

**MEETING OF THE MARINE RECREATIONAL
FISHERIES DEVELOPMENT PANEL**

May 26, 2011

Wellesley Public Library

In attendance:

Panel Members: Chuck Casella, Mike Moss, Patrick Paquette, and Elizabeth Stromeyer (Not in attendance: Mark Amorello)

Department of Fish and Game: Commissioner Mary Griffin

Division of Marine Fisheries: Director Paul Diodati, Mike Armstrong, Kevin Creighton, Greg Skomal, Nichola Meserve

Office of Fishing and Boating Access: Jack Sheppard

Call to Order, Approval of Agenda and Minutes

Panel Chairman Chuck Casella called the meeting to order. Introductions were made. Staff handed out several additional documents for discussion during the meeting. **The Panel approved the draft agenda by consensus without modification.**

The Panel reviewed the draft minutes from its last meeting on May 19, 2010. It was noted that Patrick Paquette provided several corrections to staff via email in advance of the meeting and these would be incorporated. Chuck indicated that he would provide staff with one item that was missing from the draft minutes. Paul Diodati noted that the briefing materials for the Panel included several follow-up items from the last meeting: a chart of *Marine Fisheries'* organizational structure and documents indicating the recreational permit reciprocity agreements made with New Hampshire, Rhode Island, and Connecticut. The Division's 2009 Annual Report was provided so the Panel could see which staff were assigned to each project.

The Panel began to discuss the need for greater advertisement of the permit requirement and other fishing regulations, which had been a topic at the May 2010 meeting. Patrick stated that he had heard from several tackle shop owners who perceived a lack of knowledge about the permit requirement in some ethnic communities. He suggested that DMF put notices in newspapers that target those communities and give multilingual posters to shop owners for posting. Paul indicated that it would be best for DMF to first survey the shop owners to find out the primary languages in which to make such posters. Shop owners may also be able to indicate the primary locations being fished by these communities so that posters could be placed there as well. However, Paul and Mike Armstrong indicated that a lack of knowledge about fishing rules is often not the basis for violations. Mary Griffin pointed out that the casual angler may not know the rules and should be a target of outreach. Patrick said that the tackle shop owners he had spoken to also expressed frustration about the level of communication from DMF about the permit requirement, resulting in their not knowing what to tell customers. Mike A. stated that DMF has sent three notices to bait and tackle shops. Mike Moss suggested that county leagues be

used to help distribute information. Chuck asked that the Panel resume this discussion later in the agenda when discussing the FY12 spending plan. **The Panel approved the draft minutes by consensus.**

Update on Permit Program Implementation

Kevin Creighton provided a summary of the number, types, and revenue of 2011 recreational saltwater permits issued through May 24, 2011. DMF began issuing permits online, in its offices, and via mail the first week of December, 2010. A phone sales options was added on May 1. Approximately 75% of all permit sales have been completed by applicants over the internet.

SUMMARY OF 2011 MASSACHUSETTS RECREATIONAL SALTWATER PERMITS ISSUED THROUGH MAY 24, 2011								
		Month						Grand Total
Permit Type	Data	Dec	Jan	Feb	Mar	Apr	May	
Charter Boat (non-resident)	# Issued				6	23	5	34
	Revenue				\$780	\$2,990	\$650	\$4,420
Charter Boat (Resident)	# Issued			1	182	307	150	640
	Revenue			\$65	\$11,830	\$19,955	\$9,750	\$41,600
Head Boat (non-resident)	# Issued					5		5
	Revenue					\$1,300		\$1,300
Head Boat (Resident)	# Issued				6	37	5	48
	Revenue				\$780	\$4,810	\$650	\$6,240
Non-Resident Recreational Saltwater Fishing	# Issued	12	102	98	208	481	1,135	2,036
	Revenue	\$120	\$1,020	\$980	\$2,080	\$4,810	\$11,350	\$20,360
Non-Resident Recreational Saltwater Fishing, Age 60+	# Issued	6	75	92	145	256	532	1,106
	Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Resident Recreational Saltwater Fishing	# Issued	549	2,984	2,550	5,585	9,641	13,552	34,861
	Revenue	\$5,490	\$29,840	\$25,500	\$55,850	\$96,410	\$135,520	\$348,610
Resident Saltwater Fishing, Age 60+	# Issued	220	1,580	2,024	3,377	4,242	4,375	15,818
	Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total # Issued		787	4,741	4,765	9,509	14,992	19,754	54,548
Total Revenue		\$5,610	\$30,860	\$26,545	\$71,320	\$130,275	\$157,920	\$422,530

