



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel McKiernan, Director 
DATE: February 8, 2023
SUBJECT: Commercial Menhaden Fishery Proposal for Public Hearing

Overview

I intend to take to public comment a suite of adjustments to the state's commercial menhaden fishery regulations for implementation this fishing year. This proposal responds to revisions of the interstate fishery management plan and aims to improve other aspects of the state's management approach. Two industry scoping meetings (held in September 2022 and January 2023) provided valuable input for the development of this extensive proposal.

A list of the proposed changes is below; rationale for each follows later within this memo.

- 1) Define the following gear groupings for the harvest of menhaden:
 - a. Small-scale directed gear: cast nets, traps (excluding floating fish traps), pots, haul seines, hook and line, bag nets, hoop nets, hand lines, and bait nets.
 - b. Non-directed gear: pound nets, anchored/stake gillnets, trammel nets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps.
- 2) Adopt a June 15 menhaden fishery season start date and restrict landings prior to this date to small-scale directed and non-directed gears only (i.e., no purse seines) at a 6,000-pound limit harvested from state waters, with an exception for limited access weir fishers to land at a 120,000-pound limit.
- 3) Revise the limited access fishery's quota use triggers and trip limits, as follows:
 - a. 120,000-pound trip limit until 50% quota use.
 - b. 25,000-pound trip limit after 50% quota use and until 85% quota use.
 - c. 6,000-pound trip limit after 85% quota use and until 100% quota use.
- 4) Establish open fishing days for the use of purse seines in the menhaden fishery (both limited entry and open access):
 - a. Four open days/week, Monday–Thursday, until 50% quota use.
 - b. Five open days/week, Monday–Friday, until 100% quota use.
- 5) Restrict landings after the quota is taken to small-scale directed and non-directed gears only (i.e., no purse seines) at a 6,000-pound limit harvested from state waters.

- 6) Restrict landings during the EESA fishery to a 6,000-lb trip limit (both limited access and open access) harvested from state waters; the limited access trip limit may be modified by the Director to a maximum of 120,000 pounds.
- 7) Restrict the use of carrier vessels to only limited entry permit holders operating from June 15 until 85% quota use (i.e., at the 120,000-lb and 25,000-lb trip limits only).
- 8) Require that all vessels used to carry or hold fish in the limited access fishery (i.e., either the catcher vessel or the carrier vessel if used) have their fish hold capacity certified and marked to demonstrate 25,000-lb and 120,000-lb storage levels by an accredited marine surveyor, and have any fish storage capacity over 120,000 pounds rendered unusable.
- 9) Require that all purse seine nets used in the menhaden fishery subject to net size restrictions be annually inspected and tagged by DMF prior to fishing for compliance with these restrictions. After its certification, any net that is altered with regards to the net size restrictions must be re-inspected prior to its use.
- 10) Establish in the regulations the following restrictions on the use of purse seines which currently reside in permit conditions:
 - a. State-wide closed days of Saturdays, Sundays, Memorial Day, July 4, and Labor Day
 - b. State-wide, year-round night fishing closure
 - c. Year-round closure of Buzzards Bay
 - d. Friday closed day in Beverly Harbor
 - e. Year-round closures in certain Boston Harbor areas (i.e., Charles River, Mystic River, Chelsea River, Dorchester Bay, Neponset River, Marina Bay, Weir River, and Winthrop Harbor, all upstream of established landmarks, and “A Anchorage Areas” with an exception for off Merrymount in Quincy)
 - f. The Director may issue permit conditions further affecting the use of purse seines.
- 11) Establish in regulations the following restrictions on the use of purse seines for menhaden which currently reside in permit conditions:
 - a. Maximum purse seine size of 600’ in length within the Inshore Restricted Waters.
 - b. This action eliminates the hand haul and 400’ x 60’ maximum net size requirements for the areas of Hingham Bay, Winthrop Bay, and Quincy Bay within Boston Harbor, thus enabling mechanical hauling of a 600’ length net consistent with other open Inshore Restricted Waters.
- 12) Establish in the regulations the following restrictions on the use of carrier vessels which currently reside in permit conditions:
 - a. Only limited access permit holders may use a carrier vessel, limited to a single carrier vessel to be named in permit conditions.
 - b. The carrier vessel is restricted to receiving menhaden once a day, only on open purse seining days, restricted to receiving and possession the applicable limited entry trip limit, and may land only once per day.
 - c. Year-round prohibition on the use of carrier vessels in Boston Harbor.
- 13) Adopt a June 14, 2023 control date for Menhaden permit endorsements and for CAP-Purse Seine permit endorsements.
- 14) Require the submission of daily electronic harvester reports prior to landing from all limited access permit holders beginning in 2024.

Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Menhaden in November 2022 for implementation in 2023. Addendum I revises the state quota shares to reflect more recent landings, removes purse seines from the post-quota incidental catch and small-scale fishery (IC/SSF) allowance, and requires the Menhaden Management Board to take further action to reduce IC/SSF landings if they cause the coastwide total allowable catch (TAC) to be exceeded. The amount of the Episodic Event Set-aside (EESA) was considered for change but remains at 1% of the TAC, with all the same eligibility and use criteria in place. The implications of these new interstate measures are the basis of many of the changes proposed herein.

