commercial and recreational), Delaware (commercial and recreational), South Carolina (commercial), and Georgia (commercial). Due to the triggering of management measures from the 2020 TLA for Atlantic croaker, non-*de minimis* states must make changes to their commercial fishery that are projected to reduce the 10-year average of state commercial harvest by 1%. Given its level of harvest, Florida no longer qualified for *de minimis* status and submitted a state implementation plan, which was approved by the Board, for its commercial Atlantic croaker fishery, requiring a vessel limit in state waters.

Update on Red Drum Modeling Process and Simulation Stock Assessment

Staff provided a short overview of the ongoing Simulation Stock Assessment for red drum. Work is continuing on schedule, with a peer-review anticipated for spring 2022.

Other Business

During other business, the Board elected Chris Batsavage as Vice Chair for the Sciaenids Management Board.

For more information, please contact Savannah Lewis, Fishery Management Plan Coordinator, at slewis@asmfc.org or 703.842.0740.

Motions

Move to approve the Red Drum FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* status for New Jersey and Delaware.

Motion made by Mr. Cimino and seconded by Mr. Bell. Motion is approved by consent.

Move to approve the Atlantic croaker state implementation plan from Florida.

Motion made by Mr. Geer and seconded by Mr. Woodward. Motion approved by unanimous consent.

Move to nominate Chris Batsavage as Vice-chair of the Sciaenids Management Board

Motion made by Mr. Clark and seconded by Mr. Geer. Motion is approved.

EXECUTIVE COMMITTEE (AUGUST 4, 2021)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including the second round of CARES assistance, pending shark finning legislation, future meetings format, Recovering Americas Wildlife Act and Conservation Equivalency. The following action items resulted from the Committee's discussions:

- Mr. Beal provided a brief overview of the second round of CARES assistance, technically known as the Consolidated Appropriations Act of 2021, or “The ACT”. The Commission has received the Cooperative Agreement and half of the states have submitted Spend Plans. Mr. Beal reminded the Committee the funds must be obligated by 9/30/21, and Congress prefers the funds are disbursed by this date, but the funds will not revert if not spent by the states by 9/30/21. We have the flexibility and time to get these funds to fisheries participants who need them.
- The Administrative Oversight Committee was unable to meet to discuss the Statement of Investment Policy Guidelines; but will meet before the Annual Meeting to discuss it. The Vice-Chair proposed this topic be moved to the EC agenda at Annual Meeting for action.
- The EC received an update on federal shark conservation legislation introduced in the 117th Congress. The four bills discussed were:
 - S. 1106 - Shark Fin Sales Elimination Act, Booker (D-NJ)
 - H.R.2811 - Shark Fin Sales Elimination Act of 2021, Sablan (D-MP)
 - S. 1372 - Sustainable Shark Fisheries and Trade Act of 2021, Rubio (R-FL)
 - H.R. 3360 - Sustainable Shark Fisheries and Trade Act of 2021, Webster (R-FL)

The Commission’s Legislative Committee has raised concerns about discarding legally harvested shark parts, as required by S. 1106 and H.R. 2811. The Legislative Committee will continue to monitor these bills and will react as needed.

- Mr. Beal reported the staff will be looking into the possibility of a hybrid meeting for the 80th Annual Meeting in Long Branch, NJ October 18-21, 2021. The EC will continue to monitor the situation regarding the Delta variant of Covid-19 and keep the Commissioner apprised. Chair Keliher recommended travelers hold off on purchasing plane tickets at this time.
- The EC approved sending a letter in support of the Recovering Americas Wildlife Act to the Senate.

The EC discussed Conservation Equivalency (CE) with the thought it might be time to review its policy, based on the successes and failures of the current approach to CE. The policy was last revised in 2016 and much has changed in the interim. Chair Keliher will appoint a workgroup to develop a specific charge, which, after approval by the EC will be given to the Management & Science Committee for action.

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

No motions made.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD CONCURRENT WITH THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (AUGUST 4, 2021)

Press Release

**New York's Black Sea Bass Baseline Commercial Quota
Increased to 8% under Addendum XXXIII**

The Commission's Summer Flounder, Scup and Black Sea Bass Management Board (Board) approved a 1% increase in New York's black sea bass commercial allocation, bringing New York's baseline share of the coastwide quota to 8%. This action modifies the state commercial quota allocations that had been previously approved through Addendum XXXIII to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The final 2022 state-by-state commercial shares can be found in the table on page 2.

Addendum XXXIII, approved in February 2021, addressed significant changes in the distribution of black sea bass that have occurred since the original allocations were implemented in 2003, while also accounting for the states' historical harvest of black sea bass. Among other things, the Addendum changed Connecticut's baseline allocation from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters of Long Island Sound (LIS). The remaining state shares (with the exception of Maine and New Hampshire) were allocated using their adjusted historical allocations (to account for the Connecticut change) as well as a portion based on the most recent regional biomass distribution information from the stock assessment.

In March, New York appealed the allocation changes approved by the Board in February. The Commission's appeal process provides states/jurisdictions the opportunity to appeal management decisions if a state/jurisdiction finds a Board decision has not been consistent with language of an FMP, resulted in unforeseen circumstances or impacts, did not follow established processes, or was based on flawed technical information. Through its appeal, New York argued that its baseline quota should increase similarly to that of Connecticut as it too had experienced a significant disparity between allocation and the abundance/availability of black sea bass in LIS, which is shared by New York and Connecticut.

In May, the Interstate Fisheries Management Program Policy Board (Policy Board) considered the appeal and found it was justified based on New York's arguments. This included data showing New York's historical allocation was based largely on its ocean fishery. Since 2010, there has been an exponential increase of black sea bass in LIS. This increased availability has resulted in an expansion of New York's commercial black sea bass landings from LIS from 24% (2004-2008) to 51% (2015-2019) of the state's total landings.

The Policy Board remanded Section 3.1.1 of Addendum XXXIII (which only addresses baseline allocations) back to the Board for corrective action to address impacts to New York's baseline allocation in a manner comparable to the consideration given to Connecticut. The Policy Board's action specified the Board must increase New York's baseline allocation by up to 2%, while maintaining Connecticut's baseline allocation of 3%. No other aspects of these allocations, and no other alternatives in the associated Addendum, may be revised by the Board.

Based on the Policy Board's directive, the Board considered a number of motions with various increases in New York's baseline quota and ultimately approved a 1% increase. As a joint partner in the management of black sea bass, the Mid-Atlantic Fishery Management Council also approved the same changes to New York's commercial quota share. The Council will forward its revised recommendations, which include adding the state-by-state shares to the federal Fishery Management Plan, to NOAA Fisheries for final approval.

Revised State Shares of Black Sea Bass Commercial Quota

State	Addendum XXXIII Approved Baseline Allocations	New Baseline Allocations	Difference for New Baseline	Resulting 2022 Allocation*
ME	0.25%	0.25%	0.00%	0.40%
NH	0.25%	0.25%	0.00%	0.40%
MA	12.77%	12.62%	-0.15%	15.44%
RI	10.81%	10.68%	-0.13%	13.06%
CT	3.00%	3.00%	0.00%	3.67%
NY	7.00%	8.00%	1.00%	9.79%
NJ - N	9.83%	9.71%	-0.12%	19.81%
NJ - S	9.83%	9.71%	-0.12%	
DE	5.00%	5.00%	0.00%	4.09%
MD	10.81%	10.68%	-0.13%	8.73%
VA	19.65%	19.42%	-0.23%	15.88%
NC	10.81%	10.68%	-0.13%	8.73%
Total	100%	100%	0%	100.00%

*These allocations represent the baseline quota plus the regional biomass distribution based on the results of the 2021 Operational Stock Assessment. These allocations will be updated if future assessments indicate a change to the biomass distribution.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org or 703.842.0740.

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PR21-16

Motions

Main Motion

Move to increase New York's baseline allocation in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. New York's baseline allocation for Black Sea Bass will be increased by 2%. This action maintains Connecticut's baseline allocation of 3% and maintains the percentage of quota redistributed according to regional biomass. The remaining states' baseline quotas will be adjusted consistent with the allocation tables provided during this meeting.

Board: Motion made by Mr. Hasbrouck and seconded by Dr. McNamee

Council: Motion made by Mr. DiLernia and seconded Mr. Farnham

Motion to Amend

Move to amend to change 2% to 1%

Board: Motion made by Mr. Cimino and seconded by Mr. Batsavage. Motion passes (6 in favor, 5 opposed, 1 abstentions).

Council: Motion made by Mr. Cimino and seconded by Mr. Batsavage. Motion passes (14 in favor, 4 opposed, 1 abstention)

Main Motion as Amended

Move to increase New York's baseline allocation in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. New York's baseline allocation for Black Sea Bass will be increased by 1%. This action maintains Connecticut's baseline allocation of 3% and maintains the percentage of quota redistributed according to regional biomass. The remaining states' baseline quotas will be adjusted consistent with the allocation tables provided during this meeting.

Motion to Amend

Move to amend the New York baseline black sea bass allocation be increased by 1.75%

Board: Motion made by Mr. Gilmore and seconded by Dr. McNamee. Motion fails (4 in favor, 6 opposed, 1 abstention, 1 null)

Council: Motion made by Mr. Risi and seconded by Mr. Farnham. Motion fails (4 in favor, 14 opposed, 1 abstention)

Main Motion as Amended

Move to increase New York's baseline allocation in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. New York's baseline allocation for Black Sea Bass will be increased by 1%. This action maintains Connecticut's baseline allocation of 3% and maintains the percentage of quota redistributed according to regional biomass. The remaining states' baseline quotas will be adjusted consistent with the allocation tables provided during this meeting.

Board: Motion passes (11 in favor, 1 abstention).

Council: Motion passes (18 in favor, 1 opposed).

Move to rescind the main motion as adopted at the February 1, 2021 meeting.

Council Only: Motion made by Mr. DiLernia and seconded by Mr. Farnham. Motion passes by consent.

Move to submit the Black Sea Bass Commercial State Allocation Amendment to NMFS with the preferred alternatives as approved at the December 16, 2020 and February 1, 2021 meetings as amended by the action today.

Council Only: Motion made by Mr. Cimino and seconded by Ms. Davidson. Motion carries based on unanimous consent with one abstention by GARFO.

ATLANTIC MENHADEN MANAGEMENT BOARD (AUGUST 4, 2021)

Press Release

ASMFC Atlantic Menhaden Board Initiates Addendum on Fishery Measures

The Commission's Atlantic Menhaden Management Board initiated an addendum to Amendment 3 to consider changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries provision. This action responds to the recommendations of a

Board work group charged with evaluating provisions of the current management program and providing strategies to refine those provisions.

Amendment 3 (2017) established commercial fishery allocations, allocating a baseline quota of 0.5% to each jurisdiction with the rest of the total allowable catch (TAC) allocated based on historic landings between 2009 and 2011. The work group report outlined landings have shifted in recent years, with some states landing significantly more quota (through transfers and other FMP provisions) than they are allocated due to changes in abundance of menhaden and availability of other bait fish. The Board action aims to align state quotas with recent landings and availability while maintaining access to the resource for all states, reduce dependence on quota transfers, and minimize regulatory discards.

The addendum will also propose changes to the EESA and incidental catch and small-scale fisheries provisions. Both provisions have been impacted by recent trends in landings, most notably in New England where states rely on the EESA to keep their commercial fishery open while working to secure quota transfers. The increasing abundance of menhaden in New England has also led to a rise of landings under the incidental catch and small-scale fisheries provision once commercial quotas have been met. The Board is interested in exploring options to promote accountability such as capping the total amount of landings under this category or to count these landings against the TAC. Management alternatives for the incidental catch and small-scale fisheries will also consider changes to the current eligibility of gear types under the provision. In addition to these topics, the Board indicated the management document should maintain flexibility to respond to management needs in the future.

The Board will consider the Draft Addendum at the Annual Meeting in October and provide feedback, if needed, to further develop the document. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR21-17

Meeting Summary

The Atlantic Menhaden Management Board met to review data needs for the potential development of a spatially-explicit model for menhaden, consider initiating an addendum based on the work group report on Amendment 3 provisions (for more details see press release), and discuss fish kills in a number of states this year.

In February, the Board tasked the Technical Committee (TC) and Ecological Reference Point Work Group (ERP WG) with providing more information on potential spatially-explicit modeling approaches for menhaden, a research recommendation identified in the 2019 benchmark assessment. Specifically, the Board requested information on what data would be needed, a timeline for development and implementation, and if the assessment could resolve questions regarding management of menhaden in the Chesapeake Bay. The TC and ERP WG discussed potential approaches for developing a spatially-explicit model that varied in range of spatial complexity, data needs, and timelines. The TC and ERP WG highlighted that pursuing any of the spatially-explicit approaches would likely extend the timeline to complete the next benchmark assessment, currently scheduled for 2025, though the length of additional time needed would depend on the management objectives and modeling approach. After preliminary discussion, the Board will provide guidance on priorities for the next benchmark and potential spatial modeling efforts at the Annual Meeting in October.

