



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9:00 AM

April 15, 2021

Held Virtually Via Zoom

Webinar Link: <https://bit.ly/3mGk62o>

Dial In: 1-301-715-8592

Webinar ID: 850 5002 6008

Webinar Passcode: 04152021

1. Introductions and Announcements (9:00 – 9:10)
 - a. Review and Approval of the April 15, 2021 Business Meeting Agenda
 - b. Review and Approval of the March 18, 2021 Draft Business Meeting Minutes
2. Comments (9:10 – 9:30)
 - a. Chairman
 - b. Commissioner
 - c. Director
 - d. Law Enforcement
3. Action Items
 - a. Commercial Striped Bass Season and Open Fishing Days
 - b. Menhaden Limits and Reporting Requirements for Small Scale Fishery
 - c. Prohibition on Purse Seining for Atlantic Bluefin Tuna
 - d. Black Sea Bass Pot Ghost Panel Requirement
 - e. Correction to Mobile Gear Rules
4. Discussion Items
 - a. Update on Protected Species Issues
 - i. Buoy Line Marking Proposal for Public Hearing
 - ii. Update on Outreach and Rollout on Weak Rope
 - b. Updates from the Atlantic States Marine Fisheries Commission
5. Presentation on Massachusetts' Ocean Acidification Report
6. Other Business
 - a. Commission Member Comments
 - b. Public Comment
7. Adjourn

Future Meeting Dates

**9AM
May 13, 2021
Location TBD**

**9AM
June 17, 2021
Location TBD**

All times provided are approximate and the meeting agenda is subject to change. The MFAC may amend the agenda at the start of the business meeting.

MARINE FISHERIES ADVISORY COMMISSION

March 18, 2021

Held Virtually via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Bill Doyle, Clerk; Arthur “Sooky” Sawyer; Kalil Boghdan; Bill Amaru; Lou Williams; Tim Brady; and Shelley Edmundson.

Division of Marine Fisheries: Daniel McKiernan, Director; Kevin Creighton, CFO; Michael Armstrong, Assistant Director; Story Reed; Jared Silva; Melanie Griffin; Nichola Meserve; Jeff Kennedy; Kathryn Ford; Bob Glenn; Erin Burke; Anna Webb; Nick Buchan; Kelly Whitmore; Derek Perry; Tracy Pugh; and Steve Wilcox.

Department of Fish and Game: Ron Amidon, Commissioner; and Mark Reil, Director of Legislative Affairs.

Massachusetts Environmental Police: Lt. Col. Moran; Lt. Matt Bass; and Capt. Kevin Clayton

Members of the Public: Peter Fallon; Laura Hayes; Drew Kolek; and Allison Lorenc.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the March 18, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF MARCH 18, 2021 BUSINESS MEETING AGENDA

No amendments were proposed to the March 18, 2021 MFAC business meeting agenda.

Chairman Kane asked for a motion to approve the draft agenda. Kalil Boghdan made a motion to approve the agenda. The motion was seconded by Bill Doyle. The March 18, 2021 MFAC business meeting agenda was approved by unanimous consent.

REVIEW AND APPROVAL OF FEBRUARY 18, 2021 DRAFT BUSINESS MEETING MINUTES

Shelley Edmundson asked the third paragraph on page three be amended to state she is the co-PI on the Atlantic Coastal Cooperative Statistics Program whelk study fleet grant and the third paragraph on page six be amended to clarify channeled whelk spawn do not get dispersed throughout the water column. Jared Silva indicated he would make these corrections.

Chairman Kane asked for a motion to approve the February 18, 2021 amended meeting minutes. Kalil Boghdan made motion to approve the February business meeting minutes as amended by Shelley Edmundson. Tim Brady seconded the motion. The final February 18, 2021 business meeting minutes were approved by unanimous consent.

CHAIRMAN'S COMMENTS

Chairman Kane welcomed everyone to the March MFAC business meeting and thanked the Commission for their attendance. He requested DMF explore providing the MFAC with tablets to help members prepare for and attend these virtual meetings.

COMMISSIONER'S COMMENTS

Commissioner Amidon stated the virtual meeting format has been challenging for many people to navigate. He also noted it allows for increased stakeholder interest and engagement. With this in mind, he thanked the MFAC and DMF for their continued professionalism working in the virtual meeting format.

DIRECTOR'S COMMENTS

The Director began his comments by stating the Atlantic States Marine Fisheries Commission (ASMFC) would be holding a public hearing tonight for Massachusetts regarding the Public Information Document for draft Amendment 7 to the Interstate Striped Bass Fishery Management Plan.

DMF remained highly focused on protected species issues. The agency continued to develop its Incidental Take Permit (ITP) application and prepare for the June trial. DMF also submitted comments on NOAA's draft Biological Opinion on 10 Fishery Management Plans (BiOp) and its draft regulations for the Atlantic Large Whale Take Reduction Plan (ALWTRP). Lastly, following the MFAC's approval of new protected species regulations in January, DMF reached out to commercial trap fishermen regarding the new buoy line modification requirements. DMF Senior Biologist Bob Glenn would speak in more detail on these subjects later in the meeting.

The Director moved on to discuss the Massachusetts Shellfish Initiative (MSI). The MSI's Task Force drafted and was in the process of finalizing a Strategic Plan. This included a series of public meetings where the document was discussed and edited. Dan received a lot of positive feedback on the document, as well as the transparent process by which it is being developed.

For DMF, one of the most important deliverables from this Strategic Plan is the formalization of DMF's ad-hoc Shellfish Advisory Panel (SAP) through legislation. The proposed legislation would provide directives as to the composition of the SAP, as well as a mandate to meet biannually. The DMF Director would chair the SAP and

membership would include other relevant government agencies (e.g., DEP, DAR, DPH, CZM), industry (e.g., dealers, growers, wild harvesters), recreational fisheries, tribes, municipalities, and research and academia. Moving forward the SAP would serve as a forum for shellfish related issues to be discussed among stakeholders and to oversee the fulfillment of the MSI's Strategic Plan. In the interim, DMF intended to convene the ad-hoc SAP on March 29 at 1PM to discuss a number of hot-button shellfish issues.

VIMS recently held a symposium on channeled whelk management. This provided the Atlantic states with an opportunity to understand how whelk fisheries are conducted and managed in other jurisdictions and share relevant research along the coast. DMF staff attended and presented at this symposium. On the subject of whelks, Dan congratulated DMF biologist Steve Wilcox on the publication of a paper on channeled whelk age and growth.

Dan moved on to discuss the NEFMC nominations and congratulated Commission member Mike Pierdinock for being nominated by Governor Baker to fill the obligatory seat currently held by Dr. John Quinn of New Bedford.

Dan stated DMF was working on new recreational permitting system in conjunction with Division of Fish and Wildlife and the Department of Fish and Game. Story Reed also continued to work with IT staff on the development of a new commercial permitting system.

Director McKiernan informed the MFAC that Dr. Kathryn Ford would be leaving DMF for a prominent position with the Northeast Fisheries Science Center. Dan commended Kathryn's contributions as a DMF employee. While Kathryn will be missed by DMF, Dan stated the Fisheries Habitat Program was strong and primed to continue their good work.

The Director then opened the floor to questions.

Bill Amaru was concerned Dr. Ford's departure may impact DMF's ability to address temporal windows for harbor dredging projects along Cape Cod. Dan stated that John Logan and Mike Armstrong will continue Kathryn's work on the matter.

Sooky Sawyer stated the MFAC was listed as being consulted in the Governor's NEFMC nomination letter. However, no one from the agency reached out to him on the subject. He was concerned he missed an opportunity to vote for the NEFMC nomination. Melanie Griffin clarified that DMF typically only consults the MFAC Chairman, but consulting the full commission is something to consider going forward.

Lou Williams and Sooky Sawyer also expressed concern about Massachusetts' shrinking commercial fishing representation on the NEFMC.

Mike Pierdinock thanked Governor Baker, Commissioner Amidon, and Director McKiernan. Mike P. understood the concerns stated by Lou and Sooky regarding

representation from the commercial fisheries. However, Mike P. added it has been a long time since a recreational fishing advocate held a NEFMC in Massachusetts.

Commissioner Ron Amidon stated that representation from regional fishing ports was also something taken into consideration when making nominations. Current representatives from Massachusetts hail from the North Shore and Cape Cod, and Mike P. has ties to both the South Shore and New Bedford.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). Lt. Bass noted MEP was focused on removing trap gear from the seasonal trap closure area and addressing shellfish management issues along the South Shore and Cape Cod. MEP was also involved in the recent disentanglement of a right whale.

Director McKiernan stated the entangled right whale was found to be carrying about 300' of 5/8" line. Given the diameter and length of the line, it was likely not attributable to a Massachusetts' trap fishery. Chairman Kane thanked Dan for the clarification and frustrated this point was not clearer in media reports.

ACTION ITEMS

Recommendation to Lift the Conditional April Groundfish Closure for 2021

DMF regulations at 322 CMR 8.05 close state waters between Plymouth and Marblehead to commercial groundfish fishing during the month of April. However, this closure is conditional and serves as a fail-safe to prevent the state waters fishery from causing overages of the total annual catch limit (ACL) set by NOAA Fisheries. Accordingly, DMF may annually lift this closure—with approval of the MFAC—should a landings analysis demonstrate that the closure is not a necessary fail-safe.

For 2021, DMF's analysis demonstrated landings were well below the federally allocated state waters sub-components and that allowing commercial groundfish fishing in April would not likely cause an exceedance of groundfish ACLs. Accordingly, Director McKiernan recommended lifting the conditional closure for this calendar year for certain gears.

The 2021 recommendation was complicated by protected species concerns related to potential entanglements of endangered right whales in fixed gear—specifically gillnets—should the closure be lifted for all gears. Sightings data demonstrate right whales have been observed in this area of Massachusetts Bay during April in recent years. For this reason, DMF further recommended conditioning the lifting of the closure to only trawl and hook gear. Certain fixed gears, such as gillnets and longlines set to soak overnight, would remain prohibited.

Dan also explained that the existing overarching mobile gear closures and spawning closures in Massachusetts Bay would remain in place with the condition closure being

lifted. This would restrict fishing access in nearshore waters along Boston and the North Shore and in known cod and winter flounder seasonal spawning grounds within and adjacent to the conditional April closure area.

Mike Pierdinock asked what criteria DMF used to determine whether or not April would remain closed to commercial fishing. Melanie and Dan described the interplay between the state and federal management schemes and explained the decision to lift the closure is based on DMF's annual review of landings by state waters only fishermen in the context of the federally allocated state waters sub-components and ACLs for these stocks. Mike also asked if there was concern for dead discards. Melanie stated that NMFS accounts for discards in the state waters fishery.

Lou Williams disagreed with the Director's recommendation and felt it discriminated against gillnet gear. He argued the risk of whale entanglements in gillnet gear were minimized by gear modifications (e.g., breakaways and anchor systems) adopted by the fleet over twenty years ago. Accordingly, he felt gillnet fishing should not be restricted in this area if the data demonstrated it could be opened for groundfish management purposes.

Bob Glenn noted the state's gillnet fishery fishes in compliance with existing protected species rules. However, DMF's decision was not based on the gillnet fleet's ability to comply with existing rules, but with the risk this gear may pose to right whales and how it may impact the state's ongoing ITP application for its commercial fixed gear fisheries.

Bob then discussed NOAA Fisheries' ongoing rule making to address fisheries interactions with right whales. The agency initiated a framework to systemically review the risk and management of all gear types over a 10-year period of time. Based on the total number of vertical buoy lines deployed, the American lobster fishery was addressed first. Bob expected NOAA fisheries would look other fixed gear fisheries, including gillnets, in 2021 or 2022. Accordingly, what was previously required of the state and federal gillnet fisheries may not be required in the future.

Lou acknowledged this but argued the state should manage the gillnet fishery in tandem with NOAA Fisheries and not take a more conservative, unilateral approach.

Bill Amaru did not support the Director's recommendation. First, he disagreed with the recommendation to open the area due to groundfish conservation and management concerns. Additionally, he disagreed with the Director's approach to managing gillnets separately from other gears.

Ray Kane asked for a motion to approve the recommendation regarding the April groundfish closure. Kalil Boghdan made motion to approve the recommendation. Mike Pierdinock seconded the motion. The vote was taken via roll call vote and failed 4-5. Bill Doyle, Bill Amaru, Sooky Sawyer, Lou Williams and Chairman Kane opposed the motion, while Tim Brady, Mike Pierdinock, Kalil Boghdan and Shelley Edmundson approved the motion.

With the motion failing, Jared Silva informed the MFAC that the April groundfish closure would remain in place for all gear types. There was apparent confusion among Commission members regarding the baseline measure should the motion fail.

While Lou Williams did not support the Director's recommendation, he did not intend to deny other commercial fishermen access to the conditional April closure area. He instead wanted the MFAC to pursue a motion that would provide similar access to gillnets and longlines.

As a point of order, Jared Silva stated the process allows for the Director to make a recommendation and for the MFAC to vote on the Director's recommendation. It does not allow the MFAC to work unilateral of the Director.

Director McKiernan stated his interest in hearing the MFAC consider potentially accommodating gillnets and longlines. If he felt there was substantial support for this, he would consider adjusting his recommendation.

Ultimately, a majority of the MFAC did not support such an accommodation. Accordingly, Chairman Kane called for the Director's initial recommendation to be reconsidered.

Kalil Boghdan made motion to approve the Director's recommendation to lift the April conditional closure for mobile gear and active hook and line fishing. Lou Williams seconded the motion. The vote was taken via roll call vote and was approved 5-2-1. Lou Williams, Kalil Boghdan, Mike Pierdinock, Shelley Edmundson and Tim Brady voted in favor of the motion. Bill Amaru and Sooky Sawyer opposed the motion. Bill Doyle abstained.

Given the variety of concerns raised throughout this debate, Director McKiernan recommended forming a subcommittee to provide suggestions on how to better manage the state waters commercial groundfish fishery. Lou Williams, Bill Amaru, and Mike Pierdinock will be members of this state waters groundfish management subcommittee.

Recreational Gulf of Maine Cod and Haddock Limits

DMF recommended the MFAC adopt recreational Gulf of Maine cod and haddock limits consistent with NOAA Fisheries. For haddock, this would result in an open season that begins on April 1 and closes on the last day of February with a 15-fish bag limit and 17" minimum size. For cod, this would result in an open season of April 1 through April 14 and September 15 – September 30 with a 1-fish bag limit and 21" minimum size. These rules will go into effect for April 1, 2021.

Additionally, the NEFMC's recent action to approve status quo recreational fishing limits included a for-hire bonus season for Gulf of Maine cod that would run from September 8 – October 7. This season was adopted via an interim measure in 2020 in response to the loss of access to the springtime fishery due to COVID related restrictions. DMF

subsequently adopted by permit condition, so it was not codified in regulation. However, there was uncertainty as to whether NOAA Fisheries would approve this bonus season again given COVID restrictions are unlikely to be in place for this calendar year. Accordingly, DMF also sought presumptive approval from the Commission to adopt the September 8 – October 7 for-hire bonus season should it be approved by NOAA Fisheries.

Chairman Kane opened the floor to questions.

Mike Pierdinock stated his frustration with the projected dead discarding of GOM cod constraining recreational fishing access to the abundant biomass of haddock. He was hopeful DMF's work into cod avoidance would begin to improve management in this regard. However, despite these concerns, he supported status quo and appreciated DMF's willingness to pursue the for-hire bonus season should NOAA Fisheries approve it.

Chairman Kane requested a motion to adopt the recreational Gulf of Maine cod and haddock limits. Tim Brady made motion to approve the Gulf of Maine cod and haddock limits as recommended by the Director. Bill Doyle seconded the motion. A roll call vote was taken, and the motion was approved unanimously.

Striped Bass Circle Hook Mandate

DMF recommended the MFAC approve new regulations governing the use of circle hooks in the recreational striped bass fishery. These regulations would: (1) define bait as "any marine or aquatic organism, live or dead, whole or parts thereof"; (2) require the use of circle hooks by all recreational anglers—including those fishing aboard for-hire vessels—when bait fishing for striped bass; (3) exempt from this circle hook requirement any artificial lure with bait attached; and (4) require any striped bass caught on any unapproved method of take to be returned to the water immediately without unnecessary injury.

Director McKiernan provided some background on current requirements governing the use of circle hooks in the recreational striped bass fishery. The above recommendation was designed to comply with Addendum VI to the Interstate Fishery Management Plan for Striped Bass and was consistent with the motions approved by the ASMFC's Striped Bass Board on March 17, 2021. Mike Armstrong stated the ASMFC grappled with how to define bait and artificial lures and apply the use of circle hooks in a rationale manner. Ultimately, Mike was satisfied with how the ASMFC resolved the questions surrounding circle hooks but noted rigged eels would be prohibited under the current rule.

Ray Kane opened the floor to questions.

Kalil Boghdan commended Mike Armstrong for his presentation he gave at the ASMFC webinar on March 17.

Mike Pierdinock thanked DMF for all their work on this circle hook measure. He had hoped to see the rigged eel included within the circle hook exemption, as it is fished like an artificial lure. However, he understood why it was not.

Chairman Kane asked for a motion to adopt the new regulations governing the use of circle hooks in the recreational striped bass fishery. Kalil Boghdan made motion to approve the recommendation provided by the Director. Bill Doyle seconded the motion. A roll call vote was taken, and the motion was approved unanimously.

Prohibition on Trapping for Blue Crabs

Bob Glenn briefed the MFAC regarding DMF's proposal on prohibiting trapping for blue crabs. During the summer of 2020, the Massachusetts Environmental Police (MEP) encountered blue crab traps in the estuaries of upper Buzzard Bay. Routine inspection of this trap gear found the traps incidentally caught and drowned numerous diamondback terrapin turtles. This turtle species is listed as threatened in Massachusetts and is protected under the Massachusetts Endangered Species Act.

Given the overlap of these species' habitat, it is likely that this incidental catch is not uncommon when fishing traps for blue crabs. In response, to this emerging protected species management issue, DMF recommended prohibiting the use of traps to take blue crabs. This prohibition would eliminate this potential source of turtle mortality and would prevent DMF from licensing an activity that may result in the taking of a protected species. While this would eliminate trapping for blue crabs, there are other prevalent and effective active fishing gears and techniques that fishermen may continue to use to catch blue crabs that do not pose a risk to diamondback terrapins. Moreover, DMF does not anticipate that this prohibition would impact other regulated trap gears (e.g., fish pots, lobster traps) because they are not set in warm, inshore estuarine waters.

Ray Kane commended Bob Glenn for providing clarity on these issues at the recent public hearing. There were no comments or questions regarding this recommendation.

Chairman Kane asked for a motion to adopt the DMF's recommendation to prohibit the use of traps to take blue crabs. Bill Doyle made motion to approve the recommendation as provided by the Director. Shelley Edmundson seconded the motion. A roll call vote was taken, and the motion was approved unanimously.

DISCUSSION ITEMS

Update on Protected Species Issues

Bob Glenn briefed the MFAC on protected species management issues. Specifically, he discussed recent comments submitted by DMF to NOAA Fisheries' BiOp and draft ALWTRP rules.

Bob then discussed likely adjustments to buoy line marking rules for the lobster fishery in 2022. DMF was consulting NOAA Fisheries on buoy line marking requirements and was concerned the draft rules in the ALWTRP did not sufficiently differentiate gear set in federal waters from gear set in state waters. If an entanglement was misattributed to state waters, it could have profound impacts on the state fishery.

Lastly, Bob reviewed the state's ongoing outreach to industry on the new weak rope requirements. This included public events to distribute weak rope and weak contrivances to the fleet. Bob thanked MLA and Beth Casoni for getting the information about rope distribution out to fishermen.

Bill Amaru asked Bob to clarify the definition of a 'take'. Bob stated that under federal law a take within a commercial fishery is any interaction with commercial fishing gear. It does not have to cause serious injury or be lethal to be considered a take. Any harassment or harm to a protected species would also be considered a take.

Sooky Sawyer thanked Bob, Dan, and DMF staff for their great work distributing rope up in Gloucester. He added that Justin Wilson was very helpful and knowledgeable.

New England Council Update

Melanie Griffin briefed the MFAC on happenings at the NEFMC.

- In regards to groundfish, the NEFMC was focused on finalizing Framework 62 to set specifications for 2022 – 20224; the development of metrics for Amendment 23's monitoring system review; considering the use of the Cod Stock Structure Working Group's findings in management; and following on the report and peer review on revising ABC Control Rules.
- On scallops, the NEFMC was addressing the use of the 2021-2022 research set-aside to address surveys, bycatch reduction, and the incidental catch of sea turtles; developing Framework 34 to set specifications for 2022-2023; and addressing a petition for Secretarial Action on Limited Access quota leasing.
- For Atlantic sea herring, the NEFMC continued to work on rebuilding the herring resource and developing spawning protection measures for Georges Bank.
- The NEFMC continued to work on Eco-System Based Management and climate resiliency. On the subject of climate resiliency, NOAA was engaging stakeholders regarding the Biden Administration's Executive Order on climate change.

Updates on Shellfish Growing Area Reclassification of Three Bays

Jeff Kennedy provided the MFAC with a brief presentation on the reclassification of shellfish growing areas in Kingston, Plymouth, and Duxbury Bay. In response to a 2018 dye study, FDA has found DMF's classification of these growing areas to be deficient under the National Shellfish Sanitation Program's Model Ordinance (MO). Specifically, due to potential pollution from treatment plant failure, DMF has been instructed to reclassify and downgrade the classification of certain areas adjacent to the treatment plant outfall. Depending on the size of the reclassified areas, the shift in classification

from Approved to Conditionally Approved could limit emerging European Union market access for area oyster growers. Many local aquaculturists oppose this action and find it to be unnecessary, unduly constraining, and overly precautionary. DMF was collecting additional data and evaluating a number of relevant factors, and the agency would continue to work with ISSC, municipal officials, and FDA towards a resolution.

Jeff Kennedy welcomed questions from the commission.

Ray Kane asked if there are issues with the plant's effluent discharge. Jeff stated this action is not being driven by plant performance. Rather, this is a product of the MO's guidelines regarding shellfish growing areas adjacent to treatment plants in the case of potential plant failure.

Bill Doyle thanked Jeff for his efforts. Bill opined that under current management, the plant does not pose a public health risk. Jeff confirmed the plant is well operated and stays within their effluent discharge limits. Bill Doyle encouraged DMF to come up with an accommodation with FDA that works well for everyone.

Mike Pierdinock asked Jeff to identify the location of the outfall pipe on the map of local shellfish growing areas. Mike also asked additional clarifying questions regarding the plant outflows and what that means regarding the conditional closures.

Ray Kane thanked Jeff for the Presentation.

PRESENTATION ON MA OCEAN ACIDIFICATION COMMISSION REPORT

This presentation was delayed to a future meeting due to time constraints.

OTHER BUSINESS

Commission Member Comments

Bill Amaru thanked Director McKiernan for directly contacting concerned fishermen in Provincetown.

Mike Pierdinock requested a CARES relief update at a future meeting.

Ray Kane thanked the Commission for staying engaged.

PUBLIC COMMENTS

There were no public comments made.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the March MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

DRAFT

MEETING DOCUMENTS

- March 18, 2021 MFAC Business Meeting Agenda
- February 18, 2021 Draft MFAC Business Meeting Minutes
- Recommendation to Lift Conditional April Groundfish Closure
- Overview of Final Rules Affecting Recreational Fishing Limits and Gear
- Recommendation on Gulf of Maine Haddock Limits
- Recommendation on Gulf of Maine Cod Limits
- Recommendation to Amend the Recreational Striped Bass Circle Hook Requirement
- Recommendation to Prohibit Blue Crab Trapping
- Written Public Comment on Proposals Affecting Recreational Fishing Limits and Gear
- March 2, 2021 Public Hearing Slideshow
- Slide Show on Protected Species Update
- Reclassification of Three Bays System Staff Memorandum
- Slide Show on Reclassification of Three Bays System
- DMF Comment Letter to NOAA Fisheries on Atlantic Large Whale Take Reduction Plan Draft Regulations
- DMF Comment Letter on South Fork Wind DEIS

UPCOMING MEETINGS

9 AM
April 16, 2021
Via Zoom

9AM
May 13, 2021
TBD

9AM
June 17, 2021
TBD



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Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: April 9, 2021
SUBJECT: Recommendation on Commercial Striped Bass Limits for 2021

Recommendation

I recommend the MFAC vote in favor of making the following changes to the commercial striped bass limits beginning in 2021:

1. Open the commercial striped bass season one week earlier on June 16 and create a closure date of November 15.
2. Establish open commercial fishing days per week as Mondays, Tuesdays, and Wednesdays.
3. Add Thursdays and Fridays as open fishing days beginning on October 1 if the fishery is still open.

These recommendations reflect much of the support for changes recommended by the MFAC's Commercial Striped Bass Sub-Committee, but also considers many public comments received on these matters.

Massachusetts Commercial Quota Management

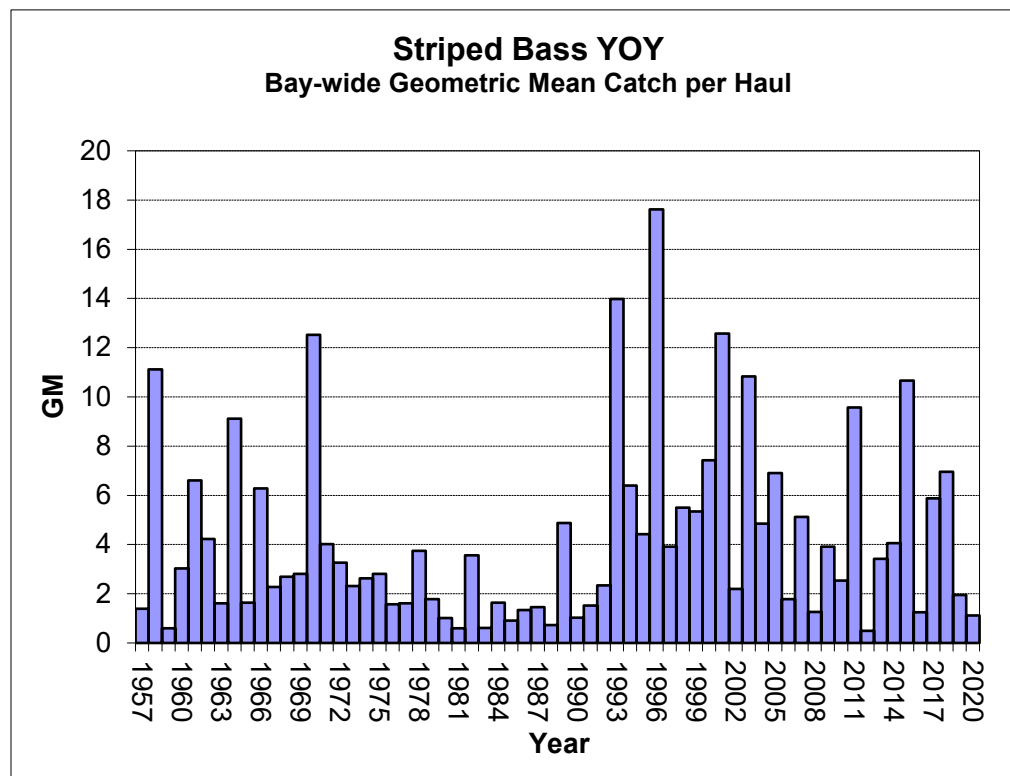
Massachusetts is among the states that receive an annual commercial striped bass quota from the ASMFC. In response to Addendum VI, the state's commercial quota was reduced from approximately 869,000 pounds to 735,000 pounds in 2020 and it will remain at this level for 2021. This 735,000 pound value was calculated by the Striped Bass Technical Committee to achieve a reduction in removals comparable to the reduction achieved by the recreational slot limit and consistent with the effort to reduce the fishing mortality rate (F) to the target designated in Amendment 6. Note that the current quota is well below the historically high 1.16 million pound quota last allocated in 2014.

DMF management of the state's commercial quota has evolved over time and many amendments were crafted by the agency—and the MFAC—with substantial input from stakeholders, including commercial fishermen and dealers. Over the past decade, DMF has made several adjustments to its quota management scheme (Figure 1). This was done principally to achieve three strategic goals: (1) slow the in-season quota consumption to extend the fishery throughout

the summer, reduce market gluts and stabilize ex-vessel value; (2) respond to reports of illegal fishing activity; and (3) prevent user group conflicts. Overall, these rules have had an obvious constraining effect on the commercial harvest of striped bass.

In the early part of the 2010s, the state's commercial striped bass fishery frequently took its 1 million pound plus quota by the end of August. At that time, there was an abundance of fish in the prescribed commercial-sized range, as the large year classes (Figure 2) from the late 1990s and early 2000s aged into the commercial size range. Moreover, the fish aggregated in accessible nearshore waters off Cape Cod (e.g., Chatham and Provincetown). This drove high daily catch rates and

Figure 2. Chesapeake Bay Young of the Year Index (1957-2020)



quota consumption.

In response, DMF worked with industry to enact a series of rule changes for 2014. These amendments were designed to slow quota consumption to extend the fishery throughout the summer and fall, reduce market gluts, and stabilize - or increase - ex-vessel value.

Figure 1. Commercial Striped Bass Management Changes Since 2013

2013	<ul style="list-style-type: none"> Established Permit Renewal Deadline of 2/28.
2014	<ul style="list-style-type: none"> Adopted Point-of-Sale Tagging Program. Moved season start date from July 12 to June 23. Halved number of open fishing days from 4 to 2. Reduced daily trip limits from 30-fish to 15-fish or 2-fish based on permit type. Eliminated Sunday 5-fish limit. Effectively reduced aggregate limit from 95-fish per week to 30-fish or 4-fish per week. Constrained ability for for-hire operations to fish commercially during for-hire trips.
2015	<ul style="list-style-type: none"> Quota reduced from ~1,115,100 to ~869,813 pounds Implemented fin clipping rule to prevent stockpiling.
2018	<ul style="list-style-type: none"> Established closed fishing days on July 4 and 5 and Labor Day.
2020	<ul style="list-style-type: none"> Quota reduced from ~869,813 pounds to ~735,240 pounds. Increased minimum size from 34" to 35" to segregate recreational and commercial fisheries. Prohibited commercial fishing on Cape Cod Canal.

Effectively, the number of open fishing days per week were halved (from four to two), the potential aggregate weekly catch limit was reduced from 95 fish to 30 fish for boat-based permit holders and four fish for all other permit holders, and for-hire operations were restricted from commercially fishing during for-hire trips.

These changes accomplished the intended goals. Over the next several years, the quota was consumed more slowly over the course of the season and market price increased. However, with low catch limits and a continued abundance of commercial-sized fish off Cape Cod, a number of enforcement and user group issues came to the surface.

In the ensuing years, DMF endeavored to address these issues. This included adopting a fin-clipping rule to prevent stockpiling commercial-sized fish on closed commercial fishing days and closing summertime holidays to commercial fishing to prevent boat ramp parking lots being inundated with commercial anglers thus displacing the recreational users. Last year we prohibited commercial striped bass fishing on the Cape Cod Canal to reduce user group conflicts and poaching in excess of the 2-fish shoreside commercial limit, and we increased the commercial minimum size from 34" to 35" to segregate the recreational and commercial fisheries based on size of fish retained.

Commercial Fishery Performance in Massachusetts

Over the last three years (2018-2020), the commercial fishery has not reached its overall quota (Table 1). This was likely driven by several different factors, which I will address in some detail below.

Table 1. MA Commercial Landings and Quota (2013 – 2020)

Year	Quota	Landings (Live lbs)	% Landed
2013	997,869	1,004,459	100.7%
2014	1,155,100	1,138,507	98.6%
2015	869,813	866,041	99.6%
2016	869,813	938,741	107.9%
2017	800,885	823,409	102.8%
2018	847,585	753,731	88.9%
2019	869,813	585,128	67.4%
2020*	735,240	386,942	52.6%

SOURCE: SAFIS Dealer Reports, as of 3/25/21
* Preliminary

Overall abundance is down.

First, while the overall abundance of striped bass along the east coast has been declining over the past half decade (as noted above), we have been making many of the commercial rules more restrictive through lowered trip limits, increased enforcement, and time and area closures. Additionally, because of our commercial minimum size limit is large, the commercial fishery in recent years has been occurring principally on the weaker year classes born in 2005-2010 (Figure 2).

In hindsight, had we anticipated the impacts of the new regulations and the weaker year classes available to the commercial sector, minor adjustments to seasons and open fishing days could have been made to ensure full utilization of the quota. A lowering of the commercial minimum size to a size comparable to the recreational size limit also would likely have accomplished full utilization but would have created different challenges. The larger commercial size limit (formerly 34") was adopted over two decades ago to slow the catch rate, thereby reducing the efficiency of the commercial fishery. When we raised the limit another inch in 2020 from 34" to

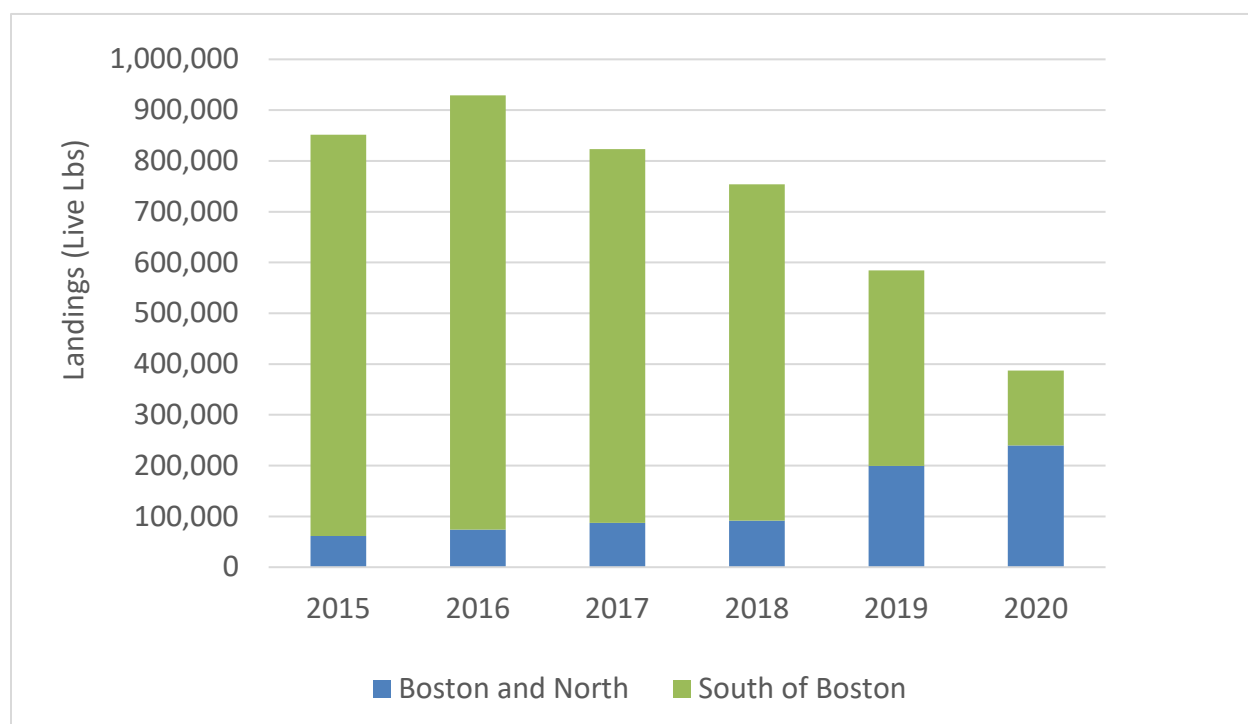
35” it was done to further separate the recreational and commercial sectors and to promote ease of enforcement, but also effecting the fishery’s efficiency.

A northward shift in bass availability

In the past few years, we have seen a northward shift in the abundance of bass from Cape Cod to Boston north to Cape Ann (Figure 3 and 4). From 2015 to 2020, there has been a near four-fold increase in striped bass landings from Boston north while landings from the southern part of the state have decreased about five-fold. As a result, in 2020, the fishery from Boston north took about 60% of the overall landings whereas it only produced 7% of landings in 2015. This matches public testimony of striped bass being found in colder and deeper waters to the north and offshore.

This northward shift is likely driven by a several environmental factors. The summertime water temperature around Cape Cod is now frequently in excess of 70°F. This is an important thermal threshold for larger striped bass who become physiologically stressed at this temperature and begin to seek out colder waters. There has also been a large abundance of menhaden from Boston north the past several summers. The presence of this forage base may also be influencing where larger striped bass settle in during the summertime period. There are also concerns about the presence of predators—such as juvenile white sharks and seals—which may also be responsible for pushing the biomass of striped bass away from the nearshore waters of Cape Cod.

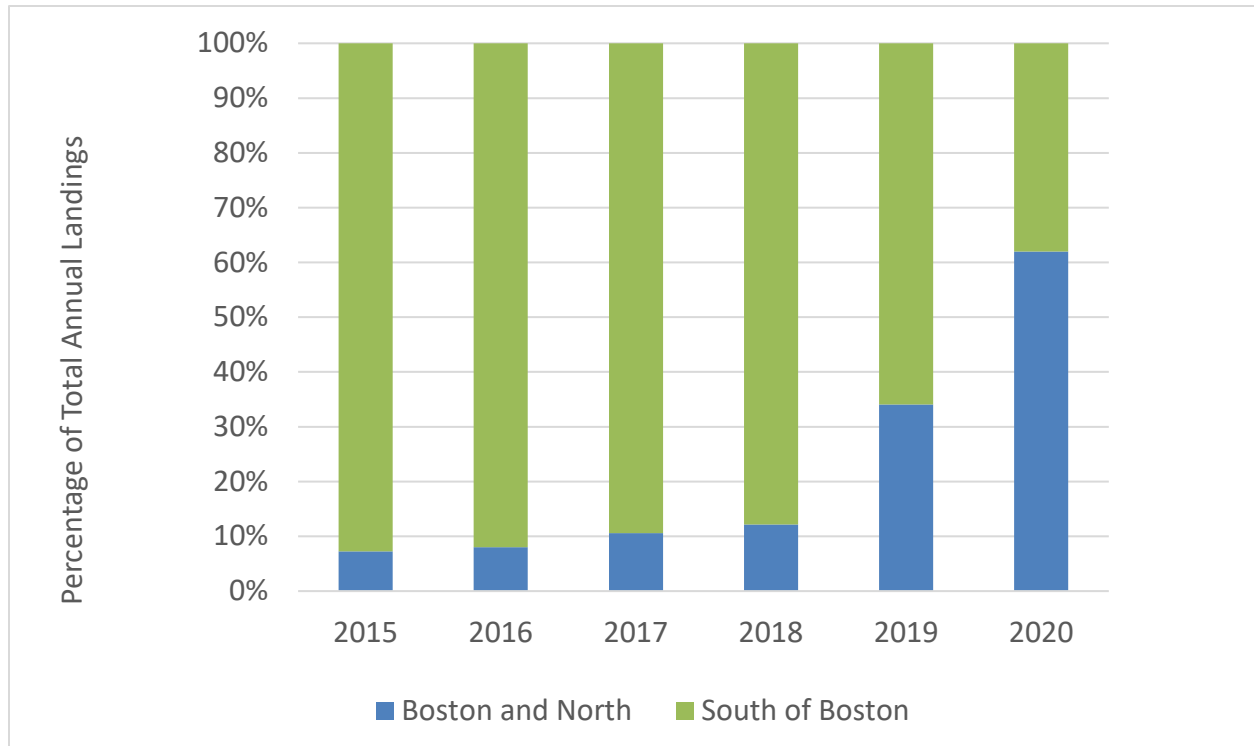
Figure 3. Pounds Landed by Region for 2015 – 2020. Boston North Compared to South of Boston



The potential impacts of this geographic shift are important to consider when discussing fishery performance. The waters off Cape Cod are easily accessible to many of the state’s commercial anglers who may live locally or trailer their boats to any of the numerous access sites in the

region. When the fish are aggregated off Cape Cod, effort tends to be high, which in turn drives landings. The fishery appears to not perform similarly when the fish are located Boston north. Reduced angler access north of Boston may contribute to less effort. North of Boston there is less boat ramp access for anglers trailering their vessels (particularly in 2020 given COVID related restrictions). Additionally, some commercial fishermen have spoken with DMF staff and opined that the fishery from Boston north is most active during night tides and having non-consecutive fishing days constrains catch and effort.

Figure 4. Percent Landings by Region for 2015 – 2020. Boston North Compared to South of Boston



Recommended Changes and Rationale

Layered on top of these biological and environmental factors are the various rules to manage the quota. As described above, the current quota management approach was devised over the past decade in response to a discrete set of circumstances. While the conditions facing this fishery have evolved in recent years, its management has not kept pace. As a result, the fishery has underperformed its quota from 2018 - 2020.

Even with the large year class from 2011 beginning to age into the commercial fishery, I would expect that fishery conditions would be similar this year to the recent two years. Without any rule changes, it is likely that we will underutilize the quota again. If performance is similar to 2019 and 2020, I expect status quo rules would prevent our commercial fishermen from accessing approximately \$2 million in ex-vessel income.

In response to recent fishery performance and changing fishery conditions, I believe it is appropriate to make several minor modifications to our approach to managing the commercial striped bass fishery in Massachusetts.

Open Fishing Days and Season Start Date

I am recommending to open the commercial striped bass fishery a week earlier on June 16 and increase the number of fishing days per week from two non-consecutive days (Mondays & Wednesdays) to three consecutive days (Mondays – Wednesdays). This recommendation is similar in spirit to that developed by the MFAC’s Commercial Striped Bass Sub-Committee in December 2020 and presented for public comment this winter. I believe these adjustments will provide fishermen with better access to the available quota, particularly by allowing them to fish consecutive days and overnight. Also the three days per week (Mon-Tues-Wed) could be viewed as “status quo” because we finished last season with 3 open fishing days per week when the MFAC approved on August 20, 2020 the addition of Tuesday as an open fishing day for the remainder of the 2020 commercial season as an in-season adjustment.

There were a number of comments that specifically addressed the frequency and sequencing of open fishing days and the timing of the commercial season. Among those that supported increasing the number of open fishing days, having four open fishing days per week seemed to be preferred. However, some favored fewer due to market concerns or because they felt it would represent a compromise position more palatable to other stakeholders. I am recommending a compromise of three (consecutive) days per week. This will allow commercial anglers to fish overnight tides and not be forced to return to port to unload fish before midnight as is the case with intermittent vs. consecutive days. Allowing a 3-day per week commercial fishery still gives recreational anglers the majority of days (4) per week free of competition from the commercial sector.

As for the season, commercial anglers to the south and west preferred a late May or early June start date to take advantage of the fish as they migrate through their waters, whereas commercial anglers to the north seem to prefer a later start date as the fish do not arrive in their waters until late June. There also seemed to be a sentiment among recreational anglers to prevent commercial harvest on migrating fish.

I found this testimony to be interesting and weighed it in my final recommendation. However, I ultimately relied on the advice provided to me by the MFAC’s Commercial Striped Bass Sub-Committee back in December 2020. This group supported a one-week earlier opening. Given the recent seasonal warming trends and anecdotal reports that river herring runs appear to be 1-2 weeks early this year, we will likely see earlier (than historic norms) arrival of striped bass into our waters, and this is another reason to adjust the season.

It is noteworthy that a majority of the public comment received does not support any changes to the commercial fishing rules. In fact, many of these comments advocated for an even more conservative management approach than status quo, including prohibiting the commercial fishery and establishing a moratorium on harvest. These requested actions go far beyond the scope of DMF’s proposal. It is important to recognize and respond to the concerns. However, for the sake of clarity, I am not addressing these comments in this section and instead will address them separately in the section below titled, “Public Concern Regarding Striped Bass Conservation.”

Fall Fishing

I am also recommending the addition of Thursdays and Fridays as open fishing days beginning October 1 (if quota remains available). When quota remains available during the fall, DMF typically seeks to extend the number of open fishing days to account for predictable loss of access due to deteriorating seasonal weather conditions. Historically, we have accomplished this through an annual in-season adjustment process. Rather than continuing to take this approach, I think it would be beneficial to add this seasonal increase in open fishing days into the regulation. The level of fishing activity wanes significantly in the fall because fish depart state waters and the small-vessel fleet has difficulty fishing in the fall when weather conditions worsen. This is primarily a safety issue.

Initially I sought to add Fridays on September 15 and then add Saturdays and Sundays on October 1. However, my recommendation was influenced by public comment discussing the importance of constraining commercial fishing access on the weekends to prevent user group conflicts and congestion at local boat ramps. With this in mind, I am instead seeking to only add Thursdays and Fridays beginning on October 1. This will effectively provide the commercial fishery with an additional two fishing days every week for the month of October, as landings typically stop by November 1 because the fish have migrated out of our waters in response to declining temperatures.

Default Seasonal Closure Date

Additionally, I am recommending November 15 be established as the default commercial striped bass season closure date if the quota is not taken. Under current rules, the fishery does not technically close until December 31 if the quota is not taken. This complicates DMF's efforts to collect unused striped bass tags from primary buyers. A November 15 closure date in those for years when the quota is not reached will greatly improve DMF's ability to collect these tags prior to the end of the year and the permit renewal season. Given seasonal water temperatures and annual striped bass migration patterns, this closure date will allow the fishery to continue until the fish have moved south and out of our waters.

There was some comment in favor of enacting an earlier closure date to prevent fishing on southward migrating fish. This goes beyond the scope of DMF's proposal, which more narrowly considered a post-migration closure date to accommodate striped bass tag accounting. Accordingly, I will not be considering it as part of this round of rule making. However, if this is an item the MFAC believes to have merit, then I am willing to bring it forth to the Commercial Striped Bass Sub-Committee as they consider the future management of the fishery.

Public Concern Regarding Striped Bass Conservation

I recognize a substantial segment of recreational fishermen are very concerned about the striped bass resource. These concerns were voiced clearly at the March 29 public hearing and are evident in the written public comment. The ASMFC has declared striped bass overfished with overfishing occurring. DMF has been aggressive in its support for coastwide conservation to meet plan goals.

Many critics of my proposal insisted we reduce fishing mortality attributable to the commercial fishery to conserve and rebuild the stock. We heard similar arguments last year when we sought

in-season adjustments for the commercial fishery. This included—not just objections to DMF’s proposed commercial fishing limit adjustments—but also calls for eliminating the commercial fishery, establishing a moratorium on harvest, and “managing for abundance.”

These sentiments have been harbored by some fishery participants dating back to at least the early 1990’s when DMF was petitioned for striped bass gamefish status. Many of the comments received in public hearing and in the written record are reminiscent of the arguments from three decades ago. These calls for gamefish status have persisted even when the stock was at its peak earlier in the 2000s.

I intend to maintain the commercial fishery and develop fair, rational, and accountable rules to harvest whatever quota is allocated to the Commonwealth. This is consistent with the approach of prior Director’s, and dates back to the 1980’s when the commercial quota was as low as 162,000 lbs.

This species is unique among those we manage because the commercial and recreational fisheries are virtually indistinguishable in vessel type and gears type. Since 1945, state law at G.L. c. 130, §100B¹ prohibits the retention and landing of striped bass by any gear other than hook and line. This creates a unique dynamic and tension between the recreational and commercial sectors.

The demand by some advocates for no relaxation of the commercial fishing rules seems to me to be unfair, an inequitable treatment of the commercial sector. If constraining the commercial fishery is warranted because of stock status, should we not seek to reduce the recreational fishery by narrowing the 7” slot limit (28-35”) to similarly constrain the recreational fishery? Or create a recreational closed season with a no-targeting striped bass rule during the closure? Clearly the answer is “no”. It is most appropriate to work through the ASMFC to devise a fair, balanced, enforceable, and coordinated management plan along the Atlantic coast affecting both the recreational and commercial fisheries.

I also recognize that this fishery is dominated by recreational fishermen. Historically, much of our management approach has focused on enhancing the recreational fishery and angler experience by keeping the sectors separate where possible. I know this Commission appreciates our efforts to allow the co-existence of these fisheries through the series of rules separating them primarily for the benefit of the recreational sector. Given the seasons, closed fishing days and holiday restrictions, anglers enjoying the recreational fishery are by-and-large not competing in time and space with the commercial sector. As for the rules separating the sectors in sizes of fish targeted, I believe this further enhances the recreational experience as we have allowed the sector to target more abundant fish while forcing the commercial sector to target less abundant 35” + bass.

¹ Section 100B. No person shall take, or attempt to take, with or by the use of a net, seine or any other contrivance of any kind or description, except hook and line, any striped bass within the jurisdiction of the commonwealth; provided, that it shall not be a violation of this section for any person to take striped bass by means of such seine, net or other contrivance, while fishing for other fish for the catching of which the use of such seine, net or other contrivance is permitted, if such striped bass is immediately returned to the waters from which taken.

Substantial criticism was received in the comments that it would be inappropriate to enact rules that would increase the harvest of large older striped bass. The argument is this runs counter to Addendum VI, which adopted the recreational slot limit to “protect breeders”. To consider this argument, it is critical to review the action taken by ASMFC in 2019 to implement the addendum. Addendum VI aimed to reduce fishing mortality by 18% to achieve the fishing mortality target ($F = 0.20$) and thereby end overfishing. To achieve this, new recreational fishing limits were adopted—including the coastal slot limit of 28” through 35” —and the state-by-state commercial quotas were cut. There were numerous conservation equivalencies that could have been enacted, including a 35” minimum size for the recreational sector. However, the predominant sentiment among anglers and for-hire operators was to allow one fish to be retained within the slot limit. We could have opted to go with an elevated size limit with similar results. Protecting large adult female fish was not the objective of Addendum VI, rather it was a simple reduction in fishing mortality.

DMF is anxiously anticipating the results from this summer’s Chesapeake young of the year index. The last two years have been extremely poor year classes (Figure 2) and if this trend continues it will likely trigger further coastwide conservation through a plan amendment or addendum. Such poor year classes could also reveal environmental issues within the spawning and nursery areas. It is well-understood among climatologists that climate change is bringing us episodes of more frequent droughts and floods and both factors contribute to poor survival of striped bass in their first year.

Future DMF Management Initiatives

The MFAC’s Commercial Striped Bass Sub-Committee meeting in December 2020 served two purposes. The first purpose was to consider changes to commercial striped bass management regulations for 2021 to address quota utilization in recent years. The fruit of that endeavor is this recommendation. The second purpose was to begin to consider a longer term vision for managing the commercial striped bass fishery in the Commonwealth, including changes to how the permit is issued and used and whether tagging should be moved to point of harvest. During this public comment period, we heard concerns across the spectrum of stakeholders regarding their concerns about commercial striped bass permitting and accountability. These concerns echoed many of those raised by sub-committee members. Accordingly, I will reconvene the sub-committee this summer to continue to tackle this second challenge.

Attachments

Draft strikethrough regulations
Written public comment

6.07: Striped Bass Fishery (*Morone Saxatilis*)

(2) Definitions. For purposes of 322 CMR 6.07, the following words shall have the following meanings:

Actively Transport means the movement of lawfully caught striped bass by a commercial fisherman permit holder in a motor vehicle or a vessel. For purposes of this regulation, this shall include the movement of lawfully caught striped bass by a motor vehicle along the roads adjacent to the Cape Cod Canal, and also the landing of striped bass lawfully caught aboard a vessel and brought ashore at Taylor Point Marina in the town of Bourne or in Sandwich Marina.

Cape Cod Canal means those waters and the shoreline – including all adjacent jetties, wharfs, docks, ripraps and beaches – extending from the most seaward extent of the state pier at Taylor’s Point on the campus of Massachusetts Maritime Academy in Bourne; thence extending in an easterly direction to the seaward end of the northern breakwater jetty at the eastern entrance at Scusset Beach in Sandwich; thence in a straightline in a southerly direction across the eastern entrance of the waterway to the seaward end of the southern breakwater jetty in Sandwich; thence in a westerly direction to the northernmost tip of the peninsula at the end of President’s Road in Bourne.

Circle Hook is defined as a fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.