Massachusetts' state quota share increases from 1.27% to 2.12% under Addendum I, which combined with a 20% increase to the TAC for 2023 (to 233,550 MT), results in a 10.8 million pound quota for Massachusetts. This quota is double that initially allocated to MA the past two years, but is only slightly above the resulting landings, which were allowed to grow primarily through DMF securing quota transfers from other states, but also through our entering the EESA fishery and minor IC/SSF landings (Table 1). Addendum I's quota reallocation means that Massachusetts can start the fishing year with a better sense of what its allowed landings will be. Quota transfers are expected to be less available because many of the states who transferred us quota previously now have a reduced allocation, and there may be less willingness to transfer quota to New England on the heels of what is perceived by many as a major reallocation, as well as interest to direct transfers to more local states whose bait fishery serves their in-state bait needs.

The removal of purse seines from the IC/SSF allowance means that there will be a hard stop on purse seine fishing for menhaden when our state quota is taken, with the exception that EESA *may* be available (5.15 mlb for 2023). Recall, however, that this is a shared pool of quota for Maine–New York (accessible when a state quota is exhausted prior to September); consequently, the availability of EESA quota for any state is not a certainty and history shows that the EESA can be exhausted in a matter of days when multiple states are participating. Racing through our 10.8-mlb quota in hopes of accessing the EESA provides a much greater risk of shutting down the purse seine fishery in mid-summer than if we adopt a quota management approach designed to provide a long season of purse seine access, with the potential to continue small-scale purse seine fishing under the EESA if our state quota is exhausted sooner than expected.

This leads to my goals for the menhaden fishery with regards to our quota use. While one objective is to take our allowed quota, my aim is to do so in a manner that continues to recognize historical users and fleet diversity, that balances the supply of bait to fresh and frozen markets, and allows for an extended season of small-scale harvest that supplies local bait demand. Without any changes to our quota strategy (i.e., 120,000-lb trip limit from June 1–85% quota use, and 25,000-lb trip limit until 100% quota use), DMF projects that our newly elevated quota would be taken by early July 2023 assuming prior year catch rates hold (Figure 1). This will not achieve many of the above-stated objectives.

Elsewhere throughout this proposal I am including changes to improve the management of other aspects of the fishery, with goals for a high level of compliance and accountability, and minimizing user group conflict. The rationale for each change is provided below. This proposal does not include an industry request to liberalize the maximum net size of surface gillnets to 600' (up from 300') so as to maintain the small-scale nature of this open access gear.

Rationale for each component of DMF's Menhaden Fishery Proposal

Proposal	Rationale
<p>1) Define the following gear groupings:</p> <ul style="list-style-type: none"> a. Small-scale directed gear: cast nets, traps (excluding floating fish traps), pots, haul seines, hook and line, bag nets, hoop nets, hand lines, and bait nets. b. Non-directed gear: pound nets, anchored/stake gillnets, trammel nets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps. 	<p>Definitions are consistent with the interstate FMP and will be used to comply with Addendum I's requirement for IC/SSF eligible gears.</p>
<p>2) Adopt a June 15 menhaden fishery season start date and restrict landings prior to this date to small-scale directed and non-directed gears only (i.e., no purse seines) at a 6,000-pound limit harvested from state waters, with the exception for limited access weir fishers to land at a 120,000-pound limit.</p>	<p>Delaying the season start date from June 1 to June 15 was widely supported at the scoping meetings as a means to extend the season in a neutral way across the diverse fleet. Both ME and NH are expected to have similar start dates for 2023.</p> <p>Prohibiting all purse seine landings before the season start date will preserve the quota for later in the season when harvest is better aligned with bait needs; with the trap gear closure to protect right whales extending into mid-May, the lobster trap fishery is not beginning in earnest until mid-June. The remaining authorized gears contribute insignificantly to state landings, with the exception of weirs which can have occasional non-directed catch in the spring, hence their larger limit to prevent unnecessary discarding is maintained.</p> <p>Landings prior to June 15 would be allowed from state waters only.</p>
<p>3) Revise the limited access fishery's quota use triggers and trip limits, as follows:</p> <ul style="list-style-type: none"> a. 120,000-pound trip limit until 50% quota use b. 25,000-pound trip limit after 50% quota use and until 85% quota use c. 6,000-pound trip limit after 85% quota use and until 100% quota use 	<p>Part (a) is expected to provide a comparable level of access to the large-scale historical users who provide fish at the necessary quality for the frozen bait market (i.e., from refrigerated holds), over a projected 2 ½ weeks.</p> <p>Part (b) is expected to provide another 3-4 weeks' worth of harvest at the mid-scale level, recognizing this group of historical users who supply the fresh market.</p> <p>Part (c) responds to the removal of purse seines from the IC/SSF and effectively brings that part of the fishery under quota management, possibly for another 5-6 weeks' worth of fishing.</p> <p>Overall, and combined with the June 15 season start date (#2 above) and closed purse seining days (#4 below), projections suggest the quota managed fishery staying open into September under this approach, assuming similar catch rates as 2022 (Figure 2).</p>

