

MARINE FISHERIES ADVISORY COMMISSION

Tuesday, April 23, 2024

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; Bill Doyle (arrived late). Absent: Tim Brady.

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; Jared Silva; Nichola Meserve; Melanie Griffin; Anna Webb; Kelly Whitmore; Stephanie Cunningham; Erich Druskat; Scott Schaffer; Nicholas Buchan; and Kristen Thiebault.

Massachusetts Environmental Police: Lt. Col. Patrick Moran and Lt. Matt Bass

Members of the Public: Stephen Smith; Phil Coates; Jon Brown; Jason Harper; Emerson Hasbrouck; Glen.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane thanked everyone for their attendance and called the April 23, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF APRIL 23, 2024 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the April 23, 2024 MFAC business meeting agenda. No amendments were proposed.

REVIEW AND APPROVAL OF MARCH 19, 2024 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any amendments to the March 19, 2024 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 March 19, 2024 business meeting minutes. Shelley Edmundson seconded the motion. A roll call vote was taken and the motion passed unanimously 6-0-1 with Chairman Kane abstaining.**

CHAIRMAN’S COMMENTS

Chairman Ray Kane welcomed the MFAC to the April 23, 2024 business meeting and stated his interest to hold several in-person business meetings during the spring,

summer, and fall.

LAW ENFORCEMENT

Lt. Bass handled the comments for the Massachusetts Environmental Police (MEP). MEP's efforts over the winter had been focused on removing fixed gear abandoned in the right whale closure and the Northern Gulf of Maine sea scallop fishery. In many years illegal elver harvest is an important wintertime enforcement issue but there were little reports of poaching this year, perhaps driven by a depressed market value. Now as we enter spring, MEP's attentions have turned to herring and striped bass.

COMMISSIONER'S COMMENTS

Commissioner Tom O'Shea reported on several events and initiatives. Secretary Tepper hosted a meeting with fishing industry representatives to discuss challenges facing the commercial fishing industry. Commissioner O'Shea also met with Congressman Keating to discuss federal support for recreational fishing access projects, including fishing piers at the Cape Cod Canal. On April 24, the New England Aquarium will host an event to celebrate the second annual Massachusetts Right Whale Day with DFG, DMF, and EEA staff attending in support. DFG continues to work to finalize its strategic plan, which Tom was hopeful would be complete by June. In doing this, there has been a lot of focus on the Governor's Biodiversity Executive Order. DFG has been hosting workshops to develop the Biodiversity Strategic Plan, which Chris McGuire participates in. Lastly, DFG is investigating developing a program—modeled after Hunters Share the Harvest—to get seafood into our food pantries and bolster food security.

DIRECTOR'S COMMENTS

Director Dan McKiernan provided his monthly update to the MFAC.

He started by discussing the recent Massachusetts Lobstermen's Association Annual Weekend and Tradeshow. DMF hosted a public hearing on regulations to implement Addendum XXVII to the American Lobster Fishery Management Plan (FMP) and its annual roundtable.

One of the items that came up at the roundtable was the targeting of lobsters by dragnets during the wintertime in federal waters. Trap fishers were concerned that effort had spiked this year and it would impact their catches in the spring and were aggrieved because they cannot trap fish at this time of year because of the right whale closures. Additionally, there were some reports of high-grading to maximize the poundage retained under the FMP's existing bycatch allowance (100 lobsters per day 24-hour day not to exceed 500 for trips lasting 96-hours or longer). While there were some calls to prohibit the landing of lobsters by dragnets in Massachusetts, Director McKiernan indicated he was not interested in taking this approach. This would likely force boats to either lose income or land their catch in other states, which would negatively impact Massachusetts waterfront economy. Rather, DMF will review the fishing activity in consultation with NOAA Fisheries and consider potential alternative

management strategies, if appropriate. Dan will update the MFAC on the subject at a future meeting.

Director McKiernan noted the state's spring trawl survey would begin in early May. He welcomed MFAC members to join DMF during the survey.

