



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

8:30 AM

Tuesday, September 13, 2022

Via Zoom

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Call In: 1-312-626-6799

Webinar ID: 822 0830 8803

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1. Introductions, Announcements and Review of Agenda
2. Review and Approval of the August 18, 2022 Draft Business Meeting Minutes
3. Comments
 - a. Chairman
 - b. Commissioner
 - c. Law Enforcement
 - d. Director
4. Action Items
 - a. Recreational Georges Bank Cod Limits
 - b. Recreational Gulf of Maine Cod Limits
 - c. Recreational Gulf of Maine Haddock Limits
 - d. In-Season Adjustment to October - December Commercial Summer Flounder Trip Limit
5. Discussion Items
 - a. 2022 Quota Managed Fishery Performance Update
 - b. Fall 2022 Industry and Stakeholder Meetings
 - c. Amendment 23 and Allowance for Maximum Retention of Groundfish
 - d. Convening MFAC Sub-Committees
 - i. Permitting
 - ii. Law Enforcement
6. Presentation on River Herring Management Plans for Nemasket and Herring Rivers
7. Other Business
 - a. Commission Member Comments
 - b. Public Comment
8. Adjourn

Future Meeting Dates

October 18, 2022

Location 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

August 18, 2022

Via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Kevin Creighton, CFO; Story Reed; Bob Glenn; Jared Silva; Nichola Meserve; Melanie Griffin; Julia Kaplan; Jeff Kennedy; Anna Webb; Nick Buchan; and Scott Schaffer

Department of Fish and Game: Ron Amidon, Commissioner

Massachusetts Environmental Police: Lt. Matt Bass

Members of the Public: Phil Coates, Heather Haggerty, John Moran, and Beth Casoni

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the August 18, 2022 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF AUGUST 18, 2022 DRAFT BUSINESS AGENDA

No amendments were made to the August 18, 2022 MFAC agenda.

REVIEW AND APPROVAL OF JUNE 16, 2022 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked for comments or edits to the June 16, 2022 MFAC draft business meeting minutes. No comments were made. Chairman Kane sought a motion to approve the meeting minutes.

Tim Brady made the motion to approve the June 16, 2022 business meeting minutes as provided. Shelley Edmundson seconded the motion. The motion passed unanimously 7-0 with Bill Doyle abstaining.

CHAIRMAN'S COMMENTS

Chairman Kane thanked everyone for their attendance at the 60th anniversary celebration of the MFAC in New Bedford.

COMMISSIONER'S COMMENTS

Commissioner Amidon discussed his work to have the MFAC members reappointed. He asked Commission members to complete all required paperwork and background checks in a timely manner to ensure reappointment.

LAW ENFORCEMENT COMMENTS

Lt. Matthew Bass provided comments for the Massachusetts Environmental Police (MEP). On fisheries enforcement, there were minor violations during the commercial striped bass season. MEP were also seasonally focused on boating safety, particularly concerning the aggregation of humpback whales and striped bass fishing activity off Plymouth.

Lt. Bass then moved on to discuss personnel. Three new officers started field training this summer. Chairman Kane asked if these officers were adding to the ranks or backfilling vacant positions. Lt. Bass stated they were backfilling vacancies.

DIRECTOR'S COMMENTS

Director Dan McKiernan followed up on Lt' Bass' comments regarding the aggregation of humpback whales off Plymouth. He noted whales and striped bass had been aggregated off Plymouth feeding on a dense school of menhaden. In turn, this produced a lot of boating activity in the area and presented public safety and whale safety issues.

Mark Amorello was surprised to receive the 2022 Belding Award. He appreciated receiving the award and enjoyed the award ceremony and celebration.

On the state budget, Dan discussed earmarks for shellfish propagation, sediment removal, a winter flounder study, white shark tags and transmitters, marsh restoration and revitalization, and funding for dual lobster permit holders to offset costs associated with the required buoy line marking schemes.

Dan welcomed questions from the commission.

Sooky asked if monies were appropriated to fund the Cape Cod Bay dissolved oxygen study. Kevin Creighton stated there is earmarked funding for this year.

Bill Amaru supported the funding to better understand winter flounder genomics, as this may in turn better inform time-of-year harbor dredging restrictions to safeguard winter flounder spawning.

Dan then discussed some federal funding issues. This included disaster relief for Atlantic sea herring disaster. The monies were allocated and the states needed to coordinate distribution efforts. Congress also appropriated funding to help fishermen

cover costs related to gear modifications to protect right whales and electronic tracking devices.

Dan moved on to discuss the challenges regarding the 2022 horseshoe crab fishery. Among other things, this included increased demand for crabs from the biomedical sector and supply and demand in the bait fishery. DMF had scheduled meetings with the biomedical firms and was working to schedule meetings with bait dealers, harvesters, and conservation interests early this fall. Then DMF would hold broader meetings later this year to discuss potential management changes moving forward.

Dan briefly discussed the 2022 menhaden fishery. He noted the ASMFC was considering an addendum to the FMP for 2023, which may affect the management of the fishery moving forward. DMF intended to host a public hearing for the ASMFC addendum and an industry scoping meeting in September.

ITEMS FOR FUTURE PUBLIC HEARING

Jared Silva provided a brief presentation to the commission regarding upcoming items for public hearings. Prior to the next commission meeting, there will be an 8AM public hearing to finalize the recreational cod and haddock limits to match federal limits for this fishing year. Jared then discussed a potential fall omnibus public hearing that will take place in October.

Vessel Trackers for Federal Lobster Permit Holders

Director McKiernan reminded the MFAC that the ASMFC recently passed addendums to the Jonah crab and lobster FMPs requiring the installation of electronic trackers on vessels associated with commercial lobster and Jonah crab trap operations with federal lobster trap allocations. This measure will enhance resolution of spatial data collected from this fishery to better understand the industry's offshore footprint. This was of critical importance when considering emerging challenges related to marine spatial planning (e.g., development and siting of offshore wind energy, aquaculture, and marine protected areas), stock assessment and stock exploitation estimates, and risk management for protected species. Given these pressing spatial data needs, DMF was proposing to adopt this electronic tracking requirement for May 1, 2023 to begin collecting the data this upcoming season. This is earlier than the mandatory January 1, 2024 implementation date established in the FMP.

Congress has appropriated funding to the industry to cover the costs of the installation of the electronic tracking device and potentially two-to-three years of data service. DMF was working with coastal states and the ASMFC to develop a program to distribute this funding to affected fishers.

Whelk Gauge Schedule Petition

Dan described a petition from Heather Haggerty of Big G Seafood (a New Bedford based whelk processor) and the Massachusetts Conch Association. The petition

requested DMF amend the schedule to increase the whelk gauge by: delaying the next gauge change from 2023 to 2024; and having future increases occur every three years rather than biennially. The petitioners argued this was necessary to allow for additional recoupment into the fishery following gauge increase to address severe declines in whelk fishing effort and landings in Massachusetts that jeopardize shoreside infrastructure.

Dan invited Heather Haggerty to speak on her petition. Chairman Kane indicated he would afford Heather several minutes to speak to the petition.

Heather described decreases in local fishing effort and increased reliance on product from out-of-state for processing. The petitioners felt an additional year would not only allow for additional recoupment but would provide an opportunity for additional scientific investigations into the state's whelk resource and discussions about how to better manage the fishery.

Chairman Kane asked if any members of the public wanted to speak in opposition to the petition. No comments were made. The Chairman opened the discussion up to the MFAC.

Lou Williams supported the petition. He voted in opposition to the original gauge increase schedule approved in 2019 because he expected it would negatively impact the industry in the manner described by the petition.

Mike P. asked about how warming waters may affect growth and recoupment into the fishery. Bob Glenn explained that marine snail species are slow growing and sedentary. As such, they are prone to localized depletion, in this is a trend seen in marine snail fisheries globally. Massachusetts is the northeast extent of the species range. As such, whelks reach maturity more slowly and at a larger size here, as compared to areas to our south and west. With these factors in mind, Massachusetts' whelk population is very susceptible to overfishing without spawning stock biomass protections, which is what we have observed over the past 10-20 years. The current 3 1/8" gauge size does not protect any female spawners. Based on DMF's size-at-maturity work, the gauge width will not protect any female spawners until it is increased to 3 3/8"; this gauge width will not occur until 2025 under the current schedule or 2027 under the petitioned schedule. With fishery dependent data showing catch is truncated around the gauge size, harvest is almost exclusively on juvenile animals. Bob opined that even if warming local waters influenced size-at-maturity he would expect to see these changes occur over a long time-series and generations of animals. Moreover, if this were to occur, he would not expect to see female spawners at the current minimum gauge width.

Shelley Edmundson was concerned about the potential impacts the current size-at-harvest management strategy may have on male-to-female population ratios. With females growing larger than males, as the gauge size increases the expectation is the harvest will become increasingly dominated by female animals. Shelley advocated for

more research into how skewing sex ratios may affect the resource and fishery moving forward. Ray Kane and Shelley then discussed her ongoing whelk research.

Kalil Boghdan noted DMF's stock assessment demonstrated the stock was overfished with overfishing occurring and questioned whether the decline in fishery performance was also related to the status of poor status of the resource.

Mike Pierdinock asked about natural predation on whelks. Bob Glenn stated black sea bass and tautog are whelks primary natural predators in Massachusetts. Bob added that larger the whelk are generally less susceptible to predation.

Heather Haggerty stated that fishermen are claiming their pots are coming up full of sub-legal sized whelk. Bob Glenn explained it is typical of a heavily exploited stock, because catch becomes truncated around the minimum size. This is because larger animals are caught and removed from the population once they reach size-at-harvest, leaving only those at or below the legal size in the catch. Bob was concerned about this observation in the whelk fishery because exploitation is occurring before the animal has had the ability to reproduce and few animals are reaching sexual maturity before harvest is occurring.

Heather then asked about specific sex-ratio data. Bob Glenn stated he did not have this data on hand. However, his staff could query it and he could reach out to Heather on the subject.

Protected Species Regulatory Amendments and Clarifications

Dan reminded the MFAC that when it recently enacted its buoy line modification regulations, DMF sought to enact rules in advance of the federal Atlantic Large Whale Take Reduction Plan to advance the state's Incidental Take Permit Application. As such, DMF retained the requirement that commercial trap fishers rig their buoy lines with a 600-pound weak link at the buoy. The weak link requirement was subsequently removed from the federal rule with the federal implementation of the weak buoy line requirements. However, the weak link rule remains in state regulation. Accordingly, DMF sought to similarly eliminate this requirement for the state's commercial trap fishery. However, it would be retained for the recreational trap fishery, as this gear is not subject to the same weak buoy line requirements as the commercial fishery.

Jared and Bob then highlighted additional proposed amendments and clarifications.

Jared discussed a proposal that would amend the regulations to have the recreational lobster closure subject to the same extension and recission criteria as the other regulated fixed gear closures. This will ensure that future actions to adjust the start of the open season apply uniformly to all affected fixed gear fisheries.

Bob then highlighted an additional aspect of this proposal meant to simplify weak contrivance definitions, adopt a standard definition for buoy line that would accommodate it, and eliminate the redundant language in the weak contrivance rule.

Sooky Sawyer expressed concern this may result in fishermen having to add new modifications to their gear. Bob Glenn stated the intent was not to change how the rule applied (i.e., the same number of contrivances would be required) but to make the application of the rule more simple.

Jared also highlighted some housekeeping proposals that reorganize where the gear marking rules lie in the CMR.

Area 1A (Gloucester/Rockport) Mobile Gear Open Season

Jared Silva stated DMF was proposing to extend the wintertime exemption allowing mobile gear fishing in Area 1A (Gloucester/Rockport). The current exemption is February 1 – March 31; the proposed exemption is February 1 – May 15. This exemption will provide additional access to potentially exploitable inshore sea scallop resource for CAP permit holders. It is unlikely to result in additional targeted groundfish fishing effort, landings, and bycatch because of overlapping groundfish mortality closures, seasonal availability, and gear modification requirements. Jared explained the area was seasonally closed since the 1930s to avoid conflicts with fixed gear fisheries. Now with the February 1 – May 15 trap gear closure in effect, the interest in preventing mobile gear fishing in this area in April and early May was diminished.

Lou Williams suggested the proposal be amended to seasonally open the entire North Shore area to mobile gear fishing. Lou reasoned that as the historic purpose of this mobile gear closure was to prevent gear conflicts with trap fishers, and trap gear is currently prohibited in the area during the late winter and early spring months, there was no reason to maintain the closure. Bill Amaru supported Lou's request to amend the proposal.

Director McKiernan did not support amending his proposal. Dan felt it was better to move forward with a proposal to expand the temporal extent of an existing open mobile gear fishing area than to do this while also proposing to open an area that has been closed to mobile gear fishing for about 100-years. He reminded the MFAC that DMF previously accepted public comment on a pilot program to open up an area off Nahant to wintertime sea scallop dredging and there was a tremendous amount of opposition to the proposal from a variety of constituents.

Sooky Sawyer stated the end date should be pushed up to May 1 due to the possibility of opening the lobster fishery sooner than May 15. Lou supported Sooky's interest in ending mobile gear fishing prior to the start of the trap fishing season.

Mike Pierdinock asked about potential bycatch and discards in this fishery. Jared Silva stated DMF did not have observer data for this specific state waters fishery, but could potentially query federal observer data for NGOM fishery occurring in adjacent federal

waters. That said, given twine top requirements, Jared expected the gadiform bycatch would be limited and the primary bycatch would be flounders. Given the time-of-year, the winter flounder resource may be settled into inshore spawning habitats where dredging is prohibited from occurring. Lou Williams stated he could not recall catching a codfish in his scallop dredge and stated flounders are the principal finfish bycatch.

Jared added the overall ACL for Gulf of Maine winter flounder has been underutilized in recent years. Accordingly, even if the state-waters were to exceed its state-waters set-aside, which it has not recently done, there would be a substantial buffer preventing the triggering of accountability measures. Moreover, given overlapping seasonal groundfish, winter flounder bycatch at this time of year would likely have to be discarded.

Recreational Tautog Trophy Fish

Dan reviewed the proposal to adopt a 21" maximum size for recreational tautog and allow anglers to retain one trophy fish (i.e., 21" or greater) per calendar day. This would make Massachusetts recreational fishing regulations match Rhode Island's consistent with the theme of the FMP. Having complementary rules across these jurisdictions may enhance on the water enforcement and restrict any eastward movement of recreational effort targeting larger fish in Massachusetts. However, Dan acknowledged the frequency of catch of trophy fish in MA is likely low and the expected impact of this proposal may be nominal. A DMF rod and reel study showed only 3% of the tautog caught were greater than 21"; MRIP data showed similar results (but was a less reliable metric given potential sample size issues).

Mike Pierdinock stated that the tautog fishery is not overfished and overfishing is not occurring. Accordingly, he was curious about the impetus for the proposal. Jared stated he spoke to his colleagues in Rhode Island. Their decision to implement this rule for 2022 was not driven by science but by stakeholder interest in preventing an eastward shift in effort to target large fish in Rhode Island waters.

DISCUSSION ITEMS

Updates Concerning the Atlantic States Marine Fisheries Commission

Nichola Meserve provided an update on recent happenings at the ASMFC.

The 2022 Atlantic herring stock assessment found the resource to be overfished but overfishing was no longer occurring. This was the result of the implementation of low fishing quotas that reduced catch and effort in the commercial fishery. There was some discussion about the 2023 – 2025 specifications, quotas, and projection modeling. Lastly, Maine's portside sampling program was defunded and there was some discussion about how to obtain this data.