<p>4) Establish open fishing days for the use of purse seines in the menhaden fishery (both limited and open access):</p> <ul style="list-style-type: none"> a. Four open days/week, Monday–Thursday, until 50% quota use b. Five open days/week, Monday–Friday, until 100% quota use 	<p>This closes Friday to purse seining when the trip limit is at 120,000-pounds for limited entry and 6,000-pounds for all others. This period is expected to have the highest daily catch rates (e.g., 500,000 lb/day). Closing Fridays will reduce the weekly harvest rate, and ameliorate rec/com conflict on a popular sportfishing day. Fridays are not proposed for closure when the trip limit is reduced to 25,000 pounds due to lower daily catch rates at that time (e.g., 200,000 lb/day) and business practices of smaller vessels that sell locally into the fresh market, with Fridays reported to be an important day.</p>
<p>5) Restrict landings after the quota is taken to small-scale directed and non-directed gears only (i.e., no purse seines) at a 6,000-pound limit harvested from state waters.</p>	<p>The removal of purse seines from the IC/SSF is a new compliance measures under the interstate plan (Addendum I to Amendment 3). Landings after the quota is taken would be allowed from state waters only.</p>
<p>6) Restrict landings during the EESA fishery to a 6,000-lb trip limit (both limited access and open access); the limited access trip limit may be modified by the Director to a maximum of 120,000 pounds.</p>	<p>The FMP authorizes a maximum 120,000-pound trip limit for the EESA; however, DMF has previously set EESA trip limits consistent with those in place at the end of the quota managed fishery (e.g., 25,000 pounds) such that the fishery continues at a similar scale rather than ramping up again. A 6,000-lb EESA limit would be consistent with this prior practice given the 6,000-pound limit now proposed for the remaining 15% of quota use. Set in this manner, the EESA has the potential to allow the continuation of purse seine fishing after the quota is taken, similar to how they could previously continue at 6,000 lb under the IC/SSF. However, the Director could increase the EESA limit up to the maximum set in the FMP in response to fishery conditions, when the EESA is accessed, etc.</p>
<p>7) Restrict the use of carrier vessels to only limited entry permit holders operating from June 15 until 85% quota use (i.e., at the 120,000-lb and 25,000-lb trip limits only).</p>	<p>Allowing all vessels to use a carrier essentially increases their capacity and is in conflict with the history of our trip limits which were based on the capacity of the harvester vessels in the fishery at that time. The use of carriers has been restricted to limited entry permit holders through permit conditions previously, but here we propose to restrict their use to the higher trip limits as well. While we initially considered allowing carriers only at the highest trip limit (120,000 lb), this proposal better reflects current practice (as told during scoping). This would prevent limited access harvesters from using a carrier only at the smallest trip limit (6,000 lb), when the goal is season length. (Open access harvesters are prevented from using carriers at the 6,000-lb limit under another section, see #12 below.)</p>

<p>8) Require that all vessels used to carry or hold fish in the limited access fishery (i.e., either the catcher vessel or the carrier vessel if used) have their fish hold capacity certified and marked to demonstrate 25,000-lb and 120,000-lb storage levels by an accredited marine surveyor, and have any fish storage capacity over 120,000 pounds rendered unusable.</p>	<p>Massachusetts Environmental Police (MEP) have requested this provision to aid in the enforcement of the larger trip limits. It is akin to the requirement for fish retained under a 6,000-lb trip limit to be immediately stored in totes or barrels. This rule was modeled after Rhode Island's requirement. It is a one-time requirement for a vessel.</p>
<p>9) Require that all purse seine nets used in the menhaden fishery subject to net size restrictions be annually inspected and tagged by DMF prior to fishing for compliance with these restrictions. After its certification, any net that is altered with regards to the net size restrictions must be re-inspected prior to its use.</p>	<p>MEP have requested this provision to aid in enforcement of the net size restrictions, which are difficult to evaluate compliance in the field. Prior to the season start, DMF would establish a schedule of days prior to the purse seine season's commencement during which fishery participants could have their nets inspected. Net size restrictions apply to purse seines used during any 6,000-pound trip limit fishery (450' L x 48' D) and those used in any Inshore Restricted Waters (600' L).</p>
<p>10) Establish in the regulations the following restrictions on the use of purse seines which currently reside in permit conditions:</p> <ul style="list-style-type: none"> a. State-wide closed days of Saturdays, Sundays, Memorial Day, July 4, and Labor Day b. State-wide, year-round night fishing closure c. Year-round closure of Buzzards Bay d. Friday closed day in Beverly Harbor e. Year-round closures in certain Boston Harbor areas (i.e., Charles River, Mystic River, Chelsea River, Dorchester Bay, Neponset River, Marina Bay, Weir River, and Winthrop Harbor, all upstream of established landmarks, and "A Anchorage Areas" with an exception for off Merrymount in Quincy) f. The Director may issue permit conditions further affecting the use of purse seines. 	<p>These are pre-existing permit conditions on the use of purse seines in Massachusetts. Moving them to regulations is expected to aid in compliance and enforcement, provide more transparency and clarity on applicable rules, and incorporate public comment and MFAC approval processes into any changes.</p> <p>Other restrictions on purse seines not listed here will remain as permit conditions to grant the Director some additional flexibility and discretion in management. These include:</p> <ul style="list-style-type: none"> - Avoidance of fixed gear - Avoidance of areas of concentrated recreational fishing activity - Use of spotter planes (time and area restrictions) - Contacting the Salem Harbormaster prior to conducting seining activity in Salem Harbor.