The Board also received public comment on the number of menhaden mortality events that have occurred in multiple states this year. While menhaden mortality events can occur seasonally when schools of menhaden get stuck in waters with low oxygen levels, the Board shared the public's concerns given the frequency and distribution of the mortality events. New Jersey indicated that in evaluating samples from some of these events in its state waters, the cause was attributed to the presence of the bacteria *Vibrio anguillarum*. To better track and monitor these fish kills, the Board requested staff work with the U.S. Fish and Wildlife Service to provide a summary of menhaden mortality events over the last year at the Annual Meeting.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at krootes-murdy@asmfc.org.

Motions

Move to initiate an addendum to consider changes to commercial allocation, the episodic events set aside, and the small-scale/incidental catch provision. The purpose of this action is to address the issues outlined in the Atlantic Menhaden work group memo and the PDT should use the strategies provided in the work group memo as a starting point.

Motion made by Ms. Ware and seconded by Mr. Hasbrouck. Motion approved by unanimous consent.

WIND ENERGY DEVELOPMENT WORKSHOP (AUGUST 5, 2021)

Meeting Summary

Peter Burns and Andy Lipsky, representing NOAA Fisheries Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center, respectively, provided updates on NOAA Fisheries' role in the offshore wind development process, including data exchange, regulatory process, survey mitigation, and research on interactions of offshore wind on NOAA trust resources. The presentations from the Workshop can be found [here](#). For more information, please contact Peter Burns (GARFO) at Peter.Burns@noaa.gov or Andy Lipsky (NEFSC) at andrew.lipsky@noaa.gov.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (AUGUST 5, 2021)

Meeting Summary

The ACCSP Coordinating Council met to review funding projects and future projections, receive an update on progress by the Accountability subgroup, and discuss Atlantic Recreational Priorities. The Council was provided an overview of ACCSP proposals submitted for FY2022. Eight maintenance proposals and four new proposals were submitted in addition to the ACCSP Administrative proposal. All proposals will be ranked by the Operations and Advisors Committees in September and brought to the Council for action in October, 2021. A funding summary from 2018-2022 was presented, with projections of maintenance proposals for 2022-2025.

The Council was also provided an update on the Accountability small group. The group has defined accountability, inventoried current practices on data validation & quality control, and surveyed data managers and consumers on data gaps. The next step is to document best practices regarding data validation and data corrections. The Council discussed Atlantic Recreational Priorities and identified

three additional suggestions for 2022-2026 including citizen science, in-season monitoring, and regional coordination for consistent use of MRIP data.

For more information, please contact Geoff White, ACCSP Director, at geoff.white@accsp.org.

Motions

No motions were made.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (AUGUST 5, 2021)

Meeting Summary

The ISFMP Policy Board (Policy Board) met to review a presentation on the Marine Recreational Information Program (MRIP) updates, received reports on the State Director's Meeting and from the Executive Committee (see Executive Committee meeting summary earlier in this document), updates on the East Coast Scenario Planning Initiative and the Mid-Atlantic Fishery Management Council's (MAFMC) Research Steering Committee to Evaluate Restarting the Research Set-Aside (RSA) Program, as well as reports from the Assessment Science Committee, Habitat and Artificial Reef Committees, and the Atlantic Coastal Fish Habitat Partnership (ACFHP).

Reports from the Executive Committee and State Directors Meeting

Commission Chair Pat Keliher presented the Executive Committee Report (see Executive Committee meeting summary earlier in this document). The Chair also provided an overview of the State Directors Meeting, which occurred on August 2. Notably, the meeting began with the directors welcoming Janet Coit as NOAA's Assistant Administrator for Fisheries. Chair Keliher expressed his excitement to have someone of Ms. Coit's caliber and experience with East Coast fisheries issues (as past Director of Rhode Island) to be working with the states at the federal level. Her knowledge of the inner workings of state fisheries management combined with her understanding of the Commission's process will make her a great partner for the states. Ms. Coit talked about some of her priorities for state/federal cooperation on the Atlantic coast, including issues associated with wind energy development, the East Coast Climate Change Scenario Planning Initiative, Atlantic large whale protections, and finding ways to minimize bycatch. Paul Doremus presented NOAA's budget and priorities for FY 2021 and 2022, while ASMFC Executive Director Bob Beal discussed Commission funding priorities, which included the Atlantic Coastal Fisheries Cooperative Management Act, NEAMAP and SEAMAP, ACCSP/FINs, Interjurisdictional Fisheries Act, and Recreational Data Collection. Jen Anderson provided an update of on NOAA's activities regarding the right whale conservation framework, and Sam Rauch discussed NOAA's efforts to increase diversity within the agency and on the regional management councils. State Directors discussed focusing on increasing diversity at the advisory panel and technical committee levels as a first step. Brian McManus from Florida talked about improvements to the fishery disaster process to decrease the time needed to distribute assistance in fishery disasters.

MRIP: 2020 Catch Estimates

Richard Cody, NOAA Fisheries, provided an overview on 2020 recreational harvest estimates and other updates to MRIP. While the COVID-19 pandemic disrupted the Access Point Angler Intercept Survey (APAIS), its overall impact on recreational fishing data collection was lower than first expected, with NOAA Fisheries being able to fill gaps in 2020 catch data with data collected in 2018 and 2019. These imputed data — also known as proxy or replacement data — match the time, place, and fishing mode combinations that would have been sampled had the APAIS continued uninterrupted. Imputed data

were combined with observed data to produce catch estimates using MRIP's standard estimation methodology. To ensure imputed data weren't over-represented against observed data, the original sample weights for the 2018 and 2019 catch records were down-weighted.

NOAA Fisheries' recently released a [Recreational Fishing Survey and Data Standards](#) guide. These standards were established to promote data quality, consistency, and comparability across the recreational fishing surveys administered and funded through MRIP, thereby, facilitating the shared use of the statistics these surveys produce. The standards set clear criteria for what NOAA Fisheries considers sound recreational fishing survey management practices, and their establishment removes ambiguities about whether a practice should be considered a recommendation or a requirement. While these standards were established in 2020, several are already in use. The implementation of the remaining standards will be phased-in. Once the standards are fully implemented, previously published data will be updated. If those data do not meet the standards, they will not be provided as part of the agency's marine recreational fisheries statistics

East Coast Scenario Planning Initiative

Staff presented an update on the progress of the East Coast Scenario Planning Initiative the Commission has been working on with the 3 Atlantic Coast Councils and NOAA Fisheries. The Initiative is a way of exploring how fisheries management might have to evolve over the next couple of decades as climate change becomes a bigger issue. No one knows exactly how climate change will play out, and the precise effects that it will have, so the Initiative partners are using scenario planning to explore what might happen and how management agencies might adapt to those potential changes. The Initiative is a structured, engaging way to bring a wide variety of stakeholders together with different perspectives to discuss complex issues. Staff announced the date of three workshops in late August/early September to introduce scenario planning and gather general input on important environmental drivers. Anyone interested in this topic is encouraged to attend a webinar and can find information on how to join [here](#). Additionally, planning partners will also be conducting outreach on those upcoming workshops.

MAFMC RSA Program

Adam Nowalsky discussed the MAFMC's effort to explore possibly reinstituting the RSA. MAFMC is hosting a series of 4 workshops (3 webinars and 1 in-person meeting) to explore the possible redevelopment of the RSA program. The goal of these workshops is to develop recommendations regarding whether and how the RSA program should be redeveloped. Each webinar will target a separate topic related to RSA (research, funding, and enforcement). The Scientific and Statistical Committee (SSC) Economic Working Group will work collaboratively with the Council's Research Steering Committee to provide economic input specific to each webinar topic, as well as develop meeting reports and briefing materials for the in-person workshop in the fall. The first webinar was held in July and focused on identifying how research goals will be prioritized, projects will be screened, and results will be communicated to the Council and stakeholders. The Council's SSC Economic Working Group also gave a report on these topics.

Changes to ASMFC Stock Assessment Schedule

Staff presented the Assessment Science Committee's recommended revisions to the Commission's stock assessment schedule, which were approved by the Policy Board. The update of the Ecological Reference Point (ERP) assessment in 2022 was removed to be consistent with the ERP Work Group's recommendation to only update the single-species assessment before the next benchmark. The striped

bass assessment update was shifted from 2021 to 2022 to allow time for management changes to take effect and to avoid challenges that could result from having a 2020 terminal year for the assessment. In addition, the 2023 assessment update was shifted to 2024 to maintain the two-year assessment update schedule. A benchmark assessment for black drum was scheduled for 2022 per the Black Drum Technical Committee's recommendation. The assessment schedule was revised to indicate that the 2023 river herring assessment will be a benchmark assessment. The expected completion date for the Spanish mackerel assessment shifted from 2021 to 2022.

Reports from ACFHP, Habitat Committee & Artificial Reef Committee

Dr. Lisa Havel provided updates on the ACFHP, Habitat Committee (HC), and Artificial Reef Committee. The ACFHP Steering Committee met virtually June 29-30, 2021. It discussed the National Fish Habitat Conservation through Partnerships Act enactment, received updates on current on-the-ground projects and the fundraising development strategy, approved the 2021 Melissa Laser Fish Habitat Conservation Award recipient, and welcomed Restore America's Estuaries as the newest ACFHP partner. For FY2021 National Fish Habitat Action Plan – US Fish and Wildlife Service (USFWS) funding, m will be provided for operational support and 3 on-the-ground projects: Living with Water – USS Battleship North Carolina Habitat Restoration (Wilmington, NC), Armstrong Dam Removal (Braintree, MA), and Ecological Restoration of 39 Salt Marsh Acres at Great Meadows Marsh (Stratford, CT). ACFHP is also a partner in the Bill Burton Pier outreach project, led by Coastal Conservation Association of Maryland and funded by NOAA Recreational Fisheries. ACFHP also endorsed 4 projects recently, two of which are on-the-ground: Carysfort Estuarine and Rockland Hammock Restoration (Key Largo, FL), and Cape Sable Coastal Wetland Restoration (Everglades, FL).

The HC met virtually June 24, 2021 and discussed the status and next steps for the documents they are currently working on: Acoustic Impacts to Fisheries, Fish Habitats of Concern, and the 2021 issue of *Habitat Hotline Atlantic*. The Committee also discussed developing a comment letter on the proposed elimination of dredge windows in the U.S. Army Corps of Engineers Savannah District, which the Policy Board unanimously agreed to send. The HC has also welcomed new members: Alexa Fournier (NY), David Dippold (PA), and Randy Owen (VA).

Dr. Havel also presented on the Artificial Reef Committee's newly published update to the 1988 publication [*Profiles of State Artificial Reef Programs and Projects*](#). The update highlights accomplishments of Atlantic state artificial reef programs over the past 30+ years.

ASMFC Appeals Process

Lastly, under other business, the Chair of the Summer Flounder, Scup and Black Sea Bass Board (Board) raised a process issue under the Commission's appeals process that arose during the Board's discussions of New York's appeal of Addendum XXXIII. The Policy Board agreed to have a review of the appeals process, with the Executive Committee reviewing any suggested changes to the process before coming back to the Policy Board for final consideration.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

No motions were made.

Press Release

**ASMFC Approves Amendment 2 to the Bluefish FMP
to Adjust Allocation and Establish a Rebuilding Plan**

The Atlantic States Marine Fisheries Commission approved the Amendment 2 to the Interstate Fishery Management Plan (FMP) for Bluefish: *Allocation and Rebuilding Program*. The Amendment updates the FMP goals and objectives, initiates a rebuilding plan, establishes new allocations between the commercial and recreational sectors, implements new commercial allocations to the states, revises the process for quota transfers between sectors, and revises how the management plan accounts for management uncertainty.

The Commission's Bluefish Management Board and the Mid-Atlantic Fishery Management Council (Council), who jointly manage bluefish, initiated the Amendment in December 2017 to consider revisions to the commercial and recreational fisheries allocations and the state-specific commercial allocations. In 2019, an operational stock assessment for bluefish indicated the stock was overfished, and the Board and Council subsequently incorporated the rebuilding plan in the Amendment.

Given the stock's overfished condition, the Amendment establishes a 7-year rebuilding plan to be achieved through a constant fishing mortality approach. Rebuilding progress will be analyzed through management track stock assessments every two years. The 2021 management track assessment will be used to inform specifications for the 2022-2023 fishing years. The Amendment also revises sector allocations, increasing the recreational allocation from 83% to 86% of the acceptable biological catch and decreasing the commercial allocation from 17% to 14%. Catch data from 1981-2018 were used as the basis for sector allocations since this time series captures the cyclical nature of the fishery, while providing each sector with sufficient access to the resource considering historical usage.