Director McKiernan provided an update on the happenings at the American Lobster Board. Draft Addendum XXVII was initiated to increase the biological resiliency of the GOM/GBK stock. However, given uncertainty regarding how NOAA Fisheries may address the right whale conservation issue, and the potential for new effort controls in

the lobster industry, the addendum was shelved. On the subject of right whale conservation, Dan also raised NOAA's proposed vessel speed limit rules and the draft Roadmap to Ropeless Fishing.

Mike Pierdinock and Tim Brady expressed strong objections to NOAA's proposed vessel speed limit rules and the impact this would have on all maritime industries coastwide. Kalil Boghdan was curious as to why NOAA did not propose more surgical controls. Bob Glenn provided some background on NOAA's proposals and explained the limitations of monitoring right whales in real time.

Nichola Meserve provided an update on happenings at the Striped Bass Board. Amendment 7 provided flexibility to the Board to immediately address striped bass conservation without initiating an addendum or amendment process should the 2022 stock assessment determine it is necessary. The Board was evaluating several tools to achieve potential fishing mortality reductions. Additionally, there was interest in a draft addendum to allow for state-to-state quota transfers, which would require additional Board review prior to being approved for public comment.

Kalil Boghdan discussed the potential need for additional conservation following the release of the 2022 stock assessment. He was concerned states would be unable to implement additional conservation measures for 2023. His perception is that many striped bass fishers are frustrated by perceived foot dragging at the Striped Bass Board and lack of political will to address striped bass conservation during the Amendment 7 process. Many believe the Board punted its management responsibility when determining to stay more substantial conservation measures until the 2022 assessment was completed. Even with the Amendment's pathway for expedited rule making, Kalil was worried states administrative procedures would prevent them from to expediently implement measures for 2023. If conservation is needed, this would significantly frustrate a large segment of the striped bass community and many become a tipping point with the ASFMC management process.

Ray Kane agreed with Kalil's assessment that it was critical for states to timely respond to the stock assessment and implement measures for the upcoming year, if necessary.

Mike Pierdinock asked when the Maryland juvenile index will be available. Nichola stated it starts in mid-July. Based on preliminary results from the first two weeks, she expected it would again show a weak year class. Mike P. asked that the index be forwarded to him once available. Mike P. then questioned to what extent environmental factors may be leading other spawning areas (e.g., Hudson River) to becoming more productive and potential replacing the Chesapeake Bay.

Nichola moved on to discuss menhaden management. She reviewed the 2022 stock assessment update, which showed the stock was not overfished with overfishing not occurring. She then discussed Draft Addendum 1 to the FMP, which was approved for public comment. DMF would host a public hearing on this addendum in September. The addendum addresses state-by-state quota allocations; the episodic event set-aside

(EESA); and the incidental catch and small-scale fishery provision. Changes to the EESA and incidental catch and small-scale fishery rules may change how DMF manages its state quota, as it may limit the ability for the fishery to continue to operate at an industrial scale once the initial state quota allocation is taken.

Lastly, Nichola discussed the dual MAFMC-ASMFC managed species—bluefish, summer flounder, scup, and black sea bass. The 2023 specifications were recently updated resulting in changes from initial commercial quotas and recreational harvest limits in response to accountability measures and the Commercial-Recreational Allocation Amendment. Nichola then went on to remind the MFAC that the recently enacted Harvest Control Rule will go into effect for 2023 and will impact how recreational harvest limits are set. Additionally, the MAFMC was conducting a management strategy evaluation (MSE) for summer flounder which evaluated stakeholder preferences to potential management actions to improve stakeholder satisfaction in the management of recreational summer flounder.

Updates Concerning Federal Fisheries Management

Melanie Griffin updated the MFAC on federal fishery management issues, particularly at the NEFMC.

Melanie then provided a high-level summary of the recent June NEFMC meeting in Portland, ME and an overview of issues coming before the Council at its September meeting in Gloucester. For Atlantic herring, the 2023 – 2025 specifications were discussed, as well as concerns regarding continued development of the Georges Bank spawning protection measures in Framework 7. For multi-species groundfish, the Council is focused on Framework 65, which addresses the 2023 – 2025 specifications, rebuilding cod and Southern New England winter flounder, and ABC control rule provisions. On sea scallops, the NEFMC will be deciding whether to pursue development of a limited access leasing program, as well as developing Framework 36 to set specifications for 2023 and 2024. For skates and monkfish, the update was on pending annual monitoring reports and Framework 13 to set the 2023 – 2025 specifications. The NEFMC continues to work on the development of Eco-system Based Management and issues relative to habitat management areas, dedicated research areas, as well as offshore wind and aquaculture developments. At the upcoming September NEFMC meeting, Eric Hansen will replace Dr. Michael Sissenwine as a Massachusetts delegate. Dr. Sissenwine has reached his term limit for the NEFMC.

Bill Amaru stated fishermen are concerned about the limited access scallop leasing proposal affecting the general category vessels. Melanie stated these concerns were heard during the initial public scoping process. The NEFMC now had to decide whether or not it would pursue a management action.

Protected Species Updates

Bob Glenn stated DMF had completed initial draft of its Habitat Conservation Plan, which is the foundation of the state's Incidental Take Permit application. DMF would be

submitting this draft plan to NOAA Fisheries in the coming weeks. Bob expected NOAA's review process to be length and iterative.

Bob then discussed the recent federal court decision in the Center for Biological Diversity v. NOAA Fisheries. The judge found NOAA Fisheries violated the Endangered Species Act and failed to satisfy the Marine Mammal Protection Act's negligible impact requirement for setting the authorized level of take in its Incidental Take Statement. Consequentially, the 2021 Biological Opinion for the North Atlantic Right Whale and the recent federal Atlantic Large Whale Take Reduction Plan regulations were invalidated. The court ordered parties to submit a joint schedule on remedies and the plaintiffs requested NOAA Fisheries submit a new final rule that meets potential biological removal within six months. As a result of this, there is great uncertainty regarding the future management of the lobster trap fishery and how this may impact Massachusetts.

Lastly, Bob highlighted an upcoming grant program to provide economic assistance to the commercial trap fishers to help comply with the gear modification requirements to protect right whales. This included funding for weak rope, weak contrivances, and gear marking mechanisms. Priority will be given to dual state-federal permit holders who likely need to configure two sets of buoy lines to satisfy different buoy line marking requirements for state and federal waters.

Sooky Sawyer asked if the recent federal court decision would impact NOAA's listing of the Massachusetts' mixed species trap fishery as a Category 2 fishery on its 2022 List of Fisheries designation. Bob felt the listing was well justified. However, at this point, he was uncertain as to how NOAA Fisheries would achieve additional risk mitigation, how that may impact state-waters fisheries, and to what extent the Category 2 designation would insulate Massachusetts.

Shellfish Program Updates

Jeff Kennedy provided the MFAC with an update on issues affecting DMF's Shellfish Program. The focus of the update was the ongoing annual FDA PEER evaluation. This year's PEER focused on growing areas impacted by wastewater treatment plants in Buzzards Bay and growing areas containing mooring fields in Chatham.

On Vp., Jeff stated that we were midway through the 2022 Vp. Control Season. At present there have only been single source illnesses and no outbreaks.

SMAST completed their first draft of the Scituate wastewater treatment plant outflow model. DMF was reviewing the draft and will be requesting some clarification on certain items related to the model. I. DMF was hopeful to apply this model to those wastewater treatment plants around Buzzards Bay.

It has been an active year for biotoxin closures. The Nauset system was closed for about two months for PSP, and then closed again for DSP. There have also been PSP closures along the North and South Shores. However, the bloom waned over the summer with toxicity becoming diminished enough to reopen areas.

Bill Amaru asked if there was an explanation for the prolonged presence of DSP in the Nauset System. Jeff was uncertain at this time. Bill then opined that lawn chemicals may be contributing to extended presence of biotoxin producing algal blooms. to what extent these blooms may be .

Quota Managed Species Update

Story Reed and Anna Webb presented on the performance of 2022 quota managed fisheries.

- Striped Bass. The fishery was closed on August 5 after landing 100% of the annual quota. There was a slight overage this year which will come off of next years' quota. Compared to the previous two-years, the quota was landed much sooner, as the fishery closed on October 1 last year and did not close in 2020. There was a slight overage this year which will come off of next years' quota.
- Bluefish. The state had landed about 50% of its annual quota. DMF did not anticipate needing to acquire quota transfers for other states to keep the commercial fishery open for the remainder of the season.
- Black Sea Bass. About one-third of the quota was a landed so far this calendar year. Quota utilization tracks similarly to how it has in prior years despite liberalizations to the fishing limits and season. DMF anticipated the quota would be underutilized this year.
- Summer Flounder. Similar to black sea bass, about one-third of the quota was landed so far this calendar year. Despite liberalizations to fishing seasons and limits, DMF anticipated the quota would again be underutilized in 2022.
- Horseshoe Crabs. About 50% of the horseshoe crab quota was landed this year. Landings have slowed in recent weeks and are tracking below recent years. This may be related to changes in effort in the fluke trawl fishery and fishermen shifting effort from bait fishery for horseshoe crabs to the biomedical fishery for horseshoe crabs.
- Menhaden. The state's initial quota was taken during the period of June 1 – June 20. Massachusetts then opted into the EESA fishery, which lasted until July 7. Following the EESA fishery, DMF obtained quota transfers from other states allowing he fishery to remain open from July 11 through July 27. The directed fishery closed on July 28 and commercial fishing effort has continued under the incidental catch and small-scale fishery allowance.

Mike Pierdinock asked about the ex-vessel value for black sea bass. Anna Webb stated there has not been a significant change in price in recent years and this year's ex-vessel value tracked with recent years.

Mike P. then asked about gear type specific contributions to this year's landings for black sea bass and summer flounder. Anna stated this data was not yet available. DMF depends on harvester reports to obtain data on things like gear type, as it is more accurately reported by the harvester. Harvester reports are submitted monthly and these data are typically not quality controlled and usable until the following spring.

Kalil Boghdan asked about the relationship between stock health and fishery performance. Bob Glenn then provided an in-depth answer. He explained that quotas are developed using stock assessment information and catch data is factored into stock assessments. However, fishery performance, while certainly affected by stock health, is also influenced by local availability, fishing effort, environmental factors, and regulatory controls. Kalil expressed concern that the performance of this year's striped bass fishery may undermine stock assessment findings if the upcoming assessment demonstrates additional conservation is needed.

Mike P. was concerned about how environmental factors may be influencing opinions and science related to striped bass abundance. He opined that in recent years the biomass of striped bass seemingly shifted offshore to colder and deeper waters. As a result, lack of inshore availability could be misconstrued as decreasing overall abundance. He was also concerned about how a shift in spatial availability coupled with the EEZ prohibition on striped bass may influence the upcoming stock assessment.

Recent Adjudicatory Proceedings

Jared Silva provided the commission with an administrative law program update. He focused on both changes to personnel and roles in the agency's Administrative Law Program, as well as results from adjudicatory proceedings initiated since 2020.

Sooky Sawyer expressed frustrations regarding the timeline for resolving administrative hearings and fishermen being able to continue to fish while facing an administrative proceeding. Jared Silva recognized these frustrations but underscored the critical need to provide parties with due process before sanctioning their permits and affecting their livelihood.

OTHER BUSINESS

Commission Member Comments

Tim Brady discussed a massive school of menhaden off Plymouth. He then discussed the status of the ocean pout resource in Cape Cod Bay and potential for research opportunities that may allow for some recreational retention.

Sooky Sawyer stated he was being targeted by a litigious conservationist who was suing him as both a MFAC member and the President of the MLA. As a MFAC member, he was frustrated by the lack legal assistance from the state. Dan McKiernan stated he would speak to DFG's legal staff on the subject and reach out to Sooky directly.

Kalil Boghdan stated he has offered to help Ben Gahagan count the alewife coming through Alewife Brook. He commended Ben for his work on monitoring the alewife.

Shelley Edmundson thanked Lt. Bass and his fellow MEP officers for attending the waterfront festival and the meet the fleet event.

Bill Amaru stated fishing has been good this summer.

Mike Pierdinock stated the hook and line mackerel fleet has been providing samples which are being forwarded to the NE Science Center for DNA testing. He concluded his comments by highlighting some areas where he has seen mackerel.

Ray Kane thanked everyone for their participation and asked Jared about an in-person meeting on the Vineyard. Jared stated the September meeting will be virtual due to the public hearing being held beforehand. The location of the October meeting remains to be determined.

PUBLIC COMMENTS

Beth Casoni expressed concerns regarding the lobster market. She had received calls from fishermen stating their dealers may not be accepting their catch this fall. Beth also asked for a copy of DMF's Habitat Conservation Plan once it is submitted to NOAA Fisheries. Lastly, she stated that MLA received a \$1M grant to develop fully formed weak rope with a trace ribbon in it. She was hopeful this may make it easier for Massachusetts' trap fishermen to comply with gear modification and marking requirements moving forward.

Phil Coates discussed the abundance of menhaden off of Plymouth as well as striped bass fishing and some mishandling of fish he witnessed.

Heather Haggerty expressed concern over raising the bait limit for horseshoe crabs given limited demand. Dan McKiernan noted he was trying to create equity between the bait and the biomedical limits to prevent user group conflicts while still meeting end user demands. He noted that if the bait market were to dry up then dealers could inform fishermen that they would not be accepting full limits.

Heather then asked about potential industry meetings for horseshoe crabs. Dan stated staff were meeting with a variety of horseshoe crab stakeholders and he expected to have an industry meeting during the early fall. fa

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the August MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- August 2022 MFAC Agenda
- June 2022 Draft Business Meeting Minutes
- Presentation on Upcoming Public Hearings
- Memo on Requirements for Electronic Tracking Devices in Lobster Fishery
- Memo on Petition to Adjust Schedule to Increase Whelk Gauge Width
- Memo on Proposal to Update and Refine Protected Species Regulations
- Memo on Proposal to Extend Mobile Gear Exemption Area 1A
- Memo on Recreational Tautog Trophy Fish Proposal
- Presentation on Updates from the ASMFC
- ASMFC Summer Meeting Summary
- Presentation on Updates from the NEFMC
- Presentation on Protected Species Updates
- Presentation on Performance of Quota Monitored Fisheries
- Presentation Administrative Law Program
- DMF Comment Letter on Hudson Canyon MPA

UPCOMING MEETINGS

September 13, 2022
Via Zoom

October 18, 2022
TBD



The Commonwealth of Massachusetts

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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: September 12, 2022
SUBJECT: **Recommendation to Finalize Recreational Cod and Haddock Limits**

Recommendation

I recommend the final adoption of previously enacted emergency regulations establishing the 2022 recreational cod and haddock limits. The recommended limits are identical to those enacted by NOAA Fisheries and are described in the bullets below.

- Georges Bank Cod. Open season of August 1 – April 30 with a 22” minimum size and 28” maximum size and 5-fish per angler bag limit.
- Gulf of Maine Cod. Open season of September 1 – October 7 and April 1 – April 14 with a 22” minimum size and a 1-fish per angler bag limit.
- Gulf of Maine Haddock. Open season of April 1 – February 28 with a 17” minimum size and 20-fish per angler bag limit.