Over 1,200 permits have been issued via the phone option so far, with nearly 100 daily at this point. The option is proving useful to those that don't want to purchase the permit over the internet, via mail, or come into an office. It was noted that bait shops now have cards with the call-in number on it, likely contributing to the growth in phone sales. Law enforcement officers allow individuals that use the phone sales option a grace period of 15 days in which they can just provide the permit number; after that the permit must be carried.

A point of sale (POS) application for retail agents is still in development, and Kevin indicated that it is unlikely that bait and tackle shops will be acting as sales agents very soon. DMF will be looking for a few vendors to pilot the application this summer, and plans to have the full POS application deployed to all agents in time for 2012 permit sales (around October or November).

In the mean time, bait and tackle shops or other operations can set up self-serve kiosks. To be actual agents and receive the \$1.50 surcharge, shop owners need to be bonded and let DMF sweep an account for the fee money. Kevin felt that there are a number of shops that will not want to do this, and will select the self-serve kiosk option. The plan is to have all interested town offices act as official sales agents, similar to Fish and Game licensing. Mary noted that some

towns have backed out of selling the freshwater licenses because they weren't selling enough, or because they did not want to allow for the electronic funds transfer (Fish & Wildlife recently transitioned to all electronic sales).

Through these avenues, nearly 55,000 permits were issued through May 24. Since mid-May, permit issuance has climbed to approximately 1,000 permits issued per day. Free permits for those 60 years and older account for just over 30% of all recreational saltwater permits issued; the percentage has been declining over time. Permit sales have resulting in over \$420K in the Marine Recreational Fisheries Development Fund.

An additional \$13K has been added to the Fund through donations. Kevin explained that the option to donate was originally added to the permit program in response to a confusing formatting of the online application. Paul noted that DMF plans to be more strategic about donations next year by offering various options for what donations would go to support (e.g., striped bass research, fishway construction). It's not clear what those donating expect their contribution to go to, so DMF plans to conduct a survey of the recreational permit holders that provided email address of what they would like donations to fund. DMF does not yet have access to those email addresses but is working with ActiveOutdoors, the online vendor, to establish the appropriate query tool for the permit holder database. Paul also noted that DMF is proposing to have an Information and Education person onboard next year who will foster agency-constituent communication.

Chuck asked how the permit issuance compares to DMF's projections. Mike A. stated that DMF's best guess for permit issuance had been somewhere in the low 200,000s based on the federal issuance of 147,000 permits in 2010, and model projections that ranged between 190,000 and 400,000 depending on the assumptions made. While only a quarter of the best guess has been issued so far, the program is in a real growth phase now. Permitting went from a few hundred per week to 7,000 per week, and Mike A. guessed that it could peak at 20,000 per week.

Chuck asked if the Division expected any technical problems with the online application from that high a volume. Kevin indicated that there had not been a single electronic break-down in the issuance of permits online yet, and that the Division has been more concerned about the number of walk-ins and mail-in applications. The Division has been able to keep up, although walk-in clientele is expected to triple from now, which is why it was essential to increase the offices' permitting capacity. People can also go to the Fish and Wildlife offices throughout the state to get the saltwater permit.

Patrick provided some feedback about the permit itself, specifically the size and it not being ideal for laminating and fitting in one's wallet. Kevin acknowledged that the permit design was not ideal and that he is continuing to work with Active Outdoors to improve it, although it is not high priority.

