



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AMENDED AGENDA**

9:00AM

April 24, 2025

**26 Evergreen Street
Kingston, MA 02364**

1. Call to Order and Routine Business (9:00 – 9:15)
 - a. Introductions and Announcements
 - b. Review of Approval 2025 Business Meeting Agenda
 - c. Review and Approval of March 2025 Draft Business Meeting Minutes
2. Agency Updates (9:15 – 9:45)
 - a. Office of Law Enforcement: Personnel, Recent Operations & Marine Fishery Incidents
 - b. Department of Fish and Game: Recent Meetings and Events and Department-wide Activities and Projects
 - c. Division of Marine Fisheries: Personnel, Recent Meetings and Events, and Agency Activities and Projects
3. Action Items (9:45 – 10:00)
 - a. Refinement to Final Bait Deployment Recommendation
4. Emergency Rule Making (10:00 – 10:30)
 - a. Implementing Addendum 32 to the American Lobster Fishery Management Plan
5. Discussion Items and Updates (10:30 – 11:30)
 - a. Decision on Commercial Striped Bass Management Proposal
 - b. Interstate Fishery Management
 - c. Federal Fishery Management
 - d. Massachusetts Commercial Fisheries Commission
6. Presentation on DMF's Eel Grass Restoration Work (11:30 – 12:00)
7. Other Business and Public Comment (12:00 – 12:15)
8. Adjourn (12:15)

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.

Future Meeting Dates

May 29, 2025 – SMAST East, New Bedford

MARINE FISHERIES ADVISORY COMMISSION
Draft Business Meeting Minutes
March 27, 2025
via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Bill Doyle, Vice Chair; Shelley Edmundson, Clerk; Arthur “Sooky” Sawyer; Bill Amaru; Tim Brady; and Chris McGuire. Absent: Kalil Boghdan.

Division of Marine Fisheries: Daniel McKiernan, Director; Bob Glenn, Deputy Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Nichola Meserve; Melanie Griffin; Bradlie Morgan; Jared Silva; Derek Perry; Tracy Pugh; Kelly Whitmore; Steve Wilcox; Ben Gahagan; Brad Schondelmeier; Erin Burke; Ashley Peach Bueche; Nick Buchan; Kristen Thiebault; George Davis; Kim Lundy; Greg Skomal; Cara Litos; Anna Webb; Erich Druskat; Matt Ayer; Matt Duggan; Luke Putaansuu; and Scott Schaffer;

Department of Fish and Game: Tom O’Shea, Commissioner; Sefatia Romeo-Theken, Deputy Commissioner

Massachusetts Environmental Police: Lt. Col. Chris Baker; Lt. Matt Bass

Members of the Public: Alvin; Andrew Danikas; Anthony Friedrich; Patrick; Beth Casoni; Bill; Bill Fiora; Blane Chocklett; Brendan; Brett Stone; Brian; Brian Denker; Brian Kelly; Chris Killenberg; Craig Cantelmo; Cynthia Wigren; Dana; Daniel Murphy; David; Doherty; Eric Holet; Franky; George; Jeff; Joe; Kieth Santorelli; Kevin; Kurt; Manuela Barrett; Michael; Michael Pierdinock; Michael Waine; Mike Abdow; Mike Hogan; Nick Jones; Megan Hopwood; Parker Mauck; Paul Gerard Caruso; Paul Woodard; Peter Jenkins; Rick; Ray; Robert Porter; Sam Pickard; Stephen Smith; Steve Volpe; Todd Boothroyd; Todd MacGregor; Tyler; Willy Hatch

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Raymond Kane called the March 27, 2025 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

Jared Silva conducted roll call attendance. Kalil Boghdan was absent, all other Commission members were present.

REVIEW OF JANUARY 23, 2025 BUSINESS MEETING AGENDA

Chairman Kane asked if the March 2025 MFAC business meeting agenda needed to be adjusted. No requests were made.

REVIEW AND APPROVAL OF DECEMBER 17, 2024 DRAFT MEETING MINUTES

Chairman Kane asked for edits to the January 23, 2025 business meeting minutes. Bill Amaru requested the attendance be adjusted to show that he was present. Jared Silva noted he would make this edit.

The Chair called for a motion. Bill Amaru moved to approve the draft minutes as amended. Bill Doyle seconded the motion. The motion passed unanimously with Chairman Kane abstaining (6-0-1).

OFFICE OF LAW ENFORCEMENT: PERSONNEL, RECENT OPERATIONS, & MARINE FISHERY INCIDENTS

Lt. Matt Bass provided a personnel update for the Massachusetts Environmental Police (MEP). There were three recent new hires, and with several pending retirements, Colonel Mason requested 12 additional new hires for this upcoming fall. Lt. Bass then pivoted to discuss right whale management. Recent aerial surveys observed 45 whales in Cape Cod Bay and Massachusetts Bay the week prior. MEP's joint effort with DMF to seasonally remove gear from the Large Whale Closure was progressing smoothly. Lastly, Lt. Bass discussed a recent lobster violation involving an offshore dragger landing in Provincetown where \$11,000 worth of product was seized, and a \$7,000 citation was issued.

DEPARTMENT OF FISH AND GAME: RECENT MEETINGS AND EVENTS AND DEPARTMENT-WIDE ACTIVITIES AND PROJECTS

Department of Fish and Game (DFG) Commissioner Tom O'Shea thanked MEP for their work to address right whale conservation. The Environmental Bond Bill, which is moving forward this spring, should include provisions for marine habitat restoration and improved access to shore-based fishing. The Commissioner was also hopeful that the Commonwealth's Capital Investment Plan will expand funding opportunities for marine habitat restoration and access over the next two years.

Commissioner O'Shea attended the Seafood Expo with EOEEA Secretary Tepper, Director McKiernan, and DMF staff. Tom and Secretary Tepper met with a Norwegian delegate and the conversation revealed similar challenges abroad to those faced locally concerning offshore wind development and groundfish stocks.

The Commissioner discussed the Department's efforts to stand up the Commercial Fisheries Commission (CFC). The CFC was established by the legislature to serve as a forum to address high-level issues affecting commercial fisheries and to develop strategies to advocate on behalf of the commercial fishing and seafood industry. DMF Director McKiernan and Alison Brizius, the Director of Office of Coastal Zone Management are the co-chairs of the CFC.

The Department was in the process of finalizing its report on the biodiversity conservation goals for the Commonwealth. This report has been presented to EOEEA and the Governor's Office of Climate Innovation and Resilience. EOEEA Secretary Tepper will be

forwarding the report along to the Governor's office for their review.

Lastly, the Commissioner acknowledged that changes in the administration of the federal government had created substantial uncertainty and effects the state and federal management of the Commonwealth's fisheries. He was working with Director McKiernan to address these issues. Additionally, there are concerns about how the loss of federal funds may impact the state budget and state programs moving forward.

Chairman Kane requested DMF provide a future presentation on its eelgrass restoration. Deputy Director Bob Glenn indicated he would reach out to Habitat Program Lead Mark Rousseau and Dr. Forrest Schneck.

DIVISION OF MARINE FISHERIES: PERSONNEL, RECENT MEETINGS AND EVENTS, AND AGENCY ACTIVITIES AND PROJECTS

Director Dan McKiernan echoed Commissioner Tom O'Shea's concerns about the operational capacity of the federal government and noted his frustration with FDA's inability to engage and attend the upcoming regional meeting of the Northeast Shellfish Sanitation Association.

McKiernan also discussed efforts to stand up the Commercial Fisheries Commission and outlined the membership and purpose of the public body as set forth in its enabling legislation. He noted that the interests of the CFC would likely intersect with a variety of existing public bodies, including the MFAC, and as co-chair he will work to limit overlaps and redundancies. The CFC's inaugural meeting is scheduled for Tuesday, April 8 in Boston.

The Director then moved on to discuss personnel. He introduced Bradlie Morgan, the agency's new Communications and Policy Administration specialist. Bradlie will be working under Jared Silva and assisting in the administration of public body meetings, including the MFAC. Additionally, DMF has hired Sean Terrill, as a shellfish restoration specialist, and Ashley (Peach) Buke, as a Dive Safety Instructor.

McKiernan briefed the MFAC on two DMF video projects. The first is a series by DMF's Recreational Fishing Program to educate anglers on striped bass handling techniques. The second, is a series by DMF's Seafood Marketing Program to promote flatfish. On the subject of seafood marketing, Dan briefly discussed the recent Seafood Expo highlighting the promotion of local fish products.

