



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission

FROM: Daniel McKiernan, Director 

DATE: December 14, 2023

RE: **Future Public Hearing Proposal for Commercial Striped Bass Management**

Overview

I plan to take to public hearing this winter several potential revisions to the Commonwealth's commercial striped bass management measures for 2024. These include: 1) modifications to the open days in consideration of quota management and law enforcement input; and 2) adjustments to the primary purchase requirements in response to law enforcement input. These proposals were informed by the MFAC's Law Enforcement and Striped Bass focus groups, both of which met this fall. Several additional topics regarding the commercial tagging program and the permitting system will be continued for development during 2024 for possible 2025 implementation. The presentation provided to the Striped Bass Focus Group is enclosed, with specific slides referenced within this document.

Proposed Modifications to the Open Days for 2024

The current open days are Monday–Wednesday beginning June 16 through September 30, and Monday–Friday beginning October 1 through November 15 (or until the quota is met). The size limit is a 35" minimum and the possession limit is 15-fish for boat-based permits (while on the named vessel) and 2-fish for other permits.

The last two commercial striped bass seasons have faced quota closures in early August (Slide 4), which we consider earlier than generally desired to meet summertime demand and distribute access throughout the Massachusetts coastline (note the shift in landings from >90% south shore prior to 2019 to a more even north/south split since then; Slide 13). The pace of landings resulting from the three-day schedule amidst higher availability in 2022 and 2023 may have contributed to a lower ex-vessel price per pound (Slides 10–12). There is also the potential for a commercial quota reduction of up to 14.5% under Draft Addendum II to Amendment 7 of the interstate management plan, which would reduce Massachusetts' quota by over 100,000 pounds if adopted in full (from 735,240 pounds to 628,630 pounds). This possible lower quota amount would have shaved another week off the 2022 and 2023 fisheries if in place then (Slide 4).

Contributing to the high rate of landings may be the specific weekdays that are currently open. Law Enforcement recently raised the perennial issue of front-loading in the fishery (i.e., harvesting fish prior to the day they are landed). Having Monday—in particular—as the first open day may amplify front-loading, as there may be more opportunity to fish over the weekend. This is supported by landings trends often showing the highest daily total on the first open day (Slides 10–12). Consecutive open days also

lend themselves to harvesters getting an early start on the next day's landing limit; this type of front-loading can be harder to observe and enforce.

Any projections as to how the number and sequence of days may affect weekly landings and season length needs to consider the inter-annual variability in the fishery. For example, 2021 had daily landing rates mostly in the 10,000–20,000 pound range, whereas 2022 and 2023 had many days in excess of 20,000 pounds, with 2023 reaching several 50,000–60,000 pound days (Slides 10–12). This type of variability supports the use of automatic in-season triggers like we have been implementing for numerous quota-monitored species in recent years—striped bass included, with its October 1 trigger to open two additional days per week.

Given these considerations, DMF plans to seek public comment on the following relative to modifying the current open days schedule:

1. Reducing the number of open weekdays at the season's start from three days to two days, excluding Monday as a possible open day;
2. Adopting open days that are either consecutive (e.g., Tues/Wed or Wed/Thurs) or non-consecutive (e.g., Tues/Thurs); and
3. Automatically adding a third open weekday as early as August 15 (maintaining the automatic addition of the other two weekdays on October 1), provided quota remains.

While the daily possession limit or season start date could also be modified to effect quota use, such changes are not proposed here. Lowering the possession limit would reduce the efficiency for the minority of harvesters that limit out while extending the season for the majority that sell only a handful of fish on average per trip, contributing to the perception of the striped bass fishery as a commercialized recreational fishery (See Slides 20–23 for effort analyses). Delaying the season start date may disproportionately impact access to the resource at different locations of our coast, while not actually lengthening the season merely shifting it later.

Proposed Adjustments to the Primary Purchase Requirements for 2024

The primary purchase is defined as “the first commercial transaction by sale, barter, or exchange of any striped bass after its harvest”. While one might assume that this transaction necessitates both the harvester and the primary purchaser (or their agent) to be physically present, law enforcement have reported on a new, yet common, practice of primary buyers adopting “honor system” drop-off procedures for harvesters to deliver their catch to the primary buyer's facility unsupervised. This is frequently done to accommodate night-time fishing and the subsequent sale of fish on the open fishing day outside of the primary buyer's normal business hours. Harvesters are often racing against the clock to land and sell fish by midnight (given the midnight-to-11:59pm definition of a fishing day), which has reportedly also contributed to hazardous on-the-water boating behavior.

This drop-off transaction practice makes it difficult if not impossible for the primary buyer to uphold several of their regulatory requirements to not purchase non-conforming fish. Were the fish truly received before midnight on an open day or after midnight on a closed day? Did a single harvester drop off more than a day's limit by assigning the catch to two permits? Enabling this practice is that our commercial tagging requirements do not require the primary buyer to immediately tag the fish upon the primary purchase. When our tagging program was adopted in 2014, the dominant place of primary purchases of striped bass was at trucks sent to Cape Cod. Dealers were concerned about an immediate tagging requirement causing a lengthy queue of harvesters at the truck with only one or two staff present. Other than the extra hours this would cause, what would become of a harvester's catch if they got in line before midnight (on the open day) but didn't make it to the front of the line until after midnight (on a closed day)? In response, we adopted a rule that required the tag to be applied by the primary buyer “prior to

departing any ramp, pier, parking lot or other location of primary purchase.” This makes for a very loose timeline for tags to be applied to fish received directly at the primary buyer’s actual facility (i.e., just prior to departing there?), which is now common with the geographical shift in landings to the north with brick-and-mortar primary buyers available.