Accounting of FY11 Fund Appropriation

Kevin provided a summary of the budget and expenditures for FY11. The FY11 Budget appropriated \$101K for the Marine Recreational Fisheries Development Fund. However, because permit issuance did not begin until December for the 2011 permit, funds were only available for a 6 month period (January 1 – June 30). During budget development, DMF projected need for

up to three new permit clerks and restructuring of the Gloucester and New Bedford facilities' front offices to accommodate the influx of customers.

Kevin explained that DMF did bring on two employees through a temp agency, and made the infrastructure renovations, including self-serve kiosks in Gloucester and New Bedford. The Division was able to utilize much of its existing personnel, equipment, and infrastructure during this initial ramp-up, thus program expenditures are projected to be approximately \$39K for FY11. The remaining ~\$62K will stay in the Fund and be available for expenditure in future fiscal years. Mary asked if there was anything the Division could spend the money on in the next 30 days so as to not leave as much unspent, but Paul thought not and that it was best to allow it to rollover as planned.

Chuck asked if there were any problems hiring the new personnel. Paul said that because the hiring of fulltime employees can take a while, the Division did use its usual temp agency to fill the clerk positions. Postings are now up for full time employees (which the temps can apply for). Kevin stated that the speed of the state hiring process had recently picked up.

Year 1 Budgeting and Expenditures					
Summary of Saltwater Recreational Permit Fund from January 1, 2011 through June 30, 2011					
Line Item	Approved Budget	Costs to Date	Expected Costs	Cumulative	Remaining Balance
Personnel	\$46,000.00	\$21,940.00	\$11,820.00	\$33,760.00	\$12,240.00
Travel, emp expenses	\$3,500.00	\$1,287.00	\$200.00	\$1,487.00	\$2,013.00
Supplies/Shows	\$43,000.00	\$3,765.00	\$0.00	\$3,765.00	\$39,235.00
Office renovations	\$8,500.00	\$300.00	\$0.00	\$300.00	\$8,200.00
TOTAL	\$101,000.00	\$27,292.00	\$12,020.00	\$39,312.00	\$61,688.00

FY12 Fund Appropriation

Paul stated that the expected Fund appropriation for FY12 is approximately \$500K. This is the amount that the Division recommended, and is the amount in the Senate and Governor's draft budget. He indicated that the Division developed a spending plan including five proposed projects for the Panel's review. He noted that, especially when it comes to the public access project, it can be quite difficult to spend the right amount of money in the allotted time.

Mike A. provided an overview of the Division's proposed spending plan. The plan expands two current projects and introduces three new projects.

Mike started with the Recreational Permitting Project, under which the Division proposes to add two full time equivalent (FTE) positions in the title of Licensing Clerks. One position will be assigned to each of DMF's field stations in Gloucester and New Bedford. The positions are currently filled by temporary contract personnel. The costs include postage and supplies for issuing and mailing out over 15,000 permits. The cost for FY2012 is estimated at \$72,972.

Mary asked about the need for mailing supplies as she thought that the goal was to issue all permits electronically. Kevin stated that the Division decided not to change immediately to electronic-only issuance, and individuals can download the form from the DMF website and mail it in with the proper payment. Staff enters the data, prints the license, and mails it back to the applicant. The Panel supported a multi-year transition from paper to electronic permits, especially because permitting agents are not yet established throughout the state.

Mike A. explained that the salaries shown do not include fringe and indirect. Fringe and indirect do come out of the Fund but they don't have to be budgeted for, leaving more of the appropriation to direct to other projects. In the end, the permitting project will take more from the Fund to pay for salary fringe and indirect.