Closed Commercial Fishing Day means any **calendar day within the commercial season when the retention, possession, and landing of striped bass for commercial purposes is unlawful, as set forth at 322 CMR 6.07(4)(b). ~~Sunday, Tuesday, Thursday, Friday and Saturday within the commercial season, as well as any Monday or Wednesday that falls on July 3rd, July 4th and Labor Day.~~**

Commercial Fisherman means any person who may catch, possess and land striped bass for the purpose of sale, barter, or exchange or keeps for personal or family use taken under the authority of a commercial fishing permit issued by the Director under the authority of 322 CMR 7.01: *Form, Use and Contents of Permits*.

Commercial purposes means the retention, possession, and transportation of striped bass for any fare, rate, fee, charge, share, exchange, trade or other consideration that is directly or indirectly made in connection with any business or other undertaking intended for profit.

Commercial Quota means the allowable annual Massachusetts commercial harvest of striped bass pursuant to the ASMFC Interstate Striped Bass Management Plan, reduced by any overage incurred in the previous year.

Commercial Season means that period when commercial fishing is allowed beginning on the first open fishing day on or after **June 16 ~~June 23rd~~** and ending when the quota is reached or on **November 15, ~~December 31st~~**, whichever occurs first. The commercial season shall be further regulated by open and closed fishing days.

Consumer means any individual who obtains striped bass for personal use, rather than resale.

Dealer means any wholesale or retail seafood dealer permitted by the Director pursuant to M.G.L. c. 130 § 80 and 322 CMR 7.01(3): *Dealer Permits*.

Director means the Director of the Division of Marine Fisheries, 251 Causeway Street, Suite 400, Boston, Massachusetts 02114.

For-hire Vessel means any vessel that holds a for-hire permit, issued in accordance with M.G.L. c. 130, § 17C and 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, that is carrying paying customers for the purpose of recreational fishing.

Gaff means a pole with a hook on the end that is used to lift a fish out of the water and onto a vessel or the shore.

High-grading means the discarding of a smaller legal-sized fish (previously captured and retained) in favor of a larger legal-sized fish.

Land means to transfer or attempt to transfer the catch of striped bass from any vessel to any other vessel or onto any land, pier, wharf, dock or other artificial structure, or for a fishing vessel with any striped bass onboard to tie-up to any pier, wharf, dock, or artificial structure.

Non-Lethal Device means any tool used in the removal of striped bass from the water or to assist in the releasing of striped bass that does not pierce, puncture, or otherwise cause invasive damage to the fish that may result in its mortality.

Open Commercial Fishing Days means **those calendar days within the commercial season when the retention, possession, and landing of striped bass for commercial purposes is lawfully allowed, as set forth at 322 CMR 6.07(4)(b). ~~Mondays and Wednesdays within the commercial season, excluding Labor Day, when commercial fishermen may harvest or attempt to harvest striped bass. Open fishing days shall not apply to any Monday or Wednesday that falls on July 3rd or July 4th.~~**

Person means any individual, firm, corporation, association, partnership, club, bar, restaurant, supermarket, food warehouse, or private body.

Primary Buyer means any dealer authorized by the Director, pursuant to M.G.L. c. 130, § 80 and 322 CMR 7.07: *Dealers Acting as Primary Buyers*, to purchase striped bass directly from a commercial fisherman.

Primary Purchase means the first commercial transaction by sale, barter or exchange of any striped bass after its harvest.

Recreational Fisherman means any person who harvests or attempts to harvest striped bass for personal or family use, sport or pleasure, and which are not sold, traded or bartered.

Recreational Fishing means the non-commercial taking or attempted taking of striped bass for personal or family use, sport, or pleasure and which are not sold, traded or bartered.

Striped Bass ID Tags means the lockable, single-use, tamper evident, and non-transferable tags issued by the Director to Primary Buyers for affixing to striped bass. Striped Bass ID Tags are imprinted with the species, year, state, and unique identification number traceable to

the Primary Buyer to whom they are issued.

Total Length means the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.

(4) Commercial Management Measures. For purposes of conservation and management of the resource the following measures shall apply to commercial fishermen who harvest, catch or take, and/or sell, barter or exchange, or attempt to sell, barter or exchange any striped bass:

(a) Massachusetts commercial striped bass harvest will be limited annually by the commercial quota less any amount deducted to compensate for the previous year's overage.

(b) Commercial fishermen may fish for striped bass only during the commercial season and open **commercial** fishing days within said season beginning on the first open **commercial** fishing day on or after **June 16** ~~June 23rd~~ and ending when the commercial quota is taken or on **November 15** ~~December 31st~~, whichever occurs first.

1. During the period of June 16 – September 30, open commercial fishing days shall be Mondays, Tuesdays, and Thursdays. Closed commercial fishing days shall be Thursdays, Fridays, Saturdays, and Sundays. The 3rd of July, 4th of July and Labor Day shall also be considered closed commercial fishing days.

2. During the period of October 1 – November 15, open commercial fishing days shall be Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays. Closed commercial fishing days shall be Saturdays and Sundays.

4. During any closed commercial fishing day it shall be unlawful for any commercial fisherman to retain, possess, or land more than one striped bass; to retain, possess or land any striped bass measuring 35 inches or greater total length; or to sell, barter, or exchange or offer for sale, barter, or exchange any striped bass.

(c) Commercial fishermen engaged in commercial fishing for striped bass may not possess striped bass less than 35 inches in total length. If the number of striped bass aboard a vessel is greater than the number of fishermen, then all striped bass in possession must be greater than 35 inches in total length, and all fishermen must be commercially permitted as described in 322 CMR 6.07(3). Striped bass less than 35 inches in total length shall be returned immediately to the waters from which taken.

(d) Commercial fishermen engaged in striped bass fishing under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2) and on the registered vessel listed on the permit, may not possess, land, offer for sale or sell more than 15 striped bass per day on open commercial fishing days, as set forth at 322 CMR 6.07(2) **and 6.07(4)(b)**. This limit applies to the individual fisherman regardless of the number of commercial striped bass regulated fishery permit endorsements held by the individual or number of trips taken in a day and the vessel regardless of the number of individual commercial striped bass regulated fishery permit endorsement holders onboard or the number of trips taken in a day.

(e) Commercial fishermen engaged in striped bass fishing under the authority of a Commercial Fisherman Individual or Rod and Reel permit, issued in accordance with 322 CMR 7.01(2) or under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2), while fishing from shore or any location other than the registered vessel listed on the permit may not possess, land, offer for sale or sell more than two striped bass per day on open

commercial fishing days, as set forth at 322 CMR 6.07(2) **and 6.07(4)(b)**. This limit applies to the individual fisherman whether fishing from shore or a vessel, regardless of the number of commercial striped bass regulated fishery permit endorsement assigned to the individual fisherman or the number of trips taken in a day.

(f) All striped bass which are the subject of a first sale shall be in the round, with the head, body and tail fully intact.

(g) Except as provided for in 322 CMR 6.07(5)(f), no striped bass may be filleted or processed in any manner except by evisceration. In all prosecutions or non-criminal citations issued, mutilation of a striped bass which interferes with or affects a proper or adequate measurement of the fish shall be *prima facie* evidence that the striped bass was or is less than 35 inches in total length.

(h) Commercial fishermen shall sell striped bass only to Primary Buyers.

(i) Commercial fishermen shall sell striped bass only during the commercial season and only during the open commercial fishing days within the commercial season.

(j) Commercial fishermen may harvest, catch, or take striped bass by rod-and-reel or handline only.

(k) Commercial fishermen engaged in commercial fishing for striped bass may not fish aboard the same vessel at the same time as recreational fishermen.

(l) In accordance with the Declaration Procedure set forth at 322 CMR 6.41(2), the Director may make in-season adjustments to the commercial fishing limits as established in 322 CMR 6.07(4), including but not limited to the open commercial fishing days and the commercial fishing limits as set forth at 322 CMR 6.07(4)(b), (4)(d) and (4)(e).

(m) Commercial fishermen are prohibited from harvesting striped bass from the Cape Cod Canal for commercial purposes or possessing any striped bass 35" total length or larger in any container or vehicle within 1,000 feet of the shoreline of the Cape Cod Canal, unless the fish is being actively transported to a primary dealer and was lawfully taken in a location other than the Cape Cod Canal.

(7) Prohibitions. It shall be unlawful for:

(j) **any person other than** a commercial fisherman to **make a primary sale of sell** striped bass to any person other than a Primary Buyer.

(k) a non-resident commercial fisherman to possess more than one striped bass upon **entering or** leaving Massachusetts;

(l) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to sell, barter or exchange any striped bass without having issued to him or her a valid permit to do so;

(m) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to catch, take, possess, sell, barter or exchange any striped bass for commercial purposes once the commercial quota is reached and the commercial fishery is closed, or to retain, possess or land more than one striped bass during **any calendar day that is a closed commercial striped bass fishing day, as described at 322 CMR 6.07(4)(b) ~~the closed commercial fishing days;~~**

(n) a commercial fisherman to sell, barter, exchange or attempt to sell, barter, exchange any striped bass during **any calendar day that is a closed to commercial striped bass fishing day, as described at 322 CMR 6.07(4)(b) ~~the closed commercial fishing days within the commercial season;~~**

(o) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to sell, barter or exchange any striped bass less than 35 inches in total length;

(p) any commercial fisherman fishing under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR

7.01(2)(a), (c), (d) and (e) and onboard the registered vessel listed on the permit, to take, possess, land, offer for sale or sell more than 15 striped bass during a single open commercial fishing day, **as set forth at 322 CMR 6.07(4)(b)**. This shall apply to the individual fisherman regardless of the number of commercial striped bass regulated fishery permit endorsements held by the individual or number of trips taken in a day and the vessel regardless of the number of commercial striped bass regulated fishery permit endorsement holders aboard;

(q) any commercial fisherman fishing under the authority of a Commercial Fisherman Individual or Rod and Reel Permit, issued in accordance with 322 CMR 7.01(2)(h): *Individual*, (i): *Shellfish/Rod and Reel* and (j): *Rod and Reel*, or under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) or (e), while fishing from shore or anywhere other than the registered vessel listed on the permit, to take, possess, land, offer for sale or sell more than two striped bass during a single open commercial fishing day, **as set forth at 322 CMR 6.07(4)(b)**. This shall apply to the individual commercial fisherman whether fishing from shore or from a vessel regardless of the number of commercial striped bass regulated fishery permit endorsement holders aboard or trips taken in a day;

(r) a commercial fisherman to fillet or process any striped bass other than by evisceration;

(s) a commercial fisherman to mutilate any striped bass in such a way as to interfere with or affect a proper or adequate measurement of the fish;

(t) a commercial fisherman to participate in the primary purchase of any striped bass which is not in the round, or which has had the head or tail removed;

(u) a commercial fisherman to possess or land striped bass once the Director has determined that 100% of the commercial quota has been reached;

DRAFT

From: [James Shanley](#)
To: [Fish, Marine \(FWE\)](#)
Subject: 322 CMR 6.07
Date: Monday, March 29, 2021 3:05:12 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

I am writing to express my opposition to the extension of allowable fishing days for the commercial harvest of striped bass as outlined in 322 CMR 6.07.

The quality of the striped bass fishery has been in decline for decades. It is my hope that management decisions would be made to reverse this trend, not to insure that harvest quotas are met.

I would fully support giving striped bass gamefish status throughout its range. If not, then a return to the 36" keeper size limit would be the next best thing. I have been striper fishing long enough to remember how good the fishing was when the 36" rule was in effect, and how things declined once that rule was abandoned.

Thank you for considering my thoughts.

Sincerely,

James Shanley
Portsmouth, NH (formerly a Newburyport resident)

From: [Mike Piper](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass Commercial Fishing adjustments
Date: Wednesday, March 31, 2021 10:13:38 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

My family and I fish recreationally in Massachusetts for Stripers as well as other species. Thank you for soliciting input on the commercial fishing proposals. My comments are as follows:

Firstly to the coastwide stock, I believe there is a misunderstanding of Amendment VI and the associated 18% cuts that were taken. The science behind that number was that it would provide a 50% chance of success. That is a minimum standard the ASMFC is held to, as crazy as a coin flip sounds. If you then factor in things like CE, where some of the states south of here manipulate their limits so they don't face across the board cut, we're talking about a less than 50% chance of saving the species from collapse.

With that in mind, it is left to the "better half" of the ASMFC states to do their best to keep the Striped Bass stocks healthy. I'd like to think Massachusetts is among the leaders in this effort. To that end, it seems like the wrong time to try to change the Commercial Fishing rules we've lived under since 2015 in order to reach the full target quota. I think baby steps are in order, until we know more about the health of the fishery under Amendment VI.

- 1a. Opening a week earlier to allow fisherman south of the Cape to catch fish before they move north sounds reasonable.
- 1b. Establishing an official end date also makes sense.
- 1c. I would suggest adding just Tuesday for now. That way fisherman who've found a large mass of fish can keep after them several days in a row, and it allows for overnights. Adding a fourth day (doubling the number of days) seems irresponsible in light of the fishery decline.
- 1d. There was very little change in 2020 when extra days were added in September, so I see no reason to change that. Keep it simple and consistent through the month. Come October, I do understand the weather argument so could see adding days in that month.

Sincerely,
Mike Piper
Marblehead

NOTICE

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From: [Sean Tracey](#)
To: [Fish, Marine \(FWE\)](#)
Subject: 2021 Striper Fishery Regulations
Date: Tuesday, March 23, 2021 12:02:11 PM

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Dear Director McKiernan,

Please do not extend or open up the Commercial Striper Quota or fishery this year.

We need to protect this valuable fishery. I feel that there is no reason for ANY commercial fishing of this resource.

But, certainly, to allow any extended season or days of the week is a HUGE MISTAKE.

Please reconsider. Keep all limits in place. Or, enact even more limits until the striped bass is "back" and plentiful and a stable population.

Sincerely,

Sean M. Tracey

(avid, grateful recreational fisherman = practicing "catch and release" only)

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Sean Tracey

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March 24, 2021

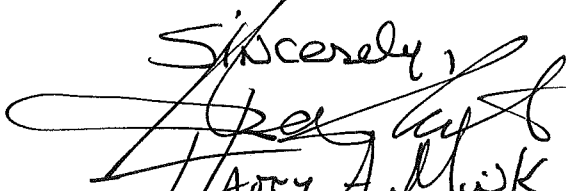
Ms Harry Mink
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978-263-2341 (Home)
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MacMinkMan@aol.com

Dear Ms. Dan Mc Kiernan:

I am writing you to protest the proposed changes to the commercial striped bass fishing regulations for 2021, specifically to increase the harvest of breeder sized fish.

I am a sports fisherman who is licensed for both fresh and salt water. I believe the proposed change regulations are reckless and are in direct opposition to the ASMFC's current efforts to amend its policies to protect and restore striped bass to abundance. ASMFC has declared striped bass to be "overfished", and yet DMF wants to increase commercial pressure.

Thank you for your consideration of my position on the proposed changes.

Sincerely,

Harry A. Mink



Massachusetts Striped Bass Association

Since 1950

April 2, 2021

MA Division of Marine Fisheries
251 Causeway Street
Suite 400
Boston MA 02114

Dear Director McKiernan,

After attending and listening to the recent public hearing the MSBA Executive Board met on Wednesday April 1 to discuss the proposals made during the hearing. Please accept the following comments on behalf of the Massachusetts Striped Bass Association.

1. Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07)

Since being founded in 1950; MSBA membership has included commercial harvesters of striped bass. Although our current membership includes fishermen that believe the overall value of striped bass to the Commonwealth would be better served as a recreational only species; our formal positions are focused on reform and improvement of the commercial fishery.

MSBA understands the dilemma facing DMF regarding the proposed actions. We understand the MA commercial quota is set at ASMFC and MA DMF has a responsibility to enact regulations that allow for the harvest of that quota. At the same time, an overwhelming majority of MSBA members feel the current striped bass commercial quota is out of line with the ongoing decline of striped bass stocks.

We ask you to recall just ten years ago when commercial harvest was spread out across multiple aggregations of fish found across the entire Commonwealth. Over time we have seen aggregations at Gay Head, Chatham, Billingsgate Shoals and Scorton Ledge either disappear or be reduced to the point these areas can no longer be considered hot spots. We believe that commercial quotas will soon be significantly reduced and urge you to consider this as you consider our comments on each of the proposals.

- a) MSBA believes opening the commercial season prior to June 23 will focus commercial effort on concentrated schools of commercial sized fish during the Spring migration. We strongly believe any long-term hope to build back multiple aggregations demands what's left of these fish be allowed to migrate into and disperse throughout our waters prior to the pressures of commercial harvest. ***It is for this reason MSBA is opposed to opening the commercial striped bass season prior to June 23.*** In addition, we remember that the status quo opening date was originally chosen in order to create and fortify a market prior to the July 4th holiday weekend. ***MSBA supports the opening of June 23.***
- b) ***MSBA understand and supports the need to establish a formal closing date for the commercial striped bass season.*** Similar to our position on the opening of the season, we feel there is great long term conservation value in prohibiting expanding the window of commercial fishing pressure during the fall migration. Considering warming waters and historic landings, ***MSBA urges MA DMF to set a closing date for the commercial striped bass season of September 15.***

- c) Since their establishment, MSBA has participated in past MA DMF discussions regarding open commercial fishing days. We specifically recall multiple MA DMF Striped Bass Advisory Group meetings administered by former Director Paul Diodati during which representatives from the recreational, commercial and fish dealer communities negotiated agreements on ways to extend the season, provide price stability and avoid on the water user group conflicts that occur on weekends and holidays. We ask you to remember that concessions were made by all sides and commitments were made to address fears expressed by commercial harvesters that if they give up open fishing during the week, that fishing opportunity will be lost forever. ***Although we have a responsibility to inform you that the majority of MA recreational anglers are opposed to any and all expansion of open commercial fishing days, the MSBA Executive Board feels MSBA must honor past commitments at this time and support the proposal to set non holiday Mondays thru Thursdays as open striped bass commercial fishing days. This support is contingent on that past agreement to not allow commercial fishing days on weekends and holidays.***
- d) As referenced in our comments related to item “c” of this proposal, we request MA MDF honor the past agreement by representatives from the recreational, commercial and dealers communities regarding weekend and holiday fishing days. The opportunity for on the water user group conflicts is increased at this time of low abundance and past concerns remain valid. Beyond the past agreement, we feel the addition of weekend commercial fishing during the fall migration is too much to ask of a stock that all stakeholders agree is in serious decline and experiencing low abundance. ***MSBA is opposed to any weekend or holiday commercial fishing days and our support of the proposed Monday thru Thursday open days is contingent on weekends and holidays remaining closed.***

2. Commercial Menhaden Fishery (322 CMR 6.43)

MSBA has been active in menhaden management for over 30 years. Our current membership includes tackle shop owners who sell menhaden, at least two commercial harvesters and hundreds of recreational harvesters.

- a) MSBA believes current levels of menhaden provide for both ecosystem services and reasonable harvest by all stakeholders. We believe a key to maintaining current abundance and availability is to prevent unnecessary growth by the largest harvesters. For this reason and those described during the public hearing ***MSBA supports the proposal to adopt a maximum purse seine size of 300' x 30' for all harvesters.***
- b) During the public hearing commercial harvesters pointed out that the proposed “assumed weight” per barrel was lighter than reality and different than regulations in neighboring state of Maine. We think differing from the state of Maine is a set up for law enforcement problems. ***MSBA supports a requirement for immediate storage in totes and barrels however DMF should further consult with both harvesters and colleagues in the state of Maine in order to adjust the “assumed weights” per barrel.***
- c) ***MSBA supports the proposed requirement for reporting commercial harvest as explained during the public hearing*** with the following consideration. MSBA members frequently report witnessing seiners in the Boston Harbor area making sets and then selling harvest directly to both commercial and recreational vessels. We understand this is allowed when a harvester has a dealer permit, and we are not necessarily opposed to this activity. ***MSBA urges DMF to require all “on the water” dealer sales” be added to this proposal and be reported nightly into SAFIS.***

3. Commercial Black Sea Bass Pots (322 CMR 6.12)

Compliance with the ASMFC IFMP is important. *MSBA supports this proposal* as explained during the public hearings.

4. Atlantic Bluefin Tuna Purse Seining Regulations (322 CMR 6.04 & 7.01)

MSBA members believe the commercial Bluefin fishery should be limited to rod & reel only. *MSBA supports this proposal* as explained during the public hearings.

5. Correction to Mobile Gear Regulations (322 CMR 4.06)

MSBA supports this proposal as explained during the public hearings.

Thanks for your consideration.

Mike Jones
President
MA Striped Bass Association

Patrick Paquette
Govt Affairs Officer

From: [Chris McMahon](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Adding more commercial Bass days? Seriously
Date: Monday, March 22, 2021 6:53:56 PM

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Director Dan McKiernan,

I am dumbstruck by the Marine Fisheries proposal to add commercial striped bass days. I live on Cape Cod and fish alongside a number of commercial guys who cannot understand this either. I haven't actually met a commercial guy who doesn't favor making Stripers a Gamefish. There is almost no commercial value at any limit size you impose. It is a failing management idea and should be abandoned.

I apologize for not knowing your background but it might be time to head down to the docks and find out what the people on the water want.

Please reconsider
Chris McMahon



April 2, 2021

Daniel J. McKiernan
Director
Massachusetts Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

**Re: Proposal Concerning the Commercial Striped Bass Season and Open Fishing Days
(322 CMR 6.07)**

Dear Director McKiernan:

On behalf of the American Saltwater Guides Association (ASGA), we are writing to express our opposition to the Massachusetts Division of Marine Fisheries' (DMF) proposal to open the commercial striped bass season eight days earlier in 2021 compared to 2020, and to start the fishery at four open days per week rather than two, as had been the case from 2014-2020.

ASGA is a coalition of fishing guides, small businesses, and conservation-minded anglers who find greater value in long-term stock abundance rather than simply maximizing harvest. We are committed to the concept of "better business through conservation," reflecting our belief that a precautionary approach to fisheries management based on the best available science provides higher-quality fishing outcomes for all. Our supporters in Massachusetts include guides, lure manufacturers, tackle shop owners, private anglers, and for-hire captains who also fish commercially.

As you are well aware, Atlantic striped bass are in trouble. The species is overfished and spawning stock biomass is at a 25-year low, with the recreational (for-hire and private) sector responsible for 90% of removals.¹ While coastwide action was taken to curb overfishing through the approval of Addendum VI by the Atlantic States Marine Fisheries Commission's (ASMFC) Striped Bass Management Board, data uncertainties due to COVID-19 prevent the ability to assess whether such measures were effective.² We firmly believe that the stock's current status is the outcome of failed coastwide management by the ASMFC, and understand that coastwide action is needed to rebuild the fishery. Toward that end, we are actively engaged in efforts to improve management of the fishery through Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass.³

To date, we have been impressed with DMF's forward-thinking initiatives to benefit striped bass conservation. In 2019, DMF was proactive in self-imposing a reduction to the commercial striped bass quota from 869,813 pounds to 713,000 pounds, in anticipation of the expected 18% coastwide reduction for 2020 required under Addendum VI.⁴ In addition, to address recreational

discard mortality, DMF required private striped bass anglers to use inline circle hooks with natural bait beginning in 2020—a year before similar requirements were implemented under Addendum VI.⁵ We are also appreciative of DMF’s research initiatives to improve our understanding of striped bass movements, stock structure, and recreational post-release mortality.

In theory, we understand the motives behind DMF’s proposal to extend the commercial striped bass season, given that the Massachusetts commercial quota, set by the ASMFC, has not been reached since 2017.⁶ Many individuals in Massachusetts, including some of our members, depend on the commercial striped bass fishery as a supplemental source of income; if the stock were healthy, and if we had confidence that the catch limits set by ASMFC were effectively conserving the fishery, we would not be opposed to efforts to fully utilize the quota. However, given the overfished status of striped bass and concerns regarding the management of the Massachusetts commercial striped bass fishery, we cannot in good faith support any effort to liberalize the ability to reach the quota. While factors such as water temperature, predation, and forage availability may all have played a role in recent reduced landings, it’s difficult to fathom that these have only become an issue in the last three years. Rather, we believe that the main contributor to reduced harvest levels is simply the fact that there are fewer large striped bass in the water due to overfishing.

In opposing an extension of the commercial season, we do not intend to be punitive toward participants in the Massachusetts commercial striped bass fishery. We understand that many folks rely on the fishery and that the recreational sector is responsible for the lion’s share of fishing mortality coastwide. At the same time, however, we recognize that further facilitating the ability for the commercial fishery to reach its quota will only exacerbate the current precarious state of striped bass. This is particularly true given ongoing issues in the management of the Massachusetts commercial striped bass fishery, such as a dearth of accountability, an excessive number of permits, and the lack of requirement to sell fish taken under the authority of the commercial permit.⁷ We are supportive of the Marine Fisheries Advisory Commission’s and DMF’s potential efforts to reform the fishery in order to better support honest, hard-working commercial fishermen,⁸ and we look forward to being a constructive partner as these efforts proceed.

Lastly, we would be remiss if we failed to mention our disappointment in your decision to curtail public comment during the March 29, 2021 public hearing to discuss this proposed measure.⁹ Stakeholders had taken time out of their day to learn about the issue at hand and then patiently waited to provide their own perspectives on how best to manage the resource. Depriving them of the ability to speak not only limits DMF’s ability to make an informed decision, but also discourages folks from participating in subsequent meetings and undermines public faith in the decision-making process, as we are currently observing with the ASMFC’s Striped Bass Management Board. Given the controversial nature of this proposal and its widespread distribution via social media in the weeks leading up the hearing, DMF should have better anticipated the broad public interest in this hearing and made efforts to ensure ample time for all comments to be heard. We sincerely hope that future public hearings will afford all participants, regardless of their opinions, the opportunity to speak.

While the Massachusetts commercial sector is not the root of the problem for the state of striped bass, all users need to be part of the solution for bringing the species back. We urge you to refrain from extending the commercial season in 2021 and to continue serving as a leader in promoting striped bass conservation at both the state and coastwide levels.

Thank you for the opportunity to share our comments.

Sincerely,



Tony Friedrich
Vice President and Policy Director
tony@saltwaterguidesassociation.org
(202) 744-5013



Willy Goldsmith, Ph.D.
Executive Director
willy@saltwaterguidesassociation.org
(617) 763-3340

¹ ASMFC. 2019. Summary of the 2019 Benchmark Stock Assessment for Atlantic Striped Bass.

http://www.asmfc.org/uploads/file/5d28f18dAtlanticStripedBassAssessmentSummaryReport_April2019.pdf.

² ASMFC. 2019. Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan.

http://www.asmfc.org/uploads/file/5dd447baStripedBassAddendumVI_Amend6_Oct2019.pdf.

³ American Saltwater Guides Association. A Guide to the Striped Bass Amendment 7 Public Information Document: Your Comments Needed! <https://saltwaterguidesassociation.com/a-guide-to-the-striped-bass-amendment-7-public-information-document-your-comments-needed/> (last visited April 1, 2021).

⁴ Massachusetts Division of Marine Fisheries. Director's Decisions on In-Season Adjustments to Commercial Fluke and Striped Bass Limits. August 16, 2019.

https://www.mass.gov/files/documents/2019/08/16/2019%20Fluke%20%20Striped%20Bass%20In-season%20Adjustments_190816.pdf?fbclid=IwAR0SjKfkugy7npzg5hqdfCyGBn_M-tDEghvUJhL7d6_IQAFLGaEczHnkn3I.

⁵ Massachusetts Division of Marine Fisheries. New Striped Bass Conservation Regulations. April 25, 2019.

https://www.mass.gov/files/documents/2019/04/25/Striped%20Bass%20Advisory_190425.pdf?_ga=2.104903171.1079998380.1579024286-797451951.1577992233.

⁶ Massachusetts Division of Marine Fisheries. Proposed Adjustments to Commercial Striped Bass Limits.

Memorandum from Daniel J. McKiernan, Director, to the Marine Fisheries Advisory Commission. January 22, 2021. <https://www.mass.gov/doc/january-28-2021-mfac-business-meeting-materials210122/download>.

⁷ Massachusetts Division of Marine Fisheries. Recommendation to Make In-Season Adjustments to Commercial Striped Bass Open Fishing Days. Memorandum from Daniel J. McKiernan, Director, to the Marine Fisheries Advisory Commission. August 19, 2020. <https://www.mass.gov/doc/recommendations-to-the-mfac-on-in-season-adjustments-for-2020/download>.

⁸ Massachusetts Division of Marine Fisheries. Summary of December 21, 2020 Striped Bass Sub-Committee Meeting. Memorandum from Story Reed, Permitting and Stats Program Manager, to Daniel J. McKiernan, Director. January 21, 2021. <https://www.mass.gov/doc/january-28-2021-mfac-business-meeting-materials210122/download>.

⁹ Massachusetts Division of Marine Fisheries. Public Hearing: New Commercial Fishing Rules for 2021 [Minute 57:14]. https://www.youtube.com/watch?v=C4t1_V-tcdc.

From: [Al Williams](#)
To: [Fish, Marine \(FWE\)](#); Daniel.Mckiernan@mass.gov
Cc: [Armstrong, Michael \(FWE\)](#); [Reed, Story \(FWE\)](#)
Subject: Striped Bass proposed Commercial fishing regulations for 2021
Date: Tuesday, March 30, 2021 6:10:51 PM

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To: Director Daniel McKiernan

From: Al Williams / Gloucester

Subject: Proposed changes to Striped Bass commercial fishing regulations for 2021.
Ref: virtual public hearing held on 03/29/2021.

Dear Director;

Please note my comments regarding the 4 proposals presented at public hearing on 03/29/2021.

A. Opening date:

My preferred action is status quo with an unchanged opening date of June 23.

DMF's preferred option of June 15 is acceptable, but I would not support any opening earlier than the 15th.

Rational: I fish state waters on the north shore. We typically do not have reliable access to Stripers of legal commercial size until mid to late June.

In my opinion, any opening date earlier than the 15th does not allow distribution of legal fish throughout the waters of the Commonwealth, and therefore minimizes the opportunity for participation by north shore commercial Striper fishermen.

B. Commercial season end date:

I support the hard end date of November 15 as proposed by DMF.

C. Increase the open days to 4 per week:

My preferred action is to begin the commercial season with 3 open commercial days per week. The open days to be Tuesday, Wednesday; and Thursday.

Rational: Adding a fourth day is better utilized later in the season as an adjustment tool if appropriate.

D. Increase the the number of open days to 5 on September 15 then 7 on October 1:

My preferred action is to add Monday's as a 4th commercial day on September 15 (depending on quota status) with no further in-season adjustments after that.

Rational: In my opinion, increasing to three commercial days at the beginning of the season, and potentially adding a fourth on September 15; will allow sufficient increased

access to the quota in 2021, while simultaneously taking a measured and prudent approach to managing this important commercial fishery.

Thank you for consideration of my comments

Al Williams / Gloucester

From: [reeldeaded](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment -Striped Bass
Date: Tuesday, March 30, 2021 6:54:56 PM

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Director McKiernan and the MFAC,

I would like to start by thanking you for taking the time to read my comment. I was unable to attend the public hearing on Monday but watched on YouTube. An hour of listening to gamefish fanaticism is more than anyone should have to endure. They have to be among the most condescending, self-congratulatory, insufferable, phony bunch of blowhards out there. The rhetoric of the conservation minded angler is a ruse for monopolizing access to the resource.

If the past year had a slogan, it would have to be "follow the science". Every time I hear it, I brace myself for the inevitable fountain of bullshit that will follow. It seems to mean, "misuse data to validate my desire for precaution and disregard any legitimate arguments to the contrary."

Last night, was no different. Captain Cooms and others last night demanded that you follow the science and not allow commercial fishermen access their science based quota. This isn't following the science, it's manipulating the rules in the name of science to serve an agenda. What the science actually says is we can take 735,000 pounds of striped bass at the current biomass, let us.

If the conservation minded anglers believe that additional precaution is warranted then that argument needs to be presented to the ASMFC, adopted coast-wide and include the recreational fishery. Anthony Fredrick was right on that point. However, Massachusetts manipulating its rules to constrain access may keep 20,000 extra fish in the water, but its going to come at the expense of \$2M annually to fishermen and it is not going to achieve the additional conservation allegedly desired by the conservation minded anglers. That's just basic arithmetic.

The problem with the argument is their goals has never been exclusively conservation, its always also been about control over access to a public resource. I wonder what would happen if the commercial fishermen started demanding a moratorium on recreational harvest in Massachusetts for "conservation"? Sure the stock assessment, says 1-fish at the slot limit is all they need to do, but follow "follow the science." Given they kill 50X more fish annually than we do, it would accomplish far more for the resource than keeping us at 2-days. I'm sure Captain Cooms won't have any problem when anglers start going to RI to charter and it's his pocket that's getting picked. You want to know how I know they're full of it?

Hell, if Captain Cooms was so concerned about conservation and preserving big fish, would he be making videos for OTW showing everyone where to catch cows in Boston? I think not. What do you think contributes to more fish getting killed, 2 extra days a week of commercial fishing or the folks at OTW and MFCC telling every googan with a cellphone and service where and how to catch em? It's not about conservation. Getting us off the water is good for

their business.

Look, my point here is if fishermen view this resource as so important that we need to be more strict than what the stock assessment says, then make that argument and let's do it coastwide across all sectors. What is good for the goose is good for the gander. But demanding that MA commercial fishermen do this unilaterally is nothing more than a poorly reasoned attempt at trying to dominate access to a public resource.

I also agreed with Fredricks when he pointed out that the state's management system needs to be improved. This fishery should have been made limited entry in the 90s, let alone by the time the tagging program was established a few years back. DMF has made a habit of kicking the can down the road on this. Not using the tagging program as a vehicle for going limited entry and instead implementing the only dealer tagging program along the coast because you have too damn many permit holders was one of the most convoluted, chicken shit decisions I've seen argued with a straight face and accepted without push back.

Since striped bass hearings are never about the proposal at hand, I figured I'd take the same liberties as conservation minded anglers and rant on them first. Now that I've gotten that out of the way, I'll get to my comments on managing this fishery in Massachusetts. For 2022: limit entry, adopt a 2,000 pound threshold for entrance, get this down to a couple hundred real fishermen, tag fish at harvest, and manage the quota for us. Then tell the recrea-mercials, the tax deducers, the for consumption only commercial fishermen, and the conservation minded anglers to go pound sand. In the interim, start the fishery on June 1 with 4 open days and go to seven days per week after Columbus Day. Keep the summer and early fall weekends for the Patagonia guys in their Grady Whites. More days and a longer season gets us more access to the resource and gives us a better chance of taking the quota. It also lets guys throughout the state take some of the quota when the fish are in their backyard. Four straight days also helps those of us fishing up Boston and north because we can fish night tides without having to be in by midnight or fear being called poachers. It's a good proposal, don't let the conservation minded anglers bully you out of it.

Thanks for your time,

Ed

From: [Hugo Williams](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Attn Director Dan McKiernan
Date: Monday, March 22, 2021 6:51:05 PM

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Dear Mr McKiernan

Please do the right thing for the resource and all participants and protect striped bass. The addition of extra commercial fishing days is exactly the wrong step, for the wrong reasons.

Hugo Williams

From: [Steve Huebner](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Attn: Director Dan McKiernan - Oppose Plans to Increase Commercial Fishing Pressure on Striped Bass
Date: Tuesday, March 23, 2021 10:37:00 PM

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Director McKiernan,

PLEASE do not work to diminish efforts to preserve and grow our stocks of striped bass by expanding commercial opportunities to harvest this precious resource.

Please understand that recreational fishing for striped bass is FAR more valuable as an opportunity for thousands of anglers than they are as commercially harvested market fish.

Thank you,

Steve Huebner, Hampton, NH

From: [Kurt Olesch](#)
To: [Fish, Marine \(FWE\)](#)
Subject: ATTN: Director Dan McKiernan
Date: Wednesday, March 31, 2021 2:16:11 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As a Maine recreational fisherman I vehemently oppose the new Amendment put forth by the DMF. In the past few years we have seen Striped Bass coming to our area in numbers that I have never seen before. I stand with the Maine Guides Association and hope that you will work to continue to protect the fishery. As a commercial lobstermen I understand the need for some special regulations in order to bring some normalcy back to the fishermen. I do however believe that the striped bass are not the correct Avenue for that change. Thank you for your time.

Kurt Olesch
Commercial Lobsterman
Port Clyde Maine



March 15, 2021

Dear Director McKiernan,

I guess I have already realized that the decision has been made to implement the new commercial striped bass regulations for MA. But I represent the Cape Cod Salties Sportfishing Club, which is composed of approximately 200 family memberships for recreational fisherpeople, and I disagree with any effort made by any one of the Atlantic states to make it easier for commercial fishermen to reach a quota. The science clearly says that striped bass are being overfished, and yet you have decided to have commercial fishermen in MA be allowed to keep fish 35" and larger. Again, according to the science distributed by marine fisheries, most of these fish are more than likely female breeders.

In some of the paperwork that Jared sent me, some of the decisions were made by using forty-year-old comparisons. In a time where the recent amendment VI has been deemed out of date, and a new amendment VII is being worked on, it is amazing to me that we are taking such a drastic step. Some organizations have been wisely proactive. On The Water Magazine took the killing of fish out of their contest and inserted photos only. Fisherman Magazine took the striped bass out of their ten-fish summer derby. The Martha's Vineyard Striped Bass and Bluefish Derby took the striped bass out of the tournament last year. The Cape Cod Salties Sportfishing Club and the Rhode Island Saltwater Anglers Association have both taken striped bass out of their in-house derbies. The recreational fishermen obviously got the point that striped bass are overfished and in trouble.

I personally think anyone applying for a saltwater fishing license should have to take a small test that outlines the importance of getting the fish back in to the water as soon as possible if they are not going to be kept. I would be much happier if the DMF put out more articles on the catching and releasing of not just striped bass but all fish. Years ago I used to tag striped bass for the Littoral Society in New Jersey. When the DMF came up with the mortality figure that one out of ten striped bass does not survive being released, I stopped tagging. I then started doing the scales only, in the program run by the MA DMF. With the mortality issue being so big at this time, I don't see how I can, in good conscience, do the scales again this year. Most of the guys I know and fish with do not use treble hooks, but have switched to a single hook, and most of us have the barbs taken off.

I close by saying that most recreational fisherpeople that get it, and we are worried about the fishery. I saw an article from Stripers Forever that was put out this week, calling for a ten-year moratorium on striped bass. I never thought that I would agree with anything coming out of Stripers Forever, but I do.

Sincerely,

Jack Creighton, Cape Cod Salties

From: [Asimba0712](#)
To: [Fish, Marine \(FWE\)](#)
Subject: attn: Director Daniel McKierman
Date: Saturday, March 6, 2021 11:46:37 AM

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Director McKierman -

I wish to provide a written comment for your consideration regarding the March 6 Public Hearing Notice and the proposed Stripe Bass Commercial regulations specifically:

The Commercial Stripe Bass season should be eliminated in MA and all other Atlantic states. Another reason, not disclosed, about why the commercial stripe bass quota was not achieved in 2020 is that the number of fish, the **stripe bass biomass continues to decline**. There is no way to justify the continued and systematic destruction of this great game fish but I fear this message will be dismissed and the destruction continued until the bass are once again at a dangerously low population and in crisis.

Years ago, before the pollution of spawning areas and over fishing it was possible to have a commercial season but that's in your rear view mirror today and it's time for you to look forward through the windshield. The recreational value for this game fish far exceeds the very meager commercial gain for which your operation seems to be focused, reading the above mentioned Hearing Announcement.

When the bass are gone or at another very low point, once again they will be also lost to recreational anglers and all of the economic value they represent. The economic value is tremendous when you consider the many areas it supports including retail tackle sales, charter business, travel and hotel income etc.

On the commercial side, it's common knowledge that income from stripe bass sales is incidental and not an important support for any family or individual. I have heard people in the fishery describe it as gas money !

There is a better way. **Consider Game Fish Status** please view the the argument made so logically here -

<https://www.stripersforever.org/why-a-game-fish/>

It is shameful and unnecessary to continue to manage this wonderful resource to a point of collapse. Why must we repeat this style of management ?

Director, I urge you to have the courage to examine fully your options and take a leadership role now that can preserve our striper fishery before it becomes impossible. The continuance of a commercial harvest is not reasonable. If MA took the step to make Stripe Bass a GAME FISH it would help the other states to examine the option. I understand that migratory species need a cooperative interstate management plan to be effective but see no reason why MA couldn't take a leadership role and set an example and request other states to do the same. Good Leadership often requires one to take action that is difficult - I am writing to ask you to provide the leadership necessary to end the Commercial Stripe Bass harvest in MA.

Richard Sargeant
Ipswich, MA

From: [MaineStream Cultivation](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Bass
Date: Sunday, March 28, 2021 10:53:05 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director Dan McKiernan,

It has been brought to my attention that once again, your committee is proposing changes to the regulations for the MA commercial fishing season in 2021.

And unfortunately, I reach out once again to state the obvious here. The striped bass stock is declared overfished & recent studies have shown an all time low in the breeding age biomass of stripers.

I am strongly opposed to any sort of season extension or additional days proposed for for-profit angling happening in the state of Massachusetts. In fact, the entire commercial fishery should be shut down before you sacrifice an annual 7 billion dollar recreational industry, for a nominal 180 million dollar commercial industry. This is New England's most prized gamefish & the blood is on your states hands.

Your commercial fishing fleet directly & negatively impacts the surrounding fisheries in New Hampshire & Maine, who've pioneered and adopted conservation measures for decades. While Massachusetts has sat on the sidelines with one of the last open commercial fisheries on the Atlantic seaboard, creating every loophole possible to attract for-profit anglers at the expense of the health of the fishery.

Your quota has been 50-60% full for the past 3 years, and you've made exception after exception in favor of commercial fishing. Last year, you adopted a change to targeting a class of fish (36"+) which should be solely reserved to replenish and restore the dire year of the young metrics. This year, you want to open the commercial season on May 20th before the majority of those fish have had a chance to spawn.

If that's not a blatant disregard for the health of this fishery, I don't know what is. You should be ashamed this proposal is even on the table. The writing has been on the wall for years and you've conveniently ignored it for the commercial fishing revenue.

You've sold more recremercial fishing licenses, extended the season last year, allowed the use of treble hooks & the list goes on. You still can't come close to the quota agreed upon.

More Licenses + More Season - Less Regulations = Less Fish?

What's not adding up here? I encourage everyone on the board of the Massachusetts Department of Marine Fisheries to take a cold hard look in the mirror before a decision is made tomorrow.

Save your bullshit save our striped bass license plates, wake up & make a difference tomorrow.

Best,

Matt

Sent from my iPhone

From: [Lisa Eggie](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Changes to commercial Striped Bass fishing regulations.
Date: Tuesday, March 23, 2021 8:22:23 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

I believe your state's policy regarding the commercial harvesting of Striped Bass is reckless and in direct opposition to the ASMFC's current efforts to amend its policies to protect and restore Striped Bass to abundance. The ASMFC has declared striped bass "overfished, and overfishing is occurring," and yet DMF wants to increase commercial fishing pressure. In my opinion the DMF must not adopt these new commercial quotas and instead should ban all commercial fishing for Striped Bass in Massachusetts

Respectfully,

Duane Eggie
leggie04@comcast.net

From: [samantha morel](#)
To: [Fish, Marine \(FWE\)](#)
Subject: CMR 6.07
Date: Wednesday, March 31, 2021 9:09:31 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To: Director Dan McKiernan

Thank you for the opportunity to comment on CMR 6.07. My name is Samantha Morel. I am a year-round resident of Edgartown on Martha's Vineyard, and I am an avid angler.

I would like to raise my concerns regarding CMR 6.07 which as you know would increase the length and days per week of the commercial striped bass fishing season here in Massachusetts. Frankly Director McKiernan this is the last thing that Massachusetts needs at the moment. As I'm sure you know the ASMFC has recently declared the striped bass stock overfished and acquiesced to the fact the overfishing is actively occurring. To increase extractions from Massachusetts state waters at this crucial juncture in the history of striped bass management would be short sighted and reckless. The failure of the commercial fleet to fill the allotted quota over the course of recent years is not a factor an overly restrictive state management strategy but rather due to the decrease in biomass coastwide. Simply put there are not enough striped bass left in state waters to support Massachusetts's nearly three quarters of a million pounds quota.

To be clear I'm not an advocate of a 10-year moratorium, outright commercial fishing ban or gamefish status. Personally, I have not killed a striped bass intentionally since 2013. I do however believe that with a refined administrative approach that promotes abundance rather than maximum possible extractions that we can have a fishery that serves the interests of recreational, commercial and charter fisherman.

Thank you for your time,
Sam

From: [Ian Bussiere-Nichols](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comment on proposed changes to commercial striped bass regulations
Date: Monday, March 22, 2021 7:26:45 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. McKierman,

I am writing in opposition to the proposed changes to the commercial striped bass fishery in Massachusetts. As a Maine resident, I thoroughly understand how important our commercial fisheries are to state economies and the fishermen themselves. While I appreciate these considerations, I cannot support an increase in striped bass fishing seasons or quota in any state at this time. Here in Maine we have seen the number of mature bass go down each year.

With regulations based on previous years catch data, the whole system is lagging behind.

This is the time when we all need to be putting on the brakes. We must get ahead of these issues so that we can have a healthy population of stripers for centuries to come. Everyone has been hit hard by the Covid-19 pandemic, but using our fragile natural resources as a crutch will only lead to future hardship.

I hope you take my opinion into consideration as you assess the Massachusetts's striped bass regulations. I may not be from Massachusetts, but we're all in this together.

Sincerely,
Ian Bussiere

Get [Outlook for iOS](#)

To: Director Daniel McKiernan

Subject: Comments in regard to current commercial striped bass proposed adjustments

I will try to be short and to the point with my comments. I listened to the meeting held on 29 March after the fact on the DMF You Tube channel.

I'm in favor of adding fishing days to the week, which will help with days that the weather might not allow the smaller boats to go out. Would also help in the filling of the quota, as there is only approximately 25% of the permits being used. However I would be concerned with adding days to the week, in that the price overall would be lower per pound. Which when stated during the meeting was the reasoning behind going to 2 days week.

I was surprised to hear that of the 3,500 to 5,000 permits issued, there is only approximately 1,000 permits actively being used for catching and selling of the fish. However for a positive spin on that, consider that 50% of the quota was caught with only being allowed to fish two days a week and the number of permits actively catching and selling!

Starting the season a week or so earlier would help the commercial guys on the Cape, however I remember when the Cape would have half of the quota caught and the season was barely 4 to 6 weeks old.

An opposing comment to a comment made that commercial fishing wipe/wiped out the fish on the Cape. I read the fishing report(s) and look at the water temperature to see what is happening where. Once the water temperature starts to rise, this brings in the white sharks and with presence of seals already there it just adds to their predators. Not to mention bait fish stripers feed on won't stay with shark and seals around. As I've looked at the fishing report(s) when stripers start showing up around the Cape area it seems their whole migration pattern has changed. Whether that's due to the increase of predators and/or the bait forage just isn't staying around like it use too.

There's a very strong opposition from the recreational side that commercial fisherman are "cause" for the depleting stock because we're taking the bigger breeding fish. But I haven't read or heard of anyone asking the recreational fisherman with a slot limit of 28" to under 35", what about those fish you catch that don't get a chance to become a large breeder fish and/or are caught before they may have a chance to breed once or twice! Can't imagine these smaller fish being caught helps the future. It also wasn't too long ago that the recreational limit was 28" with a 2 fish bag limit.

I believe heard the statement made that there's more pressure from the commercial side on the fishery, however the recreational has/had a 90%

mortality rate on fish that are released. So could be fair to say that the pressure is from all sides and possibly not favor one or the other.

Some have said that the commercial quota hasn't been caught the last couple years is because the stock is down due to over fishing. Not sure what the scientific data shows with regard to the stock in relation to this. But anyone who fishes knows that if you "find the bait, you find the fish"! Whether they're feeding on that school of bait you find, well that's why it's called fishing not catching! There's also the case of the mass of stripers that hang offshore outside of 3 NM from land where you can't catch them. Some of those fish probably don't even come inshore, why would though if there's feed for them out there!

It was said that schools of stripers settled in around the Cape Ann area during last season. Which was true due to that's where the bait settled in, I caught the end of it unfortunately. So as I fished I noticed the bait was scarce somewhat, but once I found bait I found a few fish around it! Mackerel or pogies, if either bait is around there's usually fish around with it.

Hopefully there will be a way to bring the fishery in MA to a happy medium between all anglers whether recreational or commercial. Everyone enjoys fishing for stripers in their own way when out on the water!

Thank you for taking the time to view my input on this matter! I know you and your colleagues are busy, but if there's any questions for me or you need clarification on something I wrote please feel free to reach out to me via email (preferred) or phone!

Thank you again and have a good day!

Brian Enos

978-290-0874

benos7904@yahoo.com

From: [Zachary Whitener](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments in Opposition to Proposal to Add Commercial Fishing Days for Striped Bass
Date: Friday, April 2, 2021 5:20:42 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director Dan McKiernan,

I write to you to voice my opposition to the proposal to add more commercial fishing days for striped bass in Massachusetts.

I am a striper guide in Maine and we rely on fish making it through the gauntlet of fishing throughout their annual migration to get here. The Massachusetts commercial striper fishery cannot fill it's quota because of a fundamental lack of fish. The quota is set too high if the commercial fishermen for multiple years cannot meet that quota—changing the rules to allow more time for fishing it not helping the fundamental issue of there not being enough fish. Please do not increase the number of commercial fishing days, it would effect many more people than just Massachusetts commercial fishermen.

Thank you for your time.

Zach Whitener
Anadromous Adventures Guide Service LLC
Freeport, Maine

From: [Jeremiah Treanor](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments On 322 CMR 6.07
Date: Wednesday, March 31, 2021 6:17:19 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dan,

I am writing to express my complete opposition to 322 CMR 6.07 concerning the extension of the commercial striped bass season in Massachusetts. The ASMFC determined striped bass stocks are overfished, and experiencing overfishing. Massachusetts has missed it's commercial striped bass quota two years in a row. Obviously this is on trend with coast wide observations. To put more pressure on striped bass stocks given the already known data is **asinine**.

Massachusetts needs to set an example and show the other atlantic states how to steward striper stocks for future generations.

I implore you to use common sense, show some respect to the citizens, the fish, and yourself.

Expectantly.

Jeremiah Treanor

From: [Ken Howland](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments on Commercial fishing regs
Date: Saturday, March 6, 2021 7:57:50 AM

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To

Director Daniel McKiernan

Concerning Striped Bass proposed regs:

Season opening date should be no later than second week of June, Cape and southern water fisherman have recently missed out on the migrating fish due to the late opening. I am a north shore fisherman, I do understand the quota needs to be filled, by opening earlier the Cape fisherman will have more opportunities.

Establishing an end date in November is irrelevant in the grand scheme. The numbers of available anglers from Nov - Dec are most likely fishing from shore with limited stock to target.

I am in complete agreement to the 4 day a week season, this will certainly add to the possibility of filling the quota. The opportunity for night fishing gives the angler the opportunity to then sell fish the following morning. The majority of anglers are working other jobs and we all have limited times in which to sell fish.

The late season increase in fishing days is invariably too late, fish have begun a southern migration, smaller fish far out number the available fish within the commercial range. If fish mortality is a great concern the days should be reduced at the end and not increased.

Smaller fish are extremely aggressive, circle hooks are consistently swallowed and deep hooked causing imminent death to under sized fish.

Additional thoughts:

A great number of recreational anglers are purchasing a commercial license to be able to catch and keep larger fish. These anglers are not entering these fish into commerce. Therefore are not being considered into the quota.

What is the percentage of purchased licenses that don't sell fish?

Is there a way to have every license holder at least report their catch even though not sold?

Is there a way yo cap the non-selling angler to 1 or 2 fish on a given trip?

The fish numbers will be affected by the angler not selling fish if opened to a four day a week season.

Poaching:

This is becoming an irritable situation among anglers who choose to be lawful, there are multiple violators fishing on off days and icing fish, there are multiple violators fishing from the same vessel and holding licenses on other vessels, catching two and three fish limits on a singular vessel and reporting the catch from the alternate vessels.

I personally was checked by environmental police on 4 occasions last season and 3 the prior season. I have no issue regarding being checked, the issue I have is we don't see any enforcement on the off commercial days, nor do we see any enforcement at night. I am certain even the presence of EP would curb these

activities. I encourage the EP to be smarter about when to watch and who to watch, the data is in the buyers hands, a little record investigating should provide insight to who should be watched.