These recommended final regulations match the recreational fishing limits adopted on an emergency basis earlier this summer. The emergency regulations affecting the Georges Bank (GBK) cod limits were enacted on July 15 and expire after 90-days on October 13; the emergency regulations affecting the Gulf of Maine (GOM) cod and haddock limits were enacted on August 31 and expire after 90-days on November 29. Table 1 compares the 2022 emergency regulations/recommended final regulations rules to the prior fishing limits for these stocks. The changes in the 2022 limits from the prior limits are highlighted in bold-faced font and red strikethrough font.

Overview of Public Comment

A public comment period was held from August 5, 2022 through September 12, 2022. We received a small number of written comments on this subject. One charter captain supported lower GOM haddock bag limits to reduce potential GOM cod bycatch to provide for longer open fishing seasons for GOM cod; another comment expressed frustration with the changes to the GBK season and bag limit; and the final comment supported the adoption of a maximum size for GOM cod to protect spawning fish. A public hearing will also be held immediately prior to the September 2022 MFAC business meeting.

While I appreciate the written comments received, I am not proposing to amend the recreational limits to accommodate these concerns. I intend to manage the state waters component of these fisheries consistent with federal rules and my recommendation accomplishes this goal. By adopting the recommendation regulations, the state fishery will be managed in a manner that is consistent with the federal FMP and ensures that catch lawfully caught in federal waters may be landed in Massachusetts ports.

Additional Information

This past winter, I provided you with two memorandum describing these anticipated regulatory adjustments and NOAA Fisheries rationale for these changes. In summary, these limits are expected to achieve recreational fishing mortality at or below the recreational fishery's catch target. The substantial cut to GBK cod limits reflects a near 50% reduction in the catch target—from about 304,238 pounds to 164,347 pounds—reflecting an overall decline in the resource. For more detail, I refer you back to the [January 14](#) memorandum on GBK cod limits and the [March 4](#) memorandum on GOM cod and haddock limits, as well as the Federal Register Notices for the [GOM cod and haddock limits](#) and [Framework 63](#).

| Table 1. Comparison of 2022 Limits to Prior Limits for Georges Bank Cod and Gulf of Maine Cod and Haddock | | | | | |
|--|------------------------------|---|---|------------------------------|--------------------|
| Year | Stock | Open Season | Closed Season | Size Limit | Bag Limit |
| 2022 | GBK Cod | Aug 1 – Apr 30 | May 1 – Jul 31 | Min: 22” Max: 28” | 5-fish |
| 2021 | GBK Cod | Year-Round | N/A | Min: 21” | 10-fish |
| 2022 | GOM Cod (All Anglers) | Apr 1 – Apr 14 Sep 1 – Oct 7 | Apr 15 – Aug 31 Oct 8 – Mar 31 | Min: 22” | 1-fish |
| 2021 | GOM Cod (Private Anglers) | Apr 1 – Apr 14 Sep 15 – Sep 30 | Apr 15 – Sep 14 Oct 1 – Mar 31 | Min 21” | 1-fish |
| 2021 | GOM Cod (For-Hire) | Apr 1 – Apr 14 Sep 8 – Oct 7 | Apr 15 – Sept 7 Oct 8 – Mar 31 | Min 21” | 1-fish |
| 2022 | GOM Haddock | Apr 1 – Feb 28 | Mar 1 – Mar 31 | Min: 17” | 20-fish |
| 2021 | GOM Haddock | Apr 1 – Feb 28 | Mar 1 – Mar 31 | Min: 17” | 15-fish |

Attachments

Written comments

From: [Vin DiSciullo](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Cod Regulations - Attn Mr. Daniel McKiernan
Date: Tuesday, August 23, 2022 9:38:47 PM

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Dear Mr. McKiernan,

I would like to voice my comments regarding recent changes that were made to the cod fishery regulations on George's Bank.

First and foremost I have been fishing cod recreationally for well over 50 years and there is no question that cod stocks are down. What I do not understand or agree is that recreational fishing is the cause of low cod stocks and that by reducing our catch has a major impact on the issue.

In reading the release from the NOAA, the goal of these changes are to reduce recreational catch by nearly 50%. Can you explain how the NOAA obtains the catch weight of recreational cod catches. There are fewer recreational boats fishing this area than ever.

I have been fishing George's Banks since the mid 1990's. During that time I would fish 3 different head boats that fished George's. Today, only one of those boats still do cod trips to George's. I would estimate that this boat does 12 to 15 trips a year to the bank. The boat only allows 28 people on board. At a 10 fish bag limit, that was 280 cod per trip. How can catching 280 fish per trip be an issue. Now the goal is to reduce this number by 50%.

As a matter of fact I did a trip on 8/19 not knowing that the rules were changed. I consider myself a very good cod fisherman. In the past 5 to 7 years I had never caught the 10 fish bag limit. This trip was one of the best cod trips I have had in the last 10 years and I would have made my bag limit of 10 for the first time in many years. The reservation for this trip was completed in January 2022 and the cost of this trip is \$235 per person. At that time the regulations were different. Our group consisted of 9 guys. As a group we took home 53 fish, 45 cod and the balance of haddock and pollock. The cost per fish to us is nearly \$40 per fish. Changing rules mid stream was also unfair to us.

Some of us drive up the day before have dinner and stay in a local hotel. Many of us may not have done the trip knowing the new rules. These rules are pushing us to not to do these trips in the future.

Also you now have instituted a closed season. These are months recreational fishermen can get out and fish and now it's closed. You need to put more restrictions on the commercial boats. Their by catch kill on one drag is more than a recreational boat would catch in an entire season.

I would ask that these rules be reviewed and reversed. I can accept a slot limit but reducing the bag limit is unfair to recreational fishermen. I would also appreciate understanding how recreational catch volumes are determined.

Sincerely,

Vin DiSciullo

From: john_t_parkhurst@comcast.net
To: [Fish, Marine \(FWE\)](#)
Subject: Recreational Cod and Haddock in the Gulf of Maine
Date: Friday, August 19, 2022 9:59:51 AM

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Director Daniel McKiernan,

I hope this email finds you well. I am writing you to express my concern over the proposed Gulf of Maine bag limits for cod and haddock. I am a charter captain out of Newburyport and do a mix bag of offshore and inshore trips from April - October. I typically take 4-5 people for a groundfishing charter. My customers have enjoyed seeing the great numbers of haddock in the spring and for the past couple years have had that success carry throughout the summer. This current season I did notice a drop in haddock sizes and volume fishing on Jeffreys Ledge during the summer months. Those lower numbers have been shared to me by other captains targeting haddock from June on. I have had some good days but it has been a grind on the majority and a noticeable difference. I also believe bag limits on charters is all about perception of hitting that number. When we had a small bag limit of 3 and easily hit it my customers were pleased with the success of the trip. Now if I only got three my clients would be disappointed. Going to 20 per angler is unnecessary and wasteful. I wouldn't mind seeing 12 haddock per person honestly. I hate seeing this resource go to waste in someone's freezer and as those numbers increase so will the freezer burned fish that is thrown away after a year.

Now if we went to 12 haddock per person the by-catch of cod would go down. Having seen how much cod coming up during charters ranging 24-28" this year I feel we have the numbers to support a slot limit throughout April and May. The short 15 day season in April is kind of a joke to be honest. We typically get only a few days where it is safe to go out on smaller six pack boats. Docks at the ramps are not in and marinas are not allowing people on their docks till May 15. Furthermore, the cod get pretty wormy in June so most people would either let it go to waste or not be interested in retention. The fall season is fine. It does get dicey going offshore late September through early October so we are limited on the days we can fish which reduces the harvest numbers.

We have an opportunity to maintain the cod and haddock numbers and still make it an exciting trip! So in summary my recommendation is:

12 haddock April 1- February 28th -- 17 inch minimum

| | |
|----------------------------------|-------------|
| 1 cod April 1- May 31st | 24-28" Slot |
| 1 cod September 1 - October 15th | 24-28" Slot |

Thank you for your time and feel free to call and discuss if you have any questions.

John Parkhurst
Parkhurst Charters
781-858-0219

From: [Michael Polisson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: recreational GOM cod
Date: Monday, August 29, 2022 10:27:54 PM

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There should be a slot size in this fishery to protect large spawning females.

I believe the very large fish are excellent breed stock and should be protected.

A slot size from minimum of 22" and a maximum of 28 to 30" would benefit the overall GOM codfish stock recovery.

Thank you

Michael Polisson CFP #000320

Recreational Cod and Haddock Limits

Recommendation: Adopt previously enacted emergency regulations establishing the 2022 recreational cod and haddock limits consistent with those enacted by NOAA Fisheries.

1. Georges Bank Cod. Open season of August 1 – April 30 with a 22” minimum size and 28” maximum size and 5-fish per angler bag limit.
2. Gulf of Maine Cod. Open season of September 1 – October 7 and April 1 – April 14 with a 22” minimum size and a 1-fish per angler bag limit.
3. Gulf of Maine Haddock. Open season of April 1 – February 28 with a 17” minimum size and 20-fish per angler bag limit.

Additional Info for GBK Cod:

- Sub-ACL reduced by 50% from ~300,000 lbs to 163,000 pounds.
- Sub-ACL reduced because of decline in resource.

Additional Info for GOM Cod:

- Sub-ACL increases slightly to ~423,000 pounds.
- Sub-ACL and increase in minimum size offset longer open season.
- Regains consistency between for-hire and private angler rules.

Additional Info for GOM Haddock:

- Sub-ACL remains high at ~8 million pounds
- Bag limit increase can be afforded, in part due to higher sub-ACL for GOM cod offsetting bycatch mortality.

| Year | Stock | Open Season | Closed Season | Size Limit | Bag Limit |
|------|------------------------------|-------------------------------------|------------------------------------|----------------------|-----------|
| 2022 | GBK Cod | Aug 1 – Apr 30 | May 1 – Jul 31 | Min: 22” Max: 28” | 5-fish |
| 2021 | GBK Cod | Year Round | N/A | Min: 21” | 10-fish |
| 2022 | GOM Cod (All Anglers) | Apr 1 – Apr 14 Sept 1 – Oct 7 | Apr 15 – Aug 31 Oct 8 – Mar 31 | Min: 22” | 1-fish |
| 2021 | GOM Cod (Private Anglers) | Apr 1 – Apr 14 Sept 15 – Sept 30 | Apr 15 – Sept 14 Oct 1 – Mar 31 | Min: 21” | 1-fish |
| 2021 | GOM Cod (For-Hire) | Apr 1 – Apr 14 Sept 8 – Oct 7 | Apr 15 – Sept 7 Oct 8 – Mar 31 | Min: 21” | 1-fish |
| 2022 | GOM Haddock | Apr 1 – Feb 28 | Mar 1 – Mar 31 | Min: 17” | 20-fish |
| 2021 | GOM Haddock | Apr 1 – Feb 28 | Mar 1 – Mar 31 | Min: 17” | 15-fish |

Rationale for Rule Change

- Matches federal rules recently enacted by NOAA Fisheries.
- Catch predominately occurs in federal zone, allowing vessels lawfully fishing in federal waters to land in MA.
- Consistency across zones enhances conservation, compliance, and enforcement.
- No change from current emergency regulations.





The Commonwealth of Massachusetts

Division of Marine Fisheries

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www.mass.gov/marinefisheries



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Governor

KARYN E. POLITO
Lt. Governor


BETHANY A. CARD
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: September 12, 2022

SUBJECT: **Recommendation to Make In-Season Adjustment to Increase 2022 Commercial Summer Flounder Limit for October 1 – December 31**

Recommendation

I recommend increasing the 2022 commercial summer flounder possession limit for the period of October 1–December 31 from 3,000 pounds per trip to 10,000 pounds per trip.

Background

In recent years (2021 and 2022), the commercial summer flounder quota was substantially increased due to the results of the most recent stock assessment¹ and a change in how the coastwide quota is allocated among the states². For 2022, Massachusetts quota was set at 1.39 million pounds—the highest level it has been in more than a decade.

To accommodate this quota increase, DMF held industry meetings and conducted rule making to liberalize the commercial summer flounder limits to better utilize the available quota. During this rule making, the inshore small vessel fleet—which has historically been responsible for most of the state’s landings—strongly supported maintaining existing seasonal quota allocations and modest summertime trip limits and ramping up trip limits during the fall fishery if quota remains available. The resulting regulation establishes a 3,000-pound trip limit for the October 1–December 31 season provided 5% of the quota remains unharvested (otherwise 800 pounds).³

¹ The 2021 stock assessment demonstrates summer flounder are not overfished and overfishing is not occurring. Spawning stock biomass was estimated to be 86% of the target and trending upwards, while fishing mortality was estimated to be 19% below the threshold.

² Amendment 21 to the Summer Flounder Management Plan modified the allocation of the coastwide commercial quota among the states beginning in 2021 in a manner meant to increase equity when the stock is in better condition. Under the new quota allocation system, when the coastwide quota exceeds 9.55 mlb, all additional quota above this level is allocated in equal shares of 12.375% to all states (except ME, NH, and DE which share 1% of the additional quota). Quota up to 9.55 mlb is allocated under the historic shares based on 1980-1989 landings. Massachusetts’ historic baseline quota share is 6.82% and based on the size of the coastwide quota the state’s quota share was effectively increased to 8.13% for 2021 and 8.96% for 2022.

³ April 29, 2022 advisory on changes to commercial summer flounder limits: <https://www.mass.gov/doc/042922-new-regulations-affecting-commercial-summer-flounder/download>.

Rationale and Additional Information

Despite the amendments made to the summer flounder limits for 2022, the fishery is performing similarly to how it has in recent years (Fig 1). As of September 8, 2022, Massachusetts has landed 563,281 pounds of summer flounder, about 40% of its 1.39 million-pound 2022 quota (Fig 2). DMF currently projects the 2022 quota will not be taken.

To enhance the utilization of the available quota for the remainder of this season, I am recommending an in-season adjustment to increase the commercial trip limit from 3,000 pounds to 10,000 pounds for the October 1 – December 31 season. While I do not expect this in-season adjustment will enable the state to take the full amount of its remaining quota, it will allow more of the remaining quota to be utilized. This proposed 10,000-pound limit is comparable in scale to the limits set by states to our south and west, particularly New Jersey, Virginia, and North Carolina where large weekly or monthly aggregate limits are typical. The recommended limit will encourage properly permitted vessels fishing in federal waters off the northeast coast to target summer flounder and land this fish in Massachusetts, rather than bypassing the Commonwealth and steaming to other states to take advantage of their high trip limits. I do not anticipate this action will increase fishing effort in state waters.

This proposal is also consistent with two overarching concerns consistently raised when addressing commercial summer flounder management. First, it matches the inshore fleet's preference for waiting until the fall, when the fish move offshore, before increasing the trip limit in favor of offshore fishing interests. Second, it addresses concerns expressed by some members of the recreational fishery regarding increasing commercial trip limits during the recreational fishing season and resulting resource competition. The recreational fishery closes in Massachusetts after September 29, so there would be no seasonal overlap between this increased trip limit and the 2022 recreational fishery in Massachusetts.

In my view, performance so far this year continues to demonstrate that this fishery is principally affected by a variety of non-regulatory factors, including issues related to fishery economics and environment that are influencing participation and effort. Similar influences appear to be widespread given a pattern of coastwide underutilization of the summer flounder quota; some states to our south with large quotas are also grappling with how to amend regulations and use their remaining quota. For example, in North Carolina a developing white shrimp fishery is affecting participation in their summer flounder fishery.