Mike A. moved on to the MRIP Project, which will provide a significant expansion of the state's recreational fisheries statistics project. He explained that the Division currently contracts NMFS to carry out the recreational fisheries survey (except for the headboat survey). Under the MRIP Project, the Division will hire 8 to 10 seasonal employees in order to take charge of conducting all MRIP sampling in Massachusetts including anglers on shore, private boats, and for-hire boats. DMF plans to double the sample size and improve the precision of catch estimates, especially for less common species. Accuracy should also improve because the Division will hire trained biologists. They will also be uniformed and function like ambassadors for the project and the Division, helping to provide educational materials, answer questions, and collect feedback from the public. The new hires will also include one FTE (an aquatic biologist) to coordinate the Project, participate on the ACCSP Rec. Tech. Committee, prepare annual recreational fishing reports, etc. Field sampling will start in March 2012. The cost of the project for FY2012 is \$125,380. However, DMF will be reimbursed about \$50,000 for part of the sampling for a net cost of \$75,380 for March through June.

Chuck asked how the Division will manage to spend that money if sampling is not starting until March. Mike A. indicated that the Division would fill the coordinator position ASAP in order to plan and facilitate the transition of the survey to an in-house operation. Patrick emphasized the need for the Division to hire the right people for these jobs so that project goals are achieved. Mike A. reiterated that the Division will target college students or graduates and other groups that would be enthusiastic and dedicated to the work.

Mike A. continued his overview with the Information and Education (I & E) Project. He explained that DMF has never had a staff person dedicated to I & E, and has consequently struggled at times to get the right information out at the right time to the fishing public. Under the project, the Division will hire one FTE (Program Coordinator II) to implement the project and handle media production, web-content, outreach via trade shows and other events, etc. DMF anticipates this individual having skills in web design, graphics, editing, and public speaking. The cost for FY2012 will be \$46,469.

Next, Mike A. explained that the Diadromous Fish Project will address a major Division need to better manage the resource, monitor and restore populations, and improve fish passage. The project will expand the existing program from four to six staff, with the Division hiring two FTEs (Aquatic Biologist II): one located in Gloucester and one in New Bedford. The Gloucester position will conduct and supervise smelt population monitoring, smelt stocking, American shad stocking, and serve on the Merrimack River Technical Committee and ASMFC Sturgeon Committee. This individual will also lead river herring restoration efforts in the North Shore and Boston regions. The New Bedford position will be the main liaison between *Marine Fisheries* and town wardens, herring counting groups, and NGOs. This individual will craft sustainable harvest plans for 20+ individual river herring runs, implement video counting on 6 to 10 sentinel runs, and design and conduct biological studies to gather data for better understanding and management of our river herring stocks and increasing the efficacy of fish passage. The FY2012 cost of this project will be \$113,457.

Mike A. introduced the final proposed project, the Public Access Project. By law, one-third of the appropriation is dedicated to public access improvement; \$167K for FY12. Mike explained that the Division is proposing to hire one FTE (Program Coordinator II) to manage all *Marine Fisheries* public access projects and administer anticipated revenues of \$200K-400K/yr. This individual will work closely with the Office of Fishing and Boating Access (FBA) to identify, plan and implement construction/renovation/improvement of new fishing piers and other structures for fishing access, and serve as liaison to fishing groups for all matters of saltwater fishing access including advocating for beach and shore access. The remaining money (~\$125K for FY12) would be directed to a public access project, and Mike indicated that the Division has a great opportunity to contribute to a project that the FBA has slated for FY12; a renovation of the public access facilities on the Bass River in Yarmouth (High Bank Road location). Money from the Fund will finance the construction of a new pier, accompanying the parking lot and boat ramp renovation. All the necessary permits for the project have already been granted, so it's likely that the pier will be completed by the end of FY12. Paul indicated that he would like to add additional funds to the project in the future to outfit the pier with filet stations, running water, etc.

The proposed budget for these five projects will leave \$25,000 in reserve in the Fund to address unanticipated expenses in hiring and implementation of projects.

Chuck asked for more details on the pier's design. Jack Sheppard replied that the pier is T-shaped, a standard design used by his office, just like the FBA-built pier in Wareham. The railings are designed to allow kids, adults, and wheelchair-bound individuals to fish. In response to another question, he indicated that the pier would have signage indicating both sources of financing (FBA and the Fund).