With the horseshoe crab spawning season on the horizon, DMF wrote to the Town of Wareham to address their beach grooming practices. Specifically, DMF noted poor survey trends on Wareham's Swifts Beach and requested the town delay grooming activities until after the spawning season to eliminate disruption that may negatively impact spawning.

Director McKiernan finally thanked the MFAC members for taking the time to review and consider the extensive documents provided for the March business meeting. He recognized the burden the current regulatory process places on the MFAC particularly as it relates to making important regulatory decisions for the upcoming fishing year

immediately on the heels of the public input process.

Bill Amaru raised issues regarding the depressed ex-vessel value for flatfish, particularly yellowtail flounder. Bill Doyle argued that improved labeling standards for seafood could enhance the value of local caught product. Commissioner O'Shea noted that an electronic seafood auctioning company in New Bedford and Gloucester may generate more competitive pricing for fish. McKiernan referred this issue to Deputy Director Story Reed who oversees the Seafood Marketing Program.

Sooky Sawyer raised concerns among the lobster industry that PETA would again be placing advertisements on Steamship Authority vessels targeting the fishery and alleging they are responsible for killing whales. McKiernan reminded the MFAC that PETA placed such an advertisement on a ferry last year. DMF brought concerns about the advertisement to the Steamship Authority's attention and bought advertising space in the form of QR codes on tables that linked to a DMF video promoting the Massachusetts' lobster industry. The Steamship Authority eventually moved forward with a temporary advertisement suspension, which was lifted in December 2024. Dan was uncertain if PETA, or other organizations, would seek to place similar advertisements in the future. Sooky argued the Commonwealth should preemptively address the lobster industry's concerns with the Steamship Authority to avoid finding itself in a responsive posture. He also noted that the Governor commented in opposition to a federal speed limit rule that would have negatively impacted the ferry industry along the South Cape. Shelley Edmundson noted that the Steamship Authority advertising decision will allow for 25% of their advertisements to be dedicated to non-profit organizations using a lottery system. Commissioner O'Shea and Director McKiernan committed to working with the lobster industry to address concerns should they arise but were skeptical about the state's ability to act preemptively.

Chris McGuire thanked DMF for recording the recent public hearings and distributing these recordings to MFAC members. He was unable to attend the hearings but was able to listen to the recordings and hear the public testimony received in Gloucester and Buzzards Bay. Jared Silva noted that these public hearings provided DMF with an opportunity to pilot new recording technology that may enable DMF to provide a real-time listen-in option for all future public hearings and public meetings.

ACTION ITEMS

Jared Silva provided a statement on how the MFAC would proceed with the 11 regulatory recommendations on the agenda. In summary: (1) DMF will present on an a recommendation; (2) Commission members will be afforded an opportunity to ask clarifying questions of DMF; (3) the Chairman will seek a motion and a second on DMF's recommendation; (4) MFAC members and DMF may debate and deliberate on the motion; and (5) the Chairman may conclude deliberation by calling for a roll call vote. If a motion is not made in support of a recommendation; the Director anticipates a recommended motion will fail; or the recommended motion is voted down, the Director may pull the recommendation or offer a substitute recommendation for the MFAC's consideration. If a substitute recommendation is provided by the Director, it will follow the same process.

Consistent with the MFAC's typical protocol, public comment would not be accommodated until the conclusion of the meeting so as not to bias the deliberative process.

Striped Bass Total Length Management

Director McKiernan presented DMF's recommendation to require commercial and recreational anglers squeeze the tail of a striped bass when conducting a total length measurement. At present, DMF regulations allow for either squeezing or fanning the tail. This issue came to light during a fishing tournament this summer. DMF's Recreational Fishing Program investigated various measurement techniques and found that pinching the tail can add approximately 0.3" to a fish's total length while forcibly fanning the tail can reduce a fish's total length by 1.4". Therefore, the manipulation of the tail can turn a 3-inch slot limit into a near 5" slot limit, primarily by reducing fish length by tail fanning. This impedes the effectiveness of the slot limit, and given the public interest in protecting larger fish from harvest, DMF recommended requiring the upper and lower tail forks be squeezed when measuring for total length. DMF also intended to recommend the ASMFC's Striped Bass Board make this a coastwide requirement.

There were no clarifying questions. **The Chair called for a motion. Shelley Edmundson made a motion to adopt the Director's recommendation on striped bass total length measurement as provided. Sooky Sawyer seconded the motion.**

There was no deliberation. **The Chair called the vote, and the motion passed unanimously with the Chair abstaining (6-0-1).**

Commercial Menhaden Management

Nichola Meserve introduced the menhaden trip limit recommendation to revise the quota-use trigger that reduces the limited entry fishery's trip limit from 25,000 lbs to 6,000 lbs. Currently, this occurs if 90% of the quota is taken before September 1; the recommendation would have it occur should 98% of the quota be taken before September 1. Nichola provided some background information on the current trigger and noted that 10% of the existing quota resulted in a set aside that is too large for the small-scale fishery to utilize and could prevent Massachusetts from taking the full quota and potentially participating in the Episodic Event Set Aside (EESA). DMF's recommendation responded to industry's interest in accessing the EESA while also allowing for a small-scale fishery to provide bait to the local lobster industry later in the season. Nichola added that DMF could also continue to seek quota transfers from other states, if appropriate.

DMF was also moving forward two permitting actions that did not require MFAC approval. Nichola explained the first action would limit renewals of the Menhaden Endorsement in 2026 to only those who had at least one landing of at least 6,000 pounds from January 1, 2014 through the August 1, 2023 control date or hold the Menhaden Endorsement in conjunction with a Fish Weir Endorsement. DMF projected this action will reduce the number of Menhaden Endorsements issued from 51 in 2024 to as few as 13 in 2026. This responded to industry concerns that regional demand for bait could result in the activation of latent effort in the limited entry fishery that would negatively impact season length, market price, profitability, and increase user group conflicts. The second permitting action was to amend the control date language for the Coastal Access Permit – Purse Seine

Endorsement, which effectively authorizes participation in the small-scale open access menhaden fishery. The revised control date language will allow DMF to limit entry in the future based on certain activity criteria, not just date of permit issuance. DMF was not moving forward on the proposal to limit access to this endorsement given public comment supporting maintaining an open access small-scale fishery to provide entry level opportunities and meet local bait demand.

Lastly, Nichola explained that DMF would initiate a Pilot Program in 2025 to allow similarly permitted vessels rigged for seining to share their catch should a set exceed the trip limit ("slippage"). Nichola explained that the industry requested a program like that of Maine, which is meant to reduce the release of dead fish, user conflict, and time on the water.

Director McKiernan noted DMF met with the menhaden fishery in the fall to discuss fishery performance this past year, which led to the development of this recommendation. Dan also praised the policy team, specifically Nichola, for their efforts.

There were no clarifying questions. **The Chair called for a motion. Sooky Sawyer made a motion to adopt the Director's recommendation on menhaden trip limit triggers as provided. Bill Amaru seconded the motion.** The Chairman allowed for MFAC discussion.

Sooky expressed support for the recommendation, particularly the Pilot Program. He noted that it would reduce time on the water and the potential for slippage.

The Chair asked to clarify whether the Pilot Program applied to both the open entry and limited entry fleets. Nichola responded that open entry vessels can partner with other open entry vessels and limited entry vessels may partner with other limited entry vessels provided all vessels involved are rigged for seining.

There were no further comments. **The Chair called the motion to a vote and the motion passed unanimously with the Chair abstaining (6-0-1).**

Commercial Summer Flounder Management

Jared Silva provided an overview of commercial summer flounder management. He noted that the management program has been frequently amended in recent years in response to substantial changes in quota availability and varying fishery performance. In 2024, the fishery closed in late August, which prevented the inshore fishery from continuing into the early fall. In response, DMF took actions to constrain the Period I (January 1 – April 22) fishery for 2025, including an in-season adjustment to reduce the trip limit from 5,000 pounds to 2,000 pounds and the suspension of the multi-state program. In response, the wintertime fishery had only taken about 4% of the annual quota and DMF anticipated about 120,000 pounds would rollover to the Period II (April 22 – December 31) fishery. Jared expected this quota rollover would buffer against an early quota closure again this year.

Jared then detailed the six recommendations. There were two recommendations focused on the Period I fishery that were focused on slowing quota consumption and making additional quota available to the inshore summertime fishery when the fish is more

valuable to more permit holders. The first action was to adopt a 2,000-pound trip limit in regulation, thereby codifying the in-season adjustment taken for 2025. The second action was to reduce the Period I quota allocation from 30% to 15% overall. Jared noted that should these actions be approved, the Director may renew the Multi-State Program for 2026 to provide offshore vessels with greater opportunity to utilize their Period I quota allocation. For Period II, DMF was recommending to reduce the trip limits for net fishers from 600 pounds to 500 pounds and for hook fishers from 400 pounds to 325 pounds; eliminate Saturday as an open fishing day; amend the trigger to automatically reduce trip limits in-season so that it occurs if 75% of the annual quota is taken by August 15 rather than August 1; and adopt a subsequent trigger to reduce trip limits to 200 pounds for all gear types if 90% of the quota is taken before September 1.