Overview of Public Comment

DMF conducted a public comment period on this proposed in-season adjustment during the period of August 29–September 12, 2022. A number of written comments were received, and these comments are attached.

There were several comments in favor of the proposal submitted by a few commercial fishers and a prominent seafood dealer. Proponents supported actions to take in full the available quota and avoid potential negative consequences of underutilization (e.g., allocation loss in future, shore-side infrastructure reduction).

DMF also received a number of comments objecting to the proposal, principally from recreational fishermen. These comments stated concerns linking commercial fishery performance to worsening stock status (which is not supported by the best available science); frustrations regarding the disparity in fishing limits between the commercial and recreational sectors (e.g., 14” commercial minimum size compared to a 16.5” recreational minimum size); and speculation that commercial fishing was contributing to poor recreational fishing conditions inshore. There were also several comments expressing anger towards commercial fishing generally and confusing DMF’s proposed action to increase trip limits to provide access to existing quota with an action to increase the state’s quota.

It should be noted that DMF is in the process of analyzing portside sampling data to determine the extent to which 14” to 16” fish are being landed in our commercial fishery. This will help us better understand the concerns regarding the disparate minimum sizes for the commercial and recreational fisheries.

Attachments

Written public comment

Figure 1. Annual Fluke Landings from 2017 - 2022

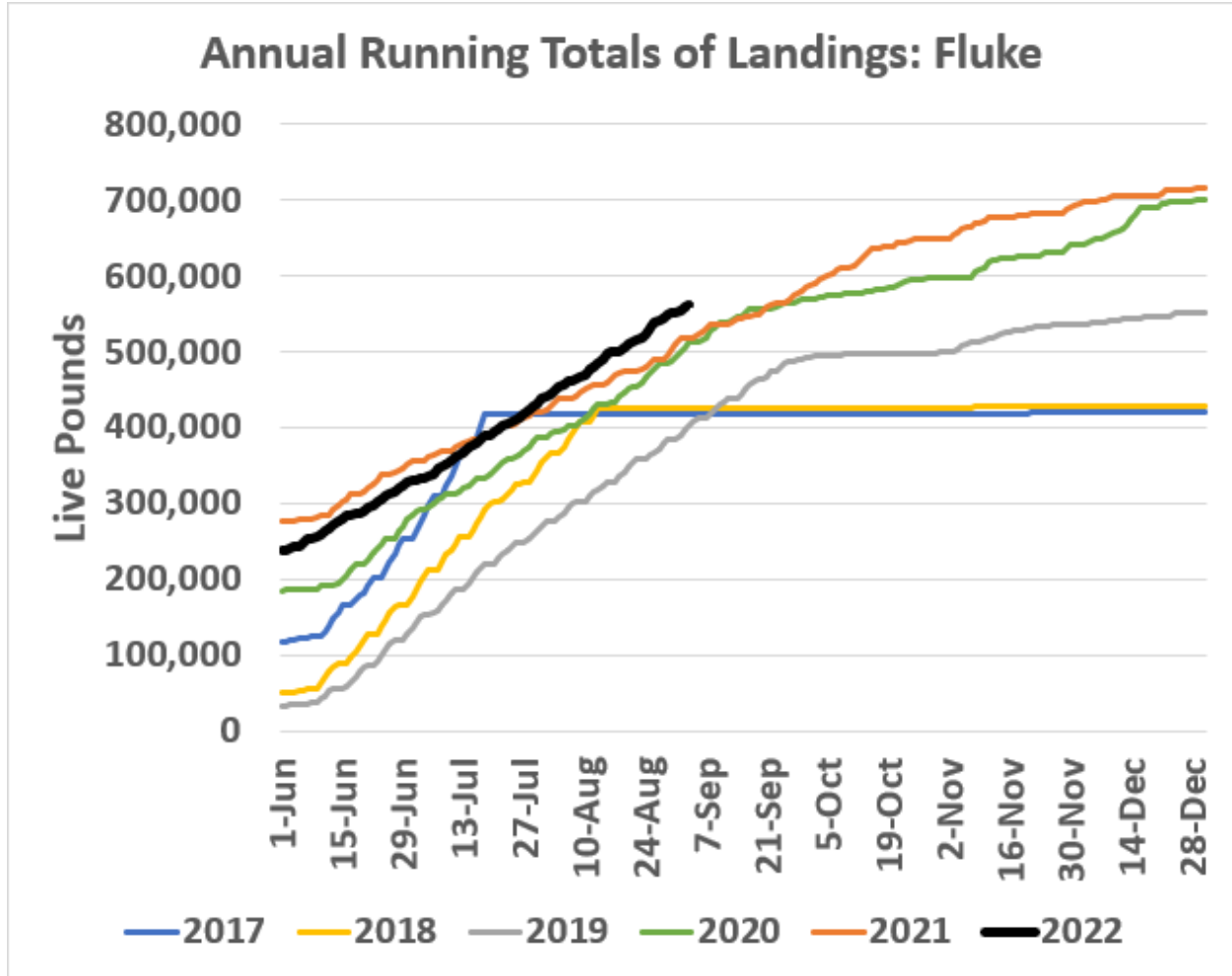
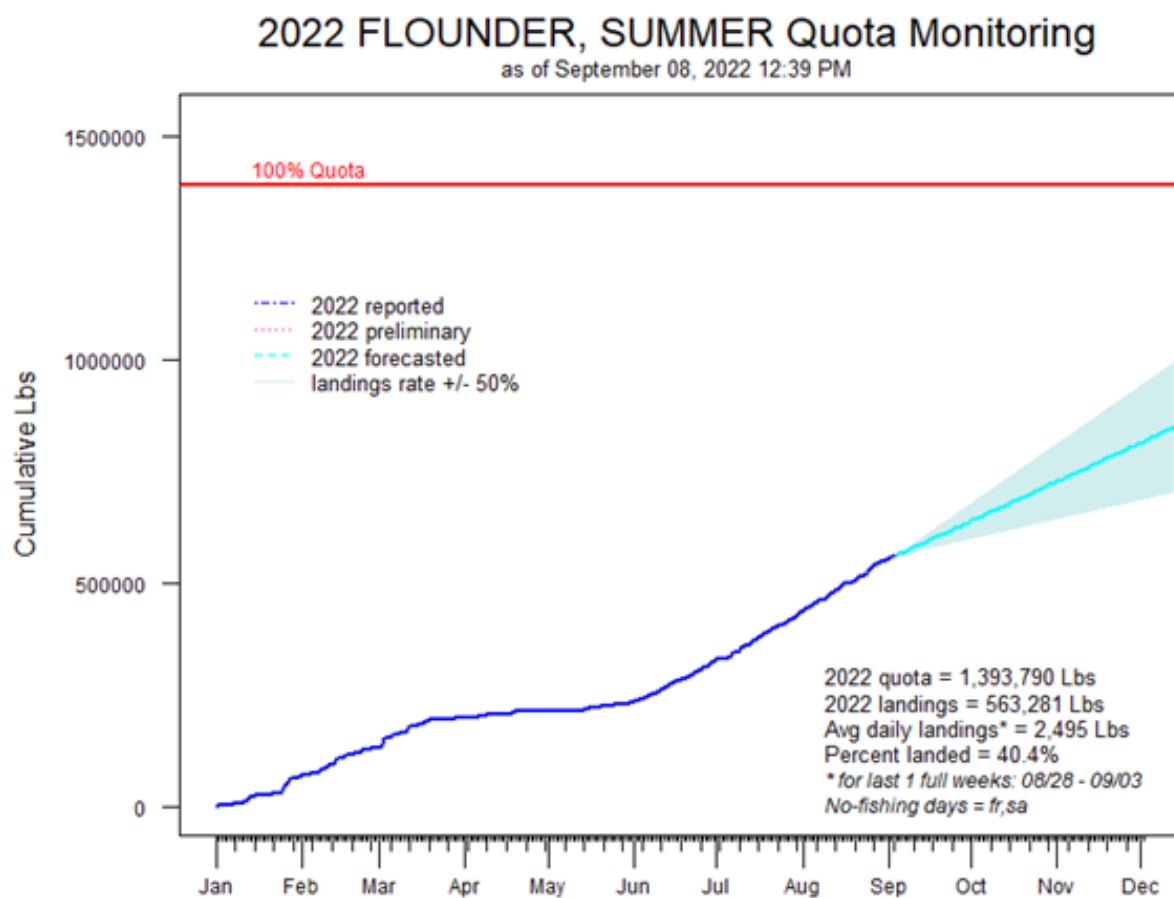


Figure 2. 2022 Quota Monitoring Graph (as of September 8, 2022)





RE: Fluke 2022

September 1, 2022

Hello,

I am writing this letter to strongly encourage the Mass DMF to do everything in their power to harvest the entirety of the Massachusetts fluke quota.

Our suggestion is a landing limit of no lower than 10,000 lbs per day and to never be lower than other East Coast States.

Additionally, if necessary, we should give temporary permits for the remainder of the 2022 season to encourage boats to harvest this quota.

We also think this landing limit should continue into the first quarter of 2023.

The underharvesting of quotas is a major problem across many fisheries in the United States and we need to start taking aggressive actions to fix this problem before it is too late and there is nobody left to do the work.

Best regards,

Jared Auerbach, CEO

From: [Ricardi, Christian S.](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Flounder Regs
Date: Tuesday, August 30, 2022 2:12:18 PM

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Public Comment Sought on Proposed Increase to 2022 Summer Flounder Commercial Trip Limit During October - December

Has DMF considered that the reason for the decline in harvest might be due to **a decreasing population** of flounder? Has a thorough evaluation of summer flounder stocks including age class and recruitment assessments been completed in the past 5 years to determine if the population is stable and not declining when compared to historic levels? If not, I believe a study should be completed that definitively confirms flounder population dynamics before increasing quotas based on historic harvest levels or quotas based on historic data. A possible reason why the commercial flounder quota is not being reached is that the stocks are falling due to warming ocean water and competition from new species that prefer warmer temperatures like black sea bass.

Chris Ricardi
Westport, Massachusetts

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From: [Ron Theriault](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Flounder limits.
Date: Monday, August 29, 2022 6:04:47 PM

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I am not a commercial fisherman. I am an avid fisherman that fishes from shore and boat for multiple species. I have a very strong feeling that if you let commercial fishies take a higher limit they will 100% take all they can. We have regulations on the striped bass which had flowed over to the weekend guy fishing from shore because the bass are or were at lower than normal levels. The guy paying for a fishing license and trying to catch a good sized fish to feed his family is having limits and alit sizes due to commercial fishing that are putting the hurting on the populations of fish. So just keep that in mind. If you are going to fish out the water commercially the guy standing on the shore shouldn't be effected.

Sent from my iPhone

From: [TERRENCE LYONS](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Flounder Quota
Date: Monday, August 29, 2022 2:34:44 PM

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Please do not allow any inshore fishing they have been raping that resource far too long.
Thank You
Terry Lyons

From: [Paul Beaulier](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Flounder
Date: Monday, August 29, 2022 2:53:01 PM

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Hello Director McKiernan,

My concern is the amount of Flounder available to the average fisherman surf casting and small boat or tributary fishing enthusiast.

How will this affect us ?

Do the Flounder's breeding grounds need to be protected so that the little guy like myself included has a chance to catch fish near the shores?

My experience lately has been I could fill the boat with skates and the occasional undersized flounder but good sized flounder are hard to come by.

I understand at 70 years old I cannot expect to catch as many or as big as I did 60 years ago but I can hope to some day with your help.

Thank You for your time

Paul Beaulier

Sent from [Mail](#) for Windows

From: [Bill Henault](#)
To: [Fish, Marine \(FWE\)](#)
Subject: flounder
Date: Tuesday, August 30, 2022 9:30:52 PM

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no way i would add to the quota ..you d have to be crazy..hard enough to catchem now.bring cod back for recs and decrease commercial ..thats whats killing or resources..commercial killing off stripers cod now itll be fluke and haddock..absolute joke

From: [Sydney Schultz](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Fluke fishing
Date: Tuesday, August 30, 2022 10:59:24 AM

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So once again you increase the opportunities to catch a quota that hasn't been met the last few years. How does this make sense for maintaining the biomass? Bad enough you allow the taking of 14" fish whose fillets amount to a potato chip! You continue to make decisions that hurt the fish populations, the recreational fisheries and even the small commercial guys. I am no genius but your decisions fly in the face of logic. You've ruined the cod fishing and now you attempt to ruin the fluke fishing and striped bass fishing as well. Are Haddock next? Why increase the bag limit to 20 per day? Isn't 15 enough. It took 40 years for that stock to be restored!

Sent from my iPad

From: [Domenic Santoro](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Fluke limit
Date: Tuesday, August 30, 2022 5:02:18 PM

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All

I think the fluke limit should go to 10,000 for the period beginning in October. I do not think this should be a regulatory change but rather an in season adjustment.

Regards,

Domenic Santoro

From: [Joseph Gomes](#)
To: [Fish, Marine \(FWE\)](#)
Date: Monday, August 29, 2022 5:09:18 PM

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Good afternoon,

Regarding the flounder season extension I wonder do you ever consider the health of the fishery as you debate the income issues that involve the commercial fisherman? Because the "quota" hasn't been reached could have more to do with the fisheries health than the bad weather or "bad luck" of the fisherman. You "professiona!" fisheries managers oversaw the collapse of the Striped Bass and may very well be doing it again, and pushing for "just one more cast"

or 'landing', as the case may be, is exactly the way these Crashes begin. So in case this is too convoluted for you (some of you may be republican or non Portuguese) my opinion is that you should NOT EXTEND NOR AMEND THE FLOUNDERS' LIMITS OR SEASONS for 2022.

Thank you for your time,
Joe Gomes

From: [Roger Whitten](#)
To: [Fish, Marine \(FWE\)](#)
Date: Wednesday, August 31, 2022 2:36:25 PM

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Why wasn't the quota increased much earlier for boats fishing in state waters? 500 lbs for state vs 10000 for federal?

From: [Andrew Schneller](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Increase to 2022 Summer Flounder Commercial Trip Limit During October - December
Date: Monday, August 29, 2022 2:30:42 PM

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This is a terrible idea. These fish are decimated and the bycatch is bad. The limit should not be increased.

Andrew Schneller

From: [Katie Almeida](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Increase to 2022 Summer Flounder Commercial Trip Limit During October - December
Date: Wednesday, August 31, 2022 11:14:18 AM

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Dir. McKiernan,

We at the Town Dock own several MA Fluke permits and we are in favor of the in-season adjustment that would increase the Oct-Dec trip limit to 10,000 lbs. This would hopefully allow us to reach the allocated quota.

Thank you,

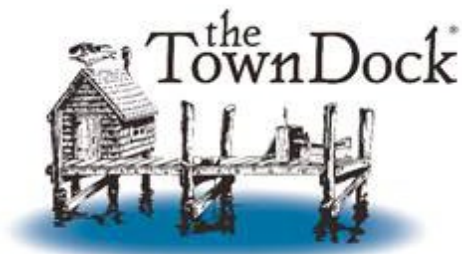
Katie Almeida

Katie Almeida
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From: [Ron Pack](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment Sought on Proposed Increase to 2022 Summer Flounder Commercial Trip Limit During October - December
Date: Monday, August 29, 2022 2:53:00 PM

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HI

YOU KNOW WHERE YOU CAN STICK ANY OF YOUR INCREASES. WE THE PEOPLE ARE SICK OF ALL YOUR TAX OR FEE INCREASES STICK THEM WHERE THE SUN DON'T SHINE, YOU & ALL YOUR DEMOCRAT PUPPET MASTERS.