Chuck asked about funding maintenance of the pier. Jack indicated that FBA has a process for handling maintenance; piers are generally managed by the town and FBA is responsible for maintenance. Jack said that he intends to finance maintenance, but may ask DMF for future Fund money in the event that FBA cannot.

Patrick expressed concern about the first public access project being one that charges people to use it. Jack stated that FBA can't tell towns not to charge; however, if towns do charge, that money goes to maintenance of the facility. FBA makes an agreement with each town on this issue.

Mike Moss indicated that he had hoped that the 1/3 for public access would go to infrastructure, rather than staff salaries, but could understand the need to hire a coordinator.

Chuck asked how the Division draws the line between funding existing DMF operating costs and new projects specific to the fund. He noted concern that monitoring river herring, for example, shouldn't be on the shoulders of the Fund. Mike M. shared this concern. Paul said he understood that the Panel doesn't just want to see a shifting of costs and the Division does not intend to do that. Mike A. asked if Chuck would approve of Fund money going towards fish way construction, seeing that it would foster healthy populations of river herring, part of the forage base for striped bass, the state's most important recreational fish. Chuck didn't think he could justify that to the public based on the reasons for the permit as told to the public. Elizabeth disagreed. Mike M. stated he was of the opinion that Fund money was to improve upon new and existing programs. Patrick said he could see it from both sides of the debate and wasn't sure what he thought yet. He asked what the relevancy of having staff attend ASMFC sturgeon TC meeting

if there is no fishery. Paul said it is important to protect the whole ecosystem in order to have healthy fisheries. Mike A. added that the costs would be a very small fraction since ASMFC reimburses travel, while the benefit to having state representation at interstate meetings is much greater.

Elizabeth asked to bring the discussion back to the public access project. She said she would like to see in the coordinator's job description meeting with the fishing public via various avenues (fishing clubs, trade shows, etc.) to collect public input on the siting and scope of access projects. She noted that not all projects need to be big projects right on the water, that some could be parking lots inland a bit that would provide access with a short walk. Mike A. agreed that the Division wants to Fund smaller projects too and receive input from the public as to placement. Mike M. agreed and noted that he had found a number of places that are supposed to be public but have blocked access, such as by railroad tracks. Elizabeth and Mike A. agreed with him that the coordinator should help to preserve and defend existing access points too. Patrick wanted to make sure new projects and not just renovations would receive Fund money. He acknowledged that this discussion highlighted the need to identify a process for how the Division and Panel generate a list of potential projects. Mike A. said a process could begin to be developed as soon as the public access coordinator is hired. Elizabeth suggested a web-based interface for the public to provide ideas on where and how to improve fishing access. There was general support for this idea. Mary asked if there might be other ways to get public input, such as face-to-face at meetings. Paul thought that working through fishing groups would be key; Mike M. agreed. Patrick was against public meetings as a means to collect input on access projects, and supported the interactive website idea and communication via fishing groups.

Patrick thought it was good for the public perspective to have a project that would actually get built this year. Jack agreed noting that it takes on average two years to get new projects designed and permitted and ready for groundbreaking. Elizabeth agreed that it was good to have a tangible project this year and, given the timeline for new projects, stressed the need to start planning now for FY13 and later projects.

Paul asked for the Panel's overall opinion of the Division's recommendations. Chuck agreed that it was time to entertain a motion to support the Divisions proposals. **Elizabeth made a motion to support DMF's proposal for the Recreational Permit Revenue Spending Plan for FY12 as presented today; Patrick seconded the motion.**

Patrick wanted to make sure that educating fishery participants (English and non-English speaking) about permit requirements would be a deliverable under the I & E Project, indicating that his continued support of the motion was dependent on it. Paul verbally committed to this and wanted to emphasize that the Project is focused on information and education about fisheries and management (not advocacy for the agency). Elizabeth pointed out that the MRIP Project staff would also help to educate and inform.