Given these considerations, DMF plans to seek public comment on the following relative to adjusting the primary purchase requirements:

1. Clarifying the definition of primary purchase to explicitly require that both the harvester and the primary buyer be present;
2. Revising the primary buyer’s time-of-tagging requirement to be immediately upon receipt of the fish from the harvester; and
3. Amending 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, remove the race to land by midnight, and accommodate sale of fish from the prior 24 hours during normal business hours.

Considerations for Future Management

Enhanced Dealer Reporting and Tag Traceability

Planned changes to the SAFIS reporting system for 2025 would enable dealers to record not just the weight of striped bass purchased, but also the number of fish purchased, and the serial number of the tags associated with each purchase. The former (number of fish) would aid in enforcement of the possession limit and improve DMF statistics used in various capacities from development of stock assessment data to tag accountability. The latter (tag serial numbers) would enable traceability of any fish (and therefore non-compliance) back to the harvester, not just the dealer. These data could theoretically be collected in 2024 on a paper form, but we think it worth the wait for electronic reporting capability in 2025 given that all primary buyers have been required to report electronically since 2020.

Limited Entry Permitting

DMF reviewed striped bass endorsement issuance and activity trends with the Striped Bass Focus Group with an eye towards what a limited entry fishery would look like (Slide 4, 18–26). On average, only about a quarter of the 4,000 or more issued endorsements are fished, with an upward trend in the number of permits reportedly unfished. Concerns with the current open entry nature of the fishery include that the permit is acquired to evade the recreational limit or cover the cost of a day on the water, that fish kept for personal use are under-reported, and that it is impossible to implement tagging at the point-of-harvest with the current number of permit holders. DMF provided one example of limiting entry based on those that held a striped bass endorsement in 2023 and exceeded a landings threshold in any year from 2011–2021, with thresholds of 1 pound, 300 pound, and 1,000 pound. Even at a 1,000 pound threshold, the remaining pool of permit holders would be 652, well above what DMF Statistics Project staff think if feasible for a harvester-based tagging program (closer to 400 potentially). The Focus Group encouraged DMF to continue developing options using different types of filters and qualification years, and to consider other necessary elements of limiting entry, such as transferability, which DMF plans to do during 2024.

Commercial Maximum Size Limit

DMF also discussed the potential for a commercial maximum size limit with the Striped Bass Focus Group. Initially, the ASMFC Striped Bass Management Board was considering the inclusion of a coastwide maximum size limit requirement in Draft Addendum II but removed it from the options. This was due to it not being an effective tool to reduce fishing mortality (the intent of the addendum), while also adding uncertainty as to the level of future commercial removals and likely contributing to increased commercial discards. States may still adjust their commercial size limits through conservation

equivalency (i.e., with a quota adjustment to maintain spawning potential), and given the ongoing public interest in protecting the largest spawning fish, DMF reviewed implications for Massachusetts unilaterally taking action (Slides 14–16). The Focus Group was not supportive of DMF considering a commercial maximum size limit due to the uncertain reproductive benefit amidst a definite detriment to discards and that market and economic impacts are not well understood.

Enc:

DMF Presentation for December 1, 2023 Striped Bass Focus Group Meeting

Marine Fisheries Advisory Commission Striped Bass Focus Group

December 1, 2023

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Agenda

- Overview of Issues
 1. Quota management under anticipated lower quota
 2. Public interest in commercial maximum size limit
 3. Law enforcement concerns
 4. Limited entry permitting
- Background Information & Analysis
- DMF Discussion Points
- Focus Group Responses
- Adjourn

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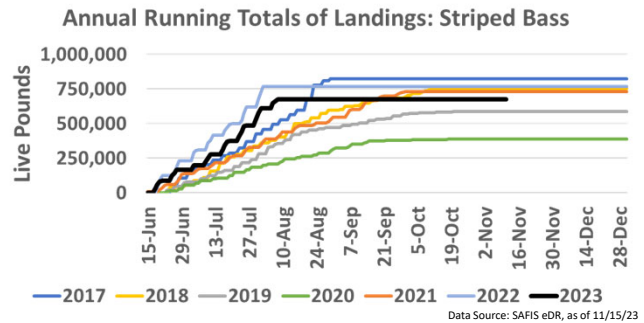
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1) Quota Management

- Draft Addendum II proposes up to a 14.5% commercial quota reduction
 - Under full reduction, MA quota reduced from 735,240 lb to 628,630 lb
- Fishery closures in early August the last two years
- Consider changes to open days, limit, or season start for 2024?

2021-2023 Consistent Measures

- June 16 – Sep 30: Mon/Tues/Wed
- Oct 1 – Nov 15: Mon-Fri
- 15 fish for vessel-based permits
- 2 fish for other permits
- 35" minimum size



Year	Quota	Closure Date	628,630 lb reached
2021	735,240 (99% used)	October 2	Sept 13
2022	735,240 (105% used)	August 4	July 31
2023	700,379 (96% used)	August 11	August 6

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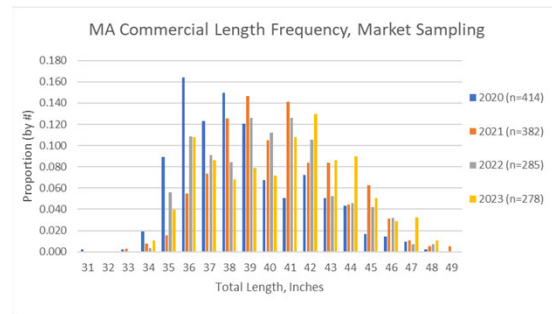
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2) Commercial Max Size

- Public interest to protect largest, most fecund fish from harvest
- Coastwide maximum size limit removed from consideration in Draft Addendum II (does not contribute to reducing F while introducing more uncertainty; discard mortality concerns, esp. gill net)
- States may continue to amend commercial size limits through Conservation Equivalency; introducing a maximum size limit would further reduce MA quota to maintain spawning potential