<p>11) Establish in regulations the following restrictions on the use of purse seines for menhaden which currently reside in permit conditions:</p> <ul style="list-style-type: none"> a. Maximum purse seine size of 600' in length within the Inshore Restricted Waters. b. This action eliminates the hand haul and 400' x 60' maximum net size requirements for the areas of Hingham Bay, Winthrop Bay, and Quincy Bay within Boston Harbor, thus enabling mechanical hauling of a 600' length net consistent with other open Inshore Restricted Waters. 	<p>The purse seine net size restriction in Inshore Restricted Waters is a pre-existing permit conditions on the use of purse seines for menhaden (Figure 3). Moving this to regulation is expected to aid in compliance and enforcement, provide more transparency and clarity on applicable rules, and incorporate public comment and MFAC approval processes into any changes.</p> <p>Previously, the areas of Hingham Bay, Winthrop Bay, and Quincy Bay within Boston Harbor were subject to additional restrictions of a smaller net size (400' x 60') and hand haul requirement (Figure 4). An industry request was received to drop these additional restrictions because they: 1) are outdated restrictions that reflect prior conflict with large-scale seining activity, which is now precluded by the carrier vessel prohibition in Boston Harbor; and 2) can displace fishing effort into times and places where there is more potential for user group conflict.</p>
<p>12) Establish in the regulations the following restrictions on the use of carrier vessels which currently reside in permit conditions:</p> <ul style="list-style-type: none"> a. Only limited access permit holders may use a carrier vessel, limited to a single carrier vessel to be named in permit conditions. b. The carrier vessel is restricted to receiving menhaden once a day, only on open purse seining days, restricted to receiving and possession the applicable limited entry trip limit, and may land only once per day. c. Year-round prohibition on the use of carrier vessels in Boston Harbor. 	<p>These are pre-existing permit conditions on the use of carrier vessels in the menhaden fishery. Moving them to regulations is expected to aid in compliance and enforcement, provide more transparency and clarity on applicable rules, and incorporate public comment and MFAC approval processes into any changes.</p>
<p>13) Adopt a June 14, 2023 control date for Menhaden permit endorsements and for CAP-Purse Seine permit endorsements.</p>	<p>This control date may be used to determine eligibility criteria for participation in either the limited entry or open access menhaden fisheries in the future, subject to rulemaking. Interest in the menhaden fishery has been increasing and fishery participants requested a control date at the scoping meetings.</p>

<p>14) Require the submission of daily electronic harvester reports prior to landing from all limited access permit holders beginning in 2024.</p>	<p>Daily reporting aids in quota monitoring (especially with the daily catch rates achieved by this fishery) and is required for participation in the EESA fishery per the interstate FMP. Current general reporting requirements in MA are monthly trip-level reporting for harvesters and weekly trip-level reporting for dealers. For the menhaden fishery, we have required limited access participants and anyone participating in the EESA to obtain a bait dealer permit and report daily. Daily harvester reports would aid in compliance and enforcement of trip limits, especially when the same entity is acting as both harvester and dealer. Implementation would be delayed until 2024 to provide harvesters with sufficient time and instruction on the adoption of the requirement.</p>
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Attachments

January 13, 2023 Menhaden Scoping Meeting Presentation

Table 1. Summary of MA quota and landings, 2018-2022. MA quota in 2023 = 10.8 mlb.

	2018	2019	2020	2021	2022
Quota	6.06 mlb	6.05 mlb	6.05 mlb	5.42 mlb	5.42 mlb
Transfers	-	1.30 mlb	2.35 mlb	2.36 mlb	2.96 mlb
Adjusted Quota	6.06 mlb	7.35 mlb	8.40 mlb	7.78 mlb	8.37 mlb
Quota Use	94%	95%	100%	100%	100%
EESA	-	-	0.36 mlb	1.96 mlb	1.74 mlb
IC/SSF	-	-	0.05 mlb	0.17 mlb	0.59 mlb
Total Landings	5.71 mlb	6.96 mlb	8.83 mlb	9.92 mlb	10.42 mlb

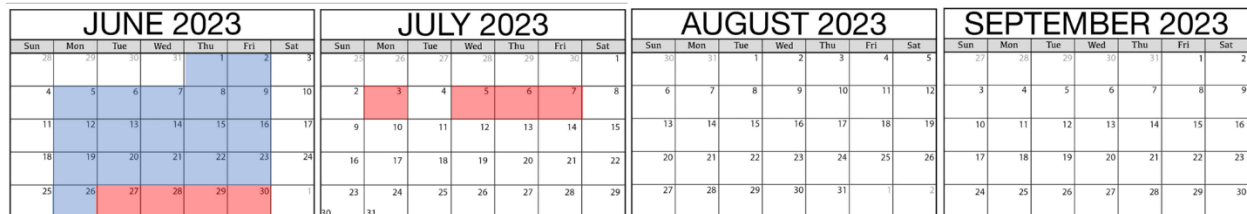


Figure 1. Projection for Quota Managed Fishery season length under existing quota use triggers, trip limits, and purse seining closed days, assuming similar daily catch rates as 2022.
 Blue days = 125,000-lb trip limit until 85% quota use (9.2 mlb of quota access)
 Red days = 25,000-lb trip limit until 100% quota use (1.6 mlb of quota access)

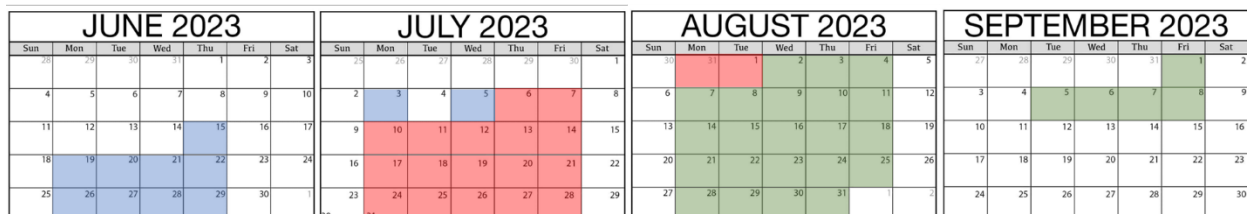


Figure 2. Projection for Quota Managed Fishery season length under proposed quota use triggers, trip limits, and purse seining closed days, assuming similar daily catch rates as 2022.
 Blue days = 120,000-lb trip limit until 50% quota use (5.4 mlb of quota access)
 Red days = 25,000-lb trip limit until 85% quota use (3.8 mlb of quota access)
 Green days = 6,000-lb trip limit until 100% quota use (1.6 mlb of quota access)

