

**MARINE FISHERIES ADVISORY COMMISSION**  
**Business Meeting Minutes**  
**May 21, 2020**  
**Held Virtually via Zoom**

**In attendance:**

*Marine Fisheries Advisory Commission:* Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; William Doyle, Clerk; Arthur “Sooky” Sawyer; Kalil Boghdan; Tim Brady and Lou Williams. Absent: Charlie Quinn.

*Division of Marine Fisheries:* Daniel McKiernan, Acting Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Jeff Kennedy, Shellfish Program Chief; Jared Silva; Nichola Meserve; Story Reed; Melanie Griffin; Julia Kaplan; Jeff Kennedy, Brad Schondelmeier, Robert Glenn, Kathryn Ford, Chrissy Petitpas, Erin Burke and Bill Hoffman.

*Department of Fish and Game:* Ron Amidon, Commissioner; Mary Lee King, Deputy Commissioner; Mark Reil, Director of Legislative Affairs.

*Massachusetts Environmental Police:* Colonel Shaun Santos; Lt. Colonel Pat Moran; Captain Kevin Clayton; and Lt. Matt Bass.

**INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane called the May 21, 2020 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

**REVIEW AND APPROVAL OF MAY 21, 2020 BUSINESS MEETING AGENDA**

No changes to the May 21, 2020 MFAC business meeting agenda were proposed.

**Bill Doyle made a motion to approve the draft agenda. The motion was seconded by Mike P.**

**REVIEW AND APPROVAL OF APRIL 1, 2020 DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked if there were any amendments to the April 1, 2020 MFAC draft business-meeting minutes. Mike Pierdinock requested a minor revision be made (p 5) with regards to a comment he made on potential unintended consequences related to the potential use of commercial permits by recreational fishermen to retain bluefish as bait. There were no objections to this amendment. **Sooky Sawyer made a motion to approve the minutes as amended. Lou Williams seconded the motion. The motion was approved unanimously.**

## **ACTION ITEMS**

### Officer Elections

Chairman Kane requested guidance on how to proceed with officer elections. Jared Silva stated that if sitting officers wished to retain their seat, then to ask if Commission members objected to this. If there were no objections, then the Chairman could proceed to a motion and vote by unanimous consent.

There were no objections to Ray Kane retaining his seat as Chairman. **Bill Doyle made a motion to reappoint Ray Kane as Chairman. The motion was seconded by Lou Williams. The motion passed by unanimous consent.**

There were no objections to Mike Pierdinock retaining his seat as Vice-Chairman. **Lou Williams made a motion to reappoint Mike Pierdinock as Vice-Chairman. The motion was seconded by Kalil Boghdan. The motion passed by unanimous consent.**

There were no objections to Bill Doyle retaining his seat as Clerk. **Kalil Boghdan made a motion to reappoint Bill Doyle as Clerk. The motion was seconded by Lou Williams. The motion passed by unanimous consent.**

### Appointment of DMF Director

Commissioner Ron Amidon recommended Dan McKiernan be appointed Director of DMF. As former Director Pierce moved to retire last year, he transitioned a lot of his workload to Dan. Following David's retirement in November 2019, Ron appointed Dan Acting Director. Ron felt strongly regarding Dan's capabilities as Director. He had built a strong working relationship with him and respected that Dan accepted challenge of the job and worked hard for the agency. Ron thanked Ray Kane and Bill Doyle for sitting on the interview panel.

Chairman Kane called for motion for the Commissioner's recommendation. **Sooky Sawyer made a motion to appoint Dan McKiernan as the new DMF Director. The motion was seconded by Kalil Boghdan. The Chairman called for a roll call vote, which resulted in unanimous approval of the motion. Dan McKiernan was appointed DMF Director.**

Dan thanked Commissioner Amidon and the MFAC. Dan then provided some brief remarks regarding his appointment, the role of the Director, and the importance of DMF's working relationship with the MFAC. In conclusion, he pledged to work with stakeholders and ensure DMF delivers the best programs, policies, and regulations.

## **CHAIRMAN'S COMMENTS**

The Chairman congratulated Dan on becoming the new DMF Director.

## **COMMISSIONER'S COMMENTS**

Commissioner Amidon congratulated Dan McKiernan on his appointment.