	2020	2021	2022	2023	Avg
% ≥ 38"	59.9%	84.6%	74.0%	75.5%	73.5%
% ≥ 40"	32.9%	57.3%	53.0%	60.8%	51.0%
% ≥ 42"	21.0%	32.7%	29.1%	42.8%	31.4%
% ≥ 44"	8.7%	16.0%	13.3%	21.2%	14.8%
% ≥ 46"	2.7%	5.2%	4.6%	7.2%	4.9%

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3) Law Enforcement Concerns

- MFAC Law Enforcement Subcommittee meeting on November 7
- Front-loading
 - Fishing on the closed day before an open day, i.e., Sunday under current M/T/W schedule; closed days are enforceable management tool but level of activity possibly made worse by being a weekend day.
 - After landing a limit on an open day, starting to fish that evening to land on the consecutive open day, which technically violates the daily possession limit for first day; more difficult to catch front-loading with consecutive days.
- Dealers not being present when fish received (drop off “honor system” at facility)
 - Dealer may be receiving non-conforming fish
 - Questionable labeling by harvesters at drop off
 - Can’t trace fish to harvester

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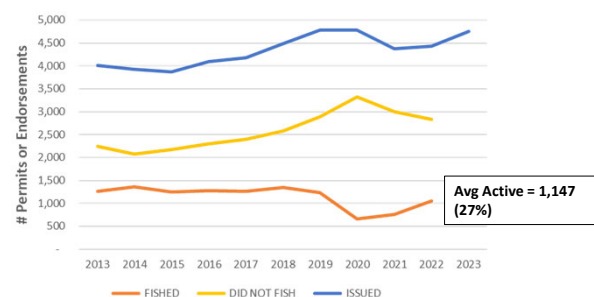


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4) Limiting Entry

- Open access fishery with substantial latent effort
- Concerns
 - Permit acquired to evade recreational limit
 - Under-reporting of fish kept for personal use
 - Impossible to adopt tagging at point-of-harvest given # of permit holders

Striped Bass Endorsement Trend											
Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Issued	4,015	3,921	3,864	4,094	4,181	4,490	4,781	4,781	4,373	4,427	4,747
Active	1,266	1,364	1,245	1,283	1,267	1,342	1,239	653	754	1,055	n/a



SOURCE: MA Permitting Database & Merged MA Trip-Level and Federal Vessel Trip Reports, as of 11/28/2023
"No Catch" trips are not included here.

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Agenda

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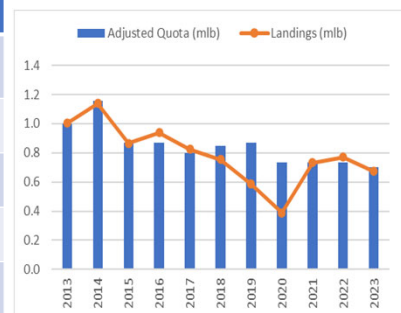
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Recent Regulatory History

Years	Base Quota	Season	Open Days	Bag Limit	Size
2005-2013	1,159,750 lb	July 12 – Dec 31/Quota	Tue/Wed/Thu Sun	30 fish 5 fish	34" min
2014	1,159,750 lb	June 23 – Dec 31/Quota	Mon/Thu	15 fish (vessel) 2 fish other	34" min
2015-2019	869,813 lb	June 23 – Dec 31/Quota	Mon/Thu	15 fish (vessel) 2 fish other	34" min
2020	735,240 lb	June 23 – Dec 31/Quota	Mon/Wed	15 fish (vessel) 2 fish other	35" min
2021-2023	735,240 lb	June 16 – Sept 30	Mon/Tue/Wed	15 fish (vessel)	35" min
		Oct 1 – Nov 15	Mon-Fri	2 fish other	



- 2014: Commercial tagging program implemented (at point-of-sale, i.e., done by primary buyers); for-hire sale limited to recreationally-compliant fish
- 2015: Commercial fin-clipping rule added (rescinded in 2020 when com/rec size overlap removed)
- 2018: July 3, July 4 and Labor Day added as closed days
- 2019: Unlawful to gaff sub-legal fish in commercial fishery added
- 2020: Allowance for for-hire to sell fish taken on charters is rescinded (b/c of slot limit); Cape Cod Canal closed to commercial harvest

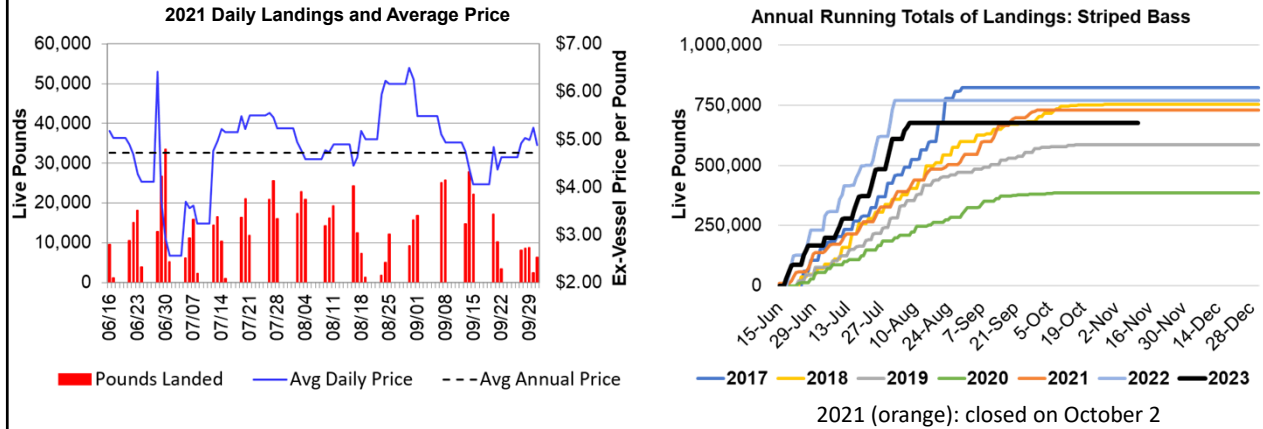
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Landings and Value Trends, 2021