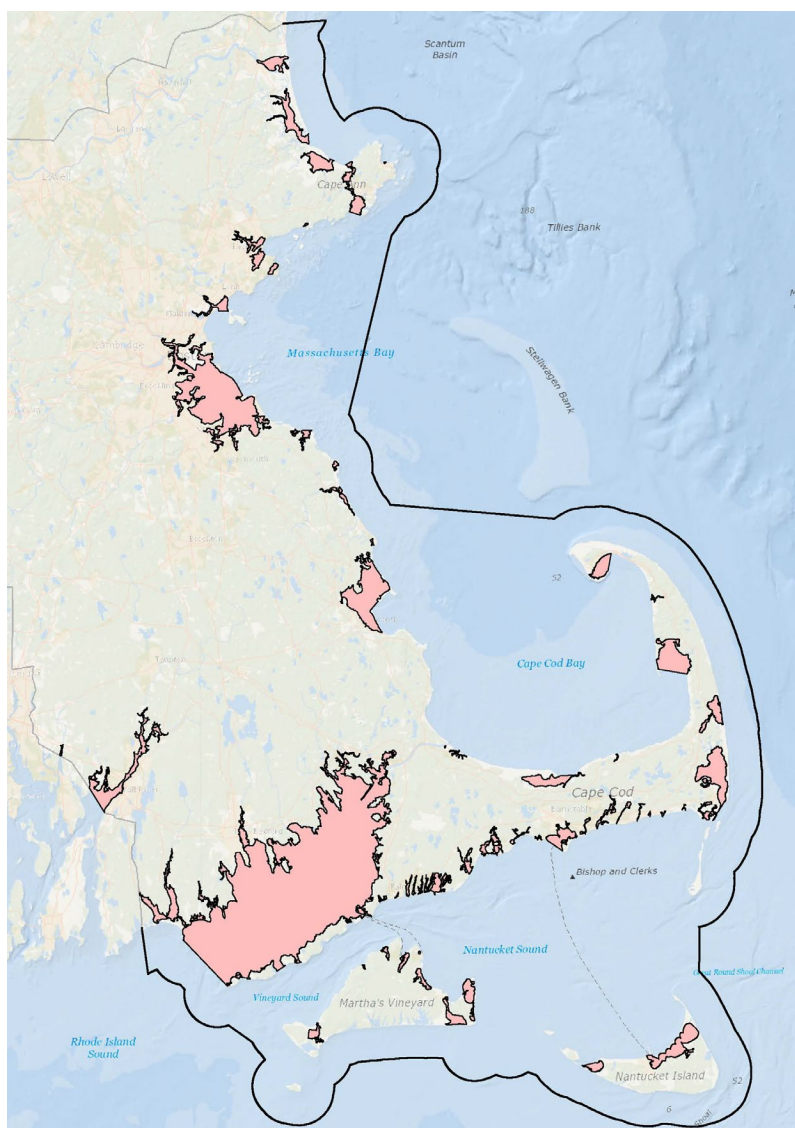


Figure 3. Inshore Restricted Waters, for which an inshore net permit endorsement is required to use any net other than a cast net or small bait net (≤ 250 sq ft). Purse seines are restricted to a 600' length maximum in the Inshore Restricted Waters. Other restrictions apply in certain areas.

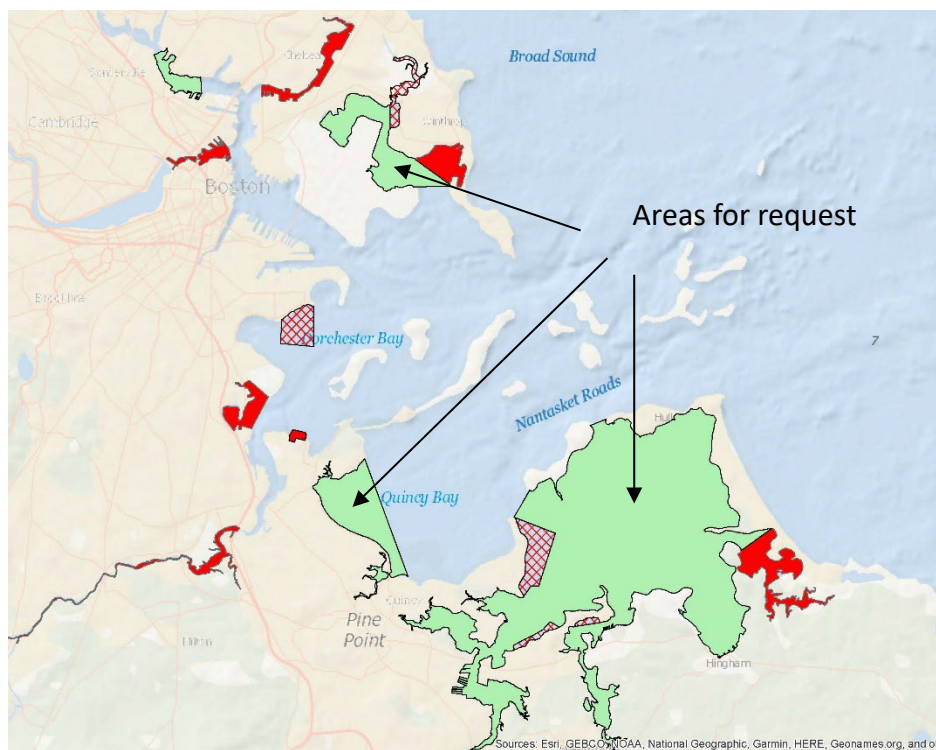


Figure 4. Areas of Boston Harbor proposed to have an existing hand haul requirement and 400' x 60' net size restriction lifted.