Ron's comments then focused on DFG's work surrounding the COVID-19 pandemic. He noted that DMF and DFG were working to develop a spending plan for the federal CARES Act relief funding. Concurrently, there were also efforts across the Baker Administration focused on re-opening sectors of the economy. Ron and Mike Pierdinock served on a working group focused on reopening the for-hire and charter boat industry. He was happy that a segment of the for-hire population would be able to get back to work on May 25. However, the head boat industry would likely remain constrained by capacity controls and business may still be impacted by cancellations.

## **DIRECTOR'S COMMENTS**

Director Dan McKiernan started his comments by focusing on issues related to the COVID-19 pandemic. Dan noted DMF focused on developing a spending plan for the CARES Act federal relief monies. Dan provided some background on the program and noted Massachusetts received \$28M of the \$300M allocated to coastal states for fisheries and seafood industry economic relief. State agencies were working with ASMFC and NOAA Fisheries to obtain more information about how the federal government allocated the funding to better determine how to develop spending plans for affected industry sectors. Dan noted a major challenge was determining loss mid-year, particularly given the uncertainty facing the second half of the year. This was even more challenging when working to address the seafood processing and for-hire sectors, as DMF does not have good, verifiable, economic data. Additionally, DMF was working to promote the local marketing of local seafood and released a brief YouTube video on the subject.

Sooky Sawyer appreciated DMF's seafood marketing video and felt it did a good job at underscoring the importance of buying local. Dan gave credit to Story Reed and Wendy Mainardi.

Dan then turned to staffing and noted several new hires across the agency, including Julia Kaplan who will serve as the Director's assistant and communication's specialist. She would be working closely with the DMF Boston staff and would likely interact with the MFAC.

DMF is renewing its Period II Summer Flounder Pilot Program for 2020. This pilot program allows trawlers to fish consecutive days without returning to port and land summer flounder caught across these days. Summer flounder caught on the first day is to be segregated and tagged. Daily trip limits for other species incidentally caught in this trawl fishery still apply. DMF anticipated getting out tags and Letters of Authorization by early June.

DMF's discussion with MEP and ACOE regarding the commercial fishery along the Cape Cod Canal had gained attention on social media and recreational angler message boards. Dan stated that DMF was exploring a potential emergency action to close the shoreline of the Cape Cod Canal to commercial fishing as a means of ameliorating ongoing poaching and public nuisance activities. However, a final decision would not be made until early June. There were some concerns that this ban would eventually extend to the recreational fishery, but felt those concerns were not justified.

Mike Pierdinock was contacted by recreational and commercial fishermen regarding the rumored closure. He was surprised to hear about it because he left the February meeting with ACOE thinking DMF would see how the issue played out in 2020 and consider action for 2021 if problems persisted. He liked the wait-and-see approach because it would allow DMF and the MFAC to understand how disparate size limits for each sector influenced compliance issues along the Canal. Pierdinock urged DMF to be cautious in their approach. He argued that it was generally difficult to regain access once a prohibition was implemented. Moreover, he was skeptical as to whether a prohibition would have a demonstrable impact on poaching if ex-vessel values remained high, and felt that the pandemic's negative impacts on seafood markets may curb poaching this summer by diminishing profit motive.

Mike P. the asked if there were any other discrete locations within the Commonwealth where commercial fishing is prohibited. Dan stated that commercial fishing is banned within fish weirs and adjacent buffer zones, as well as on the Harwich reef. Additionally, municipalities restrict commercial shellfish fishing on certain flats for management purposes. Lt. Matt Bass added that certain fishing piers and boating access sites are off limits to commercial fishing.

Ray Kane asked about potential improvements to the MRIP program. In the past, he had suggested a 4-tier approach to the MRIP data collection (e.g., observer, interview passengers, interview crew, interview captain). He was curious if any measures had been taken to improve the data collection methodology. He noted that the program was under increasing scrutiny given its use in potential reallocation proposals.

Mike Armstrong stated that MRIP is a federally designed program with very tight controls. As a result, the program is highly standardized and it is difficult to quickly change data collection methodologies. Dan McKiernan added individual states (or regions) are not able to implement novel data collection approaches that differ from the federally standardized approach because it may skew the data. Armstrong stated that despite these realities, there are efforts being made to analyze potential improvements. A recent study was conducted on charter boats involving observer coverage. This allowed for the comparison of catch information across three data streams: observer reports; captain's report; and angler intercept. He expected the results would be made available soon.