Best regards

Ken Howland

From: [Alexander Shukis](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments on Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07)
Date: Tuesday, March 30, 2021 12:23:45 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am writing to oppose the suggested changes to the commercial striper fishing regulations. The striped bass stock is struggling and I do not believe these regulations will help the hurting fishery, and believe they are detrimental to the conservation of the fish. Thank you for reading my comments opposing the changes to the commercial striped bass regulations.

Alex

From: [brian.eggie](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments on overfishing
Date: Friday, March 26, 2021 8:48:25 AM

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Dan,

I have been Striper fishing for over 40 years and I can tell you that the population is heading for disaster. There are almost no fish in the Delaware bay any longer and we only get a short run of bass in the fall. Yes some of those runs are good, but that doesn't mean the stock is in good shape. The spring and fall fishing off of NJ is poor at best and is in decline. I see the same thing happening as in the 70's when the fishery collapsed. It's heading there again unless you stop it.

If the population is down, as evidenced by the quotas not being met, then the answer isn't extending the season, its actually to put in measures to strengthen the stock. You can't keep cutting down trees to burn without replanting them or else you will end up with a desert. .

My suggestions;

1 Make Stripers a game fish and help the recreational economy boom. This would help many people vs. a few commercial fisherman. Fish are a public good that belongs to everyone not a few.

2 Put a moratorium on them every 3-4 years for a 1 year period. Give them a rest.

3 sSot fish only like Florida and the Carolinas do with redfish. That fishery sustains many people and it the correct way to manage stocks.

4 Stop the bonus tags. It's unnecessary. if you want a "trophy" take a picture. 1 fish per person.

5 Stronger measures against poaching. I have personally witnesses sever abuse from greedy fisherman at night under bridges who kill hundreds of fish 10 to 30 inches long. I've also seen trollers bring in 10 or 12 fish with only 2 people on board. It's horrible. Make very strict penalties.

6 Encourage people to take pictures and release the fish. Hold tournaments for best picture. We have to change the mind set from a food fish to game fish. People aren't starving because they don't have Stripers to eat. They are worth so much more to our economy then food for foreign countries.

7 Only circle hooks vs snag rigs to reduce unintended kill.

8 Work with other states to have a cohesive program. With out it people say "well I might as well kill them because the guy in Virginia isn't going to let them go"

I know they are a lot of people who just care only about catching a fish today, but we must think about the future. I want my kids to enjoy the essence of catching and releasing a beautiful bass.

Please be bold, think long term and don't extend the commercial season. It will only cause you to extend it again and again to accommodate an unsustainable quota system. Instead find ways to grow the stock so everyone can enjoy this wonderful recourse.

Thank you.

Brian Eggie

From: [Elvin Atkins](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments on plan to expand commercial striper harvest
Date: Monday, March 22, 2021 7:38:49 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Dan McKiernan,

Thank you for the opportunity to comment on the plan for striped bass.

I'm a recreational fisherman and I have fished for striped bass over the last decade.

Over that time I've continued to observe a decline in the fishery; both in numbers and in size of the fish.

It is apparent that the fishery is overfished. The introduction of the slot and the closure of the canal were good starts. More needs to be done to preserve our fishery.

The fish stocks cannot support an increase in the number of days they can be commercially fished. If anything, I think the fishery should be closed for a few years to let the stocks recover. I limit myself to harvesting a single fish per year.

I hope you will oppose any expansion to the harvest of striped bass in Massachusetts.

Thank you!

Elvin Atkins
137 Highland Ave, 2R
Somerville, MA, 02143
+1 6175131398

From: [Bradley Delzingo](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments on proposed striped bass commercial regulation
Date: Tuesday, March 9, 2021 12:32:21 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I agree with the proposed changes to the striped bass commercial fishery and would like to see the earliest possible opening.

Striped bass arrive outside of Boston in late May and that's when the season should open.

The DMF needs to allow fish sales on charters also. This removal of selling fish on charters was yet ANOTHER huge blow to the commercial fleet. How do you expect us to catch the quota if you keep taking away our means to do so?

Selling fish on charters is a very important piece of the fishery and should be brought back immediately!

I would also strongly recommend we bring back the five fish Sundays. This is an open access fishery and the DMF needs to allow MORE access, Not continually take it away as they have done the last three years. Many commercial permit holders have other full time jobs and rely on those Sundays to commercial fish.

You cannot pick days on a calendar, months in advance, and hope the commercial size fish will come into state waters on those specific days. These fish are constantly on the move and more often than not outside of state waters, away from the many growing inshore predators like seals and sharks they face.

The DMF should also stop considering any and all recreational striped bass fishermen's comments on the commercial fishery!

This is a HUGE conflict of interest!

The recreational striped bass fishermen have a decades old loathing of the commercial fishery and would like nothing better than to shut it down. This is very apparent with their continued yearly attacks on the commercial fishery like their annual attempts to pass bills at the state house level to abolish it.

This is a completely different fishery and should be looked at as such. Do not let the recreational fishermen sway the vote with their massive campaign to flood the DMF with comments opposing these changes.

Bradley Delzingo
Fishbucket Sportfishing
Boston, MA

From: [Mike Delzingo](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comments Proposed Commercial Fishing Regulations Affecting Striped Bass
Date: Tuesday, March 9, 2021 7:39:51 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I agree with the proposed changes to the striped bass commercial fishery and would like to see the earliest possible opening.

Striped bass arrive outside of Boston in late May and that's when the season should open.

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You cannot pick days on a calendar, months in advance, and hope the commercial size fish will come into state waters on those specific days. These fish are constantly on the move and more often than not outside of state waters, away from the many growing inshore predators like seals and sharks they face.

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This is a HUGE conflict of interest!

The recreational striped bass fishermen have a decades old loathing of the commercial fishery and would like nothing better than to shut it down. This is very apparent with their continued yearly attacks on the commercial fishery like their annual attempts to pass bills at the state house level to abolish it.

This is a completely different fishery and should be looked at as such. Do not let the recreational fishermen sway the vote with their massive campaign to flood the DMF with comments opposing these changes.

Mike Delzingo
Fishbucket Sportfishing
Boston MA.

From: [Russell Cleary](#)
To: [Fish, Marine \(FWE\)](#)
Subject: comments re: Commercial Striped Bass proposed rules changes for 2021
Date: Thursday, April 1, 2021 11:44:33 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

These are our general comments on the proposed commercial Striped Bass fishing rules changes for the 2021 season:

To begin with, we commend Director McKiernan and the Division of Marine Fisheries staff for an excellent presentation of the proposed Striped Bass rules changes, and for the well-run virtual Public Hearing on Monday night and the continued accessibility of it via you tube.

We support:

- 1) an earlier season opening of no later than June 15th
- 2) consecutive fishing days
- 3) an official end-date of November 15th
- 4) increasing the number of open fishing days per week

These changes will help move Massachusetts closer to a more equitable disposition of all our fisheries, and in no way compromise the strict framework that assures on-going and adaptable management plans for conservation.

The biological control measures of the Atlantic coast Striped Bass fisheries since the 1980s has had the effect of shifting allocation of the resource dramatically more toward the recreational fishery. The proposed measures, to allow commercial fishermen more flexibility to potentially harvest their quota, are a called-for economic accommodation in what will remain a highly-delimited and constrained sector.

Please bear in mind that every one of the restrictions at issue emanated from requests by the Massachusetts COMMERCIAL Striped Bass fishermen, themselves. The rules did not exist before Massachusetts commercial fishermen asked for them in the 1990s, as a remedy to the market gluts that attended the resource resurgence. The DMF and Marine

Fisheries Advisory Commission listened, subjected proposed market reforms to public hearings, debated them, and saw fit to implement them.

All of the restrictions being discussed had the intention of improving economics for fishermen, dealers, and to initiate a more regularized delivery of seafood to restaurateurs and consumers. It is now time to make the proposed adjustments, as they are at once economically warranted and consistent with the operative biological strictures for a coast-wide resource recovery.

Thank you ,

Russell E. Cleary, Acting Executive Director

Commercial Anglers Association

From: mistar5@verizon.net
To: [Fish, Marine \(FWE\)](#)
Subject: Comments Regarding Proposed Striped Bass and Menhaden
Date: Saturday, March 6, 2021 6:02:02 AM

As a recreational fisherman, I am commenting on the following DMF proposals regarding changes to commercial Striped Bass and Menhaden rules, as follows:

1. **Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07).** DMF is proposing to:

a.) **Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.**

b.) **Establish an official end date for the commercial fishing season of November 15.**

c.) **Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).**

d.) **Increase the number of open fishing days to five consecutive days (Mondays–Fridays) beginning on September 15 and then to seven days per week on October 1.**

2. **Commercial Menhaden Fishery (322 CMR 6.43).** DMF is proposing to:

The Striped Bass stocks are in trouble and the situation is deteriorating in spite of the government's meddling to try to control the stocks.

All "commercial" Striped Bass fishing in Massachusetts should be banned!

This proposal to extend the plunder of the Striped Bass stocks seems to be good ONLY for the greedy "commercial" folks and BAD for the Striped Bass! If the Striped Bass paid taxes, would the DMF be willing to extend the time that they could be taken out of the tax-paying population? (Most probably NOT!)

In 2020, the "commercial" quota (the raping of the Striped Bass over 35 inches) could not be met, so, the government (in its infinite wisdom) extended the time period to continue the rape! They not only increased the length of the fishing season, but also increased the number of days per week that the rape could occur. What utter, non-logical, nonsense! If these "professional" plunderers (actually recreational fishermen who get "commercial" permits to pay for their sport) cannot satisfy their greed, then the government should not reward them by allowing them to prowl for an extended time period! Let them get REAL jobs!

To extend the time to allow the continued commercial plunder of the Striped Bass stocks should not happen! If only allowed to "commercial" fish for two days a week and they cannot catch all that they are allotted, then GOOD FOR THE STRIPED BASS!

The recreational mantra these days is: “catch and release”. Release to what: so that the “commercial” folks can continue raping the ocean and re-catch and sell the fish that were released by the recreational folks? This insanity must stop, or we will not have any fish left!

As for the Menhaden, they are a main food source for the declining Striped Bass stocks, so, the “commercial” taking of Menhaden within Massachusetts (and Federal) waters should be banned!

Mike

From: [magtat2](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial bass increase
Date: Tuesday, March 23, 2021 1:00:32 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I write this as a resident of NY state but do travel to Massachusetts a few times a year to fish the sand beaches of the Cape, the canal, and over to Cuttyhunk Island. Surfcasting is my passion and to hear Massachusetts is to increase the take on breeder sized striped bass is nothing short of tragic... with the ASMFC already declaring the fishery "overfished" this idea seems like a temporary bandaid for the commercial guys feeling the hardships of the Covid pandemic with PERMANENT devastation to the already decimated population of stripers, which in turn will only hurt them further. Please consider that money generated from a healthy recreational fishery to the state far out weighs that of a commercial quota can match. Take it from a guy who drives hours to be there spending my money in tackle shops, hotels, ferry boats, restaurants, etc if I'm to continue to do this there needs to be a fishery remaining. I'm a 3-5 night a week surfcaster, part of a well established fishing club who as a whole release 99.9% of our catch so that our kids and their kids can also enjoy this sport as much as their parents did before them. Consider again of passing this vote..

thanks for your time

Kris Magnotti

Wantagh NY

Sent from my iPhone

From: [Boston Fish](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial bass public comment . {comm bass endorsement holder}
Date: Monday, March 15, 2021 10:39:21 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, so in response to the changes to the Bass fishery I am all for a start date on June 15th or sooner First week in June would be my choice . I am also in favor of the four days a week fishery. At the very least we need back to back days . Its so tough when Mondays are rough or stormy then you're off the water till Wednesday or vice versa. The fish move sometimes 10+ miles in a day depending on bait and wind. I miss the Sunday fishery. I was able to locate on Sunday and Mondays were highly productive. In summary i support all the changes you are proposing . However Opening in May might be a little early. Also I am a Tautog endorsement holder and would love a chance at getting a sea bass endorsement .

Jeremy Furtado
29 Bow st Arlington Ma 02474
339-215-4146
atownhomeservices@gmail.com
Mass commercial permit holder

From: [Rob Moss](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial bass season
Date: Friday, March 26, 2021 4:29:13 PM

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Thank you for the opportunity to share my views. There are a lot of people that think there are no big fish that is not the truth I've been doing this for 40 years and I've seen all the ups and downs the bio mass of fish were off shore last year miles of them where the bait was they sagged in at night and the guys that were willing to fish the long nights got there number they don't come to the beach for a bunch of reasons seals sharks lack of bait etc but the amount of fish we saw even 20 miles off shore were astounding to meet the quota on 2 days a week wich means one night trip with 10 of the open days weather would not let us fish is a huge task and the quota can't be met I'm in favor of 3-4 days a week starting in mid June and the idea of September and October Open it's our quota let us fill it a third of my income counts on it let the stock data dictate what our quota is and not the group of organizations and anglers that can't catch them from the beaches etc Thank you so much for allowing me to voice my experience in this industry . Yours Truly Robert S Moss Chatham Ma
Permit #139565

Sent from my iPhone

John Lefebber
125 Pleasant St
Brookline, MA 02446
3/12/2021

Dear Director McKiernan,

My name is John Lefebber. I am an avid fisherman here in the Commonwealth of Massachusetts. I am writing to express my concerns and disappointment in the proposal to expand the current Striped Bass commercial fishing season. This proposal will only further reduce the already overfished Striped Bass stocks in the Atlantic.

It is not only categorically unscientific, but also inequitable. In May of 2019 the ASMFC accepted the 2018 Benchmark Stock Assessment. This assessment stated that the resource is overfished and is experiencing overfishing. They also found that the breeding female population is below their threshold by more than 50 million pounds. This is the exact population which the commercial fishery targets. In a time where the stock is statistically overfished, we should not be expanding the fishing efforts on those populations. If the commercial fleet does not have the ability to reach the quotas set, those quotas need to be reassessed in association with the current stock levels. In short, the commercial fleet cannot reach the quotas because there are so few big fish left. The remedy for this situation is not to fish for those last few big fish even harder, but to preserve that breeding population. The reasoning behind the proposal goes against all the scientific information available.

The inequity in this proposal is clear. Over the past few years, there have been more recreational regulations passed to help with overfishing but few commercial regulations. The recreational community is doing their part to help with the declining stocks. So why are we expanding commercial fishing? This is a clear allocation of resources, being taken away from the recreational fishery and being given to the commercial fishery. In this case, it is a zero-sum game and the recreational economy will feel these effects in the years to come.

The Striped Bass is a uniquely American fish, which has been at the core of life in the nation since its founding. The first public schools in the country were funded by taxing the sale of Striped Bass. This is a natural resource which we need to conserve to the best of our ability. We here, in the Commonwealth, have an especially critical role to play in its conservation. We are one of the only states where a significant population of large breeding sized females spend their summers. This makes our regulations and conservation efforts especially impactful to the overall population. This is a responsibility we should not take lightly.

I fear that the Commonwealth has lost its leadership role in this space. When I moved to Massachusetts in 2015, the Commonwealth was a leading agency in New England marine resource conservation. Since then, based on my reading of DMF positions and actions within ASMFC and NEFMC, it has seriously lost its conservation focus. The Commonwealth has lost its way and that saddens me.

I am an avid recreational angler. I have been fishing for Striped Bass since I was five years of age, living in southern Connecticut. I have caught and released Striped Bass from Long Island Sound all the way to the Damariscotta River in Maine and everywhere in between. I fish both with a fly rod and a spin rod, designing my own flies and lures to target these amazing fish. Striped Bass fishing is a passion of mine that I expect to be able to pass on to my kids and others in the future. If the current rate of overfishing continues, this will not be possible and looking back we will know why. Now is the time to start taking these concerns seriously. Please, do not pass the proposal to expand commercial fishing in Massachusetts.

Thank you,

A handwritten signature in black ink, appearing to read 'John Lefeber', with a stylized, flowing script.

John Lefeber

From: [Tom Bolinder](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Fishing Striped bass,
Date: Saturday, March 6, 2021 10:06:28 AM

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Sir,

As a sport fishing enthusiast in Massachusetts for my entire life, 73 in April, and as conservationist practicing safe catch and release of all Striped Bass, I implore the board to rethink its position on the commercial taking of stripers. Most of the fisherman are just people with regular jobs who pay for their boating season on the backs of this magnificent fish.

If we want to save this vital resource for future generations, I suggest a total ban on commercial fishing.

My friend lives on Gibson Island in Maryland and he said last summer was the worst for catching any stripers in the Chesapeake.

Thank you for taking time to read this.

Tom Bolinder

241 Shore Rd

Bourne, Ma02532

100% disabled Marine Vietnam Veteran

Sent from my iPhone

From: [01/27/2017 Cannistraro](#)
To: [Fish, Marine \(FWE\)](#)
Subject: commercial fishing
Date: Friday, March 5, 2021 6:07:21 PM

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Where as menhaden are valuable forage fish for many fish the taking should be banned as supplies are at low levels.

Striped Bass commercial fishing should also be banned as the population is at a low level and recreational fishing

Is a greater benefit to the economy. The taking of Black Sea Bass should only be by hook and line. This will allow the population to grow.

David Cannistraro
431 Taylor Rd.
Stow, Ma. 01775

Sent from [Mail](#) for Windows 10



Virus-free. www.avg.com

From: [Larry Vifquain](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Menhaden Fishery (322 CMR 6.43)
Date: Saturday, March 6, 2021 12:23:14 PM

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I am opposed to changing the commercial start from June 23, and opposed to increasing the number of days

for fishing from the current 2 days/week.

Increasing the commercial catch of striped bass will eventually kill off the recreational fishing for the same

species. Commercial fishing harvests the largest and most fertile/productive striped bass resulting in

constantly decreasing spawn. Having fished for many years for striped bass (with a fly rod and non-barbed

hook) I can attest that the quantity and size of has decreased significantly over the passage of time.

It will not be too long in the future that recreational fisherman will simply give up. The local economic

loss will be significant.

Larry Vifquain
MArlborough MA

From: [Scott Maccaferri](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial stationed bass regs
Date: Friday, March 5, 2021 8:23:59 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

So let me get this straight,
commercial fisherman in mass can't catch enough bass to reach the quota and the "powers that be" think that starting the season early, adding more fishing days and finishing later will give enough time to kill enough LARGE bass to reach the quota? Your probably right. Would love to hear the scientific reasoning behind this. Not sure what dark place your pulling your data out of. The numbers for the last few years paint a much more bleak picture. This makes NO sense what so ever.

Also , why the hell are commercial quotas for black seabass and fluke being increased and the Rec limits kept status quo? Must be plenty of both species for everyone to get a couple extra fish no?? Again, makes no damn sense. It's blatantly apparent how this game being played.

Scott Maccaferri

Sent from my iPhone

From: [Eugene O'Brien](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Stripe Bass proposals
Date: Saturday, March 6, 2021 9:46:05 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Daniel McKiernan:

I write regarding the proposal to amend the commercial striped bass management measures for 2021. There are too many unknowns at this time to make overly broad management changes when targeted/specific changes might suffice. For example, and it is my opinion, if a change is to be made it should be the simplest, i.e., add one, two, or three weeks to the beginning of the season. (Maintain two days/week.) The petition to extend the opening to late May should be denied. It will be counterproductive because the fish that arrive in Massachusetts by late May are mostly smaller than the 35" minimum for commercial catch. Commercial fishing during late May through the first two weeks in June would result in illegal size fish being caught and released with the mortality resulting from commercial efforts starting in late May.

Also, I assume, without expertise on the issue, that more fishing days per week will result in more striper available for sale which would drive down the retail value of the catch.

As to the unknowns here are a few, though not exhaustive, concerns. How do we know whether 2019 was simply an "odd year out" for the fishery? The year 2020 should be regarded with great skepticism given the raging pandemic which has devastated many commercial businesses. How are historical landings of the 1970's relevant to today's fishery which is much more technologically advanced?

If a change is to be made add a number of weeks to the beginning of the season.

Very truly yours,
Eugene S. O'Brien

Disclosure: I am a recreational striper fisherman with friends and acquaintances who are commercial striper fishermen.

From: [Charles Murphy](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial striped bass fishing
Date: Tuesday, March 23, 2021 6:58:12 AM

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BCKDirector McKiernan

It is obvious to all that the striped bass stocks are crashing. Recreational fisherman have been told that they must release all stripers over 35 inches in order to preserve the breeding stock. To allow commercial fisherman to continue killing fish over this limit is bad enough. But to increase the number of days over which they can do this when they couldn't even come close to meeting their quota over the last couple of years makes absolutely no sense at all. Why is it even being considered? Please let logic and not commercial dollars make the decision for you. The economic value of the fish through recreational fishing far exceeds that of commercial fishing. The vast majority of those fishing commercially do not make a living from this. I would be more than happy to pay for a striper license and use the proceeds to buy back their licenses . But at least this aside, please do not extend the number of days that they can kill these fish .thank you!

Charles W. Murphy

Sent from my iPad

From: [Edward Horowitz](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass Fishing
Date: Tuesday, March 23, 2021 11:34:14 AM

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Dan McKiernan

Hi Mr. McKiernan

I have had an opportunity to read the latest proposed commercial fishing regulations for 2021. I oppose the proposed changes.

I have lived on Cape Cod for many years. I am a recreational fisherman. I fish literally every day in season. I can tell you from first hand knowledge that fishing for striped bass on the Cape has taken a tremendous downturn in the last five years. To allow the commercial fisherman to begin fishing earlier and more days would be counterproductive to increasing the striped bass population and could well kill striped bass fishing in its entirety.

We are losing recreational fisherman more and more every year. It is costing the Cape immensely. Without these fishermen we lose significant revenue.

Please don't destroy the fishing.

Thank you

Eddie Horowitz

Sent from my iPhone

From: [Todd Lussier](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial striped bass fishing
Date: Tuesday, March 23, 2021 1:22:36 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director Dan McKiernan

I urge you to not increase commercial fishing for striped bass. I'm an avid recreational striped bass fisherman and have noticed a strong decline in the amount and size of striped bass. I realize commercial fishing is big business but I fear if we keep going on this path there will be hardly any bass to catch at all! Commercial or recreational. That will be a big loss all around. Actually it shouldn't even be about the money, or the fishing or catching. It's a native species whose existence is being decimated by our own hands.

Sent from my iPhone

From: [Norm Staunton](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass Fishing
Date: Wednesday, March 24, 2021 12:04:34 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director McKiernan,

I am writing to you in opposition to the proposed changes to the Massachusetts Commercial Striped Bass fishing regulations and seasons.

Thank you for this opportunity to comment on a fishery I care a great deal about.

For reference, I am strictly a recreational striped bass fisherman. I live in Vermont but regularly fish Maine, NH, Massachusetts, and Rhode Island from shore, wading, surfcasting, kayak, and powerboat by spin and fly. I have a Captains License (which I do not use for charter or commercial fishing) and have been fishing for Stripers since I was a child growing up on Narragansett Bay. I would imagine that my economic contribution as a direct result of Striper fishing is around \$10k annually.

As far as the proposed changes go, I am opposed to extending the season for commercial Stripers. In fact, I support an end to Commercial Striper fishing and support a 10 year moratorium on Striper harvest. Recreational anglers are the overwhelmingly largest group of Striper fisherman in all metrics: catch, harvest, and economic impact. I support changing the status of Stripers to a game fish and managing it, in perpetuity for abundance. I support an end to any gill-netting or harvest other than hook and line.

Please don't misunderstand- I am not against commercial fishing. I have worked in commercial fishing. I am a huge supporter of commercial fishing and working waterfronts and the traditions they embody. My concern over commercial Striper harvesting has to do with the market and the viability of the fishery. The fishery cannot support increased take, especially of breeder size fish, and the vast majority of "commercial" fisherman for stripers are not trying to make a living from this fishery. Your own state data suggests that most commercial permits are private recreational boat owners who are offsetting the costs of recreational fishing by selling their limited catch.

If commercial status cannot be eliminated, I would be in favor of significantly reducing the commercial harvest to favor only those fisherman that are truly making a living by fishing stripers, requiring that those commercial licenses be granted only to residents of Massachusetts, requiring all commercial fisherman to hold MMC/Captains Licenses and run under commercial insurance. Under this system, the quota could be dramatically reduced, and should be managed as a fixed annual quota (starting in January to take advantage of hold over fish and higher market prices) or a transferable tag system managed similarly.

I believe that if Recreational release mortality is a metric used in management of the fishery, so should Commercial release mortality, including bycatch and poaching, or a full data set on mortalities, harvest, and full impact will remain unknown. I strongly support the idea that if harvesting at all cannot be ended, if commercial harvest cannot be ended (both should) that at a minimum poaching, bycatch, and commercial release mortality must count against the commercial quota.

I would support a full moratorium on Striper harvest for some set amount of time, perhaps 10 years, to allow the population to rebound while still capitalizing on the economic benefits of the fishery.

In short, I support Game Fish Status for Stripers. I support a full moratorium on harvest at all. End or radically change commercial harvest, and regulate the entire fishery towards the one and only meaningful goal: a vibrant, economically important, sustainable, breeding, abundant game fishery. I am in favor of stronger punishments for poaching (counting black market catch against commercial quota, lifetime ban from all commercial and recreational fisheries for multiple or egregious offenders, gear forfeiture, larger fines, etc.).

Thank you for your time in considering my comments. Striper fishing is very much a part of my history, lifestyle, and discretionary spending. I have seen the depletion of the stock in my lifetime and support any and all effective measures to rebuild the stock for future generations. I would hate to see the traditions that have been so important to my life be lost to over-harvesting and greed.

Sincerely,

Norm Staunton

--

Splash More. Bark Less.

From: [pearson mccracken](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial striped bass hearing
Date: Monday, March 29, 2021 9:10:32 PM

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Director Dan McKiernan,

Why were comments shut down in the hearing tonight? I am writing to oppose the expansion of commercial striped bass fishing days. I am also writing to support a 10 year moratorium on the harvest of striped bass. The writing is on the wall. The fish are worth more to the economy alive than they are as food. This is ridiculous. Is the fox guarding the hen house?

Respectfully,
Pearson McCracken

Sent from my iPhone

From: [Holly Conrad](#)
To: [McKiernan, Dan \(FWE\)](#); [Creighton, Kevin \(FWE\)](#); [Griffin, Melanie \(FWE\)](#); [Meserve, Nichola \(FWE\)](#); [Silva, Jared \(FWE\)](#); [Whitmore, Kelly \(FWE\)](#); [Kaplan, Julia \(FWE\)](#)
Subject: Commercial Striped Bass Proposal
Date: Sunday, March 28, 2021 7:54:19 PM

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Hello,

The Recent Proposal By the Massachusetts Department of Marine Fisheries comes at a time that we CAN NOT afford to put more pressure on the large breeder sized Fish. Both Recreational Anglers and Some Commercial Anglers agree that there should NOT be an increase in Harvest days and the Season should NOT be started early. Commercial fishermen fear that more harvest days will drive the price down and make their efforts harder in reality. Many of the Recreational Anglers fear that a lot of people who depend on the big breeder fish such as Charters/ Guides/ Baitshops/ and everyday anglers will be negatively impacted by increased commercial Days/early season start. The Recreational fishermen also have concerns that Commercial Fishermen don't follow the same Hook regulations as the Recreational sector. What it Boils down to is Massachusetts, who Claims to be in favor of Striped Bass Conservation, needs to set the example and not put more pressure on Striped Bass while the Stock has been deemed Overfished and Overfishing Occuring by the ASMFC.the Fact that this Proposal was brought to light by ONE southern Massachusetts Commercial Fisherman is wild, there Thousands of people that will oppose this. The majority should be considered because of the negative economic impact this would have of passed. I urge you to Please do the right thing and NOT approve this proposal, so that all business can continue to survive with what's left of the Striped Bass Stock.

Thank You For your time,
Holly

[Sent from Yahoo Mail for iPhone](#)

From: [Dean Clark](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial striped bass proposals
Date: Thursday, April 1, 2021 3:36:27 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director McKiernan,

As you and most every fisherman knows, striped bass stocks are and have been trending downwards for nearly 20 years now. The SSB inventory (the only striped bass commercial fishermen in MA are allowed to harvest) is also in decline and has been for many years. Both the overall fishery and the SSB have been and remain below ASMC thresholds.

The public is very suspicious that commercial harvesting interests control the decision making of the DMF and the MMFAC. History seems to support this as many of the species regulated by the DMF are currently overfished and overfishing is occurring as defined by the ASMFAC..... especially striped bass. The long-term welfare of the striped bass fishery does not appear to have priority status over myopic harvesting privileges.

Now is not the time, either politically or biologically to be increasing harvesting pressure especially on these breeder females. To do so simply won't pass the smell test on any level.

I encourage you and the MMFAC not to increase commercial harvesting opportunities for obvious reasons..... most significantly that it simply doesn't make sense for the DM to squander it's limited public credibility while at the same time doing increased harm to an already overfished stock.

Thank you,
Dean Clark
596 Franklin St.
Duxbury, MA 02332

From: [F Kudarauskas](#)
To: [McKiernan, Dan \(FWE\)](#); [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass Proposals
Date: Friday, March 12, 2021 8:23:00 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Frank J. Kudarauskas
P.O. Box 647
East Dennis, MA 02641

Director Daniel McKiernan
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114

Re: Proposed Commercial Fishing Regulations Affecting Striped Bass

Dear Director McKiernan,

I have been a commercial fisherman for 30+ years primarily for striped bass.

- During the early years there were abundant stripers after the ASMFC and Massachusetts DMF implemented needed reductions in the striped bass harvest quota due to low stocks. Those reductions helped bring the striper population back to a sustainable fishery.
- Currently, the commercial sized (+35 inch) bass are in serious trouble illustrated by the low harvest numbers of the last three years.
- Your proposal to increase the amount of days to target these fish goes against all reasonable stock management decisions.
- This proposal: "current management system constrains the ability of the commercial fishery to achieve its available quota". Instead of managing the quota, I believe it is more important to manage the troubled striped bass stock.
- Trying to take more from a reduced population is not beneficial to a stock of breeder size bass. Actually, a reduction in the daily take should be implemented to lessen the fishing pressure on these fish.
- Last year's slow harvest rate kept the price per pound in a decent range. An increase in harvest days will decrease the daily price resulting in added efforts for little return.
- Starting earlier is insignificant to me.
- Adding extra days in the fall due to weather conditions should be limited to only a day or two.
- If you are determined to manage the quota, have the recreational size changed to 28-32" and commercial to 32-36". The quota would probably be met as well as saving some of the large breeder size fish.
- I realize that you are charged with both helping the commercial entity as well as the viability of the biomass for today as well as the future. Prudence should prevail to protect the stripers now instead of mortgaging the future.

Please consider my thoughts and recommendations
Sincerely,
Frank J. Kudarauskas

From: [Capt. Brian Coombs](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass public comment
Date: Tuesday, March 9, 2021 8:11:27 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Daniel McKieran.

In regards to expanding the harvest days for striped bass I and strongly opposed to all considerations. I would like to see the season remain at the prior dates and days reflecting 2019. (2 days, 15 fish, starting 3rd week June). As a full time for-hire guide and a commercial permit holder, I believe any additional days or time added would be catastrophic to striped bass stocks in Massachusetts. I have seen 1st hand what over harvest has done to the Cape Cod fisherie. Year after year zone after zone the fisherie has been depleted. I feel the current state of the commercial striped bass fisherie is unsustainable and doesn't warrant extra days.

Thank you for your time and consideration!
Captain Brian Coombs

From: rmjtag@aol.com
To: [McKiernan, Dan \(FWE\)](#); [Silva, Jared \(FWE\)](#)
Subject: Commercial Striped Bass Public Hearing comments
Date: Monday, March 29, 2021 7:57:00 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear sirs,

Thank you for the opportunity to listen in on the public hearing, it was interesting and although I was not chosen to make a verbal comment I was satisfied with the comments of those whom were opposed to the measures and the rationale for such opposition.

In opposition to the expanded season and days, I heard reference to conservation, science, protecting the breeder sized fish, economic impact and science.

On the commercial side I heard " maximize my take " , " the opposition has no say, these hearings should be closed to them " , " my fishery " , " cash in on the fish " , " the fishery is for food not fun " , and from a north shore guy: " open the season early... but not too early " .

If I had spoken I would have stated that I have been fishing Cape Cod for 15 years by boat, I practice catch and release. I would have stated that I see bass in less numbers and concentrated in fewer areas. Listen to the science, I am not willing to accept " potential " factors like water temps, the shark / seal population and the oft cited massive offshore biomass as reasons to open the commercial fishery more than it is. Too much is at stake to allow more focused destruction of the concentrated biomass of our local breeder fish.

I oppose these proposed changes.

Thank you

Rob Tartaglia
Wrentham / Sandwich

From: [Kowaleski, Michael P](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial striped bass regulations
Date: Sunday, March 7, 2021 4:31:50 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

I have been commercial fishing for striped bass for over 20 years. In addition, my network of fisherman includes 20+ individuals with 20-40+ years of commercial striped bass fishing experience.

Therefore, I feel I have a very good understanding of the current state of the fishery, and its recent decline.

Regarding the proposed regulation changes:

- 1) Open the season prior to June 23. Large numbers of commercial size striped bass rarely arrive in MA state waters in large numbers prior to June 23. Fishing in earnest begins mid July when larger fish are available in good numbers. Commercial pressure during the migration of the fish to their summer locations is likely detrimental, and in fact, in my opinion, changing the start date from July to June a few years ago was detrimental to the resource and we are currently suffering the consequences. Therefore I am AGAINST this proposal.
- 2) Establish an official end date - this is a very good idea for the reasons you state. Therefore, I SUPPORT this proposal.
- 3) Increase the open days per week. The reason that the quota has not been met for 2 years in a row is NOT due to lack of fishing effort. The striped bass resource is currently OVERFISHED. Any charter boat or commercial fisherman will tell you that.

If the fish are not present in good numbers, increasing the number of fishing days will NOT result in meeting the quota. There is ample evidence of this - look at the amount of fish harvested in Sept/Oct 2020 when the number of days per week was increased - not many pounds were caught during this time period, because the fish were not available. There was ample effort; I witnessed it myself.

In addition, the current schedule (Mon and Wed only) limits the amount of fish that come to market per week. This keeps the wholesale price (to fisherman) at a reasonable price per pound; usually \$3-4. If fishing is allowed more than 2 days per week, the supply of fish will outstrip the demand, resulting in lower wholesale prices. There is no rationale for commercially harvesting striped bass for limited to no economical benefit. If the cost of a trip (fuel, bait, ice, etc.) cannot be covered by the sale of fish, this eliminates the commercial nature of the fishery. In other words, there is absolutely NO REASON to kill mature striped bass for \$1 per pound or less. The fish are too valuable to be wasted like that.

Lastly, due to COVID, restaurant and fish market sales will not likely be back to normal yet, limiting demand as occurred in 2020.

Therefore I am 110% AGAINST this proposal.

4) Increasing fishing days in Sept. and Oct. Following Labor Day, demand for striped bass declines as the summer season comes to a close. Increasing supply in the face of reduced demand will lower wholesale prices.

Therefore, I am AGAINST this proposal.

On a side note, we desperately need a system to document the recreational harvest of striped bass. In my opinion, the amount harvested recreationally is MUCH greater than current estimates, resulting in the current state of OVERFISHING of the resource.

In addition, charter boat captains and mates should be limited in the number of tags they receive and fish they keep. There is no reason for the captain and mate to keep 1 fish each per day in addition to 1 per customer. The customers are the recreational fishermen on the trip - not the captain and mate - they are working - not on a recreational trip. This could be instituted NOW even in lieu of a tag system - limit recreational striped bass to 1 per customer on charter boats.

The same situation exists in the bluefin tuna fishery, and regulations to require documentation of recreational catches, such as a tag system (like a deer tag that can be filled) are under consideration. In such a system you could be re-issued another tag only AFTER completing a catch report for your current tag. This would VASTLY improve recreational reporting, which currently is essentially zero.

Without knowing exactly how many fish are actually harvested (or at least a VERY accurate estimate) - both recreationally AND commercially - how can the resource be appropriately managed?

Clearly, it cannot.

Thank you for your careful consideration of these points as you determine the responsible management of this tremendously important resource.

Best regards,

Mike Kowaleski

Sent from my iPhone

From: [Bryan Cordeiro](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [McKiernan, Dan \(FWE\)](#)
Subject: Commercial Striped Bass Season and Open Fishing Days
Date: Saturday, March 6, 2021 2:49:04 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Daniel McKiernan,

I am writing in response to the DMF's request for public comment on the proposal to extend the 2021 Commercial Striped Bass season to start earlier and end later, and increase the number of commercial fishing days from two (2) days to four (4). DMF sites the purpose of this proposal is to allow for greater access to the Commercial quota, presumably with the goal of making it easier for fishermen to meet the quota.

I would like you to know that I am strongly opposed to extending the Striped Bass commercial season because there is no data to support that the season-extending measures cited above will help the Commonwealth fulfill its quota.

These proposed changes are arbitrary and capricious without data to substantiate DMF's claim that a lack of access to the fishery is the reason why the quota is not being met. Especially since other alternatives to meet DMF's goals haven't even been considered.

This demonstrates a disturbing lack of a decision-making process by DMF. These changes may not actually meet its intended goals, and may result in other unintended adverse effects. There is no way of knowing without an adequate analysis of the proposed action.

Based on available case law, actions taken by a State Agency that lack a rational decision-making framework do not hold up in court if challenged.

In fact, available data (2018 Striped Bass Stock Assessment) shows that a lack of a healthy Striped Bass population may be the reason why the quota has not been met since 2017, as the fishery is currently overfished and experiencing overfishing. From a philosophical perspective, why would the Commonwealth promote the harvest of an overfished species?

Also, I am requesting that DMF confirm through correspondence with the a MEPA Office that this proposed regulation change does not exceed MEPA threshold 11.03 12(b): promulgation of a new or revised regulations, of which a primary purpose is protecting against damage to the Environment that significantly reduce standards standards for environmental protection.

Thank you for considering these comments, and I urge you to ensure the DMF does not adopt these proposed regulation changes to the 2021 commercial Striped Bass season.

Bryan Cordeiro
781-361-1546

Sent from my iPhone

From: [Levi Opsatnic](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07)
Date: Saturday, March 6, 2021 10:46:16 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Daniel,

My name is Levi Opsatnic and upon receiving the email suggesting opening the commercial striped bass season further, I must say that I'm terribly disappointed that this is even being considered. Basic science support that this is an overfished species and basic logic supports the fact that quotas are not being met simply because the striped bass stock is so compromised.

I ask the following questions:

Why on earth would increasing the open fishing days and increasing the commercial season be a good idea for striped bass?

Why does it seem that every single regulation for striped bass is always motivated by money instead of a healthy stock?

Why is there never a positive bit of news coming to preserve the compromised stock of striped bass that we have?

It pains me to see such absurd practices being advocated for and I'm really getting tired of the same song being played over and over again. I beg from a very deep place that Massachusetts does not impart these changes. Please, please do the right thing here and leave me satisfied with the state of Massachusetts and its decision.

I appreciate your time and look forward to a response,

Levi

From: [James Boyle](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07)
Date: Friday, April 2, 2021 4:57:36 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To: Director Dan McKiernan

Thank you for the opportunity to comment on CMR 6.07. My name is Jaime Boyle I am a year-round resident of Oak Bluffs MA, a USCG licensed captain and MA Board member for The American Saltwater Guides Association.

I would like to comment on my opposition to CMR 6.07. With the ASMFC declaring Striped Bass stocks being overfished and that overfishing is occurring no is not a good time to extend the season or number of days of the commercial season. Opening the season early would put pressure on the last of the large fish that are staging up at the canal for their migration north. Also it would put MA fish on the Market at the same time as RI fish, with the possibility overloading the market.

I'm not against commercial fishing nor do I want a 10 year moratorium on Striped bass. But I feel that the commercial bass fishery a change in how it's managed.

Thank you,
Capt. Jaime Boyle

Capt. Jaime Boyle
PO Box 1534
Oak Bluffs MA, 02557
508-922-1749
boylermaker.com

From: [Tj](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striped Bass Season
Date: Tuesday, March 23, 2021 7:08:29 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I am writing this Email about Extending the Striped Bass Season. I DO NOT feel it is necessary to extend a season on a fishery that is over fished as it stands. I would rather see this fish protected in the future Years to come in hopes of it rebounding from rapid depletion.

Thank You.

Sent from my iPhone

From: [Lloyd Thompson](#)
To: [Silva, Jared \(FWE\)](#)
Subject: commercial striped bass
Date: Thursday, April 1, 2021 6:10:47 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jared

Not sure where to send my comments on the striped bass proposals

I am very much in favor of the new proposals as long as it is monitored closely. No one wants to see the market flooded and prices drop to 2 or less per pound. I think the early June opening would be good for the fisherman who are on the south side of the cape. For the record I have been fishing commercially for striper for 30 plus years out of Boston and had my own boat for 20 plus. I am one of the 1000 permit holders who are active in this fishery and have consistently sold thousands of pounds per year.

--

Lloyd Thompson
Winthrop Ma

From: [Bernie&Bev Rubalcaba](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Striper extension
Date: Monday, March 22, 2021 7:50:49 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr Dan McKiernan,

Please, please do not extend the commercial taking of breeding stock Stripers. We have seen a marked decline of large Stripers and we could be in danger of repeating the collapse of our Striper resource. This fish is vitally important to our tourist economy. What good will it do to commercially over kill the Stripers and then have the whole economy lose out

Sent from Bernie Rubalcaba's iPhone

From: [Dan Beetz](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial striper harvest
Date: Tuesday, March 23, 2021 10:47:09 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I fish on a charter boat with a commercial fisherman on Martha's Vineyard most every summer. The deal is that if we don't get bass we get a free trip. In year's past we always paid because he knew where the fish were. Then things got a little slower until finally we had a charter recently where six of us dunked porgies for hours and finally called it quits. On the way in I asked the captain if he felt his commercial fishing was hurting the brood stock. "Of course it is , but I have to put cows in that cooler to make a living." But don't you make more money off the six of us? "Sure, but you're not here every day." I have to think that recreational fishing is better for the Bay State economy than killing egg laying females, and it really is an either or situation. None of the guys I fish with kill bass or blues. If you want fish for dinner don't eat the thing you love; it makes no sense especially after two very low bass spawning years in The Chesapeake. Give the bass a break.

From: [Maine Fly Guys](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Dan McKiernan - Striped Bass
Date: Friday, April 2, 2021 11:33:25 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director,

As someone who has seen the coast's striped bass population dwindle, it is no surprise that you continue to put the angler first. You have a chance to do what is right for the fish and oppose a movement towards looser regulations. These aren't Massachusetts fish. These are Atlantic Ocean fish, no one state, person, should be or feel entitled to decide a migrating species' fate. You have an opportunity to do what is right, what is just. I am begging you to do what is soulful. Maybe you won't read this, maybe you don't care, but attacking an voiceless and struggling population of fish is heartless. If the demise of this species is to follow in the years to come, this moment will be remembered, your name attached to it. I hope you understand the gravity of the situation before any decisions are made.

-Greg LaBonte

CEO Maine Fly Guys

DMF is proposing to: a. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May. b. Establish an official end date for the commercial fishing season of November 15. c. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday). d. Increase the number of open fishing days to five consecutive days (Mondays-Fridays) beginning on September 15 and then to seven days per week on October 1.

From: [dean machado](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Dan Mckiernan
Date: Friday, March 26, 2021 1:18:06 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi,

My name is Dean Machado I'm a MA recreational fisherman. I oppose opening the MA Commercial fishing season earlier and I oppose adding additional days to the season if the quota is not filled. The striped bass fishery is in trouble and adding more commercial fishing is not going to help the fishery in my opinion..I would like to see the fishery managed for abundance and if it means putting a moratorium on striped bass I'm in favor of that..

Thank You

Dean Machado

Sent from my iPhone

From: [Billy Pascucci](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Daniel McKiernan 2021 Commercial Striped Bass Regulations
Date: Friday, March 26, 2021 4:13:00 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Director Daniel McKiernan

My name is William Pascucci Permit No. 085069 Boat Reg. MS9829KB. I have been commercial Striped Bass fishing for 35 years in area 1 and 2. My home port is Essex Ma. I would like to comment on some of the upcoming proposals for this years opening and closer. I support the June 15 opening date because the fish are in Ma. Waters and the summer demand for Striped Bass coinciding with the beginning of tourist season gives the fishermen a viable sellers market. I believe we as fishermen should be able to get the best value we can out of our resource Striped Bass. I strongly oppose opening 4 days a week in a row. The 2 a day week openings Tuesday's and Thursday's kept the price of the fish high. Opening four days can flood the market hence lower price paid to the fisherman. I thought reduction in days opened benefited the market and season by extending season into September and being able to have fresh Striped Bass all summer available to the restaurants and public. I can support Tuesday Wednesday and Thursday 3 days in a row only because a lot of times the weather especially on Cape Ann can be unpredictable. Last summer we had north east winds regularly and when they came on the open days I pretty much had to go fishing without choice. Adding one day would give the fisherman an option. Most of us Bass fishing are fishing in small center consoled boats 18-27 ft. It's only been the last two years that the quota's haven't been reached. The fish are moving North out of state waters following the large resurgence of Menhaden and Mackerel schools. I have supported the approach that the directors have chosen the last few year's by "A wait and see attitude" making decisions by monitoring the quota. Please take careful consideration of the rule proposals. None of us can predict where the fish will be. Every year is different some areas have more fish than others. I personally think the fishery has been managed really well the last several years and making drastic changes because the quota hasn't been met seems to me and many other commercial Striped Bass fishermen a step in the wrong direction. Sincerely William Pascucci 19 Grove ST. Essex Ma. 01929

From: [John Torosian](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Daniel McKiernan
Date: Thursday, March 25, 2021 12:33:42 PM

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Mr. McKiernan

I am writing In support of the proposal to increase the number of fishing days in the striped bass fishery. It is just too difficult at 2 days per week. Having consecutive days would help in many ways including being able to fish overnight. Please don't listen to these recreational fisherman who just want the resource for themselves. I truly do not believe the striped bass stock is in decline. I landed 3,700lbs last season fishing solo out of a 16' aluminum boat. This fishery is very important to me as it represents a significant portion of my income. I am 35 years old and I want to be able to do this till I'm 80. I also think that this fishery should be opened 5 days per week with limited access so that people like me can fish full time and fill the quota. I want to thank you Mr. McKiernan for following the facts and and being a fair director.

John Torosian permit # 176042

From: [Patrick Rudman](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); [Armstrong, Michael \(FWE\)](#)
Subject: Do Not Extend Striped Bass Commercial Days/Season
Date: Friday, April 2, 2021 11:45:01 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Dan McKiernan,

My name is Patrick Rudman, and I am a fisherman and business owner in the fishing industry in Maine. I am 100% against the proposals outlined in the March 5th Proposed Commercial Fishing Regulations Affecting Striped Bass document. I do not want to see the commercial days increased or the season extended in any way.

While I understand you feel it is your responsibility to give your state that opportunity to meet the quota set by the ASMFC, it is also your responsibility as the Director of the DMF to understand that now is not the appropriate time given the state of striped bass. With Amendment 7 coming and the potential to drastically change how striped bass are managed, now is not the time to try to "sneak one through".

Also, your handling of the public hearing was completely unacceptable. I took the time away from my family and I missed dinner with my kids in order to give a public comment and it was forbidden. As the director of DMF, you need to set an example with how you treat the public. If you can't do that appropriately you should step down.

Best
Patrick Rudman
Old Maine Outfitters
2078312617

March 31, 2021

Director Daniel McKiernan
The Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400, Boston, MA 02114

Dear Dan,

I am writing to comment in favor of the proposed draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. to implement new commercial fishing limits for 2021 commercial striped bass fishery.

1. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
2. Establish an official end date for the commercial fishing season of November 15.
3. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
4. Increase the number of open fishing days to five consecutive days (Mondays-Fridays) beginning on September 15 and then to seven days per week on October 1.

I have been fishing for striped bass commercially for many years and Commercial anglers have always been held to a highly regulated and well policed quota which we have not been able to harvest over the past few years. I believe the main reason is due to the current lack of opportunity. Limiting the commercial fishery to just 2 days per week is too restrictive especially when those days are not consecutive. That strategy does not afford the angler enough opportunity for many obvious reasons.

More needs to be done to regulate the recreational sector which is not well policed and has unlimited opportunity 24/7. The statistics show that recreational fishery is responsible for 90% of the total Striped Bass harvest which equates to many millions of pounds removed from the fishery every year. DMF needs to address this and find ways to regulate the recreational catch of striped bass before it is too late.

Thank you for the opportunity to comment.

Signature

Print Name


Jeremiah Nicastro

From: edward.lovely@aol.com
To: [Fish, Marine \(FWE\)](#)
Subject: Expanded Striped Bass Take by Commercial Fishermen
Date: Wednesday, March 24, 2021 11:38:19 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director: I am opposed to an expansion of the commercial fishing take of Striped Bass. The Striper is the only true game fish left for in-shore sports fishermen. A decision to expand commercial take will surely impact negatively sports fishing in New England. Respectfully, Dr. Edward Lovely,
Topsham, ME

From: [Brackish Flies](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Extension of commercial fishing days
Date: Monday, March 22, 2021 6:51:08 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The very idea that this is being considered goes to show how little the powers that be actually care about our precious resources and fisheries.

So people can't meet their catch quotas, think there might be a larger problem at hand than the length of their season?

Giving more days to the commercial industry will only serve to destroy the fishery and the commercial industry that much sooner, to say nothing of all the people who travel to Massachusetts from around the globe to fish for striped bass. That's going to disappear just as quickly. Get your heads out of the sand, use your brains, and vote in support of a fishery that needs your help more than ever before.

PLEASE think of the fishery and not just your wallet and VOTE AGAINST more commercial days for the season.

Respectfully,
Geoff Klane

From: [Michael Kelleher](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Feedback Re Proposed Commercial Striped Bass Regulations for 2021
Date: Friday, March 19, 2021 11:34:18 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Director Daniel McKiernan

>>>>

>>>> Thank you for the opportunity to comment on the proposed striped bass management plan for 2021.

>>>>

>>>> The proposed expansion of commercial fishing days for striped bass breeder stock cannot be reconciled with the data which was recently shared in the PID for amendment 7. The worrisome graphic depicted in figure 1, page 7 depicts 2018 estimates for female breeder stock biomass, and reveals a striking decline, with values well below threshold going back to 2014. If the graph were extended through 2020 it's likely that this trend would be seen to continue, as reflected in the weak commercial harvest of large fish in 2020, reaching only 52.6% of quota despite extension of the approved commercial fishing days.

>>>> This alarming decline in the breeder stock biomass is apparent to every experienced striped bass fisherman in Mass. I have been fishing the Duxbury and Plymouth bay areas for more than 50 years and perceive a trend which could take us back to the fishery collapse of the 1980s. At the same time we see an illogical disparity between the recreational and commercial harvest rules, with commercial fishermen allowed to harvest only the most efficient breeders over 35".

>>>> In this regard it's instructive to consider the history of Florida's approach to preservation of the snook and redfish species. Slot limits and tightened seasons proved helpful but full recovery of the species required closure of all commercial harvests.

>>>> The commercial fishery in Mass likewise requires scrutiny. With scarce striped bass fillets selling at \$22-\$25/pound in Mass markets most citizens can't afford this luxury, so it's not defensible to suggest that a closure of commercial harvests would be unfair to the broad population of fish consuming citizens. The high market price for bass has also encouraged illegal approaches to commercial harvest, including some well publicized examples of quota abuse. Likewise it makes no sense to permit commercial fishermen to harvest only the most efficient breeder stock over 35".

>>>> If commercial fisherman have sufficient lobbying clout to prevent the logical closure of commercial harvests a second best (but short sighted) solution would be to apply to them the same slot limit which applies to recreational fisherman, preserving the threatened breeder stock. I'm concerned to the point where I am willing to collaborate with other recreational fishermen to pursue legal action against you and the fisheries division if the commercial season is expanded as proposed, with no adjustment of the size limit...ignoring the data cited above.