Jared explained that these amendments were designed to keep the fishery profitable for a variety of participants; allow for quota utilization during the summer period when the ex-vessel value tends to be stronger; buffer against increasing effort in the fishery, particularly given concerns about the groundfish fishery; and preserve some quota into the early fall to allow continued directed hook fishing and a bycatch in the trawl fishery when other species are may be targeted.

Lastly, Jared spoke to DMF's renewal of the Consecutive Daily Trip Limit Program for 2025, which does not require an MFAC action. Jared explained that this program will allow trawlers to fish two consecutive calendar days, taking a day's limit on each day, and returning to port to land a double limit on the second day. This program was initiated in 2019 to allow the fleet to more efficiently pursue the quota and for dealers to service a variety of Cape Cod ports, which was in part driven by the loss of the buy boat that historically serviced Nantucket. Despite these benefits, the program is not universally supported given it attracts effort from larger-capacity offshore vessels resulting in more rapid quota use. Additionally, there are concerns that these vessels are high-grading and violating daily trip limit rules. Jared explained that DMF ultimately felt the benefits of the program outweigh the concerns raised. However, to address some of these concerns DMF would mandate participating vessels cannot offload within 24-hours of the start of the trip, and beginning in 2026, may require vessels install cellular-based electronic tracking devices. Additionally, the requirement that the first day's catch be stored in a discrete container sealed with a plastic single-use tag would be eliminated in favor of more simply segregating and labeling catch from day one from catch from day two.

There were no clarifying questions. **The Chair called for a motion. Bill Doyle made a motion to adopt the Director's recommendation for commercial summer flounder management. Bill Amaru seconded the motion.**

Bill Amaru voiced his support for the recommendations. However, he did not support DMF's continuation of the Multi-Day Program and was concerned about the potential influx of offshore groundfish draggers into the summer flounder fishery given anticipated low catch limits for codfish. He expected these factors would result in another late-summer quota closure and encouraged DMF to consider a more conservative approach. Jared stated that while Bill's concerns are shared, DMF opted not to take a more conservative approach given that this could constrain the fishery too much during the

summertime period when the fish are more valuable and negatively impact the profitability of the inshore fleet.

There were no further comments. **The Chair called the motion to a vote and the motion passed unanimously with the Chair abstaining (6-0-1).**

Commercial Groundfish Management

Jared Silva first outlined the commercial non-cod groundfish management recommendations. DMF sought to increase the yellowtail flounder from 350 pounds to 500 pounds and monkfish trip limit and from 536 pounds tail weight to 1000 pounds tail weight. This would provide the state water fleet with greater access to underutilized stocks given the reduced availability of cod. Jared explained that yellowtail flounder landings have trended downwards in recent years due to reduced participation which created room to increase the trip limit. The monkfish proposal was brought about after gillnetter Chris Chadwick argued the few remaining gillnet fishers could move away from cod to target monkfish in deeper areas of state waters.

Jared then introduced cod management recommendations. The first recommendation was to adopt the definitions for the Western Gulf of Maine (WGOM) and Southern New England (SNE) Cod Management Areas consistent with the boundaries set forth in Amendment 25 to the federal fishery management for multi-species groundfish. This will shift the boundary along the eastern facing shore of Cape Cod from Truro to the southern extent of Cape Cod and Nantucket at the 70th meridian. The second recommendation was to establish a moratorium on the retention and possession of SNE cod by all fishers and was meant to prevent any loopholes where a federally regulated vessel could land non-conforming fish. If there are delays between the state and federal regulations, federal permit holders could continue fishing under federal rules. Jared clarified that no changes would be made to the WGOM cod trip limit, which had initially been proposed due to fear of sub-component exceedance. However, DMF felt this was unlikely to occur due to attrition-driven declines in state waters WGOM cod landings and reduced inshore cod availability.

Lastly, DMF was moving to update the control date for the Groundfish Endorsement from December 31, 2018, to December 31, 2024. This would provide DMF would a more current control date should a future action be necessary to control the activation of latent effort.

There were no clarifying questions. **The Chair called for a motion. Bill Doyle made a motion to adopt the Director's recommendations as provided. Shelley Edmundson seconded the motion.**

Bill Amaru expressed his support for the recommendations but noted that the whole approach to managing groundfish needed to be overhauled as it had failed the resource and the fishery for 40-years.

There were no further comments. **The Chair called the motion for a vote. The motion passed unanimously with the Chair abstaining (6-0-1).**

Controls on Use of Conch Pots in Federal Zone

Dan McKiernan introduced DMF's recommendation to extend the state's conch pot management program into the federal zone. If approved, this would: (1) require any Massachusetts permit holder fishing conch pots in the federal waters and landing whelks in Massachusetts to hold a Conch Pot Endorsement from DMF; (2) require all conch pots fished by Massachusetts permit holders be tagged with a DMF-issued conch pot tag when on the water; (3) extend the 200 conch pot limit and April 15 – December 14 conch pot season to Massachusetts permit holders fishing conch pots in federal waters and landing whelks in Massachusetts. Dan explained that this is similar to how Maine manages its lobster fishery out into the federal zone and added this would ameliorate concerns about conch pot effort expanding into federal waters south and east of Nantucket, which presents a right whale entanglement risk.

The Chair asked how trap limits would be enforced in the EEZ. McKiernan responded that MEP would be able to enforce the trap limit through DMF-issued trap tags.

There were no further clarifying questions. **The Chair called for a motion. Shelley Edmundson made a motion to adopt the Director's recommendation as provided. Tim Brady seconded the motion.**

There was no deliberation. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

False Albacore and Atlantic Bonito Catch Limits and Size Limits

Director McKiernan introduced the recommendation to adopt a 16" minimum size for false albacore and Atlantic bonito and a 5-fish per person possession limit for both species combined. These rules would apply to all harvest modes in state waters, except that fishers using mechanized mackerel jigs and fish weirs are exempt.

Dan explained that these fish are becoming increasingly available in our southern waters and are an important seasonal recreational fishery, particularly given reduced abundance and local availability of striped bass and bluefish. As a result, MRIP data has shown that recreational catch and harvest are increasing. Given there is no stock assessment for either species to inform appropriate fishing mortality rates and harvest limits, DMF was seeking to adopt some precautionary measures to constrain the development of a directed commercial fishery in Massachusetts and lock the recreational fishery into current retention practices.

Although these species are not managed at the interstate level through ASMFC, Dan anticipated that the other southern New England states would likely follow Massachusetts' lead and adopt similar limits.

There were no clarifying questions. **The Chair called for a motion. Chris McGuire made a motion to adopt the Director's recommendation as provided. Shelley Edmundson seconded the motion.**

Tim Brady objected to the recommendation as being arbitrary because there were no

stock assessments available to inform catch limits. Additionally, DMF was moving to adopt limits outside of the HMS and ICCAT management framework for these species.

Chris McGuire supported the recommendation. Referring back to Amaru's earlier comments about persistent challenges plaguing rebuilding groundfish, McGuire argued that adopting a precautionary management approach here could prevent a similar situation from developing with these species without any real economic consequences at present.

Shelley Edmundson and Bill Amaru also expressed their support for the recommendation. Bill Doyle and Sooky Sawyer suggested DMF could consider a higher possession limit to accommodate the use of these species as bait in the bluefin tuna fishery. McKiernan did not support amending his recommendation to accommodate this noting MRIP data trends and the fact that this rule would only apply in state waters.

Amaru questioned if DMF would consider hurdy gurdies and other similar devices as mechanized jigs. Silva noted that these gears would be included in the exemption, but rod and reel jigging would not.

The Chair asked to clarify if the five-fish limit is for each angler or vessel, and Dan confirmed it applied to each angler.

Chairman Kane asked Dan to bring this item to the attention of the ASMFC policy board and use his position as ASMFC Vice-Chair to encourage other states to adopt similar rules as soon as possible.

There were no further comments. **The Chair called the motion for a vote. The motion was approved 4-2-1 with Sooky Sawyer and Tim Brady opposing and the Chair abstaining.**

Restrictions Affecting Shore-Based Shark Fishing and Bait Deployment

Jared Silva first summarized the public comment received, noting that it influenced DMF to refine the final recommendation to better address activities to target white sharks and the resulting public safety challenges associated with targeting white sharks from shore.