Mike P. commended DMF for their work to improve data collection with the for-hire fleet in Massachusetts. However, he expressed a continued frustration that VTR data

provided to NOAA Fisheries by the for-hire fleet is only used to calculate effort. He noted a sentiment among for-hire operators that they are investing the time and effort to provide the data and are frustrated it is not being used to estimate harvest. Armstrong noted statistical issues with using this data to estimate harvest, including the fact that it is self-reported and cannot be independently verified. However, efforts are being made to address these challenges as mandatory reporting in the for-hire fleet becomes more commonplace.

## **LAW ENFORCEMENT COMMENTS**

Lt. Colonel Patrick Moran introduced Colonel Shaun Santos. Col. Santos was brought on to lead the MEP over the winter. The Col thanked the MFAC for their work in managing the state's marine fisheries and looked forward to a continued working relationship with the MFAC and DMF. Col. Santos then congratulated Dan on his appointment.

Lt. Bass stated that since the pandemic began MEP efforts were focused on individuals visiting DCR parks that were closed due to the pandemic. As the parks begin to reopen, MEP are refocusing on their more typical enforcement duties. He noted it was timely, as it appears that recreational boating and fishing activity appears to be up this year.

With regards to fisheries enforcement, there were several striped bass violations, a for-hire black sea bass violation, and several horseshoe crab cases. Additionally, there were a number of conflicts between the general public and tribal members regarding indigenous hunting and fishing rights, particularly regarding striped bass and river herring. MEP has been working to educate the public and post more signage around herring runs and fishing access sites, including the Canal.

MEP was also anticipating a final decision from DMF on emergency action to address commercial fishing along the Cape Cod Canal. He noted that the feedback he and his officers have received from the public on a potential action to prohibit commercial fishing in the area was positive.

With regards to personnel, three officers are due to graduate from the Academy in June. Two of the officers will be reporting to the Coastal Bureau, which will result in a net gain of two officers.

## **DISCUSSION ITEMS**

### Review of Recent ASMFC and Council Meetings

#### *Atlantic Sea Herring*

Dan McKiernan covered DMF's comments on sea herring. The ASMFC's Sea Herring Board reviewed Addendum III to the FMP, which proposed options to adjust the management of the Area 1A quota. However, at the time, the NEFMC had not published

the final rule for Amendment 8 to the federal FMP, which considers and ABC control rule and MWT buffer zones. Accordingly, the Board postponed action on Addendum III.

Following the Board meeting, the states of Maine, New Hampshire and Massachusetts met to set effort control measures for Area 1A. These measures are designed to control the harvest of area's quota to ensure lobster bait availability throughout the season. For the period of June 1 – September 30, the directed fishery will open on July 20. The Category A purse seine fleet will be subject to a 6-truck limit and days-out on Fridays-Sundays; the use of carrier vessels is also prohibited. The Category C and D fisheries will be subject to their federal trip limits and Category C small mesh bottom trawl vessels will take days out on Saturdays and Sundays. These measures will be reviewed throughout the season.

### Atlantic Menhaden

Nichola Meserve reminded the Commission that the Menhaden Board had approved the first ecological reference point (ERP) assessment for menhaden at the February 2020 meeting. At that time, the Board requested the ERP workgroup conduct sensitivity analyses regarding the assumptions on certain predator and prey species' levels. The Board reviewed the results at the May meeting which indicated a need for further analysis. One area of analysis was to be the possibly overestimated influence of herring abundance on the amount of menhaden needed to support striped bass at target levels. Ray Kane and Nichola discussed the inclusion of river herring and sea herring in the ERP assessment. Nichola noted that both were included, but sea herring was modeled as a focal species and was what was being further analyzed. Nichola indicated that the Board could be in position to adopt ecological reference points for menhaden at the August meeting.

Nichola also noted that the ASMFC had recently dropped its non-compliance finding against Virginia. Management of menhaden had transferred from the state's legislature to the state's fisheries agency, which had adopted compliant Chesapeake Bay cap rules.

### Tautog

Director McKiernan stated that RI provided the Tautog Board with a conservation equivalent proposal to increase their for-hire trip limit from 5-fish to 6-fish during the fall season. Their argument was that MA maintains a 1-fish limit during the summer months, when spawning is occurring, and as RI does not allow the retention of tautog during the spawning period they should be able to recoup this potential lost harvest later in the year. The proposal was ultimately voted down because it was viewed as a departure from the regional management approach for MA and RI, and should be considered regionwide.