On personnel, Governor Healey recently enacted a hiring freeze through the end of this fiscal year. Prior to the freeze, DMF was able to backfill an opening on our Resource Assessment Project. Additionally, there is an exemption to the freeze for positions related to public health, which lets DMF continue to staff its Shellfish Program. Julia Kaplan resigned her position at DMF which leaves a whole in the Policy Program particularly as it relates to the administration of the agency's various public bodies.

DMF continues to work to meet federal mandates to reclassify shellfish growing areas and develop larger spatial buffer zones around wastewater treatment plant outfalls. Dr. Chen at SMAST has created hydrographic models that DMF has used to minimize the spatial extent of potential along the South Shore. At present, DMF is addressing the reclassification of waters around New Bedford and Fairhaven outfalls. This reclassification has also been complicated by the discharge from New Bedford's combined sewage overflows during rain events.

There are several outside sections to the budget being considered that could affect DMF. This includes: (1) funding to conduct viral sampling to bolster DMF's efforts to reclassify the waters of western Buzzards Bay; (2) funding to SMAST for a student to conduct a management strategy evaluation for channeled whelk; and (3) exempting commercial fishing gear from the Wetlands Protection act.

Lastly, Mike Pollisson—a Rockport resident and commercial lobster permit holder—petitioned DMF to rescind its trap gear closure to protect right whales and not enact regulations to comply with Addendum XXVII to the American Lobster FMP. Dan opined that the petition was likely inspired by the Congressional Appropriations Act, which limited NOAA Fisheries rule making under the Atlantic Large Whale Take Reduction Plan until 2029, and the fishing industry's success in recent federal court cases (e.g., Massachusetts Restricted Area Wedge Closure). However, DMF would not be bringing the petition out to public hearing. On right whale conservation, Dan argued that Massachusetts needs to pursue Incidental Take Permit (ITP) for its trap fisheries and its protected species management program sets the framework for a successful ITP application. Moreover, the trap gear closure would still apply to the lobster fishery from February 1 – April 30 under existing federal rules. Lastly, implementing Addendum XXVII is necessary to comply with federal law.

ACTION ITEMS

Lobster Gauge, V-Notch, Trap Tag, and Escape Vent Rules

Director Dan McKiernan provided some background context to his recommendations regarding implementing the requirements related to Addendum XXVII to the American

Lobster FMP and adopting complementary rules for the recreational fishery and seafood dealers (Table 1). The primary purpose of Addendum XXVII is to respond to declines in lobster settlement and recruitment by increasing spawning stock biomass protections to increase egg production. These conservation measures are to be implemented over a period five-years beginning on January 1, 2025 and concluding on January 1, 2029. These actions were triggered by a 35% decline in recruitment abundance indices in 2024 as compared to the three-year average from 2016 – 2018. Additionally, the addendum contains standardization measures to bring the V-notch and maximum size standards for state-waters only fishers in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) into phase with the same standards for federal OCCLCMA permit holders and to eliminate the 10% surplus of trap tags issued to permit holders in Lobster Conservation Management Area 1 (LCMA1) and in Lobster Conservation Management Area 3 (LCMA3).

Table 1. Recommended Actions and Implementation Schedule

Effective	LCMA1 and Recreational Gulf of Maine	LCMA 3	OCCLCMA and Recreational Outer Cape	Seafood Dealers
Jan 1, 2025	Limit trap tag issuance to trap allocation with no extra trap tags awarded. Minimum carapace size increase from 3 1/4" to 3 5/16".	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters. V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters.	Minimum carapace size increase from 3 1/4" to 3 5/16". Establish 6 3/4" maximum carapace size for state waters. V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters.
Jan 1, 2026	No Changes	No Changes	No Changes	No Changes
Jan 1, 2027	Minimum carapace size increase from 3 5/16" to 3 3/8".	N/A	N/A	Minimum carapace size increase from 3 5/16" to 3 3/8".
Jan 1, 2028	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" circular diameter to 2" by 5 3/4" rectangular or 2 5/8" circular diameter.	N/A	N/A	
Jan 1, 2029	N/A	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".