The Amendment revises state-by-state commercial allocations to better reflect the current distribution of the stock and the needs of the states' commercial fisheries. The Amendment allocates a baseline quota of 0.1% to each state, and then allocates the rest of the commercial quota based on landings data from 2009 to 2018 (see Table 1 below). Recognizing that several states will be losing quota during a time when the coastwide commercial quota is already at an historic low, the Amendment phases-in the allocation changes over 7 years in order to reduce short-term economic impacts to the affected commercial fishing industries. State allocations will be reviewed by the Commission and Council within 5 years.

The Amendment updates the sector transfer process to allow for quota transfers in either direction between the commercial and recreational sectors. Previously, quota could only be transferred from the recreational sector to the commercial fishery. The transfers will now be capped at 10% of the acceptable biological catch for a given year.

Table 1. Revised state allocation percentages of the bluefish commercial quota based on 2009-2018 landings data with a minimum default allocation of 0.1%. Previous allocations are provided for comparison purposes.

State	Previous Allocations Under Amendment 1	Revised Allocations to be Phased in Over 7 Years
Maine	0.67%	0.11%
New Hampshire	0.41%	0.22%
Massachusetts	6.72%	10.12%
Rhode Island	6.81%	9.61%
Connecticut	1.27%	1.09%
New York	10.39%	19.76%
New Jersey	14.82%	13.85%
Delaware	1.88%	0.49%
Maryland	3.00%	1.92%
Virginia	11.88%	5.87%
North Carolina	32.06%	32.03%
South Carolina	0.04%	0.10%
Georgia	0.01%	0.10%
Florida	10.06%	4.78%

Finally, the Amendment modified the management uncertainty tool within the FMP to a sector-specific approach. It allows the Commission and Council to apply a buffer to either sector, in the form of a quota reduction, to account for management uncertainty during specifications. While this tool has not been used often, the modified approach allows managers to better target areas of uncertainty within one sector without reducing the quota or harvest limit in the other sector.

Given the joint nature of the Amendment and the federal process that requires the Council's Amendment to undergo federal review and rulemaking, the implementation date for the Commission plan will be set once NOAA Fisheries approves the Council's Amendment. The Amendment is expected to go into effect for the 2022 fishing year.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org or 703.842.0740.

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PR21-18

Motions

Move on behalf of the Bluefish Management Board the approval of the Bluefish Allocation and Rebuilding Amendment to the Bluefish Interstate Fishery Management Plan 2. The effective date of the FMP modifications would be consistent with the effective date published in the final rule in the Federal Register.

Motion by Mr. Batsavage. Motion passes without objection.



Atlantic States Marine Fisheries Commission

ASMFC & MAFMFC Joint Meeting Webinar

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MAFMC & ASMFC Boards for Bluefish, and
Summer Flounder, Scup and Black Sea Bass
& ISFMP Policy Board
August 9 & 10, 2021

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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MAFMC & SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD

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Press Release**ASMFC & MAFMC Set Specifications for Jointly Managed Species
Summer Flounder, Scup, Black Sea Bass, and Bluefish**

The Commission's Management Boards for Bluefish and Summer Flounder, Scup, and Black Sea Bass met jointly with the Mid-Atlantic Fishery Management Council (Council) to adopt 2022-2023 specifications for all four species. The Boards and Council reviewed the results of the June 2021 management track stock assessments for the four species, which incorporated fishery catch and fishery-independent survey data through 2019. They also considered recommendations from the Scientific and Statistical Committee (SSC), Monitoring Committees and Advisory Panels, as well as comments from members of the public regarding the specifications for each species.

The table below summarizes commercial quotas and recreational harvest limits (RHL) for all four species (2021 values are provided for comparison purposes). No changes were made to the commercial management measures for any of the species. The Commission's actions are final and apply to state waters (0-3 miles from shore); the Council will forward its recommendations for federal waters (3 – 200 miles from shore) to the NOAA Fisheries Greater Atlantic Regional Fisheries Administrator for final approval.

2022-2023 Commercial Quotas and Recreational Harvest Limits for Summer Flounder, Scup, Black Sea Bass, and Bluefish (2021 values are provided for comparison purposes)

	Commercial Quota <i>millions of pounds</i>			Recreational Harvest Limit <i>millions of pounds</i>		
	2021	2022	2023	2021	2022	2023
Summer Flounder	12.49	15.53	15.53	8.32	10.36	10.36
Scup	20.50	20.38	17.87	6.07	6.08	5.41
Black Sea Bass	6.09	6.47	5.71	6.34	6.74	5.95
Bluefish	2.77	3.54	4.29	8.34	13.89	22.14

Note: Commercial quotas shown in the table may change slightly since they do not include any deductions for past overages

Summer Flounder

The 2021 summer flounder management track stock assessment concluded the stock was not overfished and overfishing was not occurring in 2019. Spawning stock biomass was estimated to be about 86% of the biomass target. The 2018 year class was above average at an estimated 61 million fish, the largest estimate of recruitment since 2009, while the 2019 year class is below average at 49 million fish. Based on the SSC's recommendation, the Board and Council approved an acceptable biological catch (ABC) of 33.12 million pounds for 2022 and 2023. After accounting for expected discards, the ABC results in a commercial quota of 15.53 million pounds and an RHL of 10.36 million pounds. These landing limits represent a 24% increase in the commercial quota and a 25% increase in the RHL from 2021 levels.

Scup

The 2021 scup management track stock assessment concluded the stock was not overfished and overfishing was not occurring in 2019. Spawning stock biomass was estimated to be about 2 times the biomass target. The assessment indicated the stock experienced very high recruitment in 2015 and below-average recruitment during 2016-2019. Based on the SSC's recommendation, the Board and Council approved an ABC of 32.11 million pounds for 2022 and 29.67 million pounds for 2023. After accounting for expected discards, the ABCs result in a commercial quota of 20.38 million pounds and an RHL of 6.08 million pounds in 2022, and a commercial quota of 17.87 million pounds and an RHL of 5.41 million pounds in 2023. Compared to 2021 landings limits, the new limits represent a slight decrease in the commercial quota and a minor increase in the RHL in 2022. The Board and Council discussed an industry proposal to increase or eliminate the commercial possession limit during the winter I quota period and decrease the minimum size from 9 inches to 8 inches in total length. After reviewing the Monitoring Committee recommendation and input from the Advisory Panel, the Board and Council determined that changes to current commercial measures were not warranted at this time.

Black Sea Bass

The 2021 black sea bass management track stock assessment concluded the stock was not overfished and overfishing was not occurring in 2019. Spawning stock biomass was estimated to be about 2.1 times the target level in 2019 and the fishing mortality rate was 15% below the threshold level that defines an overfished condition. Based on the SSC's recommendation, the Board and Council approved an ABC of 18.86 million pounds for 2022, which, after accounting for expected discards, results in a commercial quota of 6.47 million pounds and an RHL of 6.74 million pounds. These landings limits represent a 6% increase compared to the 2021 landing limits. The 2023 ABC was set at 16.66 million pounds, resulting in a 2023 commercial quota of 5.71 million pounds and an RHL of 5.95 million pounds.

Bluefish

The 2021 bluefish management track assessment concluded spawning stock biomass was still overfished but overfishing was not occurring in 2019. Based on the SSC's recommendation, the Bluefish Board and Council adopted an ABC of 25.26 million pounds and 30.62 million pounds for 2022 and 2023, respectively. The 2022 ABC results in a commercial quota of 3.54 million pounds and an RHL of 13.89 million pounds, and represents a 28% increase in the commercial quota and a 67% increase in the RHL from 2021 levels. The 2023 ABC results in a commercial quota of 4.29 million pounds and an RHL of 22.14 million pounds. Historically, a portion of the total allowable landings above the expected recreational harvest have been transferred from the recreational fishery to the commercial fishery. However, because the stock is currently overfished and the recreational and commercial sectors are both anticipated to fully harvest their limits, the Bluefish Board and Council did not authorize any quota transfers.

For more information on the Commission's actions pertaining to summer flounder, scup, and bluefish, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator at dleaning@asmfc.org and contact Savannah Lewis at slewis@asmfc.org for more information pertaining to the Commission's actions on black sea bass.

###

Meeting Summary

Under Commission Board action only, the Bluefish, and the Summer Flounder, Sup and Black Sea Bass Management Boards reviewed and approved Fishery Management Plan Reviews for the 2020 fishing seasons for bluefish, scup, and summer flounder. *De minimis* requests were approved for Maine, South Carolina, and Georgia for bluefish and Delaware for summer flounder and scup.

For more information on summer flounder, scup, and bluefish, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator at dleaning@asmfc.org, and contact Savannah Lewis at slewis@asmfc.org for more information on black sea bass.

Motions

Bluefish 2022-2023 Specifications

Main Motion

Move to adopt, based on the Council-preferred rebuilding plan and SSC/MC recommendations, a 2022 and 2023 bluefish ABC of 25.26 M pounds and 30.62 M pounds, respectively. This results in a 2022 commercial quota of 3.54 M pounds and an RHL of 13.89 M pounds. For 2023, this results in a commercial quota of 4.29 M pounds and an RHL of 22.14 M pounds.

Council: Motion made by Mr. Cimino and seconded by Ms. Davidson.

Board: Motion made by Mr. Cimino and seconded by Dr. Davis.

Motion to Amend

Move to amend to reduce the 2022 recreational ACL (21.73 M pounds) by 1% (217,279 pounds) for management uncertainty.

Council: Motion made by Mr. deFur and seconded by Ms. Wilke.

Board:

Motion fails for lack of a motion by members of the Board.

Main Motion

Move to adopt, based on the Council-preferred rebuilding plan and SSC/MC recommendations, a 2022 and 2023 bluefish ABC of 25.26 M pounds and 30.62 M pounds, respectively. This results in a 2022 commercial quota of 3.54 M pounds and an RHL of 13.89 M pounds. For 2023, this results in a commercial quota of 4.29 M pounds and an RHL of 22.14 M pounds.

Council: Motion carries (18 in favor, 2 abstentions)

Board: Motion carries (15 in favor).

Summer Flounder 2022-2023 Specifications

Move to adopt the following specifications for summer flounder based on the constant ABC approach:

For 2022 and 2023, the recreational ACL=ACT=14.64 mil lb, resulting in an RHL of 10.36 mil lb. The commercial ACL = ACT = 18.48 mil lb, resulting in a commercial quota of 15.53 mil lb.

Council: Motion made by Mr. Cimino and seconded by Mr. DiLernia. Motion carries by consent with 2 abstentions by Mr. deFur and Mr. Farnham.

Board: Motion made by Mr. Borden and seconded by Ms. Meserve. Motion carries by consent.

Scup 2022-2023 Specifications

Move to adopt the following specifications for scup:

- For 2022, the recreational ACL = ACT = 7.06 mil lb, resulting in an RHL of 6.08 mil lb. The commercial ACL = ACT = 25.05 mil lb, resulting in a commercial quota of 20.38 mil lb.
- For 2023, the recreational ACL = ACT = 6.53 mil lb, resulting in an RHL of 5.41 mil lb. The commercial ACL = ACT = 23.15 mil lb, resulting in a commercial quota of 17.87 mil lb.

Council: Motion made by Mr. Nowalsky and seconded by Mr. DiLernia. Motion carries by consent.

Board: Motion made by Mr. Nowalsky and seconded by Mr. Borden. Motion carries by consent.

Black Sea Bass 2022-2023 Specifications

Move to adopt the following specifications for black sea bass:

- For 2022, the recreational ACL = ACT = 8.76 mil lb, resulting in an RHL of 6.74 mil lb. The commercial ACL = ACT = 10.10 mil lb, resulting in a commercial quota of 6.47 mil lb.
- For 2023, the recreational ACL = ACT = 7.74 mil lb, resulting in an RHL of 5.95 mil lb. The commercial ACL = ACT = 8.93 mil lb, resulting in a commercial quota of 5.71 mil lb.

Board: Motion made by Mr. Cimino and seconded by Ms. Madsen. Motion carries by consent.

Council: Motion Made by Mr. Cimino and Seconded by Ms. Wilke. Motion carries by consent.

Board Only

Move to approve the Bluefish FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* requests from Maine, South Carolina, and Georgia.

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries by consent.

Move to approve the Summer Flounder FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* request from Delaware.

Motion made by Mr. Batsavage and seconded by Mr. Clark. Motion carries by unanimous consent, without objection and no abstention (all jurisdictions minus USFWS present).

Move to approve the Scup FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* request from Delaware.

Motion made by Mr. Fote, and seconded by Mr. Borden. Motion carries by unanimous consent without abstention (all jurisdictions minus USFWS present).