Dan reminded the MFAC that when the regional approach was adopted, RI and MA blended their regulations. RI historically closed their fishery in the summer months. However, DMF did not support a summertime closure because it would coincide with the peak of the tourist and recreational fishing season and would force anglers to

discard any tautog they may catch. Instead, DMF opted to pursue a 1-fish summertime limit; RI chose maintain their closed season. Now they were trying to use this action to justify providing additional fish to their for-hire fleet in the fall.

### Striped Bass

Mike Armstrong stated the Striped Bass Board covered two primary items. First, they reviewed an analysis of the potential expected reduction in striped bass mortality through the final regulations set forth by the states as part of Addendum VI. Considering the regulations approved through conservation equivalency, the analysis showed the final rules will likely achieve a 15% reduction in fishing mortality, rather than 18%, but with a similar confidence of achieving the F target. Armstrong noted that it was assumed that effort would be the same in 2020 as it was in 2017 (the year used in the initial analysis) and he was interested in how this would play out given the pandemic. The second item was the development of the next Amendment. A six-member working group was established and is tasked with considering the range of issues to be included (e.g., a rebuilding plan for SSB; SBB targets and thresholds; area-specific management; commercial quota allocations). The working group will present its findings at the August meeting.

Mike P. asked about working group membership. Mike A. stated the members were Marty Gary (Potomac River Fisheries Commission); Megan Ware (ME DMR); Ritchie White (NH delegate); John McMurray (NY for-hire captain); Mike Luisi (MD DNR); and himself. The goal was to provide a geographically diverse set of stakeholders with differing views.

### *Bluefish, Summer Flounder, Scup and Black Sea Bass*

Nichola Meserve reported that the ASMFC management boards for these species had met jointly with the MAFMC to provide direction on the range of issues and alternatives to be developed in draft amendments following recent public scoping hearings. Both amendments were initiated to address the commercial/recreational fishery allocations, with bluefish also addressing the state-by-state commercial allocations, due to these allocations being based on 1980s data that may no longer reflect the performance of the fisheries, especially after the revision to MRIP estimates. Based on public input, mode-specific allocations or regulations within the recreational fishery (i.e., for-hire vs private anglers) would also be considered for inclusion after further development. The plan development teams will be working throughout the summer and fall with Board and Council input on the draft amendment, with the goal of having public hearings this winter for a potential implementation date of 2022.

Director McKiernan recognized that the for-hire fleet was struggling this year on account of the pandemic and supported creative solutions to provide them with opportunities to stay afloat. He felt it was most appropriate to examine policies that would consider days lost and provide additional flexibility this year. However, he was concerned about long-term changes to management, particularly the increasing trend to establish disparate limits for the for-hire fishery. He argued the issue of disparate limits should be

addressed separately and policies should be developed on when such limits should be implemented if they are to be implemented.

Mike P. asked if - in response to the pandemic - DMF was considering liberalizing recreational fishing limits in the fall (particularly for black sea bass and tautog). He noted that this could provide substantial relief to the for-hire fishery. Dan stated that this was a topic of discussion at recent meetings of the state directors. Nichola anticipated that DMF would be pursuing efforts to recoup lost black sea bass fishing opportunities for the for-hire sector.

Mike P. commented that total landings from HMS regulated pelagics was down 60% coastwide across all sectors of the fishery. Ray Kane noted that MRIP evaluates recreational fisheries based on two-month waves and speculated we would not have catch estimates for the current Wave 3 (May – June) until early-to-mid August. Nichola confirmed this but noted DMF could likely pursue potential season extensions in exchange for delayed season openings if warranted more quickly.

Ray noted that North Carolina had experienced much greater than anticipated recreational black sea bass harvest in its special February fishery. Nichola added that the states that opt to participate in this February fishery have to offset the harvest elsewhere in the normal season. NC's February estimate being more than their typical annual harvest would require a closer look at the estimate and how the usual accounting process occurs.

#### May Groundfish Closure in Gulf of Maine: Industry Requests and DMF Response

Director McKiernan mentioned that with the disruption caused by the pandemic and its impact on the seafood industry, DMF was evaluating how best to provide regulatory relief while also maintaining conservation goals. In April, DMF received requests to amend the May groundfish closure in MA Bay by either rescinding it or moving its southern boundary from Boston north to Marblehead. However, DMF decided to not pursue any action. This was principally due to spawning and mortality concerns.

Lou Williams spoke to the few fishermen who were pushing for the opening and understood their interest in the request. However, he ultimately agreed with Dan's decision.