Michael Kelleher MD
425 Bay Rd
Duxbury, Ma 02332
Cell 508-667-5034

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Commercial Fishing Proposals
Date: Thursday, April 1, 2021 1:22:40 PM

From: Donald SPROUL <don_sproul@yahoo.com>
Sent: Thursday, April 1, 2021 12:05 PM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: Commercial Fishing Proposals

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Him Dan, I'm a Commercial fisherman from Maine. After following the Mass. proposals on Striper fishing I approve. I am all about a sustainable fisheries of any species. However as a viable food source for the people of Mass. or any state, I approve any measure that will get fish on the table.

Don Sproul Bath Maine
don_sproul@yahoo.com

From: [paul bozek](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Fw: look for my forward on Mass regs. this is what I am sending
Date: Monday, March 15, 2021 12:45:44 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07). DMF

My comments on commercial days. 4 days is excessive to the sport fisherman. This puts too much pressure on the schools (fish) making it difficult for the sport fisherman to enjoy the sport. The parking lots at the launch sites becomes over crowded in some cases there is no parking for the sport fisherman. the two day regulation is much better. My experience several years ago when the school was heavy for days off N. Truro, the commercial boats were rude, inconsiderate and dangerous,

Thank you for the opportunity to express my concerns
Paul N. Bozek
E. Sandwich, Ma

Sent from [Mail](#) for Windows 10

From: [Reed, Story \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Menhaden Seine size
Date: Sunday, March 7, 2021 8:07:32 AM

Public comments below.

-----Original Message-----

From: Scott Place <splace72@icloud.com>
Sent: Saturday, March 6, 2021 6:01 PM
To: Reed, Story (FWE) <story.reed@mass.gov>
Subject: Menhaden Seine size

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Story,

Just writing for public comment on seine size regulations that sound to be in the works for the small scale permits/endorsements. It would be more realistic to not go any smaller than 60 fathoms long by 8 fathoms deep for the conditions of the areas that are fished. It's different circumstances for Massachusetts than areas in say Maine that have big enclosed bays that the fish congregate in.

Thank you for your consideration.
Scott Place

Sent from my iPhone

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: striped bass proposals 2021
Date: Wednesday, March 31, 2021 3:08:42 PM

-----Original Message-----

From: Jim Brennan <strikecharters@comcast.net>
Sent: Wednesday, March 31, 2021 2:41 PM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: striped bass proposals 2021

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir

Just a quick note to voice my approval for current proposals regarding commercial quota. Expanding the number of days per week will obviously allow better utilization of the allowed quota. I feel this has been a problem the last couple years, not the lack of fish. I've been a charter boat operator for 30+ years and a commercial permit holder as well so I see both sides. If we are to believe the current science which sets the quota then commercial fisherman should be allowed to take full advantage of it.

Thank you, Jim Brennan, Strike Sportfishing Charters

Sent from my iPhone

From: [McKiernan, Dan \(FWE\)](#)
To: [Armstrong, Michael \(FWE\)](#); [Silva, Jared \(FWE\)](#); [Kaplan, Julia \(FWE\)](#); [Meserve, Nichola \(FWE\)](#)
Cc: [Reed, Story \(FWE\)](#)
Subject: FW: Striped Bass Proposals
Date: Wednesday, March 31, 2021 12:51:04 PM

From: Kenneth W. Preston <kpreston@durkingroup.com>
Sent: Wednesday, March 31, 2021 10:14 AM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: Striped Bass Proposals

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Hello Dan,

I will be a new commercial fisherman this year (should receive my license in the mail today). I'm reaching out to make my voice heard and let it be known that I am in favor of all the proposals put forth Monday evening and any actions that would further benefit a local and sustainable food source for Massachusetts residents.

I'm fortunate enough to be able to take time away from my "day" job to pursue this endeavor. I'm hoping that I can build a part time business that I can continue into retirement. What made this appear as a legitimate opportunity to me was the rumor that we'd have a four day fishing week this year. Two inconsecutive days is just too limiting, especially since you can't fish one day and sell the next. During the meeting Monday night I was surprised to hear so much opposition, almost none of it based on reality, at least if the 1996 study showing catch and release to be the highest mortality factor is accurate. I've been a recreational fisherman all of my 50 years. There are pictures of me trout fishing Indian Head River in diapers (circa 1973). But even now if I became aware that my recreational fishing activities put a shared resource in jeopardy, it would never even occur to me to put my "playtime" ahead of guys fishing for a pay check and putting locally sourced food on resident tables (assuming they were doing so responsibly and sustainably). To hear so many recreational organizations and individuals come out against their commercial fishing brothers was upsetting to me and I believe showed widespread ignorance and hypocrisy.

I'd also like to take this opportunity to ask, what will it take to have another mortality study with the goal of better defining the effects of catch and release as well as the growing impact of natural predators?

And regarding predators, has there been any discussion about seal management? What would it take to allow native peoples to control seal populations? I imagine instituting seal hunting as a management tool would be an almost insurmountable task given the magnitude of public ignorance, but I wonder if it would come closer to being an option if it was sold as returning a natural born right

to indigenous people?

Thanks for taking the time,

Ken Preston

376 Pelham St

Methuen, MA 01844

603-489-9051

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Stripper Fishing on Cape cod
Date: Thursday, April 1, 2021 10:43:08 AM

From: ekeyes1 <ekeyes1@cox.net>
Sent: Wednesday, March 31, 2021 9:01 PM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: Fwd: Stripper Fishing on Cape cod

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Edward F. Keyes
Sent from my iPad

Begin forwarded message:

From: ekeyes1 <ekeyes1@cox.net>
Date: March 31, 2021 at 8:50:21 PM EDT
To: comments@asmfc.org
Subject: Stripper Fishing on Cape cod

I have been fishing Brewster flats for 25 years and have witnessed the ups and downs of the striped population. I have been very disappointed with the size of the fish for the last two if not three years. There seems to be an abundance of shorts, but keepers are way off in number for maybe even the last 5 yrs. something should be done!

Thank you!

Edward F. Keyes
Sent from my iPad

In reference to the proposed extension of commercial striped bass fishing:

The 2020 changes in recreational stripped regulations to institute “slot” limits was to preserve the breeding stock of fish to restore the population. The agency has stated that the population of striped bass has been over fished. Commercial fishing favors taking the larger breeding female fish. Adding more days to the 2021 commercial season will negatively impact the overall fish population.

In addition, I have been on the water during a commercial fishing day and have seen commercial fishermen gaffing fish that were noticeably short. I saw the individual put these short fish in the boat’s cooler. During these commercial days there were always visible dead fish floating around the group. Common sense tells you that the commercial fishermen hook fish that are smaller than allowed and either keep the short fish or toss them back. Many of the fish tossed back eventually die. The agency’s statement that commercial fishing does not result in a high mortality appears not to be substantiated.

Regards,

Douglas Sheeley
53 Salt Meadows Rd.
West Dennis, MA 02670
dsheeley@comcast.net

From: [D.M](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Increased in striped bass commercial season
Date: Wednesday, March 24, 2021 12:00:47 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Does it stand to reason that a commercial season that up until a couple of years ago was enough to fill the quota no longer fills the quota that the number of bass are no longer at the level they used to be. So by giving the commercial segment longer to catch a declining population this only further deplete the population by removing more breeders from the population. This makes no sense. Let's manage the population for the future not the present. All parties including recreational and commercial have sacrificed in the present. Dennis Morris, Brewster Mass.

[Sent from Yahoo Mail on Android](#)

PLUM ISLAND SURFCASTERS

www.plumislandsurfcasters.org



Director Daniel McKiernan

I am the legislative representative for the Plum Island Surfcasters, a 400-member North Shore Massachusetts fishing club. Please find below our club comment on the proposed changes to the striped bass season and open days.

The Plum Island Surfcasters is opposed to any lengthening of the season or increase to the fishing days. While we understand that the state is given a quota and has not been able to catch the quota, we believe that it is in the best interest of the fisheries to not make these changes in the long run. Currently the Atlantic State Marine Fisheries Commission has identified that striped bass have been overfished and the spawning biomass has been below threshold for at least several years. Since the commercial fisheries concentrates their catch on the spawning biomass, the seasons or fishing days is not the right thing to do.

The second reason we do not support these changes is we believe a significant number of fish caught under the commercial regulations are not counted towards the quota. With only 25% of the striped bass permit holders reporting any catch it become easy to see something is wrong. Unlike many other states that require the fish to be tagged when caught, Massachusetts fish are not tagged until they are sold making it easier for fish to go unreported. Since Massachusetts allows for commercial fisherman to barter, trade and keep fish for personal use the tagging only at sale can miss a lot of fish. We do believe that any fish caught under the commercial regulations should be counted as part of the quota. Tagging should occur when the fish are caught, and all fish caught under the commercial regulations should be counted against the commercial quota.

Thank you for your consideration,

Michael Toole

toolemf@hotmail.com

March 31, 2021

Director Daniel McKiernan
The Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400, Boston, MA 02114

Dear Dan,

I am writing to comment in favor of the proposed draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. to implement new commercial fishing limits for 2021 commercial striped bass fishery.

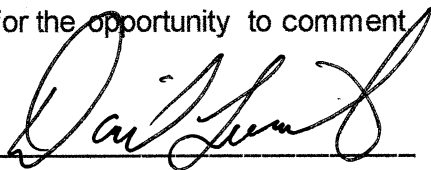
1. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
2. Establish an official end date for the commercial fishing season of November 15.
3. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
4. Increase the number of open fishing days to five consecutive days (Mondays–Fridays) beginning on September 15 and then to seven days per week on October 1.

I have been fishing for striped bass commercially for many years and Commercial anglers have always been held to a highly regulated and well policed quota which we have not been able to harvest over the past few years. I believe the main reason is due to the current lack of opportunity. Limiting the commercial fishery to just 2 days per week is too restrictive especially when those days are not consecutive. That strategy does not afford the angler enough opportunity for many obvious reasons.

More needs to be done to regulate the recreational sector which is not well policed and has unlimited opportunity 24/7. The statistics show that recreational fishery is responsible for 90% of the total Striped Bass harvest which equates to many millions of pounds removed from the fishery every year. DMF needs to address this and find ways to regulate the recreational catch of striped bass before it is too late.

Thank you for the opportunity to comment

Signature



Print Name

David C Leveille

From: [Demetrios Salpoglou](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Lower the commercial limit of striped bass to 500k pounds
Date: Friday, March 5, 2021 5:13:50 PM
Attachments: [image001.png](#)

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DEMETRIOS SALPOGLOU
CEO

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From: [Derek Cummings](#)
To: [Fish, Marine \(FWE\)](#)
Subject: MA DMF Proposal For Additional Fishing Days
Date: Sunday, March 28, 2021 10:41:26 AM

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Dear Director Dan McKiernan,

It has been brought to my attention that once again, your committee is proposing changes to the regulations for the MA commercial fishing season in 2021.

And unfortunately, I reach out once again to state the obvious here. The striped bass stock is declared overfished & recent studies have shown an all time low in the breeding age biomass of stripers.

I am strongly opposed to any sort of season extension or additional days proposed for for-profit angling happening in the state of Massachusetts. In fact, the entire commercial fishery should be shut down before you sacrifice an annual 7 billion dollar recreational industry, for a nominal 180 million dollar commercial industry. This is New England's most prized gamefish & the blood is on your states hands.

Your commercial fishing fleet directly & negatively impacts the surrounding fisheries in New Hampshire & Maine, who've pioneered and adopted conservation measures for decades. While Massachusetts has sat on the sidelines with one of the last open commercial fisheries on the Atlantic seaboard, creating every loophole possible to attract for-profit anglers at the expense of the health of the fishery.

Your quota has been 50-60% full for the past 3 years, and you've made exception after exception in favor of commercial fishing. Last year, you adopted a change to targeting a class of fish (36"+) which should be solely reserved to replenish and restore the dire year of the young metrics. This year, you want to open the commercial season on May 20th before the majority of those fish have had a chance to spawn.

If that's not a blatant disregard for the health of this fishery, I don't know what is. You should be ashamed this proposal is even on the table. The writing has been on the wall for years and you've conveniently ignored it for the commercial fishing revenue.

You've sold more recremercial fishing licenses, extended the season last year, allowed the use of treble hooks & the list goes on. You still can't come close to the quota agreed upon.

More Licenses + More Season - Less Regulations = Less Fish?

What's not adding up here? I encourage everyone on the board of the Massachusetts Department of Marine Fisheries to take a cold hard look in the mirror before a decision is made tomorrow.

Save your bullshit save our striped bass license plates, wake up & make a difference tomorrow.

Best,

Derek

From: [Kurt Karwacky](#)
To: [Silva, Jared \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Subject: MA DMF Striped Bass Commercial Hearing
Date: Tuesday, March 30, 2021 2:26:59 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dan McKiernan,

I am a striped bass fisherman from Maine and I also fish for bass on Cape Cod and attended the online meeting last evening on the Proposed Commercial Fishing Regulations Affecting Striped Bass. This email is not my official comment on the proposal, more of a suggestion on what an effective leader in a public office should look like. I was terribly disappointed in your comments and interactions with the public last evening and in the manner with how you managed the meeting. You can and should do better.

First, I was astounded to hear you say (I'm paraphrasing) "I've heard enough from those against, and I don't want to be here until 10pm listening to these comments, so let's move onto hearing from those in favor.....". In case no one has told you yet, that was in poor form coming from anyone, yet even more so from a public official moderating a public question and comment session. I hope by now you've received feedback about this. No one wants to be there until 10pm, but we all took time from our busy lives/evenings to join the public meeting because we are concerned about the striped bass fishery and wanted to participate in the public comment session.

Secondly I take issue with the tone and manner with which you questioned the gentleman from, I think, from the Plum Island Surfcasters during his comment period. I'm not sure I heard you question anyone else's comments and it's unclear why you chose to question him during the comment period. Your tone was condescending, antagonistic, and inappropriate. If you want the public to be engaged in this issue and trust your management team during this and future processes, I'd suggest you don't do that again during a public meeting.

Lastly I feel designing the comment portion of the meeting to be segregated by those speaking first who are against and those in favor speaking last is ineffective. It sets up a tone of 'us vs. them' and exacerbates any existing divisions noted between stakeholders instead of having them together for the shared resource.

Again, Dan, you can do better.

Kurt Karwacky
Maine

From: [Nick Novello](#)
To: [Fish, Marine \(FWE\)](#)
Subject: MA Striped Bass Public Comments
Date: Wednesday, March 31, 2021 10:49:12 PM

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March 31, 2021

Director Daniel McKiernan
The Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400, Boston, MA 02114

Dear Dan,

I am writing to comment in favor of the proposed draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. to implement new commercial fishing limits for 2021 commercial striped bass fishery.

1. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
2. Establish an official end date for the commercial fishing season of November 15.
3. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
4. Increase the number of open fishing days to five consecutive days (Mondays–Fridays) beginning on September 15 and then to seven days per week on October 1.

I have been fishing for striped bass commercially for many years and Commercial anglers have always been held to a highly regulated and well policed quota which we have not been able to harvest over the past few years. I believe the main reason is due to the current lack of opportunity. Limiting the commercial fishery to just 2 days per week is too restrictive especially when those days are not consecutive. That strategy does not afford the angler enough opportunity for many obvious reasons.

More needs to be done to regulate the recreational sector which is not well policed and has unlimited opportunity 24/7. The statistics show that recreational fishery is responsible for 90% of the total Striped Bass harvest which equates to many millions of pounds removed from the fishery every year. DMF

needs to address this and find ways to regulate the recreational catch of striped bass before it is too late.

Capt Nick Novello
10 Lloyd St
Gloucester, MA 01930
Commercial Permit Holder

Best,



Nick Novello

Account Manager

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From: [capt.tom02](#)
To: [Fish, Marine \(FWE\)](#)
Date: Monday, March 22, 2021 9:07:36 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

You need to stop this insanity now. Striped bass must not be fish commercially anywhere along the Eastern Seaboard. You people have not learned from your mistakes. You keep approving commercial fishing for this fish and there will be no more striped bass swimming along the Eastern shores of this country. STOP YOUR COMMERCIAL FISHING FOR THIS GAME FISH.

Sent from Samsung Galaxy smartphone.

From: [Dave Cannistraro](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Make stripers a SPORTFISH
Date: Monday, March 8, 2021 8:59:15 AM

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Striped bass should be a sport fish. The release rate mortality in its self alone is enough take enough fish out of the population, with out factoring in commercial fishing and anglers who keep a 28-35' fish. This needs to stop. I have spent money on buying a boat, thousands in fishing gear and on charters. With out a good striper fishery that will impact people buying boats, gear, supporting the local economy.

Please make stripers a SPORTFISH

Dave Cannistraro
4 liberty Square, Littleton, MA 01460

From: [Ryan Kane](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Massachusetts Striped Bass Fishery
Date: Monday, March 8, 2021 3:31:30 PM

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Hi-As a lifelong mariner and striped bass fisherman I believe that extending the commercial season in our state would be catastrophic to an already struggling stock.

Striped Bass as a gamefish result in Billions of dollars nationally from a recreational and gamefish perspective. The math dictates we save this fish long term versus providing a "recommercial" fishery that is a side hustle for participants at best.

It is counter-intuitive to implement a slot system for recreational anglers due to low stock numbers,yet allow a commerical fleet to mercilessly wipe out breeding populations of the fish.

Please consider eliminating or reducing the Striped Bass quota to ensure a fragile stock rebounds and we do not have a 1980's moratorium on such a large economic driver for tourism in the commonwealth!

Best,
Ryan

From: [Kurt Karwacky](#)
To: [Fish, Marine \(FWE\)](#)
Subject: My Comments on MA DMF Proposed Commercial Fishing Regulations for Striped Bass
Date: Thursday, April 1, 2021 8:29:11 PM

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Dan McKiernan

I am a recreational striped bass fisherman from Maine and I also fish Cape Cod and I am opposed to the current MA DMF Proposed Commercial Fishing Regulations Affecting Striped Bass. I am a striped bass stakeholder and am concerned about the commercial fishing proposal, what happens to these migratory fish matters to me. The ASMFC's conclusion that the striped bass stock is over-fished as well as their ongoing Amendment 7 process should be interpreted as an indicator that the status of the fishery is tenuous at best. This proposal will work in opposition to the ASMFC's current plan to restore the striped bass population. While I am not opposed to commercial harvesting, now is not the time to increase commercial fishing pressure on the stock. The declining documented catch of commercially legal striped bass as well as anecdotal declines in the recreational fishing sector may be the most obvious and least debatable measure that striped bass are in trouble. With the current state of striped bass fishery, I want to see more conservation, not less.

Kurt Karwacky
Maine

From: [Robert Dyer](#)
To: [Fish, Marine \(FWE\)](#)
Subject: My Question to the Board is this. If the Striped Bass Population has been so depleted as you say the why not stop all Commercial Fishing for Striped Bass. I know it's all about the Money. Just think all those fish that are caught could still be in the ...
Date: Saturday, March 6, 2021 7:01:52 AM

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Sent from my iPhone

From: [nausett](#)
To: [Fish, Marine \(FWE\)](#)
Subject: new regulations
Date: Friday, March 5, 2021 7:10:43 PM

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As a recreational fishermen I'm not for the proposed changes to the commercial fishing laws it's hard enough to find a space at the dock as I trailer my boat to the boat ramps on the commercial fisherman 2 days now you want to expand it to 4 or 5 days that's a big mistake for a recreational fishermen remember these ramps are not solely for business use their for recreational use as well and by letting them park there five days a week they take up all the all the spaces allotted in the parking lot I'm not in favor of your proposed regulation changes

Sent from my Galaxy

From: [John Moy](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Oppose adding commercial striped bass days
Date: Thursday, April 1, 2021 7:41:37 AM

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Dear Director McKiernan:

I oppose increasing commercial days for striped bass. That would be contrary to ASFMC's statement that striped bass is overfished. The fact that the commercial's can't catch enough fish within their current schedule is simply another indication that there aren't enough stripers. And the commercials take the best breeders out of the population.

I am a recreational fisherman on Nantucket. I participate in DMF's SADCT program, taking scale samples of striped bass during the season. Large stripers are indeed getting scarcer.

It has always seemed to me that the commercial striped bass fisherman get too much consideration from DMF. I never hear you guys say "There's been such terrible weather this year, let's reduce the recreational size limit this fall so people can take home a fish". Not that I would be in favor of that. But still you try to max out the commercial catch every year, even though you know that stripers are hurting. That's not right.

John Moy
25 Eel Point Road
Nantucket, MA 02554
jmoy@ospf.org
617-784-1872

From: [Gerald Audet](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Oppose increase in striped commercial days
Date: Monday, March 29, 2021 1:30:26 PM

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Hello Dan McKiernan

I want to write with my *extreme* opposition to increasing the number of commercial striped bass fishing days.

I am a MA resident, life long fisherman, and spend about 120 days/nights on the water each season fishing for striped bass. I catch about 500-800 fish a season, and keep ZERO of these fish.

- 1) Prior to the last few years, none of the factors used to justify this increased number of days for the comm sector were an issue. The quota was either reached, or close to it, despite the number of days held constant.
- 2) The reason commercial fisherman are not catching fish, is because the fishery is overfished, and overfishing is occurring. THAT is the reason. This is scientific consensus, as reported by the ASMFC, and hearings are going on up and down the coast right now to review the management triggers to make sure we get out of this overfished status. Is ensuring the fishery is fished down even further, really the solution?
- 3) Does MA want to be responsible for decreasing the striped population even further, when we are currently in a rebuilding phase for the fishery? Or do we want to be leaders, as we have tried to be with circle hooks?
- 4) The recreational sector is worth, far, far more than the commercial. Do the math, and present it. Show the data. Do not just say that commercial fisherman livelihoods are based on this; there are countless others who depend on it as well. The number of lives that are tied up in the recreational fishery is staggering. From tackle shops to hotels, to charter captains to hotels, to coffee shops to rod manufacturers.

Please, DO NOT extend the number of commercial days. Do the right thing.

Sincerely
Gerald Audet
Douglas, MA 01516

From: [Matthew](#)
To: [Fish, Marine \(FWE\)](#)
Subject: opposed to increase the harvest of breeder-sized Striped Bass.
Date: Tuesday, March 23, 2021 3:10:33 PM

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I am opposed to increasing the harvest of breeder-sized Striped Bass. This will only further diminish the striped bass population.

From: [Marshall White](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposed to Opening additional Commercial Days on Striped Bass
Date: Tuesday, March 23, 2021 8:06:19 PM

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Dear Dan Mckiernan,

I want to strongly register my opposition to the proposed idea of adding days to the commercial season for striped bass. The ASMFC has named these fish as “overfished” and it is irresponsible therefore to put additional pressure on the stock.

Sincerely
Marshall White

Sent from my iPhone

From: [Frank Pitzi](#)
To: [Fish, Marine \(FWE\)](#)
Subject: OPPOSED TO OVER FISHING STRIPED BASS
Date: Tuesday, March 23, 2021 7:50:18 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I oppose the over fishing of our valued species...the Striped Bass....

The ASMFC has declared striped bass “overfished, and overfishing is occurring,” and yet DMF wants to increase commercial fishing pressure.

Thank you for your consideration
Frank Pitzi

From: [Nick Danforth](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposition to 2021 commercial striped bass regs
Date: Monday, March 22, 2021 6:58:49 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The proposed changes to the commercial striped bass fishing regulations for 2021, specifically intended to increase the harvest of breeder-sized Striped Bass, are an unnecessary risk to both the population, and the Massachusetts recreational fishing economy.

This policy is reckless and in direct opposition to the ASMFC's current efforts to amend its policies to protect and restore Striped Bass to abundance. The ASMFC has declared striped bass "overfished, and overfishing is occurring," and yet DMF wants to increase commercial fishing pressure.

This policy contradicts all science and recent data on the striped bass population and favors a small, but vocal sub-segment of commercial fishermen (practically zero of whom rely on striped bass for any meaningful part of their income) over the long-term health of the population. A healthy, strictly regulated, and abundant striped bass stock enables far more economic wealth for the state through sales of fishing equipment, fuel, boats, dock services, boat yards, and many other channels. Please listen to the science and prioritize the long-term health of the bass population above all else.

Thank you,
Nick Danforth
Marblehead, MA

From: [Michael Sullivan](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposition to changes in Striped Bass commercial regulation
Date: Monday, March 29, 2021 7:40:37 PM

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Marine Fisheries,

For the record, I am opposed to any changes in the current commercial harvest regulations for Striped Bass. NO increased number of days, NO earlier start.

Michael Sullivan
Waltham, MA

Sent from my iPad

From: [Mike Spinney](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposition to Extension of Commercial Striped Bass Season
Date: Friday, March 26, 2021 11:16:19 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Commissioner McKiernan,

I strongly oppose DMF's proposal to open the commercial striped bass fishing season early, and add open fishing days to the commercial fishing week.

By opening early and adding more days to the season, DMF is putting more pressure on large, breeding-sized striped bass at precisely the wrong time given coast-wide efforts to reduce mortality and reverse the downward trend that finds striped bass "overfished, and overfishing is occurring."

There is no logic to increasing the potential effort on the striped bass harvest here.

Three consecutive years of falling short of the quota, despite previous seasonal extensions, should be taken as a clear sign that the fishery is in trouble.

Commercial fishermen I have spoken with, including those who fish for striped bass, readily admit that they will target other in-demand species if stripers are not available, and so the justification that extending the season provides an opportunity for economic relief is a weak argument. And given that the benefit of the recreational striped bass fishing economy is overwhelmingly bigger, DMF's efforts should be focused on protecting striped bass and helping to restore the species to abundance.

Thank you for the opportunity to share my feelings on this matter.

Mike Spinney

Townsend, Mass.

From: [Peter Mohlin](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposition to Increase Striped Bass Commercial Fishing
Date: Wednesday, March 24, 2021 12:31:39 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Dan McKiernan,

I am a recreational fisherman living in the state of Maine and write to you today to express my opposition to the Massachusetts DMF's proposal to increase the striped bass commercial fishery.

The ASMFC has declared the striped bass as overfished, and overfishing is occurring. There is no doubt the striped bass population is in decline; I saw it every day I fished last year when I caught little to no fish. And the striped bass I did catch were all under the slot limit. I have not caught a legal fish in two years.

The proposed increase to harvest breeder-size striped bass is reckless and will undoubtedly hurt an already damaged fishery. The future of striped bass in our area is already grim. Increasing the commercial harvest is wrong. This move is selfish. Please reconsider this proposal for the sake of the future of this valuable fishery.

Thank you for your time.

Peter Mohlin
Portland, Maine

--

Peter Mohlin
pmohlin@gmail.com
207.294.2251

From: [Russell Stebbins](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposition to increases in commercial fishing days for striped bass in mass
Date: Thursday, March 25, 2021 10:16:38 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Russell Stebbins, I live in West Roxbury, MA and I am writing to formally submit my opposition to increases in commercial fishing days for striped bass in massachusetts waters. I own a 18" Robalo and I am out on the water as often as I can be. I spend more money than I probably should on my boat and fishing gear. What can I say, some people like shoes, I like fishing tackle. I have watched to number of fish decline over the last decade and I just can not fathom how increasing that fishing days (with no oversight) is even being considered.

If this proposal passes, within the next decade there will be no more striped bass to catch and, simply put, that will be your fault. unfortunately, I suspect that this article will pass and the striped bass population will continue to be decimated. We have the ability to avoid that by restricting the harvesting of striped bass for the next 5 to 10 years. If we do this the species will thrive, if we do not the species will collapse. Please do not increase the number of commercial fishing days so that our kids can enjoy catching striped bass. Thanks.

rhs

From: [Peter Sebastian](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Opposition to proposed expansion of commercial fishing dates for stripped bass
Date: Monday, March 22, 2021 7:15:04 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr McKeirnan , the proposed expansion of commercial fishing dates is a true testament to the stupidity of the agency you administer. If anything there should be a proposed stop to all fishing for stopped bass to ensure there are stepped by to fish for in the near future. If you continue on this course your commercial fisherman will have no fish , your restaurants will have no fish , and your consumers will have no fish to consume. Even though I love stripped bass as dinner fare I personally will never buy it and I practice catch and release and have done so over the past 6 seasons because it is unmistakably obvious fish stocks are in a devastated state. In my humble opinion the whole eastern seaboard should be under a moratorium on stripped bass for the next five years if there is any concern about trying to save the fishery.

I , sir , urge you to stay the course and do not expand the commercial fishing dates. It is better to suffer a little now then suffer greatly in the very near future.

Respectfully,
Peter D Sebastian
fishingpete2@yahoo.com

God Bless

Sent from my iPhone

From: [Donald Dicostanzo](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Over fishing
Date: Tuesday, March 23, 2021 7:45:04 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please make striper a game fish.

It's a luxury not a necessity.

I noticed a tremendous difference in my fishing the bass last season,

Slight increase in good-sized fish I believe it was due to the shut down and if only a few months can make that big of a difference.

Don....

Sent from my iPhone

From: [Warren Finne](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Please do not change the proposed commercial Striper regulations
Date: Monday, March 22, 2021 6:57:13 PM

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[Sent from the all new AOL app for iOS](#)

From: [Ron Zeb](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Please Do NOT Increase Commercial Striped Bass Fishing Days
Date: Saturday, March 6, 2021 12:28:38 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director McKiernan:

I urge you NOT to implement the proposed expansion of the commercial striped bass season and open fishing days. Such expanded commercial striped bass harvesting will drastically increase pressure on an already declining striper population.

Thank you.

Ronald Klodenski
Newburyport, MA

From: [WILLIAM SAVAGE](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Bill Savage](#); [Stanley Moszka](#)
Subject: Proposed Changes to Commercial Striped Bass Fishing Regulations
Date: Tuesday, March 23, 2021 9:01:31 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

I am in opposition to the Proposed Changes in Regulations! As you are no doubt aware, these will increase the harvest of breeder-sized Striped Bass which is exactly the opposite of what we should be doing to this valuable resource.

No doubt you aware that there is a compelling argument for closing the harvesting of the breeder stock to all fisherman, Commercial and Recreational.

I could go on, but put me down for suggesting that this is an irrational proposal by the DMF!

Bill Savage
Sandwich, MA

From: [James Harrison](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed changes to striped bass regulations
Date: Tuesday, March 23, 2021 9:18:15 PM

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I strongly oppose any effort to expand commercial harvesting of striped bass.

Until two years ago, I spent thousands of dollars each year on a fishing trip to Massachusetts to fish for striped bass. Until you reduce or eliminate commercial harvest, I won't go back. The fishing simply isn't good enough to warrant me spending this money. I'm sure I am not alone.

James Harrison
Colorado

From: [Gary & Debbie George](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Commercial Fishing Regulations Affecting Striped Bass
Date: Monday, March 29, 2021 8:24:24 PM

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Hello Director Daniel McKiernan,

My name is Gary George I am a former Massachusetts State ground fishing license holder and current OUPV licensed captain. I unfortunately experienced the demise of cod fishing in our state waters and was forced to give up my commercial aspirations. I feel that the current proposed commercial striper regulations are leading us down the same path. **I oppose 100% expanding the allowed fishing days and extending the length of the season.**

I know you are interested in input and ideas from stake holders and would like to suggest an idea for future consideration. I propose a tag system based on quota and # of permits sold. For instance this years quota of 750000 pounds divided by the (estimate) 5000 permits sold would allow for 150 pounds of fish per permit. If you figure a 25lb average per fish, every permit holder would receive 6 tags to fill at his discretion. Any commercial fish would be tagged immediately. This way there would be no rush to fill the tags and could be used when the buyers were paying a better price. It would also limit those people who buy a commercial permit to get around recreational rules to harvesting 6 fish. There wouldn't need to be a closed season or closed days allowing the tags to be used when the fish are in the permit holders geographic location. This would also cause out of state permit holders to drop out giving future years more tags. This would also allow permit holders who are concerned about the fishery to conserve their allotment. I know of some current permit holders who choose not fish because of the current state of the stripers

Sincerely
Captain Gary George

From: [Brad Newman](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Commercial Fishing Regulations Affecting Striped Bass, Menhaden, Black Sea Bass Pots,
Date: Wednesday, March 31, 2021 12:00:11 PM

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To: Director Daniel McKiernan

As a recreational fisherman, I've been discouraged at the diminishing number and size of striped I've caught being caught by most others like myself. To propose an increase in the overall commercial catch limits flies in the face of logic and the evidence presented by scientists who have been tracking the striped bass population for a long time.

This proposed change in policy is reckless and in direct opposition to the ASMFC's current efforts to amend its policies to protect and restore Striped Bass to abundance. The ASMFC has declared striped bass "overfished, and overfishing is occurring," and yet DMF wants to increase commercial fishing pressure.

What sense does it make to profess one thing (increase the stock) and do the other (increase the catch)?

Please use common sense and don't let this highly partisan proposal.

R. Bradford Newman, Jr.

bradnewman@verizon.net

781-934-6367 (H)

617-930-3960 (M)

From: [Chip O'Brien](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Commercial Fishing Regulations
Date: Saturday, March 6, 2021 6:18:53 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

I am against The Commercial Striped Bass Season and Open Fishing for 2021. There is a reason commercial fisherman are not hitting their quota...The fishery is in trouble!!! Extending the number of days & season to hit a quota to further distress a distressed fishery makes no sense.

Thanks,

Chip O'Brien
9 East St.
Ipswich, MA 01938

From: [Harry Mink](#)
To: [Fish, Marine \(FWE\)](#)
Cc: ["Mark Warner"](#); nickfin@gmail.com; chriscouch@gmail.com; julie.f.chapman@hotmail.com
Subject: Proposed Commercial Stiped Bas Fishing Regulations
Date: Wednesday, March 24, 2021 1:34:39 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Dan McKierman, Director of MADMF;

I am writing to you in order to protest the proposed changes to the 2021 commercial striped bass fishing regulations, specifically to increase both the harvest period and size of breeder fish.

I am a Massachusetts sports fisherman who is licensed for both fresh and saltwater.

I believe that the proposed change regulations are reckless and are in direct opposition to the ASMFC's current efforts and policies to protect and restore stripped bass to abundance. ASMFC has declared stripped bass to be "overfished" and yet DMF with these proposed changes to current regulations apparently wants to increase commercial pressure on the breeder stock of stripers.

Thanking you in advance for taking my concerns into serious consideration in your current review of the proposed 2021 commercial stiped bass regulation changes.

Sincerely yours,

Harry Mink

P.S.-I've copied my neighbors and friends who are also striper fishermen so that they also might join me in alerting you to our concerns over the future recreational striper population

Harry A Mink
4 Cricket Way
Acton, MA 01720
Home Phone: 978-263-2341
Home FAX: 978-263-9420
Mobile iPhone: 508-395-3545

From: [Captain Elena Rice](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Commercial Striped Bass Fishing Changes
Date: Tuesday, March 9, 2021 11:52:39 AM
Attachments: [facebook_003.png](#)
[instagram_003.png](#)
[twitter_003.png](#)
[youtube_003.png](#)
[linkedin_003.png](#)
[reel_deal_logo.png](#)

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Dear Director McKiernan,

My husband (Bobby) and I have owned and operated our fishing charter business, Reel Deal Fishing Charters, on outer Cape Cod, Massachusetts since 2001. Although as Cape Cod natives, we have been fishing Cape Cod waters since the 1980s. We primarily target striped bass and bluefin tuna. Bobby in particular has witnessed first hand many changes to the striped bass population and behavior over the past few decades. Please listen to a guy who has been commercially fishing for 30 years.

We are writing to express concern and opposition of opening the commercial striped bass fishing season **earlier than June 23rd** and even more so against **increasing the number of open commercial fishing days** from two to possibly four.

The striped bass quota has not been close to filled over the past couple years and we do not believe this is due to a lack of available days for commercial fishermen to target striped bass. The quota isn't being filled because the striped bass are not as prevalent as they have been in previous years. There are well-known indicators of this as well as conservation efforts being put in place (e.g. 28"-35" recreational slot size and circle hook mandate) to protect striped bass and address this decrease in numbers. Increasing the number of commercial fishing days seems to go in completely the opposite direction. Encouraging commercial boats to be on the water more days per week targeting striped bass appears irresponsible and also expands the need for environmental law enforcement which already is stretched.

Please do not change the current commercial striped bass fishing regulations. Adding more commercial and possibly poaching pressure to this species at this time is an unwise decision.

Thank you for your review and for this opportunity to comment.

Best regards,
Elena Rice

Captain Elena Rice @captainelena
Reel Deal Fishing Charters LLC
www.fishreeldeal.com
(508) 487 - 3767



Celebrating our 21st year in business!



From: [Justin Cordonnier](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed commercial striped bass regulations
Date: Wednesday, March 24, 2021 1:28:31 PM

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Director McKiernan,

I am writing to strongly oppose adding any additional days to the upcoming 2021 commercial striped bass season.

ASMFC has already declared striped bass are “overfished and overfishing is occurring.”

As an avid recreational striped bass fisherman in MA for 20+ years, I can affirm that the population, especially the larger fish, has declined significantly.

Because the commercial regulations require commercial fisherman to only keep large fish (this does not make sense either), the number of large fish will continue to decline.

Adding days to the commercial season will only reduce the already weakened bass population and at a faster rate.

Thank you,
Justin Cordonnier

 Please consider the environment before printing this email.

From: [CARL GALARCE](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed Expansion of Commerical Striped Bass Limits
Date: Tuesday, March 23, 2021 7:37:22 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I have regularly fished for striped bass in Massachusetts for the last 25 years. The proposal to extend the season and increase the quota in light of the incontrovertible evidence that striped bass stocks are declining throughout Massachusetts is breathtaking in its shortsightedness. There is no benefit to the public at large and it does nothing for those persons who actually make a living as commercial fishermen. Unless the resource is protected and expanded, they are in a similar position to a typewriter salesman in 1978, i.e. they will be looking for new employment within a few years. Your job should be focused on the future instead of destroying the present.

Carlos Galarce, Esq.
41 Vreeland Avenue
Totowa, NJ 07512
(973) 785-3939

From: [J. Quentin Bonanno](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed stripe bass commercial rules
Date: Thursday, March 25, 2021 11:23:18 AM

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I would like to register my objection to allowing increased kills on breeder size stripers either by commercial or recreational fishers the stock is in terrible shape and should be protected not attacked thank you for considering my input

J Bonanno Edgartown mass

Sent from my iPhone

From: [Matt Reinemo](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment - No Extended Commercial Season
Date: Monday, March 29, 2021 8:56:33 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my disappoint and dissatisfaction with your proposal to expand commercial striped bass fishing with an elongated season and more open days.

I am fairly sure me and the countless others who want to see the right thing done will be ignored, as Massachusetts seems intent to lead the way in slaughtering such an important species, but my conscience would not permit me to remain silent.

It is hard for me to fathom why this is even being contemplated. It is plain as day to both scientists and anglers that striped bass are in trouble, yet you want to do everything in your power to make sure that Massachusetts fishermen can kill as many large, breeding females as possible.

From an environmental standpoint, it is disastrous.

From an economic standpoint, it is even more disastrous, as every economic study done shows those fish to be worth far more alive than dead.

What drives these decisions is beyond me. It is absolutely mind-blowing that you would consider doing something that is so clearly wrong any way you look at it.

I will not hold my breath waiting for Massachusetts to do the right thing, but it sure would be nice.

Yours in Disgust,

Matt Reinemo

From: [kyle schaefer](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [McKiernan, Dan \(FWE\)](#)
Subject: Public Comment & DMF Public Hearing Comments
Date: Tuesday, March 30, 2021 9:48:00 AM

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Good Morning,

First, I need to note how extremely disappointed I was in how the meeting was conducted last night in regards to the striped bass commercial season proposal. The moderator, Dan McKiernan literally shut down comments coming from the opposition to the proposal. People still had their hands raised and were not given a chance to speak. The moderator invited the opposition to speak first which was also strange and segregated the comments and natural flow of the meeting. The Moderator also explicitly stated that he didn't want to be here until 10p tonight. This was incredibly frustrating and demotivating for the public that is taking time out of their night and was not able to engage in the meeting. These actions discourage public participation. The opposition wasn't able to finish their comments and as a result we then heard from the proponents of the proposal and the count ended up being about 50/50 for and against. Now more than ever the DMF and ASMFC need work on building their trust with the public and this meeting served as clear steps backwards. Everyone knew this would be a big topic that requires substantial time, DMF should have planned accordingly and let each and every stakeholder speak. There were several strange elements to the meeting including a commenter getting sort of integrated while making public comment.

I am in opposition to the proposed extension of the commercial season and against adding days to the season. Striped bass are clearly in turmoil, we have no data from a new stock assessment and the risk of extending the season will continue to remove breeder striped bass that will help our stock rebound. We don't even have a recovery plan in place and DMF is entertaining a season extension because, as you stated on the call, ONE person petitioned for extension?

Best,

Kyle Schaefer

From: [rob.koko](#)
To: [Fish, Marine \(FWE\)](#)
Subject: PUBLIC COMMENT FOR:
Date: Tuesday, March 16, 2021 12:57:32 PM

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Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07). I DO NOT 1.
SUPPORT ANY OF THE PROPOSED CHANGES

From: [Todd DiNoia](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment on Draft Commercial Fishing Regulations
Date: Friday, April 2, 2021 9:38:49 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director Daniel McKiernan,

I am writing out of concern for the decline in the striped bass population on the east coast, specifically requesting you do not increase the number of days for commercial fishing nor the length of the season. I am resident of MA and a long time striped bass fisherman on Cape Cod and have watch the decline in population over a number years. I feel the commercial quota for striped bass should be significantly reduced (or eliminated with a moratorium on commercial harvesting if striped bass for a set period to replenish the stock).

Therefore, in regards to the draft regulations to amend 322 CMR 4.00, 6.00 and 7.00 for new commercial fishing limits for 2021, I request the following for the Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07).

- DO NOT open the commercial fishing season earlier than the current date of June 23.
- DO NOT extend the season but reduce the number of total days and months.
- DO NOT increase the open days per week from two at any point in the season, consider reducing the total days in the season.

PLEASE CONSIDER FURTHER REDUCING THE COMMERCIAL STRIPED BASS QUOTA (or a moratorium on commercial fishing and harvesting for a number of years to replenish the striped bass population, catch and release only). At a minimum, a further reduction in the current quote should be considered. The data for the recent stock assessments and the difficulty in achieving the current commercial quota in recent years clearly shows the issue and state of distress of the striped bass fishery on the east coast and Massachusetts.

Thank you,
Todd DiNoia
MA resident - Littleton, MA

From: [Eric Summers](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment on proposed fishing regulations
Date: Wednesday, March 31, 2021 6:29:26 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Director, Daniel McKiernan,

Thank you for inviting public comment on proposed changes to commercial fishing regulations. My comments pertain only to the striped bass regulations.

I have fished recreationally for striped bass for 25-30 years. I remember what a healthy population seems like when fishing. Lets just say that fishing used to be a lot more exciting than it is now. I hope we can turn it around and bring the fish back. In my opinion, we should be doing everything possible to protect the larger fish. However, I understand that the coast wide overfishing of striped bass is not the current topic for comments.

Regarding commercial fishing days for striped bass. I think it is reasonable to add some commercial days, but not at the expense of recreational fishing. Economically, recreational fishing is far and away more important to Massachusetts. To the extent possible, commercial and recreational fishermen should not overlap on the water. Commercial fishermen disperse the fish and recreational fisherman cannot compete. I can speak from ample experience about what happens out at Race Point and off Herring Cove on the Cape. A lot of fish gather out there in very concentrated spots. As soon as the commercial boats come out, the fish are dispersed and the recreational folks stop having a good time.

It may be possible for everyone to be happy. **I would like to suggest Monday Tuesday Wednesday for commercial so that the fish get a break on Thursday and the recreational people can enjoy better fishing on Friday, Saturday, Sunday. I also think it is fine to extend earlier in June, but only if there are some weeks set aside for only recreational during peak vacation weeks in the summer. We need regular folks to enjoy fishing.**

Fishing used to be a big deal out on the outer Cape. Now, not so much. Fishing tackle shops have closed down out there. Some people think it's seals and sharks, but I'm not so sure. Maybe off the beach, but not out in a boat. Seals and sharks like to hang around and pull fish off a line, but they cant really hunt free fishing stripers. The fish are declining, pure and simple.

Thank you for your attention,
Eric Summers
111 Perkins Street #086
Jamaica Plain, MA 02130
617-694-6347

From: [Stephen Madden](#)
To: [McKiernan, Dan \(FWE\)](#); [Silva, Jared \(FWE\)](#)
Subject: Public Comment Period and Virtual Public Hearing: Proposed Commercial Fishing Regulations Affecting Striped Bass, Menhaden, Black Sea Bass Pots, and Bluefin Tuna Purse Seining
Date: Friday, March 5, 2021 8:45:47 PM

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To: Director of the Division of Marine Fisheries.

MFAC members:

Raymond W. Kane, Jr. (Chair); Michael Pierdinock (Vice Chair); William Doyle (Clerk); Arthur “Sooky” Sawyer; Kalil Boghdan; Louis Williams; Tim Brady; Bill Amaru and Shelley Edmundson.

Hello,

I Stephen E. Madden a Massachusetts Recreational fisherman share my thoughts on the Public Comment Period and Virtual Public Hearing:

The Proposed Commercial Fishing Regulations Affecting Striped Bass, Menhaden, Black Sea Bass Pots, and Bluefin Tuna Purse Seining.

I disagree with the proposed measures generally seek to increase access to the Striped Bass commercial quota. The first proposal is to adopt an earlier season start date. DMF has received a petition to open the season in late May and it was the preference of the MFAC’s Commercial Striped Bass Sub-Committee to open the season a week earlier on June 16. The second proposal is to increase the number of fishing days per week.

The proposal has the season opening with four consecutive open fishing days (Mondays – Thursday). Then, if the quota is unfilled, then the fishery would go to five consecutive open fishing days (Mondays – Fridays) on September 15 and seven open fishing days per week on October 1. Additionally, DMF will propose a November 15 season closure date if the quota is not taken beforehand.

I question why isn’t the quota being met each year? Are there not enough Striped Bass to be caught? Is effort down? Is reporting down? Are there enough fish to be caught in Massachusetts waters to fill the Commercial quota?

The Atlantic striped bass stock is undoubtedly at a lower level than it could/should be, this is supported by both anecdotal and scientific evidence, and there is no justification at this time to increase harvest or commercial quota.

More research needs to be done to figure out why the Commercial Striped Bass

quota is not being met ! Increasing the amount of days and length of season targets more breeder size Striped Bass and lowering the natural reproduction of the species.

Current overfishing from Recreationals and now this proposal of increase Commercial pressure is too much!

****Please give the Striped Bass a break!***** ><(((°>

Thank you,

Stephen E. Madden

From: [Benjamin Grabscheid](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public comment to proposed expansion of commercial striped bass fishing
Date: Saturday, March 6, 2021 10:55:29 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it concerns,

I am an avid recreational saltwater fisherman that has lived in Massachusetts my whole life. I am supremely confused and disappointed by the proposed regulation change to expand the commercial striped bass fishery in the Commonwealth.

To be frank you don't need to be a scientist to know that Stripers are on the downswing right now. In my local Cape Cod waters it's very evident that we should be taking LESS not more. There are fewer large breeders than in years past, FACT not opinion. I fear that increasing commercial fishing will put undue stress on an already stressed resource.

Further, the concept of commercial striped bass fishing, in general, baffles me as the economic value of the species is clearly NOT in wholesale, but rather in recreational fishing. Fewer fish = less charter trips, fewer visits to local tackle shops, drops in sales for local lure makers, etc. The downstream economic impact of depleting the resource far outweighs any value of expanding commercial activity.

Sincerely,
Ben Grabscheid

From: [Rice, Samuel](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment: Opposing proposed changes to the commercial striped bass fishing regulations for 2021.
Date: Tuesday, March 23, 2021 9:12:39 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Da McKiernan:

Striped bass are overfished, and any expansion of commercial fishing seasons or regulations will be met with protest by anyone with basic knowledge of the current state of striped bass populations. The proposed expansion of the commercial striped bass fishing season by the Massachusetts Division of Marine Fisheries ("DMF") is both unreasonable and controversial, contrary to what was stated by DMF at the January 28, 2021 meeting. Those statements are troubling and show the utter disregard by DMF concerning striped bass populations.

Quotas are not being met due to the lack of population... Not the lack of fishing days. If anything, the striped bass commercial fishing season should be shortened, and its quota lowered.

In sum, DMF should renounce the proposed expansion of the commercial striped bass fishing season.

Samuel Rice

March 31, 2021

Director Daniel McKiernan
The Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400, Boston, MA 02114

Dear Dan,

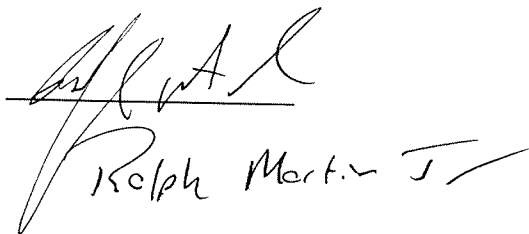
I am writing to comment in favor of the proposed draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. to implement new commercial fishing limits for 2021 commercial striped bass fishery.

1. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
2. Establish an official end date for the commercial fishing season of November 15.
3. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
4. Increase the number of open fishing days to five consecutive days (Mondays–Fridays) beginning on September 15 and then to seven days per week on October 1.

I have been fishing for striped bass commercially for many years and Commercial anglers have always been held to a highly regulated and well policed quota which we have not been able to harvest over the past few years. I believe the main reason is due to the current lack of opportunity. Limiting the commercial fishery to just 2 days per week is too restrictive especially when those days are not consecutive. That strategy does not afford the angler enough opportunity for many obvious reasons.

More needs to be done to regulate the recreational sector which is not well policed and has unlimited opportunity 24/7. The statistics show that recreational fishery is responsible for 90% of the total Striped Bass harvest which equates to many millions of pounds removal from the fishery. DMF needs to address this and find ways to regulate the recreational catch of striped bass before it is too late.

Thank you for the opportunity to comment.


Ralph Martin

From: [bcwashashore](#)
To: [Silva, Jared \(FWE\)](#)
Subject: RE: Commercial Fishing Public Hearing Confirmation
Date: Monday, March 29, 2021 7:24:44 PM

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Thanks

In favor.

I question total stock numbers. Are bass in EZ counted. Current tagging program in new york indicate some post spawn fish going off shore.

I believe it is an availability issue for land based recreational anglers and warmer coastal waters.

SB sell for \$23 pound retail. Restarant \$35 entre.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Jared Silva <no-reply@zoom.us>
Date: 3/29/21 6:17 PM (GMT-05:00)
To: bcwashashore@gmail.com
Subject: Commercial Fishing Public Hearing Confirmation

Hi Brian Curry,

Thank you for registering for "Commercial Fishing Public Hearing".

Please submit any questions to: jared.silva@mass.gov

Date Time: Mar 29, 2021 06:00 PM Eastern Time (US and Canada)

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215 8782 or +1 346 248 7799
Webinar ID: 841 3721 7160
International numbers available: <https://us02web.zoom.us/j/84137217160>

You can [cancel](#) your registration at any time.

From: [STEPHEN DESISTO](#)
To: [Silva, Jared \(FWE\)](#)
Subject: Re: Commercial Fishing Public Hearing Confirmation
Date: Monday, March 29, 2021 8:04:21 PM

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I would like to add some thing for to the board to look at .There are too many bass from 28 to 35 being taken from the waters along the east coast by the recreational fishermen. But also then the commercial fisherman gets to take all the bass over 35 inches .What i repeat What is left to for future stocks of breeding Striped bass. We need to change the slot limit for one or the other Fishermen .Thanks Stephen Desisto

On 03/29/2021 5:44 PM Jared Silva <no-reply@zoom.us> wrote:
Hi Stephen Desisto,

Thank you for registering for "Commercial Fishing Public Hearing".

Please submit any questions to: jared.silva@mass.gov

Date Time: Mar 29, 2021 06:00 PM Eastern Time (US and Canada)

Join from a PC, Mac, iPad, iPhone or Android device:

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Webinar ID: 841 3721 7160

International numbers available: <https://us02web.zoom.us/j/84137217160>

You can [cancel](#) your registration at any time.

From: [Richard Booth](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Re: Decision of the DMF plan to increase Commerical fishing of striped bass
Date: Friday, April 2, 2021 1:49:40 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I would like to oppose any increase in the number days allotted to the Commerical Fishing of striped bass in Mass. The reason are many but the main three I can state have to do with :1) the ASMFC's data which show that the striped bass is an overfished species in the areas not only of Mass. but of all the states on the Coast of the Atlantic.