Director McKiernan conceded that there was a lot of opposition from the fishing industry to this action both in Massachusetts and elsewhere in New England. He opined that part of this was prompted by the fact that managers and fishers did not anticipate that the recruitment abundance indices would decline by 35% as rapidly as they did. Additionally, there is substantial economic anxiety among lobster fishers given this decline in lobster abundance coupled with uncertainties regarding the market, environment, and right whale conservation.

Chairman Kane moved for a motion. **Kalil Boghdan made a motion to approve the recommendation as presented and consistent with Addendum XXVII. Shelley Edmundson seconded the motion.**

Chair Kane opened the motion up for questions.

Sooky Sawyer stated industry views the recommendation to increase the escape vent size in 2028 as a de facto minimum size increase. He noted that in the inshore summertime fishery much of the catch includes soft shell lobsters and nearly all softshell lobsters with a $3 \frac{3}{8}$ carapace length can escape from a 2-inch by $5 \frac{3}{4}$ -inch rectangular or $2 \frac{5}{8}$ -inch diameter circular vent. Director McKiernan responded in two ways. First, he noted that while fishers may fish multiple vents in their traps to allow for the escape of undersized lobsters, they need not replace all these vents with compliant sized vents. Rather, they only need to install a single compliant vent to adhere to the rule. Second, the 2-inch by $5 \frac{3}{4}$ -inch rectangular or $2 \frac{5}{8}$ -inch diameter circular escape vents are the same size used in other LCMAs that have a $3 \frac{3}{8}$ " minimum carapace size. With regards to the later point, Sooky argued that catch composition—particularly the catch frequency of near legal-sized lobsters and softshell lobsters—in the inshore parts of LCMA1 may be different from these other LCMAs. Dan responded that if there was agreement on this throughout LCMA1, industry had until January 1, 2028 to pursue an addendum through the ASMFC process to modify this requirement.

Kalil Boghdan stated his support for the recommendation. He then asked two questions. First, he sought further clarification on the configuration of escape vents on lobster traps. Director McKiernan stated that lobster traps must have one unobstructed escape vent in their parlor. However, many fishers will fish multiple vents to reduce their catch of undersized lobsters. Dan added that the recommendation increases the escape vent size for LCMA 1 in 2028. Second, he asked DMF to further explain the trigger index used in this addendum. Dan explained that the Technical Committee developed an index that blended ventless trap and trawl survey results for the Gulf of Maine/Georges Bank Stock to create a relative abundance index. The Lobster Board then determined management action would be prompted if this index declines by 35% compared to the 2016-2018 reference period.

Bill Amaru asked if the recommendation could be parsed or if the Director was set on it being reviewed and approved as a single action. Chris McGuire, Shelley Edmundson, and Mike Pierdinock also raised an interest in this subject. Dan stated he could modify the recommendation to parse it by implementation deadline, but this would require DMF proceed to rule making every year prior to a deadline. He questioned the benefit of this approach because absent a new addendum process to modify Addendum XXVII these rules are still mandatory compliance measures.

Chris McGuire asked about the process and penalties associated with non-compliance. Dan stated the ASMFC Lobster Board annually reviews the state's rules for compliance. If we were found to be out-of-compliance, the ASMFC could then vote on a non-compliance ruling. If approved, that ruling would be sent to the US Secretary of Commerce who is instructed by law to intercede and close harvest of that species (both recreational and

commercial) in the state until compliant regulations are implemented.

Shelley Edmundson asked if the same implementation schedule applies in the other states. Dan confirmed this. The Chairman then asked what Massachusetts would do should the other states opt for non-compliance. Dan stated he would encourage them to implement the compliant measures and resolve issues through the ASMFC process. However, Dan will not rule out the use of his emergency authority to rescind these rules if it appears Massachusetts is the only state should implement them and the others opt for non-compliance.

Mike Pierdinock, Bill Amaru, and Shelley Edmundson questioned what would happen if stock conditions improved prior to the conclusion of the implementation schedule. Dan stated that this is highly unlikely based on existing survey trends and over the next few years he would expect continued declines in lobster abundance. With this in mind, the ASMFC's Lobster Board designed the addendum to extend these changes out into the near future to minimize impacts to industry.