Ron Packard

From: [n.n](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Summer flounder limit public comment
Date: Monday, August 29, 2022 11:19:26 PM

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To: Director Daniel McKiernan

Concerning the proposed increase in summer flounder limits:

I've fished my whole life in Massachusetts, since the late 70s - and the state of summer flounder in the estuaries of Buzzard's Bay is absolutely appalling. As recently as 1994 there were regular occurrences of meaningful sized summer flounder in such estuaries, but no longer. For more than a decade there has not been a single one...not even fry in the shallows have been witnessed. Growing up there were once hundreds of fry that could be observed in the tidal flats and marsh channels....but not for years now has a single one been spotted. I'm not *that* old. This is a fish stock crash of recent origin.

If you are getting thousands of people asking for huge increases in the limit, then it amazes me there are any in stock left for a limit of any kind given the extremely poor state of local flounder stocks in the Westport, Slocum, Padanaram, & Little River estuaries of southeastern Massachusetts. Flounder are assumed to currently be nonexistent and/or extinct here by fisherman.

Resident of Dartmouth Mass since 1973

From: [Robert Snow](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Summer flounder trip limit
Date: Monday, August 29, 2022 3:35:52 PM

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Leave the quota as is. The reason the catch is only at 40% may be because nature is telling you that the resource is down.--

~~~><)))\*>

**From:** [Victoria Hughes](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Summer Flounder  
**Date:** Tuesday, August 30, 2022 9:07:09 AM

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**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 question is why have they only landed 40% of the quota? I fish fluke exclusively in Buzzards Bay and Vineyard Sound waters recreationally. We have fished over 100 hours and caught 21 keeper fluke this season. The fishery is not like it use to be. I am against such a drastic shift that is going to target breeder fish in their concentrated winter grounds.

Sincerely  
Dan Hughes

**From:** [Elizabeth Stromeier](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** Summer Flounder  
**Date:** Tuesday, August 30, 2022 3:43:31 PM

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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.

Dear Dan

As long as the commercial size limit of 14" is hugely disparate with the recreational size limit of 16 1/2", I strongly oppose an increase in any kind of the commercial catch. Massachusetts recreational fishery deserves a fair portion of this resource. With fluke being cropped off at

14" commercially, the recreational fisherman are hard pressed to catch legal fish.

Thank you for your consideration.

Elizabeth Stromeier

Sent from my iPhone

**From:** [Michael Polisson](#)  
**To:** [Fish, Marine \(FWE\)](#)  
**Subject:** summer flounder  
**Date:** Monday, August 29, 2022 10:21:56 PM

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**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.

Do whatever is necessary to assure that massachusetts fishermen are allowed to catch our state quota of summer flounder allocated to us each year.

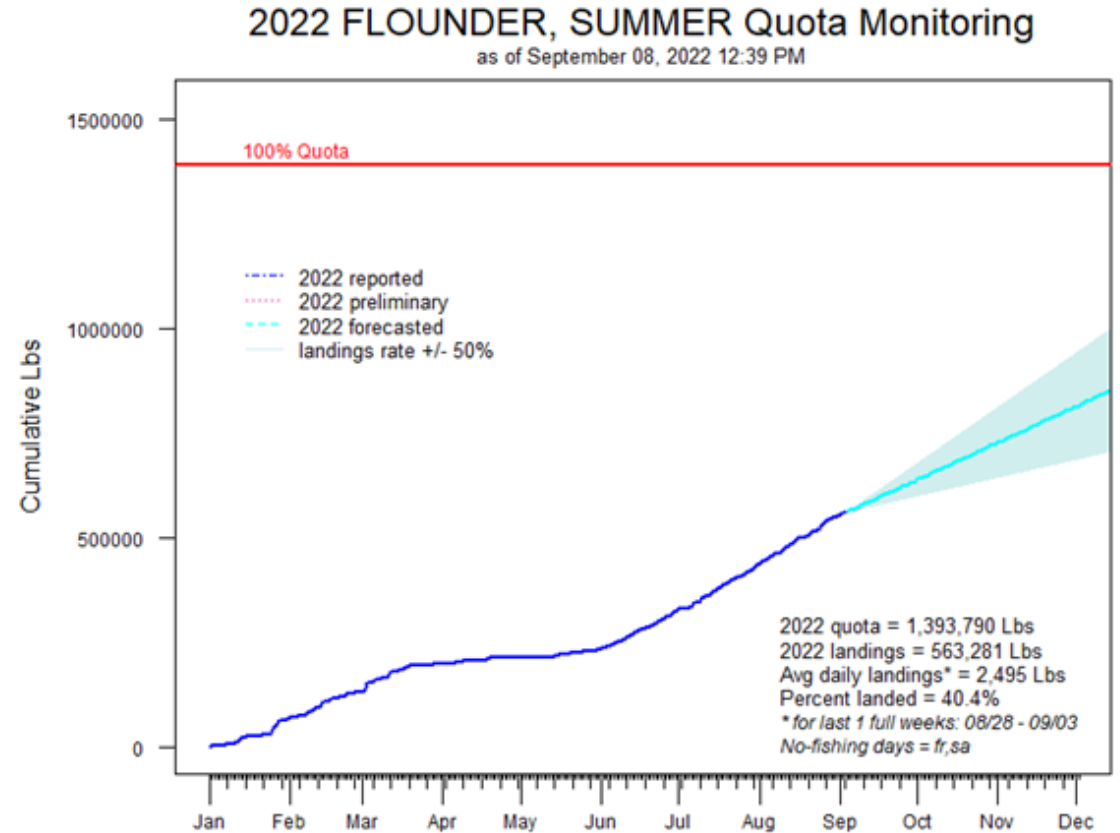
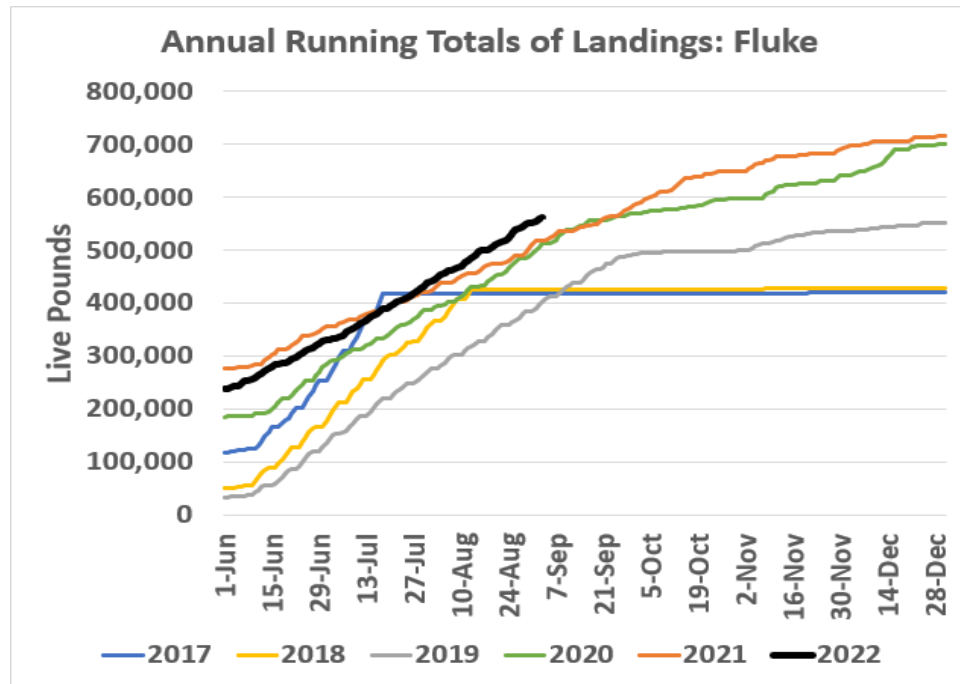
Thank you  
Michael Polisson

# In-Season Adjustment to Commercial Summer Flounder Trip Limit

**Recommendation:** Increase 2022 commercial summer flounder trip limit from 3,000 pounds to 10,000 pounds for October 1 – December 31 season.

## Rationale for Adjustment

- Affords greater ability to utilize remaining quota.
- Encourages offshore vessels to target fluke and land in Massachusetts.