#### Ongoing Review of Local Shellfish Aquaculture Regulation

At the February MFAC meeting Bill Doyle raised concerns about the local management of shellfish aquaculture negatively impacting growth and stability in the state's shellfish aquaculture industry. He moved a motion forward to keep this issue on monthly agendas until the MFAC came to a position on it. For the April 1 meeting, Bill provided his synopsis of local management. Dan tasked his staff with reviewing the document and teasing out potential areas for further analysis. Dan presented a memorandum based on staff's analysis and acknowledged Jeff Kennedy, Kathryn Ford, Chrissy Petitpas and Jared Silva for their contributions.

Dan introduced Jeff Kennedy to the MFAC. Jeff currently serves as DMF's Acting Shellfish Program Chief. Jeff noted that home rule is a core component of shellfish and aquaculture management in Massachusetts and given the joint state-local management system it creates a lot of complexity. Jeff reviewed the various local and state shellfish aquaculture controls outlined in the memo.

Dan noted that as a result of this home rule system, there were stark differences between how certain municipalities manage shellfish resources and fisheries. For instance, Wellfleet embraces shellfish farming while Chatham tends to favor the wild harvest fishery. He added that any move away from home rule would be challenging given it would require the legislature amend the statute and move control away from municipalities and to the state. He favored an analysis of existing municipal rules affecting shellfish aquaculture to potentially inform state guidelines on best practices. This could then help municipal shellfish aquaculture programs evolve and grow.

Jeff also noted that the home rule issue and best local aquaculture management practices were being addressed through the MSI. Jeff Kennedy mentioned that the MSI is not a DMF initiative. However, Dan is the Chair of the Task Force and staff are involved in the development of critical documents.

Jared Silva provided an update on the MSI. He stated that the MSI Scoping Committee report was finalized and the MFAC received this report at their February meeting. This report established several areas of public interest for the MSI Task Force to consider in the development of their Strategic Plan, including home rule and aquaculture permitting. Additionally, DMF staff were finalizing their edits to the MSI's Assessment Report. This report reviews the various shellfish resources and stakeholders in the Commonwealth and outlines how shellfish and shellfish aquaculture are managed.

Dan then introduced Kathryn Ford, DMF's Shellfish Habitat Program Manager. Kathryn works with shellfish aquaculture staff on issues pertaining to environmental permitting. Accordingly, she was heavily involved with the Massachusetts Aquaculture Permitting Plan (MAPP), which was a project among various EEA agencies and offices to streamline environmental permitting for aquaculture in Massachusetts. Kathryn noted that MAPP was designing a web-based tool to navigate the various permitting requirements and hoped the resource would be available to the public this summer. Additionally, NOAA's SeaGrant was funding the development of the MA-ShellFAST project, which was developing an aquaculture grant siting tool. The project was expected to be funded through 2021 to catalogue municipal aquaculture siting regulations. Kathryn was working with them to include information regarding license transferability.

Bill Doyle asked he would like to continue to work with DMF on these projects as they move forward. Dan questioned if this would be a good topic for the SAP was the appropriate body to move this issue forward. Bill felt the SAP was too large and diverse to serve as a working group. Instead, he felt a sub-committee of the MFAC would be more suitable. Dan stated that he would discuss this with staff and provide further information at the next meeting.

Mike P thanked DMF and Bill Doyle for continuing to push this issue forward. He noted that oyster farmers reached out to him regarding concerns about the sale of municipally propagated shellfish affecting commercial market supply and value. Jared Silva noted this was a concern raised in the MSI Scoping Report.

### Impacts of COVID-19 on Seafood and Fishing Industry

#### *CARES Act*

Director McKiernan stated that that Congress appropriated \$300M in COVID-19 related fisheries disaster relief across the country. NOAA Fisheries allocated funding to individual states based on revenues from their for-hire, aquaculture, commercial fishing and seafood processing sectors. MA received \$28M, the third highest allocation.

At present, DMF was requesting NOAA Fisheries provide them with a breakdown of how they developed MA's allocation. This will inform DMF's eventual spending plan. Dan noted that there is a focus on getting the money out quickly to eligible seafood businesses. Eligible businesses need to be able to demonstrate a 35% loss related to the pandemic and cannot be made more than whole by the various federal relief mechanisms.