Bill Amaru asked if there was the potential for Massachusetts to pursue a conservation equivalency on any of these measures. Dan noted that this would require the state adopt some alternative management approach that would similarly increase egg production and he was not sure how this would be quantified or accomplished, particularly given the multiple impacted LCMAs.

Chairman Kane asks about the interplay between this addendum and the importation of lobsters into the United States. Director McKiernan explains that the addendum applies only to lobster producing states. However, there is a national minimum size standards ("Mitchell Provision") and the ASMFC has initiated draft Addendum XXX to determine whether or not to request NOAA Fisheries pursue changes to this federal rule to amend to increase the national minimum size limit consistent with Addendum XXVII. No action is being proposed to adopt a standard national maximum size limit. Dan noted the Mitchell Provision applies only to whole live in-shell lobsters and not processed product.

Sooky Sawyer voiced his opposition to the Director's recommendation, a position supported by the Massachusetts Lobstermen's Association. He felt the implementation schedule was too much to fast noting that prior gauge increases were accomplished at $1/32$ -inch intervals. Additionally, he was uncertain to what extent increasing egg production would improve recruitment given the issue appears to be survival at the larval stage. Sooky added that commercial fishers are already observing an unprecedented number of egg-bearing lobsters in their catch.

Bill Amaru agreed with Sooky and reiterated that the stock declines are being driven by environmental factors affecting larval survival. Bill then read into the record a prepared statement explaining his opposition to the Director's recommendations and shared the perspectives of Cape Cod lobster trap fishers. Bill opined the addendum perused standardization of the management of the lobster fishery at the expense of longstanding regional management approaches that recognized local differences in how the lobster

fishery is conducted. Additionally, Bill stated he felt the addendum process was driven by Maine interests who wanted to try and maintain the heyday the Gulf of Maine lobster fishery experienced over the past decade of peak abundance. He felt that managing for this outcome was short-sighted given and unlikely achievable.

Director McKiernan challenged Bill's assertion regarding standardization. He argued that the regional management approach remained intact, and the primary standardization measure was to create uniform rules between state and federal permit holders in the OCCLCMA.

Bob Glenn noted the suction survey results generally signaled this decline in abundance because over the past decade we were not seeing high levels of young of the year despite record high abundance of adult lobsters. Bob agreed with Sooky and Bill that this decline is being driven by larval survival and that is likely being influenced by environmental factors. However, Bob argued that absent a means of managing for larval survival, increasing egg production is the best strategy.

Commissioner O'Shea asked if there was any evidence to support the view that increasing egg production will improve stock conditions given the influence of environment on survivability. Dan noted that environment is a leading factor, but should the right conditions persist then having an abundance of egg producing females will allow for improved productivity. Dan noted that over the past 20-years v-notching greatly enhanced spawning stock biomass protections and this, coupled with favorable environmental conditions, contributed to the high levels of abundance we are now coming off of.

Commissioner O'Shea asked if DMF expected a lag time between the implementation of conservation measures and improving abundance. Dan stated that it takes about five to eight years for lobster to begin to show up in the ventless trap survey.

Bob Glenn noted that the abundance of adult lobsters is going to decline over the next few years irrespective of whether or not Addendum XXVII is passed. Accordingly, the commercial industry is going to see a decline in the number of lobsters caught. In addition to creating more egg production, Bob opined that this addendum results in fishers harvesting these lobsters at a higher weight which should yield a better value per animal.

No further comments or questions were raised. The Chairman moved the motion for a roll call vote. **The motion passed 5-2-1 with Sooky Sawyer and Bill Amaru voting in opposition and Ray Kane abstaining. Bill Doyle was not present for this vote.**

Use of MA Tracer Rope

Bob Glenn stated that as part of the Habitat Conservation Plan for its ITP, DMF mandated the use of buoy lines with a breaking strength of less than 1,700-pounds and $\frac{3}{8}$ " diameter ("weak rope") and unique marking scheme for its commercial trap fisheries. This helps to ensure that Massachusetts commercial trap gear can readily break should an entanglement occur and that it is distinguishable from gear fished in other jurisdictions. This created a substantial gear marking and modification burden for industry. In response, MLA worked with rope manufacturers to create a fishable fully formed weak rope that has

a “MASS LOBSTER” tracer throughout that makes it identifiable to Massachusetts. This was a great advancement that allows industry to more efficiently comply with the state’s right whale conservation regulations and at least three rope manufacturers are now producing it. Accordingly, DMF was now moving to amend its regulations to formally allow the use of this rope to comply with the state’s buoy line marking and breaking strength rules.