- No anticipated increase in effort in state waters effort or harvest.



Massachusetts Division  
of Marine Fisheries



# Quota Monitored Species Update

Data current as of 9/3/22 and are subject to change

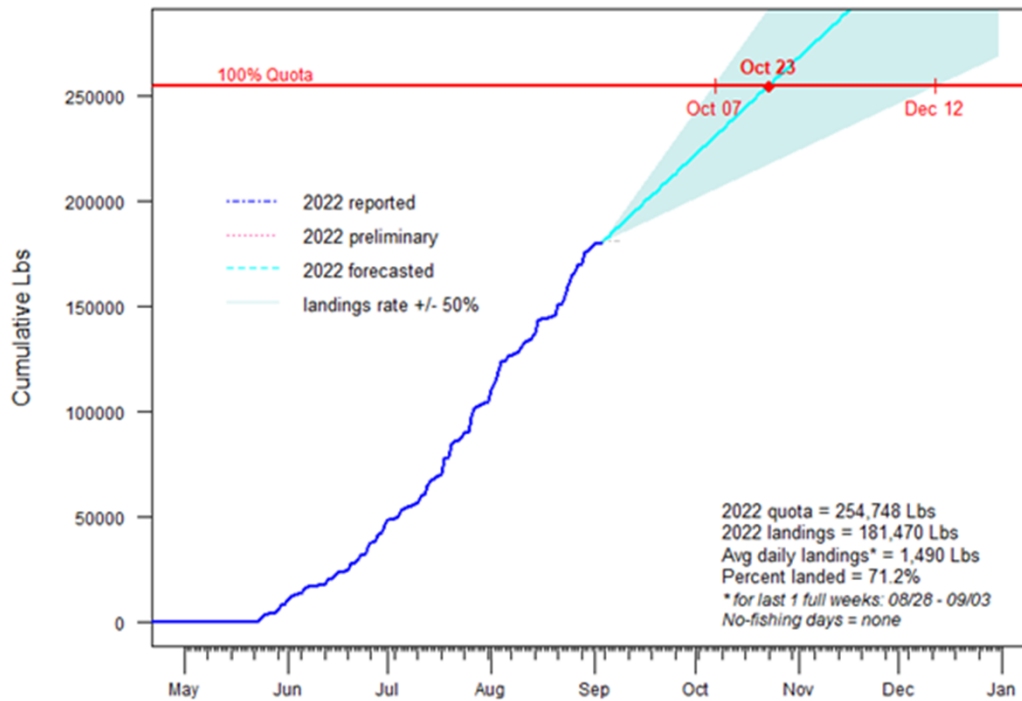
MFAC meeting, 9/13/22



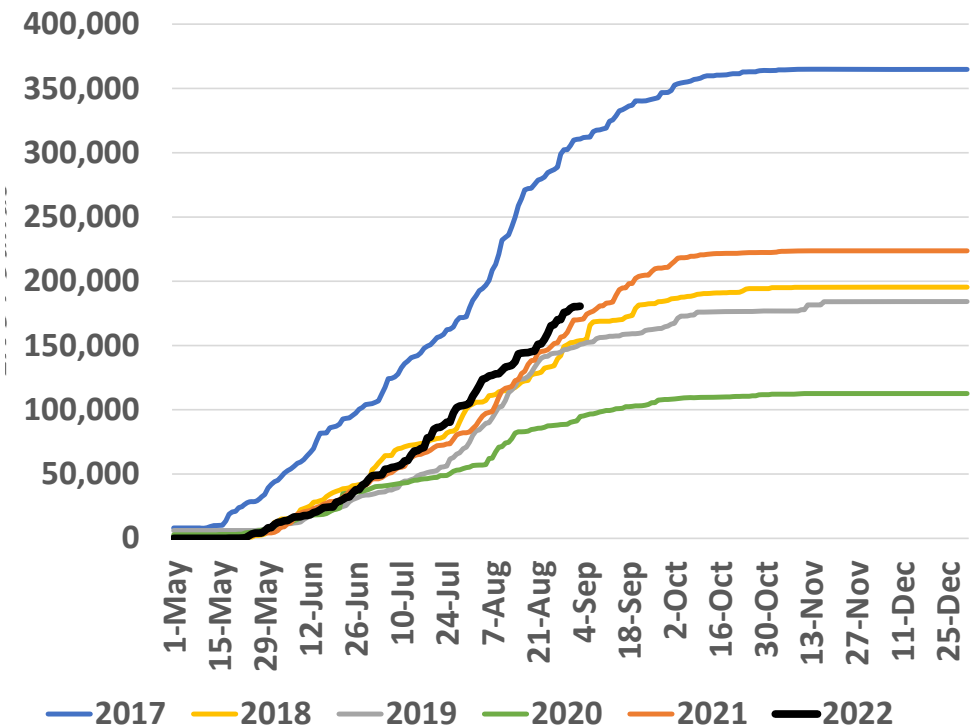
# Bluefish

## 2022 BLUEFISH Quota Monitoring

as of September 08, 2022 12:34 PM



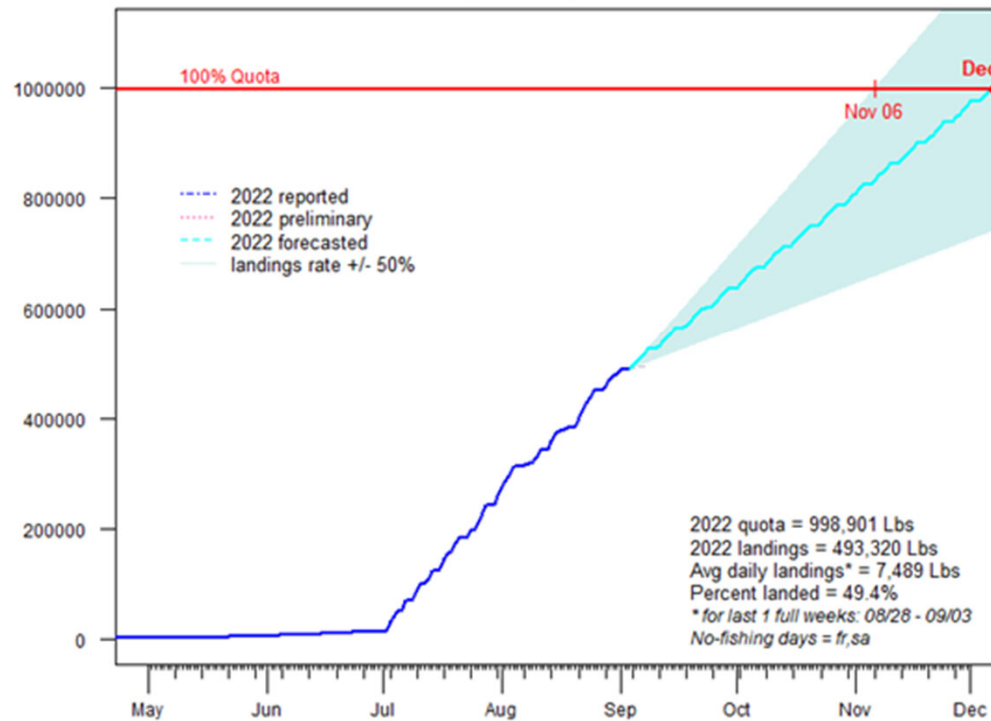
## Annual Running Totals of Landings: Bluefish



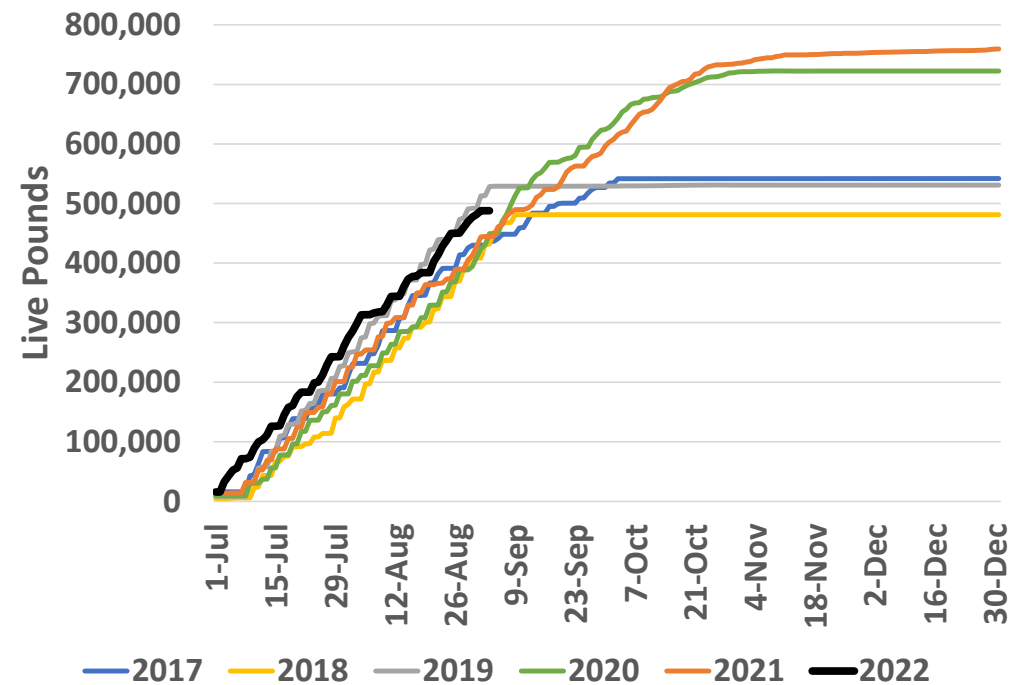
Quota significantly decreased in 2020

# Black Sea Bass

2022 BASS, BLACK SEA Quota Monitoring  
as of September 08, 2022 12:32 PM



Annual Running Totals of Landings: Black Sea Bass

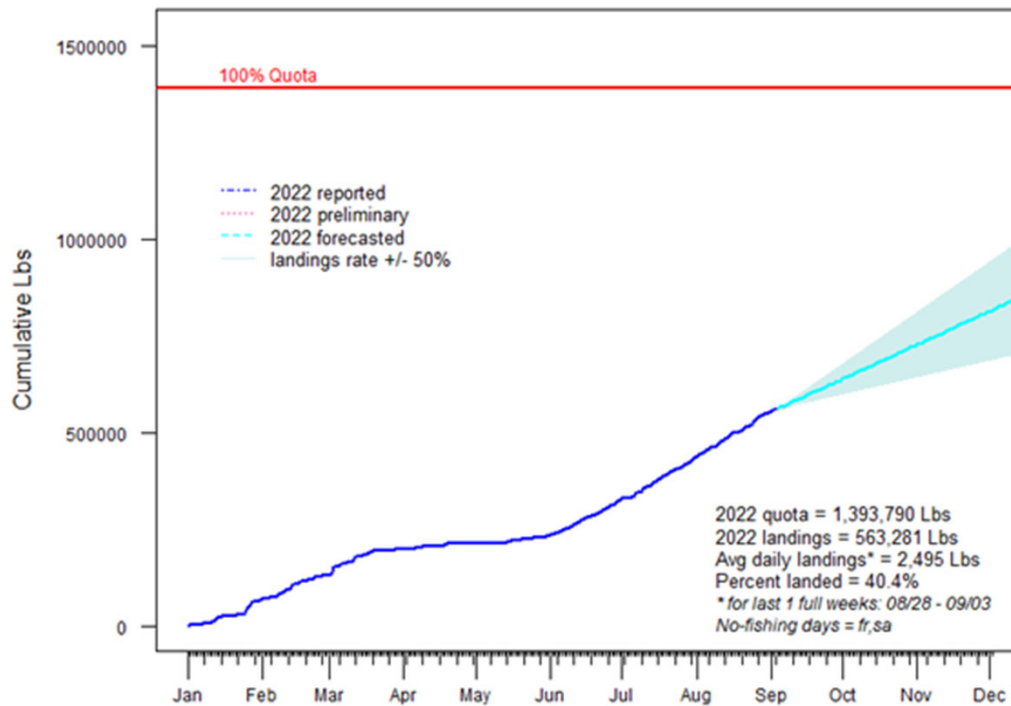


Quota significantly increased in 2020 and again in 2022

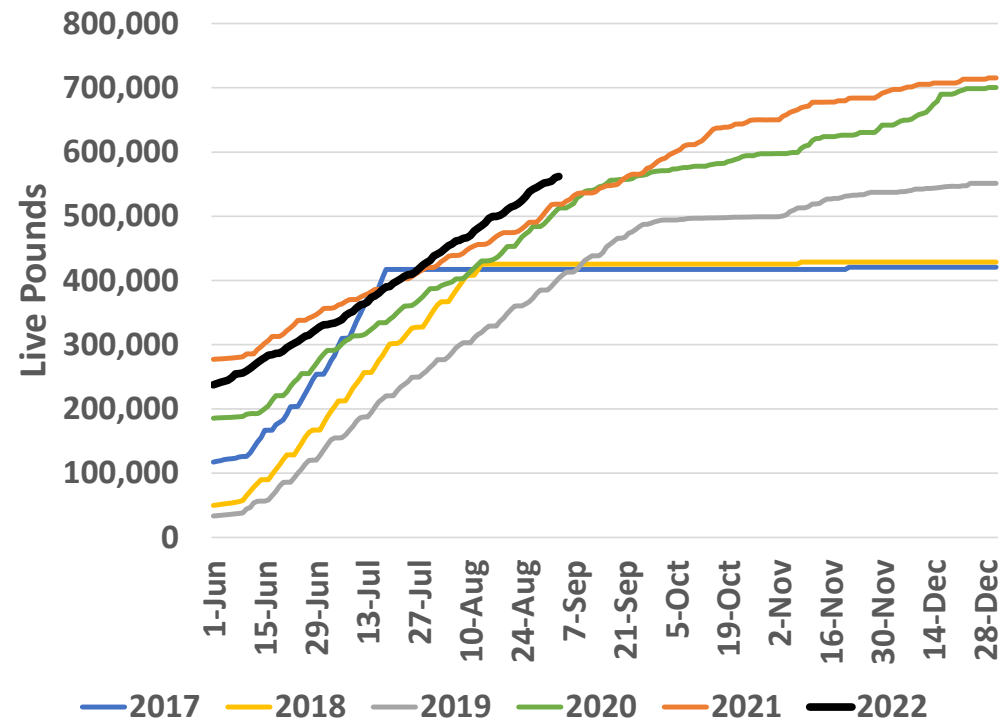
# Summer Flounder (Fluke)

2022 FLOUNDER, SUMMER Quota Monitoring

as of September 08, 2022 12:39 PM



Annual Running Totals of Landings: Fluke

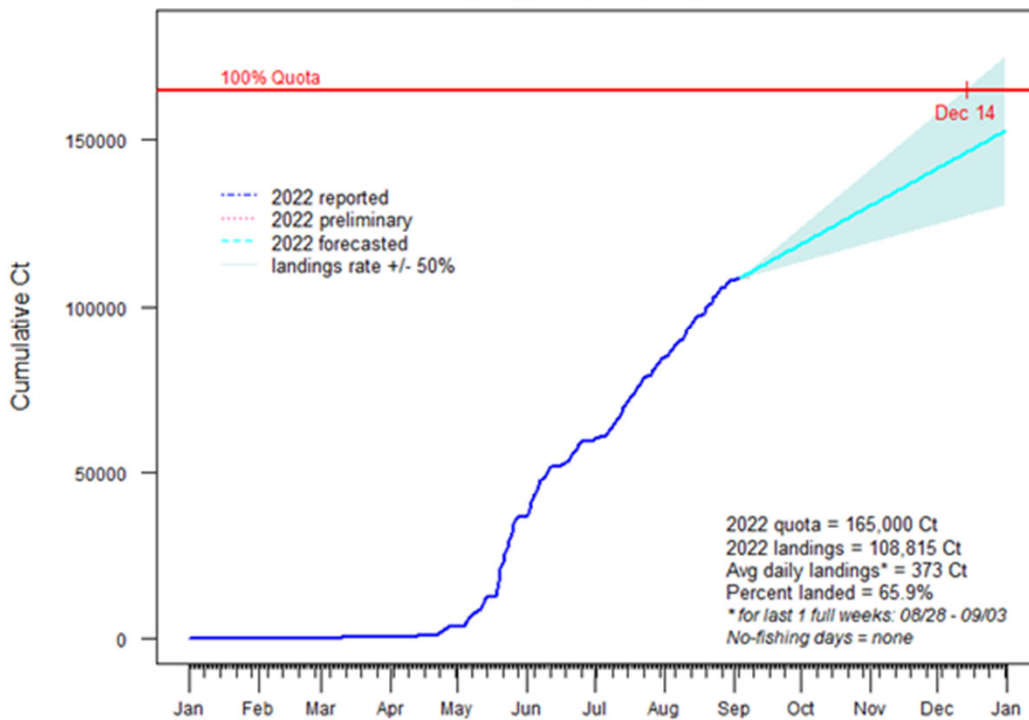


Quota increased almost 100% between 2018 & 2021 with further increases in 2022

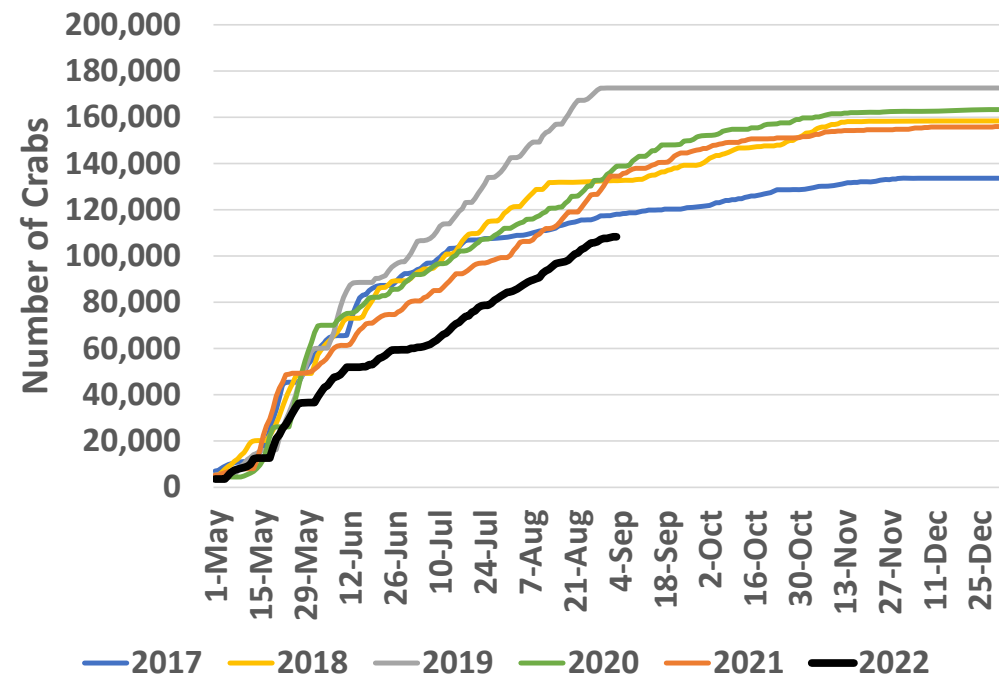
# Horseshoe Crab

2022 CRAB, HORSESHOE Quota Monitoring

as of September 08, 2022 12:43 PM



Annual Running Totals of Bait Landings:  
Horseshoe Crab



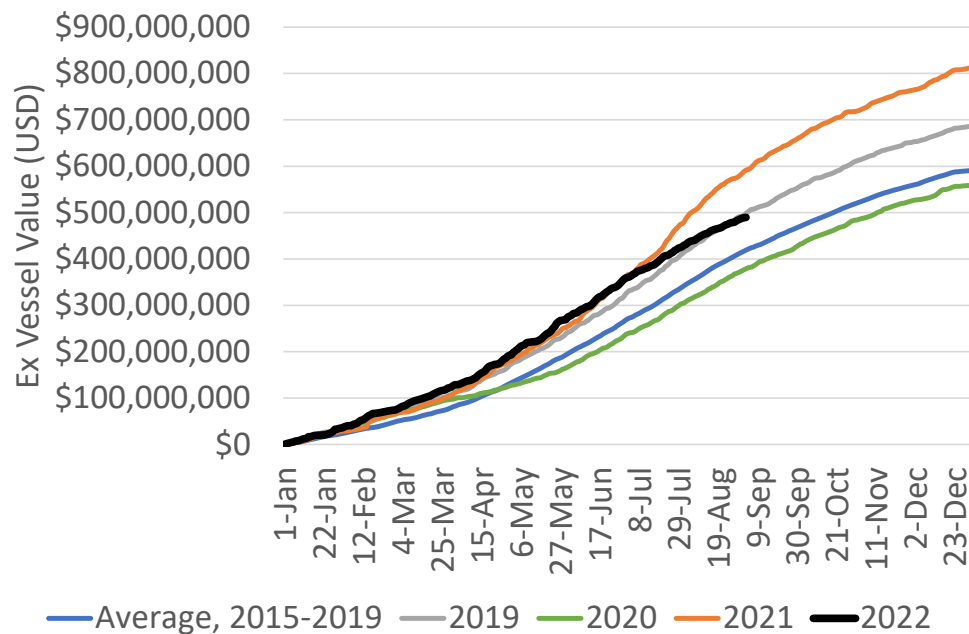
No change in quota over time series

# 2022 Ex-Vessel Value Overview

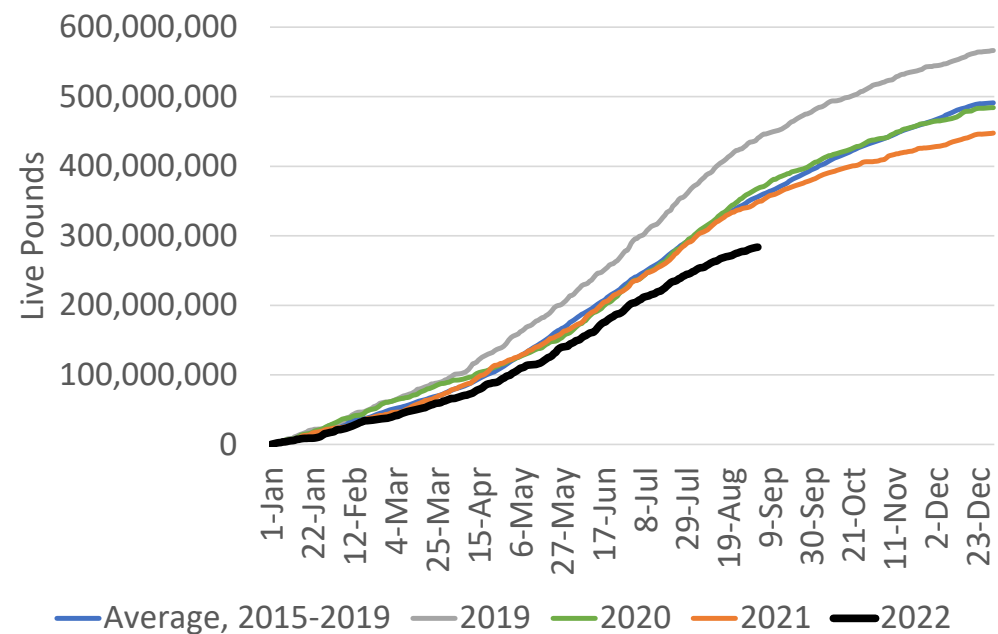
Comparison to 2019, 2020, 2021 and the average value for 2015-2019

# Running Total of Ex-Vessel Value & Landings Across All Species\*

## Running Total of Ex-Vessel Value Across All Species



## Running Total of Live Pounds Landed Across All Species

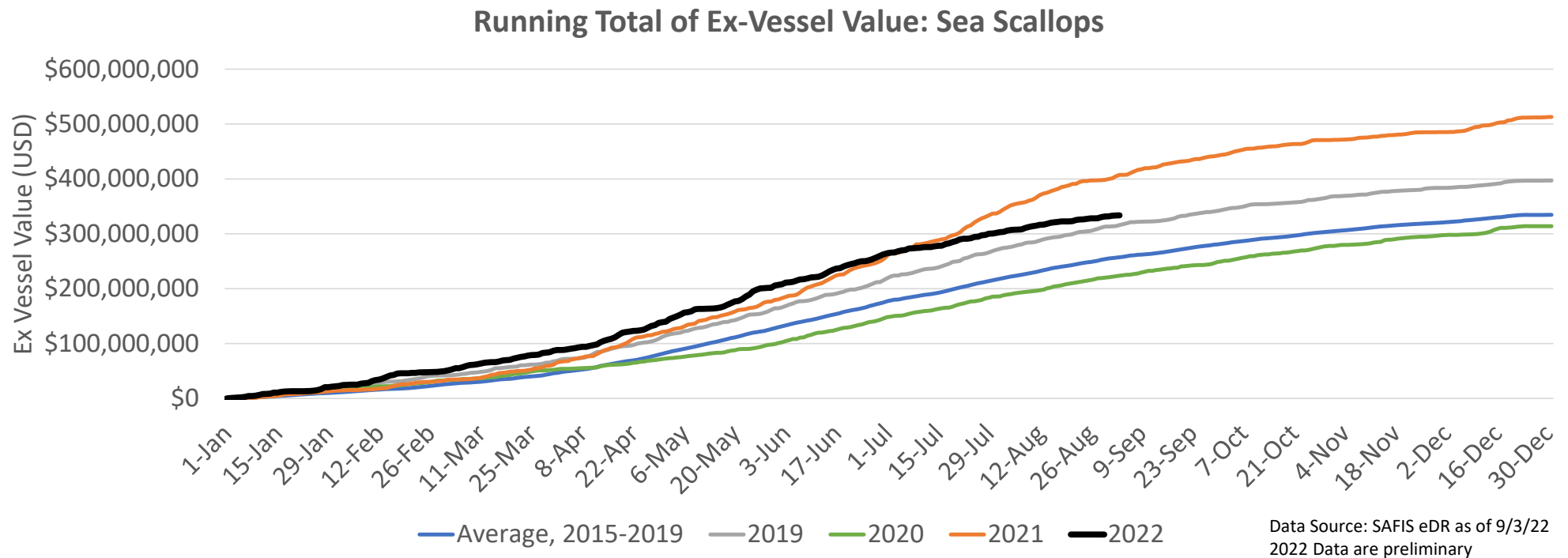


Data Source: SAFIS eDR as of 9/3/22  
2022 Data are preliminary

\*Excludes surf clams and ocean quahogs

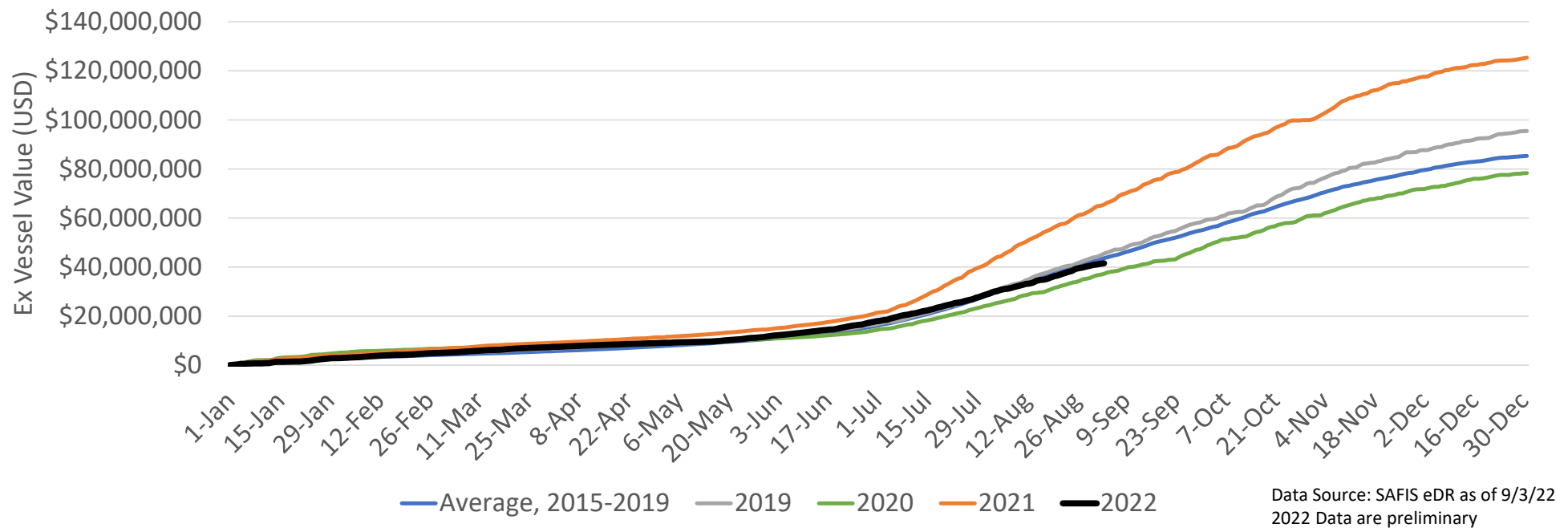


# Running Total of Ex-Vessel Value: Sea Scallops



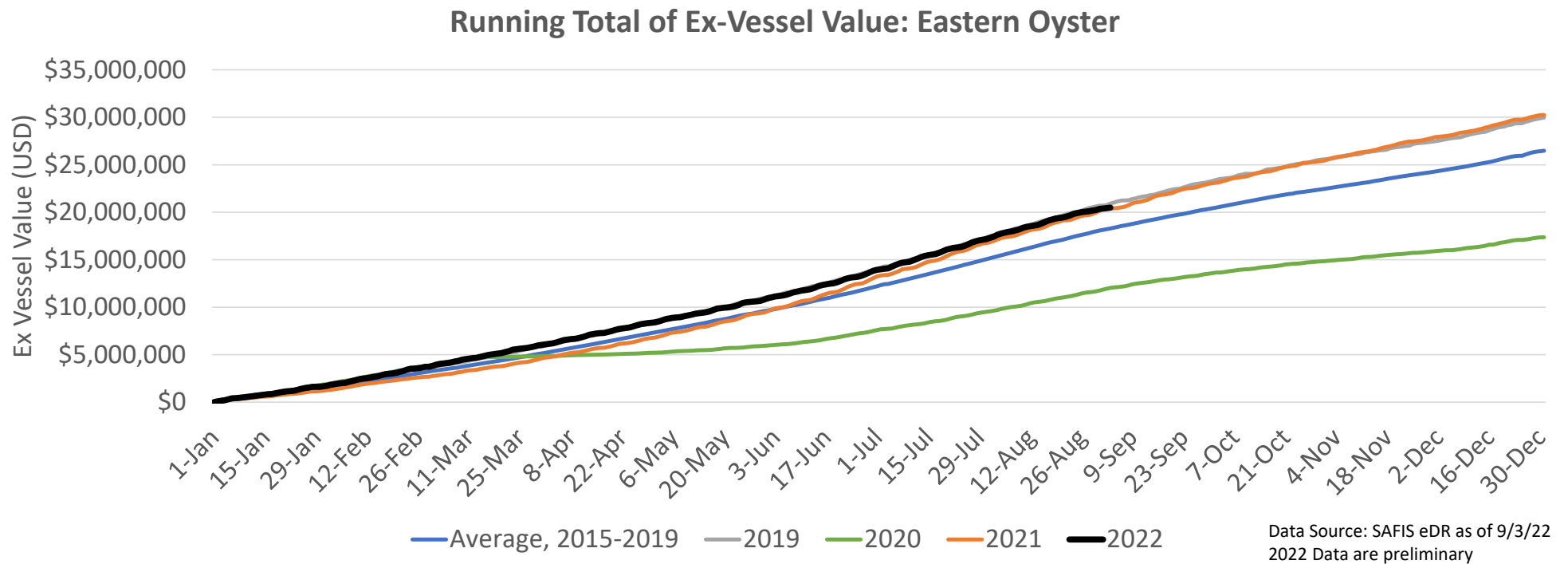
# Running Total of Ex-Vessel Value: Lobster

Running Total of Ex-Vessel Value: Lobster





# Running Total of Ex-Vessel Value: Eastern Oyster



# River Herring Sustainable Fishery Management Plans

- DMF implemented statewide harvest ban in 2006
- ASMFC required SFMP to open river herring harvest in 2012
- Four MA Towns have recently requested harvest plans
- Nemasket River plan is up for renewal this year
- A new SFMP for Herring River, Harwich, is under review

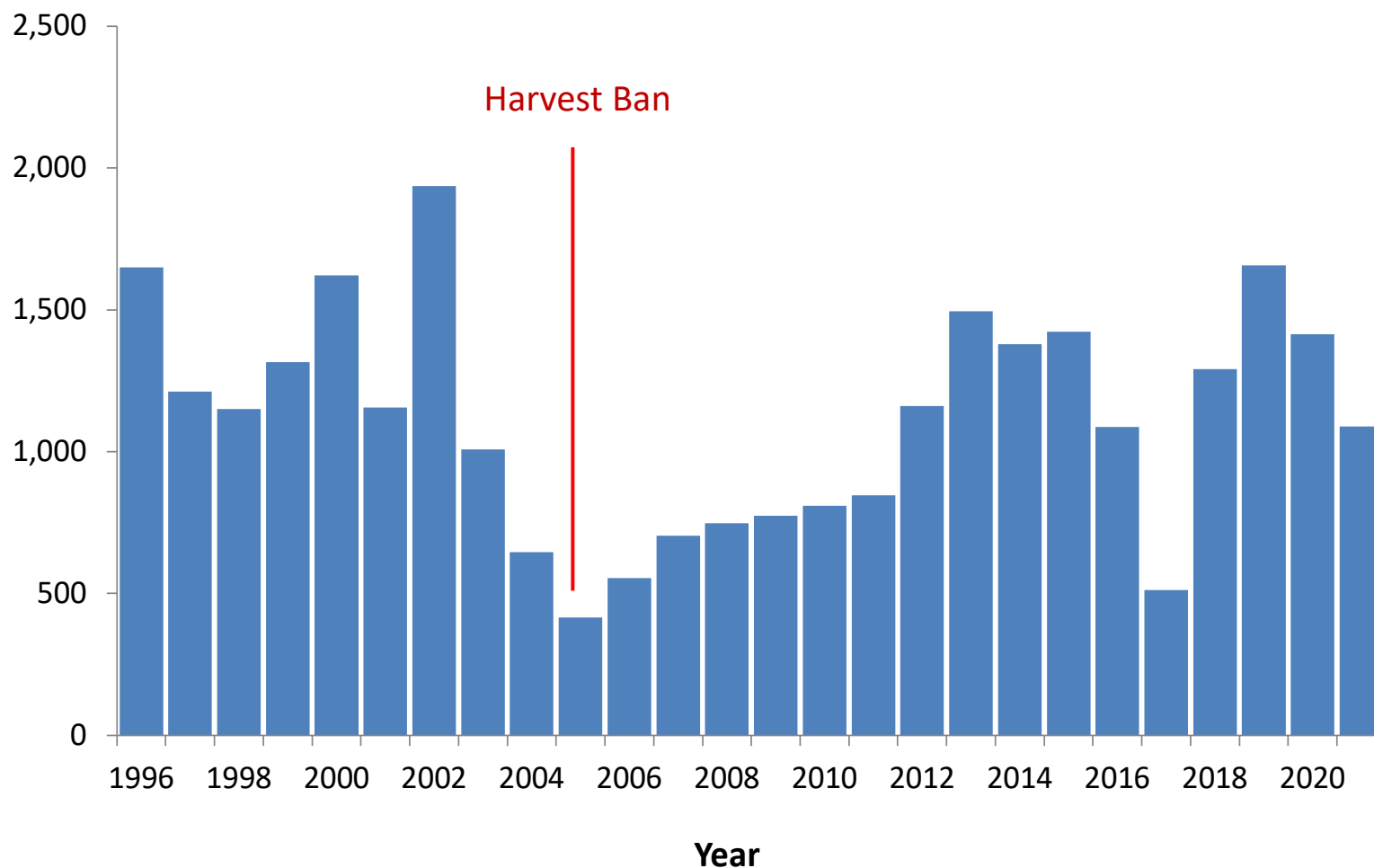




# Massachusetts River Herring 20-Year Count Index



Counts (1,000s)



# ASMFC

## Sustainable Fishery Management Plan

**Sustainability Measure** – spawning run count

**Sustainability Metric** – 10% of count time series mean

**Primary Action Threshold** – 25<sup>th</sup> percentile of TSM

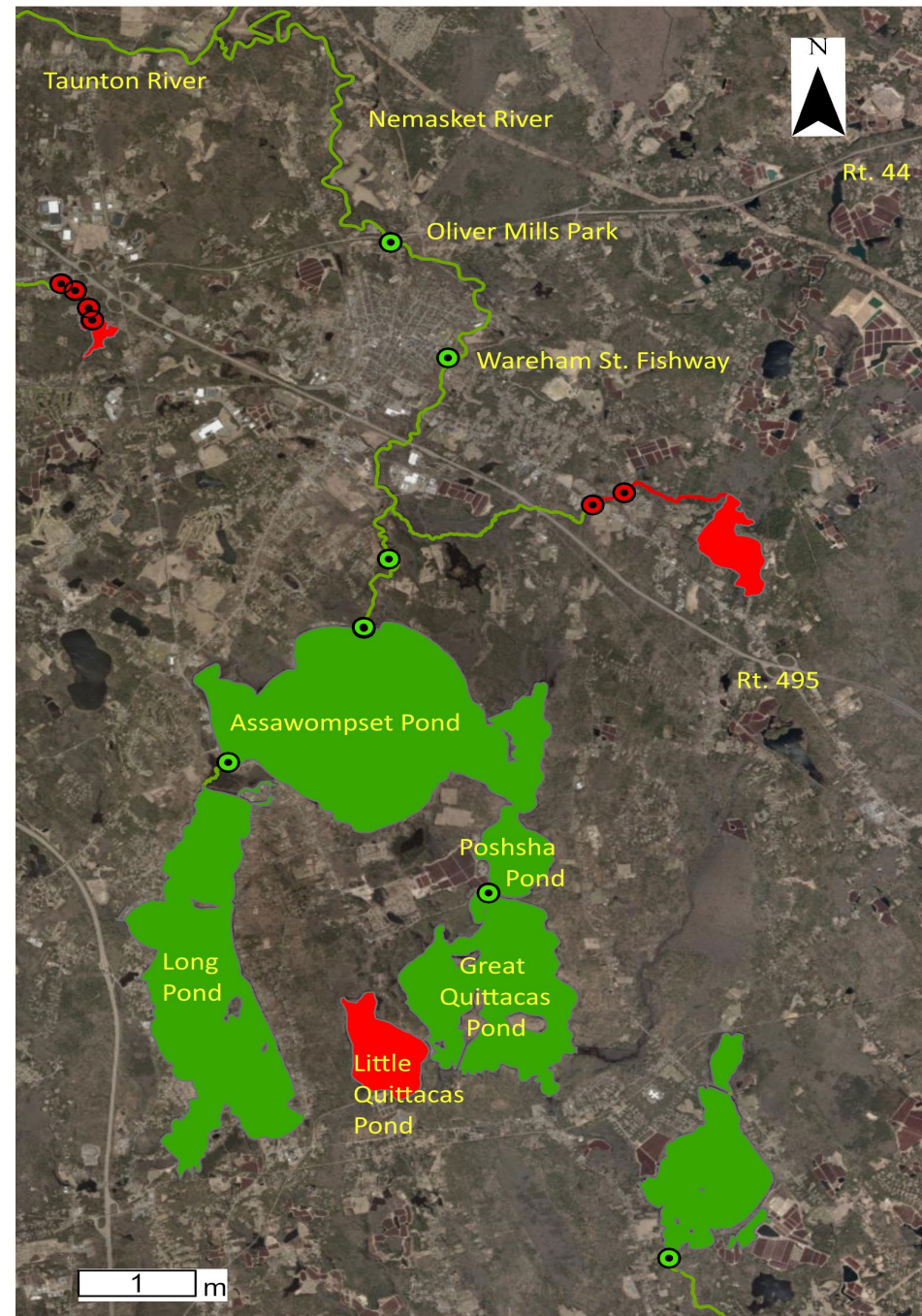
**Management Action** – reduce harvest to 5% of TSM with 2 years below threshold. Close harvest at 3 years below threshold

# Nemasket River Middleborough / Lakeville

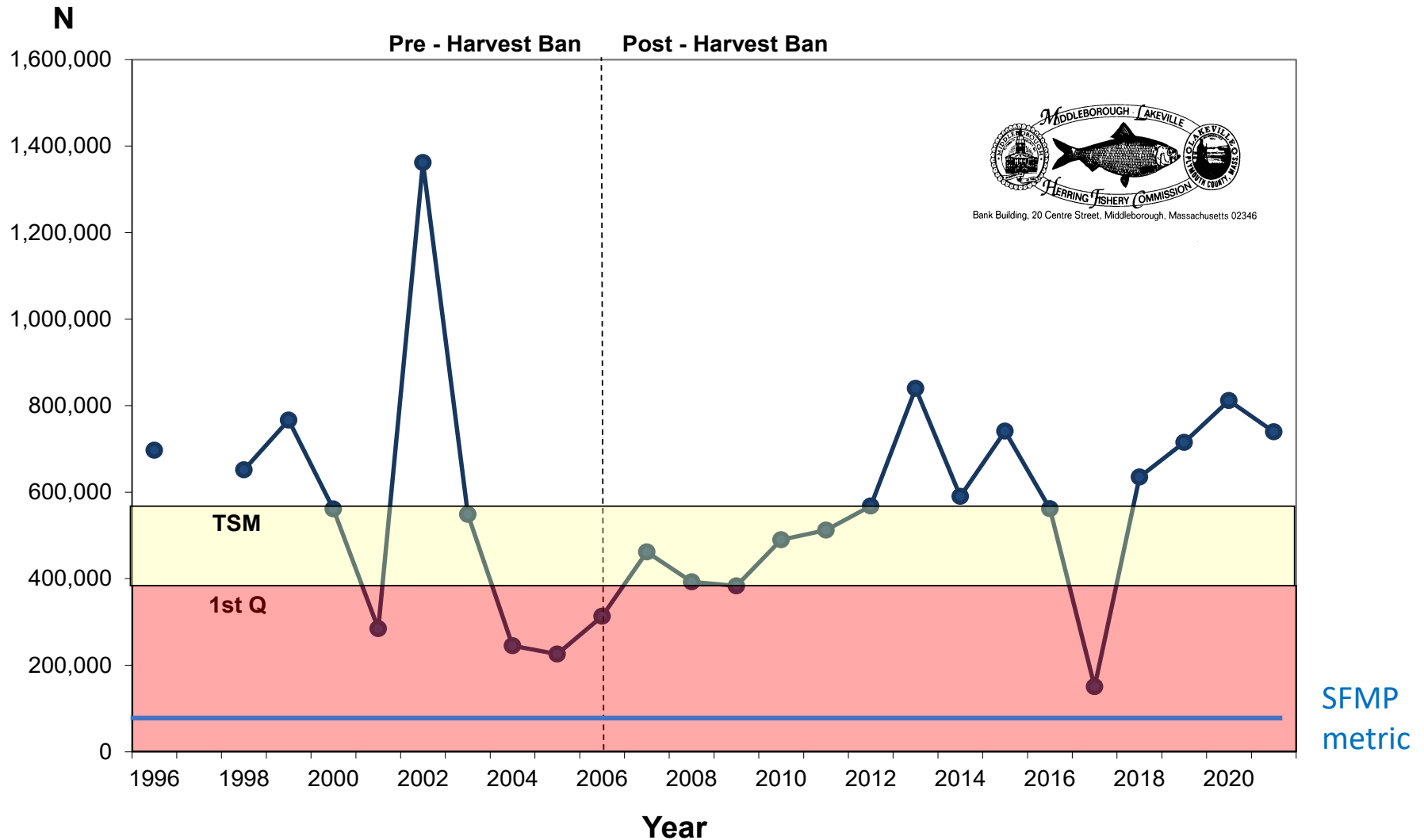
- Taunton River tributary
- Largest area of herring spawning and nursery habitat in Massachusetts



Bank Building, 20 Centre Street, Middleborough, Massachusetts 02346



# Nemasket River - Visual Count 1996 - 2021



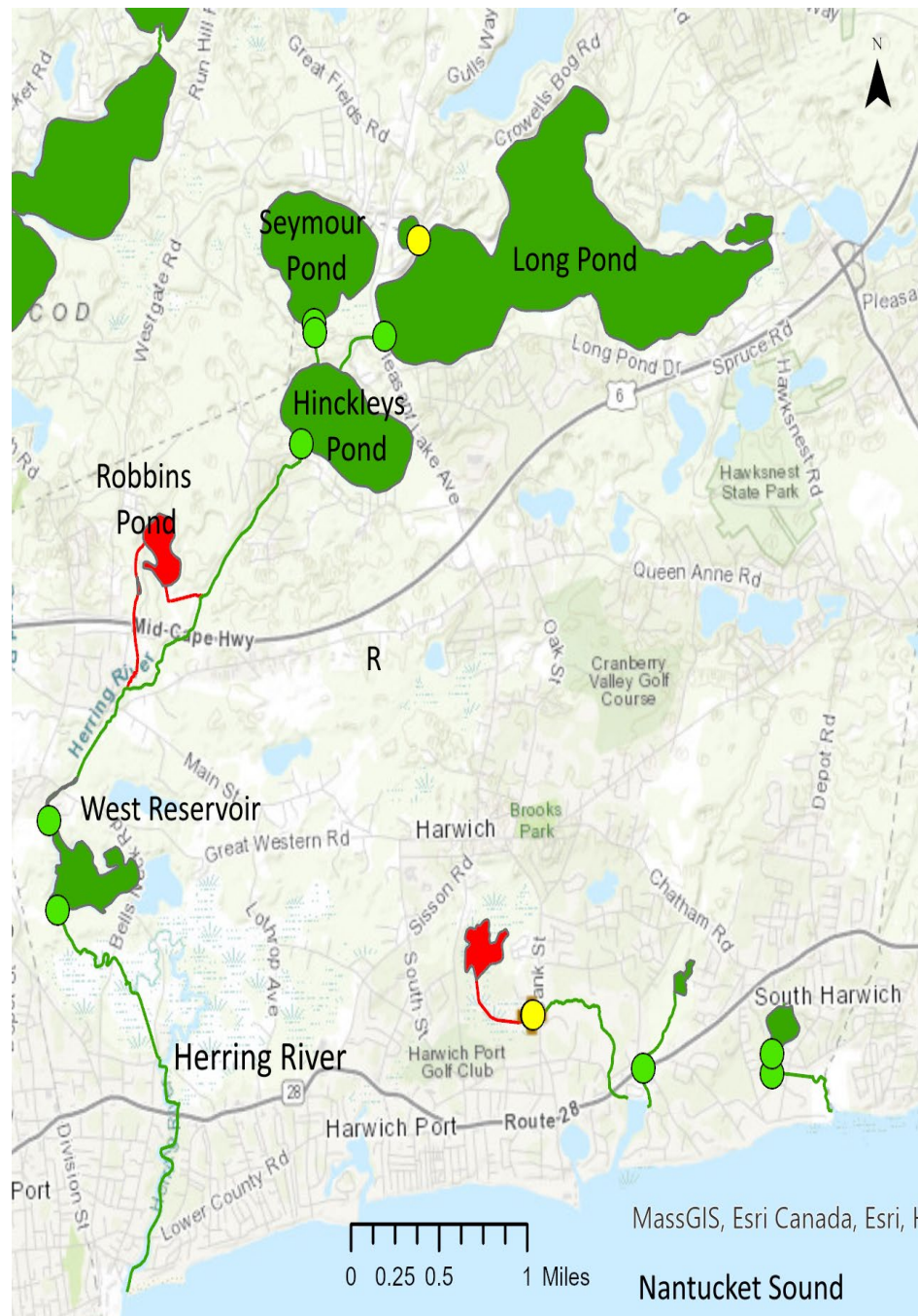
# Nemasket River – Spawning Run Estimate

| Year | Spawning<br>Run Count<br>(No.) | Permits<br>(No.) | Harvest<br>(No.) | Harvest<br>% of Count<br>(%) | Summary Statistics  |           |
|------|--------------------------------|------------------|------------------|------------------------------|---------------------|-----------|
| 1996 | 696,666                        |                  |                  |                              |                     |           |