Second, I know of some of the Commerical people that have Commerical licenses, have salaries close to the six figure range or above and use this as extra cash as a supplement and not as their main livelihood. Maybe and IRS review of yearly salaries would be appropriate to review who should legally be allowed to fish commercially for their livelihood on an annual basis. (probably not legal but a thought)

Third and last : for years the Atlantic Shad was commercially fished in the Hudson River by Commerical Fisherman and we were always told by them, "there are millions of them we can never fish them out". Well, witnessing what was happen myself I found that the Commerical nets caught hundreds and the only fish that the Commerical people wanted was the female shad, they would gut her, rip out the roe and throw the fish's body in the river and the males that hung in the net for a period of time were severely damaged ... well, now the shad is a species that is so rare in the Hudson River they cannot be fished for with line or reel and there is no more commercial netting. Those that claimed there were thousands now are nowhere to be seen and unfortunately neither are the shad. Thank you. Captain Richard E. Booth although not a Mass. resident I fished in Mass. waters for years and hope to continue to do so.

>

From: [W. Brice Contessa](#)
To: [Fish, Marine \(FWE\)](#)
Subject: re: Public Comment on CMR 6.07
Date: Thursday, March 25, 2021 7:34:09 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Re: CMR 6.07

To: Director Dan McKiernan

Thank you for the opportunity to comment on CMR 6.07. My name is W. Brice Contessa. I am a year-round resident of Edgartown on Martha's Vineyard, a USCG licensed captain and an avid angler.

I would like to raise my concerns regarding CMR 6.07 which as you know would increase the length and days per week of the commercial striped bass fishing season here in Massachusetts. Frankly Director McKiernan this is the last thing that Massachusetts needs at the moment. As I'm sure you know the ASMFC has recently declared the striped bass stock overfished and acquiesced to the fact the overfishing is actively occurring. To increase extractions from Massachusetts state waters at this crucial juncture in the history of striped bass management would be short sighted and reckless. The failure of the commercial fleet to fill the allotted quota over the course of recent years is not a factor of an overly restrictive state management strategy but rather due to the decrease in biomass coastwide. Simply put there are not enough striped bass left in state waters to support Massachusetts's nearly three quarters of a million pounds quota.

To be clear I'm not an advocate of a 10-year moratorium, outright commercial fishing ban or gamefish status. Personally, I have not killed a striped bass intentionally since 2013. I do however believe that with a refined administrative approach that promotes abundance rather than maximum possible extractions that we can have a fishery that serves the interests of recreational, commercial and charter fisherman.

I am well aware of the hardships imposed on Massachusetts commercial fishermen and their families due to the Covid-19 pandemic – I make my living in the restaurant

industry which has been hit as hard as any. The countermeasure to this calamity should not be killing more stripers.

Respectfully...

W. Brice Contessa

From: [STEPHEN DESISTO](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Save the Striped bass
Date: Monday, March 22, 2021 8:21:13 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please for the future of the Striped Bass of Massachusetts .Do Not !!!!! change the commercial fishing days or Quota .The SWtriped bass needs all the big Girls to spawn south of us .We don't need to go back to the 80s when we had no Striped bass Thank You !!! From just a fisherman Stephen Desisto

From: [ROBERT NARDONE](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Save the Stripers from the big comical bouts
Date: Tuesday, March 23, 2021 6:59:42 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

GAME FISH STATUS FOR WILD STRIPED BASS ON THE ATLANTIC COAST IN ORDER TO SIGNIFICANTLY REDUCE STRIPER MORTALITY, TO PROVIDE OPTIMUM AND SUSTAINABLE PUBLIC FISHING OPPORTUNITIES FOR ANGLERS, TO SECURE THE GREATEST SOCIO-ECONOMIC VALUE POSSIBLE FROM THE FISHERY AND TO ADVOCATE FOR THE CONSERVATION AND RESPONSIBLE STEWARDSHIP OF WILD STRIPED BASS FROM MAINE TO NORTH CAROLINA.

March 31, 2021

Director Daniel McKiernan
The Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400, Boston, MA 02114

Dear Dan,

I am writing to comment in favor of the proposed draft regulations to amend 322 CMR 4.00, 6.00 and 7.00, to implement new commercial fishing limits for 2021 commercial striped bass fishery.

1. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
2. Establish an official end date for the commercial fishing season of November 15.
3. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
4. Increase the number of open fishing days to five consecutive days (Mondays-Fridays) beginning on September 15 and then to seven days per week on October 1.

I have been fishing for striped bass commercially for many years and Commercial anglers have always been held to a highly regulated and well policed quota which we have not been able to harvest over the past few years. I believe the main reason is due to the current lack of opportunity. Limiting the commercial fishery to just 2 days per week is too restrictive especially when those days are not consecutive. That strategy does not afford the angler enough opportunity for many obvious reasons.

More needs to be done to regulate the recreational sector which is not well policed and has unlimited opportunity 24/7. The statistics show that recreational fishery is responsible for 90% of the total Striped Bass harvest which equates to many millions of pounds removed from the fishery every year. DMF needs to address this and find ways to regulate the recreational catch of striped bass before it is too late.

Thank you for the opportunity to comment.

Signature



Print Name

Capt. Mark Dival

From: rmjtag@aol.com
To: [Fish, Marine \(FWE\)](#)
Subject: Strike down the proposal to increase commercial striped bass days and open earlier
Date: Saturday, March 6, 2021 10:10:41 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express outrage on behalf of myself and thousands of Massachusetts residents whom are passionate about the health of the striped bass fishery. A recreational fishery which brings in over a billion dollars to the Massachusetts economy and supports thousands of jobs versus the commercial fishery which does not come close to those numbers.

On 1/28 the DMF discussed a proposal to increase the number of days the commercial striped bass could be targeted from two to four and possibly to five consecutive days as well as opening the season earlier and keeping it open later. This proposal was buried on page 65 of the proposed Marine Fisheries Advisory Commission meeting agenda where in my opinion it was meant to slip by during the Covid crisis. I listened to a recording of a meeting where Mr. McKiernan makes statements that are clearly slanted towards the commercial interests during the recorded meeting. To call these measure not controversial and straightforward is an attempt to minimize the impact of such a decision on a fishery that is in decline and in need of further conservation measures. Frankly it is an embarrassment and demonstrates that the fisheries advisory counsel is not representing all interests.

In a nutshell the **commercial landings for striped bass were 88% of quota in 2018, 67 % of quota in 2019 and 52 % of quota in 2020**. Think about that. So somehow the answer is to increase the number of days the commercial fleet can target local populations of breeder size striped bass versus acknowledging the the quota is too high and the stock is in serious decline. This is backward thinking.

For Mr McKiernan to publicly state that the proposal is not controversial is completely untrue. Already I am observing hundreds of comments of outrage within the fishing community posed online. His comments underly a bias toward the commercial fishing lobby and minimize that this issue is not straightforward, the proposal is not a simple adjustment and ignores how complex and dire this situation is. Unacceptable.

I have run a boat in Buzzards Bay and Vineyard Sound for 15 years and I can clearly see the decline in the striped bass population. If Massachusetts has any credible desire to foster striped bass conservation this measure must not pass.

I urge that this measure be struck down.

Rob Tartaglia
Wrentham, MA

From: [trevor gowdy](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Stripe bass proposal
Date: Friday, March 26, 2021 5:28:02 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, my name is Trevor Gowdy and I have fished professionally for 25 years, hosted national tv fishing shows and a national ward winning producer for outdoor fishing and sports. I have been involved in many national and worldwide organizations for conservation and also for rights of all anglers . I severely oppose the 4 days in a row for commercial striped bass commercial fishing in Mass. We haven't met 50% of this quota in the last three years and maybe that should wake everyone up! There are so many less fish and ask anyone to see how Chatham got wiped out 3 years ago, then P town and in 2020 Cape Cod had a very poor commercial and recreational fishing. I live north of Boston and have seen populations plummet in the last 5 years... and no it's not a migration route change . Stop the overfishing, practice more catch and release and get the slot limit back up to 36 or 38 inches. Trust me, the facts are right in your face and please do not do to little too late!! We all know that this fishery is in trouble and now is the time to act. Do not do 4 days please.... there is lack of fish, too much pressure as they now are on the Pogy schools and easy pickings . The quota catch for last 3 to 4 years tells you everything!!! Stop commercial and recreational numbers to harvest and be smart and keep what's left for all of us to enjoy!! Thank you, Trev Gowdy --

Trevor Gowdy
Gowdy Productions
978-764-3169 (cell)
958 HALE STREET
BEVERLY, MA 01915

From: [Center](#)
To: [Fish, Marine \(FWE\); Center](#)
Subject: Stripe bass
Date: Monday, March 22, 2021 9:51:04 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

People,

I will cut to the chase and save my breath as I need it. Please reverse course and don't go up on the pounds of stripe bass to be taken to make quota. In fact lower the amount by 200,000 pounds and and you still may not make it to the grade you decide on. The striper is in trouble people a lot like me.

For gawd sakes people I am a dyeing with 9 stents in my heart and cancer like the stripe bass it too is needs a life line. My last request is to save a great fish.

Lets attempt to do it !

Bill Biswanger
Townsend MA.
978 337 0696

From: [noah cluster](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Monday, March 22, 2021 8:44:02 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

We need another moratorium 5-10 years. Stop waiting for super spawns in the Chesapeake Bay while fishing out the biomass. Then and if we get back to 1995-2000 numbers in the biomass it should be gamefish status only. Thank You.

From: [Tim Marchetti](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass
Date: Wednesday, March 31, 2021 8:59:03 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan

Please don't allow expansion of the commercial fishing for striped bass. These fish are more valuable as sport fish.

Thank you

Tim Marchetti

Lincolnvile Maine

From: [Richard Stec](#)
To: [Fish, Marine \(FWE\)](#)
Subject: STRIPED BASS CATCHING
Date: Tuesday, March 23, 2021 9:01:44 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Increasing the number of commercial fishing days for striped bass makes no sense.

We over-catch all fish.

You should *reduce* the commercial striped bass quota instead of increasing the length of the season.

We should have 2 or three years of *catch and release* and find other jobs for commercial fishermen
or find a way to farm striped bass or other fish species to ensure fish availability.

Rit Stec.

March 31, 2021

Director Daniel McKiernan
The Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400, Boston, MA 02114

Dear Dan,

I am writing to comment in favor of the proposed draft regulations to amend 322 CMR 4.00, 6.00 and 7.00. to implement new commercial fishing limits for 2021 commercial striped bass fishery.

1. Open the commercial fishing season earlier than the current date of June 23. DMF's preferred option is June 15, which was recommended by the Marine Fisheries Advisory Commission's Striped Bass Sub-Committee, but DMF also received a public petition to start the fishery in late-May.
2. Establish an official end date for the commercial fishing season of November 15.
3. Increase the open days per week from two (Mondays and Wednesdays) to up to four (Monday through Thursday).
4. Increase the number of open fishing days to five consecutive days (Mondays–Fridays) beginning on September 15 and then to seven days per week on October 1.

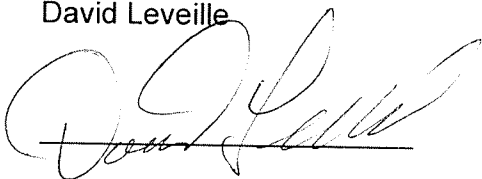
I have been fishing for striped bass commercially for many years and Commercial anglers have always been held to a highly regulated and well policed quota which we have not been able to harvest over the past few years. I believe the main reason is due to the current lack of opportunity. Limiting the commercial fishery to just 2 days per week is too restrictive especially when those days are not consecutive. That strategy does not afford the angler enough opportunity for many obvious reasons.

The statistics show that recreational fishery is responsible for 90% of the total Striped Bass harvest which equates to many millions of pounds of removal from the fishery every year. DMF needs to address this and find ways to regulate the recreational catch of striped bass before it is too late.

More needs to be done to regulate the recreational sector which is not well policed and has unlimited opportunity 24/7. Even though Recreational anglers released over 90% of the Stripers they caught, a lot of them still ended up dying. In fact, recent studies have shown that as many as 9% of the fish released do not survive the stress, they endure.

Thank you for the opportunity to comment.

David Leveille

A handwritten signature in black ink, appearing to read 'David Leveille', written over a horizontal line.

From: astackle@comcast.net
To: [Fish, Marine \(FWE\)](#)
Subject: striped bass commercial fishing dates
Date: Thursday, April 1, 2021 9:20:35 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To: Director McKiernan,

I am writing this e-mail to request a starting date of May 31 for commercial striped bass fishing in Massachusetts. As a Buzzards and Mount Hope Bay fisherman get our commercial size striped bass early with the herring run and then they leave toward cooler waters by late June.

Thank you for your time.

Sincerely,

Steven. D. Abdow

From: [Mitchell Bamberger](#)
To: [Fish, Marine \(FWE\)](#)
Subject: striped bass commercial fishing
Date: Wednesday, March 24, 2021 7:50:08 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Dan McKiernan:

I am writing to oppose the changes to commercial striped bass fishing for 2021. As you well know, the striped bass population is suffering. Any changes that allows an increase in harvesting ultimately affects the longevity of the species. This has major ramifications for both commercial and recreational fishers on the longterm basis.

I respectfully urge the DMF to NOT move forward with these changes.

C'mom man! Be a stand up guy and do the right thing!

Mitchell Bamberger

From: [Nick Helides](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass Commercial season
Date: Wednesday, March 24, 2021 1:46:24 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Daniel MacKiernan,

The striped bass commercial season should be shut down immediately.

No individuals are making a living off it and it is only supplemental income for those fishing.

Farm raised fish will provide supply to restaurants and home markets.

Catch and release for recreational fishing with a five fish hooked limit.

Sincerely,
Nicholas Helides
978-969-3269

Sent from my iPhone

From: [Matt Bickford](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass commercial season comment
Date: Tuesday, March 30, 2021 2:06:14 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To

Dan Mckiernan

I am writing to oppose the changes to the Massachusetts commercial fishery season. As a recreational angler in Mass and other new England states as well as a fishing guide in Maine I have seen a decline in the abundance of the species, making the season earlier and more fishing days for the commercial fleet will undoubtedly put more strain on the striped bass.

Your stance of feeling like your job is to ensure that Mass commercial fisherman fill 100% of the quota regardless of the status of the fishery is absolutely off base, Irresponsible and shortsighted.

I will no longer be traveling to Mass to hire recreational guides if the fishery continues to decline.

In summary I am opposed to the changes to the Massachusetts commercial striper fishing regulations both the proposed earlier opening as well as the expanded days per week.

Sincerely

Captain Matt Bickford

Maine Striper Adventures

--

Matt Bickford
(207)607-3390

From: [Kyle Schaefer](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [McKiernan, Dan \(FWE\)](#)
Subject: Striped Bass Commercial Season Comment
Date: Tuesday, March 23, 2021 4:02:35 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To: Director Dan McKiernan

I am a full time charter captain in Maine and I currently live on Plum Island in Newburyport, MA. I am also the Maine board member for the American Saltwater Guides Association.

I am submitting my official comment: I am NOT in support of extending the commercial season for striped bass. I am also not in support of opening of the season on an earlier date or extending the season further into the fall. I am also not in support of adding more fishing days during the week for commercial striped bass fishing. Striped bass are in peril and we don't have any data to see how the stocks were fished this past season(on the rec side). ASMFC is working very slowly to rebuild the population and the last thing we need is the extension of a commercial season that targets the exact important breeders that we need to protect in Massachusetts. In contrary, Massachusetts should be proactively taking measures to protect this vitally important species and providing leadership to other states on the east coast.

The commercial quota has not been fulfilled and that is a clear indicator that we have a bigger problem, there are not enough fish around. The answer to that problem is to NOT kill more striped bass and extend the season. I beg that we look for long term solutions and avoid taking further steps backwards.

Thanks for the opportunity to comment.

Best,

Kyle Schaefer

603.969.3050

[Write a Review for Soul Fly Outfitters](#)

[Soul Fly Journal](#) || IG: [@KyleSchaeferFlyFishing](#)

[ASGA Board of Directors](#) || [T&T Ambassador](#) || [Simms Ambassador](#)

[AMFF Ambassador](#) || [Costa Pro](#) || [Hog Island](#) || [POW Alliance](#)

From: [WILLIAM R TODD](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass Commercial
Date: Monday, March 22, 2021 7:21:38 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

If you really think that increasing commercial fishing days for striped bass is a good idea you are delusional. The attractive value of the fish to all New Englanders needs to be protected! Please be reasonable about their well being as you contemplate this motion. Sincerely,
William Todd Brewster, Ma but ready to move to Florida

From: [Jay harrison](#)
To: [McKiernan, Dan \(FWE\)](#)
Cc: [Creighton, Kevin \(FWE\)](#); [Griffin, Melanie \(FWE\)](#); [Meserve, Nichola \(FWE\)](#); [Silva, Jared \(FWE\)](#); [Whitmore, Kelly \(FWE\)](#); [Kaplan, Julia \(FWE\)](#)
Subject: Striped Bass Conservation
Date: Wednesday, March 31, 2021 11:40:55 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Dan,

I am writing this email to express my concerns with the state of the Striped Bass fishery within Massachusetts - specifically Amendment 7 PID.

While I have witnessed my fair share of improper behavior from recreational fishermen in the handling and keeping of Striped Bass, I believe it is the large commercial operations which are to blame for the diminished fishery.

I am an avid recreational fisherman on the Cape and have noticed a large drop in both the number and size of striped bass which have been in MA waters - the sizable ones being the most important for sustainability.

I strongly urge you to **not** expand the commercial Striper season as the fishery is not strong enough to withstand additional commercial pressure.

Now of all times we must be actively protecting the species. One of the oldest to kill fishing tournaments, the MV Derby, excluded stripers from their contest this past year in a conservation effort.

To me this is a clear sign of the times - please do take into consideration the future of the fishery as the Striped Bass is one of the most iconic parts of Massachusetts Tourism and Recreation.

Appreciate your time and service to the state to review and act on our feedback.

Best,
Jay Harrison

From: [david bixby](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass fishery
Date: Wednesday, March 24, 2021 4:20:23 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Massachusetts Division of Marine Fisheries,

Your proposal to increase the harvest of striped bass by commercial fishermen in 2021 is an awful idea. If anything the season should be eliminated. You need to take steps to reduce the taking of large breeder size fish by all fishermen. Last year should have been a wakeup call. Commercial fishermen could not fill their so-called quota because the fish have been depleted from years of overfishing. What will these people do when there are no more fish to “harvest?” Maybe it is time to rethink this whole fishery. Commercial taking of striped bass is an abomination. I spend a lot of time on the water. Poaching in Massachusetts is rampant. Banning the sale of striped bass would be a big step in the preservation of this species. Please do not increase the season for commercial fishing for striped bass. We need aggressive conservation measures to restore the population of breeding fish to a sustainable healthy level.
David Bixby
Chatham, MA

Once again, the [Massachusetts Division of Marine Fisheries](#) (DMF) has proposed changes to the commercial striped bass fishing regulations for 2021, specifically intended to increase the harvest of breeder-sized Striped Bass.

Sent from my iPhone

From: [Ken Washburn](#)
To: [Fish, Marine \(FWE\)](#)
Subject: striped bass fishing regulations
Date: Tuesday, March 23, 2021 4:25:02 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Attn. Dan McKiernan; Please put me down as a fly fisher and sport fisher as opposing any new regulations that may lead to an increased harvest of striped bass in Mass. Stripers are a fragile species and their numbers have dwindled in recent years. The last thing we need to do is to allow regulations that may decrease their numbers.

If fact, I support the concept of listing striped bass as a game fish.

Thank you,

Ken Washburn
104 Foster Rd.
Swampscott, Ma. 01907

From: [Scott Sandlin](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Stripers Forever](#)
Subject: Striped Bass Harvesting
Date: Saturday, March 27, 2021 6:17:26 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

This letter is concerning striped bass. I actually live in Tennessee but I visit your area often to fish for striped bass. We bring family and customers to fish and stay in your great state of Massachusetts. We have never harvested a single fish and 100% approach striped bass as a game fish.

Please consider not enhancing the ability to harvest more striped bass. We need to make progress on the game fishing aspect for this species. It will enhance the economic and social impact on your state and region from my view.

Thank you for your consideration in not allowing accelerated commercial harvesting of this precious resource.

Scott Sandlin

7065323691 office
7062181238 mobile

From: [Will Pinkus](#)
To: [Silva, Jared \(FWE\)](#)
Subject: Striped bass hearing
Date: Tuesday, March 30, 2021 10:29:36 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jared,

It's unfortunate that Massachusetts has to revisit this on an annual basis. The striped bass population needs protection and the state of Massachusetts continues to not only avoid changes, but tries to extend the commercial harvest? This makes absolutely no sense to me or many of my colleagues in the fishing industry. Massachusetts has become an embarrassment in fisheries management when they should be one of the leaders in conservation. It's sad to see tournaments, media and countless other outlets doing whatever they can to protect the species while the state provides more opportunities to slaughter the same fish. Please consider the state of the fishery as well as the many recreational anglers that object to any extensions of the commercial striped bass harvest in Massachusetts.

Be better,
Will Pinkus

From: [Kowaleski, Michael P](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass is currently overfished
Date: Wednesday, March 31, 2021 9:30:16 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

Recently I sent you an email regarding the proposed changes to the commercial striped bass fishery, which I strongly oppose.

These articles support my assertion (and the assertion of those in my fishing cohort that also emailed you) that the striped bass stock is currently being overfished owing to both commercial and recreational harvests.

https://www.bayjournal.com/news/fisheries/menhaden-catch-cut-to-help-striped-bass-but-is-it-enough/article_675ff74e-1325-11eb-9676-0772b8f4bd5b.html

https://www.bayjournal.com/opinion/forum/bold-action-needed-for-striped-bass/article_ecb746b2-7cda-11eb-9451-6be119d63e75.html

Please consider this information prior to making any decisions regarding the Massachusetts Striped Bass commercial fishery.

We need to act now to preserve the stock. That message is clear.

If the Massachusetts commercial quota remains unfilled for a few years, but the stock preserved, that is by far a superior outcome compared to decimating the striped bass stock in order to fill the quota.

In other words, the short term gain of filling the quota is not worth risking a long term collapse of the fish stock.

Please confirm receipt of this message by return email.

Thank you and kind regards,

Michael P. Kowaleski, DVM, Diplomate ACVS and ECVS
Professor of Orthopedic Surgery
Tufts Cummings School of Veterinary Medicine
200 Westboro Road
North Grafton, MA 01536

mike.kowaleski@tufts.edu

From: [Conor Sheridan](#)
To: comments@asmfc.org; Fish, Marine (FWE)
Subject: Striped bass management comment
Date: Thursday, April 1, 2021 6:01:53 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Striped Bass Fishery Managers,

My name is Conor Sheridan and I am a Massachusetts native, a Father, a Recreational saltwater fisherman and a Seafood lover.

Going forward I would like to see Striped Bass Fishery managed to a level of **ABUNDANCE**

- **Significantly** reduce mortality and build back an abundant and sustainable Striped Bass population.
- Over- conserve rather than under- conserve.

How do I think these goals should be Accomplished

1. **Temporarily Ban Harvest of Striped Bass** - No harvesting Striped bass (both commercially and recreationally) until it is **abundant** again

- Why I am recommending this:
 - Economically more important as a sport fish than as table fare.
 - **I spend multiple thousands of dollars per year in my local economy targeting striped bass.** This includes lodging, for-hire guide services, local tackle shops
 - The Commercial Striped Bass Fishery is not a majority source of income for any commercial participants. There are many “Recrommerical” participants
 - Other table fare fish such as Black Sea Bass are thriving and could offset this recreational and commercial loss
 - The striped bass is America’s Fish. It is the Bald Eagle of the Sea. We should treat it with the same respect.
 - Striped bass are slow growing. Therefore “Keeper” sized fish buildup much higher toxin levels than many other fish
 - I previously supported the slot limit but the Fish currently approaching 28 inches are some of the largest year classes and need to be protected as they reach spawning age.
- While I firmly believe this is the right approach, some additional

options that may work are:

- **Tag system & Ban Commercial** (similar to hunting)
 - Would allow the number of harvested fish to be capped.
- **Very High Size Limit & Ban Commercial:**
 - 42” or higher with a Charter Boat Limit of 2 Fish per boat

2. Increase education

- Improved fish handling (including reviving fish prior to releasing)
- Encourage Catch and Release
- Educate people on how old a big striped bass is – they will be more likely to respect that fish.
- Get plug makers to adopt 1 hook and inlines as standard

3. Have a consistent coastwide regulations (Do away with “conservation equivalent”)

- A fish that migrates up the coast should be treated consistently up the coast.

4. Outlaw treble hooks when targeting striped bass (and bluefish).

- Faster Release times
- Less Physical Trauma to fish
- Does not impact fisherman if everyone is on a level playing field

5. Protect the Menhaden and other Crucial baitfish

- Striped bass deserve to eat the menhaden over the farmed salmon

Conor Sheridan

Crsherid@gmail.com

617.922.1135

From: [Joe Cummings](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass management
Date: Friday, March 5, 2021 7:32:40 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Daniel McKiernan ;I have read the proposals and they all seem to lead to one conclusive result- the overfishing of the striped bass. Every proposal adds days to the commercial season in an effort to obtain the maximum number of pounds to be caught towards achieving the goal of 735,000 pounds. Not achieving this number should not be considered a failure. Rather, it tells us there are not as many fish in our waters as we believe. Instead of expending even more effort to catch fewer fish we should be restraining the killing of striped bass and figuring how to keep growing the numbers we have. This reminds me of the thinking that must have occurred way back when the Buffalo were hunted. It did not end well.

Respectfully, Joe Cummings

Sent from my iPad

From: [C.F.](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass open comment
Date: Monday, March 8, 2021 10:02:11 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. McKiernan,

Please reconsider the proposed changes regarding commercial striped-bass regulations.

I think data proves that quotas are not being met due to a depleting stock. I believe that an increase in days allowed and an extend season will have drastic consequences on the future of the striped bass fishery in our waters.

Best regards
Chuck Fields
Tewksbury, MA

Sent from my iPhone

From: [C.F.](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass open comment
Date: Saturday, March 6, 2021 9:47:40 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. McKiernan,

Please reconsider the proposed changes regarding commercial striped-bass regulations.

I think data proves that quotas are not being met due to a depleting stock. I believe that an increase in days allowed and an extend season will have drastic consequences on the future of the striped bass fishery in our waters.

Best regards
Chuck Fields
Tewksbury, MA

Sent from my iPhone

From: [C.F.](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass open comment
Date: Thursday, March 11, 2021 3:53:09 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. McKiernan,

Please reconsider the proposed changes regarding commercial striped-bass regulations.

I think data proves that quotas are not being met due to a depleting stock. I believe that an increase in days allowed and an extend season will have drastic consequences on the future of the striped bass fishery in our waters.

Best regards
Chuck Fields
Tewksbury, MA

Sent from my iPhone

From: [Austin](#)
To: [Fish, Marine \(FWE\)](#); BASICPATRICK@aol.com; SASHAMYSPORTFISHING@gmail.com; comments@asmfc.org
Subject: Striped Bass PID
Date: Monday, March 29, 2021 6:19:44 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

We need to adjust our stripe bass management policy to focus on abundance of the population as opposed for commercial viability. We need to make the fishery strictly catch and release.

Stripe bass are much more valuable as a recreational fish to the Massachusetts economy then as a commercial fish. Anglers spend money on fishing gear, fuel, boats, and in local communities. Charter captains also bring in tax revenue to the state and help support local tourism. Since they are such an inshore fish they are great for introducing people to the sport of fishing. They are easy for anglers to fish from both shore and boat.

We have brought the species back from total collapse before and we need to do it again before it is too late. We have already ruined the Cod stock lets avoid doing it again with stripe bass.

Treating stripe bass like a trophy fish could be a massive boost to our economy and local ecosystem

Thank you,
Austin Schofield
Cell: (781)-799-8356

From: [Dennis](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass refs
Date: Monday, March 22, 2021 7:56:17 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please keep the state base regulations for a commercial and recreational fisherman the same as last year so I don't have to cancel my annual trip to Cape Cod. Finally there's a slight sign of a recovery of the striped bass population and immediately you want to open it up to kill more stripers. Resist the temptation to benefit a few commercial fisherman for the sake of all the recreational fisherman. Thanks Dennis

Sent from my iPhone

From: [trout21](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Thursday, March 25, 2021 4:43:28 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

It is patently absurd to increase the season for commercial fishing. It has been years since they could fill their quota even before COVID. It seems everyone outside of people who are making money selling dead fish and the marine fishery department of Massachusetts knows there is a crisis. I don't know how a self respecting fishery biologist who works for the state of Massachusetts can look themselves in the mirror.

Shame on you for even considering this,

1. Both recreational and commercial anglers out to be subject to the same rules regarding the use of circle hooks. [J hooks kill no matter who is using them]
2. The "no gaff" rule ought to apply to commercial anglers as well as recreational anglers. [same reasoning as above]
3. Opening the commercial striped bass season before July 1 is wrong. [opening it earlier exposes large migratory breeder females to increased harvesting]
4. Changing the open days for commercial harvest to Monday and Wednesday is wrong [hurts the legit. Commercial fisherman by encouraging part-timers]
5. The proposed slot limit is acceptable [the 18% harvest reduction is necessary]

Sent from [Mail](#) for Windows 10

From: [Bradford Burns](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Tuesday, March 23, 2021 5:50:58 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Director Dan McKiernan:

There should be no days added to the MA commercial striped bass fishery. The number of large fish in population is clearly shrinking and what are left should not be harvested at all. The only adjustment that should be made is to eliminate the commercial fishing season altogether.

Brad Burns
Falmouth, Maine

From: [Charles Devens](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Tuesday, March 23, 2021 12:50:08 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director Dan McKiernan,

Striped bass catch numbers have been declining for the last decade plus as the data clearly shows. Please consider protecting this resource on behalf of both commercial and recreational anglers via cutting quotas for both parties so that the next generation of fishermen will enjoy catching this wonderful gamefish.

Thanks for your consideration,
Charlie Devens
45 Deerpath Rd
Dedham, MA 02026
617-901-4485

Sent from my iPhone

From: [Frank Walsh](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Monday, March 22, 2021 6:58:40 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I not only oppose not opening earlier, I oppose opening at all. With a moratorium on the doorstep I have to question what would make you consider (wink, wink) opening early. I hope this isn't a follow the money situation.

From: [Julia Seligmann](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Friday, March 5, 2021 7:02:25 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

As a life long resident of Cape Cod I personally am opposed to the commercial striped bass industry. I have seen a steady decline in this fishery and increasing the days to fish and the length of the season is a bad idea.

Sincerely,
Frank Nunes

Sent from [Mail](#) for Windows 10

From: [William Giokas](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Friday, March 5, 2021 5:24:15 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Striped Bass are stressed and endangered and you are increasing the number of commercial days. I guess money talks ! Bill

From: [William Hoyerman](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass
Date: Friday, April 2, 2021 7:57:27 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello and thank you for the opportunity. I am strongly opposed to the changes in the "overfished" striped bass commercial fishery regulations.

As previously asked by others, I would like to know what is the minimum # of striped bass that you believe is tenable? Understanding somewhat about year classes, etc. I have a strong enough understanding of our ecosystem to know when it is failing. Help!

Please. Understand this resource as a way of life, not just an income to some, for now, we need to preserve.

Call with questions 781-799-9506

Sincerely,
Bill Hoyerman

From: [Jeff Norton](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass
Date: Friday, March 5, 2021 5:10:14 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Why on earth is commercial fishing for these fish still allowed let alone keeping it open longer. Maybe quotas weren't reached last year bc there aren't enough fish left??

Also I would love to see the cape cod canal closed for all fishing. It's the equivalent of a herring run but for bass.

From: [John Strucker](#)
To: [Fish, Marine \(FWE\)](#)
Subject: striped bass; attn Dir. McKiernan
Date: Monday, March 29, 2021 2:18:14 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

I'm writing to express my strong opposition to extending commercial fishing days for striped bass. As it stands, striped bass stocks are at a 27-year low. In view of this, instead of extending commercial fishing days, the DMF should be reducing or eliminating them. The proposed short-term benefits to commercial fisherman should be weighed against the likely long-term damage to this valuable resource.

I am a recreational striper angler. I'm sure you are well aware that the money recreational anglers spend on tackle, bait, guides, the purchase and maintenance of boats, and on motel/hotel rentals far exceeds the financial contributions of commercial fishermen. If they are in need our help to recover from the economic hardships of COVID, then we should provide funds directly to them, rather than foolishly endangering the survival of striped bass.

Thank you for your consideration.

Sincerely,
John Strucker

Sent from [Mail](#) for Windows 10

From: [freeportd](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striper fishing - commercial policy
Date: Monday, March 22, 2021 8:01:11 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director Dan McKiernan

Please please please do not open more days to MA commercial fishing. This species is in real trouble - and while fishermen do need to make a living, there will be no living for anyone in the future if policies that enable additional pressure on this species continue to be adopted. I strongly urge you to not go forward with this policy.

Sincerely yours,
Charles Soule
27 Beech Hill Road
Exeter, NH 03833

From: [Tim Higgins](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Manteiga, John](#); [Ron Klodenski](#); [Peter Novello](#)
Subject: Striper fishing rule proposals
Date: Saturday, March 6, 2021 2:12:51 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As a long time recreational fisherman and member of the Plum Island Surfcasters, I'd like to provide formal comments to the latest rule proposal.

Given the clear decline in the population of Striped Bass in our waters, I don't understand how in good conscience we could possibly allow an expansion of commercial fishing days. Please, as a minimum, keep them the same as last year. We're doing our part to conserve this spectacular species, please don't let the commercial folks have an undue influence on this process. It seems like they are running the show.

Thanks,

Tim Higgins
284 Water St.
Newburyport, MA 01950
978-382-8900

From: [D. Carver](#)
To: [Fish, Marine \(FWE\)](#)
Subject: striper fishing
Date: Tuesday, March 23, 2021 1:55:09 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Why on earth would you increase the ability of commercial striper fisherman to catch MORE of the DIMINISHING stock? Are you trying to get the elimination of the striper fishery over with so you don't have to deal with it any more?

The striper fishery is in trouble. Period. Stop making it worse. Sadly, the time has come to reduce pressure on striper until further notice. Love to catch them. Love to eat them. But want to be able to do it in the future too!

Doug Carver



RHODE ISLAND
SALTWATER
ANGLERS
Association



P.O. Box 1465, Coventry, Rhode Island 02816

401-826-2121 FAX: 401-826-3546

www.RISAA.org

March 7, 2021

To: Daniel McKiernan, Director

RE: Proposed Commercial Fishing Regulations Affecting Striped Bass

Director McKiernan:

The Rhode Island Saltwater Anglers Association (RISAA) represents over 7,500 recreational anglers and 28 affiliate clubs from Massachusetts, Rhode Island and Connecticut. We wish to comment IN OPPOSITION to proposed expansion of commercial fishing effort on striped bass in Massachusetts.

RISAA recently completed an email survey of 223 saltwater anglers on March 5, 2021 regarding anglers recent fishing experiences and interest in using an electronic reporting app to aid fisheries management in making better decisions. Our sample was representative of shore/surf, inshore, offshore and kayak anglers. As part of this effort, we asked anglers about their recent catch success on various target species vs. their experience five years ago.

When discussing striped bass, we found that 64% reported catching fewer keeper-sized fish then they did five years prior. This data is both timely and troubling. These results are not derived from some theoretical model, but reflect the direct, on-the-water experiences of dedicated recreational anglers, most of whom fish once a week or more.

As the striped bass is a migratory species, additional fishing pressure in one location—e.g. Massachusetts—will affect the entire fishery from Maine to Maryland. The striped bass is currently overfished and under serious pressure throughout its habitat. Encouraging or allowing commercial fishermen to further exacerbate this problem by increasing open days is contrary to what the data are telling us.

We urge that the proposal to expand commercial fishing days for striped bass in Massachusetts be shelved at this time and not reconsidered unless or until the resource has recovered from its current depleted status.

Respectfully

Stephen J. Medeiros
President

Richard C. Hittinger
1st Vice President

From: [Dennis Beauchene](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striper Harvest
Date: Tuesday, March 23, 2021 6:51:08 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom This May Concern;

I have been a striper fisherman for 55 years. I remember fishing as a child for the entire summer with my father and if lucky, we might catch one striper. Then 20 years ago, through thoughtful management practices, the biomass increased substantially. What a dream it was to have amazing fishing! However, that is no longer the case. Striper numbers have declined dramatically. It is incumbent of all North Atlantic States to protect the species for the younger generation. The economic impact of stripers on sales of boats, gear, license fees and guide services far exceed their commercial value. It is quite frankly embarrassing that the State of Massachusetts still allows this practice when virtually every other State has eliminated the practice.

I encourage you to put an end to this practice.

Thank you for your time and consideration,

Dennis Beauchene

From: [Jim Molinaro](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striper refs
Date: Monday, March 22, 2021 7:38:35 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please don't increase commercial striper limits instead make them a slot fish 18" to 28" leave the breaders to increase the fish population!

[Sent from the all new AOL app for iOS](#)

From: kja270@aol.com
To: [Fish, Marine \(FWE\)](#)
Subject: Striper rules and regulations
Date: Tuesday, March 9, 2021 7:49:16 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Sir,

As a life long resident and sportsman of the Commonwealth, I would like to register my opposition to any increase in the commercial fishing season for striped bass. Anyone who is paying the least bit of attention knows that the bass fishery is in trouble. Now is the time to reduce pressure, rather than increase it. I would fully support a moratorium on keeping any striped bass, resulting from commercial or recreational efforts at this time. Until actual data demonstrates that the stocks have returned to sustainable levels, we should be doing everything in our power to protect this dwindling resource.

Please listen to the thousands of folks who love this fish and want to preserve it for future generations.

Respectfully submitted

Jeff Amberson

From: [Tom Kelly](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Stripers
Date: Monday, March 22, 2021 7:15:48 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

So let me get this straight , the commercial fisherman can't fill their quota mainly because the stripers are being overfished . And you want to give them more days to take breeding size fish out of the biomass . It's like you're managing the stripers solely for the commercial fisherman , a small minority , and totally ignoring the recreational fisherman who represent the vast major . So you're can put me down as NO to giving more days to the commercial guys .

Sent from my iPhone

From: [albert daddario](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Stripers
Date: Wednesday, March 24, 2021 11:04:55 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am AGAINST increasing commercial harvest of striped bass!

Sent from my iPhone

From: djohnston01945@gmail.com
To: [Fish, Marine \(FWE\)](#)
Subject: Stripers
Date: Tuesday, March 30, 2021 8:02:58 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. McKiernan,

Thank you so much for the opportunity to participate in the open hearing last night on the proposed changes to striped bass commercial fishing regulations.

While I understand the frustrations of those engaged with commercial harvest of stripers, the proposed solution may potentially address their concern in the short run but will most certainly accelerate the decline of the resource in the longer run. Didn't we learn our lesson with cod?

As I stated in the meeting, the only significant change that can account for the dramatic reduction in the commercial harvest since 2014 is the availability of the fish. There are only a handful of days difference and the exclusion of charter harvest is likely a small factor and one that the charter guys don't care about. Let's assume that commercial fishermen are equally efficient as they were in 2014, 2015, and 2016. That would mean that the decline in harvest is primarily driven by the decline in the fish stock. By changing the variable of days allowed for commercial fishing, all we are doing is compensating for fewer fish. As I said in the meeting, this is a fool's errand.

Stripers are a shared resource between commercial and recreational fishermen. The recreational side has done its part with a slot limit and circle hooks to reduce mortality if released fish. Honestly, I'd like to see a one fish per day limit.

At any rate, let's not let the tail wag the dog here. Please do not double the days of the commercial season. A quota is just an artificial number that clearly does not reflect the status of the fish stock. Keep the regs as they are.

Thanks,

Dave

David B Johnston
dbjconsulting llc
508.864.7410

From: jmanteiga@aol.com
To: [Fish, Marine \(FWE\)](#)
Cc: [Silva, Jared \(FWE\)](#)
Subject: Stripped Bass Comercial Fishery Ammendmend session comment
Date: Tuesday, March 30, 2021 12:19:33 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Daniel Mckieran,

Thanks for conducting and posting this session. I have fished the Mass coastal waters for 40 years and listened via YouTube this morning. I am very concerned.

All indications are that the Striped Bass fishery is in serious perhaps even catastrophic decline. We see this in the inability to meet the commercial quota, recreation catch reduction and scientific surveys. Under these condition it makes absolutely no sense to liberalize any regulations that would remove more (particularly critical breeding age) fish from our shared resource. As such I strongly oppose these proposed Commercial Striped Bass fishing amendments and would be very disappointed if they were enacted.

Furthermore I would support much more conservative restrictions across the entire fishery up to and including temporary no-take status as a means to immediately rebuild the stock.

Thanks for accepting my comments,
John Manteiga
242 Lacy St.
North Andover, Ma 01845

From: [Shane Nicholls](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Stripped Bass Commercial season
Date: Saturday, March 6, 2021 12:41:20 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Daniel,

It has been my observation being an avid catch & release angler that Stripped Bass over 35" were very hard to come by during the 2020 season. I live in Nantucket and fish to West in early June. I generally run as far West as Wasque Shoal off SE corner of Vineyard and work my East along rips out to Hooter as well as Muskeget and Tuckernuck. As season progresses we fish Bonito Bar , then farther east to Old Man Shoal , Pochick ,Bass Rip. Running North to Great Point and fishing GP rip. In late August /early fall we fish Handkerchief ,Stone Horse Bearses shoals off Monomoy Island . I personally caught & released well over 75 Stripers before I caught 1 in 28-35" slot and that fish was 28.5". That trend continued until late September when my fishing buddies and I finally found upper slot sized Stripers like in 34" range. I find it VERY troublesome that so few larger fish were being caught as they are the breed stock that fishery needs to maintain itself !

On the commercial days the commercial boys go out of their way to let the recreational guys know that they are not wanted anywhere near where larger fish could be. They do things like cut close to your transom when your trolling or racing right by you at high speed to spook any fish around you. Two days per week of that childish behavior is more than enough so please DO NOT INCREASE DAYS FOR COMMERCIAL FISHING.

Let's keep regulations as they were as far as opening 6/23 and only 2 days per week. I also feel the commercial guys are allowed too many breeder size fish per day so please halve that amount or better yet close commercial fishing for Stripers altogether and give them Game Fish Status.

My observations are backed up by weekly conversations with charter boat captains as they observed the lack of larger Stripers as well.

Thank you for your time.

Regards Shane Nicholls

Sent from my iPhone

Center for Ecological Economic and Ethical Education

Post Office Box 946
Ipswich, MA 01938

Phone: (978) 356-2188 (w) or 617-605-3150 (c)
email: ecologicaleconomics@yahoo.com

2 April 2021

RE: DMF proposal to extend the commercial season for wild striped bass with additional days

Director Dan McKiernan
Mass. Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
By email to marine.fish@mass.gov

Dear Director McKeirnan:

I wrote to you on this subject to express my opposition to this proposal on 10 August 2020, and now I find myself pondering over how to express myself on this subject once again. I am also trying to be respectful...

I have spent a good part of my life as an economist developing an economic theory of planning horizons, which provides a way to distinguish myopic concerns from decisions based on a larger perspective on longer-term and more enduring consequences of the actions we take. Very real economic effects arise based on this difference.

My point in raising the issue in this context is that *virtually all ecologically-related decisions* are horizontal in this sense, namely, that they *must consider enduring effects* of what we do in each case, and not just immediate, short-term results without attention to the Bigger Picture. The MA Division of Marine Fisheries should have as its top priority the long-term health of the fisheries that it oversees, ahead of any other less important concerns.

But that is not what the MA DMF is doing, at least as seen from my vantage. When confronted with clear indications that a fishery is in trouble, evidence supported not only by scientific reports of overfishing but also based on the fact that the commercial quota has not been successfully met, instead of reacting with a proposal to reduce the pressure on this fishery, your agency instead puts out a call to increase that pressure even further!

And then, to add insult to injury, during a recent hearing set up to solicit public input on this proposal, those who were there to speak in opposition were rudely silenced while those in favor were allowed to speak. News of this inappropriate behavior has spread throughout the recreational angling community, infuriating many people who are passionate about the health of this fishery. The message you have effectively conveyed to recreational anglers is that you were not really seeking public opinion on this measure, but only dressing the window with an insincere appeal for input, when your minds were already made up on this subject, raising to us a middle finger.

To place the economic concerns of a relatively trivial commercial fishery ahead of the ecological health of a fishery that is potentially worth well over a billion dollars per year in Massachusetts alone were it properly managed on a long-term basis, is so short-sighted that I find this quite incomprehensible. The recreational fishery for wild striped bass has declined, by my estimation, by well over a half of a billion dollars per year because of the overharvest of large female breeders and the resulting impact on reproduction by the SSB.

I really would like to understand why your agency – along with the MA Marine Fisheries Advisory Council – remains so in the thrall of the commercial fishery that you cannot even be polite or courteous to the recreational angling community with a pretense that you are responsive to the needs of all Massachusetts citizens and not just to one special interest group. Politically, this makes no sense to me, even viewing things from your vantage.

The recreational angling community is cynical enough about the MA DMF and your apparent pro-commercial biases, without any further input from you to reinforce that view. We no longer expect you to be responsive to our concerns. This is not a conclusion that I reach – or express – with anything but a profound and bitter regret.

But the dominant view of recreational anglers at this point is that there is no expectation that you will ever act in favor of or to protect the long-term health of the wild striped bass fishery. The general view is that instead you will manage it into a total collapse because of this strange commercial bias that “the only good fish is a dead fish” for sale in the supermarket. Most of us simply do not understand why you are so resistant to managing this valuable fishery in such a manner as to restore and maintain its ecological health through increased abundance. If you were doing that, there are all sorts of measures you would advocate that you seem unwilling to entertain.

Please do not adopt this ill-advised proposal to extend the days for commercial fishing for wild striped bass.

And please do at least a better job at pretending to care about the recreational fishery for this valuable species.

Most sincerely and respectfully,

A handwritten signature in black ink, appearing to read "Frederic B. Jennings Jr.", with a stylized flourish at the end.

Frederic B. Jennings Jr., Ph.D.
President, CEEEEE

From: [Demetrios Salpoglou](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Thank you for the great presentation last night - I really appreciated it.
Date: Tuesday, March 30, 2021 7:24:22 PM
Attachments: [image001.png](#)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I felt you did an excellent job in listening to everyone and understanding their concerns regarding this important natural resource to the commonwealth. I put a lot of thought into this matter and I think we should conduct an overall economic assessment impact on the value of the striped bass.

My thoughts are that we would see an order of magnitude more value in tourism and various marine industries by keeping striped bass strictly recreational in nature and trying to improve their overall levels high. I also think it would encourage more people to visit MA and spend more money in our commonwealth.

Thank you again for your time. Again keep up the great work!

DEMETRIOS SALPOGLOU
CEO

Boardwalk Properties | Jacob Realty | Douglas Paul Real Estate | NextGen Realty | USWoo Realty

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From: [william.martin](#)
To: [Fish, Marine \(FWE\)](#)
Subject: The Proposed Increased Harvest of Large Striped Bass
Date: Monday, March 22, 2021 11:20:48 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I have fished for striped bass in Martha's Vineyard, Block Island, Cape Cod and Nantucket annually for over thirty five years. My wife and daughter, and now my grandson and son-in-law have joined us for vacation annually in the most recent 8 years. During that time, we rent a house or apartment and enjoy many fine meals in your State's many seafood restaurants. Although I reside in Maryland, I have followed the stripers north and then back to Maryland and Virginia. I fish with charter captains and in the most recent years we have been fortunate to have made many friends on the islands. We patronize restaurants to thank them for the fishing trips we share. We spend many thousands of tourist dollars annually in Massachusetts and Rhode Island primarily because of the chance to fish with friends in your beautiful state.

In recent years the quality of fishing has deteriorated dramatically. I read the academic studies and ASMFC reports explaining that we have been over harvesting the striped bass throughout their migratory range for a number of years. Here in Maryland, we are taking steps, albeit much too weak steps, to protect the striped bass during their spawning run and during the heat of the summer.

I personally do not think we are doing enough to protect this fish. Consequently, I am only practicing catch and release of all stripers. I have just introduced my grandson to the sport and he has caught numerous smaller stripers during periods of cooler water. He has only kept one fish annually. We only fish when the water is colder. When we visit the Mass. islands, we solely practice catch and return. In fact, despite my very clear instructions that I wanted all stripers released, one small boat charter captain gaffed a 41 pound fish I caught saying that he had a poor family that needed it. I am pretty sure he was that family. I did not believe him but I gave him a second chance the following year. When he did the same thing, gaffing a 40 pound roe filled female, I let him know that was the last time I would fish with him for failing to protect a large brood fish.

In recent years, in August, I have found very large numbers, 20 or more, of very large brood stripers of twenty to twenty five pounds each in the fish aisle of the Wegman's store in Cockeysville MD. All of these fish were filled not only with roe, but according to our Natural Resources Department of Maryland and scientists at the University of Maryland, with toxic amounts of mercury. The Wegman's fish manager stressed that these stripers were caught with "sustainable fishing" in MA. My scientist friends admit that the mercury level is so high in large stripers that pregnant women are advised never to eat any meat from large stripers. One scientist privately reported to me that mercury released by frying the meat of large stripers creates damaging mercury toxins in the kitchen air to which young children should not be exposed! Young people are advised to eat no more than one small striped per month. That is our state fish in MD and it appears on our state seal!

Given that the large female stripers in the right conditions can be unbelievably prolific spawners, they should be protected in multiple ways: 1) by releasing all large fish in the Chesapeake during the prespawn 2) by ending the prespawn trophy season in MD; 3) by

limiting the the total harvest by commercial, recreational and charter boats during the prespawn period and later during the periods of very warm water in mid to late summer; 4) by imposing a slot limit preventing harvest of large females during the summer in the northern states of RI, MA, NY, CT, NH and ME; 5) by requiring circle hooks for bait fishermen; 6) by stringent enforcement of illegal harvest of striped bass, including culling, which is occurring in every state, including egregious illegal commercial fishing in MD and NC. 7) by devoting additional research dollars on the striped bass.

And, If the population of breeding sized fails to recover, then we really must consider making the striped bass a game fish only as some advocate.

The proposal your state is now considering to increase the harvest allowed by commercial interests is terribly ill advised, especially at this time. I know the commercial interests in your state are vocal and organized. I know too that some are outlaws and bullies. But, please note that if the striped bass fishing in MA fails to increase and instead keeps decreasing, the whole population is damaged badly. We have been down this road before and it ended only when Lefty Kreh filed a lawsuit against the Federal Government that ended the fishing for everyone until the striped bass recovered. If the population studies show further serious decline, my family will ask our friends to stop fishing for striped bass and if we fish for any thing, we will focus on fluke and black seabass. By the way, I hope you are studying whether black sea bass do indeed feast on juvenile lobsters which some people believe explains why the bass are so populous and so very large in Massachusetts waters.

Please refrain from increasing the commercial harvest of striped bass. That iconic species is in trouble and everyone knows that.

William Martin
Towson MD
443-285-9617

From: [raymond decosta](#)
To: [Fish, Marine \(FWE\)](#)
Subject: To Dan McKiernan
Date: Tuesday, March 30, 2021 7:38:26 AM

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Dear Dan McKiernan,

I am writing to you to oppose the increase in days fishing for commercial striped bass.

You and I have meet multiple times and I have yet to see eye to eye with you however I'm hoping this will be a first. This fishery has been miss managed multiple times now. And it's not you fault but it will be this time if you go though with this. You and I both know how important these fish are to the economy outside there commercial application. Granted the majority of this problem lies in the Chesapeake. However it's clear that the stocks are in danger. I'm all for commercial striped bass quota but we just don't have the fish to sustain it in MA. Out bait has dried up and we are not seeing the larger fish anywhere close to how we used to. I fish over 100 days a season 14 hours a day. I see what your number show first hand and it's extremely disheartening to see this demise. All while not believing in the people who should be looking out for these species. Please don't go through with this. Don't mark your name to the 3rd demise of the striper. Be Bold think of ways to bring striped bass back to there hay day marks. Where 50 pounders were common on every trip. Then devise a plan to create a sustainable commercial fishery. Don't just put the issue down the line. No one wants another moratorium.