Dan identified several factors that complicate the distribution of this funding. These factors include the ability to demonstrate loss rather than project loss, lack of data for certain sectors, and the fact that the funding was allocated based on revenue not loss. However, DMF would not have to conduct the audits necessary to determine compliance with these federal guidelines; instead applicants would be able to self-certify and audits would be done by the federal government.

Dan anticipated establishing working groups to assist DMF in developing spending plans for each sector. Once finalized, DMF would submit a spending plan to the ASMFC. From there, fishermen would be able to apply.

Dan envisioned that most relief would come as direct checks to fishermen, there was some interest in exploring a program that would buy standing stock from aquaculturists. This shellfish could then be planted on municipal grants for public fisheries. In turn, this could reduce the market gluts that are expected to occur when the oyster market rebounds.

Dan noted that it was important to understand that this aid would likely not cover the losses being incurred by the state's seafood and fishing industries. The state received only \$28M and once this money is divided up among eligible recipients, the individual payments will likely only be a fraction of the actual loss incurred.

Ray Kane stated that most fishermen he speaks with understand the limits of this disaster relief. He requested DMF consider looking at tax and enforcement records and potentially withholding payments from non-compliant entities.

Mike P. was concerned about how that 35% loss threshold may impact the for-hire industry. He noted that depending on the business model, certain segments of the industry will be able to demonstrate a 35% loss straight out of the gate, but other segments may not be able to demonstrate a loss until later in the year. Accordingly, he was interested in potentially delaying for-hire payouts or developing a potential tiered approach.

Dan added that he is relying on public input and guidance from the Baker Administration to make these types of decisions. He noted that the focus has been on getting the money out to affected parties. He had heard from his federal counterparts that there may be another relief package later in the year.

Among the for-hire sector, Mike P. stated VTRs could be provided for certain entities. However, other criteria for demonstrating loss would have to be developed for those entities who do not fill out VTRs. Dan noted that his Sportfish Program staff were looking into what tools are available to verify activity and loss.

Mike P. asked whether freshwater fishing guides would be eligible for funding. He noted that several contacted him on the subject. Dan stated the CARES Act funding was only for marine coastal fisheries. Ray Kane concurred.

Bill Doyle agreed that managing this disaster relief program was a daunting task. He encouraged DMF to take a look at what the bigger states are doing. He also suggested that Dan allow the MFAC to vote on his plan to provide him a backstop against potential pushback.

#### DMF Seafood Marketing Promotion

Story discussed DMF's Seafood Marketing strategies. Due to COVID-19 there has been a shift to more online content. DMF was maintaining a list on its website of retail seafood dealer locations that remain open. A promotional YouTube video featuring the Director encouraging local seafood demand and Wendy Mainardi was developing a chef series to highlight local seafood recipes and potentially feature videos of chefs preparing these dishes. These are expected to be released sometime in June. With guidance from the Seafood Marketing Steering Committee, species-specific videos featuring the fisheries and fishermen themselves are also in the works. Wendy Mainardi DMF's website of retail locations that are open.

#### Increase in Retail Boat Permits and Challenges

Story discussed the increase in requests for Retail Boat Permits. To make the application and issuance process easier, the \$65 retail boat permit fee was waived. DMF worked with DPH to develop a Letter of Authorization to allow the sale of scallops off the back of the boat.

As the sale of seafood straight from boat to the consumer was becoming more popular, there were a number of challenges. First, there are concerns regarding being able to

maintain social distancing guidelines at the marinas, particularly as we move into the busier summer months. There were also requests to consider allowing seafood being sold in separate parking lots in close proximity to the marina to avoid social distancing issues. DMF is working closely with MEP and DPH to determine what is allowed under the authority of the boat retail permits as there are strict requirements dealers need to abide by (e.g. temperature restrictions).

Director McKiernan stated that given the circumstances of the pandemic with numerous seafood processors and dealers being closed, selling seafood right off the boat is an appropriate method. However, as we move forward and dealers start re-opening, a movement back towards more traditional seafood distribution model is necessary to serve the demands of the broader seafood economy. This has to be done through the dealer/processor infrastructure due to the HACCP investment needed to process fish.

Story discussed several emerging local seafood distribution models occurring along the Cape. The first involves a fishermen who brings his scallops to a wholesale dealer where it is re-packaged and in some cases frozen, and then he services local demand (e.g., farmers market) from a refrigerator truck. There is also interest in a fishermen co-op where a HACCP establishment could be shared to process and package their catch.

#### *Procurement by State Agencies*

Due to timing issues this agenda item was not addressed.