SOURCE: SAFIS Dealer Reports, as of 11/20/23
 * Confidential Data Not Displayed
 † Preliminary

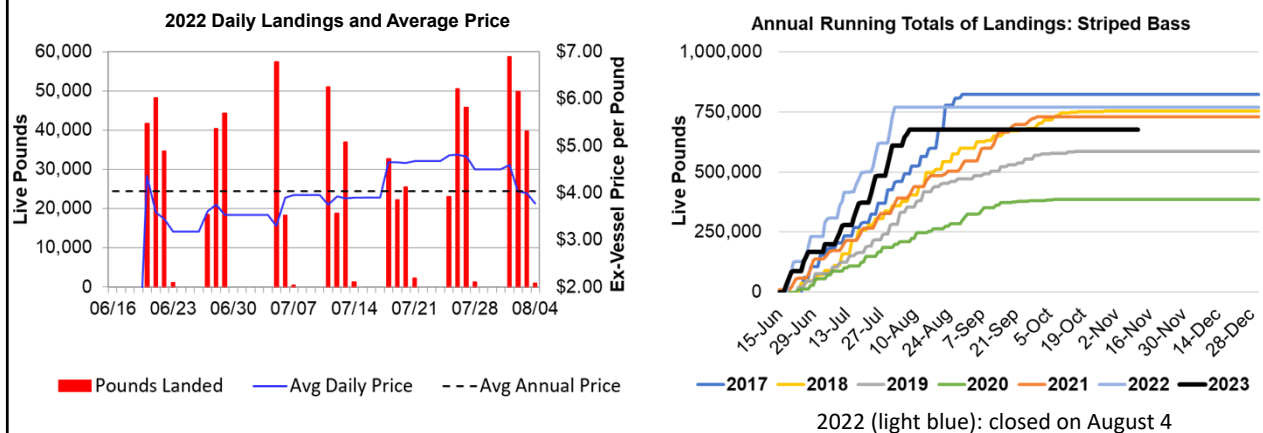
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Landings and Value Trends, 2022



SOURCE: SAFIS Dealer Reports, as of 11/20/23
 * Confidential Data Not Displayed
 † Preliminary

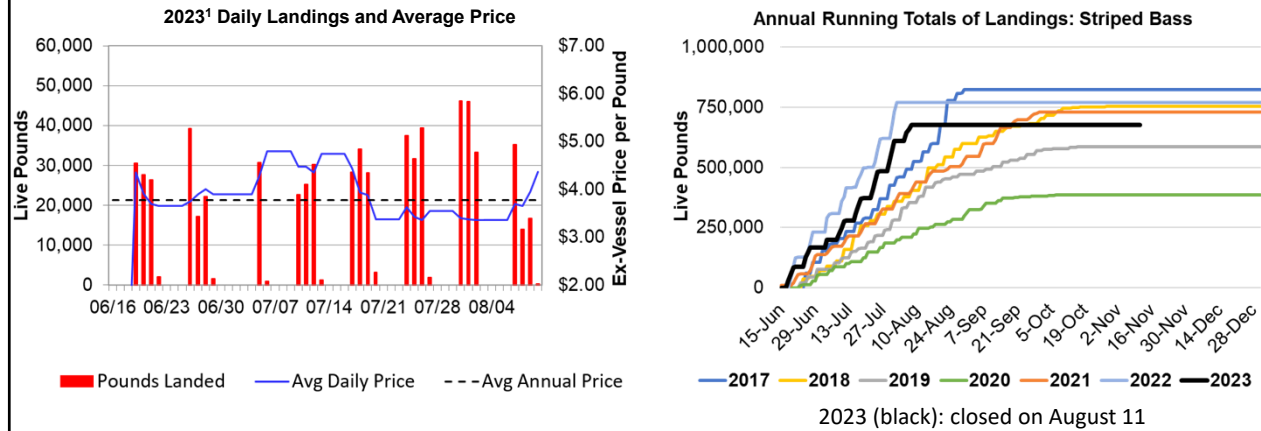
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Landings and Value Trends, 2023



SOURCE: SAFIS Dealer Reports, as of 11/20/23
 * Confidential Data Not Displayed
¹ Preliminary

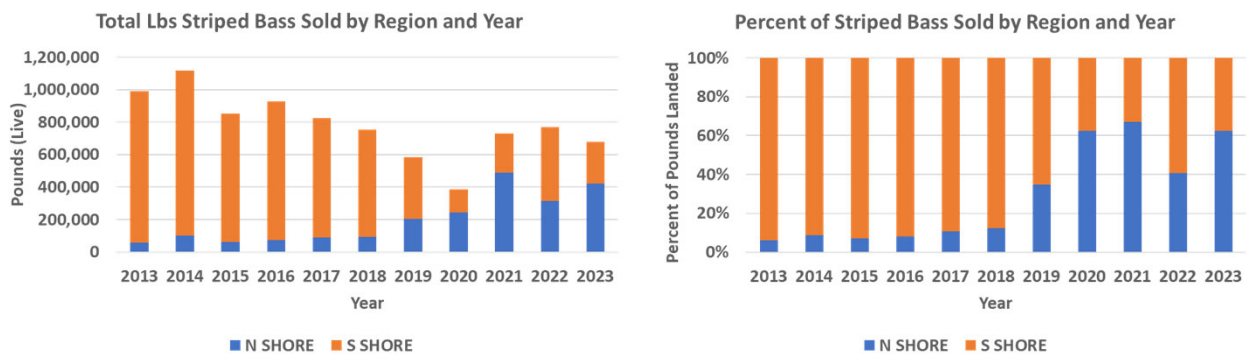
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Regional Landings Trend