MAFMC & ISFMP POLICY BOARD (August 10, 2021)

Meeting Summary

The Council and the Interstate Fisheries Management Program Policy Board (Policy Board) reviewed a range of draft alternatives for further development through a Recreational Harvest Control Rule Framework/Addendum. The overarching goal of the harvest control rule is to rely less on expected fishery performance compared to a catch or harvest limit and to establish a more holistic approach for recreational fisheries management with a greater emphasis on stock status indicators and trends. The alternatives consider changes to the methodology used to set recreational possession limits, fish size restrictions, and open/closed seasons for summer flounder, scup, black sea bass, and bluefish. The Council and Policy Board agreed the full range of draft alternatives presented should be further developed. They also expressed a desire to use a harvest control rule approach when setting recreational management measures for 2022 but acknowledged that this timeline is very ambitious. Throughout the fall, the Fishery Management Action Team/Plan Development Team will continue to develop the alternatives and plan public workshops to gather input from stakeholders.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

No motions made.

MAFMC & SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (August 10, 2021)

Meeting Summary

Ecosystem Approach to Fisheries Management (EAFM) Summer Flounder Management Strategy Evaluation

The Council and the Summer Flounder, Scup, and Black Sea Bass Board (Board) reviewed and approved management objectives and strategies to be evaluated and analyzed as part of the EAFM summer flounder management strategy evaluation (MSE). The MSE will evaluate the biological and economic performance and trade-offs of management alternatives to minimize discards (live and dead) in the recreational summer flounder fishery. The primary focus of the discussion was to consider the extensive stakeholder and public input received, including from the core stakeholder group, regarding the project goals, management objectives, and potential alternatives and strategies that could be considered for implementation. Based on the stakeholder input, the Council and Board approved 5 different management objectives and 14 different alternative categories concerning angler experience as well as biological, economic, and social sustainability. The Council and Board will review interim analysis and results in December 2021. Final results for potential management action are anticipated in late spring of 2022. For more information, visit <https://www.mafmc.org/actions/summer-flounder-mse>.

Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment

The Council and Board also reviewed additional proposed allocation alternatives for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.

Four Council and Board members proposed four new allocation alternatives for each species. Their proposal responded to concerns raised over equity and fairness during the amendment's public comment process. Some stakeholders had voiced concerns over existing allocation alternatives essentially rewarding recreational overages, as they are based on years when the recreational sector's landings exceeded the RHL. The first set of newly proposed alternatives use 2004-2018 catch and landings data while excluding years with RHL overages. The second set of alternatives is a 50/50 weighting of the 2004-2018 base years with RHL overage years excluded and the historical base years upon which the current allocations are based. Staff presented an analysis demonstrating that the impacts of these new alternatives fall within the range of the existing alternatives already under consideration.

The Council and Board approved these alternatives for inclusion in the final range of alternatives, with both bodies scheduled to meet jointly in December 2021 to consider final action on the amendment.

For more information on summer flounder and scup, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator at dleaning@asmfc.org, and contact Savannah Lewis at slewis@asmfc.org for more information on black sea bass.

ASMFC Updates

ASMFC Summer Meeting (Aug 2-5)
MAFMC August Meeting with ASMFC (August 9-10)

Marine Fisheries Advisory Commission
August 19, 2021

Massachusetts Division
of Marine Fisheries



American Lobster/Jonah Crab

- Draft Addendum 29 Initiated
 - Electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery
 - Goal: collect high resolution spatial and temporal effort data to improve understanding of stock status, endangered species entanglement risk assessment, ocean planning, etc.
- Draft Addendum 27 development ongoing
 - Pre-defined triggers to arrest expected decline in GOM/GB lobster stock.
 - Possible changes to minimum and maximum gauge sizes.
- Development of MSE for GOM/GB lobster stock postponed to prioritize above two actions.
- First-ever Jonah crab stock assessment initiated for completion in 2023.



Striped Bass

- Addendum VI confirmed to have achieved an 18% reduction in total removals in 2020 from the 2017 levels (28% in fact).
- Additional Board guidance given to PDT for Amendment 7 development.
- Initiation of an addendum to Amendment 6 to consider allowing transfers of commercial quota among states (DE request).
- Stock assessments shifted from 2021 to 2022, and 2023 to 2024.

Black Sea Bass

- NY granted a 1% increase to its initial quota (from 7% to 8%) through appealing Addendum 33 decision. (25% of coastwide quota still allocated according to regional biomass distribution.)



Menhaden

- Addendum initiated to consider changes to state allocations (including minimum default allocations), EESA program, and incidental catch/small-scale fishery allowance.
- ERP assessment for 2022 removed from stock assessment schedule (will be single species assessment); both in scheduled benchmark for 2025.

ASMFC Processes

- Ongoing review of *de minimis* provisions
- Conservation equivalency policy to be reviewed
- Appeals process to be reviewed.



Fluke, Scup, Sea Bass and Bluefish Specifications

- Based on new management track assessments for all species with data through 2019, SSC/MC/AP recommendations and public comment.

	Biomass	Fishing Mortality	Significant Recruitment Events
Fluke	Between Threshold and Target (86% of target), trending up	Overfishing Not Occurring (81% of threshold)	2018 year class above average and largest since 2009
Scup	Rebuilt (195% of target), trending down	Overfishing Not Occurring (68% of threshold)	2017-2019 year classes below average, 2019 smallest
Sea Bass	Rebuilt (206% of target), trending down	Overfishing Not Occurring (85% of threshold)	2018 year class above average, but below massive 2011 and large 2015
Bluefish	Overfished (47.5% of target), potential upward trend	Overfishing Not Occurring (95% of threshold)	2017-2018 year classes above average but 2019 the lowest



Fluke, Scup, Sea Bass and Bluefish Specifications

	Commercial Quota <i>millions of pounds</i>			Recreational Harvest Limit <i>millions of pounds</i>		
	2021	2022	2023	2021	2022	2023
Summer Flounder	12.49	15.53	15.53	8.32	10.36	10.36
Scup	20.50	20.38	17.87	6.07	6.08	5.41
Black Sea Bass	6.09	6.47	5.71	6.34	6.74	5.95
Bluefish	2.77	3.54	4.29	8.34	13.89	22.14

- 2020 Recreational Harvest Estimates

Fluke: 10.06 mlb

Scup: 12.91 mlb

Sea Bass: 9.05 mlb

Bluefish: 13.58 mlb

- Potential for revised com/rec allocations to be effective for fluke/scup/bsb in 2023
- Potential for Harvest Control Rule to be effective for 2022



Harvest Control Rule

- Move away from direct harvest to RHL comparison for setting of recreational measures; incorporate stock status indicators (e.g., biomass trend, recruitment, B/B_{msy} , F/F_{msy}) into predefined management steps.
- 4 approaches approved for further development. Example:

		Biomass Trend		
		Increasing	Stable	Decreasing
Stock Status	Abundant (>150% of target)	Step A		
	Healthy (100-150% of target)	Step A	Step B	
	Below Target (50 to <100% of target)	Step C	Step D	
	Overfished (<50% of target)	Step E	Step F	

(Where Step A equals the most liberal measures and Step F the most restrictive)

Questions?



New England Fishery Management Council Meeting Agenda – Revised
Tuesday – Thursday, June 22-24, 2021
[By Webinar](#)

Sending comments? Written comments must be received at the NEFMC office no later than 8:00 a.m., Thursday, June 17, 2021 to be considered at this meeting. Please address comments to Council Chairman Dr. John Quinn or Executive Director Tom Nies at: NEFMC, 50 Water St., Mill 2, Newburyport, MA 01950. Email submissions should be sent to comments@nefmc.org.

IMPORTANT: Due to ongoing public safety considerations related to [COVID-19](#), this meeting will be conducted by webinar. Please continue to monitor the Council's [June 2021 meeting webpage](#).

PUBLIC COMMENTS: The Council's "Guidelines for Providing Public Comments" can be found [here](#). Anyone interested in speaking during the open period for public comment on June 22, 2021 at 10:45 a.m. should email Janice Plante at jplante@nefmc.org to get on the list.

Tuesday, June 22, 2021

9:00 a.m. Reports on Recent Activities

Council Chairman, Council Executive Director, Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator, National Oceanic and Atmospheric Administration (NOAA) General Counsel, Northeast Fisheries Science Center (NEFSC), Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission, U.S. Coast Guard, NOAA Enforcement, Stellwagen Bank National Marine Sanctuary, and Northeast Trawl Advisory Panel

10:45 Open Period for Public Comment

Opportunity for the public to provide brief comments on issues relevant to Council business but not listed on this agenda (please limit remarks to 3-5 minutes)

11:00 Conserving and Restoring America the Beautiful (Sam Rauch, NOAA Fisheries; Council staff)
NOAA Fisheries briefing on draft White House report, "Conserving and Restoring America the Beautiful," with discussion on how it applies to fisheries; report on formation of Council Coordination Committee (CCC) subcommittee on area-based management

11:30 Electronic Monitoring Procedural Directive (Brett Alger, NOAA Fisheries; Executive Director Tom Nies)
Receive presentation on draft National Marine Fisheries Service (NMFS/NOAA Fisheries) procedural directive on applying information law to electronic monitoring (EM) data in U.S. fisheries; approve Council comments

12:30 p.m. Lunch Break

1:30 Habitat Committee Report (Eric Reid; Peter Burns, GARFO; Andy Lipsky, NEFSC; Brian Hooker, BOEM)
Offshore Wind: GARFO, NEFSC, and BOEM updates on offshore wind-related projects and activities; Council Habitat-Related Work: update on efforts to revise Council's Wind Energy Policy, receive other habitat project updates

3:00 Atlantic Sea Scallop Biological Opinion (Bill Barnhill, GARFO)
Update on 2021 Atlantic Sea Scallop Biological Opinion to address turtle interactions in the fishery

3:45 Scallop Committee Report (Vincent Balzano)
Scallop Research Set-Aside (RSA) Program: approve 2022-2023 RSA priorities; Framework 34: initiate action for 2022 fishery specifications, 2023 default specs, other measures; Rotational Management Program Evaluation: update; Leasing Petition: review Scallopers Campaign letter to NMFS requesting secretarial action to implement a scallop leasing program, approve Council response

Wednesday, June 23, 2021

9:00 a.m. Atlantic Herring Committee Report (Rick Bellavance, SSC Chair Dr. Jason McNamee)

Framework Adjustment 9: (1) receive Scientific and Statistical Committee recommendations on herring rebuilding plan alternatives to address the overfished status of Atlantic herring, and (2) receive update on

the framework's rebuilding plan alternatives and measures to potentially adjust herring accountability measures; Framework Adjustment 7: update on action to protect adult spawning herring on Georges Bank

- 11:30 2021-2025 Council Research Priorities:** (Staff; SSC Chair Dr. Jason McNamee)
Review list of 2021-2025 Council Research Priorities; receive SSC recommendations on research priorities; discuss and approve final list
- 12:30 p.m. Lunch Break**
- 1:30 Groundfish Report** (Terry Alexander; Dr. Mackenzie Mazur, GMRI; SSC Chair Dr. Jason McNamee)
ABC Control Rules: (1) receive presentation on draft report titled "Evaluation of Alternative Harvest Control Rules for New England Groundfish," (2) receive SSC comments on ABC control rule presentation and report, (3) Council discussion on ABC control rules draft report and SSC comments; Atlantic Cod Stock Structure Working Groups: progress report; Framework Adjustment 63: initiate action to include (1) 2022 total allowable catches (TACs) for U.S./Canada shared resources on Georges Bank (GB), (2) 2022-2024 specifications for GB cod, Gulf of Maine (GOM) cod, GB haddock, and GOM haddock, (3) 2022-2023 specifications for GB yellowtail and 2022 specifications for white hake, and (4) other measures

Thursday, June 24, 2021

- 9:00 a.m. Skate Committee Report** (Dr. Matt McKenzie)
2022-2023 Specifications: update; Amendment 5 to the Northeast Skate Complex Fishery Management Plan: update; Control Dates: consider updating control dates for skate wing and skate bait fisheries
- 11:00 Financial Disclosures and Recusal** (Executive Director Tom Nies)
Approve Council comments on draft NMFS policy directive and procedural guidance for financial disclosures and recusals for regional fishery management councils
- 11:30 Ecosystem-Based Fishery Management (EBFM) MSE Steering Committee Report** (Dr. Matt McKenzie)
Approve plan for informational workshops using public outreach materials and focusing on potential application to a Georges Bank example Fishery Ecosystem Plan (eFEP)
- 12:30 p.m. Lunch Break**
- 1:00 Southeast For-Hire Electronic Reporting Requirements** (Rick Bellavance)
Update on NOAA Fisheries Southeast Region for-hire electronic reporting requirements and application to New England recreational party/charter vessels with permits for South Atlantic species; approve draft response letter
- 1:30 Highly Migratory Species (HMS)** (Tom Warren, NOAA Fisheries)
Presentation on Amendment 13 to the Consolidated Atlantic HMS Fishery Management Plan, which focuses on bluefin tuna issues; Council comments on proposed rule
- 2:00 HMS Advisory Panel and ICCAT Advisory Committee** (Rick Bellavance)
Reports on recent meetings of: (1) NOAA Fisheries' Highly Migratory Species Advisory Panel; and (2) the Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas
- 2:15 Other Business**

Times listed next to the agenda items are estimates and are subject to change.