Good luck with this decision. We'll be watching.

Best
Ray DeCosta

Sent from my iPhone

From: [Paul](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Upcoming Striped Bass Meetings Comments
Date: Saturday, March 6, 2021 7:57:38 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning All,

In response to the upcoming 2021 and future striped bass commercial bass regulations.

I am a commercial fisherman and I do not agree with the proposal. This is very hard, but in order to have future fisheries, we all must sacrifice now if we want any fisheries in the future.

The last few years and upcoming few years have and will put striped bass overfished.

Here's why science does not use actual data-"how many striped basses are in the ocean"? Only accessed.

Unless your a fisherman and on the water every day you can come to a much better conclusion that the striped bass fisheries are collapsing and the state laws are CONTRIBUTING to this.

Back when we were allowed 30 fish a season, the season's last 15 days on average (starting around July 14th). We now are allowed 15 and in the last 2 years never met the quota in months. Here why the fish have been depleted in some areas and will be depleted in the areas being fished now. Many commercial fishermen from the Cape area are now fishing the Boston and North Shore areas as that's where the fish are being found. The cape cod canal slaughter 3 years ago also contributed to the inshore stock.

So..

My suggestions -

- 1> Close the quota each year on September 15- this will preserve all fish headed back south to ensure everyone has the next season.**
- 2> Have a Monday-Thursday season.**
- 3> NEVER extend the season-if the fish are there not there. PRESERVE**
- 4> Everyone no matter how small or big make a personal decision to fish. Never take away a Fisherman's rights - if you want to preserve limit or close future license holders.**
- 5> Leave the current start date -do not bring it forward.**

Your obligation is to PROTECT THE FISHERIES- The recent laws over the last few years in this state are not ensuring we have future fisheries. As I have voiced in the past do not make regulations that will lead to extinction.

We all must work together to protect.

Thanks for reading
Paul Tokarz

Director Daniel McKiernan 2021 Commercial Striped Bass Regulations

Date: Mar 26, 2021 at 4:12 PM

From: Billy Pascucci <billster212@hotmail.com>

To: Marine Fish <marine.fish@mass.gov>

To Director Daniel McKiernan

My name is William Pascucci Permit No. 085069 Boat Reg. MS9829KB. I have been commercial Striped Bass fishing for 35 years in area 1 and 2. My home port is Essex Ma. I would like to comment on some of the upcoming proposals for this years opening and closer. I support the June 15 opening date because the fish are in Ma. Waters and the summer demand for Striped Bass coinciding with the beginning of tourist season gives the fishermen a viable sellers market. I believe we as fishermen should be able to get the best value we can out of our resource Striped Bass. I strongly oppose opening 4 days a week in a row. The 2 a day week openings Tuesday's and Thursday's kept the price of the fish high. Opening four days can flood the market hence lower price paid to the fisherman. I thought reduction in days opened benefited the market and season by extending season into September and being able to have fresh Striped Bass all summer available to the restaurants and public. I can support Tuesday Wednesday and Thursday 3 days in a row only because a lot of times the weather especially on Cape Ann can be unpredictable. Last summer we had north east winds regularly and when they came on the open days I pretty much had to go fishing without choice. Adding one day would give the fisherman an option. Most of us Bass fishing are fishing in small center consoled boats 18-27 ft. It's only been the last two years that the quota's haven't been reached. The fish are

over
Please

moving North out of state waters following the large resurgence of Menhaden and Mackerel schools. I have supported the approach that the directors have chosen the last few year's by "A wait and see attitude" making decisions by monitoring the quota. Please take careful consideration of the rule proposals. None of us can predict where the fish will be. Every year is different some areas have more fish than others. I personally think the fishery has been managed really well the last several years and making drastic changes because the quota hasn't been met seems to me and many other commercial Striped Bass fishermen a step in the wrong direction. Sincerely William Pascucci 19 Grove ST. Essex Ma.
01929

April 2, 2021

Dear Director McKiernan,

My name is Peter Fallon. I'm a resident of Maine but grew up fishing out of Scituate and hold a For-Hire permit in Massachusetts and run charters on either side of the Cape. I own and operate Gillies & Fallon Guide Service and am the president of the Maine Association of Charterboat Captains.

Let's start by acknowledging that the recreational (including for-hire) side of the fishery has a far larger impact on both harvest and post-release mortality, but that doesn't negate the significance of the commercial harvest of striped bass. All harvest, all mortality, matters. We currently lack a meaningful plan to rebuild this fishery in an appropriate (and required) timeframe. What we're currently doing isn't working and is making things worse. Changing the commercial fishery in Massachusetts is only one of many steps needed to rebuild this stock - the most valuable and accessible gamefish on the East Coast.

I trust that you and Marine Fisheries Advisory Commission members grasp the alarm and dismay expressed regarding the overall state of all aspects of the striped bass fishery in Massachusetts. Even if you disagree with prescriptions suggested people opposing this plan, please hear our concerns.

There's no doubt in my mind that the commercial harvest is better documented and more accurately reported than both the recreational harvest and post-release mortality. That isn't a valid argument for harvesting more fish under the commercial rules. The declining catch of commercially legal striped bass may be the most obvious and least debatable measure that striped bass are in trouble.

You don't deserve to be vilified for advancing this proposal. We're all accustomed to fisheries managers fulfilling their responsibility to commercial harvesters to help achieve harvests to quotas or caps. You've been a leading voice for conservation at the ASMFC striped bass board meetings. Massachusetts DMF is currently a leader in striped bass research and we all need to support this important work.

Part of the Division's mission is a responsibility for the preservation and enhancement of commercial and recreational fishing opportunities. Commercial interests regarding striped bass extend far beyond commercial harvest. Charter and party boats, tackle shops, commercial plug builders and fly tiers, marinas, boat dealers, repair yards, marine supply retailers, and a host of other businesses have a direct commercial interest in this fishery. The Division's responsibility to these segments of the greater marine economy is no less significant than it is to commercial harvesters.

Some your comments introducing this proposal at the Marine Fisheries Advisory Committee surprised me. How could you think this proposal would face little opposition? Maybe you were

referring to opposition from members of the MFAC? Yes, there seemed to be less opposition last year to expanding the open days. COVID impacts were a game-changer that had many stakeholders stay on the sidelines. In 2019 public feedback was overwhelmingly opposed to an earlier start and additional open days for the commercial harvest. DMF cited this input in their decision to withdraw that proposal. Did they think this wouldn't happen again? Especially after two additional seasons where most people targeting striped bass have experienced continued declining encounters with fish over 27"? The culture of saltwater fisheries management for all sectors has for too long focused on maximizing allowable harvest and harvesting all of that is allowed. We need to change that underlying approach in the striped bass fishery.

Striped bass are a migratory species. What happens in Massachusetts matters to almost all who target stripers on the East Coast. I am NOT advocating for allocation of a higher percentage of harvest to recreational anglers and for-hire operators. I run all of my charters as catch and release only for striped bass. It's part of a business model that works for me, but I understand that it doesn't fit for all. I do subscribe to the idea that abundance in this fishery is good for all of us who value striped bass.

The MFAC's commercial striped bass sub-committee noted possible important future changes to the structure of the fishery in their materials distributed ahead of the meeting but you made no mention of them during the meeting discussion – I'm guessing due to time constraints. I support switching tagging requirements from dealers to harvesters, making this a limited entry fishery, and allowing harvest of fish only for sale.

I support the gamefish (and no sale) status for striped bass in Maine. The value of a bass that is caught recreationally or on a charter boat is significantly larger than one harvested for commercial sale. I can also support a responsibly managed commercial fishery in Massachusetts. Limited entry rules are inevitably fraught with inequities but are often a prerequisite for sustainable commercial fisheries. Requiring documentation that 50% of a commercial license holder's income come from fishing activities would build support for continued commercial harvest amongst many charterboat operators and recreational anglers. Such a rule would allow for a reduction in commercial harvest while better sustaining commercial fishing communities.

The commercial quota should be seen as a cap on harvest not necessarily a target. Individual states are far more nimble in decision making than ASMFC, and should therefore adjust their own regulations as needed, within the current regulations agreed to at ASMFC.

Those who state that the commercial quota is set by scientists miss an important detail. Yes, the fisheries scientists at ASMFC are responsible for formulating potential quotas but do so under the guidance and direction of the striped bass board. It is the board that then sets the quotas.

The expansion of the open commercial harvest days is an ill-conceived idea, poorly executed, but one that is serving to call attention to the number of us who are incredibly concerned about

the current state of the striped bass stock and the inadequate action at both ASMFC and the state level to make meaningful changes for the future of this fishery for all stakeholders. If you feel the same way, I hope you will email DMF Director McKiernan here: marine.fish@mass.gov

My final take-away regarding the commercial harvest schedule in Massachusetts: What lies ahead at ASMFC, the crafting of Amendment 7, is far, far, far more important and impactful for the future of this fishery. Massachusetts needs to lead the striped bass board to commit to a rebuilding plan for striped bass stocks within the required 10 year timeframe. Without a rebuilt fishery, ALL striped bass stakeholders in Massachusetts will continue to suffer, conflicts between sectors will only grow, and distrust of DMF will increase.

Sincerely,

Capt. Peter Fallon

Gillies & Fallon Guide Service, LLC
824 Main Rd
Phippsburg, ME 04562
207-522-9900

Mainestripers.com
Capecodalbies.com

From: [Edward Purcell](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Gobi, Anne \(SEN\)](#); [Ferguson, Kimberly - Rep \(HOU\)](#)
Subject: Commercial Striped Bass Fishing
Date: Saturday, April 3, 2021 8:12:51 PM

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Dear Director McKiernan:

My apologies that this is being sent one day late.

I have written to you previously on this issue. It is my understanding that there is a proposal to increase the season and open days for commercial fishing for striped bass in Massachusetts due to an inability to fill the quota. At the risk of using trite quote, "the definition of insanity is doing the same thing over and over and expecting different results", I believe applies here. Striped bass have been shown by the federal government to be overfished. What is necessary for the long term survival of this species and the fishery is less harvesting both recreational and especially commercial fishing that targets breeding sized, mostly female, fish.

Please do not extend or expand commercial fishing for striped bass at this time.

Sincerely,
Edward G. Purcell
15 Sassawanna Road
Rutland Ma 01543

Patrick H. Cassidy
31 Alder Lane Harwich, MA 02645 508-246-3757 patrick@capecodonthefly.com

April 2, 2021

Director Daniel McKiernan
251 Causeway Street, Suite 400
Boston, MA 02114
marine.fish@mass.gov

Re: Commercial striped bass season and open fishing days

Director Daniel McKiernan,

I strongly disagree with the proposal to expand the commercial striped bass season by days and dates in this latest misguided attempt to ensure the state's quota be filled. It's unclear why this is even on the table at a time when a conservative rather than liberal approach to the fishery is warranted.

A similar proposal was rejected last year in light of vocal opposition and lackluster support. The only things that have changed since that time is that that state of the stock, already at a low not seen in recent memory, is even more uncertain. Data available from 2020 is scant because of limitations resulting from the Covid-19 pandemic, questions remain about the response of the fishery to the effects of effort and pressure during the pandemic, and the very future of the fishery is on shaky ground as the Atlantic States Marine Fisheries Commission considers a significant overhaul to the regulatory regime. That process is itself rife with questionable assumptions and approaches, including the idea that simply moving reference points will improve the situation. Similarly, simply increasing the number of days and dates for a commercial fishery in an attempt to reach a goal that's clearly out of whack with the condition of the stock is far from a reasoned attempt to solve the underlying problems. In short, proposals such as this speak to a fundamental misunderstanding of the current state of the fishery and each state's individual role in repairing it. To consider the state's actions on such issues in a vacuum is not only nonsensical, it's irresponsible.

I won't repeat all that was laid before you on this same subject last year but instead will touch on some highlights for the sake of brevity. In recent years, commercial striped bass landings in Massachusetts have experienced a steep decline from more than 100 percent of the quota landed in many of the previous years to less than 90 percent in 2018, less than 70 percent in 2019 and to less than 55 percent this past year even after the quota was reduced by more than 130,000 pounds. The factors involved in that decline are certainly manifold but I have heard no evidence suggesting it is because of a lack of opportunity for commercial harvest. Expansion of the season is only an invitation to participants who fail to meet the spirit of the commercial sector, which is all that is required under current regulations. The decline is also in line with the

Patrick H. Cassidy

31 Alder Lane Harwich, MA 02645 508-246-3757 patrick@capecodonthefly.com

findings that the stock is overfished and overfishing is occurring. Clearly the answer to that condition is not to figure out ways to take more fish.

A more logical approach at this time would be to consider a broader revision of how commercial permits are allocated, including consideration of triggering the control date and establishing striped bass in Massachusetts as a truly limited-entry fishery.

Let me be clear. I am not currently arguing that the commercial sector be further limited through a reduction in the season or that true commercial fishermen who rely on striped bass as part of a broader portfolio of targeted species be penalized. I am arguing for more accountability across all sectors, including within the for-hire sector where I operate, the recreational sector, and within the commercial sector - for example, through simply ensuring that all fish caught under a commercial permit be sold - before we begin increasing the ability for anyone with an extra \$95 to take 15 fish a day on more days throughout the year.

Once such measures are taken and the stock is rebuilt, then we can have the conversation about whether actions should or shouldn't be taken to help commercial fishermen achieve their quotas. The Massachusetts Division of Marine Fisheries was not established solely to ensure that commercial quotas be met. The following is a description from the state's website for your reference:

"The fish and shellfish in Massachusetts coastal waters are *public resources*. The Division of Marine Fisheries (DMF) has the responsibility to manage these resources for *all citizens*, even those who do not fish." [emphasis added]

The fact is most people don't fish and many people will never eat striped bass. My fellow guides and charter captains rely on fish in the water for our living. Our clients value fish in the water and together we drive a significant portion of the region's economy. More and more of your constituents are realizing that their experience is tied to not simply managing these fish to harvest but rather managing to abundance. Doing so is good for everyone you serve.

Thank you for your time and attention.

Sincerely,



Patrick Cassidy



The Commonwealth of Massachusetts

Division of Marine Fisheries

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www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 9, 2021

SUBJECT: Recommendation to Amend Commercial Menhaden Management

Recommendation

I recommend the MFAC vote to approve the following amendments to the state's commercial menhaden management:

1. Establish a maximum purse seine size of 450' x 48' (75 fathom x 8 fathom) for open access fishermen at all times and limited access fishermen during the small-scale/incidental fishery. This restriction thus applies to all harvesters operating under a 6,000-pound trip limit, and it excludes only limited access fishermen during the quota managed fishery and episodic event set-aside (EESA) fishery when larger trip limits apply.
2. Require the immediate (at-sea) storage of harvested menhaden into 55-gallon barrels or standard fish totes by all open access fishermen at all time and limited access fishermen during the small-scale/incidental fishery. Similar to above, this requirement thus applies to all harvesters operating under a 6,000-pound trip limit, and it excludes only limited access fishermen during the quota managed fishery and EESA fishery when larger trip limits apply.
3. Establish a volumetric equivalency of 350 pounds of menhaden per level, filled 55-gallon barrel and 117 pounds of menhaden per level, filled standard fish tote (measuring 28 inches long x 16 inches wide x 11 inches deep). This results in an allowance for 17 barrels or 51 totes for the 6,000 pound trip limit.
4. Require any commercial permit holder participating in the EESA fishery to hold a bait dealer permit and report their harvest nightly into SAFIS as a bait dealer.
5. Establish a 6,000-pound trip limit for open access participants during the EESA fishery.

This differs from the public hearing proposal in two regards. For the maximum purse seine size rule, DMF had proposed 300' x 30' (50 fathoms x 5 fathoms). For the volumetric equivalencies, DMF had proposed 300 pounds per 55-gallon barrel and 125 pounds per standard fish tote. Changes were made to the initial proposals based on public input (see below).

Background

For these recommended regulations, it is necessary to understand the multiple tiers of access to the menhaden fishery in Massachusetts. Much of this is predicated on the interstate fishery management plan (FMP). Overall, the menhaden fishery is managed through two tiers of permitted access (limited entry and open entry) and three stages of fishery operation (quota-managed, episodic event set-aside, and small scale/incidental allowance), as summarized below.

Limited Access Quota Fishery (MA has 1.27% share of coastwide quota, plus any transfers):

- Menhaden endorsement required
- 125,000-pound trip limit; reduced to 25,000 pounds at 85% quota use
- Nightly reporting required

Open Access Quota Fishery (MA has 1.27% share of coastwide quota, plus any transfers):

- No endorsement required
- 6,000-pound trip limit
- Monthly harvester reporting required

Incidental Catch and Small-Scale Fishery (after 100% of state quota is taken):

- 6,000-pound trip limit for all commercial fishermen
- Purse seines greater than 900' x 48' (150 fathom x 8 fathom) are prohibited
- Nightly or monthly reporting required depending on permit type (limited access or open access)

EESA (1% of coastwide quota for ME-NY to be harvested in state waters when certain conditions apply):

- Access granted by ASMFC if state quota used before September 1
- Trip limit not to exceed 120,000 pounds (per FMP), but DMF may set at less by permit condition
- Nightly-reporting requirement (per FMP) which DMF met in 2020 by restricting access to limited entry fishery only

Rationale

Recommendations 1-3 above (purse seine size, storage requirement, and volumetric equivalencies) are intended to improve compliance with and enforcement of the 6,000-pound trip limit. At present, there is no restriction on the size of purse seines used during the open access quota-managed fishery, and the 900' x 48' maximum for the incidental catch and small-scale fishery (which was taken from the FMP) is not well aligned with the trip limit. This size net (or larger as allowed during the open access quota-managed fishery) is capable of catching well-above the trip limit, a situation which lends itself to non-compliance when coupled with the allowance for at-sea sales that may not be properly accounted for. In addition to "right-sizing" the gear to the trip limit, the requirement to bring aboard and immediately place into containers the harvest (including any intended for at-sea sale) should improve compliance and facilitate enforcement of the trip limit. These rules are less severe than other possible options initially weighed by DMF to address trip limit compliance, such as a prohibition on at-sea sales.

Recommendation 4 (daily reporting for all EESA fishery participants) is necessary for full compliance with the interstate FMP's stipulations for participation in the EESA program. For 2020, DMF met the daily reporting requirement by restricting EESA access to limited entry menhaden harvesters (whose permits already require them to hold a bait dealer permit and report

nightly), while still allowing open entry menhaden harvesters to continue fishing under the incidental/small-scale allowance. However, Atlantic States Marine Fisheries Commission staff has indicated that the intention of the FMP is to have all harvest during the time of a state's enrollment in the EESA fishery count towards the set-aside. We could either prohibit any open entry landings during the EESA fishery or—as we've chosen—also require nightly reporting from any open entry harvesters that want to participate during the EESA fishery. As a consequence of letting in open entry harvesters, we also need to address their trip limit during the EESA fishery and believe it appropriate to continue their 6,000-pound limit (Recommendation 5).

Public Comment

DMF held a public comment period from March 5–April 2 and a public hearing on March 29. Overall, comment on the commercial menhaden proposals was limited. Requests were made to reconsider the specific size of the maximum purse seine proposal, as well as the specific volumetric equivalencies proposed for a standard fish barrel and tote, and the storage requirement.

Regarding the maximum purse seine size, several commenters believed the proposed 300' by 30' was overly restrictive and would inhibit the ability of harvesters to achieve the trip limit in one set and in deeper waters. I agree with these comments, especially that forcing harvesters into shallower waters would likely provoke user-group conflict. Accordingly, my recommendation maintains the existing 48' depth for the net. For the length measurement, 600' was suggested, which would align with New Hampshire's maximum purse seine size. However, I am recommending a 450' length in consideration of two factors: 1) NH's maximum purse seine size applies during the quota managed fishery as well as the small-scale/incidental fishery, and thus was not based on the 6,000-pound trip limit as we intend; and 2) the permit conditions that we apply to limited access harvesters in some inshore areas stipulate a smaller maximum length than 600' despite their operating at trip limits above 6,000-pounds.

Regarding the volumetric equivalencies, a number of comments disagreed with the specific amounts we proposed, but in so doing, offered a variety of amendments. A consistent theme was that 300 pounds for a barrel was too low, although suggestions ranged from 350 pounds to over 400 pounds. While some supported 125 pounds per tote, others indicated that their totes weighted in the range of 90–110 pounds. Some indicated that a barrel is equivalent to three totes, while others offered weights that would put the ratio at 4:1. It is not my intention to further limit harvesters to a level below the 6,000-pound limit, which would occur at an equivalent weight per container that is set too high. Maine has operated with 117 lb/tote and 350 lb/barrel equivalencies (3:1 ratio) in place for a number of years without a request to reconsider. I am recommending we align with Maine on this action. Should reporting indicate that the equivalencies are resulting in trip limit overages, we can reconsider in the future.

One comment opposed the storage requirement for safety reasons (i.e., vessel stability), indicating that while a similar storage requirement in Maine has been accepted, that state's waters are more protected than Massachusetts'. Safety considerations are important, and I would be more apprehensive about the storage requirement had this concern been raised by more fishery participants.

Attachment

Strikethrough regulatory language

Written public comment

6.43: Atlantic Menhaden Management

(1) Purpose. The purpose of 322 CMR 6.43 is to comply with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Menhaden to manage the Atlantic menhaden fishery in a manner that is biologically, economically, socially and ecologically sound, while protecting the resource and those who benefit from it.

(2) Definitions.

Atlantic Menhaden means that species known as *Brevoortia tyrannus* or commonly referred to as pogey or bunker.

Bait Dealer means any person issued a bait dealer permit in accordance with 322 CMR 7.01(3)(g): *Bait Dealer*.

Barrel means a standard cylindrical container with a liquid capacity of 55 gallons or a volume of 7.35 cubic feet.

Commercial Fisherman means any person fishing under the authority of a permit issued in accordance with 322 CMR 7.01(2): *Commercial Fisherman Permits*.

Declare means to file an advisory notification with the *Massachusetts Register* and publish it via the Marine Fisheries electronic mailing list and website.

Director means the Director of the Division of Marine Fisheries.

Episodic Events Set Aside means the 1% of the total allowable catch of Atlantic menhaden that is set aside for use by the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York when certain conditions exist as established in the Interstate Fishery Management Plan.

Fish tote means a standard rectangular container measuring 28 inches by 16 inches by 11 inches.

Land means to transfer or attempt to transfer the catch of fish from any vessel to any other vessel or onto any land, pier, wharf, dock or other artificial structure, or for a fishing vessel with any fish onboard to tie up to any dock, pier or other artificial structure.

Quota means the Commonwealth of Massachusetts annual commercial Atlantic menhaden quota adopted by the Atlantic States Marine Fisheries Commission and amended by required paybacks and authorized quota transfers and rollovers.

Trip means the time period that begins when a vessel departs from any land, pier, wharf, dock or other artificial structure to carry out commercial fishing operations, including the at-sea transfer and transport of fish, and that terminates with a return to any land, pier, wharf, dock or other artificial structure.

(3) Regulated Fishery Permit Endorsement Requirement. It shall be unlawful for any fisherman or vessel to take, land, or possess Atlantic menhaden in excess of 6,000 pounds per trip or per 24-hour day, whichever duration is longer, without a regulated commercial fishery permit endorsement for Atlantic menhaden issued by the Director, in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* and managed pursuant to 322 CMR 7.06: *Limited Entry Permits*.

(4) Commercial Fishing Limits.

(a) Quota Managed Fishery.

1. Regulated Limited Entry Fishery Trip Limits. Commercial fishermen who have been issued a **limited entry** regulated Atlantic menhaden fishery permit endorsement, in accordance with 322 CMR 6.43(3), and 7.01(4)(a): *Regulated Fishery Permit Endorsement*, shall adhere to the following trip limits:

- a. Until the Director declares that 85% of the commercial menhaden quota has been landed, it shall be unlawful to possess or land more than 125,000 pounds of menhaden in the coastal waters of the Commonwealth per trip or calendar day, whichever duration is longer; and
- b. Once the Director has declared that 85% of the commercial menhaden quota has been landed, it shall be unlawful to possess or land more than 25,000 pounds of menhaden in the coastal waters of the Commonwealth per trip or calendar day, whichever duration is longer.

2. Regulated Open Access Fishery Trip Limits. Commercial fishermen who have not been issued a regulated Atlantic menhaden fishery permit in accordance with 322 CMR 6.43(3) and 7.01(4)(a): *Regulated Fishery Permit Endorsement* **may possess and land up to 6,000 pounds of Atlantic menhaden per trip or 24-hour day, whichever duration is longer** may participate in an open access fishery for menhaden. For commercial fishermen participating in this fishery, it shall

be unlawful to retain, possess, land, sell, or offer for sale more than ~~may possess and land up to~~ 6,000 pounds of Atlantic menhaden per trip or 24-hour day, whichever duration is longer.

3. Quota Closure. Except as provided at 322 CMR 6.43(4)(b) and (c), it shall be unlawful to catch and retain or land Atlantic menhaden once the Director has declared that 100% of the quota has been harvested. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

(b) Incidental Catch and Small-scale Fishery. When the Quota Managed Fishery is closed, commercial fishermen may possess and land up to 6,000 pounds of Atlantic menhaden per trip or per 24-hour day, whichever is longer. ~~Exception: There shall be no such allowance for vessels using purse gear measuring 150 fathoms length and eight fathoms depth or greater.~~

(c) Episodic Event Set Aside Fishery. ~~When the Quota Managed Fishery is closed, and if Massachusetts is approved by the Atlantic States Marine Fisheries Commission to participate in the Episodic Events Set Aside Program, as provided for in the Interstate Fishery Management Plan, commercial fishermen who have been issued a regulated Atlantic menhaden fishery permit endorsement, in accordance with 322 CMR 6.43(3), and 7.01(4)(a): *Regulated Fishery Permit Endorsement*, may possess and land up to 120,000 pounds of Atlantic menhaden per trip or calendar day, whichever duration is longer; Vessels participating in the Episodic Event Set Aside Fishery must harvest only from waters under the jurisdiction of the Commonwealth and land in Massachusetts ports. Daily catch reporting is required in accordance with 322 CMR 6.43(5).~~

~~Once Massachusetts is approved by the Atlantic States Marine Fisheries Commission to participate in the Episodic Events Set Aside Program, the Director shall notify commercial fishermen and dealers via the Division's e-mail list serve, posting notice on the agency's website, and filing a legal notice with the Massachusetts Register. Once the Atlantic States Marine Fisheries Commissioner determines that the Episodic Event Set Aside is exhausted, the closure of the Episodic Event Set Aside Fishery will be enacted and announced in accordance with the process set forth at 322 CMR 6.41(2)(e).~~

1. Annual Process to Participate in the Episodic Event Set Aside Fishery. When the Quota Managed Fishery is closed, Massachusetts may apply to the Atlantic States Marine Fisheries Commission to participate in the Episodic Events Set Aside Program, as provided for in the Interstate Fishery Management Plan. If Massachusetts is approved by the Atlantic States Marine Fisheries Commission to participate in the Episodic Events Set Aside Program, the Director shall notify commercial fishermen and dealers via the Division's e-mail listserv, posting notice on the agency's website, and filing a legal notice with the Massachusetts Register. Once the Atlantic States Marine Fisheries Commission determines that the Episodic Event Set Aside is exhausted, the closure of the Episodic Event Set Aside Fishery will be enacted and announced in accordance with the process set forth at 322 CMR 6.41(2)(c).
2. Commercial Fishing Activity During Episodic Event Set Aside Fishery. The following restrictions shall apply during the Episodic Event Set Aside Fishery:
 - (a) Commercial fishermen who have been issued a regulated Atlantic menhaden fishery permit endorsement, in accordance with 322 CMR 6.43(3), and 7.01(4)(a): *Regulated Fishery Permit Endorsement*, may possess and land up to 120,000 pounds of Atlantic menhaden per trip or calendar day, whichever duration is longer.
 - (b) All other commercial fishermen may possess and land up to 6,000 pounds of Atlantic menhaden per trip or calendar day, whichever duration is longer.
 - (c) All commercial fishermen participating in the Episodic Event Set Aside Fishery shall only harvest menhaden from the waters under the jurisdiction of the Commonwealth and shall only land in Massachusetts ports.
 - (d) All commercial fisherman participating in the Episodic Event Set Aside Fishery shall be subject to the daily catch reporting requirements set forth at 322 CMR 6.43(5).

- (e) In accordance with G.L. c. 130, §8s0 and 322 CMR 7.01(7), the Director may establish commercial fishing permit conditions to as necessary to manage during the Episodic Event Set Aside.

(d) **Compliance with 6,000 Pound Possession Limits.** The following requirements shall apply to any fishery for menhaden regulated at 322 CMR 6.43(4)(a)-(c) that is subject to a 6,000 pound possession and landing limit.

1. **Storage.** All menhaden shall be brought aboard the vessel and immediately stored in level filled barrels or fish totes.
2. **Volumetric Equivalency.** A level filled fish tote shall be the equivalent of 117 pounds of menhaden and a level filled barrel shall be the equivalent of 350 pounds of menhaden. 51 level filled fish totes or 17 barrels of menhaden shall be equivalent to the 6,000 pound trip limit.
3. **Maximum Purse Seine Dimensions.** It shall be unlawful to use a purse seine to catch menhaden that exceeds 450 feet long by 48 feet deep. The depth of the net will be determined by taking the average size of 20 meshes and counting the total number of meshes by depth.

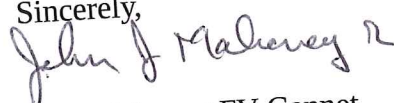
(5) **Daily Catch Reporting.** All regulated Atlantic menhaden fishery **limited entry** permit endorsement holders **and commercial fishermen participating in the episodic event set aside fishery** shall **must** obtain a bait dealers permit, as defined at 322 CMR 7.01(3): *Bait Dealer*, and report to the Division of Marine Fisheries their directed commercial Atlantic menhaden landings in the Commonwealth on a daily basis on forms provided by the Director.

Dear Dan.

I'm writing you today about the newly proposed Menhaden regulations, and in particular, the size of nets and the amount of totes allowed on board. In regards to the size of the nets, if you make them shallower and keep the users of it in the deeper waters, you have essentially put them out of business. If that is your goal, then you will succeed! If you allow them in shallower water, law enforcement should be able to monitor them from the beach. In regards to the 48 totes, in my operation I do not squish my fish. My boxes weigh 100 to 90 lbs. So the people who bought them got a quality product, and would always say so. In regards to the 55 gal. Drums, those weigh, when filled to the top, in excess of 400 lbs. So 20 barrels would be over 8000 lbs. Who ever told you they were 300 lbs wasn't being honest. I have not renewed any permits Dan, I'm all done. I tried to submit written reports this summer, but they were rejected because they were not electronically submitted. I still have them if you want them. I haven't gill netted in 3 years. I tried to use the computer for filing, I tried for three days, but I couldn't do it. I still operate a flip phone. In closing Dan, I would like to thank you, Phil Coates, Mr. Diadotti, Dr. Pierce, and the state of Massachusetts, for allowing me to have one of the most rewarding lives a man could have! The inshore pogie fishery was my baby. I do not feel I ever abused the privilege. The complaints you received came from recreational fisherman, and almost all of them didn't complain about my operation. It was complaints about power blocks, big nets, and the use of planes. Now it is complaints by my peers. I think you should look into why they are pushing this! They are using the state to eliminate competition! I don't think you should change a thing, I think you should tell them to shut up and fish!

Thank you again Dan, and thanks to the people in the office.

Sincerely,



John Mahoney FV Gannet

From: [Jon&Judi Savage](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Regulatory Menhaden Changes
Date: Tuesday, March 30, 2021 7:23:41 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan,

I would like to submit a follow up email after speaking last night regarding the proposed regulatory menhaden changes. I believe every vessel that has an open access MA CAP Seine Permit should have fish totes or 55 gal. drums aboard to immediately store their catch. Container volumes should be 125lbs per tote for 48 totes or 17 drums to total 6,000 lbs.

Maximum seine size for an open access MA CAP Seine Permit is currently 150 fathom by 8 fathoms deep, I believe this is excessive in retaining 6,000 lbs of menhaden. A maximum fair size for a seine would be 100 fathom by 8 fathoms deep. Early season menhaden can be found on the surface in 200' of water which requires a good length of netting to not spook fish & depth to prevent fish from diving under net. Additionally in the Fall when storms are offshore producing ground swells the menhaden will retreat from the beaches and seek deeper water to hide at the bottom—usually 40'-50' deep.

A proposed smaller size seine of 50 fathom by 5 fathoms deep would force seiners to fish shallower waters and lead to conflicts between striped bass fishermen from boats & shore, not to mention bathers as well.

I currently seine with a 75 fathom by 7 fathom net and average 20 drums a set during summer months off the NH coast. I would like to have the ability to increase the size of this seine if needed to target menhaden earlier & later in the season as these baitfish arrive/depart MA State waters.

Thank You for your consideration,

Jon Savage
capt.sav@comcast.net
603-944-6004

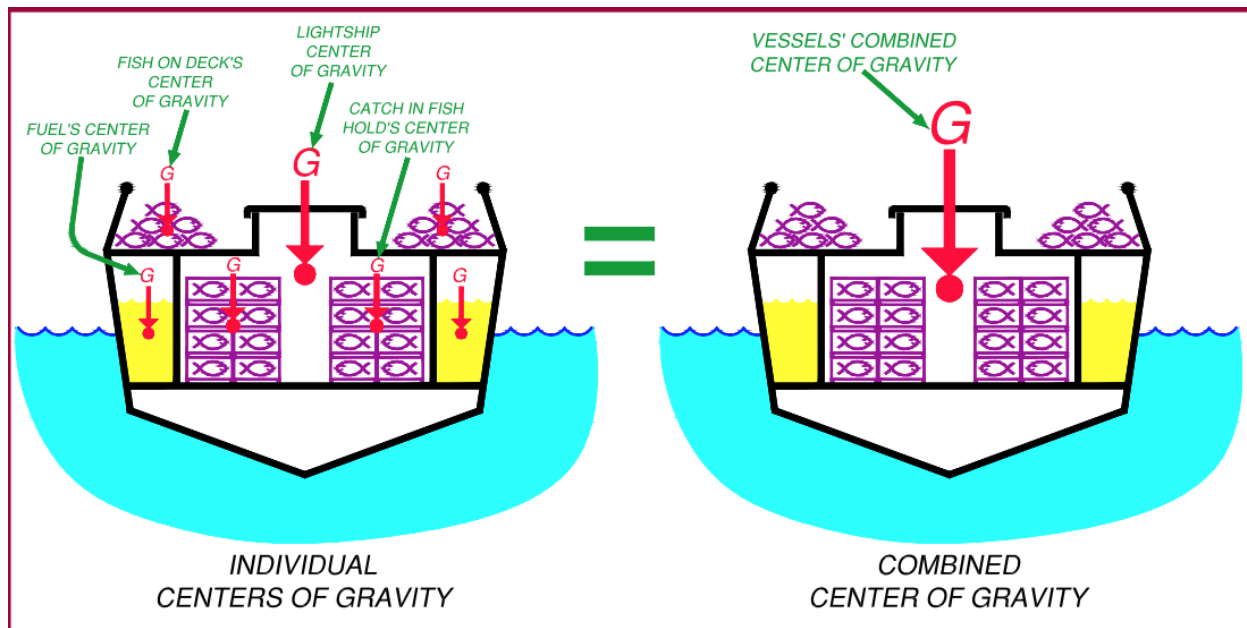
Sent from [Mail](#) for Windows 10

Dear Director Daniel McKiernan,

I am writing to share my thoughts on the proposed changes to **322 CMR 6.43**. I understand the goal of enhancing compliance with the open access trip limits, however some of these changes have greater consequences and implications that need to be considered.

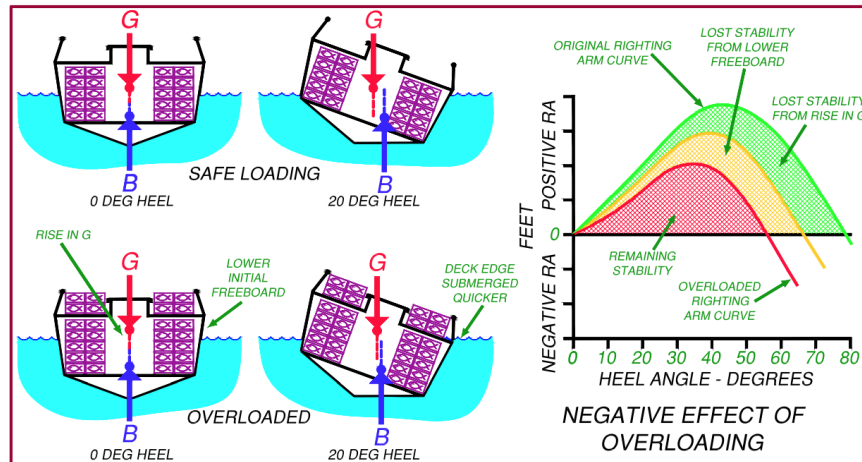
The first change would alter our maximum purse seine to 300' by 30'. This is a drastic change compared to existing regulations and I believe John Savage comprehensively explained some of the detrimental issues this would cause for fishermen. I believe matching New Hampshire's net regulations (which also limit at 6000 pounds) would be a fair solution as it also allows for compliance with inter-state participants at the same limits. Additionally, I would like to address that while changing the length of the net could control the volume we catch, changing net depth would only impact our ability to catch fish in certain areas. Complying with the open access fishery, we are not allowed to fish within the designated harbor boundaries. At the same time, subtracting to a 30 foot net would make it impossible to catch fish beyond a 30' depth. A majority of the places we are permitted to fish have a depth of 40-50 feet right outside of the harbors, noting the channels outside of Beverly and Manchester in example. We have already lost access to fishing grounds because of the Boston dredging project which has made our spots beyond the harbor boundary inaccessible. The new depths from the project make it impossible to productively set around the Boston Islands. If the state moves forward with changing the net size, they should consider a more realistic reduction like that of New Hampshire. Getting seine nets made is not the same as a lot of other fishing gear. It can take upwards of a year to purchase and receive a net, which is not even inclusive of the time, effort, and modifications needed to make them productive.

The second change would require participants to "immediately store their harvest of menhaden" in containers. Once again, I understand the intent to promote compliance but think that in practice there are unrealistic expectations with this change. If you reach out to more industry participants, everyone will tell you that it is impossible to immediately store live menhaden. They jump and kick and will come right back out of the containers. A completely full box of pogies will be a 65-70% full box an hour later once they have settled. In practice, these assumptions for filling boxes or barrels would result in catches less than our actual allocation of 6000 pounds. Part of why many boats store their catch or part of their catch on deck is to level off the boxes and barrels as they are taken off the boat. The other reason for storing our fish on the deck is that immediately storing our catch in containers poses a major safety hazard. These hazards include stacks of totes/barrels falling on crew, shifting on deck and resulting in rolled boats, and more generally force us to jeopardize the stability of our vessels. In the open access fishery, as has been stated in meetings, the vessels impacted by these regulations are smaller vessels. Putting our catch in containers with limited deck space would force us to then go vertical, exponentially lowering our boat's stability. The stored catch has a direct impact on the vessel's center of gravity. Being able to store our catch on the deck lets it take up less volume than if the equivalent was in rigid containers. It also allows the weight to stay closer to the water line maintaining stability. The following images demonstrate the technical impact of loading weight in this way above deck and its impacts on stability.



Initial vs. Overall Stability - Overloading

Overloading can significantly reduce a fishing vessel's overall stability without the crew being aware of the danger they are facing. The initial stability levels are only slightly reduced, which the crew may not notice.



The vessel's overall stability has been reduced because:

- The center of gravity "G" is increased from the added weight high.
- The freeboard is reduced because of the added weight, which causes the deck edge to submerge at smaller heel angles.

*images taken directly from the *USCG Best Practices Guide to Vessel Stability: Guiding Fishermen Safely into the Future*¹

¹https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/CVC3/references/Stability_Reference_Guide.pdf

In the meeting, Maine was used as a reference for why this system would work. However, in Maine they are operating in protected waters. These boats are often seen overloaded with barrels, scuppers below the water idling back to port. This may be a calculated risk for them to make it back to the dock, however in Massachusetts' waters we do not have those same protections when the weather turns. At times we have to travel open water in order to find fish and returning home with our load stacked up only invites dangerous incidents. I understand the purpose, but perhaps an agreement could be made so that some of the catch is stored in containers while a portion can be stored on deck to allow us to properly take our limits while doing so **safely**.

The other issue with change 2 is the definition of the volumetric equivalencies. In my opinion, both are flawed; a barrel holds 3 totes but the carrying capacity of a tote is about 70lbs of fresh pogies (live out of a set) and 100-110 pounds when leveled with dead pogies. Therefore both should be adjusted; a barrel of leveled dead pogies holding more than 300 pounds and the leveled tote holding less than 125 pounds.

The third change would "Require any commercial permit holder participating in the episodic event set-aside fishery to hold a bait dealer permit and report their harvest nightly into SAFIS as a bait dealer." The stated reason for this change was to conform with other state regulations, but this change would actually be the easiest to implement and I believe the most effective way to enhance compliance with the trip limits. Daily reporting will show how much is being caught and the uses for the fish. This is the same expectation for the limited access fishery for compliance so why not use it for the small scale as well?

As a participant in the small scale fishery, it is clear where the state sees our role in the fishing industry. We all want to protect the fish stocks, for the prevalence of an already cyclical fishery is of utmost priority for the participants. But if the state wants to improve compliance with trip limits, then make changes on reporting trip limits. The other proposed changes will negatively impact our ability to catch fish and make a living as well as jeopardize our safety, not prompt compliance as stated. I hope we are able to develop the fishery in such a way to benefit the menhaden while also promoting realistic harvest practices. If needed, I would be more than happy to provide additional insight or discussion on our fishing practices and understandings (i.e. volumetric storage).

Philip Anthony Powell Jr.
F/V Gannet
April 2, 2021



Massachusetts Striped Bass Association

Since 1950

April 2, 2021

MA Division of Marine Fisheries
251 Causeway Street
Suite 400
Boston MA 02114

Dear Director McKiernan,

After attending and listening to the recent public hearing the MSBA Executive Board met on Wednesday April 1 to discuss the proposals made during the hearing. Please accept the following comments on behalf of the Massachusetts Striped Bass Association.

1. Commercial Striped Bass Season and Open Fishing Days (322 CMR 6.07)

Since being founded in 1950; MSBA membership has included commercial harvesters of striped bass. Although our current membership includes fishermen that believe the overall value of striped bass to the Commonwealth would be better served as a recreational only species; our formal positions are focused on reform and improvement of the commercial fishery.

MSBA understands the dilemma facing DMF regarding the proposed actions. We understand the MA commercial quota is set at ASMFC and MA DMF has a responsibility to enact regulations that allow for the harvest of that quota. At the same time, an overwhelming majority of MSBA members feel the current striped bass commercial quota is out of line with the ongoing decline of striped bass stocks.

We ask you to recall just ten years ago when commercial harvest was spread out across multiple aggregations of fish found across the entire Commonwealth. Over time we have seen aggregations at Gay Head, Chatham, Billingsgate Shoals and Scorton Ledge either disappear or be reduced to the point these areas can no longer be considered hot spots. We believe that commercial quotas will soon be significantly reduced and urge you to consider this as you consider our comments on each of the proposals.

- a) MSBA believes opening the commercial season prior to June 23 will focus commercial effort on concentrated schools of commercial sized fish during the Spring migration. We strongly believe any long-term hope to build back multiple aggregations demands what's left of these fish be allowed to migrate into and disperse throughout our waters prior to the pressures of commercial harvest. ***It is for this reason MSBA is opposed to opening the commercial striped bass season prior to June 23.*** In addition, we remember that the status quo opening date was originally chosen in order to create and fortify a market prior to the July 4th holiday weekend. ***MSBA supports the opening of June 23.***
- b) ***MSBA understand and supports the need to establish a formal closing date for the commercial striped bass season.*** Similar to our position on the opening of the season, we feel there is great long term conservation value in prohibiting expanding the window of commercial fishing pressure during the fall migration. Considering warming waters and historic landings, ***MSBA urges MA DMF to set a closing date for the commercial striped bass season of September 15.***

- c) Since their establishment, MSBA has participated in past MA DMF discussions regarding open commercial fishing days. We specifically recall multiple MA DMF Striped Bass Advisory Group meetings administered by former Director Paul Diodati during which representatives from the recreational, commercial and fish dealer communities negotiated agreements on ways to extend the season, provide price stability and avoid on the water user group conflicts that occur on weekends and holidays. We ask you to remember that concessions were made by all sides and commitments were made to address fears expressed by commercial harvesters that if they give up open fishing during the week, that fishing opportunity will be lost forever. ***Although we have a responsibility to inform you that the majority of MA recreational anglers are opposed to any and all expansion of open commercial fishing days, the MSBA Executive Board feels MSBA must honor past commitments at this time and support the proposal to set non holiday Mondays thru Thursdays as open striped bass commercial fishing days. This support is contingent on that past agreement to not allow commercial fishing days on weekends and holidays.***
- d) As referenced in our comments related to item “c” of this proposal, we request MA MDF honor the past agreement by representatives from the recreational, commercial and dealers communities regarding weekend and holiday fishing days. The opportunity for on the water user group conflicts is increased at this time of low abundance and past concerns remain valid. Beyond the past agreement, we feel the addition of weekend commercial fishing during the fall migration is too much to ask of a stock that all stakeholders agree is in serious decline and experiencing low abundance. ***MSBA is opposed to any weekend or holiday commercial fishing days and our support of the proposed Monday thru Thursday open days is contingent on weekends and holidays remaining closed.***

2. Commercial Menhaden Fishery (322 CMR 6.43)

MSBA has been active in menhaden management for over 30 years. Our current membership includes tackle shop owners who sell menhaden, at least two commercial harvesters and hundreds of recreational harvesters.

- a) MSBA believes current levels of menhaden provide for both ecosystem services and reasonable harvest by all stakeholders. We believe a key to maintaining current abundance and availability is to prevent unnecessary growth by the largest harvesters. For this reason and those described during the public hearing ***MSBA supports the proposal to adopt a maximum purse seine size of 300' x 30' for all harvesters.***
- b) During the public hearing commercial harvesters pointed out that the proposed “assumed weight” per barrel was lighter than reality and different than regulations in neighboring state of Maine. We think differing from the state of Maine is a set up for law enforcement problems. ***MSBA supports a requirement for immediate storage in totes and barrels however DMF should further consult with both harvesters and colleagues in the state of Maine in order to adjust the “assumed weights” per barrel.***
- c) ***MSBA supports the proposed requirement for reporting commercial harvest as explained during the public hearing*** with the following consideration. MSBA members frequently report witnessing seiners in the Boston Harbor area making sets and then selling harvest directly to both commercial and recreational vessels. We understand this is allowed when a harvester has a dealer permit, and we are not necessarily opposed to this activity. ***MSBA urges DMF to require all “on the water” dealer sales” be added to this proposal and be reported nightly into SAFIS.***

3. Commercial Black Sea Bass Pots (322 CMR 6.12)

Compliance with the ASMFC IFMP is important. *MSBA supports this proposal* as explained during the public hearings.

4. Atlantic Bluefin Tuna Purse Seining Regulations (322 CMR 6.04 & 7.01)

MSBA members believe the commercial Bluefin fishery should be limited to rod & reel only. *MSBA supports this proposal* as explained during the public hearings.

5. Correction to Mobile Gear Regulations (322 CMR 4.06)

MSBA supports this proposal as explained during the public hearings.

Thanks for your consideration.

Mike Jones
President
MA Striped Bass Association

Patrick Paquette
Govt Affairs Officer



**Massachusetts
Striped Bass Association**

Since 1950

April 2, 2021

MA Division of Marine Fisheries
251 Causeway Street
Suite 400
Boston MA 02114

Dear Director McKiernan,

I am writing in response to learning of a request by Eric Lorentzen, owner of the commercial fishing vessel McCaffery to be allowed to harvest menhaden within Boston Harbor on Fridays. The MSBA Executive Board discussed this request at our April 1, 2021 Executive Board meeting and we ask you to consider the following comments in your decision-making process.

All involved are aware this issue involves decades of user group conflict and other controversy. Over the past three years the problems have almost completely disappeared. MSBA has identified two major reasons for this improvement.

1) Abundance and availability of menhaden is completely different today than it was for much of the past 20 years. The past three years have seen such an increase of menhaden in local waters that “enough” menhaden are regularly present for stakeholders to “usually” not be attempting to harvest from the exact same school of fish.

2) The departure from the fishery by the former owner of the McCaffery operation.

When Mr. Lorentzen purchased the operation, he reached out directly to the entire Boston Harbor fishing community seeking to understand past problems and show his commitment to being a “good neighbor.” MSBA can say with complete confidence that Mr. Lorentzen is the “good neighbor” he said he would be.

The MSBA Executive Board is in support of Mr. Lorentzen’s request, however; with far more years of problems in this fishery than not we request the following:

- 1) MSBA requests that the only part of the permit conditions document to change is the allowance of fishing on Fridays by only small boat seiners.
- 2) MSBA requests that the Friday opening be limited to 2021 and viewed as a test or pilot program with the acknowledgement that there is a possibility for a return of user conflicts due to the normal increased recreational fishing presence on Fridays.
- 3) MSBA requests this test or pilot program be reviewed after the season and input from all stakeholders be considered prior to making this a permanent change to the permit conditions

Thanks for your consideration.

Mike Jones
President
MA Striped Bass Association

Patrick Paquette
Govt Affairs Officer



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
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KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: April 9, 2021

SUBJECT: Recommendation on Housekeeping Proposals

Over the course of this winter DMF took public comment on three regulatory housekeeping proposals. The first proposal affected bluefin tuna purse seining, the second proposal addressed ghost panels on black sea bass pots, and the third proposal dealt with a correction to the state's mobile gear regulations regarding the use of ground gear in North Shore exemption areas. DMF accepted public comment on these proposals during the period of March 5 – April 2 and held a public comment period on March 29. DMF received little public comment on these subjects and there were no objections to the proposed regulations.

Atlantic Bluefin Tuna Purse Seining

Recommendation

I recommend the MFAC vote in favor of: (1) rescinding regulations at 322 CMR 6.04 governing the use of purse seines to harvest Atlantic bluefin tuna; and (2) approve a prohibition on the use of purse seines to harvest Atlantic bluefin tuna.

Background and Rationale

In 1974, prior to the federal management of tunas, DMF adopted regulations governing the taking, landing, and sale of bluefin tuna in Massachusetts. A year later, Congress passed the Atlantic Tunas Convention Act and subsequently federal regulations governing the harvest of tunas were promulgated. In response, DMF rescinded all state regulations affecting the harvest of tunas, except those governing the taking of Atlantic bluefin tuna by purse seine.

The state rules established a regulated purse seine fishery for bluefin tuna in Massachusetts waters. The activity was authorized through a limited entry regulated fishery permit endorsement and certain spatial and temporal restrictions. These rules were designed to limit the proliferation of new seining effort and minimize user group conflicts.

Continued state management of tunas within state waters was supported by the federal government. In 1979, NOAA Fisheries published an interpretation of their regulations stating the application of federal regulations in state waters for tunas did not prevent the promulgation of

state regulations for those waters within its jurisdiction provided when applied concurrently state regulations do not conflict with federal regulations or federal tuna conservation.

In the early 2000s, former Director Diodati established permit conditions affecting the bluefin tuna purse seine regulated fishery permit endorsement. These permit conditions annually prohibited fishermen from fishing for bluefin tuna with purse seines inside Cape Cod Bay. Although certain permit holders continued to renew their bluefin tuna purse seine regulated fishery permit endorsement into this decade, this effectively ended the bluefin tuna purse seine fishery in state waters.

In 2020, the last bluefin tuna purse seine regulated fishery permit endorsement was not renewed and forfeited to the state. Accordingly, there are no longer any commercial fishermen permitted to use purse seine gear to take tunas in state-waters. With this in mind, I make the above recommendation to rescind all remnant regulations and instead prohibit the use of purse seining as a means of harvesting bluefin tuna in Massachusetts' waters.

Ghost Panels in Black Sea Bass Pots

Recommendation

I recommend the MFAC vote in favor of requiring black sea bass potters to rig their traps with a three-inch by six-inch opening to be covered by a ghost panel.