DMF's resulting recommendation was multi-faceted. First, it sought to define shore-based shark fishing as the use of rod and reel gear from the shoreline, including wade fishing or any structure protruding from the shoreline, with a metal or wire leader that exceeds 18" in length attached to a hook with a gape greater than 5/8". Jared added that the hook gape rule created a clearer standard than the hook gauge rule proposed at public hearing. Then, "shore-based shark fishing" as defined would be prohibited along the coast of Cape Cod Bay beginning at the northernmost tip of Plymouth Point around Provincetown and down the backside of the Cape including Chatham Harbor and Monomoy Island. If approved, this prohibition would not extend to the coastline north of Plymouth Point, nor the state's southern coastline. Additionally, shore-based fishers could continue to use light gear (i.e., metal or wire leaders 18" or less or hooks with a gape 5/8" or less) when fishing along the shores of Cape Cod Bay and the Outer Cape. DMF also recommended

prohibiting chumming while “shore-based shark fishing” from sunrise to sunset throughout the Commonwealth. This would continue to allow anglers to use bait to attract other species when shore fishing, as is common when mackerel and pollock fishing from piers. Lastly, DMF recommended prohibiting the use of mechanized or remote-controlled devices to deploy bait with rod and reel gear. This targeted the use of devices, like drones and remote-controlled boats, and does not target kites or kayaks. Jared added that this was also meant to address the application of mechanized devices to target striped bass or other recreational fish, which could increase fight time and mortality.

Tim Brady asked if this recommendation sought to address beach safety. Jared Silva responded that the recommendation in part aimed to ameliorate emerging user group conflicts between beachgoers and a burgeoning constituency of anglers driven by social media who want to target white sharks. Silva relayed that DMF felt that growth of this shore-based white shark fishery was incompatible with other public uses of beaches and presented a significant public safety risk.

The Chair called for a motion. Bill Amaru made a motion to adopt the Director’s recommendation as provided. Shelley Edmundson seconded the motion.

Tim Brady expressed concern about this recommendation restricting beach fishing access to target other large shark species. Silva responded that the recommendation was designed to limit its effect on other shore-based fishing activities by being gear specific and he expected MEP would use discretion when determining if a violation were occurring. Lt. Bass stated that he has fished for sharks from shore and shared Brady’s concerns, particularly as it related to DMF’s initial public hearing proposal, but felt this final recommendation sufficiently addressed the issue. Senior DMF biologists Dr. Greg Skomal and Ben Gahagan added that DMF refined the final recommendation to better tailor the definition of shore-based shark fishing, the spatial extent of the prohibition, and framework around the chumming prohibition to more explicitly address concerns around targeting white sharks while working to limit constraints on other shore-based fishing activities.

There were no further comments. **The Chair called the motion for a vote. The motion was approved 5-1-1 with Tim Brady opposing and the Chair abstaining.**

Prohibition on Retention of Oceanic White Tip Sharks

Dan explained that this recommendation would match federal and interstate fishery management plans that establish zero retention of oceanic white tip sharks.

There were no clarifying questions. **The Chair moved for a motion. Bill Doyle made a motion to approve the Director’s recommendation as provided. Shelley Edmondson seconded the motion.**

There was no deliberation. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

Prohibition on the Use of Lugworms as Bait

McKiernan explained that DMF sought to prohibit the use and sale of Pacific lugworms as

bait. The recommendation follows an action by Maine to similarly restrict this product due to biosecurity concerns, particularly related to the potential for disease transmission to crustaceans.

There were no clarifying questions. **Chairman Kane called for a motion. Sooky Sawyer made a motion to adopt the Director's recommendation as provided. Bill Amaru seconded the motion.** Chairman Kane suggested the Director pursue a coastwide framework for addressing biosecurity concerns related to non-native baits through the ASMFC.

There was no further discussion. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

Recreational Black Sea Bass Season

The Director explained that his recommendation would establish an open fishing season of May 17 – September 1, rather than May 18 – September 3 to maintain the Saturday opening, which is of importance to the for-hire fishery. By opening the fishery one calendar day earlier in May, the fishery will have to close two days earlier in September given lower harvest rates in the late summer and early fall as compared to the late spring and early summer.

There were no clarifying questions. **The Chair called for a motion. Shelley Edmundson made a motion to adopt the Director's recommendation as provided. Chris McGuire seconded the motion.**

Chairman Kane thanked DMF for their effort to open this fishery on the third Saturday of May each year.

There was no further discussion. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

Paperwork Requirements for the Possession and Sale of Dogfish Fins

Director McKiernan explained that this recommendation is designed to support the state law that prohibits the sale of shark fins. To accommodate the local seafood processing sector, the state law exempts fins taken from lawfully harvested and processed smooth and spiny dogfish. This in turn creates a potential loophole whereby shark fins may be marketed as smooth or spiny dogfish without any means of verification except expensive genetic testing. This rule would require fins marketed as smooth or spiny dogfish to be accompanied by paperwork documenting their lawful origin.

There were no clarifying questions. **The Chair called for a motion. Bill Amaru made a motion to adopt the Director's recommendation as provided. Bill Doyle seconded the motion.**

There was no deliberation. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

FINAL REGULATORY ACTIONS

Commercial Eel Permitting

The Director explained that while reported eel catch in the state has declined, the issuance of eel endorsements has increased. To address this discrepancy and potential under-reporting, the final action creates a control date of December 31, 2024 and limits permit renewals in 2026 to those with at least one pound of eel landed since January 1, 2015. DMF would also make the eel endorsement owner-operator for 2026. The action would not constrain the use of eels as bait, for which people can possess up to 25.

Bill Amaru voiced support for this action and expressed concern about the decline of eel populations locally.

Chairman Kane asked about the rationale to establish the activity threshold at one pound of eels reported. Dan noted that it would be more accurate to say, “any documented landings”.

There were no further questions or comments.

Enhanced Mariner Reporting of Sea Turtle and Large Whale Entanglements

Deputy Director Bob Glenn stated that in DMF’s development of an Incidental Take Permit Application for right whales and sea turtles, NOAA Fisheries suggested adopting entanglement reporting requirements for all large whales and sea turtles. Current state rules only require the reporting of right whale entanglements. There was some public concern that this would lead to more entanglements being attributed to Massachusetts’ fishers and further harm our industry. However, Bob clarified that NOAA Fisheries does not attribute an entanglement to a specific fishery unless the source of the gear is verified. Accordingly, requiring entanglement reporting should not negatively impact our fisheries if entanglements with Massachusetts gear remain rare, and in fact, may reduce public scrutiny of our fisheries by encouraging disentanglement before the animals wash up onshore. Chris Maguire suggested increased outreach to help ensure mariners know where and how to report entanglements.

There were no further questions or comments.

DISCUSSION ITEMS

Federal Fisheries Management Update

In the interest of time, the Chair sought to delay this discussion until the April 2025 MFAC business meeting. **Bill Amaru made a motion to amend the March MFAC business meeting agenda to strike this time. Shelley Edmundson seconded the motion.** There was no discussion. **The Chair called the motion to a vote. The motion passed unanimously with the Chair abstaining (6-0-1).**

ASMFC Draft Lobster Addendum XXXII

Director McKiernan provided some history on the development and approval of Addendum XXVII to the Interstate Fishery Management Plan for American Lobster. This addendum implemented various gauge and escape vent changes to enhance spawning

stock biomass and other v-notch, gauge, and trap tag measures to achieve greater standardization among and within Lobster Conservation Management Areas. Under this addendum, state rules were to be implemented by July 1, 2025. However, in February 2025, the ASMFC initiated Addendum XXXII to repeal the gauge and vent size changes in Addendum XXVII due to economic concerns raised by commercial fishers, particularly in Maine. The ASMFC has scheduled a virtual public hearing on Addendum XXXII for April 2025 and Dan expected the Board would approve the Addendum at its May meeting. As Massachusetts already implemented regulations to comply with Addendum XXVII, DMF will now have to move forward a new emergency regulatory package to adjust these regulations consistent with what the ASMFC approves in Addendum XXXII to ensure Massachusetts fishers are not managed more conservatively than those in other states.

Dan noted that Maine is currently holding industry meetings to discuss lobster conservation, which the ASMFC may want to consider pending the results of the upcoming stock assessment, which should be finalized later this year.