SOURCE: SAFIS Dealer Reports, as of 11/20/2023
 * 2023 Preliminary

North Shore: Essex, Suffolk & Norfolk Counties
 South Shore: Plymouth, Bristol, Barnstable, Dukes & Nantucket Counties

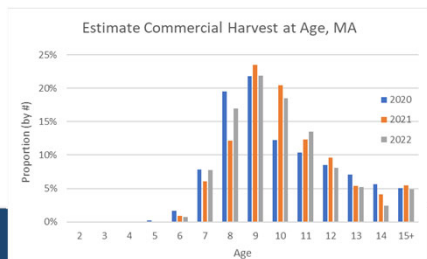
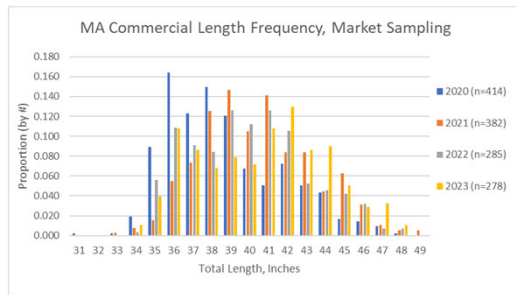
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Size of Sold Fish



State	Size Limits	2022 Percent Landings by Gear Type	Mean Length and Range of Length Samples (TL in)	Mean Weight (lbs)	Mean Scale Age (years)
MA	35" min	100% hook & line	39.9 Range: 35 - 48	24.1	10
RI	General: 34" min FFT: 26" min	Conf % hook & line Conf % floating fish trap	34.8 H&L Range 34 - 52 FFT Range: 26 - 52	18.2	8
NY	26-38" slot	62.2% gill nets (mostly sink) 18.3% hook & line 6.7% fixed gear 4.4% trawls	30.2 Range: 24.1 - 38.7	9.9	6.6
DE	GN: 28" min, 20" min DE Bay/River 2.15-5.31 H&L: 28" min	88.4% anchored gill net 11.6% drift gill net 0% hook & line	35.0 Range: 20 - 45	17.0	10
MD ocean	24" min	100% drift gill net	41.1 Range: 32.6 - 47.6	25.9	12
VA ocean	28" min	100% drift/anchored gill net	40.0 Range 29 - 51	24.8	14
NC	28" min	Beach seine, gill net, trawl	NA	NA	NA
MD Ches Bay	18-36" slot	53% pound net 42% drift gill net 5% hook & line	22.2 GN Range: 17.7 - 35 PN/H&L Range: 17.7 - 33.5	4.6	5
PRFC	18" min; 36" max 2.15-3.25	67% anchored gill net 23% pound net 9% hook & line	23.8 Range: 18.3 - 48.0	6.3	5.7
VA Ches Bay	18" min; 28" max 3.15-6.15	84% drift/anchor gill net 12% pound net 4% hook & line	24.9 GN GN Range: 18-49 23.3 PN PN Range: 17-36 36.2 H&L H&L Range: 18-28 and 41-49	7.5 GN 5.6 PN 26.6 H&L	7.7 GN 5 PN 17 H&L

H&L=hook & line; GN=gill nets; FFT=floating fish traps; PN=pound net

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Quota Implications of Maximum Size Limit

Starting from Current Quota			Starting from 14.5% Reduced Quota			% Com Harv ≥ Max (2020-2023 Avg)
Size Limit	Quota	% Reduction	Size Limit	Quota	% Reduction	
35" min	735,240	0.0	35" min	628,630	-14.5	
35 - 45"	713,810	-2.9	35 - 45"	610,307	-17.0	
35 - 44"	690,040	-6.2	35 - 44"	589,984	-19.8	
35 - 43"	650,988	-11.5	35 - 43"	556,595	-24.3	
35 - 42"	633,737	-13.8	35 - 42"	541,845	-26.3	
35 - 41"	599,542	-18.5	35 - 41"	512,608	-30.3	
35 - 40"	581,340	-20.9	35 - 40"	497,046	-32.4	
35 - 38"	545,028	-25.9	35 - 38"	465,999	-36.6	
						9.2%
						14.8%
						21.6%
						31.4%
						42.1%
						51%
						73.5%

- All examples maintain 35" minimum:
 - Maintain sector separation (Draft Addendum II: potential for 31 or 33" max recreational size)
 - Moving below a 35" min in 2024 would add pressure on 2015 year-class, further reduce quota, and likely accelerate quota use
- Other considerations: Is additional discard mortality a concern? Is the no gaffing rule still practical?

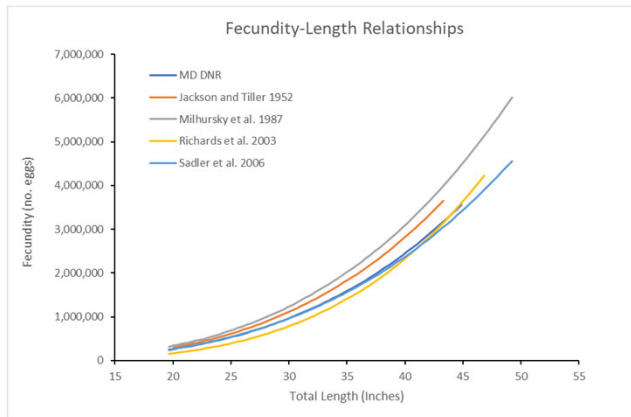
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Fecundity



All Chesapeake Bay Studies

- Quota reductions associated with establishing a maximum size limit designed to maintain spawning potential ratio, i.e., the number of eggs produced by the stock. Conservation neutral in terms of # of eggs.
- If, however, eggs from larger fish have greater survival (i.e., not all eggs are equal), there is a conservation benefit.
- Relationship between female size & egg/larvae survival has been demonstrated in many fish studied, but not all.
- Mixed results for striped bass studies.