Patrick wondered if the concerns raised earlier about the Diadromous Fish Project and shifting payment for existing costs were relieved. Chuck said he could support the proposal as presented, because money would go to potentially opening more fisheries. He just did not want to piggyback existing costs on the Fund. Patrick liked that the Fund was paying for research that helps maintain healthy fisheries.

The motion carried unanimously.

Chuck reiterated that the Panel had an understanding that DMF would take immediate steps to reach out to the bait and tackle industry and get signs in other languages.

Free Recreational Saltwater Fishing Days for 2011

Paul directed the Panel's attention to his memo that identified the free saltwater and freshwater fishing days in other New England states, and the free freshwater fishing days in Massachusetts (June 4 & 5).

Elizabeth pointed out that Fish & Wildlife coordinates angler education events, and groups can get a permit for an educational fishing day. She thought it may be something for DMF to think about doing. Kevin and Paul agreed that saltwater fishing lessons can be given with no permit if casting without a hook on the line.

Patrick suggested that big tourist holidays would make good free fishing days. Elizabeth thought there was some benefit to having the saltwater days the same as freshwater (the first weekend of June), and the Panel agreed. In that case, Paul suggested that the free days start next year because there would be limited time to advertise the dates, but the Panel thought it best to begin this year.

Paul said he could get an Advisory with the dates out to the Divisions listserv ASAP. He noted it would be great to also send the Advisory to all the permit holders that provided email addresses, but that it unfortunately wasn't an option yet due to the aforementioned problem with querying the ActiveOutdoors database. Elizabeth suggested that the Advisory explain the delay in announcing the free saltwater fishing days.

Patrick stated that he had heard a rumor that DMF employees were saying that permit requirements would not be enforced during fishing tournaments for charity. Kevin assured him that DMF is not giving this message to anyone. He had had some calls from tournament organizers and they were told that the permit requirement applied to tournaments.

Elizabeth made a motion to align the free saltwater fishing days with the free inland fishing days; Mike M. seconded the motion. The motion carried unanimously.

It was noted that the Division could revise the days later if any problems arose from mirroring the inland days.

Other Business/Adjourn

Paul asked for any feedback on the meeting and when the Panel's next meeting should be. By statute, the Panel is to meet at least twice per year. Chuck suggested that the Panel's next meeting be after the public access coordinator is hired and the Division has an idea of what the FY13 budget may be. It was agreed that the Panel should probably meet next in the fall.

Mike M. asked if the Fund could jeopardize the Division's Wallop-Breaux funding in any way. Paul said no, that qualifying Division programs will continue to get back 75% from Wallop-Breaux.

Mike A. informed the Panel about the ongoing confusion with the permit exemption for disabled individuals. He explained that the Fish & Wildlife statute defines "disabled" differently (more broadly) than the DMF statute. The law that is applicable to saltwater permits requires that a

person be partially or totally dependent on another person for daily living. This definition was used because it is the closest to what the federal law required. A lot of people are coming into the permitting offices and asking for a permit under the disabled exemption that don't qualify as disabled, plus the disabled are not given a free permit but are exempt from having a permit. He indicated that legal staff are preparing a letter that can be given to these people instead.

As there was no further other business, the meeting was adjourned.

Meeting Documents

- ❖ May 26, 2011 Draft Meeting Agenda
- ❖ May 19, 2010 Draft Meeting Minutes
- ❖ Deliverables from May 2010 Panel Meeting Memo, with attached *Marine Fisheries* Organizational Structure and recreational fishing permit reciprocity agreements
- ❖ Massachusetts General Laws Ch. 10 §35NN, and Ch.130 §17C
- ❖ Summary of 2011 Massachusetts Recreational Saltwater Permits Issued through May 24, 2011
- ❖ Budget Creation and Expenditures for Fiscal Year 2011 (January – July, 2011)
- ❖ Recreational Permit Revenue Spending Plan for FY12
- ❖ FY12 Recreational Permit Revenue Project Proposals
- ❖ Free Recreational Saltwater Fishing Days Memo