Sooky Sawyer noted that he supported the actions in Addendum XXXII to repeal the gauge and escape vent changes and DMF's pending emergency rules to ensure Massachusetts fishers are not more conservatively managed. However, Addendum XXXII failed to repeal the 1/8" v-notch standardization requirement for the Outer Cape Cod LCMA. Sooky argued that this unfairly targeted a small number of state-only permit holders in Massachusetts and the state delegation to ASMFC should work to rescind this measure. McKiernan reminded the MFAC that the Massachusetts delegation to the Board sought a motion to include a repeal of the Outer Cape Cod LCMA v-notch standardization measure in draft Addendum XXXII, but the motion did not receive a second.

OTHER BUSINESS AND PUBLIC COMMENT

Chairman Kane asked if any MFAC members wanted to raise issues for consideration at a future meeting. Dan noted that DMF would schedule presentation on eelgrass restoration at an upcoming meeting.

Chairman Kane requested that the August meeting be held on a Tuesday to account for traffic issues around Cape Cod entering the weekend and that the May and June MFAC meeting dates be finalized as soon as possible.

Sooky Sawyer raised concerns about the lack of dumpsters available to address marine debris clean-up. Bob Glenn and Jared Silva noted DMF intends to take this issue up as it develops state regulations to manage derelict gear removal.

The Chair moved onto public comment.

Beth Casoni apologized to Director McKiernan for potentially misunderstanding a conversation with the Director around the advertising decision made by the Steamship Authority. She also echoed Sooky's earlier suggestion to preemptively counter negative and inaccurate portrayals of the industry. To this point, Beth expressed interest in having the Lobster Foundation of Massachusetts apply for advertising space on the Steamship

Authority. Next, Beth noted that she would reach out to DMF with potential names for an industry working group to assist in guiding DMF's development of a permitting and regulatory framework for derelict gear removal. Beth also piggybacked on Sooky's comments regarding the need for dumpsters to handle marine debris clean up. Lastly, she thanked DMF for running the recent gear distribution event in Gloucester.

Brendan Adams and Sam Pickard, the President and Vice-President of the Outer Cape Lobstermen's Association, expressed their frustrations with the ASMFC process that resulted in a failure to include the repeal of the v-notch standardization requirement for the Outer Cape Cod LCMA in Addendum XXXII. They indicated the Outer Cape Lobstermen's Association was now considering legal action against both the ASMFC and DMF. Sam Pickard also expressed frustration that the Outer Cape Cod Lobster Conservation Management Team (LCMT) was not convened during the development of Addendum XXVII nor Addendum XXXII and took issue with the scientific information used to support Addendum XXVII.

Jeff Souza, an Outer Cape lobsterman, agreed with the concerns raised by Brendan and Sam. Jeff also asked if DMF would renew the multi-day program for yellowtail and winter flounder. Jared Silva indicated that DMF would soon announce the renewal of this program and send out authorizations to applicants for the May 1 start of the upcoming fishing year.

Ray Jarvis, a fishing guide in Westport, and Anthony Friedrich, from the American Saltwater Guides Association, expressed support and appreciation for the adoption of DMF's recommended limits for Atlantic bonito and false albacore.

ADJOURNMENT

There were no further questions or comments. **The Chairman called for a motion to adjourn the meeting. Shelley Edmundson moved to adjourn the meeting. The motion was seconded by Chirs McGuire. There was no opposition. The meeting was adjourned.**

MEETING DOCUMENTS

- March 27, 2025 MFAC Business Meeting Agenda
- January 23, 2025 MFAC Draft Business Meeting Minutes
- Striped Bass Total Length Management Recommendation
- Commercial Menhaden Management Recommendation
- Commercial Summer Flounder Management Recommendation
- State Waters Groundfish Management Recommendation
- Recommendation on Use of Conch Pots in Federal Waters
- Atlantic Bonito and False Albacore Size and Possession Limit Recommendation
- Shark and Shore-Based Fishing Recommendation
- Oceanic Whitetip Shark Retention Prohibition Recommendation
- Pacific Lugworm Bait Prohibition Recommendation
- Recreational Black Sea Bass Season Recommendation
- Dogfish Fin Paperwork Recommendation
- Commercial Eel Permitting Action
- Whale and Sea Turtle Entanglement Reproting Requirement
- Presentation on March 2025 Public Hearing Proposals and Final DMF Rules
- Presentation on Development of Lobster Addendum XXXII

UPCOMING MEETINGS

9AM
Thursday, April 24, 2025
Kingston Town Hall

9AM
Thursday, May 29, 2025
SMAST East



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



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REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 18, 2025

SUBJECT: **Further Refinements to Recommendation to Prohibit the Use of Devices to Deploy Baits When Rod and Reel Fishing from Shore**

Recommendation

In consideration of the rationale described below, I recommend the MFAC vote to approve the following clarification of last month's recommendation affecting the deployment of baits in rod and reel fisheries:

1. Prohibit the deployment of baited hooks by use of any motorized, compressed propulsion, or remote-controlled device when fishing with rod and reel gear from the shoreline, any structure affixed to the shore, or wade fishing.
2. This does not include kites or kayaks. Nor does it apply to power reels given these devices retrieve bait.

Background and Rationale

Following last month's MFAC business meeting, it has come to my attention that the recommendation¹ affecting the deployment of bait in rod and reel fisheries requires two minor modifications to ensure the intent and purpose are clear.

First, the scope of the rule needs to be limited to shore-based rod and reel fishing. Last month's recommendation was unclear as to whether the rule would apply to shore-based fishing only or all rod and reel fishing. Specifically, the memorandum states the following (emphasis added):

Prohibit the use of mechanized or remote-controlled devices to deploy baits when fishing from shore with rod and reel gear. This does not include casting or setting baits with non-mechanized devices such as kites or kayaks, nor the power or motor source of a vessel. Note this would apply broadly to all rod and reel fishing, not just shark fishing.

¹ Refer to page 270 of the March 2025 MFAC [meeting materials](#) for more details.

With this in consideration, I went back to the initial public hearing proposal memorandum to the MFAC² and the public hearing notice³. Both of these documents frame the proposal as relating to shore-based fishing. Given the unevenness of this final recommendation, I believe it is appropriate to clarify the final recommendation in the context of these earlier documents and have the prohibition apply to shore-based fishing only. Moreover, I question the need to apply this more broadly to vessel-based activity given the power of the vessel can be used to move the fishers closer to the resource thereby diminishing the need to use such devices.

Second, last month's recommendation addresses "mechanized or remote-controlled" bait deployment devices. The question has been posed as to whether mechanized covers compressed propulsion devices (e.g., bait cannons). In resolving this question, I am also referring to the initial proposal and public hearing notice. These documents both establish a broad proposal that sought to prohibit the use of any bait delivery system other than casting. The final recommendation then moves to narrow the scope of the rule to limit the use of "mechanized or remote-controlled devices" and only ponders allowances for "non-mechanized devices such as kites or kayaks". Accordingly, I think it is reasonable to infer that the final recommendation intended to be inclusive of propulsion devices like bait cannons, as well as drones and remote-controlled boats. However, I think it is appropriate to plainly make this clarification for the record.

² Refer to page 35 of the December 2024 MFAC [meeting materials](#) for more details.

³ Refer to page 3 of the February 14, 2025 [public hearing notice](#) for more details.



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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 18, 2025

SUBJECT: **Emergency Rule Making to Implement Addendum XXXII to the American Lobster Management Plan**

Status of Addendum XXXII to American Lobster Fishery Management Plan

The Atlantic States Marine Fisheries Commission (ASMFC) Lobster Board ("Board") initiated draft Addendum XXXII to the American Lobster Fishery Management Plan (FMP) at its February meeting. This addendum seeks to repeal the gauge and escape vent size measures approved in Addendum XXVII to the FMP (Table 1) given concerns raised by industry interests around potential economic impacts. The ASMFC held a virtual public hearing on Addendum XXXII on April 10, 2025 and I anticipate Addendum XXXII will be approved by the Board at their May 5, 2025 meeting.

Prior Regulatory Action and Need for Emergency Rules

In late 2024, Massachusetts adopted a suite of regulations to implement Addendum XXVII¹. This included establishing compliant regulations for the commercial fishery (Table 2) and extending complementary gauge size and escape vent rules to the recreational fishery in the Gulf of Maine and Outer Cape Management Areas (Table 3). Whereas the commercial rules go into effect on July 1², as required by Addendum XXVII, the recreational rule changes were scheduled to go into effect at the start of the season on May 15.

In anticipation of the Board approving Addendum XXXII, DMF has initiated emergency rule making. This should allow DMF to repeal those relevant aspects of our rules by May 15 for recreational fishers and July 1 for commercial fishers and seafood dealers. This is consistent with my long-held position that DMF will work to ensure Massachusetts' fishers (and by extension seafood dealers and consumers) should not end up subject to stricter standards than fishers who fish the same Lobster Conservation Management Area (LCMA) (Figure 1).