- Anchorage A Areas closed to seining
- Prohibited Areas closed to seining
- Restricted Areas

2023 Menhaden State Fishery Management

Scoping Meeting #2
January 12, 2023



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MA Menhaden Fishery Management

- Limited Access Fishery (menhaden permit endorsement)
 - 6,000-lb limit through May 31 (except weirs); 125,000-lb limit June 1 – 85% quota; 25,000-lb limit until 100% quota
 - Owner-operator requirement and daily reporting
 - Carrier vessels authorized by LOA: 1 limit/day; prohibited in Boston Harbor
- Open Access Fishery (general commercial fishing permit)
 - 6,000-lb limit from January 1 – 100% quota
 - Max. purse seine size (450'L * 48'D), storage requirements
- Inshore Net Permit: limited access to purse seine in inshore waters (map)
 - Extensive permit conditions
- Incidental Catch & Small-scale Fishery (all harvesters after quota taken)
 - 6,000-lb trip limit
 - Max. purse seine size (450'L * 48'D), storage requirements
- Episodic Event Set-aside Fishery (1% of TAC for ME-NY, conditional access)
 - Opt-in process after quota taken before Sept 1; trip limits by permit type; state water harvest and landing only; daily reporting

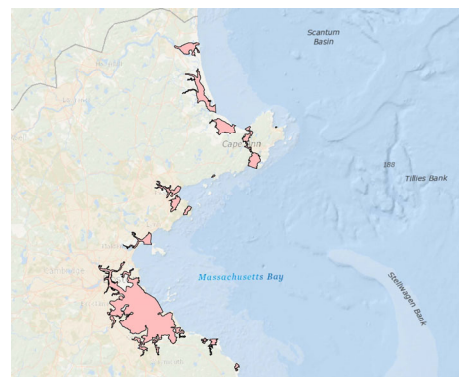


Figure shows Inshore Net Areas of North Shore in pink. Inshore net permit required for all nets other than cast nets and small bait nets (≤ 250 sq ft). Cast nets and small bait nets require no specific permit to take bait for personal use.

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Interstate Management Plan Changes for 2023

1. Quota Reallocation

2. Purse Seines Eliminated from Incidental Catch/ Small-scale Fishery

Effective	2013-2017	2018-2022	2023-2025
FMP	Amendment 2	Amendment 3	Addendum I
Landings Basis	2009-2011	2009-2011, with a 0.5% default minimum	2018/19/21, with 3-tier minimum (0.01/0.25/0.5%)
EESA	1%	1%	1%
MA Share	0.84%	1.27%	2.12%
MA Quota (initial)	3.1 – 3.7 mlb	5.4 – 6.0 mlb	10.8 mlb
(transfers)	Gave away up to 510,000 lb	Received up to 3.0 mlb	tbd

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Interstate Management Plan Changes for 2023

1. Quota Reallocation

2. Purse Seines Eliminated from Incidental Catch/ Small-scale Fishery

IS/SSF Eligible Gears	
"small-scale directed"	"non-directed"
cast nets, traps (excluding floating fish traps), pots, haul seines, hook and line, bag nets, hoop nets, hand lines, and bait nets	pound nets, anchored/stake gillnets, trammel nets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps

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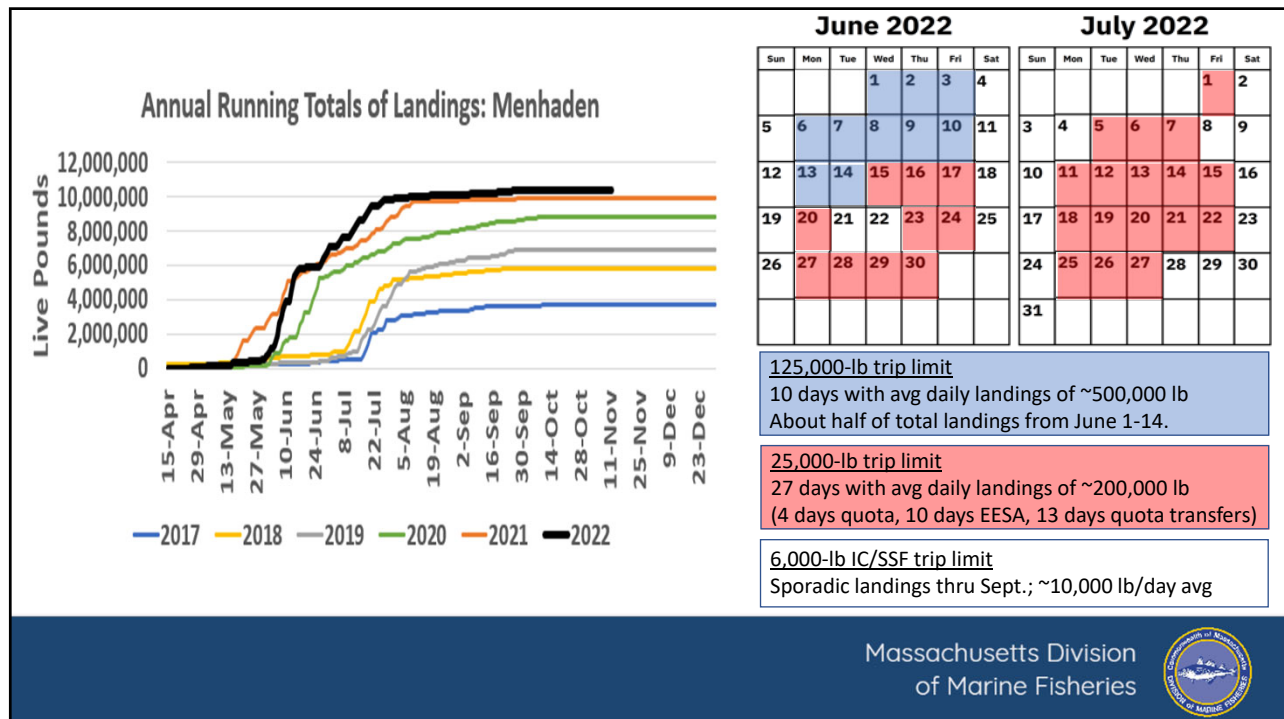
MA Landings