Chairman Kane moved for a motion. **Sooky Sawyer made a motion to approve the recommendation as presented. Bill Amaru seconded the motion.**

Kalil Boghdan asked if the recreational lobster trap fishery was subject to the same buoy line requirements. Jared Silva explained that they were not; DMF did not want recreational trap gear to be potentially misidentified as commercial gear.

Sooky Sawyer asked how this rule interfaced with federal rules and if marking requirements for the surface system would still apply. Jared Silva and Bob Glenn spoke with NOAA Fisheries on this subject. For state waters, the use of the tracer rope was sufficient to meet all buoy line marking requirements. For the federal zone, Massachusetts fishers would still need to add green marks to their buoy lines in both the surface system and the body of the buoy line.

Kalil was concerned about the various pressures facing the lobster industry and was curious if the acquisition of this gear was being subsidized. Bob Glenn stated that DMF received a grant from the ASMFC and a federal appropriation to purchase and distribute this gear to industry and has been helping commercial fishers supplement their gear needs over the past few years.

No further comments or questions were raised. The Chairman moved the motion for a roll call vote. **The motion passed 7-1 with Ray Kane abstaining.**

Housekeeping Recommendations

Jared Silva described the two housekeeping recommendations being set forth by DMF. The first eliminated the outdated reference to the black sea bass pot closed season ending on July 6 in favor of adopting more broad language that lifts the closed season two-days prior to the start of the directed black sea bass fishery. The second, eliminates references to the federal Massachusetts Restricted Area in DMF’s protected species regulations.

Chairman Kane moved for a motion. **Kalil Boghdan made a motion to approve the recommendation as presented. Shelley Edmundson seconded the motion.** No comments or questions were raised. The Chairman moved the motion for a roll call vote. **The motion passed 7-1 with Ray Kane abstaining.**

DISCUSSION ITEMS

Federal Fisheries Management Update

Melanie Griffin provided the MFAC with an update on the recent April 2024 New England

Fishery Management Council (NEFMC) meeting. The update started by reviewing efforts to reduce Atlantic sturgeon bycatch in monkfish and spiny dogfish gillnet fisheries, including low profile gear requirements off New Jersey and overnight soak bans off Delaware-Maryland-Virginia (“DelMarVa”). Melanie expected the Councils will continue to address this matter pending the findings from the forthcoming 2025 Biological Opinion. Next, she reviewed proposals being considered by the NEFMC to potentially open areas of the Northern Edge of Georges Bank and highlighted the challenge of balancing sea scallop access against concerns regarding impacts to essential fish habitat, as well as lobster and groundfish resources. Melanie then highlighted the NEFMC’s two-phased plan to integrate the cod stock structure work into management and the perspective timeline for implementation. Lastly, Melanie reviewed the NEFMC’s evaluation of its risk calculation and tolerance policy. Factors being considered include stock status, climate impacts, trophic considerations, economic importance, community dependence, assessment uncertainty, fishery performance, and time since last assessment.

Kalil noted the confounding effects of climate change on the environment and rebuilding efforts. Melanie anticipated that climate impacts will factor into the risk calculation but noted it is difficult to isolate climate impacts from other environmental factors included in the risk calculation that it may influence.

Bill Amaru discussed the history of the Northern Edge closure. He noted the scallop resource in the area is likely very robust. As a result, the tow times were likely to be short and this should be factored into analyses on potential habitat impacts.

Chairman Kane noted the lobster industry is concerned about opening the Northern Edge to sea scallops and was curious about the specific areas of concern. Melanie noted that this analysis was ongoing.