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Primary purchase/chain of custody concerns

- Primary purchase:
 - “Primary Purchase means the first commercial transaction by sale, barter or exchange of any striped bass after its harvest.” **Require that both the commercial fisherman and primary buyer are present at the primary purchase.**
 - Consider redefinition of “fishing day” (e.g., 8am – 7:59am)
- Better record of chain of custody:
 - “Prior to departing any ramp, pier, parking lot or other location of primary purchase, the Primary Buyer shall affix a Striped Bass ID Tag through the mouth and gills or through the lower jaw of each striped bass and lock the Striped Bass ID Tag into place.” **Require the tag to be affixed immediately upon the primary purchase.**
 - Dealers record tag numbers associated with each transaction; would require separate paper report until SAFIS changes expected in 2025
 - Switch to point-of-harvest (i.e., harvester) tagging; impossible without limiting entry to reduce # of permit holders

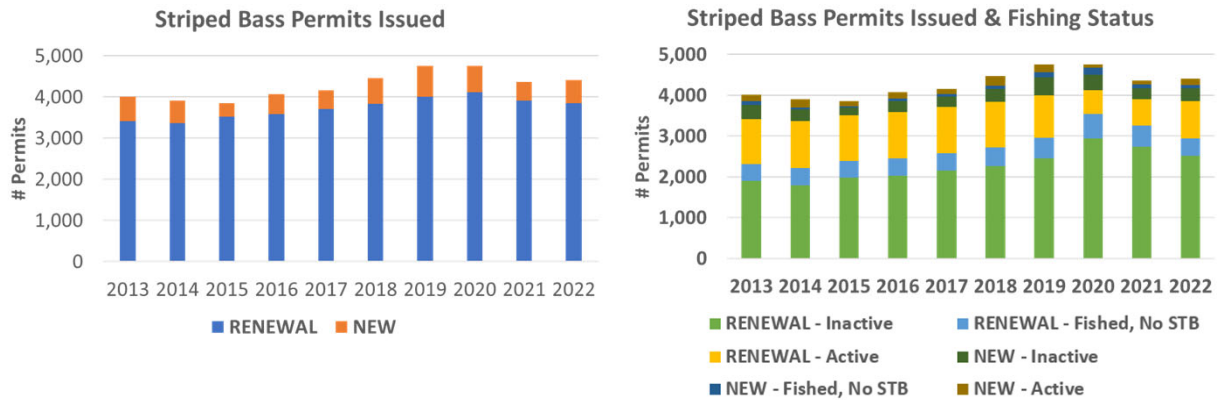
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Permitting Trends



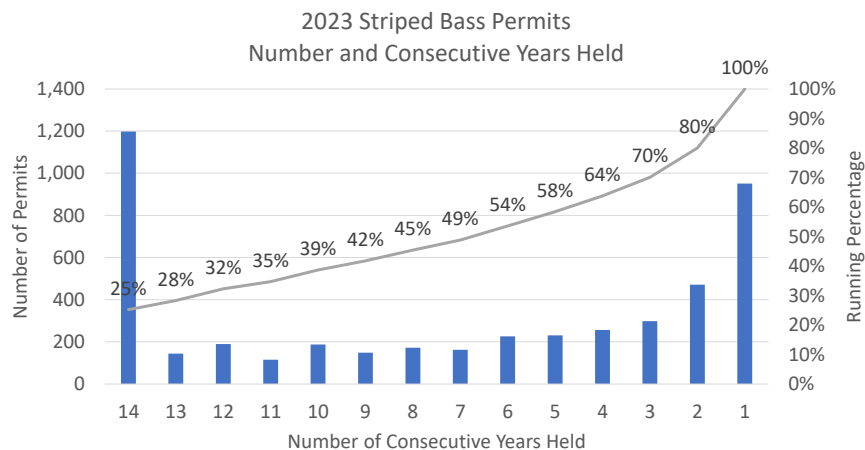
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Permitting Trends



SOURCE: MA Permitting Database as of 11/28/2023

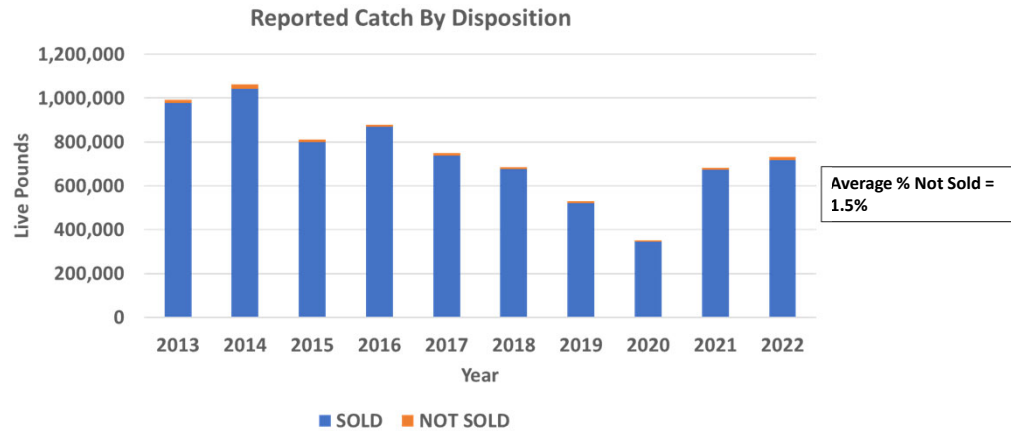
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Harvester Reported Catch



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 11/28/2023.