	2018	2019	2020	2021	2022	2023
Quota	6.06 mill (1.27%)	6.05 mill (1.27%)	6.05 mill (1.27%)	5.42 mill (1.27%)	5.42 mill (1.27%)	10.82 (2.12%)
Transfers	-	1.30 mill	2.35 mill	2.36 mill	2.96 mill	Likely less available or needed
Adjusted Quota	6.06 mill	7.35 mill	8.40 mill	7.78 mill	8.37 mill	
Quota Use	94%	95%	100%	100%	100%	
EESA	-	-	0.36 mill	1.96 mill	1.74 mill	5.15 mlb available (ME-NY)
IC/SSF	-	-	0.05 mill	0.17 mill	0.59	Likely negligible w/o purse seines
Total Landings	5.71 mill	6.96 mill	8.83 mill	9.92 mill	10.42 mill	
% Coastwide	1.37%	1.51%	2.17%	2.30%	TBD	

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Hypothetical Scenarios for 2023 (A)

If no modifications other than FMP requirement to prohibit purse seines from IC/SSF:

- 125,000-lb trip limit until 85% quota = 9.2 mlb of quota would last 18 days at last year rate (500K/day).
- 25,000-lb trip limit until 100% quota = 1.6 mlb of quota would last 8 days at last year rate (200K/day).
- Potential for EESA access after quota closure.
- 6,000-lb IC/SSF limit for non-purse seine gears. Purse seine fishery done early July.

JUNE 2023							JULY 2023							AUGUST 2023							SEPTEMBER 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	31	1	2	3	28	29	30	31	1	2	3	30	31	1	2	3	4	5	27	28	29	30	31	1	2
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	1	23	24	25	26	27	28	29	27	28	29	30	31	1	2	24	25	26	27	28	29	30

Quota Management Goals: utilize quota, recognize historical users at various capacity levels, balance quota use for frozen and fresh bait, allow for long season of small-scale harvest.

Multiple goals not achieved without additional management changes.

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Hypothetical Scenarios for 2023 (B)

Modify quota use triggers and add 6,000-lb limit into quota fishery:

- 125,000-lb trip limit until 50% quota = 5.4 mlb of quota would last 10 days at last year rate (500K/day).
- 25,000-lb trip limit until 75% quota = 2.7 mlb of quota would last 13 days at last year rate (200K/day).
- 6,000-lb trip limit until 100% of quota = 2.7 mlb of quota would last 45 days at 60K/day (conservative guesstimate).
- Potential for EESA access after quota closure (if before September 1 and EESA remains).
- Non-purse seine gears at 6,000-lb IC/SSF limit after quota closure.

JUNE 2023							JULY 2023							AUGUST 2023							SEPTEMBER 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	31	1	2	3	28	29	30	31	1	2	3	30	31	1	2	3	4	5	27	28	29	30	31	1	2
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	1	23	24	25	26	27	28	29	27	28	29	30	31	1	2	24	25	26	27	28	29	30

- Alternate example: 25,000-lb trip limit until 85% quota = 3.8 mlb of quota would last 18 days (thru 7/12), with 27 days for 6,000-lb trip limit at remaining 15% of quota (thru 8/18), then access EESA if available.

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Hypothetical Scenarios for 2023 (C)

In addition to those trip limit & trigger modifications, possible options:

- Delay **season start date** from June 1 to June 15 (6,000-lb limit all gears except weirs until June 15)
 - Impact: push everything back 2 weeks

JUNE 2023							JULY 2023							AUGUST 2023							SEPTEMBER 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	31	1	2	3	25	26	27	28	29	30	1	30	31	1	2	3	4	5	27	28	29	30	31	1	2
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	1	23	24	25	26	27	28	29	27	28	29	30	31	1	2	24	25	26	27	28	29	30
							30	31																			

- **Restrict gear** access to pre-season landings
 - FMP definition of small-scale directed and non-directed (same as post-season IC/SSF); i.e., no purse seine
 - Impact: pre-season landings have been mostly weirs, so impact is mostly preventative.