This meeting is being held entirely by webinar. Council member financial disclosure forms are available for examination on the Council website.

Although other non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Documents pertaining to Council actions are available for review prior to a final vote by the Council.

Please check the Council's website, www.nefmc.org, or call (978) 465-0492 for copies.

This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

June 22-24, 2021

Via Webinar

FINAL MOTIONS

Tuesday, June 22, 2021

REPORTS ON RECENT ACTIVITIES

Council Chairman's Report

1. The Council agreed by consensus to have a hybrid format for the September Council meeting with members attending in-person preferable.

ELECTRONIC MONITORING PROCEDURAL DIRECTIVE

2. The Council agreed by consensus to approve the draft letter on the Electronic Monitoring Procedural Directive, as amended by the Council discussion.

HABITAT COMMITTEE REPORT

3. The Council agreed by consensus:
That staff develop comments on behalf of the Council, jointly with the MAFMC where appropriate, on the following issues: U.S. Army Corps of Engineers' permit application for the Blue Water Fisheries aquaculture project, BOEM's proposed sale notice for NY Bight leasing, BOEM's notice of intent for the Empire Wind project, and the U.S. Coast Guard's draft Approaches to Chesapeake Bay Port Access Route Study.

SCALLOPS

2022/2023 Scallop RSA Research Priorities

4. Mr. Balzano moved on behalf of the Committee:
that the Council approve the Scallop research set-aside priorities for 2022/2023 as recommended by the Scallop Committee on pages 1 and 2 of document #3, (Tab 4). The priority list is summarized in the table below.

#	HIGHEST PRIORITY (1a, 1b, 1c)	#	GENERAL RESEARCH (3, 4, 5, & 6 - not ranked)
1a	Intensive surveys of access areas	3	Sea turtle research
1b	Intensive surveys of areas of interest and GOM	4	Scallop Recruitment Supplementation
1c	Broadscale surveys of GB and MA	5	Bycatch: Small scallops & non-target species
	HIGH PRIORITY (2)		

2	Research on scallop biology	6	Gear: Commercial dredge research

- 4a. Dr. Sissenwine moved to amend and Dr. McKenzie seconded:
to elevate the priority to high priority for ESA listed sea turtle studies and add gear research to the turtle studies.

The motion to amend was agreed by consensus.

The main motion as amended was agreed by consensus.

Framework Adjustment 34

5. Mr. Balzano moved and Ms. Patterson seconded
that the Council initiate Framework Adjustment 34, an action that will set fishery specifications for fishing year 2022 and default measures for 2023. Framework 34 will consider modifications LAGC IFQ access area trip counting and implement measures from Amendment 21 that are approved by NMFS.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Balzano, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Dr. McKenzie, Mr. Olszewski, Mr. Pappalardo, Mr. Pentony, Ms. Griffin, Mr. Reid, Dr. Sissenwine and Mr. Tracy.

No:

Abstain:

The motion *carried* unanimously on a roll call vote (16/0/0).

6. The Council agreed by consensus to approve the Council's response to GARFO regarding the Scallop's Campaign request for secretarial action to implement a scallop leasing program with one abstention (Mr. Pentony).

Wednesday, June 23, 2021

FINANCIAL DISCLOSURE AND RECUSAL

1. The Council agreed by consensus to approve the Council comments on draft NMFS policy directive and procedural guidance for financial disclosures and recusals for regional fishery management councils.

COUNCIL RESEARCH PRIORITIES

2. Consensus Statement:
The Council accepts the revisions to its Research Priorities and Data Needs for

2021-2025 as updated by the FMP Committees and the Scientific and Statistical Committee for submission to NMFS. Intent is to keep Albatross-Bigelow conversion and Red Crab survey on the list.

The Council agreed by consensus.

SOUTHEAST REGIONAL OFFICE (SERO) FOR-HIRE ELECTRONIC REPORTING REQUIREMENTS

3. The Council agreed by consensus to approve the draft letter to SERO with Council's response regarding the for-hire reporting requirements with one abstention (Mr. Pentony).

OTHER BUSINESS

4. Mr. Salerno moved and Mr. Alexander seconded:
to recommend to GARFO that they delay the eVTR reporting requirements implementation by six months.
- 4a. Ms. Ware moved to table and Ms. Etrie seconded:

Roll call vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Balzano, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Dr. McKenzie, Mr. Olszewski, Mr. Pappalardo, Ms. Griffin, Dr. Sissenwine and Mr. Tracy

No: Mr. Reid

Abstain: Mr. Pentony

Recusal: Mr. Bellavance

The motion *carried* on a roll call vote (14/1/1/1).

Recusal Statement: Mr. Bellavance recused himself because he may assist the contractor hired to educate fishermen on the eVTR requirements if they are approved by NMFS.

GROUND FISH

5. Mr. Pentony moved and Ms. Etrie seconded:
In order to consider the addition of default measure alternatives to the 2021 Northeast Multispecies framework, I move to suspend the rule that requires any proposed change in priorities to be reviewed by the relevant oversight committee before it is acted on by the Council.

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Balzano, Mr. Bellavance, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Dr. McKenzie, Mr. Olszewski, Mr. Pappalardo, Mr. Pentony, Ms. Griffin, Mr. Reid, Dr. Sissenwine and Mr. Tracy

No:

Abstain:

The motion *carried* unanimously on a roll call vote (17/0/0).

6. Mr. Alexander moved and Ms. Etrie seconded:
to initiate Framework Adjustment 63: 2022-2024 Specifications/Management Measures, to include:
- Set 2022 total allowable catches for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and 2022-2023 specifications for the GB yellowtail flounder stock,
 - Set 2022-2024 specifications for GB cod and Gulf of Maine (GOM) cod, and possibly adjust 2022 specifications for GB haddock and GOM haddock,
 - Adjust 2022 specifications for white hake based on the rebuilding plan,
 - Adopt additional measures to promote stock rebuilding,
 - Develop alternatives to the current default system
- 6a. Mr. Pentony moved to amend and Mr. Salerno seconded:
that the Council modify 2021 Northeast Multispecies priorities and develop alternatives to the current default system, for inclusion in Framework 63 and remove “in consultation with the SSC, revise ABC control rules for the NE multispecies stocks”.

Roll call vote:

Yes: Mr. Tracy, Dr. Sissenwine, Mr. Reid, Ms. Griffin, Mr. Pentony, Mr. Pappalardo, Mr. Olszewski, Dr. McKenzie, Ms. Ware, Mr. Salerno, Ms. Patterson, Mr. Godfroy, Ms. Etrie, Mr. Balzano, Mr. Bellavance, Mr. Alexander and Mr. Gates

No:

Abstain:

The motion to amend *carried* on a roll call vote (17/0/0).

The main motion as amended:

To initiate Framework Adjustment 63: 2022-2024 Specifications/Management Measures, to include:

- Set 2022 total allowable catches for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and 2022-2023 specifications for the GB yellowtail flounder stock,
- Set 2022-2024 specifications for GB cod and Gulf of Maine (GOM) cod, and possibly adjust 2022 specifications for GB haddock and GOM haddock,
- Adjust 2022 specifications for white hake based on the rebuilding plan,
- Adopt additional measures to promote stock rebuilding,
- Develop alternatives to the current default system

- 6b. Ms. Etrie moved to amend and Mr. Alexander seconded:
to initiate Framework Adjustment 63: 2022-2024 Specifications/Management Measures, to include:
- Set 2022 total allowable catches for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and 2022-2023 specifications for the GB yellowtail flounder stock,
 - Set 2022-2024 specifications for GB cod and Gulf of Maine (GOM) cod, and possibly adjust 2022 specifications for GB haddock and GOM haddock,
 - Adjust 2022 specifications for white hake based on the rebuilding plan,
 - Develop alternatives to the current default system

Roll call vote:

Yes: Mr. Tracy, Mr. Reid, Mr. Salerno, Ms. Etrie, Mr. Balzano and Mr. Alexander

No: Dr. Sissenwine, Ms. Griffin, Mr. Pentony, Mr. Pappalardo, Mr. Olszewski, Dr.

McKenzie, Ms. Ware, Ms. Patterson, Mr. Godfroy, Mr. Bellavance and Mr. Gates

Abstain:

The motion to amend *failed* on a show of hands (6/12/0).

The main motion:

To initiate Framework Adjustment 63: 2022-2024 Specifications/Management Measures, to include:

- Set 2022 total allowable catches for US/Canada management units of Eastern Georges Bank (GB) cod and Eastern GB haddock, and 2022-2023 specifications for the GB yellowtail flounder stock,
- Set 2022-2024 specifications for GB cod and Gulf of Maine (GOM) cod, and possibly adjust 2022 specifications for GB haddock and GOM haddock,
- Adjust 2022 specifications for white hake based on the rebuilding plan,
- Adopt additional measures to promote stock rebuilding,
- Develop alternatives to the current default system

Roll call vote:

Yes: Mr. Gates, Mr. Alexander, Mr. Balzano, Mr. Bellavance, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Dr. McKenzie, Mr. Olszewski, Mr. Pappalardo, Mr. Pentony, Ms. Griffin, Mr. Reid, Dr. Sissenwine and Mr. Tracy

No:

Abstain:

The motion *carried* unanimously on a roll call vote (17/0/0).

Thursday, June 24, 2021

SKATE COMMITTEE REPORT

Amendment 5

Skate FMP Objectives

1. Committee consensus statement:
That the Council recommends accepting the PDT recommendations on updating Skate FMP Objectives #2 (on rebuilding overfished stocks) and #5 (on setting research priorities).

The Council agreed by consensus.

Intermediate Possession Limits

2. Dr. McKenzie moved on behalf of the Committee:
that for the intermediate possession limit alternatives, the Council develops an alternative that would create a Step 1 trigger at 75% of the TAL and a Step 2 trigger at 90% of the TAL. This would apply to the wing and bait fisheries in all seasons. Under Step 1, the possession limit would lower to 75% (a 25% reduction). Step 2 would implement the incidental limit.

Roll call vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Balzano, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Mr. Olszewski, Ms. Griffin and Mr. Tracy

No: Mr. Bellavance, Dr. McKenzie, Mr. Pappalardo, Mr. Reid and Dr. Sissenwine

Abstain: Mr. Pentony

The motion ***carried*** on a roll call vote (11/5/1).

3. Dr. McKenzie moved on behalf of the Committee:
that the Council adds an option to each intermediate possession limit alternative that would implement the intermediate possession limit only in the last wing (Season 2) or bait season (Season 3).

The Council agreed by consensus.

4. Committee consensus statement:
that for all the intermediate possession limit alternatives, the Regional Administrator would have the discretion to not implement the intermediate possession limit, based on current landing rates and the timing relative to the end of the season, like the current discretion for implementing the incidental limit.

The Council agreed by consensus.

Federal Skate Permit

5. Dr. McKenzie moved on behalf of the Committee:
that the Council adds an alternative that would require that once the federal permit is obtained at any point in the year, it must be retained for the remainder of the fishing year.

The Council agreed by consensus.

Tabled Motion from April 2021

6. Dr. McKenzie moved and Ms. Etrie seconded:
to bring forward the motion tabled from April.

Roll call vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Balzano, Mr. Bellavance, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Dr. McKenzie, Mr. Olszewski, Mr. Pappalardo, Ms. Griffin, Mr. Reid, Dr. Sissenwine and Mr. Tracy

No:

Abstain: Mr. Pentony

The motion *carried* on a roll call vote (16/0/1).

Main motion:

That new control dates be established for the wing and bait fisheries.

- 6a. Dr. Sissenwine moved to substitute and Ms. Etrie seconded:
that the Council recommend to GARFO that they rescind the current control dates in the wing and bait fisheries.

Roll call vote:

Yes: Mr. Alexander, Mr. Balzano, Mr. Bellavance, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Mr. Olszewski, Mr. Pentony, Ms. Griffin and Dr. Sissenwine

No: Mr. Aarrestad, Mr. Pappalardo and Mr. Tracy

Abstain: Dr. McKenzie and Mr. Reid

The motion to substitute *carried* on a roll call vote (12/3/2).