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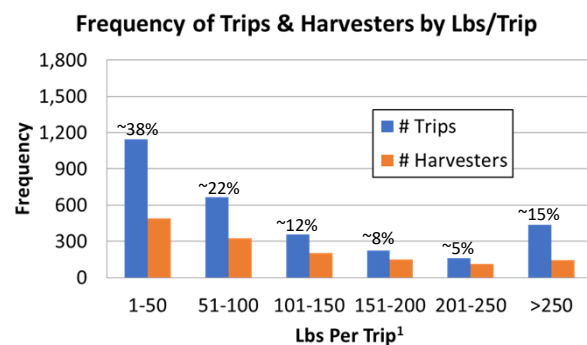
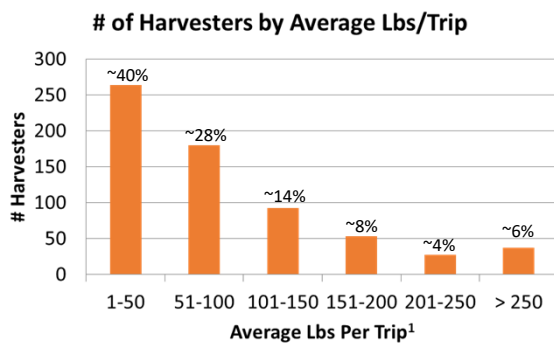
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2020 Effort Analysis

Number of Active Harvesters	653
Total Number of Trips	2,990



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 11/28/2023.

¹ Includes fish sold and not sold (personal consumption). "No Catch" trips are not included.

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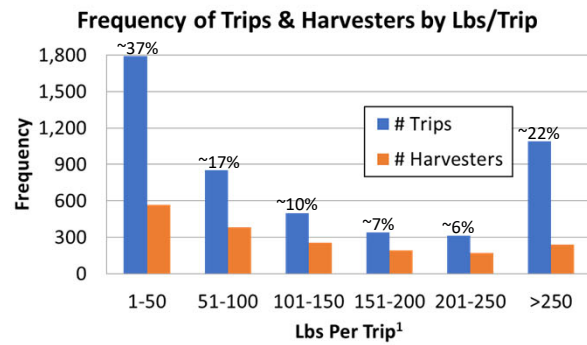
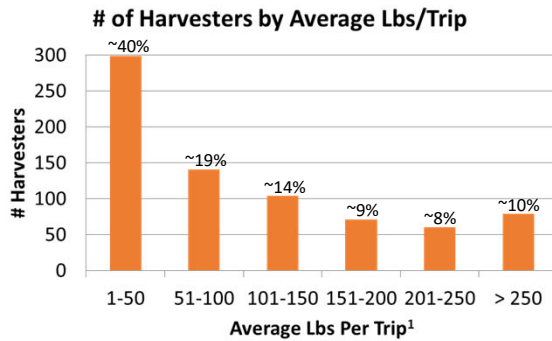
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2021 Effort Analysis

Number of Active Harvesters	754
Total Number of Trips	4,962



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 11/28/2023.
¹ Includes fish sold and not sold (personal consumption). "No Catch" trips are not included.

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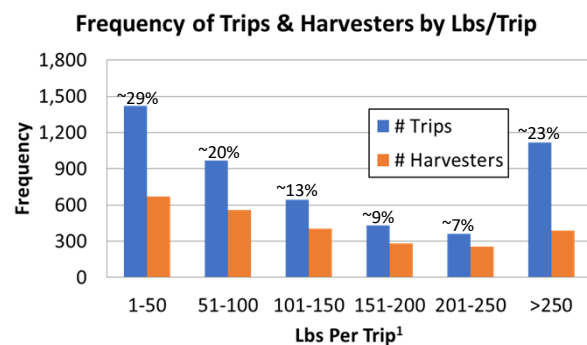
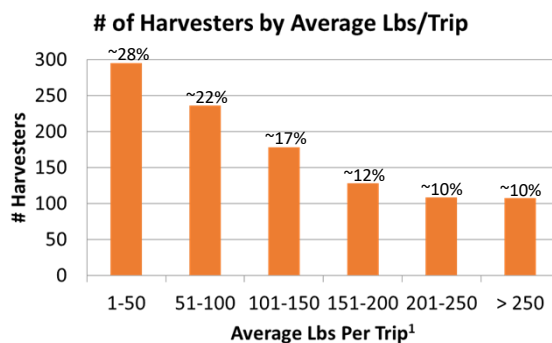
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2022 Effort Analysis

Number of Active Harvesters	1,055
Total Number of Trips	4,946



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 11/28/2023.
¹ Includes fish sold and not sold (personal consumption). "No Catch" trips are not included.