Protected Species Update

Deputy Director Bob Glenn provided this briefing. The briefing began with an update on the North Atlantic right whale (NARW) population. The population is currently around 356 animals. While the rate by which the population is declining has slowed, deaths are still above the Potential Biological Removal rate and the NARW are still experiencing an Unusual Mortality Event (UME). This UME designation has been in place since 2017 and is driven by ship strikes and entanglements.

Bob highlighted that we are no longer observing the high levels of mortality seen from 2017 – 2019 when these whales first started migrating into the Gulf of Saint Lawrence. The Atlantic Large Whale Take Reduction Plan rule making process uses the most recent five-year population trends to develop management strategies. With the Consolidated Appropriates Act putting rule making on hold until 2029, Bob was hopeful that when the Take Reduction Team starts meeting again it will be responding to a stanza of lower mortality rates, rather than the stanza that included the high levels of mortality observed at the end of the last decade.

Bob then reviewed NARW detections between February 1 and May 15 during the period of 2021 – 2023. He layered these detections over the state and federal time area closures

to trap gear to demonstrate how critical these management measures are to preventing entanglements. Bob then reviewed the results of the most recent (April 21) aerial survey that observed 53 NARW in northeast Cape Cod Bay. DMF will continue to use available surveillance tools to monitor the presence and absence of NARW in state waters and will lift the speed limit and fixed gear closures once it is detected that the whales have dispersed. Bob noted that the NARW population in Massachusetts waters usually peaks in late-April or early-May before the whales disperse and migrate out around the second week of May.

Deputy Director Glenn then discussed on-demand (“ropeless”) gear testing work being conducted by the Northeast Fisheries Science Center and their industry partners. This gear testing is occurring both in state and adjacent federal waters. However, DMF does not allow the work to occur in Cape Cod Bay. In total, in March 2024, there were 14 vessels that deployed 81 units and conducted 247 hauls. Four of these vessels are fishing in state waters north of Cape Cod and one of these vessels fishes the western edge of state waters at the mouth of Buzzards Bay down south towards Noman’s. DMF has been placing state observers on some of these state waters trips to collect information on gear efficiency to improve the throughput data used in our economic modeling.

A progress report was provided on DMF’s Incidental Take Permit application. Bob reminded the MFAC that this is an iterative process with NOAA Fisheries. Most recently, DMF received feedback from NOAA on its Habitat Conservation Plan in January 2024. Staff were currently working to update the document and hope to submit a final version this summer. Bob expects the review and NEPA analysis process to take 1-2 years depending on the type of environmental review needed—the more concise Environmental Assessment or the more significant Environmental Impact Statement.

To help commercial trap fishers comply with buoy line rules, DMF continues to conduct compliance assistance outreach. Most recently, staff attended the MLA’s Annual Weekend and Tradeshow and handed out coils of weak rope, green and red marking twine, breakaway inserts, South Shore sleeves, and heat shrink tubing. DMF has also ordered 113 coils of weak rope with the MA Lobster Tracer and will continue to distribute gear throughout the season.

DMF and MEP continued to conduct gear retrieval work at the start of the 2024 seasonal fixed gear closures. Compliance with the closure has improved over the last few years. In 2024, approximately 324 traps and 170 buoy lines were hauled. Around 80% of the gear was identified as commercial traps and 75% of the gear complied with the buoy line marking and breaking strength rules. MEP issued citations in certain instances and DMF is reviewing the gear to determine whether it is appropriate to pursue administrative actions on any permits.

A deceased NARW washed ashore on Martha’s Vineyard this winter. The animal was a juvenile female first observed entangled in the Gulf of Saint Lawrence in August 2022. Disentanglement efforts in Cape Cod Bay in 2023 were unsuccessful. The animal was observed again in the Gulf of Saint Lawrence in the summer of 2023 and its physical condition had deteriorated. In January 2024, the carcass washed ashore locally. The initial

gear analysis determined the buoy lines were from the Maine state waters lobster and crab trap fishery. A final determination of cause of death is pending, but it is anticipated it was entanglement related.

