

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

In attendance:

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

Department of Fish and Game: Commissioner Tom O’Shea

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

Massachusetts Environmental Police: Lt. Matt Bass

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

INTRODUCTIONS AND ANNOUNCEMENTS

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

REVIEW OF DECEMBER 19, 2023 BUSINESS MEETING AGENDA

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

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

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

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

CHAIRMAN'S COMMENTS

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

COMMISSIONER'S COMMENTS

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

LAW ENFORCEMENT

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

DIRECTOR'S COMMENTS

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

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

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

FUTURE PUBLIC HEARINGS ON COMMERCIAL FISHERIES MANAGEMENT

Striped Bass Limits

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

Nichola Meserve then described and discussed the following proposals:

Quota Management:

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

Primary Purchase

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

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

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

Temporary Stay to Whelk Gauge Size Schedule

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

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

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

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

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

Horseshoe Crab Management

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

Horseshoe Crab Spawning Closure

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

Horseshoe Crab Trip Limit

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

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

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

Matching Federal Horseshoe Crab Closures

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

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

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

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

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

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

State Waters Groundfish and May Commercial Groundfish Closure

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

Mackerel Trip Limit for State Waters

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

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

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

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

Smooth Dogfish Trip Limits

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

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

DISCUSSION ITEMS

Interstate Fisheries Management Update

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

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

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

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

New England Fisheries Management Council Update

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

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

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

Wind Energy Update

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

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

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

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

Vessel Tracker Update

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

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

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

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

OTHER BUSINESS

Future Business Meeting Dates

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

Commission Member Comments

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

PUBLIC COMMENTS

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

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

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

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

ADJOURNMENT

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

MEETING DOCUMENTS

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

UPCOMING MEETINGS

9AM
February 13, 2024
via Zoom

9AM
May 21, 2024
TBD

9AM
March 19, 2024
via Zoom

9AM
April 23, 2024
TBD

9AM
June 18, 2024
TBD