| 1997 |                                |                  |                  |                              |                     |           |
| 1998 | 651,441                        |                  |                  |                              |                     |           |
| 1999 | 766,694                        | 742              | 104,992          | 0.14                         |                     |           |
| 2000 | 560,986                        |                  | 76,426           | 0.14                         |                     |           |
| 2001 | 284,498                        | 1966             | 59,514           | 0.21                         |                     |           |
| 2002 | 1,361,691                      | 2698             | 86,301           | 0.06                         |                     |           |
| 2003 | 548,835                        | 2113             | 61,945           | 0.11                         |                     |           |
| 2004 | 244,832                        | 2109             | 64,593           | 0.26                         |                     |           |
| 2005 | 225,904                        | 1931             | 33,964           | 0.15                         | <b>N (years)</b>    | 25        |
| 2006 | 313,242                        |                  |                  |                              | <b>Mean</b>         | 569,869   |
| 2007 | 462,000                        |                  |                  |                              | <b>Median</b>       | 561,538   |
| 2008 | 392,451                        |                  |                  |                              | <b>Minimum</b>      | 150,392   |
| 2009 | 383,338                        |                  |                  |                              | <b>Maximum</b>      | 1,361,691 |
| 2010 | 489,931                        |                  |                  |                              | <b>1st Quartile</b> | 392,451   |
| 2011 | 512,139                        |                  |                  |                              |                     |           |
| 2012 | 567,952                        |                  |                  |                              | <b>10% of TSM</b>   | 56,987    |
| 2013 | 840,033                        |                  |                  |                              |                     |           |
| 2014 | 590,105                        |                  |                  |                              |                     |           |
| 2015 | 741,048                        |                  |                  |                              |                     |           |
| 2016 | 561,538                        |                  |                  |                              |                     |           |
| 2017 | 150,392                        |                  |                  |                              |                     |           |
| 2018 | 635,234                        |                  |                  |                              |                     |           |
| 2019 | 714,951                        |                  |                  |                              |                     |           |
| 2020 | 811,568                        |                  |                  |                              |                     |           |
| 2021 | 739,266                        |                  |                  |                              |                     |           |



# Herring River - Harwich

- Largest herring run in MA among count stations 2018-2020
- Over 1,000 acres of spawning and nursery habitat