Main motion:

That the Council recommend to GARFO that they rescind the current control dates in the wing and bait fisheries.

Roll call vote:

Yes: Mr. Alexander, Mr. Balzano, Mr. Bellavance, Ms. Etrie, Mr. Godfroy, Ms. Patterson, Mr. Salerno, Ms. Ware, Mr. Olszewski, Ms. Griffin and Dr. Sissenwine

No: Mr. Aarrestad, Mr. Pappalardo and Mr. Tracy

Abstain: Dr. McKenzie, Mr. Pentony and Mr. Reid

The main motion *carried* on a roll call vote (11/3/3).

EBFM

7. Dr. McKenzie moved and Ms. Patterson seconded:
that the Council approve Management Strategy Evaluation Steering Committee guidance
and recommendations for EBFM Public Information Workshops.

The Council agreed by consensus.

OTHER BUSINESS – CONT'D

Tabled motion:

To recommend to GARFO that they delay the eVTR reporting requirements
implementation by six months.

8. Ms. Etrie Moved and Mr. Pappalardo seconded: to bring forward the tabled motion

Roll call vote:

Yes: Mr. Aarrestad, Mr. Alexander, Mr. Balzano, Mr. Bellavance, Ms. Etrie, Ms.
Patterson, Mr. Salerno, Ms. Ware, Dr. McKenzie, Mr. Olszewski, Mr. Pappalardo,
Ms. Griffin, Mr. Reid, Dr. Sissenwine, Mr. Godfroy and Mr. Tracy

No: Ms. Bland

Abstain:

The motion *carried* on a roll call vote (16/1/0).

- 8a. The main motion:
to recommend to GARFO that they delay the eVTR reporting requirements implementation
by six months.

Roll call vote:

Yes: Mr. Alexander, Mr. Balzano Ms. Etrie Mr. Godfroy Ms. Patterson Mr. Salerno Mr.
Reid Mr. Tracy

No: Mr. Aarrestad, Ms. Ware Dr. McKenzie Mr. Olszewski Mr. Pappalardo Ms. Bland Ms.
Griffin Dr. Sissenwine

Abstain:

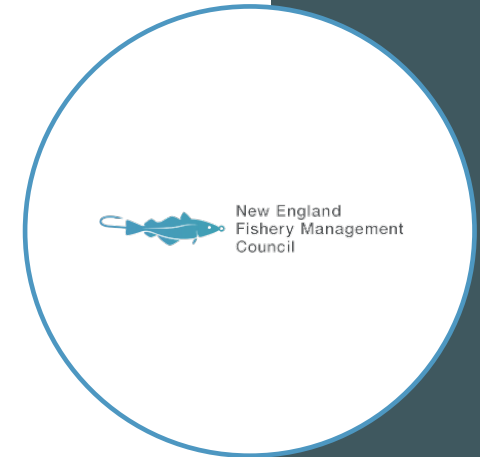
Recusal: Mr. Bellavance

The motion failed on a roll call vote (8/8/0/1).

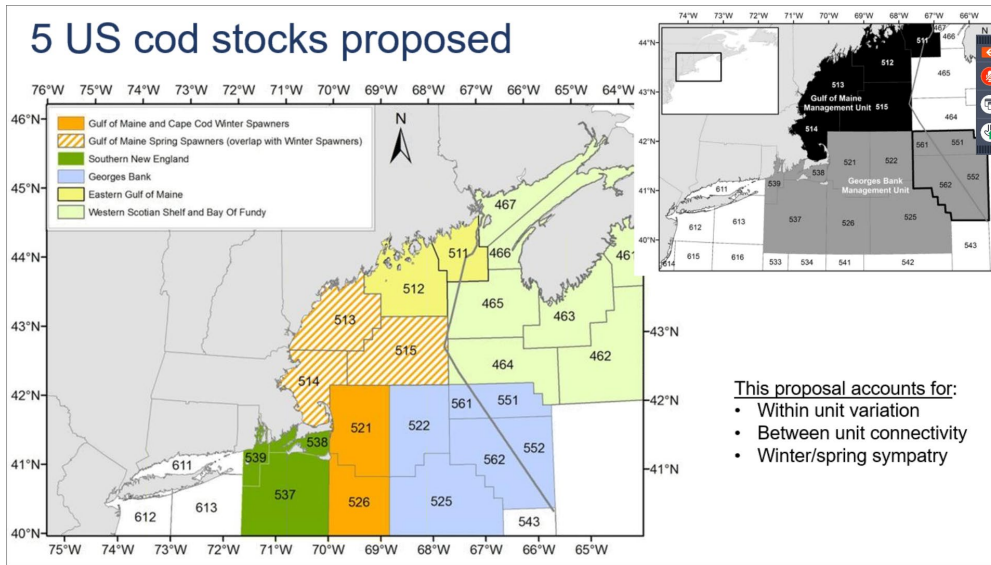
Recusal Statement: Mr. Bellavance recused himself because he may assist the
contractor hired to educate fishermen on the eVTR requirements if they are
approved by NMFS.

New England Regional Fishery Updates

- **2020-2021 Council membership**
- **Scientific Developments**
- **New England Fishery Management Council Activities**



5 US cod stocks proposed



Scallop Survey Working Group Work Plan - July 2021

	21-Jun	21-Jul	21-Aug	21-Sep	21-Oct	21-Nov	21-Dec	22-Jan	22-Feb	22-Mar	22-Apr	22-May	22-Jun	22-Jul
Council Meetings	NEFMC			NEFMC	SSC		NEFMC	NEFMC			NEFMC			NEFMC
SSWG Meeting		Web 1/2-day			1-day				2-day		1-day			
TOR 1														
Summary														
Review														
Report														
TOR 1 Complete														
TOR 2														
Coverage, Frequency, Intensity														
Data														
Auto Detection														
RSA														
Report														
TOR 2 Complete														
TOR 3														
Wind Impacts														
Other Impacts														
Report														
TOR 3 Complete														
TOR 4														
Assessment Needs														
Forecast Needs														
Report														
TOR 4 Complete														
REPORT														
Report Writing														
Review														
Revision														
Final Report														
PROJECT COMPLETION														

Scientific Developments

- Assessments
- Atlantic cod stock structure
- Scallop Survey Working Group

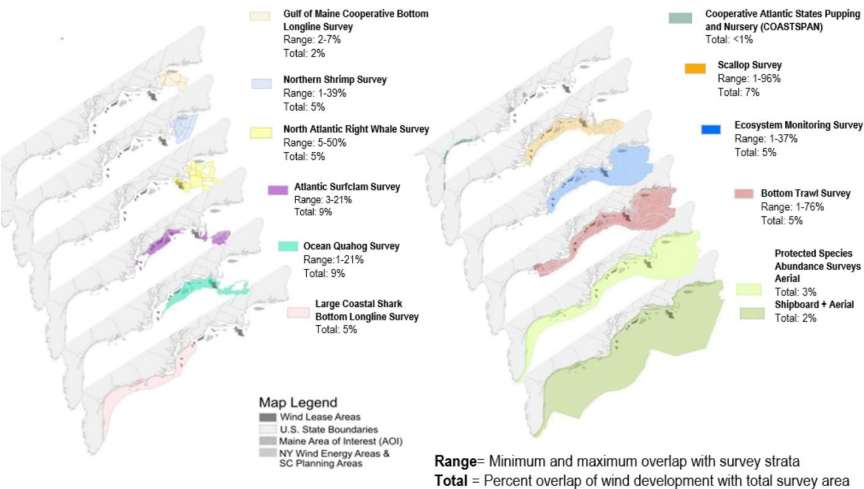
EAST COAST CLIMATE CHANGE SCENARIO PLANNING

An initiative designed to prepare fishing communities and fishery managers for an era of climate change

Starting in 2021, the management bodies shown on the right are collaborating on a multi-year scenario planning initiative along the entire US Atlantic seaboard.



Northeast NMFS Survey Interactions with Offshore Wind



U.S. Department of Commerce | National Oceanic and Atmospheric Administration | NOAA
Attendees: 112 of 100
Attendees: 1107

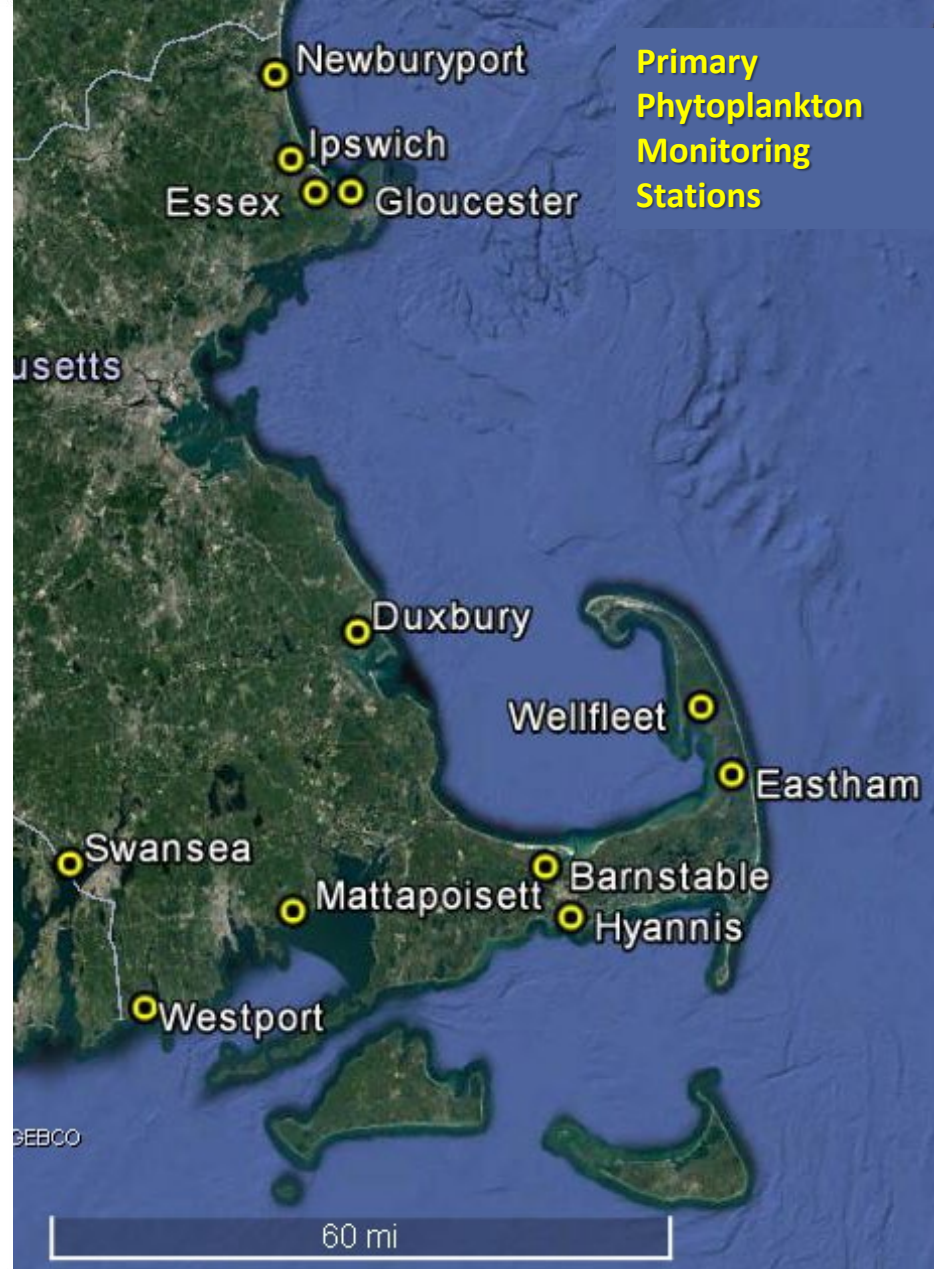
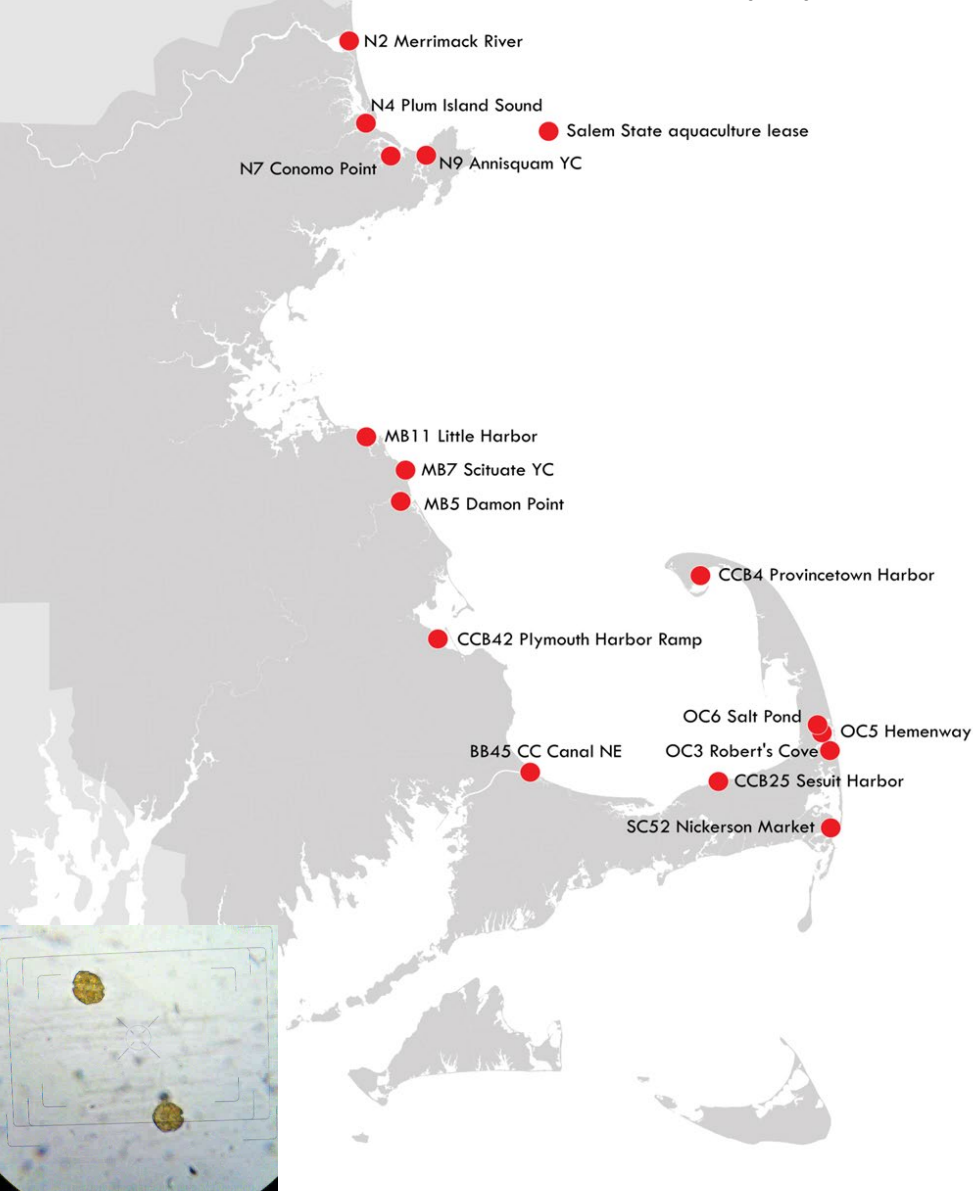
NEFMC Activities