#### Updates from Commission Members

Lou Williams stated that this year was trying for his business. He was planning on conducting an experimental whelk fishery, but that was put on hold due to loss of markets. Lou was also not gillnetting or lobstering, as he did not have crew. His crew member decided not forgo working this spring due to familial concerns related to the risk of contracting COVID-19. Sooky added that some crew have been apprehensive to return to work, in part because of the substantial compensation provided by the pandemic unemployment benefits. Mike P. agreed and noted this was also occurring in marinas and other shoreside businesses.

Mike Pierdinock stated that due to the closure of the for-hire industry in April and May and persistent concerns about the pandemic, the for-hire industry was facing substantial cancellations throughout the spring and summer. Pierdinock thanked Ron Amidon for his work to re-open the for-hire fishery and hoped it would offer some relief to charter boat captains. However, he expected cancellations would continue to occur, and noted the party boat fleet remained effectively closed due to the social distancing guidelines and limitations of 10 people per vessels.

Mike thanked Ron, Dan, and the DMF staff for fielding questions about COVID restrictions, as there were discrepancies in what local authorities were implementing versus what the state was implementing. He was concerned that some of these discrepancies were being implemented by municipal officials that further constrained activity and congestion at boat ramps and parking areas.

Sooky Sawyer asked if it was possible for DMF to amend the actively fished criteria for the transfer of limited entry permits to not include 2020 in the lookback period. He noted that some older fishermen were apprehensive about having to work during the pandemic to keep their permit active for a transfer. Dan supported this and stated he would work with staff to develop a policy on this issue.

On the topic of permits, Mike P. stated that given the loss of for-hire fishing opportunities some operators were looking to commercially fish. However, select captains no longer hold certain commercial permits, which are now limited access. He was curious if DMF would be able to issue limited access permits or LOAs on a controlled basis to provide these operators with access to these fisheries. Dan stated he would review this with staff and would let Mike know if any such options exist.

Tim Brady stated that the for-hire fleet was tied up through Memorial Day. Moreover, the reopening guidelines restrict operations to 10 people and this effectively kept the head boat sector closed. He was very concerned that the pandemic would force many operations out of businesses.

Kalil Boghdan stated that several guides out of Plum Island Sound and the Essex River have filed for unemployment. Given concerns about the spread of the pandemic, they likely will not re-open due to the close quarters associated with these operations.

### **LONGFIN SQUID FISHERY PRESENTATION**

Director Dan McKiernan stated that the legislature commissioned DMF to produce a report on the longfin squid small mesh trawl fishery through the FY19 budget. This report arose to further investigate concerns that were driving interest in a bill to ban mobile gear fishing in Nantucket town waters. DMF's Fisheries Dependent Investigation Project was tasked with reviewing state and federal sea sampling data and provide an analysis. Dan then introduced Brad Schondelmier. Brad was the main author of the report along with Bill Hoffman. DMF intended to release the report to EEA by the end of the week and from there it would be submitted to the legislature.

Brad presented a preliminary analysis of the report. The presentation focused on how the fishery is managed and how data is collected; where the fishery is conducted in state-waters and adjacent federal waters; fleet composition across areas; catch, bycatch and discards; and areas where additional research is needed. Following the presentation, Brad took questions.

Chairman Kane recognized Pat Johnson. Pat is the Chief of Staff for Julian Cyr, the state senator from the outer Cape and Islands. Senator Cyr was among the legislators who were primarily responsible for obtaining funding for this report.

Pat thanked Brad for his presentation. He noted Senator Cyr was very interested to read over the report. Pat then asked if DMF felt past extensions of the squid fishery

impacted the viability of the squid resource, particularly as mobile gear may dislodge squid egg mops from the ocean floor and damage them before they hatch.

Brad noted that this was an area where additional research was needed. There was no scientific literature regarding what, if any, impact mobile gear fishing activity had on squid egg mops and squid reproductive capacity.

Director McKiernan discussed to the management aspects of the question. Regulations close the fishery on June 9, but allow the Director to extend the season. The June 9 day was chosen because it historically coincided with increasing recreational fishing effort and when inshore catch tends to become more mixed species. The June 9 date was therefore chosen to satisfy concerns about user group conflicts and bycatch. However, in some years the squid run may occur late (usually due to water temperature) and catch remains strong into June. To provide the fleet with access to this squid resource, DMF may extend the season and such extensions are generally only for one week.