¹ Refer to page 16 of the October 2024 MFAC [meeting materials](#) for more details

² With commercial fishery rules going into on July 1, complementary rules for seafood dealers were scheduled to become effective simultaneously at the point of primary transaction. However, seafood dealers were to be afforded a 90-day window when they could possess non-conforming product lawfully purchased prior to the July 1 implementation date to allow for the sell off of inventory.

Given the tight timeline with the recreational fishing season, DMF has notified recreational permit holders³ that they should expect that last year's rules will remain in place for 2025 (Table 4) and that the gauge and vent size amendments that were announced in December 2024 are no longer expected to go into effect. Formal notice will go out to commercial permit holders and seafood dealers once emergency rules are adopted and well in advance of the pending July 1 implementation date.

Once the emergency regulation is filed, DMF will have 90-days to hold a public comment period, public hearing, obtain MFAC approval, and file final rules with the Secretary of State. To meet these deadlines, I project that we will need to hold a short MFAC meeting in July to review and vote on a final recommendation. I anticipate this will be a short, virtual meeting to accommodate your various summertime schedules.

Background

Development and Implementation of Addendum XXVII

The most recent stock assessment for American lobster dates back to 2020. The assessment concluded that the Gulf of Maine/Georges Bank (GOM/GBK) lobster stock was not overfished and overfishing was not occurring. However, survey and landings trends indicate the GOM/GBK lobster stock population was declining from the preceding period which featured record high abundance and recruitment indices demonstrated the stock was also likely headed towards a period of lower productivity. Declining recruitment is thought to be environmentally driven related to changing seasonal availability of copepods which lobsters feed on during the larval stage.

This raised concerns through northern New England (Maine, New Hampshire, and Massachusetts) about the long-term health of the resource and the fishery, particularly as more than 90% of lobster landings nationally come out of the Gulf of Maine. These concerns were particularly acute in Maine where officials feared the effect of declining landings and revenues across the state's maritime economy given its dependence on this resource. Consequently, there was interest at the ASMFC to get out ahead of expected declines and protect spawning stock biomass to buffer against environmental-driven changes in recruitment and productivity.

This resulted in the development of Addendum XXVII, which addressed management in the three LCMAs that fish on the GOM/GBK lobster stock—LMCA1, LCMA 3 (Offshore), and Outer Cape Cod (OCC) LCMA (Figure 1). This addendum featured two discrete components: (1) an index-based approach to track and respond to declining recruitment and trigger conservation measures designed to further protect spawning stock biomass; and (2) standardization measures to create more consistent rules within LCMA's to be adopted more immediately and irrespective of the trigger index.

To achieve the first feature of the addendum, ASMFC's Technical Committee (TC) for Lobster developed an index by blending data from ventless lobster trap surveys and state bottom trawl surveys as a mechanism to track abundance of recruit-sized (sub-legal) lobsters between stock

³ See DMF's April 11, 2025 [advisory](#).

assessments. This provided the Board with a mechanism to track and react to declining recruitment. This became the so-called “trigger index” whereby certain prescribed gauge size and escape vent mandates would occur gradually over a five-year period should a 35% decline in this index be observed from the 2016 – 2018 baseline.

The addendum also featured three discrete standardization measures. Historically, the management program for the OCCLCMA featured less restrictive maximum size and v-notch rules for state-only permit holders compared to those who also hold a federal permit. Specifically, the state-only permit holders were not subject to a maximum gauge size and had a v-notch standard of a sharp “v” not to exceed $\frac{1}{4}$ ” depth and without setal hairs, whereas federal permit holders were subject to a $6\frac{3}{4}$ ” maximum size and a v-notch standard of any indentation with a depth not to exceed $\frac{1}{8}$ ” with or without setal hairs. Considering the primary focus of the addendum was to take a precautionary management approach to enhance spawning stock biomass, standardization focused on adopting the more restrictive $6\frac{3}{4}$ ” maximum gauge size and $\frac{1}{8}$ ” v-notch rule across all participants (state-only permit holders and federal permit holders) in the OCCLCMA. The last standardization measure in the addendum prevented states (MA & NH) from automatically issuing additional (10%) trap tags to permit holders in LMCA 1 and LCMA 3 above their trap limit or trap allocation to preemptively account for in-season losses. This was intended to constrain permit holders from unlawfully fishing traps in excess of their trap limit or trap allocation and it would also bring the other states in the range into phase with what was already required in Maine.

The Board approved Addendum XXVII in May 2023⁴ for implementation by May 2024. The expectation was that the standardization measures would be effective for the implementation date and the trigger-based measures would be on the books to go into effect at some future date should the index decline by 35% compared to the baseline. However, within five months, the TC informed the Board that the index declined by 39% compared to the baseline triggering management changes for 2024.

The unexpected and immediate triggering of management caused a wave of concern across industry and government. There was worry that gauge manufacturers would be unable to timely fabricate new gauges for industry, enforcement, and recreational fishers throughout the range. Additionally, there was interest pursuing the Canadian fishery to adopt complementary measures in the Gulf of Maine⁵. Complementary measures would help resolve legal issues regarding the importation of undersized product from Canada to the United States and address anxieties in Downeast Maine about equity as Canadian and US vessels would be fishing side-by-side in the so-called “grey zone” but subject to disparate conservation standards. Accordingly, the Board voted twice to delay implementation. The first vote was in February 2024 and delayed implementation from May 1, 2024 to January 1, 2025. The second vote was in October 2024 and delayed implementation until July 1, 2025.

⁴ Note that Massachusetts delegation voted against Addendum XXVII due to concerns about the standardization measures affecting the state-only permit holders in OCCLCMAA.

⁵ Under Canadian rules, such a management action would have to be brought about by an industry petition because it was not mandatory conservation to respond to a stock assessment finding, which further complicated these negotiations.

In response, I proposed—and the MFAC approved—Massachusetts regulations to implement Addendum XXVII at its October 2024 business meeting. DMF’s regulations were filed on December 20, 2024 and codified on January 3, 2025⁶. Throughout the regulatory development and approval process, MFAC members questioned how DMF would act if other states (namely Maine) failed to implement Addendum XXVII. I responded that I would work through the ASMFC process but intended to avoid any scenario whereby Massachusetts’ fishers (and by extension seafood dealers and consumers) would end up subject to stricter standards than fishers who fish the same Lobster Conservation Management Area (LCMA). Additionally, I explained that should this occur, tight timelines for implementation would be likely and DMF would likely need to rely on emergency regulations to achieve this goal.

Unraveling of Support for Addendum XXVII

The scenario of noncompliance among our partner states came to fruition on January 9, 2025. Then Maine Commissioner Patrick Keliher announced he was “pulling the rule” to implement Addendum XXVII following two highly contentious public hearings where there was vitriolic outrage from some members of his industry towards Commissioner Keliher and his science and management staff regarding the pending minimum size increases and the perceived associated economic impacts. Video footage from a particularly out-of-control public hearing went viral on social media. Once word spread among the industry, newly elected New Hampshire Governor Kelly Ayotte announced on January 21 that New Hampshire would also go out of compliance with the minimum size increases⁷.

The unraveling of Addendum XXVII is a prime example of history repeating itself. Back in the 1980’s, there was a federal fishery management plan for lobster overseen by the New England Fishery Management Council and NOAA Fisheries. The federal plan adopted four $\frac{1}{32}$ ” gauge increases scheduled over a five-year period. In the middle year, 1990, when no gauge increases were scheduled, industry groups (led by Maine industry) were successful in having each state legislature in the region block additional minimum size increases through state legislation. In response, NOAA Fisheries and the New England Fishery Management Council recognized lobster management was predominately a state issue and turned over management authority to the ASMFC⁸. The minimum gauge for LCMA1 has remained at $3\frac{1}{4}$ ” since.

February 2024 Lobster Board Meeting and Addendum XXXII

Soon after Keliher’s announcement, the Board recognized the challenge it faced as the largest lobster producing state in the country was intent on going out-of-compliance with the FMP. Accordingly, at its February 2025 meeting, the Board voted to initiate draft Addendum XXXII to “repeal all gauge and vent size changes in Addendum XXVII.” Subsequently, the ASMFC held a virtual public hearing on the addendum on April 10, 2025 and the Board is expected to vote on the addendum at the upcoming May 5 Board meeting.

⁶ See DMF’s December 19, 2024 [advisory](#).

⁷ Note that Maine and New Hampshire’s rule-making processes were at different stages when these determinations were made. Maine was in its public hearing process and could simply not move forward final rules. Whereas New Hampshire had already codified rules and would have to initiate a process to amend and rescind them.