Background and Rationale

DMF submits annual compliance plans to the ASMFC for interstate managed species, such as black sea bass. This allows state regulations to be compared to the interstate fishery management plan (FMP). In 2020, the ASMFC informed DMF its black sea bass pot regulations did not conform to FMP requirements. Specifically, the state did not require black sea bass pots to be rigged with a three-inch by six-inch opening to be covered by a ghost panel. This is likely a historic deficiency that was just recently observed.

To ensure state regulations properly conform to the FMP, I am making the above recommendation. I do not expect this regulatory requirement will impact the state's black sea bass potters, as fishermen typically rig a trap side or door as a ghost panel and these methods are sufficient to meet this regulatory requirement.

Mobile Gear Correction

Recommendation

I recommend the MFAC vote in favor of correcting a typographical error in the state's mobile gear regulations to clarify that ground gear may be used by trawl fishermen fishing in North Shore Exemption Areas 1A (Gloucester/Rockport) and 1B (Ipswich Bay).

Background and Rationale

Historically, the inshore waters along the North Shore have been closed to mobile gear fishing with limited exemptions. The Gloucester/Rockport Area is open from February 1 – March 31 and June 15 – September 30 and the Ipswich Bay Area is open December 15 – April 30. Within

these mobile gear exemptions, the use of trawl gear is allowed subject to certain gear restrictions. This includes an 80' limit on the sweep or footrope; a requirement that sweeps and footropes be composed only of chain, wire, or discs; and a prohibition on the use of roller gear.

In 2019, DMF amended and modernized its mobile gear regulations. The final regulatory language contains a typographical error that makes it unclear as to whether ground gear may be used when fishing with trawls in the exemption area. Accordingly, I am recommending to correct this error so that the current regulation does not conflict with the historic allowance for the use of ground gear in these exemption areas.

Attachment

Draft strikethrough regulations

4.06 Use of Mobile Gear

(2) Seasonal Mobile Gear Closures. The following closures shall apply to the use of mobile gear within the waters under the jurisdiction of the Commonwealth.

(a) Area 1 - North Shore Region - Year Round Closure. Except as provided at 322 CMR 4.06(2)(a)1. and 4.06(2)(k), it shall be unlawful to fish with mobile gear within the waters of the North Shore Region Year Round Closure. North Shore Region Year Round Closure consists of those waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning where 41° 21.552' north latitude with the eastern shoreline of Deer Island in Winthrop; thence in a straight line in an east northeasterly direction to where it intersects with 42° 24.497' north latitude and 70° 49.232' west longitude; thence in a straight line in a northeasterly direction to where it intersects with 42° 27.018 north latitude and -70° 46.446' west longitude; thence continuing in a straight line in a northeasterly direction to where it intersects with 42° 29.664' north latitude and 70° 43.914' west longitude; thence in a straight line in a northeasterly direction to where it intersects with 42° 31.688' north latitude and 70° 40.164' west longitude; thence in a straight line in a easterly direction to where it intersects with 42° 31.836' north latitude and 70° 38.118' west longitude; thence in a straight line in an east northeasterly direction to 42° 32.502' north latitude and 70° 36.432 west longitude; thence in a straight line in a northeasterly direction to the nearest point where it intersects with the three nautical mile line, as described on NOAA Chart #13267, at the 70° 36.162' west longitude; thence following the three nautical mile line, as described on the NOAA Charts #13267 and 13278, to the seaward junction of the Massachusetts - New Hampshire marine boundary; thence shoreward along the Massachusetts - New Hampshire marine boundary to the shoreline; and thence in a southerly direction along the shoreline and concluding at the starting point.

1. North Shore Mobile Gear Seasonal Area Exemptions. Coastal Access Permit holders further endorsed for North Shore Mobile Gear may fish within the North Shore Region Year Round Closure Area in accordance with the following exemptions:

a. Area 1A Gloucester/Rockport Exemption. During the periods of February 1st through March 31st and June 15th through September 30th, mobile gear may be fished within those waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning off the northernmost Gloucester-Rockport coastline where 70° 37.365' west longitude intersects with the three nautical mile line, as described on NOAA Chart #13278; thence following in a straight line in a south southwesterly direction to where it intersects 42° 42.848' north latitude and 70° 37.632' west longitude; thence in a straight line in a southeasterly direction to where it intersects with 42° 40.806' north latitude and 70° 33.468' west longitude; thence in a straight line in a south southeasterly direction to where it intersects with 42° 39.504' north latitude and 70° 32.776' west longitude; thence in a straight line due south to where it intersects with 42° 37.806' north latitude and 70° 32.776 west longitude; thence in a straight line in a south southwesterly direction to where it intersects with 42° 35.490' north latitude and 70° 34.578' west longitude; thence in a straight line in a south easterly direction to the nearest point where it intersects with 70° 33.770' west longitude at the three nautical mile line, as described on NOAA Chart #13278; thence following the three nautical mile line, as described on NOAA Chart #13278, in a northerly direction concluding at the starting point.

b. Area 1B Ipswich Bay Exemption. During the period December 15th through April 30th, mobile gear may be fished within those waters under the jurisdiction of the Commonwealth encompassed by an imaginary line beginning at the intersection of 70°

47.838' west longitude with the Massachusetts - New Hampshire marine boundary; thence following the Massachusetts - New Hampshire marine boundary seaward in an easterly direction to where it intersects with the three nautical mile line, as described on NOAA Chart #13278; thence following the three nautical mile line, as described on NOAA Chart #13278, in a southerly direction to the northern Gloucester-Rockport coastline to where it intersects with 70° 37.365' west longitude; thence in a straight line in a south southwesterly direction to where it intersects with 42° 42.222' north latitude and 70° 38.130' west longitude; and thence following one nautical mile seaward from shore in a northerly direction concluding at the starting point.

c. Restrictions on the Use of Trawl Gear during Area 1A and Area 1B Seasonal Exemptions. It shall be unlawful for any fishermen fishing with mobile gear during the Area 1A and 1B seasonal exemptions:

- i. To fish trawl nets configured with a sweep or a foot rope greater than 80 feet.
- ii. To fish trawl nets **unless** configured with a sweep or foot ropes composed of chain, wire or discs.
- iii. To fish with roller gear.
- iv. To possess or retain any lobsters. Any lobsters caught shall be immediately returned to the sea.

6.04: Atlantic Bluefin Tuna

(1) Preamble. In 1974, the Massachusetts Division of Marine Fisheries promulgated regulations governing the taking, landing and sale of Atlantic bluefin tuna. 322 CMR 6.00 imposed reporting requirements on tuna fishermen, limited the size of the total catch permitted in Massachusetts, and limited the number of vessels in the purse seine fishery for Atlantic bluefin tuna to those vessels which operated in that fishery prior to 1964.

In 1975, Congress enacted the Atlantic Tunas Convention Act, 16 U.S.C. 971, *et seq.*, (ATCA). Regulations promulgated pursuant to ATCA established federal reporting requirements, annual catch limits and an inspection and certification scheme for tuna purse seine vessels (50 CFR Part 285).

Pursuant to 50 CFR 285.8 federal regulations were made applicable within Massachusetts territorial waters. In 1976 Massachusetts deleted all provisions of its 1974 regulations with the exception of the limit on the number of fishing vessels in the purse seine fishery for Atlantic bluefin tuna, and extended the grandfather provision to cover those purse seine vessels operating in the fishery prior to 1974.

On June 22, 1979, the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, (NMFS) published an interpretation of its regulations *vis-a-vis* the Massachusetts regulations stating that the application of federal regulations in state waters is not intended to prevent the application of state regulations which when concurrently applied do not conflict with federal regulations, and are not inconsistent with conservation and management of Atlantic bluefin tuna under recommendations made by the International Commission for the Conservation of Atlantic Tunas (44 Fed. Reg. 122, 50 CFR 285). This interpretation concluded by stating "No effort has been made in our continuing review of laws and regulations to prevent the concurrent application of regulations such as the Massachusetts limited entry scheme for tuna purse seine vessels." (44 Fed. Reg. at 3639).

As of 2020, the Division of Marine Fisheries no longer issues any regulated fishery permit endorsements authorizing the use of purse seines for bluefin tuna. Accordingly, this activity is now prohibited within the waters under the jurisdiction of the Commonwealth.

(2) Definitions. For the purposes of 322 CMR 6.00 and unless the context requires otherwise the following words shall have the following meanings:

Director means the Director of the Massachusetts Division of Marine Fisheries, or his or her agents or representatives.

Division means the Massachusetts Division of Marine Fisheries.

Fish For means to harvest, catch, take or encircle, or attempt to harvest, catch, take or encircle any tuna by means of a purse seine.

Tuna means that species of Atlantic bluefin tuna, *Thunnus thynnus thynnus*, irrespective of size, weight or classification.

~~Vessel Allocation means a written letter, certificate or other documentation signed by the Regional Director, Northeast Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, verifying that the holder thereof has been allocated a specified amount of tuna authorized to be caught by means of a~~

~~specified purse seine fishing vessel.~~

(3) **Prohibition.** ~~Regulated Fishery.~~ It shall be unlawful to fish for tuna by means of any net, including purse seines, within the waters under the jurisdiction of the Commonwealth, except as follows:

(a) tuna may be taken in fish traps authorized pursuant to M.G.L. c. 130, § 29 as an incidental catch only. The Director shall have the right to inspect any authorized fish trap if he determines that the fish trap has been set or is being specifically operated to take and trap tuna, and he may modify the trap construction and its operations as he or she deems appropriate. ;

~~(b) vessels may fish for tuna by means of a purse seine provided that said vessel has fully complied with the registration requirements contained in 322 CMR 6.04(4);~~

~~(c) vessels may not fish for tuna prior to September 1st, of any year.~~

~~(d) vessels may not fish for tuna within Cape Cod Bay, defined as those waters which lie south of an imaginary line running from Brant Rock in Marshfield to Race Point in Provincetown as appearing on charts of the National Oceanic and Atmospheric Administration and as line A on the attached published chart, during any weekend, defined as the 48 hour period beginning on Friday midnight and ending on Sunday midnight, and during any Massachusetts or federal holiday, during the period September 1st through September 30th, except that 322 CMR 6.04(3)(d) shall not apply when the federal tuna~~

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~~(e) vessels may not fish for tuna from September 1st through September 15th within an area bounded as follows: beginning at the shoreline of the Loran 9960 Y 44020 line; then following the Loran 9960 Y 44020 line in an easterly direction to its intersection with the Loran 9960 X 25340 line; thence following the Loran 9960 X 25340 line in a northeasterly direction to its intersection with the Loran 9960 W 13830 line; thence following the Loran 9960 W 13830 line in a northerly direction to its intersection with the shoreline; thence following the shoreline within Cape Cod Bay to the point of beginning; all as appearing as line B on 322 CMR 6.04: *Chart 604-I*; except that 322 CMR 6.04(3)(e) shall not apply when the federal tuna quota in the general category has been reached per notification of the National Marine Fisheries Service.~~

~~(4) Vessel Registration. Vessels intending to fish for tuna by means of a purse seine must have on board the following authorizations:~~

~~(a) Commercial Fisherman Permit. This permit authorizes an individual to fish for tuna for commercial purposes within the territorial waters of the Commonwealth, and shall be issued in the name of the applicant.~~

~~(b) Regulated Fishery Permit. This permit authorizes an individual to fish for tuna by means of a purse seine within the territorial waters of the Commonwealth, shall be issued in the name of the applicant and validated for use on board one named purse seine vessel only.~~

~~(c) Conditions. Each regulated fishery permit issued may be accompanied by a Statement of Conditions to be determined by the Director relative to the use of that permit. Said conditions may include, but are not limited to:~~

- ~~1. the days or hours in which tuna fishing may be authorized;~~
- ~~2. the areas where tuna fishing may be authorized;~~
- ~~3. the quantity of purse seine gear to be used, and the manner in which it may be used;~~
- ~~4. requirements for accommodating state observers on board any registered purse seine vessel; and~~
- ~~5. reporting requirements for any registered purse seine vessel.~~

~~All conditions shall be subject to change by the Director and shall be effective upon written notice to the holder of the regulated fishery permit to which the Statement of Conditions apply.~~

~~(d) Requirements. In order to be eligible for a regulated fishery permit pursuant to 322 CMR 7.01(4)(a): *Regulated Fishery* an applicant must submit with the application a vessel allocation evidencing that the applicant has been given a tuna purse seine allocation.~~

~~(e) Validation. A regulated fishery permit shall be validated in the name of the purse seine vessel named in the vessel allocation. In the event of loss or damage to the vessel, change of vessel name, or replacement of the vessel, the regulated fishery permit shall become void and inoperative. In order to obtain a new regulated fishery permit the individual must make new application pursuant to 322 CMR 7.01: *Form, Use and Contents of Permits* and have the permit validated in the name of the new vessel.~~

~~(f) Signature. Each permit and the Statement of Conditions issued pursuant to 322 CMR 7.01: *Form, Use and Contents of Permits* shall be signed by the applicant. The signature of the applicant shall constitute notice of 322 CMR 6.04(4)(f) and the Statement of Conditions issued, and shall constitute an express agreement to abide thereby.~~

~~(g) Display. All permits and the Statement of Conditions issued pursuant to 322 CMR 7.01: *Form, Use and Contents of Permits* shall be carried on board the registered purse seine~~

~~vessel during all aspects of tuna fishing operations, and shall be produced upon demand by any individual authorized to enforce 322 CMR.~~

~~(5) Enforcement. Each registered purse seine vessel shall conduct its fishing operations so as not to conflict with or disrupt any pleasure boat, charter boat, party boat, other commercial fishing vessel, or any fixed fishing gear.~~

~~If, in the opinion of the Director, the registered purse seine vessel has violated any condition as contained in the Statement of Conditions, or unnecessarily or unduly disrupted the fishing activities of any sport or commercial fisherman, or damaged any fixed fishing gear, the regulated fishery permit of the registered purse seine vessel shall be suspended immediately and surrendered forthwith to the Director. Thereafter, and in an expeditious manner, the Director or a Presiding Officer to be appointed by him shall conduct an adjudicatory proceeding pursuant to M.G.L. c. 30A and 801 CMR 1.01: *Formal Rules* to determine whether the regulated fishery permit shall be permanently revoked.~~

~~(6) Reservation. The Division has determined that:~~

~~(a) 322 CMR 6.04 is intended to concurrently apply with 50 CFR Part 285, and is consistent with conservation and management of tuna under recommendations made by the International Commission for the Conservation of Atlantic Tunas; and~~

~~(b) any Special Acts of the Massachusetts Legislature governing purse seining activities in the territorial waters of Massachusetts are fully applicable and are not superseded or otherwise repealed by operation of law pursuant to M.G.L. c. 130, §§ 17A and 104.~~

~~(7) Prohibitions. It shall be unlawful for any person:~~

~~(a) to fish for tuna with a purse seine without a valid commercial fisherman permit and a regulated fishery permit issued by the Division;~~

~~(b) to fish for tuna with a purse seine prior to September 1st, of any year;~~

~~(c) to violate any conditions as set forth in the Statement of Conditions issued to any person who has received a valid regulated fishery permit;~~

~~(d) to fish for tuna with a purse seine during a period of permit suspension or revocation under 322 CMR 6.04(5);~~

~~(e) to harass, intimidate, disrupt, obstruct, conflict or interfere with the fishing activity of any other fishing vessel, sport boat, party boat, charter boat or head boat, or damage any fixed fishing gear;~~

~~(f) to fish for tuna with a purse seine within Cape Cod Bay, as those waters are set forth in 322 CMR 6.04(3)(d), on any weekend, defined as the 48 hour period beginning on Friday midnight and ending on Sunday midnight, or on any Massachusetts or federal holiday, during the period September 1st through September 30th, unless the federal tuna quota in the general category has been reached;~~

~~(h) to fish for tuna with a purse seine during the period September 1st through September 15th in those waters set forth in 322 CMR 6.04(3)(e) unless the federal tuna quota in the general category has been reached; or~~

~~(i) to fish for tuna by means of a purse seine without supplying the Director with a written report of the location(s), time(s), date(s), and catch of each purse seine set upon the completion of each fishing day.~~

~~(8) Penalties. Violation of any provision of 322 CMR 6.00 shall be punishable by:~~

- ~~(a) a fine of not less than \$10 nor more than \$1,000 or~~
- ~~(b) suspension and/or revocation of the commercial fisherman permit and the regulated fishery permit; or~~
- ~~(c) forfeiture of all tuna unlawfully taken or the proceeds thereof; or~~
- ~~(d) forfeiture of all boats, vehicles and apparatus used in violation of 322 CMR 6.00; or~~
- ~~(e) any combination of the above.~~

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6.12: Fish Pot Fishery Restrictions

(5) Degradable Hinges and Fasteners. It is unlawful for any person to take or attempt to take fish from waters under the jurisdiction of the Commonwealth by use of pots without a panel or door **meeting the following specifications:**
~~with hinges and fasteners made of one of the following degradable materials:~~

- (a) **all hinges or fasteners made of** untreated hemp, jute, or cotton string **shall be** ~~of~~ ³/₁₆" (4.8 mm) diameter or smaller;
- (b) **all hinges or fasteners made of** magnesium alloy, ~~shall be~~ **shall be** timed float releases (pop-up devices) or similar magnesium alloy fasteners; or
- (c) **all hinges or fasteners made of** ungalvanized or uncoated iron wire **shall be** ~~of~~ 0.094" (2.4 mm) diameter or smaller.
- (d) **for black sea bass pots, the opening covered by this panel or door shall be rectangular and measure at least 3" by 6", shall be in the parlor section of the pot, and in a position to allow for the unobstructed exit of fish from the pot.**

7.01 Form. Use and Contents of Permits

(4) Special Permits. The following special permits may be issued by the Director for the following activities:

(a) Regulated Fishery Permit Endorsement. In accordance with M.G.L. c. 130, §§2 and 80, regulated fishery permit endorsements may be added to commercial fisherman permits, issued pursuant to 322 CMR 7.01(2) to authorize the named individual and/or commercial fishing vessel to harvest, possess, or land fish or shellfish or use certain fishing gear in a fishery regulated pursuant to M.G.L. c. 130, §17A.

2. Limited Entry Regulated Fishery Permit Endorsements. Commercial fisherman permits, issued in accordance with 322 CMR 7.01(2), may be endorsed with the following regulated fishery permit endorsements. Pursuant to the authority at M.G.L. c. 130, §2, the following regulated fishery permit endorsements are limited entry and may only be renewed and transferred subject to the provisions set forth at 322 CMR 7.06. These regulated fishery permit endorsements are required for the following.

a. Black Sea Bass. For the named individual and/or vessel to commercially fish for black sea bass within the waters under the jurisdiction of the Commonwealth, or to harvest, possess, or land any black sea bass for commercial purposes in the Commonwealth.

~~b. Bluefin Tuna Seine. For a named individual and/or vessel to set or fish for tuna by means of purse seine within the waters under the jurisdiction of the Commonwealth.~~

b. ~~e.~~ Bluefish Gillnet. For the named individual and/or vessel to set or fish bluefish by the means of gillnet, in accordance with 322 CMR 6.18(3), within the waters under the jurisdiction of the Commonwealth.

Commercial Striped Bass

Recommended Motion:

MFAC vote to:

1. Open the commercial striped bass fishery on June 15.
2. Start the open commercial fishing season with three consecutive open fishing days (Mondays – Wednesdays).
3. Add Thursdays and Fridays as open fishing days effective October 1.

Year	Season	Open Fishing Days	Size Limit	Catch Limit
2020	June 23 – December 31	Mondays & Wednesdays*	35"	15-fish for boat based permit 2-fish for other permit
2021	June 15 – November 15	Mondays through Wednesdays (until 9/31) Mondays through Fridays (beginning 10/1)	35"	15-fish for boat based permit 2-fish for other permit

* In-Season adjustment made for September 1, 2020 to add Tuesdays as an open fishing day.



April 15, 2021

Division of Marine Fisheries

Slide 1



Commercial Menhaden

Recommended Motion:

MFAC vote to:

1. Establish a maximum purse seine size of 450' x 48' for open access fishermen at all times and limited access fishermen during the small-scale and incidental fishery.
2. Require the immediate (at-sea) storage of harvested menhaden into 55-gallon barrels or standard fish totes for open access fishermen at all times and limited access fishermen during the small-scale and incidental fishery.
3. Establish a volumetric equivalency of 350 pounds of menhaden per level, filled 55-gallon barrel or 117 pounds of menhaden per level, filled standard fish tote.
4. Define standard fish tote to mean a tote measuring 28" length by 16" width by 11" depth.
5. Require any commercial permit holder participating in the Episodic Event Set Aside fishery to hold a bait dealer permit and report their harvest nightly into SAFIS as a bait dealer.
6. Establish a 6,000 pound trip limit for open access participants during the Episodic Event Set Aside Fishery.



April 15, 2021

Division of Marine Fisheries

Slide 2



Housekeeping

Recommended Motion on Black Sea Bass Pot Escape Panel:

MFAC vote to require all black sea bass pots be configured with an escape panel that measures at least 3" by 6".

Recommended Motion on Atlantic Bluefin Tuna Purse Seining:

MFAC vote to prohibit purse seining for Atlantic bluefin tuna in the waters under the jurisdiction of the Commonwealth and rescind all historic regulations previously governing this regulated fishery.

Recommended Motion on Mobile Gear:

MFAC vote to correct a typographical error in the state's mobile gear fishing regulations to clarify that certain ground gear may be used when fishing trawls in North Shore Exemption Areas 1A and 1B subject to the existing requirements (i.e., 80' limit of sweeps and footropes; requirement that sweeps and footropes be composed only of chain, wire, or discs; and a prohibition on the use of roller gear).





The Commonwealth of Massachusetts

Division of Marine Fisheries

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Lt. Governor


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Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 9, 2021

SUBJECT: Proposal for New Buoy Line Marking Requirements for Commercial Lobster and Crab Trap Gear

Proposal

I intend to take to public hearing draft regulations to establish new buoy line marking requirements for commercial lobster and crab trap gear. These regulations will improve the agency's chances of achieving the approval of a federal Incidental Take Permit for its pot and trap fisheries because gear fished by Massachusetts fishermen will be definitively identifiable.

If approved, these buoy line marking requirements will go into effect of February 1, 2022. The specifics of the proposals are outlined in the enumerated bullets below and in Figure 1. The existing buoy line marking requirements for other commercial fixed gear fisheries and the recreational lobster fishery will remain unchanged. I anticipate that DMF will proceed to public hearing on this item in mid-to-late May and will present a final recommendation to the MFAC at the May or June business meeting.

1. MA Fishermen in EEZ in LCMA 1, 2 and Outer Cape Cod.
 - In the surface system, require two distinct solid marks (e.g., paint, tape). First, within 12' of the buoy have one solid red mark of at least 3' length. Then, within 1' below the 3' red mark, have an additional solid green mark at least 1' length.
 - Throughout the remainder of the buoy line, require at least three additional solid or non-solid (e.g., tracer) marks. One mark is to occur at the top, middle, and bottom third of the buoy line. Each mark shall be at least 2' in length and be comprised of 1' of red and 1' green.
 - If a fisherman is fishing with red rope or red and white striped ("candy cane") rope, then the red marks shall be white.
2. MA Fishermen in State Waters of LCMA 1, 2, and Outer Cape Cod.
 - In the surface system, require one solid red mark within 12' of the buoy that measures at least 3' length.
 - Throughout the remainder of the buoy line, require at least four additional solid or non-solid red marks. Each mark is to measure at least 2' length. Two marks are to

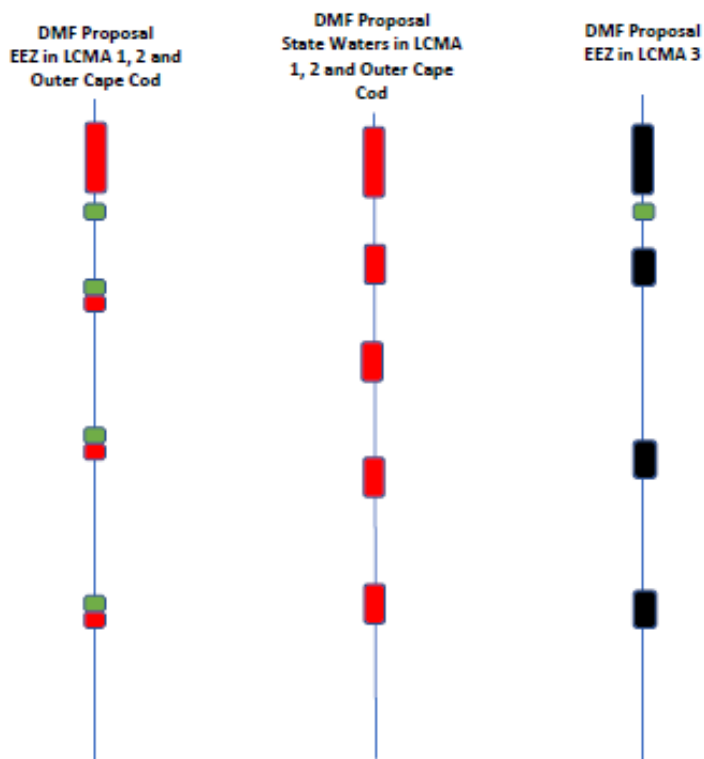
occur in the top 50% of the buoy line and two marks are to occur in the lower 50% of the buoy line. No segment of buoy line greater than 60' shall be unmarked.

- If a fisherman is fishing with red rope or “candy cane” rope then the red marks shall be white.

3. MA Fishermen in EEZ in LCMA 3.

- In the surface system, require two distinct solid marks. First, within 12' of the buoy have one solid black mark of at least 3' length. Then, within 1' below the 3' black mark, have an additional solid green mark at least 1' length.
- Throughout the remainder of the buoy line require at least three additional solid or non-solid (e.g., tracer) 1' black marks. One mark is to occur at the top, middle, and bottom third of the buoy line.

Figure 1. Image of DMF's Proposed Gear Marking Proposal



In addition to these measures, I intend to use these draft regulations to better define the term “buoy line.” During our initial outreach on the buoy line diameter and weak rope rules, we received feedback from certain fishermen who fish trawls regarding what constitutes the “buoy line.” Fishermen who fish trawls will typically fish with up to 12' of heavier groundline at the front of the trawl. This groundline is then spliced into the vertical buoy line.

To continue to accommodate this practice, I am proposing to define the term buoy line as, “the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps on a trap trawl

and extends no more than 12' from the first trap on the trawl.”

Rationale

These new gear marking rules are being proposed in response to two ongoing challenges: federal rule making and ongoing Endangered Species Act litigation.

Federal Rule Making

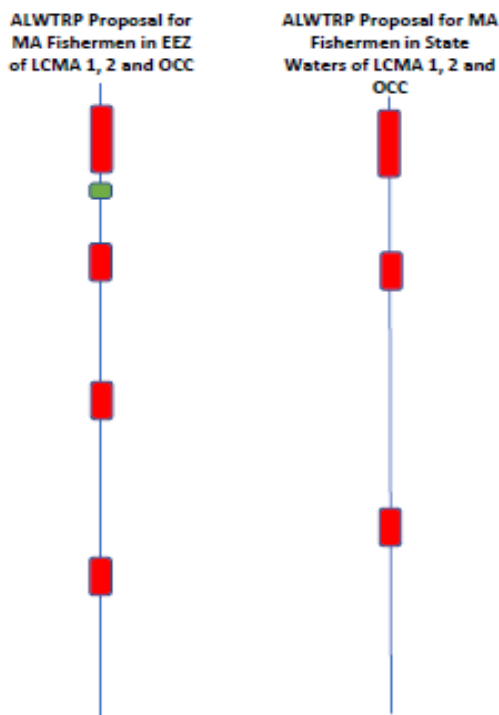
In December 2020, NOAA Fisheries released its draft regulations affecting the Atlantic Large Whale Take Reduction Plan (ALWTRP). This included new, more extensive buoy line marking requirements for the commercial lobster and crab trap fishery (Figure 2). As these rules are developed and promulgated under the Marine Mammal Protection Act (MMPA), they would apply to all commercial fishing activity in state waters and EEZ. DMF expects these rules will be

Figure 2. NOAA’s Proposed Draft Gear Marking Regulations Under ALWTRP

Table 4 from Federal Register Vol. 85 No. 251

TABLE 4—PROPOSED REGULATORY CHANGES TO GEAR MARKING ON NORTHEAST CRAB AND LOBSTER TRAP/POT BUOY LINES	
Area	Proposed gear marking measure
Entire Northeast Management Area (see figure 1) except Maine exemption area.	3-ft long state-specific mark (see color below) within 2 fathoms of the buoy. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark.
Maine Exemption Area	3-ft long mark within 2 fathoms of the buoy. One or two additional 1-ft marks (depth dependent) through state regulation only.
Maine Non-Exempt	Purple. Three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green buoy line mark within 2 fathoms of buoy.
New Hampshire	Yellow. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters, three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Massachusetts	Red. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Rhode Island	Silver/Gray. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks at top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
LMA 3	Retain Black. In Federal waters add a 3-ft long mark within 2 fathoms of the buoy, and an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.

Figure 3. Draft ALWTRP Buoy Line Marking Rules for LCMAs 1, 2 and OCC



finalized in late May 2021. Once approved by the federal government, these rules will set the baseline regulations by which commercial fishermen must comply.

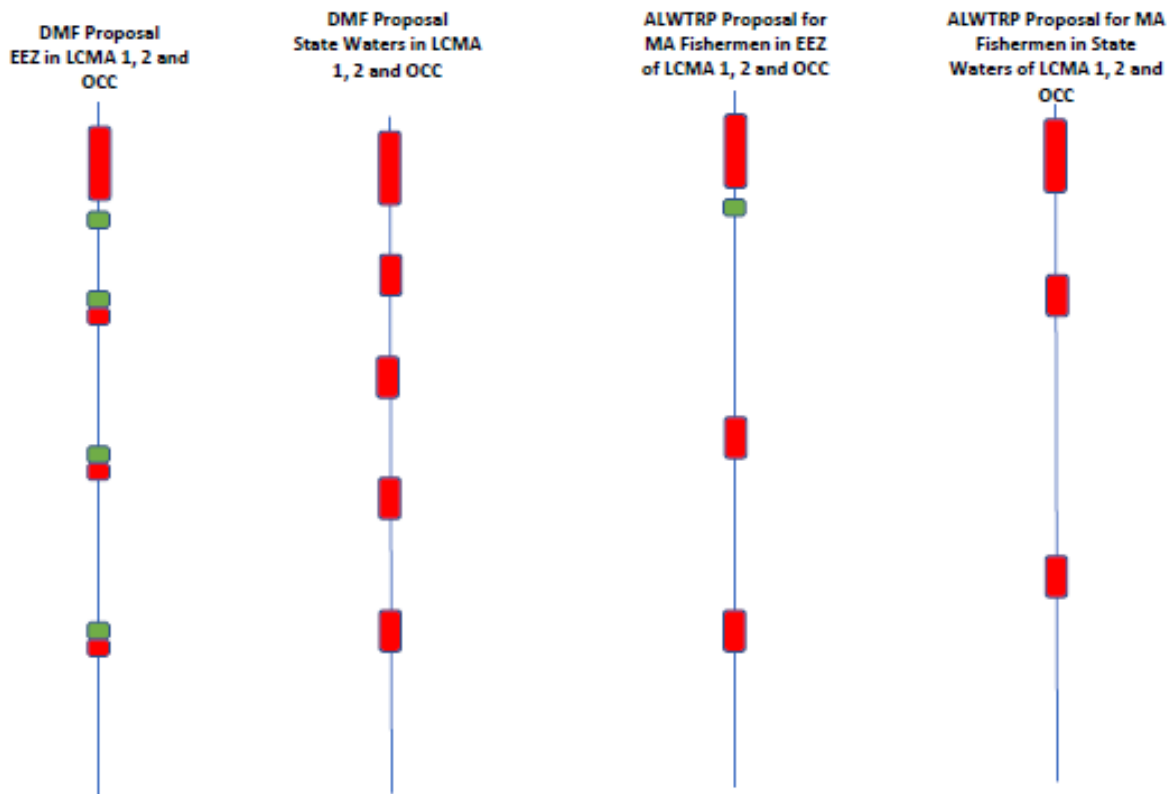
Buoy line marking rules establish a means for obtaining information regarding where entanglements of protected species are occurring. If a buoy line is marked with frequent, jurisdiction-specific markings, then it enhances the likelihood of attributing an entanglement to a specific fishery and region. This information will then inform risk management strategies and potentially allow for more surgical management approaches.

With this in mind, DMF has substantial concerns regarding NOAA’s proposed regulations for LCMA 1, 2, and Outer Cape Cod. Specifically, the proposed federal rules do not sufficiently differentiate gear set in the EEZ from gear set in state waters portions of these LCMAs (Figure 3). Only a green mark in the surface system and an

additional red mark in body of the buoy line differentiate gear fished in the EEZ from state water. Frequently, when a buoy line is disentangled from a large whale (especially a right whale) the full buoy line is not intact and the surface system is missing. Accordingly, under the proposed federal rules, gear coming from the EEZ may be easily misidentified as coming from state waters. This poses a very real and significant risk to our state waters fishery and could jeopardize the state's Incidental Take Permit (if approved).

In response to these concerns, and in consultation with NOAA Fisheries, DMF has proposed several modifications to how Massachusetts fishermen will be required to mark their gear (Figure 4). First, DMF is proposing to require a green mark to accompany all red marks in the body of buoy lines fished federal by Massachusetts fishermen in federal waters. This will distinguish gear in the EEZ from state waters gear. Second, on federal waters gear, the green and red marks in the body of the buoy must be at least 1' each. This differentiates US gear from Canadian gear, which uses 6" markings. Lastly, DMF will require state waters gear be marked with greater frequency (four marks rather than two) and size of the marks (2' rather than 1'). This helps make state waters gear more identifiable allowing to be more readily differentiated from federal waters gear. Increasing the mark size from 1' to 2' feet also addresses potential remnant marking from buoy lines fished on trawls in LCMA 1. Lastly, it helps distinguish our lobster fishery from those in other jurisdictions, which is a component of a successful ITP application.

Figure 4. Comparison of Proposed ALWTRP and State Buoy Line Marking Rules for LCMA 1, 2 and OCC



I strongly believe this is critical to reducing the potential for misattributing gear to the wrong jurisdiction. This is particularly important given the risk this would pose to the Massachusetts state waters lobster fishery. DMF has raised these concerns to NOAA Fisheries in public comment and in informal correspondence. At this time, DMF expects NOAA Fisheries will move forward similar final regulations when the final ALWTRP rules are implemented at the end of May 2021.

Regardless, of where the final ALWTRP rules end up on gear marking, DMF intends to move forward with its proposal unilaterally. If this is adopted unilaterally, DMF has crafted its proposal to allow the more conservative state rules to work cooperatively with the federal rules by having the requirements for gear in the EEZ to be in addition to and not in conflict with the federal proposal.

Incidental Take Permit Application

In April 2020, the US District Court ordered the Commonwealth to seek an Incidental Take Permit (ITP) pursuant to Section 10 of the Endangered Species Act to cover the licensing and regulating of its fixed gear fisheries, as these fisheries deploy vertical buoy lines that may cause entanglements of endangered right whales and sea turtles. This is a lengthy and ongoing process.

In the development of an ITP permit application, the applicant is required to establish a Habitat Conservation Plan (HCP). The HCP details the steps the applicant is taking to minimize and mitigate impacts the permitted activity is having on an endangered species. Currently the MA lobster fishery is classified as part of the Northeast/Mid-Atlantic American Lobster Pot/Trap Fishery on NOAA's List of Fisheries (LOF)¹. This fishery includes the federal waters fishery, as well as all other state water lobster fisheries from New York to Maine. To be successful in our ITP application, DMF must first take steps to distinguish our lobster fishery as being different from the rest of the Northeast Lobster Fishery. This then allows our fishery to be classified as its own separate fishery on NOAA's LOF. Next, DMF must minimize or mitigate for all potential sources of risk to endangered species. For large whales this includes a National Environmental Protection Act ("NEPA") review and the requirement to receive a Negligible Impact Determination. Accordingly, DMF has recently adopted new regulations to allow the state to demonstrate that the state's lobster fishery is different and our management system as providing additional conservation when compared to the fishery in other jurisdictions. This proposal is consistent with this approach and is necessary to develop a successful ITP application.

To potentially obtain an ITP for right whales in 2022, DMF must have our lobster trap fishery listed separately from the Northeast/Mid-Atlantic American Lobster Pot/Trap Fishery on NOAA's 2022 LOF. Accordingly, Massachusetts must continue to approach right whale conservation in a manner that distinguishes its lobster fishery from the broader lobster fishery. NOAA Fisheries typically reviews each fishery in the summer and proposes the following year's LOF in September or October. Accordingly, while these buoy line marking rules will not go into effect until 2022, we are moving to have them promulgated this spring. This will ensure NOAA will be able to consider these new management measures prior to making the 2022 LOF determinations. This timeline further pressures us to act unilaterally, as time does not permit us

¹ <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries>

to react and respond to NOAA's final ALWTRP rule. I cannot wait until June 1 to develop a rule to be implemented on July 1.

Industry Outreach

DMF recognizes that these additional marking requirements pose a challenge to commercial lobster trap fishermen. Accordingly, we are taking several steps to address and alleviate some of these challenges.

First, we are working to get the information out to industry well in advance of the 2022 implementation date. In fact, we publicly aired our strawman proposal prior to this more formal memorandum by presenting it at the March 18 MFAC business meeting and the March 23 question and answer session with commercial trap fishermen. We are hopeful that this provides for an interactive process whereby fishermen can provide us with useful feedback as we move forward this decision point.

Second, we are working to use color of the marks and the size of the marks to our favor. Recall that state waters trap fishermen are now required to fish weak rope and may comply with this by inserting one weak contrivances into their buoy line per every 60 feet of buoy line in the top 75% of the buoy line. Accordingly, fishermen may be able to have certain contrivances (e.g., red rope inserts) serve as both their weak contrivance and their gear marking modification.

Lastly, fishermen who fish in both state and federal waters may be challenged to comply with this requirement and it may force them to fish different sets of ropes when they move gear from state waters to federal waters and vice versa. This may ultimately be an inevitable inconvenience. However, staff will work with lobstermen this summer to determine if there are solutions that may allow them to place removable green markers (e.g., weave-able strands) on their buoy lines when they move gear into federal waters.

Attachments

Draft strikethrough regulations

4.13: Trap Gear Marking and Maximum Trawl Length

(1) Definitions.

Boston Harbor and its Approaches means those waters under the jurisdiction of the Commonwealth circumscribed by an imaginary line beginning at Point Allerton in Hull; thence in an easterly direction to the #1 buoy at Thieves Ledge; thence in a northerly direction to the BG buoy; thence in a westerly direction to Grovers Cliff in Winthrop.

Buoy Line means the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps on a trap trawl and extends no more than 12' from the first trap on the trawl.

Black Sea Bass Pot means any trap that has six sides and at least two unobstructed escape vents or openings in the parlor that are at least two and one-half inch in diameter, two inches square or one inch by five inches, and is set on the bottom of the ocean and designed to capture black sea bass.

Conch Pot means any trap without side heads or horizontal laths that is set on the bottom of the ocean and designed to capture whelks.

East End means that part of the trawl extending from 01° through 180° magnetic.

Fish Pot means inclusively any black sea bass pot or scup pot.

Groundline means lines connecting traps on a trap trawl.

Homeport means the location assigned as vessel's home on its commercial American Lobster Permit issued by NOAA Fisheries, or if a federal commercial American Lobster Permit is not held, then the Homeport shall mean the location assigned as the vessel's home on its Coastal Lobster Permit issued by the Division of Marine Fisheries pursuant to 322 CMR 7.01(2).

Parlor means that compartment of a pot that does not contain bait.

Recreational Fishing means the non-commercial taking or attempted taking of lobsters and crabs for personal or family use, sport or pleasure, which are not to be sold, traded or bartered.

Registered Under the Laws of the Commonwealth means any individual or vessel which is licensed by the Division of Marine Fisheries as evidenced by the issuance and possession of a valid commercial Offshore Lobster Permit or Coastal Lobster Permit, issued pursuant to 322 CMR 7.01(2), which may be in addition to any federal registration of the vessel.

Scup Pot means any trap that has six sides and at least two unobstructed escape vents or openings in the parlor that are at least three and one-tenth inch in diameter or two and one-quarter inch square that is set on the bottom of the ocean and designed to catch scup.

Single means individually set and buoyed traps.

Trap means any lobster trap, modified lobster trap, fish pot, conch pot or any other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks lobsters or crabs.

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

West End means that part of a trawl extending from 181° through 00° magnetic.

Vessel means any waterborn craft.

(2) Traps. The following requirements apply to marking of traps set within the waters under the jurisdiction of the Commonwealth.

(a) Buoy and Trap Marking.

1. All buoys set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80, and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with the permit number assigned by the Director.
2. All traps or cars set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80, and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with trap tags in accordance with 322 CMR 6.31: *Trap Tags*.
3. All buoys set by non-commercial lobster and crab trap fishermen, permitted in accordance with M.G.L. c. 130, §§ 37 and 38, and 322 CMR 7.01(4): *Special Permits*, shall be marked with the letter "N" prior to the permit number assigned by the Director then a dash (-) with a single digit from 0 - 9 shall follow the permit number indicating the sequential trap number in the series up to ten traps. Said alpha numerical sequence shall be permanently secured to the inside of the trap through the use of a synthetic plate or by being burned or cut into a wooden lath.
4. The buoy markings required in 322 CMR 4.13(4) shall not be less than one inch in height nor less than ½ inch in thickness or width of line.

(b) Buoy Line Marking Requirements.

1. Single Traps in LCMA1. The buoy line on single traps fished or authorized to fish in LCMA 1, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of white. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
2. Single Traps in LCMA2. The buoy line on single traps fished or authorized to fish in LCMA 2, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of black. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
3. Single Traps in Outer Cape Cod LCMA. The buoy line on single traps fished or authorized to fish in Outer Cape Cod LCMA, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of yellow. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
4. Trawls in LCMA1, LCMA2 and Outer Cape Cod LCMA. The buoy line on trawls fished or authorized to fish in LCMA 1, LCMA 2 or the Outer Cape Cod LCMA, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three red marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
5. Trawls in LCMA 3. The buoy line on trawls fished or authorized to fish in LCMA 3, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three black marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line. **This requirement shall expire on February 1, 2022.**
6. Non-commercial Lobster and Crab Traps. The buoy line on traps fished or authorized to be fished by recreational lobster and crab fishermen, permitted in accordance with 322 CMR 7.01(4): *Special*

Permits shall be marked with a red mark midway on the buoy line of at least four inches.

7. Exception to Buoy Line Marking Requirements. For the buoy line marking requirements at 322 CMR 4.13(2)(b)(1)-(6), if ~~if~~ the color of the buoy line is the same as or similar to the buoy line marking requirement color code, a similar sized white mark may be substituted for that color code at the appropriate location(s) on the buoy line.

8. New Buoy Line Marking Requirements for the Commercial Lobster and Crab Trap Fisheries in 2022. Effective February 1, 2022 the following buoy line marking requirements shall apply to lobster trap and crab trap gear:

a. Commercial Lobster Gear Seaward of the Waters Under the Jurisdiction of the Commonwealth LCMA1, LCMA2, and Outer Cape Cod LCMA. Any vessel

registered under the laws of the Commonwealth with a Homeport in Massachusetts fishing commercial lobster trap gear seaward of the waters under the jurisdiction of the Commonwealth, within LCMA1, LCMA2 and the Outer Cape Cod LCMA, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color coded marks in the following configuration:

- i. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.
- ii. No more than one foot below the three foot solid red mark, which occurs in the first 12 feet of the buoy line extending through the water column from the buoy to the trap, there shall be one solid green mark that is at least one foot in length .
- iii. After the first 12 feet of the buoy line, there shall be at least one mark in each third of the remaining buoy line extending down to the trap. Each mark shall be at least two feet long and comprised of a solid or non-solid red mark measuring at least one foot in length and a solid or non-solid green mark measuring at least one foot in length.
- iv. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

b. Commercial Lobster and Crab Trap Gear in the Waters Under the Jurisdiction of the Commonwealth within LCMA1, LCMA2, and Outer Cape Cod LCMA. Commercial fishermen who hold a Coastal Lobster Permit, issued pursuant to 322 CMR 7.01(2), and are fishing lobster and crab trap gear in the waters under the jurisdiction of the Commonwealth within LCMA1, LCMA2, and the Outer Cape Cod LCMA, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color coded marks in the following configuration:

- i. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.
- ii. After the first 12 feet of the buoy line, there shall be at least four two foot solid or non-solid red marks in the remaining buoy line extending down to the trap with two of the red marks occurring in the top 50% of the buoy line and the other two red marks occurring in the bottom 50% of the buoy line.
- iii. There shall be no length of buoy line greater than 60 feet without a red mark.
- iv. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

c. Commercial Lobster Trap Gear in within LCMA3. Any vessel registered under the laws of the state and with a Homeport in Massachusetts fishing lobster trap gear in in LCMA3, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color-coded marks in the following configuration:

- i. There shall be one solid black mark that is at least three feet in length within the first

- 12 feet of the buoy line extending through the water column from the buoy to the trap.
- ii. No more than one foot below the three foot solid black mark, which occurs in the first 12 feet of the buoy line extending through the water column from the buoy to the trap, there shall be one solid green mark that is at least one foot in length.
- ii. After the first 12 feet of the buoy line, there shall be at least one solid or non-solid black that is at least one foot long in each third of the remaining buoy line extending down to the trap.

(c) Surface Identification of Traps.

1. Single Traps. Single traps shall each be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches. Sticks are optional, but if used, shall not have a flag attached.
2. Trawls. The east end of a trawl shall be marked with a double buoy, consisting of any combination of two buoys measuring at least seven inches by seven inches or five inches by 11 inches and one or more three foot sticks. The west end of a trawl shall be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches buoy with a three foot stick and a flag.
3. Exemption for Boston Harbor and its Approaches. It shall be lawful to fish with trawls marked on one end with a plastic bottle attached by at least ten feet of $\frac{1}{2}$ inch cotton line or similar light material, provided that said substitute buoy shall be painted with the buoy colors and permit number of the owner. A single seven inches by seven inches or five inches by 11 inches shall mark the other end of the trawl. Sticks need not be used.

- (d) Trawl Maximum Length. The total length of trawls set in waters under the jurisdiction of the Commonwealth shall not exceed 2,500 feet from end to end.

12.02: Definitions

For the purposes of 322 CMR 12.00 the following terms shall have the following meanings:

1,700 pound buoy line means any buoy line with a breaking strength of 1,700 pounds or less or any buoy line that is rigged with no less than one 1,700 contrivance per every 60 feet of buoy line in the top 75% of the buoy line. Only contrivances be approved by NOAA Fisheries pursuant to the Atlantic Large Whale Take Reduction Plan shall be lawful.

Abandon means to leave any fixed gear in the waters for a period of at least 30-days without hauling the gear or to leave any fixed gear in any fixed gear seasonal closure.

Bottom or Sink Gillnet means a gillnet, anchored or otherwise, that is designed to be, capable of being, or is fished on or near the bottom in the lower third of the water column.

Buoy Line means the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps in a trawl and extends no more than 12' from the first trap in the trawl.

Buffer Zone means an area outward from a right whale a distance of 500 yards in all directions.

Cape Cod Bay Vessel Speed Restriction Area. The Cape Cod Bay Vessel Speed Restriction Area shall consist of all waters of Cape Cod Bay south of 42° 08' north latitude and those waters north and east of Cape Cod west of 70° 10' west longitude.

Commercial Fisherman means any person who may set gear or catch, possess or land fish for the purpose of sale, barter, or exchange or keeps for personal use any fish taken under the authority of a commercial fisherman permit issued in accordance with M.G.L. c. 130, §§ 2, 37, 38 or 80, and 322 CMR 7.01(2).

Double means two traps connected together by a groundline with a single vertical line buoy attached.

Fixed Fishing Gear means any bottom or sink gillnets or traps that are set on the ocean bottom or in the water column and are usually connected to lines that extend to the water's surface.

Gillnet means anchored, or surface or drifting vertical walls of webbing, buoyed on top and weighted at the bottom, designed to capture fish by entanglement, gilling, or wedging.

Groundlines means the lines connecting traps on a trap trawl and lines connecting gillnets to anchors.

Harass means to approach, pursue, chase, follow, interfere with, observe, threaten, harm in any fashion, turn in any manner to intercept or attempt to engage in any such conduct.

Massachusetts Restricted Area means those waters described in the federal Atlantic Large Whale Take Reduction Plan and bounded by the following coordinates: beginning at the shoreline at 42° 12' N latitude; thence heading due east to where 42° 12' N latitude intersects with 70° 30' W longitude; thence due north to where 70° 30' W longitude intersects with 42° 30' N latitude; thence due east to where 42° 30' N latitude intersects with 69° 45' W longitude; thence due south to where 69° 45' W longitude intersects with 41° 56.5' N latitude; thence in a straight line in a southeasterly direction to where it intersects with 41° 21.5' N latitude and 69° 16' W longitude; thence in a straight line in a west southwesterly direction to where it intersects with 41° 15.3' N latitude and 69° 57.9' W longitude at the shoreline of Nantucket; thence following the eastern shoreline of Nantucket to where it intersects with 70° 00' W longitude; thence due north to where 70° 00' W longitude intersects with the shoreline of Cape Cod at 41° 40.2' N latitude; thence following the shore line of Cape Cod back to the original point.

Negatively Buoyant Line means line that has a specific gravity equal to or greater than that of seawater, 1.03, and does not float up in the water column.

Positively Buoyant Line means line that has a specific gravity less than that of seawater, 1.03, and floats up in the water column.

Recreational Fisherman means any person permitted in accordance with G.L. c. 130, § 38 and 322 CMR 7.01(4)(b) to catch, possess and land lobster or crabs for family use, sport, or pleasure, which are not to be sold, traded, or bartered.

Right Whale means that species of marine mammal known as *Eubalaena (Balaena) glacialis*.

Single Trap means individual set and buoyed traps.

To Abandon or To Store means to leave fixed gear in the water without hauling it at least every 30 days or in prohibited areas during prohibited periods.

To Fish means to use, set, maintain, leave in the water or haul gillnets or traps to harvest, catch, or take any species of fish or lobster.

Trap means any lobster trap, modified lobster trap, fish pot, fish trap, conch pot, or other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks, lobsters or crabs.

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

Vessel means any waterborn craft.

Weak Link means a breakable section or device that will part when subjected to specified poundage of pull pressure and after parting, will result in a knot-less end, no thicker than the diameter of the line, the so-called "bitter end" to prevent lodging in whale baleen. Lawful weak links are those devices approved by the National Marine Fisheries Service pursuant to the Atlantic Large Whale Take Reduction Plan and published in the Atlantic Large Whale Take Reduction Plan's Supplemental Gear Guide.

NOAA Buoy Line Marking Proposal

TABLE 4—PROPOSED REGULATORY CHANGES TO GEAR MARKING ON NORTHEAST CRAB AND LOBSTER TRAP/POT BUOY LINES

Area	Proposed gear marking measure
Entire Northeast Management Area (see figure 1) except Maine exemption area.	3-ft long state-specific mark (see color below) within 2 fathoms of the buoy. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark.
Maine Exemption Area	3-ft long mark within 2 fathoms of the buoy. One or two additional 1-ft marks (depth dependent) through state regulation only.
Maine Non-Exempt	Purple. Three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green buoy line mark within 2 fathoms of buoy.
New Hampshire	Yellow. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters, three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Massachusetts	Red. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Rhode Island	Silver/Gray. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks at top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
LMA 3	Retain Black. In Federal waters add a 3-ft long mark within 2 fathoms of the buoy, and an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.



NOAA Buoy Line Marking Proposal

DMF's Comments and Concerns

- Draft Biop indicates federal Incidental Take Statement applies only to fisheries under NOAA's jurisdiction.
- Critical for every single right whale take be attributed to the jurisdiction that authorized the activity.
- Entanglements usually only involve a segment of the buoy line and surface system is not present.
- NOAA does not adequately differentiate between gear fished in MA state waters and federal waters.
- State waters fishery highly vulnerable if misidentification were to occur.