125,000-lb trip limit until 50% quota

25,000-lb trip limit until 75% quota

6,000-lb trip limit until 100% quota

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Hypothetical Scenarios for 2023 (D)

In addition to those trip limit & trigger modifications, possible options:

- Establish uniform **open fishing days** for all areas (e.g., Mon-Wed or Mon-Thurs shown below),
 - Shown below for all gears restricted Fri-Sun; days off could be gear specific
 - Impact: lengthen season and reduce user conflict

JUNE 2023							JULY 2023							AUGUST 2023							SEPTEMBER 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	31	1	2	3	25	26	27	28	29	30	1	30	31	1	2	3	4	5	27	28	29	30	31	1	2
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30	1	23	24	25	26	27	28	29	27	28	29	30	31	1	2	24	25	26	27	28	29	30
							30	31																			

- Adjust **trip limit** (e.g., 80,000 lb to 40,000 lb to 10,000 lb)
 - Impact: slow catch rate and/or align with fishery practices (vessel capacity, truck capacity)
- Prohibit **carrier vessels** when trip limit decreases
 - Impact: slow catch rate and mitigate compliance issues with lower trip limits

125,000-lb trip limit until 50% quota

25,000-lb trip limit until 75% quota

6,000-lb trip limit until 100% quota

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Enforcement & Compliance

Under Consideration:

- Prohibit carrier vessels when trip limit decreases (e.g., from 125,000 to 25,000 lb)
 - Maintain historical rationale for smaller limits relative to vessel size
 - Use of carrier vessels during 25,000-lb fishery linked to vessel overages in prior years
- Bait hold capacity restriction and/or capacity certification for limited entry vessels
 - Improve enforcement of larger trip limits
 - Akin to measures enacted for 6,000-lb limit (storage into totes or barrels)
- Annual purse seine net certification for compliance with requirements
- eVTR harvester reporting and vessel tracking for menhaden permit holders
- Deferred:
 - Prohibiting at-sea sales
 - Pre-trip notification requirement

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Housekeeping

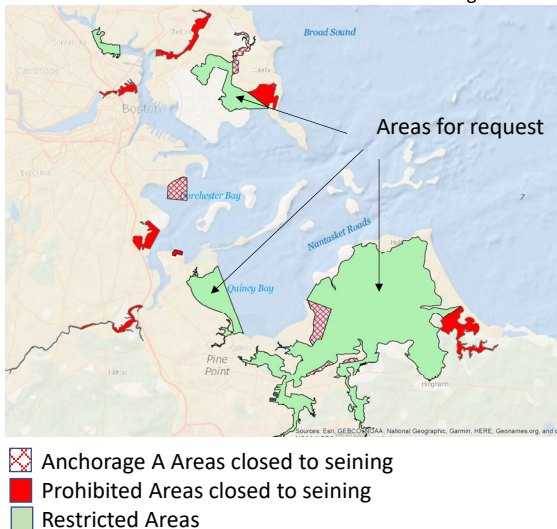
- DMF manages menhaden seine fishery through annual permit conditions.
- Potential interest in codifying certain long-standing conditions as regulation.
 - Season start date (currently June 1)
 - Avoidance of fixed fishing gear and concentrated recreational fishing activity
 - Night closure
 - Closed fishing days (e.g., Sat/Sun & holidays in inshore net areas)
 - Maximum purse seine size (600' unless further restricted by specific area)
 - Use of carriers (e.g., reporting requirements, possession limits, area closures)
- More enforceable and clear; less able to be changed from year-to-year, with more transparency.

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Boston Harbor Menhaden Purse Seine Area Management



Industry Request # 1

- Inshore net permit conditions establish specific rules for use of purse seines inside Boston Harbor.
- Conditions include prohibition on mechanical haul and restriction on maximum purse seine size (400' L x 60' D) within "Restricted Areas".
- DMF has received a request to lift these hand haul and net size requirements in Hingham Bay, Winthrop, and Quincy Bay
 - i.e., to allow mechanical haul of nets up to 600' L
 - Provided rationale: outdated restrictions that reflect prior conflict with large-scale seining activity (carriers now excluded) that make small-boats less efficient and do not serve a conservation benefit.

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Industry Request #2

- Use of surface gillnets
 - Requires open entry endorsement for use of gear.
 - Requires inshore net permit to access inshore restricted areas.
 - Must be actively tended with vessel within 200 feet of net at all times.
 - Limited to fishing no more than 300 linear feet of nets at one time.
 - Net mesh must be $\geq 1 \frac{7}{8}$ " and $\leq 3 \frac{3}{4}$ ".
 - May only retain bait species (mackerel, menhaden, sea herring).
 - Some area and season closures.
- DMF has received a request to increase net size allowance to 600 linear feet (e.g., two 300-ft nets tied together or fished separately), applicable to quota-managed and IC/SSF.
 - Provided rationale: to enable viable commercial harvest. One 300' net sufficient for personal bait use only; yields 6 barrels (2100 lb) on best day. NH allows up to two gill nets of no more than 300' L by 20' D each.

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Summary of Issues for Input

- Quota use trigger levels & trip limits
- Season start dates
- Open fishing days
- Carrier vessel use restrictions
- Bait hold capacity restriction and/or certification
- Annual purse seine net certification
- eVTR and vessel tracking for menhaden permit holders
- Codifying purse seine permit conditions
- Industry request re: Boston Harbor restricted area conditions
- Industry request re: surface gillnet length restriction
- Other

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