Lastly, Bob reviewed NOAA Fisheries' action to close the Massachusetts Restricted Area Wedge ("Wedge") this season and the federal courts ruling that the Consolidated Appropriations Act barred such an action until 2029. DMF supported NOAA's action to close the Wedge because it is an area with a high-risk profile that primarily serves as a seasonal gear storage area. Given the Wedge will remain open moving forward, DMF intends to work with MEP and NOAA Fisheries to conduct gear inspections to ensure the gear is properly marked and attributable to the fishery in federal waters.

Bill Amaru asked Bob Glenn several questions. First, he asked about the success rate for on-demand gear retrieval. Bob did not have the exact figures available to him but recalled it has been around 90%. A report is produced annually to document this research and DMF will share this with the MFAC once it is available. Bill then asked what happens when the on-demand buoys do not pop. Bob indicated that the fishers then grapple for the gear. DMF had observers on several trips this year when gear was successfully grappled. Lastly, Bill asked if we were seeing trends overtime regarding the number of right whales seasonally using Massachusetts waters. Bob stated that an increasing percentage of known NARW are seasonally aggregating in Massachusetts waters, particularly Cape Cod Bay.

Commissioner O'Shea asked about how the state and industry can work together to mitigate the risk associated with gear storage in the Wedge. Bob stated there are two issues at play. First, there is a lack of shoreside infrastructure available to industry in the urban Boston region to store gear onshore. Second, the gear is hauled—albeit infrequently—and the price of lobsters is high during the winter so there is an economic impact as well. To address the first issue, Bob suggested consulting other state agencies who have land holdings in the Boston-area about making some space available to commercial fishers for gear storage. If we can solve this first problem, then it becomes a risk-reward trade off and Bob argued the risk far outweighed the reward.

Tom then asked if the gear in the Wedge presented a concern to any of the MFAC members. No MFAC members volunteered a response. Chairman Kane suggested the Commissioner reach out to MFAC members offline.

Boston Harbor Menhaden Meeting.

Director McKiernan discussed the persistent user group conflict between recreational fishers and menhaden seiners in Boston Harbor. DMF held a meeting recently in Salem with a number of representatives from both user groups to begin to ameliorate this conflict and build functional on-the-water relationships.

2023 Fisheries Performance Review.

Assistant Director Story Reed provided the MFAC with a brief presentation on 2023 commercial fishery landings. This looked at broad permit issuance trends; ex-vessel value by species; quota use; total landings and values; and a comparative look at landings and

value by species for certain commercially important species.

OTHER BUSINESS

Chris McGuire provided some brief comments on DFG's recent biodiversity working group meetings and a wind energy development presentation by Dr. Justin Bopp from DMF.

Mike Pierdinock noted he will be attending the upcoming International Commission for the Conservation of Atlantic Tuna (ICCAT) meeting in Miami and encouraged MFAC members to reach out to him should they have any issues related to the management of pelagic fish.

Chairman Kane thanked Jared Silva for the timely distribution of meeting materials and the MFAC members for the attendance and engagement.

PUBLIC COMMENTS

Stephen Smith raised concerns regarding the implementation of Addendum XXVII. In response, he urged DMF and the MFAC to adopt an effort control plan to limit the ability for currently latent traps to become active and cited the latency in LCMA1. Second, he advocated for the v-notch and maximum size rules affecting the OCCLCMA to be stayed until an independent peer reviewed analysis can be conducted quantifying the benefits of these actions on egg production.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the April 23, 2024 MFAC business meeting. **Kalil Boghdan made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- April 23, 2024 MFAC Agenda
- March 19, 2024 Draft MFAC Minutes
- Recommendations to Implement Adjustments to Carapace Size, V-Notch, and Trap Tag Rules to Comply with Addendum XXVII
- Recommendation to Allow Use of New Fully Formed Weak Rope with Tracer
- Housekeeping Recommendations Affecting Trap Gear
- Memo Describing Boston Harbor Menhaden User Group Conflict and Efforts to De-Escalate
- April 2024 NEFMC Summary and Presentation
- Protected Species Presentation
- 2023 Fisheries Performance Review Presentation
- Petition from Mike Pollison on Lobster Fishery

UPCOMING MEETINGS

9AM
May 21, 2024
TBD

9AM
June 18, 2024
TBD