- Meetings: June outcomes
September agenda
- FMP specific updates: groundfish
scallops
herring
skates
EBFM
- Other Updates: eVTRs
surveys in windfarms
right whales
climate change scenario planning

Massachusetts Division
of Marine Fisheries



PRIMARY BIOTOXIN SAMPLE STATIONS (PSP)



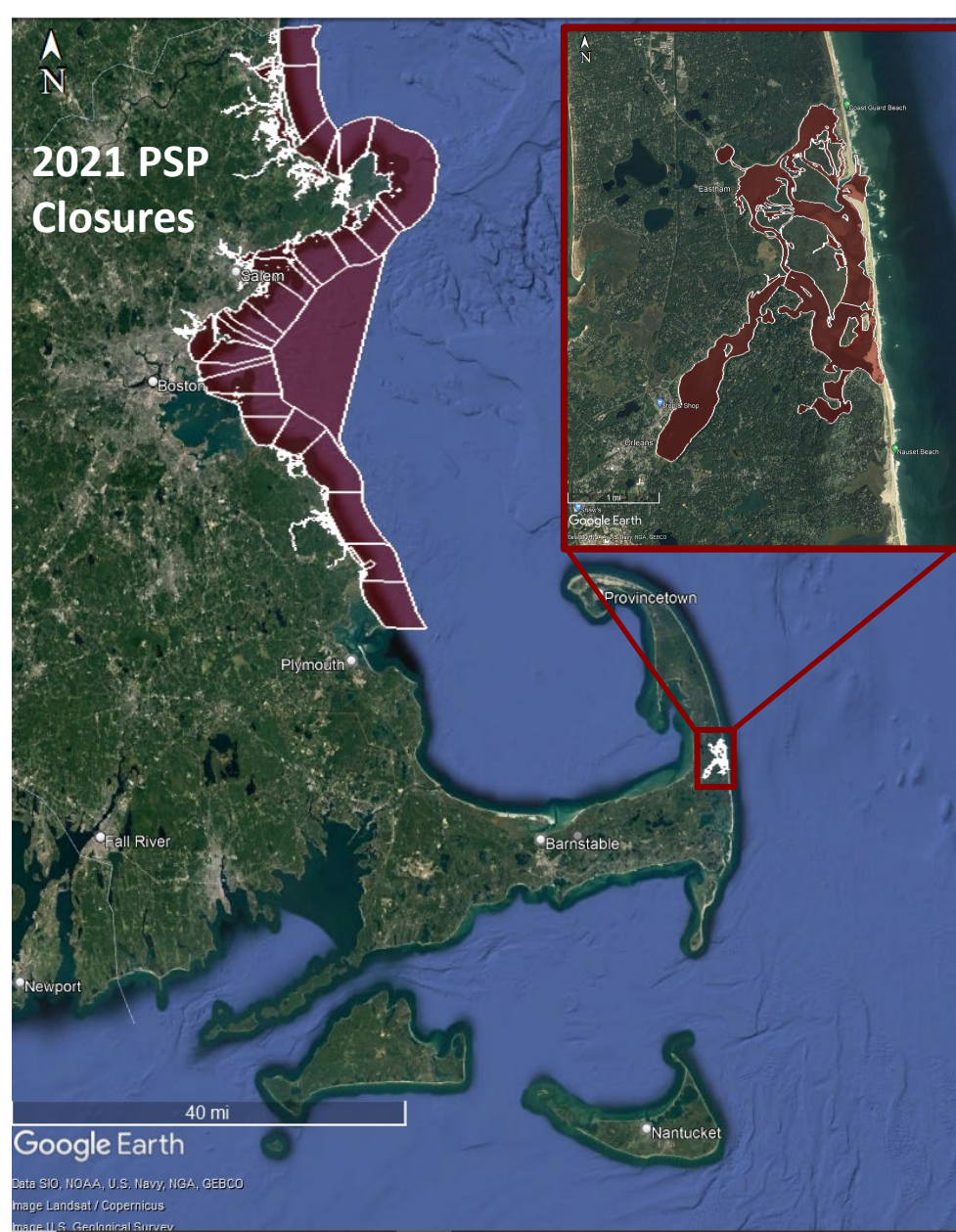
Primary
Phytoplankton
Monitoring
Stations



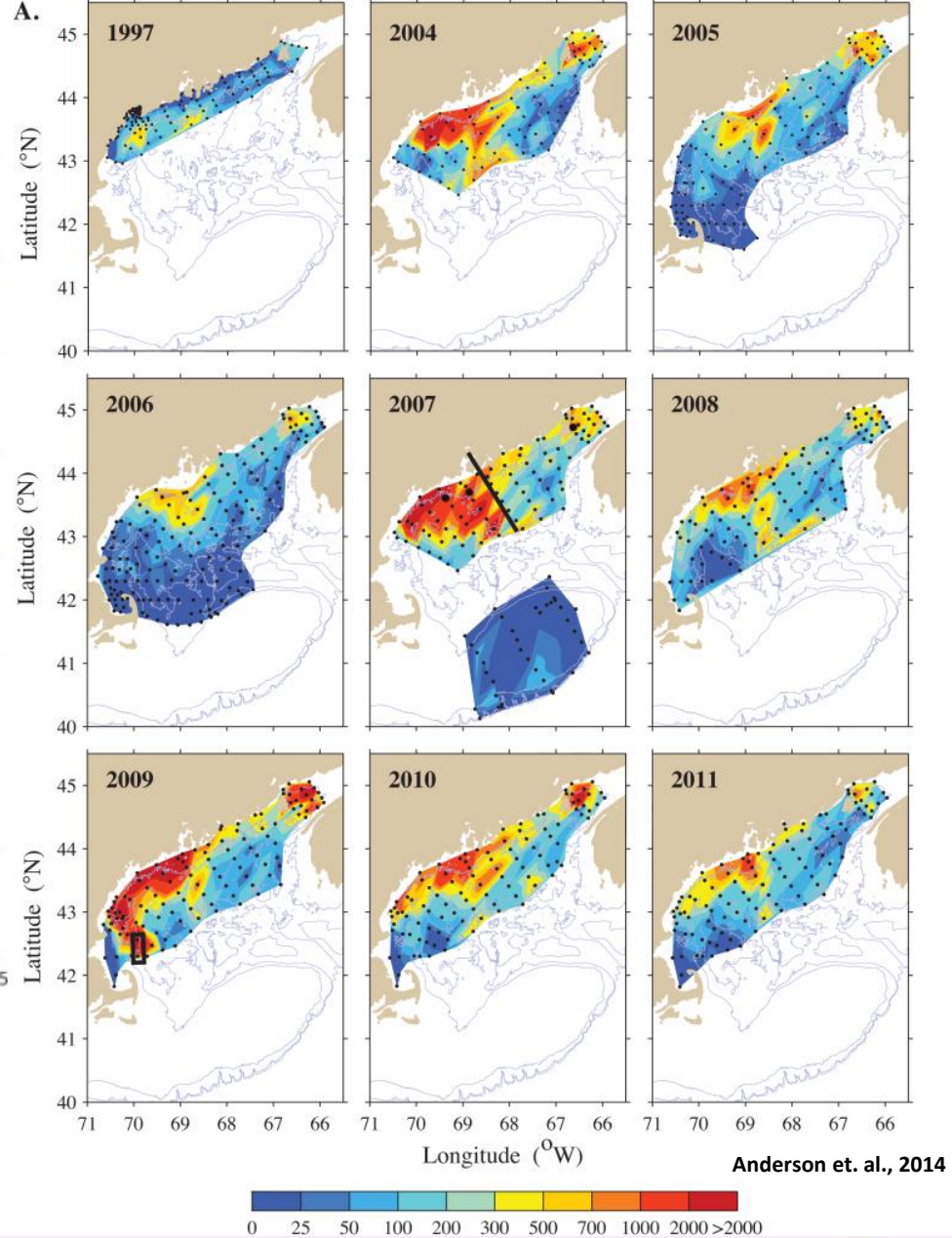
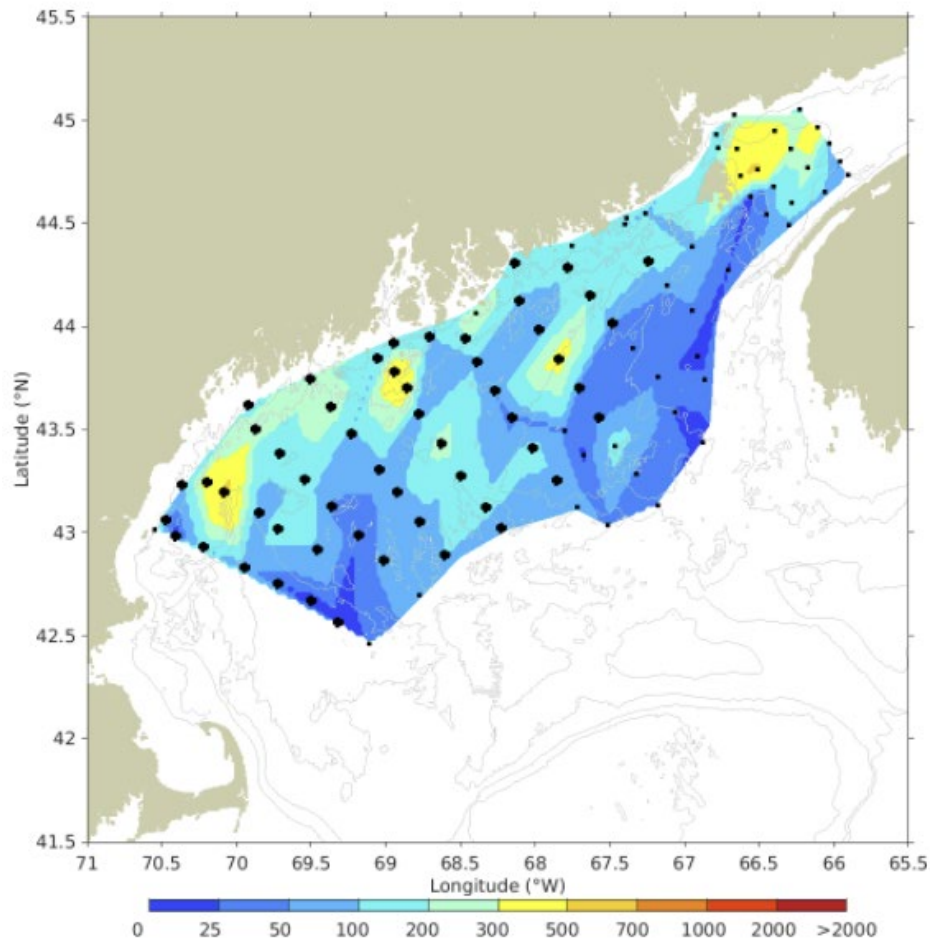
PSP Closures Update