**Table 1.** River herring spawning run count data at Herring River, Harwich. Volunteer visual counts occurred from 2009-2019 at Hinckleys Pond. Electronic counts at the West Reservoir began in 2016, with four years of comparison between the two locations.

| <b>Year</b>        | <b>Hinckleys<br/>Count No.</b> | <b>Reservoir<br/>Count No.</b> | <b>Comparison<br/>(Ratio)</b> | <b>Adjusted<br/>( 0.082 )</b> | <b>Adjusted<br/>( 0.173 )</b> |
|--------------------|--------------------------------|--------------------------------|-------------------------------|-------------------------------|-------------------------------|
| 2009               | 19,336                         |                                |                               | 235,805                       | 111,769                       |
| 2010               | 41,254                         |                                |                               | 503,098                       | 238,462                       |
| 2011               | 10,466                         |                                |                               | 127,634                       | 60,497                        |
| 2012               | 101,624                        |                                |                               | 1,239,317                     | 587,422                       |
| 2013               | 91,167                         |                                |                               | 1,111,793                     | 526,977                       |
| 2014               | 247,894                        |                                |                               | 3,023,098                     | 1,432,913                     |
| 2015               | 127,860                        |                                |                               | 1,559,268                     | 739,075                       |
| 2016               | 60,349                         | 348,000                        | 0.173                         |                               | 348,000                       |
| 2017               | 11,980                         | 284,936                        | 0.042                         |                               | 284,936                       |
| 2018               | 47,698                         | 864,748                        | 0.055                         |                               | 864,748                       |
| 2019               | 69,680                         | 1,223,263                      | 0.057                         |                               | 1,223,263                     |
| 2020               |                                | 887,724                        |                               |                               | 887,724                       |
| 2021               |                                | 436,090                        |                               |                               | 436,090                       |
| 2022               |                                | 291,000                        |                               |                               | 291,000                       |
| <b>Mean</b>        |                                | 619,394                        | 0.082                         |                               | 573,777                       |
| <b>Median</b>      |                                | 650,419                        |                               |                               | 481,533                       |
| <b>25th %</b>      |                                | 319,500                        |                               |                               | 286,452                       |
| <b>10% of mean</b> |                                | 61,939                         |                               |                               | 57,378                        |

# Alewife age composition Herring River, Harwich