⁸ Note that NOAA Fisheries does implement federal regulations for lobster management (often on a delayed schedule). This is done to support the ASMFC’s interstate fishery management plan and not on their own volition through the Council process under the Magnuson-Stevens Act. NOAA Fisheries is also a voting member of the ASMFC’s Lobster Board.

During the February Board meeting, I expressed my strong disappointment about what transpired—the industry’s undermining of most of the conservation benefits developed through a multi-year management plan process at the 11th hour and the chilling effect this would likely have on the ASMFC process. I was especially frustrated because the states of Maine and New Hampshire—whose ASMFC delegations voted for these measures numerous times over the past two years—were the principal parties to this unravelling. While this sentiment was broadly shared among my colleagues at the Board, the draft addendum was supported if only to avoid a non-compliance scenario. For this reason, I fully anticipate the Board will also approve Addendum XXXII in May.

However, the Board also found it necessary and compelling to address the frustrations of its members. Accordingly, a second motion was also approved at the February 2025 meeting. This motion was for the ASMFC leadership to write a strongly worded letter to the states of Maine and New Hampshire, expressing disappointment in the outcome and the harm done to the ASMFC process, and putting those states and their industries on notice that the next round of conservation proposals must emanate from them. I moved this motion forward because, in my view, Maine and New Hampshire “broke it, so they own it”. I very much look forward to hearing from my counterparts on how to proceed, particularly following the release of the 2025 stock assessment later this year.

As a state director and long-time fishery manager, I fully understand the challenges associated with managing by consensus. I also recognize these challenges are particularly acute in Maine where there are four very active fishing associations representing lobster fishing interests and state law carves up the coast into seven zones, each with its own Zone Council that provides management advice to Maine DMR. However, given the size of Maine’s fishery and its obvious influence on region-wide lobster management initiatives, it is critical and sensible for Maine regulators and industry members to develop mutually acceptable conservation proposals before they are pursued at an interstate level. I believe a lesson was learned in Massachusetts (and New Hampshire) that Maine should provide leadership in lobster management and develop management options that the ASMFC can promulgate without being undermined by Maine interests.

Addendum XXXII and the OCCLCMA

While the focus of this memorandum so far has been primarily on the fallout from Maine’s decision to pursue non-compliance, there are also challenges regarding the state-only OCCLCMA fishery that warrant further discussion.

The OCCLMCA is a unique lobster fishery. Permit holders fish on the GOM/GBK stock like neighboring LCMA 1 and LCMA 3. However, unlike LCMA 1, which is principally a recruitment fishery, the size frequency of its lobster catch in the OCCLCMA is large and remarkably similar to LCMA3. This is due to the fact that the area is a migratory corridor for sexually mature lobsters moving seasonally between inshore and offshore grounds, as demonstrated by lobster tagging studies.

It is also a very small fishery in terms of the total number of traps fished and total number of active participants. There are only 67 OCCLCMA lobster trap fishers permitted. Of these, 40 do

not have a federal permit and are “state-only”. These participants fish the narrow three-mile band of waters around the eastern shore of the Cape primarily out of Provincetown Harbor and Nauset Inlet. The remaining 27 permit holders have a federal permit and can fish out into the federal zone and are primarily homeported out of the various harbors around Chatham and Harwich.

Beginning around 2000 with Addendum III, lobster management in the OCCLMCA began diverge from management in LCMA 1. This included going from a 3 1/4” to 3 3/8” minimum gauge size (consistent with LCMA 3 at the time), very restrictive limited entry and individual (permit-specific) trap allocations based on historical performance, a 10% trap tax when allocations and permits are transferred⁹, and a two-month wintertime trap closure¹⁰.

Additionally, unlike LCMA 1, OCCLCMA fishers are also not required to v-notch all egg-bearing female, nor are the OCCLCMA permit holder subject to LMCA 1’s very restrictive v-notch standard of any v-shaped notch (commonly referred to as “zero-tolerance”).

In the past 25 years, ASMFC and NOAA Fisheries have pursued some additional changes to lobster management across the various LCMAs. While much of this effort has focused on the Southern New England stock (affecting LCMA 2 in Massachusetts), there have also been some changes affecting the offshore Gulf of Maine fishery. LCMA 3 permit holders have seen their trap allocations cut by about 25%, their minimum gauge size was increased from 3 3/8 to 3 17/32, and a maximum gauge size of 6 3/4” and 1/8” v-notch standard were adopted. These last two biological measures (size limit and v-notch possession standard) were also applied by NOAA Fisheries in 2010 to the OCCLCMA federal permit holders. However, those federal rules were not extended to the state-only fishery, resulting in the disparate limits within this LCMA that Addendum XXVII sought to resolve through standardization. As a result, the state-only fishers are the only fishers along the US coast that do not have a maximum gauge size and this fishery also has the least restrictive v-notch standard among all commercial fishers.

These management differences have frequently put the state-only OCCLCMA fishery at odds with interests at the Board and their industry peers along the coast. This tension is particularly acute among the state-waters-only OCCLCMA fleet and LCMA 1 fishers, particularly in Maine. Many LCMA 1 fishers have embraced v-notching as the preeminent conservation strategy, and since the early 2000’s, have opted to mandate the v-notching of all egg-bearing lobsters and adopt the strictest v-notch possession standard (so-called “zero tolerance”). As such, they view the lax v-notching requirements in the state-only OCCLCMA fishery as undermining their conservation efforts (“they take the lobsters we v-notch”). These frustrations are also frequently aired while not fully recognizing the small scale of the OCCLCMA fishery and the strict effort controls it functions under. This dynamic was clearly at play at the recent virtual ASMFC public hearing on Addendum XXXII. In response, I intend to develop a brief report on the status and performance of the OCCLCMA fishery which I will share with the Board and the MFAC later this spring.

⁹ The 10% tax is no longer applied when a permit is transferred, only when trap allocation is transferred independent of a permit transfer.

¹⁰ This effort control closure has now been subsumed by the February 1 – May 15 Massachusetts Restricted Area trap gear closure to protect right whales which affects all of LCMA 1 in Massachusetts.

It is important to put this dynamic into context when dissecting the development of Addendum XXXII. This addendum was drafted to repeal all gauge and vent size changes in Addendum XXVII. This means the other aspects of Addendum XXVII—v-notch standardization in OCCLCMA and trap tag issuance for LCMA 1 and 3—are maintained and to go into effect as scheduled. Accordingly, while the state-only OCCLCMA fishery will get a reprieve from the maximum gauge size, they will still be subject to the $\frac{1}{8}$ " v-notch standard beginning on July 1, 2025.

At the February 2025 Board meeting, the Massachusetts delegation made a motion to pursue an option in the draft addendum that would repeal all aspects of Addendum XXVII. Chairman Kane and Representative Armini both argued that excluding the repeal of the v-notch standardization rule inequitably targeted a small number of fishers while giving reprieve to the primary harvest area. This motion was notable because it failed to obtain a second, which in my view, speaks to the above stated tension regarding the v-notch rules for these fishers and the lack of support for maintaining this management approach coastwide. Because the motion did not receive a "second", the management option was not included in the draft addendum. Accordingly, the repeal of the v-notch standardization requirement cannot be included in the final addendum, which was requested by certain state-only OCCLCMA lobster fishers and their representatives at the ASMFC public hearing. Repealing the v-notch standardization rule would require the initiation of an additional addendum.

Throughout both the development of Addendum XXVII and XXXII, representatives from the state-only OCCLCMA fishery (including the Outer Cape Cod Lobstermen's Association), have raised objections to both the conservation and standardization measures proposed for the OCCLCMA. The argument is generally that: (1) they are a small fishery and their impact on the overall stock is negligible; (2) their conservation contributions, particularly their effort control plan, is strict and should be honored given a previous agreement between the Outer Cape Lobstermen's Association, the ASMFC, and DMF; and (3) the economic impact of v-notch standardization (and maximum gauge size standardization) is significant. To this last point, some fishers have argued that the economic impact of v-notch standardization could exceed reach 25% loss in catch. Curiously, we have not heard much comment from the federal permit holders in the OCCLCMA who have been subject to the $\frac{1}{8}$ " v-notch standard and $6\frac{3}{4}$ " maximum gauge size since 2010.

I do not intend to editorialize much on the arguments made by the state-only interests, as the Outer Cape Cod Lobstermen's Association and their attorney have made it known that they are considering pursuing legal action against DMF and the ASMFC over Addendum XXXII. However, I will reiterate several things that I have previously stated in public forums.