- **Nauset Marsh System closed March 17, 2021 to June 17, 2021 (92 days).** Still closed to moon snail harvest. February 4th sample 195 cells/L. Mussel sample collected March 14th had PSP toxin concentration 337 µg/100g.
- June 28th observed >300 cells/L in Duxbury Bay. July 2nd started seeing cell counts ~500 cells/L at several north shore primary monitoring stations.
- July 6th north shore mussel samples from Scituate, Cohasset, Essex and Gloucester were just at the level of detection and July 8th cell counts jumped to thousands of cells/L with >13K cells/L at Newburyport station.
- July 12th Essex and Gloucester mussels >200 µg/100g and Marshfield/Cohasset ~60 µg/100g; Cell counts highest in Gloucester ~22K cells/L and ~400 cells/L in south shore.
- By July 23rd bloom was declining

North Shore Closures July 14-July 31st (17 days)



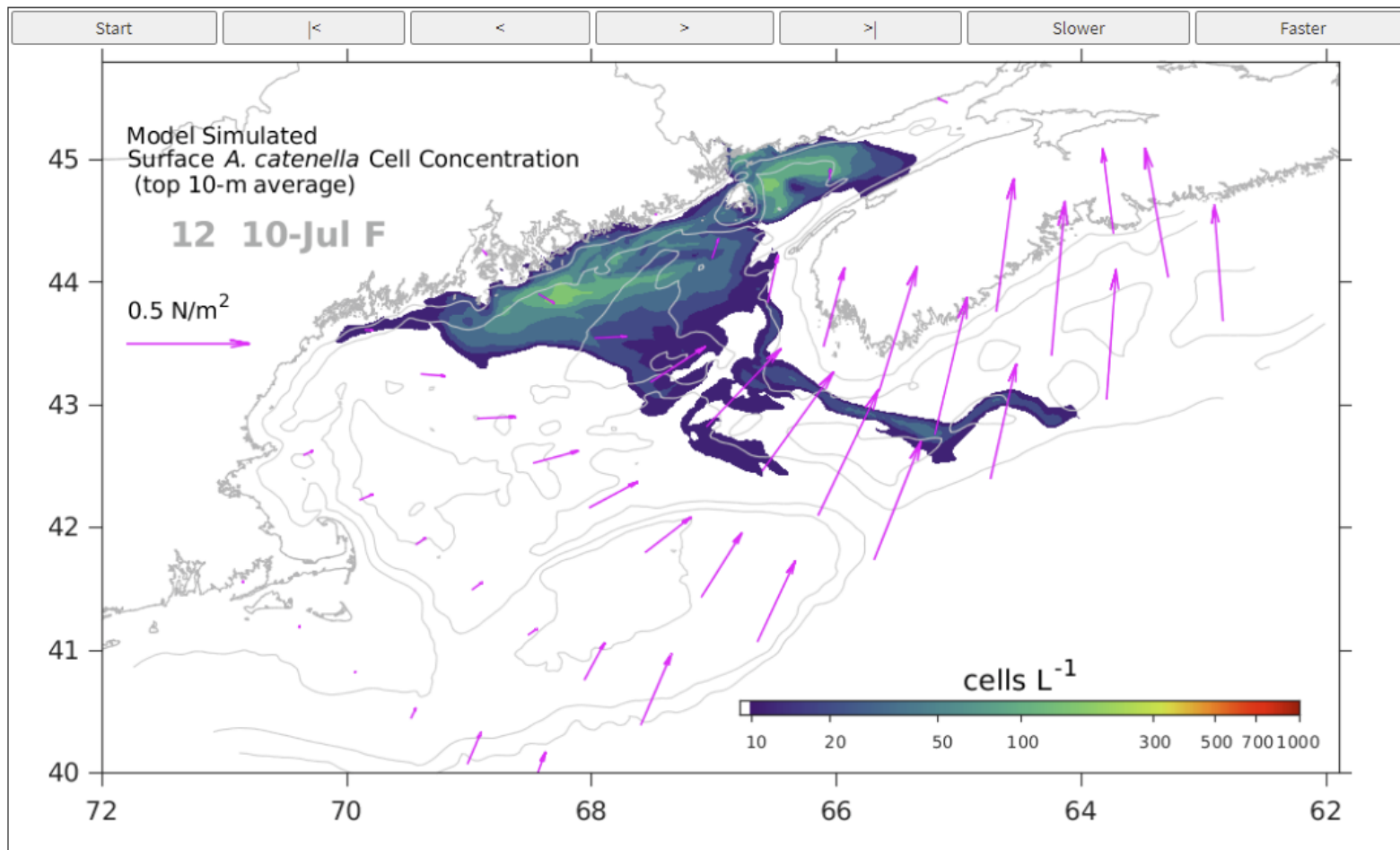
October 2020 *Alexandrium* Cyst Distribution



An animation showing surface wind fields and modeled near-surface bloom conditions from Mar-01 to Jul-10 12:00, 2021.

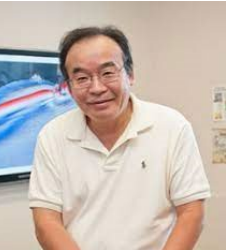
[Click here for Plan view, Gulf of Maine \(very top model layer\)](#)

For full animation, please refer to [this link](#) for near-surface (averaged over top 10-m) bloom and [this link](#) for bloom at surface layer. (new visualizations).

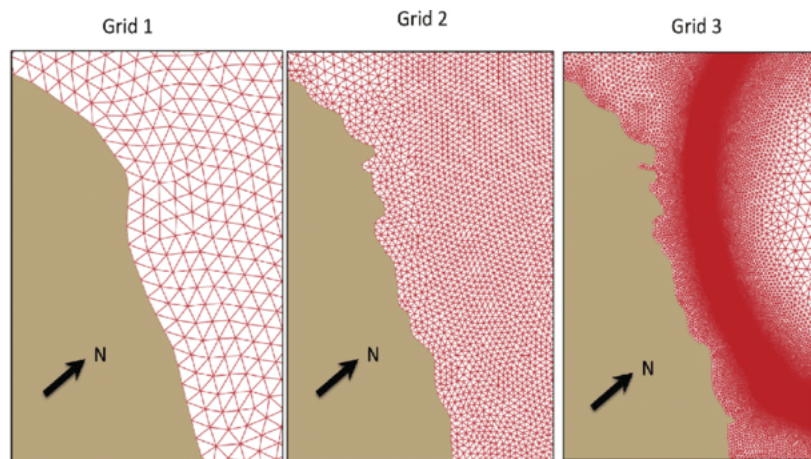


MFI Earmark Increased by \$100,000 to Fund Hydrodynamic Modeling Around Wastewater Treatment Plant Sewage Outfalls

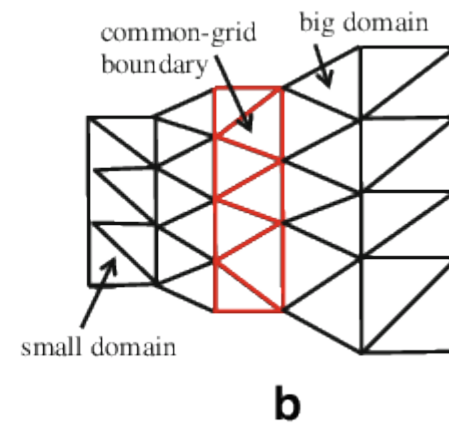
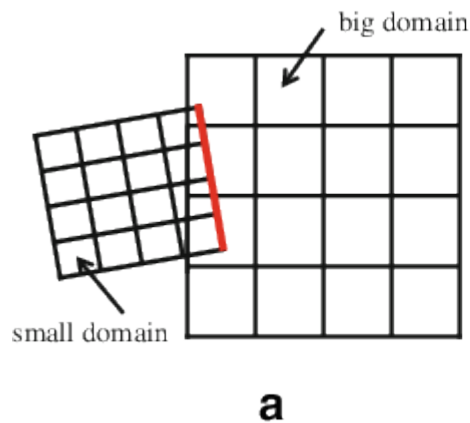
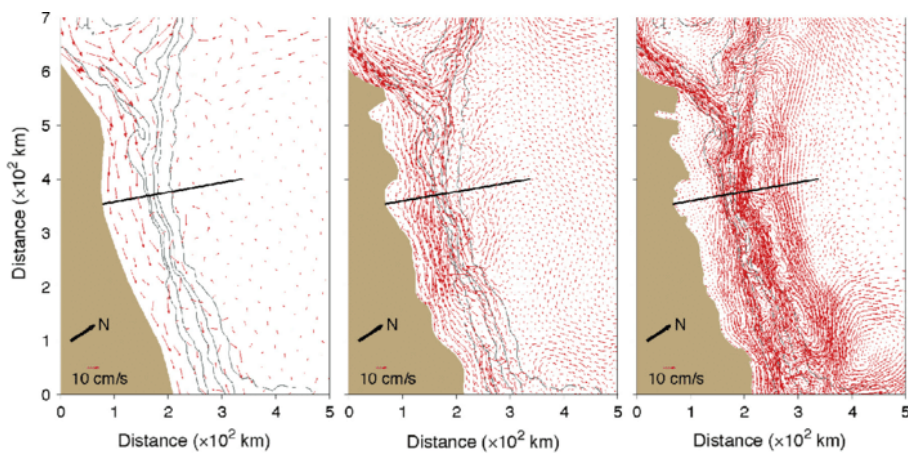
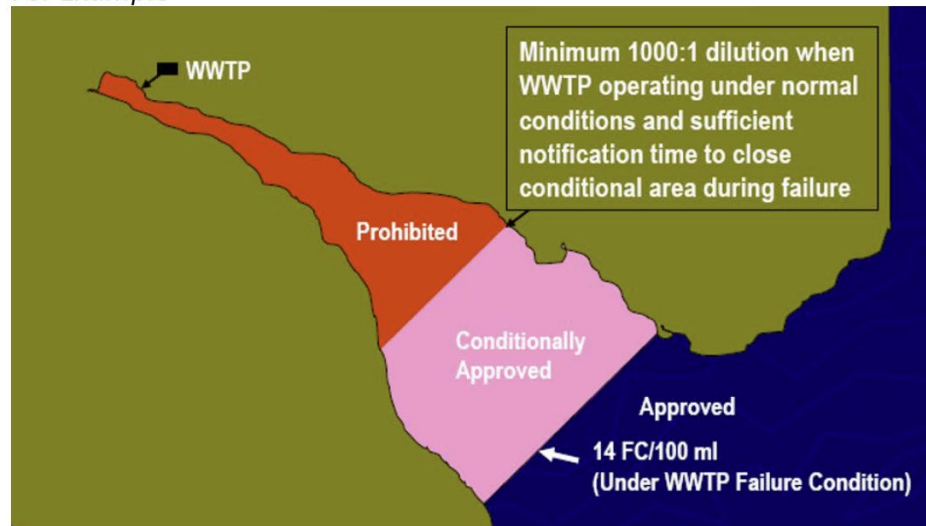
Northeast Coastal Ocean Forecast System/Finite Volume Community Ocean Model (FVCOM)



Dr. Changsheng Chen



For Example



Composition of SAP

- Wholesale Seafood Dealer (1)
- Retail Seafood Dealer (1)
- Commercial Wild Harvest of municipally-managed Shellfish (2)*
- Commercial permit holder involved in a MA-managed wild harvest shellfish fishery (1)
- Commercial Shellfish Aquaculture (3)
- Recreational/Subsistence Harvest (1)
- Municipal Shellfish Constables (2)*
- National Sea Grant College Program (1)
- Marine Fisheries Advisory Commission (1)
- Shellfish Conservation NGO (1)
- Commissioner of Agricultural Resources
- Commissioner of Environmental Protection
- Director of Food Protection within DPH
- Director of CZM
- Executive Director of the Commission on Indian Affairs
- Senate Chair of the joint committee on environment, natural resources & agriculture
- House Chair of the joint committee on environment, natural resources & agriculture
- DMF Director