ALWTRP Proposal for
MA Fishermen in EEZ
of LCMA 1, 2 and OCC



ALWTRP Proposal for MA
Fishermen in State
Waters of LCMA 1, 2 and
OCC



DMF Proposal

State Waters (LCMA 1, 2 and OCC):

- One 3' solid red mark in surface system (first 12' from buoy)
- At least four 2' solid or non-solid red marks in body of buoy line.
- Two marks to occur in top half and two in bottom half.
- No more than 60' between red marks.

Federal Waters (LCMA 1, 2 and OCC)

- One 3' solid red mark followed by a 1' solid green mark surface system (first 12' from buoy).
- At least three 2' solid or non-solid marks in body of buoy line.
- Marks are to be comprised of a 1' red mark and 1' green mark.
- Marks to occur in top third, middle third, and bottom third

Federal Waters (LCMA 1, 2 and OCC)

- One 3' solid black mark followed by a 1' solid green mark in surface system (first 12' from buoy).
- At least three 2' solid or non-solid black marks in body of buoy line.
- Marks to occur in top third, middle third, and bottom third.

DMF Proposal
EEZ in LCMA 1, 2 and
Outer Cape Cod



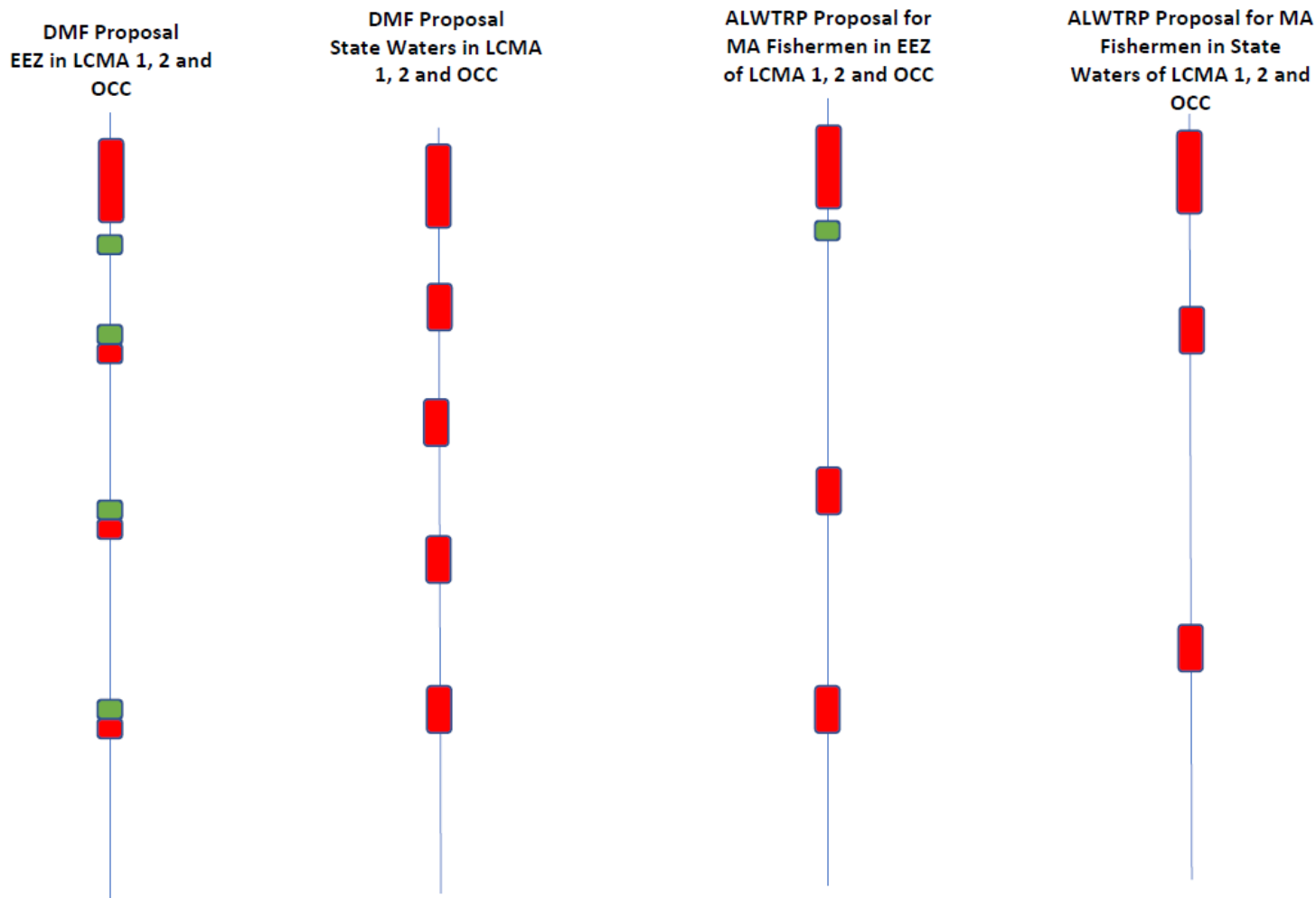
DMF Proposal
State Waters in LCMA
1, 2 and Outer Cape
Cod



DMF Proposal
EEZ in LCMA 3



Proposal Comparison



Rule Making Process

Timeline for Rule Making

- April 16, 2021: Announce public hearing and comment period
- May 11, 2021: Hold virtual public hearing
- May 14, 2021: Conclude public comment period
- May 20, 2021: Provide recommendation to MFAC
- May 27, 2021: MFAC vote on recommendation
- June 25, 2021: File final regulations
- February 1, 2022: Effective date

Rationale

- US District Court ordered DMF to obtain an Incidental Take Permit for its fixed gear fisheries to cover potential takes of right whales and sea turtles.
- MA lobster fishery currently classified as part of Northeast/Mid-Atlantic American Lobster Pot/Trap Fishery on NOAA's List of Fisheries (LOF). This includes federal waters fishery and state fisheries from NY to ME.
- For ITP application to be successful:
 - DMF must distinguish our fishery from the Northeast/Mid-Atlantic American Lobster Pot/Trap Fishery.
 - DMF must minimize and mitigate for all potential sources of risk to endangered species.
- Adopting state specific regulations that provide additional conservation to endangered species when compared to other jurisdictions help achieve both requirements.
- DMF may then apply to NOAA to have state fishery listed classified separately on LOF.
- NOAA reviews LOF annually and proposes LOF for following year in September or October.
- Enacting these gear marking rules now for 2022 allows NOAA to consider them in 2022 LOF.
- Paves way for DMF to apply for a ITP for right whales in 2022.



Weak Rope Roll Out

- With Funds from an ASMFC grant and directly from Governor Baker DMF purchased 2,500 coils of weak rope and 7,000 South Shore Sleeves
 - Goal is to provide every MA pot/trap fishermen with 2 coils of rope and up to 20 sleeves
 - DMF anticipates that this should provide enough material for every fishermen to rig all of their gear with weak contrivances
- DMF hosting rope distribution events through out the state



DMF Weak Rope Distribution

- Distributed 720 coils of rope and 7,200 sleeves to 360 fishermen

- Completed events

- Rockport – 1
- Gloucester – 2
- Scituate – 1
- Plymouth – 1
- Sandwich – 1
- New Bedford – 1
- Chatham – 1
- Provincetown – 1
- Martha's Vineyard - 1

- Upcoming Events

- Gloucester



For more information....

- Go to the DMF Buoyline Trap Gear Modifications webpage;
https://www.mass.gov/service-details/buoyline-trap-gear-modifications?utm_medium=email&utm_source=govdelivery
- If interested in signing up for a rope distribution event please contact us at; conservationsolutions@mass.gov
- If you have additional ideas for weak contrivances, please contact Justin Wilson – justin.wilson@mass.gov
 - Contrivances need to be safe, identifiable, repeatable, and enforceable
 - If they meet these criteria we will work with you to have them tested



MA Ocean Acidification Commission Update

Marine Fisheries Advisory Council Meeting

April 15, 2021

Mark Rousseau
MA Division of Marine Fisheries
Fisheries Habitat Program
978-835-2277
Mark.rousseau@mass.gov

- What is OA
- The OA Commission
- The OA Commission Report
 - Legislation on file
 - Questions

Ocean Acidification Commission

Chapter 209

AN ACT PROMOTING CLIMATE CHANGE ADAPTATION,
ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION, AND
INVESTMENT IN RECREATIONAL ASSETS AND OPPORTUNITY.

SECTION 97. (a) There shall be a special legislative commission,
..., to make an investigation and study relative to ocean
acidification.

August 2018

Commission Members

Cape and Islands
2nd Essex
Plymouth & Norfolk

Barnstable, Dukes & Nantucket
4th Barnstable
1st Plymouth

DMF staff person
DEP staff person
Office of Coastal Zone Management

The Nature Conservancy
North and South Rivers
Watershed Association

Cottage City Oysters
Massachusetts Lobstermen's Association
Commercial Fisherman
with Shellfish Aquaculture License

Marine Biological Laboratory
WHOI
New England Aquarium

Sen. Julian Cyr
Sen. Joan Lovely
Sen. Patrick O'Connor

Rep. Dylan Fernandes
Rep. Sarah Peake
Rep. Mathew Muratore

Mark Rousseau
Stephanie Moura
Lisa Berry-Engler

Stephen Kirk

Sara Grady

Dan Martino
Beth Casoni

VACANT

Anne Giblin
Emiley Lockhart
Kelly Kryc

What is Ocean Acidification?

Ocean acidification is the decrease in the pH of the Earth's oceans, caused by the uptake of carbon dioxide from the atmosphere.

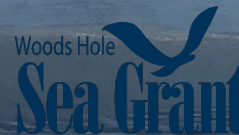
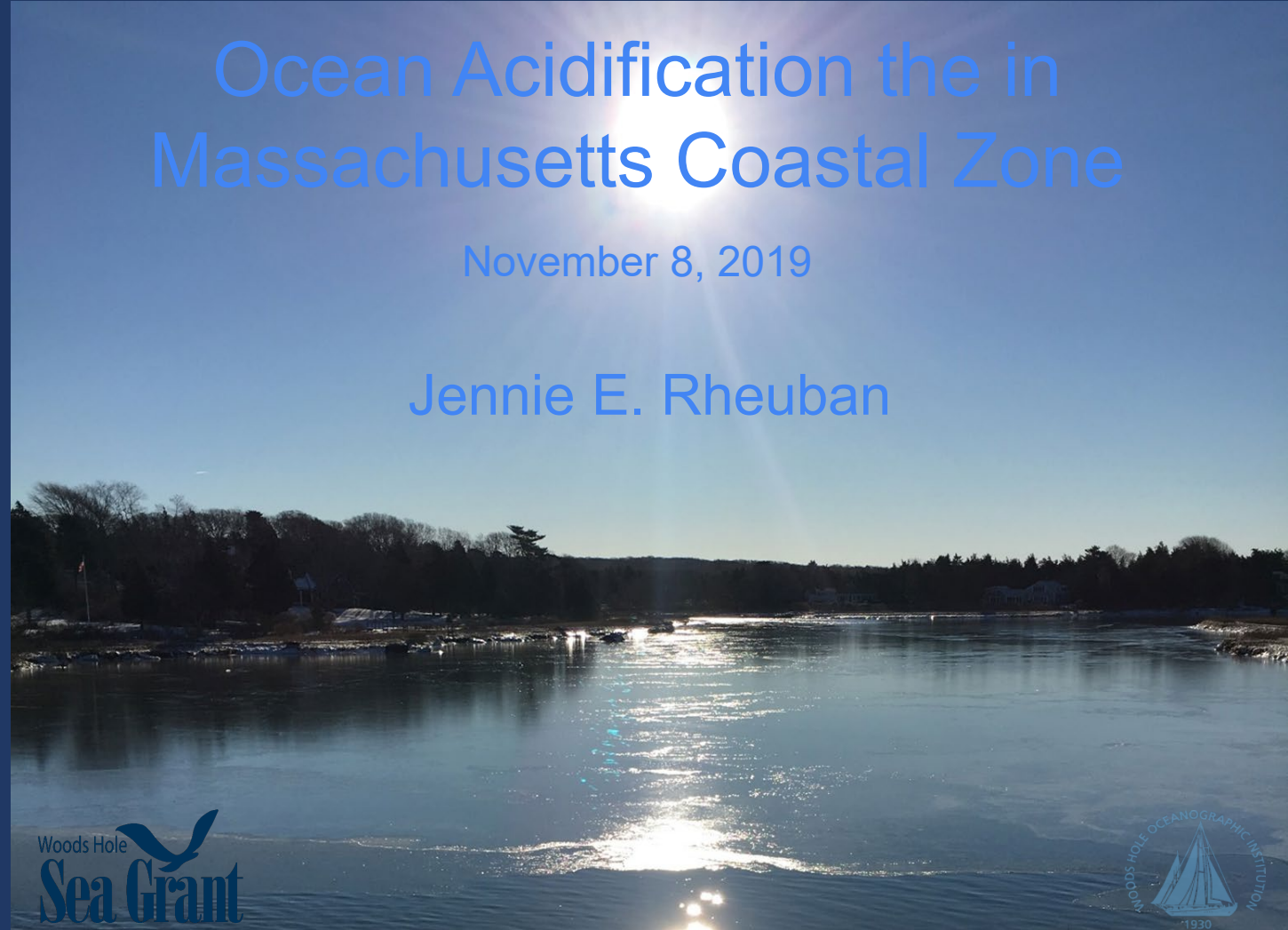
The main drivers of ocean acidification are anthropogenic emissions of CO₂ (fossil fuels) and nutrient pollution leading to the eutrophication of coastal waters.

Potential adaptation and mitigation strategies could include reducing nutrient pollution, buffering seawater for hatcheries, and eelgrass restoration or kelp aquaculture to enhance localized CO₂ uptake.

Ocean Acidification the in Massachusetts Coastal Zone

November 8, 2019

Jennie E. Rheuban



Ocean Acidification Commission Timeline

11/08/2019	First Commission meeting - MBL Woods Hole
02/07/2020	Second Commission meeting - Salem State University
04/10/2020	Mid- Cape meeting postponed (COVID)
06/05/2020	“Refocus meeting” - goal of report with recommendations by September. Commissioners divided into 4 working groups
Jul – Sep	Working Group Meetings (10)
09/18/2020	Virtual Commission Meeting
11/10/2020	Shellfish and Marine Industry Public Hearing
01/07/2021	OA Plan Public Hearing
02/09/2021	Press Release – Report Publication

Scientific Literature Review
Shellfish and Marine Industries
Monitoring and Barrier Beaches
Policy and Outreach



FEBRUARY 9, 2021

REPORT ON THE OCEAN ACIDIFICATION CRISIS IN MASSACHUSETTS

Massachusetts Ocean Acidification Report - <https://drive.google.com/file/d/1Pcx8r-rSu8T4mf-FBHLRQH48KdGXP1uj/view>

AS ATMOSPHERIC CO₂ INCREASES, THE WORLD'S OCEANS BECOME MORE ACIDIC

- ▶ The world's oceans have absorbed as much as 30% of the carbon dioxide (CO₂) generated by human activity.
- ▶ As dissolved CO₂ increases, oceans become more acidic (pH decreases). Concentrations of carbonate ions (CO₃²⁻), which are needed to form shells, also decrease.
- ▶ Increased acidity results from increased concentrations of hydrogen ions. **Without intervention, average concentrations of hydrogen ions in the world's oceans could increase by 114% by the year 2100⁽¹⁾.**
- ▶ The ocean's capacity to buffer CO₂ could decrease by 34% by 2100⁽¹⁾.

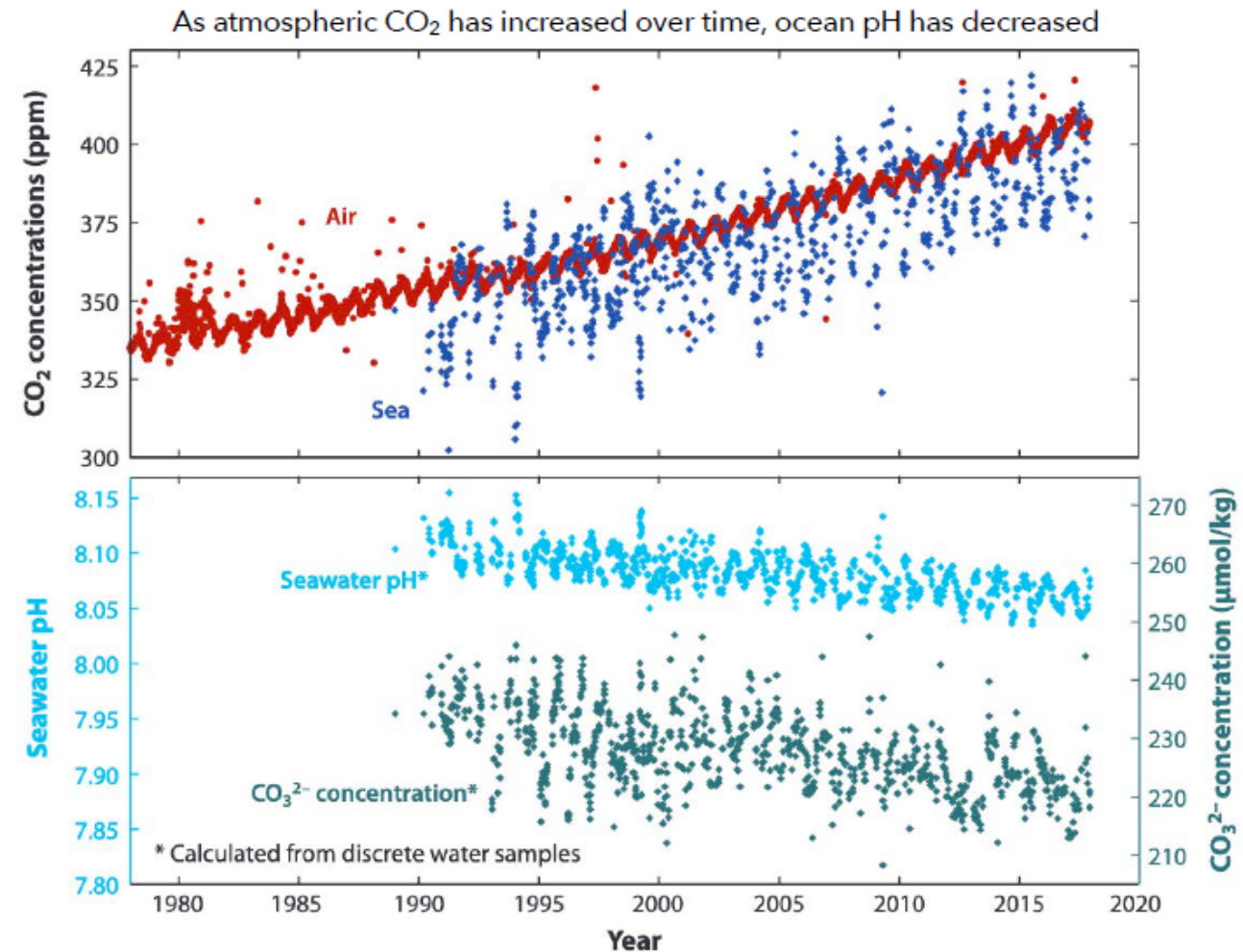


Figure adapted from Doney et al., 2020. Data collected from the Hawaii Ocean Time Series Program.

¹ Jiang et al., 2019. Surface ocean pH and buffer capacity: past, present, and future.

OCEAN pH FLUCTUATES NATURALLY OVER THE COURSE OF THE YEAR

- ▶ New England's coastal waters are generally more acidic than waters further south, due to having a lower average temperature.
- ▶ Anthropogenic carbon emissions cause the ocean to become more acidic on average, while seasonal pH changes exacerbate this global trend.
- ▶ **As the average pH of the ocean decreases, some marine species may be unable to adapt to new oceanographic conditions.**

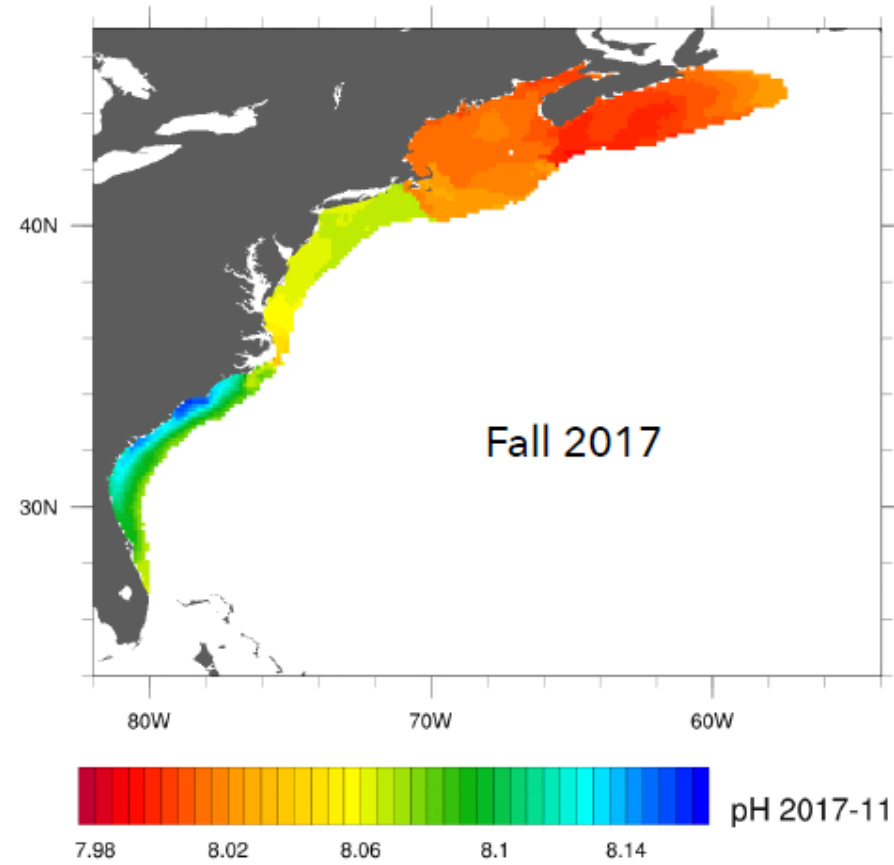
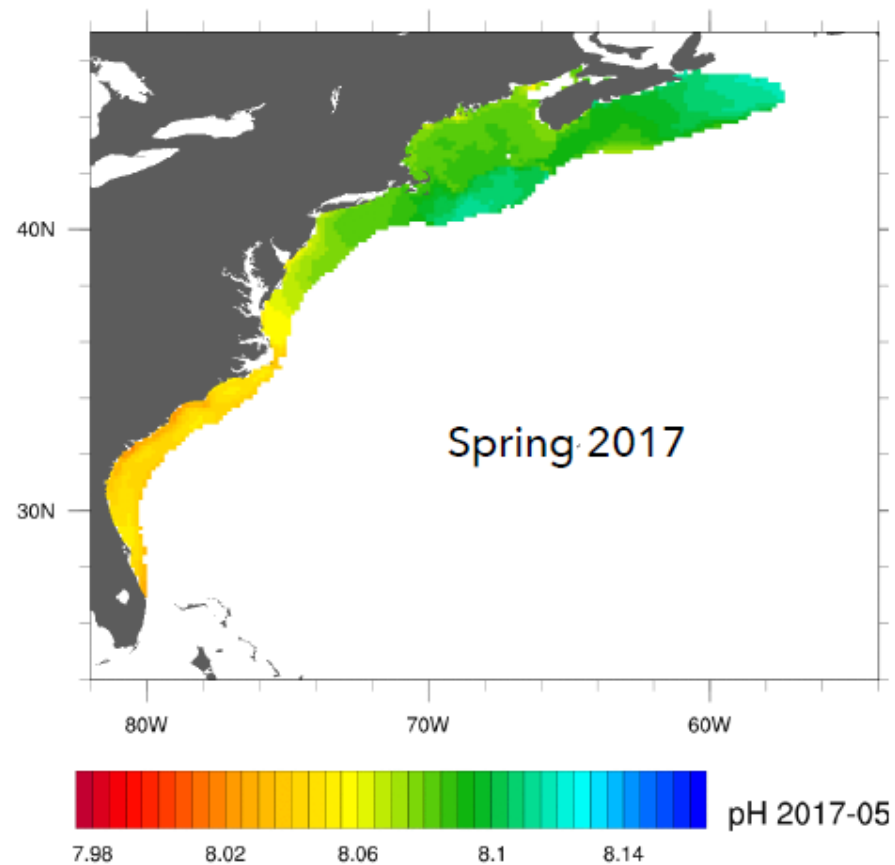
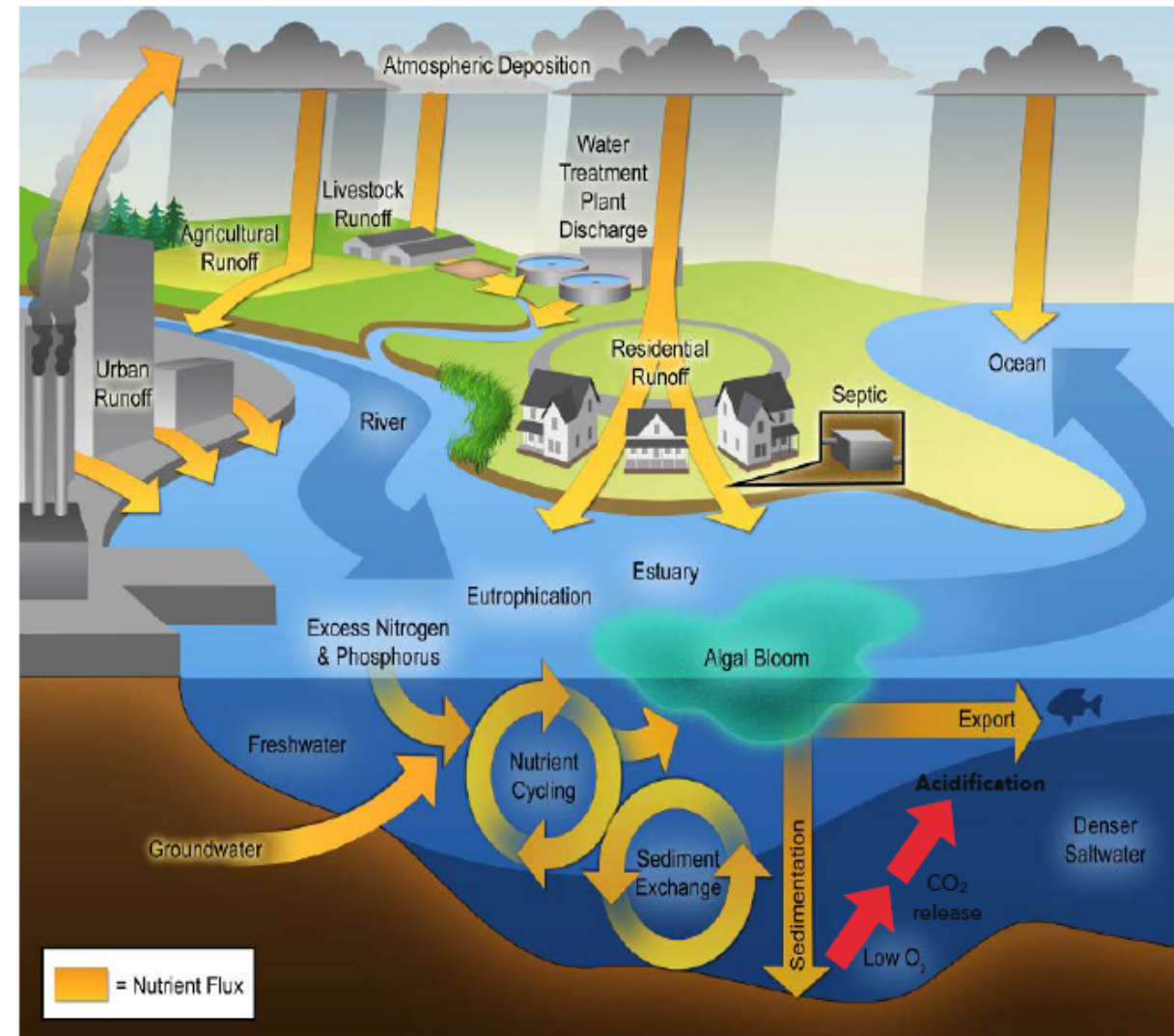


Figure adapted from https://www.coral.noaa.gov/images/research/pH_2017_East_Coast_full.d.g

¹ Intergovernmental Panel on Climate Change: 2013 Report




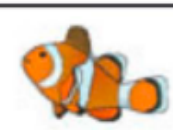



NUTRIENT POLLUTION CAN LEAD TO LOCAL EUTROPHICATION AND ACIDIFICATION

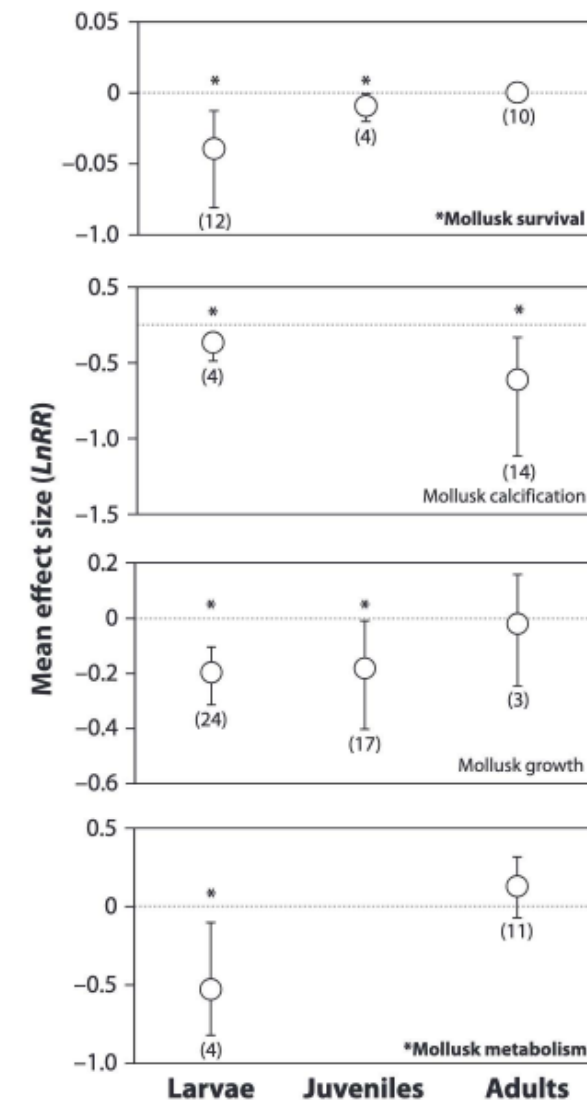
- ▶ Nutrient pollution can lead to excessive growth among marine plants and algae, a process known as eutrophication.
- ▶ This rapid increase in growth leads to an acute depletion of oxygen (hypoxia) that can suffocate marine organisms in the surrounding area.
- ▶ **Marine organisms release carbon dioxide when they decompose, leading to a sharp increase in ocean acidification at the site of the eutrophication event. Respiration also contributes to the increase in CO_2 .**
- ▶ **Compounds containing nitrogen and phosphorus are specific drivers of eutrophication.** Iron is also an essential nutrient in the process.



MOLLUSKS ARE PARTICULARLY VULNERABLE TO OCEAN ACIDIFICATION

- ▶ **Mollusks such as the eastern oyster, sea scallop, and Atlantic surf clam are extremely vulnerable to ocean acidification.**
- ▶ Acidification can reduce mollusk survival rates by 34%. Surviving mollusks can be 17% smaller.
- ▶ Adult mollusks experience reduced calcification under acidic conditions, but are generally less susceptible to acidification than larvae.
- ▶ Some species, including certain fleshy algae and diatoms, may thrive under more acidic conditions. Understanding which Massachusetts species are more or less susceptible to acidification, and why, is an important focus for future research.

Taxa	Response	Mean Effect
 Mollusks	Survival	-34%
	Calcification	-40%
	Growth	-17%
	Development	-25%
	Abundance	
 Echinoderms	Survival	
	Calcification	
	Growth	-10%
	Development	-11%
	Abundance	
 Crustaceans	Survival	
	Calcification	
	Growth	
	Development	
	Abundance	
 Fish	Survival	
	Calcification	
	Growth	
	Development	
	Abundance	
 Fleshy algae	Survival	
	Calcification	
	Growth	+22%
	Photosynthesis	
	Abundance	
 Seagrasses	Survival	
	Calcification	
	Growth	
	Photosynthesis	
	Abundance	
 Diatoms	Survival	
	Calcification	
	Growth	+17%
	Photosynthesis	+12%
	Abundance	



THE MASSACHUSETTS FISHING ECONOMY IS IMPORTANT TO COASTAL COMMUNITIES

▶ The “living resources” sector of the Massachusetts marine economy, which includes fisheries as well as seafood processors and vendors, is more valuable in Massachusetts than in geographically similar states.

▶ **This sector generates more than \$600 million Gross State Product (GSP),** compared to \$200 million in Maine and less than \$100 million in either Connecticut, New Hampshire, or Rhode Island.

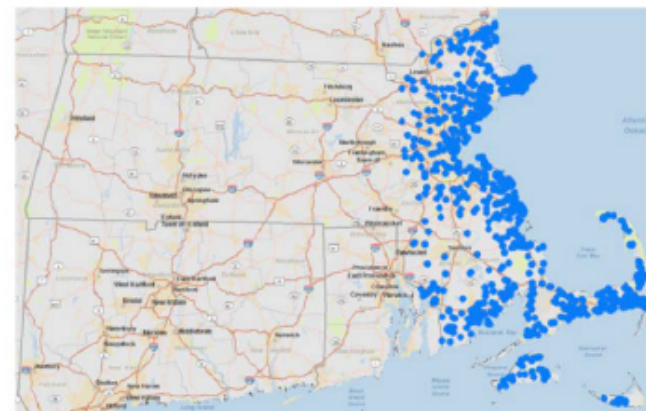
▶ **This sector employs more than 5700 individuals across more than 500 establishments and generates over \$300 million in annual wages.**

Figure 11
Establishments, Employment, Total Wages, and GSP



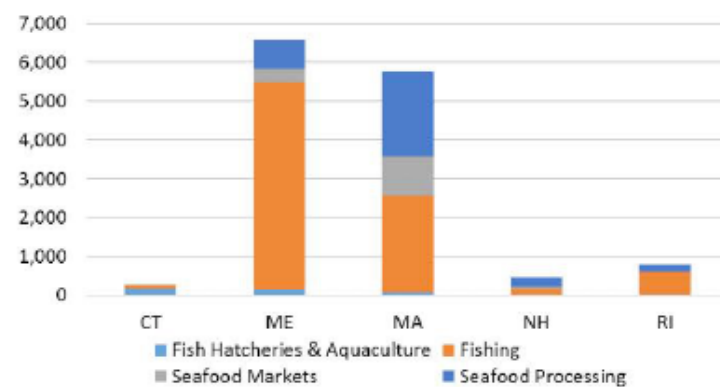
Source: ENOW; NOEP; Authors' calculations.

Figure 13
Massachusetts' Living Resources Businesses ⁴³



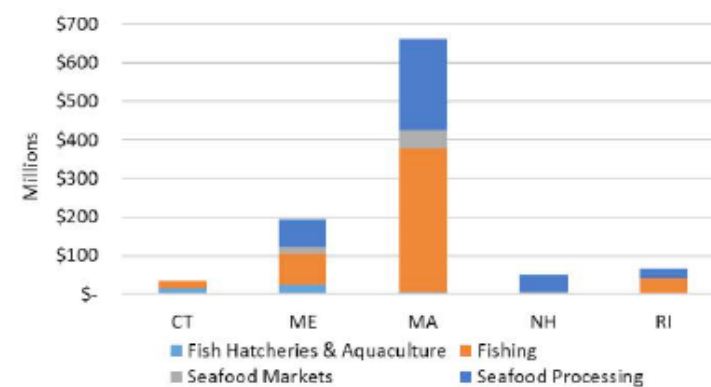
Source: Public Policy Center.

Figure 18
Subsector Employment by State, Living Resources, 2013



Source: ENOW; NOEP; Authors' calculations.

Figure 19
Subsector GSP by State, Living Resources, 2013



Source: ENOW; NOEP; Authors' calculations.

MASSACHUSETTS CONTAINS SOME OF THE MOST ACIDIFICATION-VULNERABLE COMMUNITIES IN THE UNITED STATES

- ▶ **The dependence of the Massachusetts marine economy on shellfish makes it particularly vulnerable to the effects of ocean acidification**, according to a study that examined the relative vulnerability of coastal communities across the United States⁽¹⁾.
- ▶ This study based the relative "sensitivity" of communities on several factors, including landed value of mollusks, percentage of total fishery revenues derived from mollusks, and number of shellfishing licenses administered.

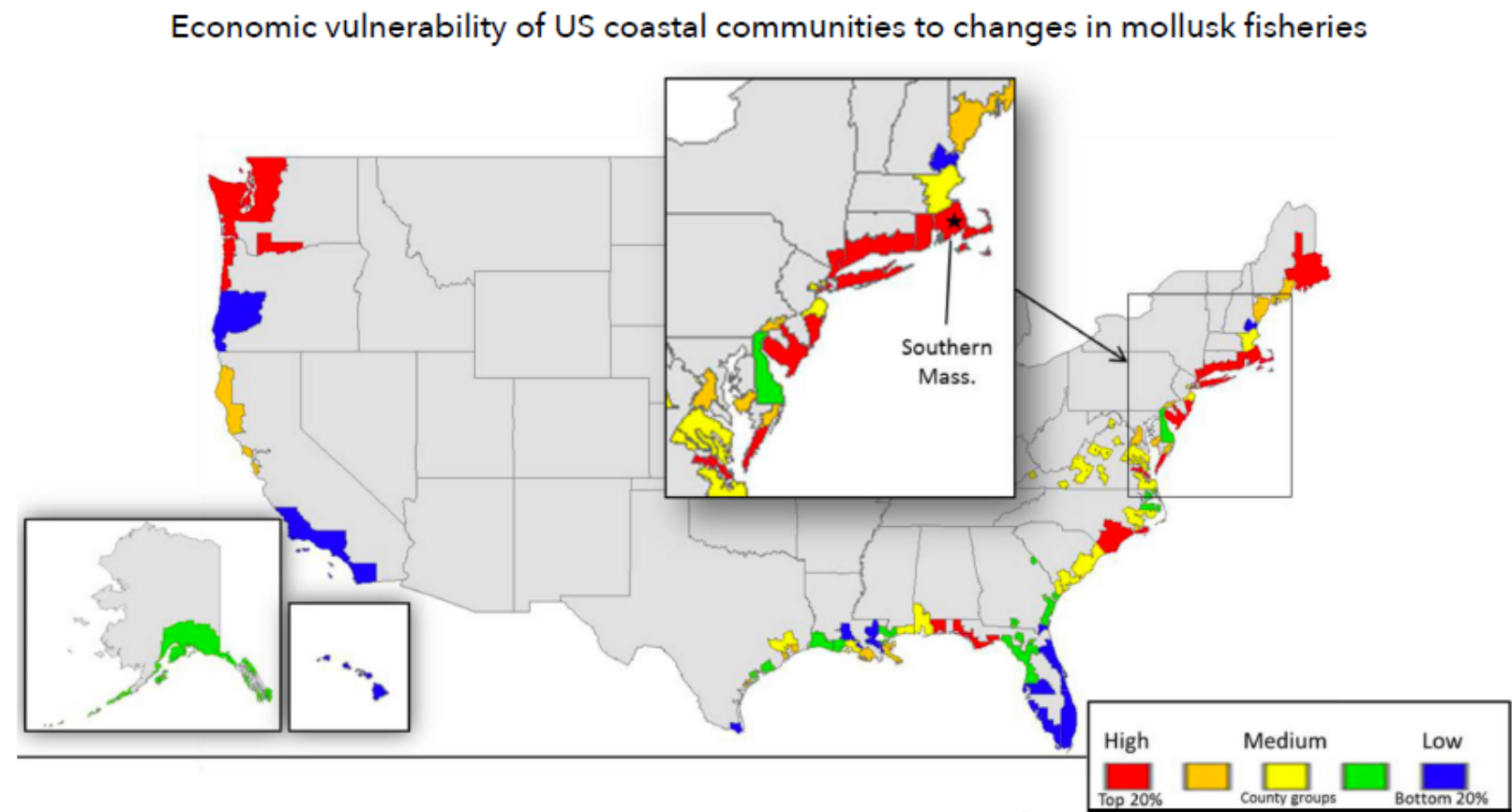


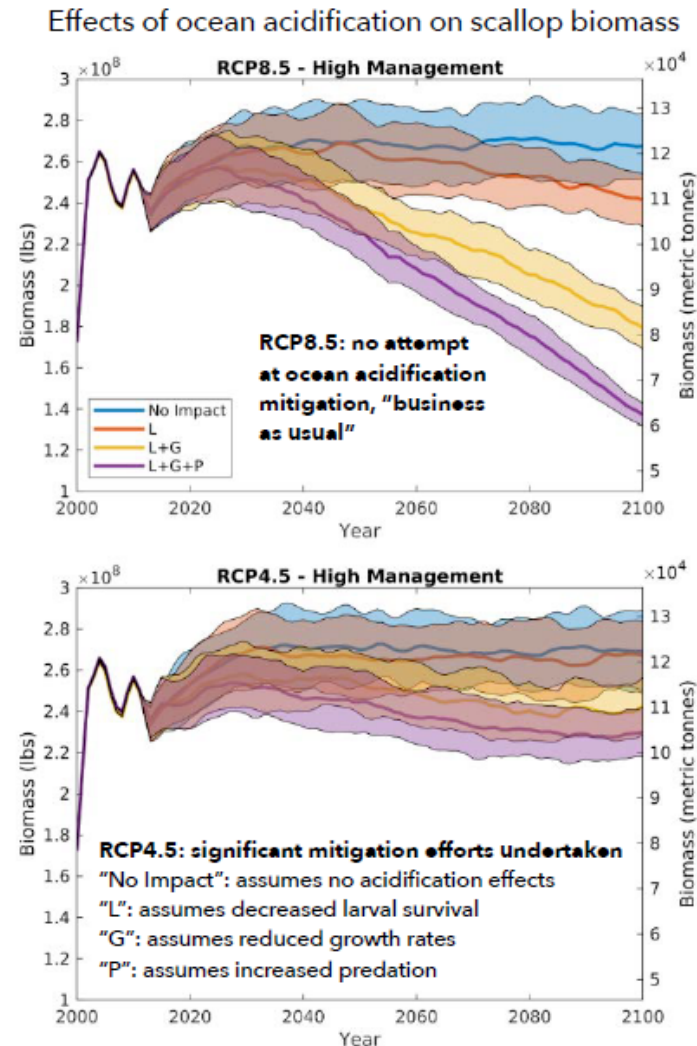
Figure from Ekstrom et al., 2015. *Vulnerability and adaptation of US shellfisheries to ocean acidification*

¹ Ekstrom et al., 2015. *Vulnerability and adaptation of US shellfisheries to ocean acidification*.

² https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-united-states&sa=D&ust=1609917709745000&usq=AFOjCNGqSlhGSrITUhZef_K9qCp8rUJkKA

THE LONG-TERM ECONOMIC EFFECTS OF OCEAN ACIDIFICATION WILL VARY BASED ON ACTIONS TAKEN NOW

- ▶ Economic forecasts attempt to model shellfish yields based on assumptions about future acidification rates, including policies aimed at mitigating acidification. Certain models also consider secondary effects of acidification, such as increased rates of predation resulting from decreases in shell thickness.
- ▶ **All models agree that shellfishing economies will suffer as a result of ocean acidification. The degree of harm that occurs will depend on the extent of mitigation efforts undertaken now.**
- ▶ The U.S. shellfishing industry is expected to lose more than \$400 million annually by 2100 as a result of ocean acidification⁽¹⁾.



Effects of ocean acidification on mollusk biomass in the United States

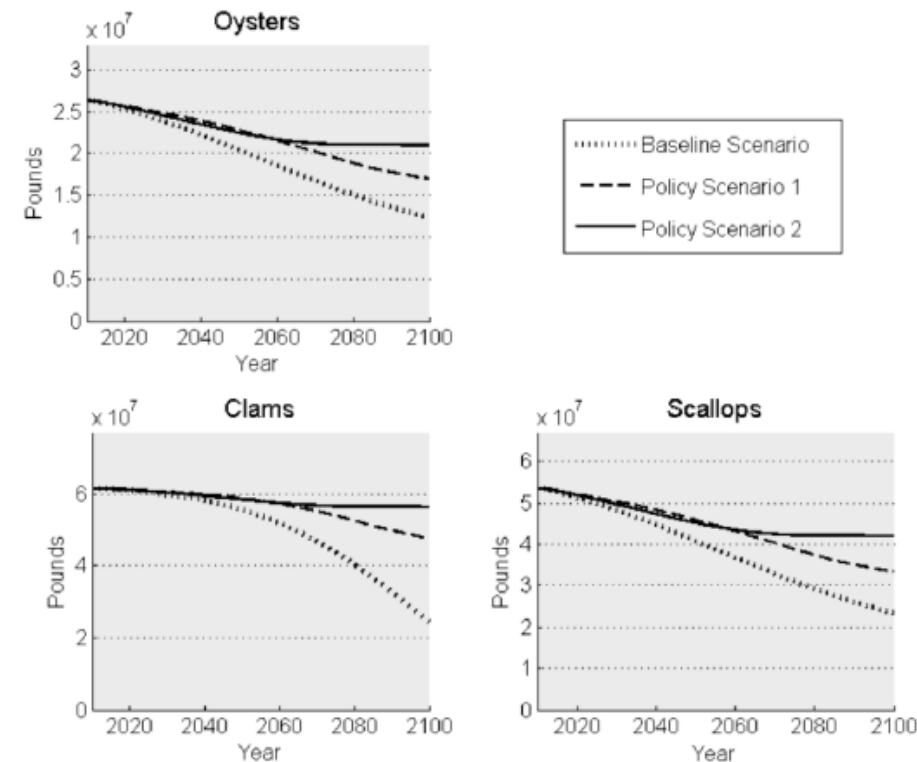


Figure 1 adapted from Rheuban et al., 2018. *Projected impacts of future climate change, ocean acidification, and management on the US Atlantic sea scallop.*

Figure 2 adapted from Moore 2015. *Welfare Estimates of Avoided Ocean Acidification in the US Mollusk Market.*

¹ Doney et al., 2020. *The Impacts of Ocean Acidification on Marine Ecosystems and Reliant Human Communities*

Ocean Stewardship and Monitoring

Accurately measuring ocean acidification requires measurement of a number of parameters. Calculating Ω_{ar} requires measuring any two of: alkalinity (A_T), pH, dissolved inorganic carbon (DIC) concentration, and pCO_2 .

Many monitoring programs currently lack the capacity to measure Ω_{ar} , but modifications to expand parameters and update protocols could adapt existing programs to collect ocean acidification-specific data. New ocean acidification-specific monitoring is currently being planned.

Organization	Geographic Area	Start of Monitoring	Frequency of Monitoring	Parameters Monitored	Monitoring sufficient for OA?
MWRA	Boston Harbor & Mass Bay	1992 (updated in 1997, 2004, 2009)	Monthly	temp, salinity, DO, turbidity, nutrients, chl-A, bacteria, plankton, pH	no
MWRA	Boston Harbor & Mass Bay	2018	Monthly	DIC, pH (4 stations)	yes
Buzzards Bay Coalition (Baywatchers)	Buzzards Bay	1992	Weekly & biweekly May - Sept (volunteers)	DO, temp, salinity, water clarity, TDN/TPN, orthoPhosphate, C/N ratios, Phytoplankton,	no (no pH monitoring)
Center for Coastal Studies	Cape Cod Bay (12 sites)	2006	Weekly or bi-weekly May - Oct	temperature, salinity, turbidity, dissolved oxygen, pH, and nutrients	no
Center for Coastal Studies	Cape Cod Bay and Nantucket Sound (120 sites)	2006	offshore data are collected once a month, year round	DO, temp, salinity, water clarity, nutrients, silicates, chlorophyll	no
Center for Coastal Studies	Duxbury Bay, Wellfleet Harbor, Provincetown Harbor	2020	twice a month May-Oct, monthly Nov-April	pH, total alkalinity (water samples)	yes
Cape Cod Cooperative Extension	Cape Cod Bay and Nantucket Sound	2004	Continuous (every 15 mins)	temp, salinity, conductivity, TDS, pH, DO, turbidity, chlorophyll A	no
Cape Cod Cooperative Extension	Near shellfish growing areas - exact locations TBD	2021	Continuous	pH, total alkalinity (sensors)	yes
MassBays National Estuary Partnership	Duxbury Harbor	2020	Continuous	pH, pCO_2 , temp, salinity, CDOM, DO (sensors)	yes
MassBays National Estuary Partnership	Duxbury Harbor	2021	Biweekly Jan-Dec (volunteers & staff)	DIC, total alkalinity (water samples)	yes
Salem Sound Coastwatch	Gloucester, Manchester, Beverly, Salem	2017	Monthly (July-Sept) (not in 2020)	temp, salinity, pH (porewater in mudflats)	yes
MassBays National Estuary Partnership	Salem Sound	2019	Monthly (July-Sept)	temp, salinity, pH, DO, turbidity, water clarity, nutrients, chl-A, isotopes (Salem Harbor) benthic	no
MA Division of Marine Fisheries (Shellfish Sanitation Program)	Statewide	mid-1980s	9000 samples per year	bacteria, temperature, pH	no
MA Division of Marine Fisheries	Statewide	1986	hourly at 52 fixed stations	temperature (bottom) in addition to fish metrics	no

ENHANCE COASTAL ACIDIFICATION FUNDING

Massachusetts should appropriate or authorize funds to capitalize the Trust and maintain support for the Trust in the coming years as ocean acidification worsens. Massachusetts can obtain funding through:

- A water use fee. Fashioned similar to Maryland's 'flush tax,' this fee can be assessed on water and sewer bills throughout Massachusetts. This fee may be greater in coastal communities. In Maryland, the \$5.00/month fee raised \$117,136,760 in 2018.
- A gasoline tax. In Maryland, The Chesapeake and Atlantic Coastal Bays Trust Fund has generated \$506,530,000 through gasoline and rental car tax revenues since its inception.
- A shellfish preservation license plate through the Massachusetts Environmental Trust Fund. Proceeds from sales of four specialty plates has contributed an average of \$469,202 annually since 2013 for water quality improvement projects. In California, a significant amount of ocean trust contributions is derived from license plate revenues.
- Small fee increases on commercial fishing licenses and annual shellfishing leases.
- A request for funding from the Secretary of Energy and Environmental Affairs pursuant to the spending authority of the 2018 bond bill for establishing coastal monitoring and conducting gap analyses.
- Permitting private donations to the Trust.

[illegible]

Summary of Commission Recommendations

Immediately

- Establish an OA Council and Ocean Acidification Trust to Coordinate Efforts
- Conduct a gap analysis for ocean monitoring
- Educate the Public about OA

Within 2 years

- Establish a broad, sensitive Ocean Acidification monitoring system

Within 5 years

- Conduct Studies to understand the effects of OA, to estimate economic impacts, and develop a set of best practices for the shellfish and marine industry
- Revise TMDL's and state WQ standards
- Establish a Blue Communities Program

Within 10-15 years

- Implement nutrient TMDL's, provide funding for necessary improvements, including upgrades to publicly owned treatment works, septic system connections, etc..
- Other nutrient reducing strategies in coastal watersheds including restoration and green infrastructure

Bill SD.2084
192nd (Current)

<https://malegislature.gov/Bills/192/SD2084>

Status:
3/29/21 Referred to the committee on the
Environment, Natural Resources and
Agriculture

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act building resilience to acidification of our coastal waters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Julian Cyr	Cape and Islands	
Mathew J. Muratore	1st Plymouth	2/24/2021
Joan B. Lovely	Second Essex	2/26/2021
Susan L. Moran	Plymouth and Barnstable	2/26/2021
Sarah K. Peake	4th Barnstable	2/26/2021
Susan Williams Gifford	2nd Plymouth	2/26/2021
Bruce E. Tarr	First Essex and Middlesex	2/26/2021

Thank You

Questions?