Dan was confident that these short-term extensions were not having a demonstrable impact on the squid resource. Moreover, he noted that trawlers typically fish in several hot spots south of Cape Cod. This was in part because they were restricted from fishing in other areas because of shoal or rock bottom, the presence of fixed gear (e.g., fish pots or whelk pots), or regulatory factors (e.g., spatial closures). Accordingly, most of the area south and west of Cape Cod where squid are seasonally present are not being fished and any squid egg mops laid in this area would not be subject to potential impacts associated with mobile gear fishing effort.

Pat thanked Dan, Brad, and DMF staff for their work and added that Senator Cyr would be interested in working with the agency to better understand the squid mop disruption issue.

Kalil applauded Brad and Bill's work. He asked for more clarification on the reasons why squid may be discarded. Brad stated that a majority of squid that were observed being discarded were discarded because they too small to be marketable. In some instances this may be coded as "no market" because it is based on comments from the captain to the observer and is open to interpretation. Brad explained that squid spawn throughout the year, as a result there are micro-cohorts within the population that exist at different sizes. Therefore, it is common that throughout the season the fishery may encounter smaller runs of squid. Brad added that overall the average poundage of squid discarded compared to pounds per haul was very small.

Director McKiernan thanked Brad S. for a great presentation, the depth of the analysis, and all the work that went into the squid project.

## **OTHER BUSINESS**

### MFAC Meeting Schedule for Remainder of 2020

Jared Silva reviewed the MFAC meeting schedule for the rest of 2020. He stated that the meeting scheduled for June 18<sup>th</sup> meeting will be held via Zoom, as DFW's Westborough Headquarters remains closed until further notice. Then for the remainder of the year, Jared laid out August 20<sup>th</sup>, September 24<sup>th</sup>, October 29<sup>th</sup>, November 19<sup>th</sup>, and December 10<sup>th</sup> as potential meeting dates. He asked MFAC members to contact him if they had any conflicts with those dates.

### **COMMISSION MEMBER COMMENTS**

Kalil Boghdan thanked Dan McKiernan on his appointment as Director and wishes him the best of luck. Kalil noted that he has gotten to know Dan over his 4-year on the MFAC and thinks he has a tremendous leadership style and is a great fit for the position. Kalil then asked about the appointment of the 9<sup>th</sup> MFAC member. Commissioner Amidon was optimistic there would be an appointment by the June meeting. Kalil then asked a procedural question about what constitutes a forum. Jared Silva stated that state law establishes a quorum of the MFAC as 5 members.

Mike P. and Ray Kane also congratulated Dan.

### **PUBLIC COMMENTS**

There were no public comments.

### **EXECUTIVE SESSION**

Chairman Kane moved for the MFAC to go into Executive Session in accordance with G.L. c. 30A s. 21(3). The purpose of this executive session was to discuss with legal counsel a May 15, 2020 Notice of Intent to bring suit against the MFAC for alleged violations of the Endangered Species Act and that having such a discussion will have a demonstrably likely detrimental impact on the MFAC's position in any resulting litigation. The May 21, 2020 MFAC meeting will adjourn from Executive Session.

**A motion to move to Executive Session was made by Bill Doyle. This motion was seconded by Tim Brady. The motion was approved unanimously by a roll call vote.** An Executive Session was held from 1PM to 2PM.

### **ADJOURNMENT**

The May MFAC meeting adjourned from Executive Session. Chairman Ray Kane requested a motion to adjourn both the May MFAC meeting and the executive session. **Sooky Sawyer made a motion to adjourn both sessions. The motion was seconded by Kalil Boghdan. The motion was approved by unanimous consent.**

## **MEETING DOCUMENTS**

- May 21, 2020 MFAC Business Meeting Agenda
- April 1, 2020 MFAC Business Meeting Draft Minutes
- ASMFC Spring 2020 Meeting Summary
- DMF's Response to Industry Request to Adjust May Groundfish Closure
- DMF Overview of Shellfish Aquaculture Permitting and Regulation
- Characterization of Longfin Squid Trawl Fishery Presentation

## **FUTURE MEETINGS**

**9AM**  
**June 18, 2020**  
**Zoom**

**9AM**  
**August 20, 2020**  
**TBD**

**9AM**  
**September 24, 2020**  
**TBD**

**9AM**  
**October 29, 2020**  
**TBD**

**9AM**  
**November 19, 2020**  
**TBD**

**9AM**  
**December 10, 2020**  
**TBD**