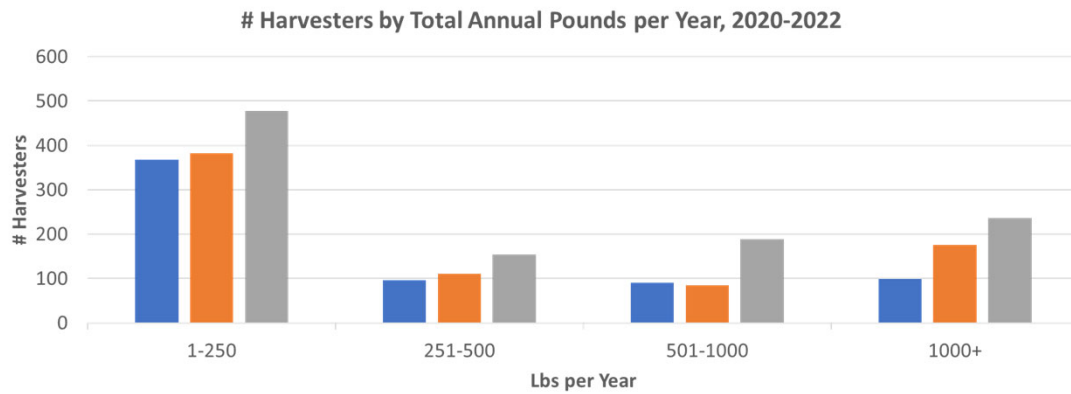
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Harvester Annual Landings Distribution



SOURCE: MA Trip-Level Reports and federal Vessel Trip Reports, as of 11/28/2023.

¹ Includes fish sold and not sold (personal consumption). "No Catch" trips are not included.

■ 2020 ■ 2021 ■ 2022

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Example Scenario for MA Limited Entry

- Use harvester-reported data (sold fish)
- Control date: June 14, 2022
- Held a permit in 2023: 4,747 issued
- Landings threshold of X lbs in any year, 2011-2021:
 - 1 lb: 1,898 permits
 - 300 lb (approx. 1 day's 15-fish limit in pounds): 1,168 permits
 - 1,000 lb: 652 permits

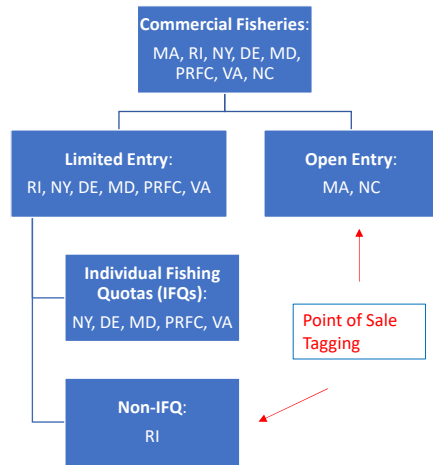
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Permitting: Open Access & Limited Entry



- **Rhode Island: limited entry permit without individual shares (FFT & RR fisheries)**
 - Moratorium on all permit categories in 1995 (only renewals/transfers).
 - Complete moratorium ended in 2002, but restricted species endorsements (required for quota monitored species) stay limited entry: acquired via transfer or through exit:entry ratios and prioritization process.
 - Exit:entry ratio for non-resident permits is effectively zero (no new issuance); whereas 1:1 for residents (going to 2:1 effective 1/1/24).
- **New York: limited entry permit with tiered equal IFQs (Mostly GN; also RR, PN, TRL)**
 - Permits limited to those with a NY commercial bass permit prior to 1996.
 - Tiered but equal non-transferable IFQs. Full share: demonstrate ≥ 50% earned income from direct participation in the harvest of marine species, otherwise partial share (can move between).
 - Transfers limited to immediate family; exception upon death if designated recipient does not want.
- **Maryland: limited entry permit with ITQs (Mostly PN & GN, some RR)**
 - Capped at number of participants in 1994 when the stocks began to recover: 1,231 permits.
 - Quota allocated among gears, then into ITQ shares based on equal shares and/or individual harvest history. Seasonal transfers of partial or full shares allowed.
 - Permanent permit transfers allowed; waiting list for retired permits.
- **Virginia: limited entry permits with ITQs (Mostly GN, some PN, RR)**
 - Permits limited in 1993 to those with a 1990 or 1991 striped bass permit and ≥50% of earned income from fishing activities; lottery system followed to allow more entrants. (Not an ITQ.)
 - ITQ system adopted in 1998: commercial license & gear license required, plus any history of striped bass going back to 1970s. Allocation to each gear; equal shares to each harvester in gear (changed over time through transfers).

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 1. Quota management under anticipated lower quota
 2. Public interest in commercial maximum size limit
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- **DMF Discussion Points**
- Focus Group Responses
- Adjourn

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DMF Discussion Points for 2024

- Reduce the # of days from 3 to 2, with preference to exclude Monday.
 - Under reduced quota, if 30,000 lb/day (~2021-22 rate) = 21 days. Open through late August.
 - Under reduced quota, if 15,000 lb/day (~2020 rate) = 42 days. Open through mid-October, not counting for declining harvest rates in fall.
- Add 3rd day on September 1 (with 4th and 5th day added on Oct 1 per current rules)
- Consecutive or non-consecutive days
 - Tues/Thurs or Tues/Wed or Wed/Thurs
- Consider maximum size limit?
 - 45" (10-inch slot): shift ~10% harvest to smaller fish; additional 2.9% quota reduction
 - 44" (9-inch slot): shift ~15% harvest to smaller fish; additional 6.2% quota reduction
 - 43" (8-inch slot): shift ~22% harvest to smaller fish; additional 11.5% quota reduction
- Primary purchase/chain of custody improvements
 - Require that both the commercial fisherman and primary buyer are present at the primary purchase.
 - Require the tag to be affixed immediately upon the primary purchase.
 - Require primary buyer to record the tag numbers associated with each transaction.
 - Redefine what constitutes a fishing day.

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DMF Discussion Points for Future Management

- Limited entry permitting (and harvester tagging)
 - Use of control date, which years prior to include in filter
 - Type of filters: minimum annual harvest or # transactions; minimum # years active; fishing income threshold, etc.
 - Different qualification for permit type (2 fish vs 15 fish limit)
 - Accommodating commercial harvesters or for-hire captains without striped bass history
 - Single common pool or tiered access
 - Transferability
 - Exit:entry ratio for retired permits
 - Goal for # permits: for harvester tagging ~400 permits feasible

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