I understand the frustrations expressed by the state-waters only OCCLCMA fleet regarding Addendum XXXII and recognize that they operate at a fraction of the scale of the other LCMA that fish on the GOM/GBK stock. However, the purpose of the v-notch rule is standardization within the LCMA, and the v-notch standardization measure (as well as the maximum gauge size measure for which they will get reprieved) were scheduled to go into effect for 2025 irrespective of the trigger-index-based conservation measures. As justified in the Statement of the Problem in Addendum XXVII, "increasing consistency across management areas may help to address some

assessment and enforcement challenges, as well as concerns regarding the shipment and sale of lobsters across state lines.” I support the logic set forth in this justification and have long been concerned that disparate rules within the LCMA challenge the enforcement of conservation standards in the federal OCCLCMA fishery, across Massachusetts and elsewhere. For this reason, I have favored the v-notch and gauge size standardization pursued by Addendum XXVII, as I believe it reasonably balances enforcement and compliance issues against the unique nature of the OCCLCMA fishery. This position is also informed by the fact that I think the economic impacts expressed by the state-only OCCLMCA fishery are significantly exaggerated for effect. DMF has sampled this fishery (both state-only and federal permit holders) since 1981, and sampling intensity has been ramped up over the past decade. The data we have collected demonstrate that only 2.2% of the catch by weight includes lobsters that would be otherwise legal (e.g., not egg-bearing) but have a v-notch between the ¼” and the ⅛” standard. This is an order of magnitude lower than estimates provided by industry.

Final Thoughts

I have stated previously that I intend to honor the ASMFC process and ensure Massachusetts fishers are not subject to stricter standards than fishers who fish the same LCMA but under rules enacted by another jurisdiction. I am resolute in the maintenance of this position, and this is evidenced by my intention to pursue emergency action to immediately implement Addendum XXXII. Given my respect for the ASMFC process, I also have no intention to pursue non-compliance (like Maine and New Hampshire threatened) so the state-waters-only OCCLCMA fishers can maintain a ¼” v-notch standard.

Table 1. Commercial Gauge Size and Escape Vent Rules to Be Rescinded by Addendum XXXII by LCMA

Implementation	LCMA 1	LCMA 3	OCCLCMA
July 1, 2025	<p>Minimum gauge size increase from 3 1/4" to 3 5/16"</p> <p>Maintains existing 3 1/4" minimum gauge size.</p>	Maintains existing 6 3/4" maximum gauge size.	<p>Establish 6 3/4" standard maximum gauge size for OCCLCMA.</p> <p>Maintains existing 6 3/4" maximum gauge size for OCCLCMA federal permit holders and no maximum gauge size for state-only OCCLCMA.</p>
July 1, 2027	<p>Minimum gauge size increase from 3 5/16" to 3 3/8"</p>	N/A	N/A
2028	<p>Trap escape vent size increase to 2" by 5 3/4" rectangular to 2 5/8" diameter.</p> <p>Maintains escape vent size of 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter</p>	N/A	N/A
2029	N/A	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p> <p>Maintains existing 6 3/4" maximum gauge size.</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p>

Table 2. Implementation Schedule for Commercial Fishing Gauge Size, Escape Vent, and V-Notch Rules Adopted in Addendum XXVII by LCMA

Implementation	LCMA 1	LCMA 3	OCCLCMA
July 1, 2025 (Regardless of trigger index)	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters OCCLCMA. V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters OCCLCMA
July 1, 2025 (Year 1 following 35% decline in trigger index)	Minimum carapace size increase from 3 1/4" to 3 5/16"	N/A	N/A
July 1, 2026 (Year 2 following 35% decline in trigger index)	N/A	N/A	N/A
July 1, 2027 (Year 3 following 35% decline in trigger index)	Minimum carapace size increase from 3 5/16" to 3 3/8"	N/A	N/A
July 1, 2028 (Year 4 following 35% decline in trigger index)	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter.	N/A	N/A
July 1, 2029 (Year 5 following 35% decline in trigger index)	N/A	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".

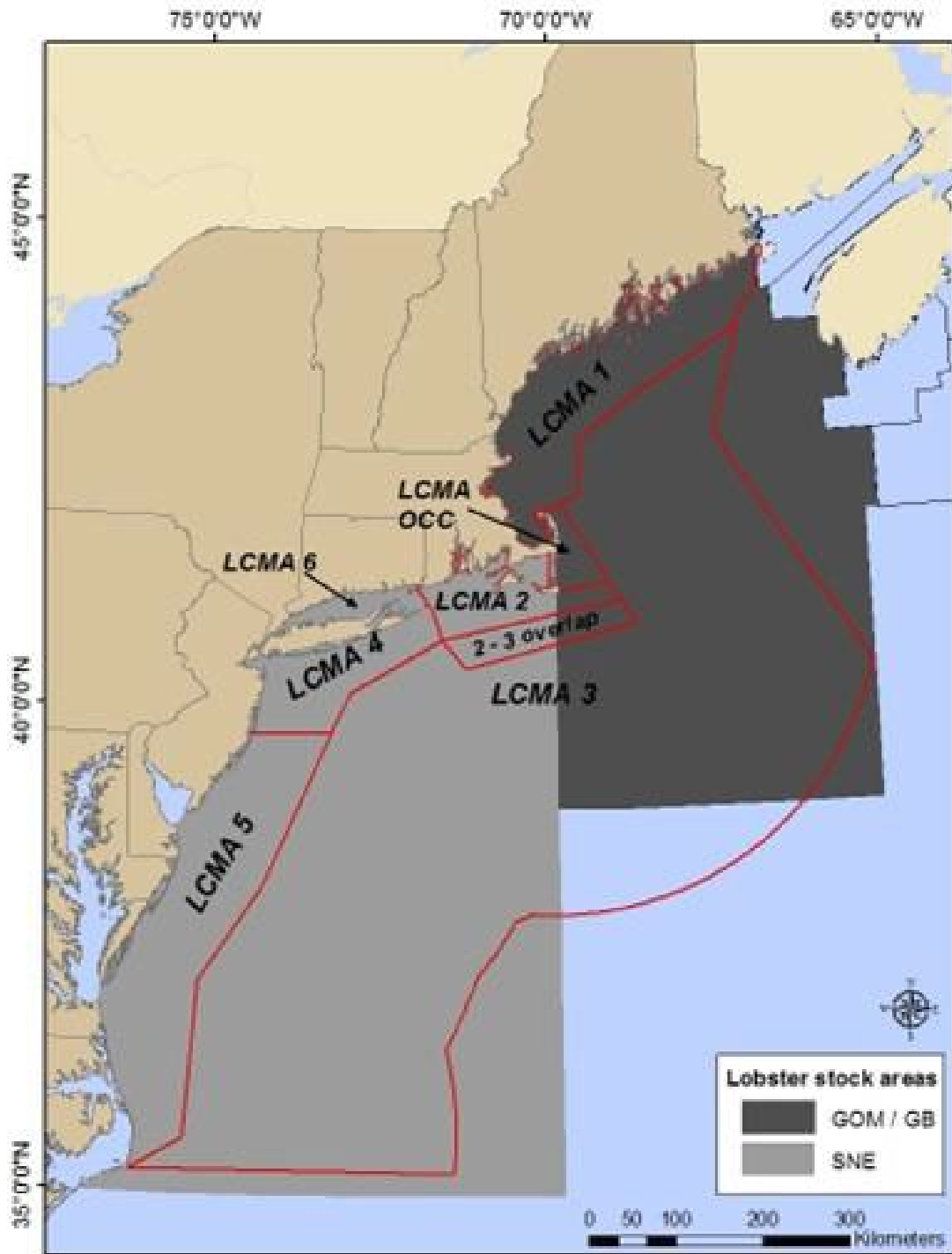
Table 3. Implementation Schedule for Recreational Fishing Rules by Management Area to Complement Addendum XXVII

Implementation	Gulf of Maine Management Area	Outer Cape Management Area
May 15, 2025	Minimum carapace size increase from 3 1/4" to 3 5/16"	Establish 6 3/4" maximum carapace size*
May 15, 2027	Minimum carapace size increase from 3 5/16" to 3 1/4"	N/A
May 1, 2028	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter.	N/A
May 1, 2029	N/A	Maximum carapace size decrease from 6 3/4" to 6 1/2".
* Recreational v-notch rule is standardized across state at 1/8" indentation with or without setal hairs.		

Table 4. Anticipated 2025 Gauge Size, Escape Vent, and V-Notch Rules for Recreational Lobster Fishery by Management Area

Management Area	Minimum Gauge	Maximum Gauge	Escape Vent	V-Notch Standard
Gulf of Maine	3 1/4"	5"	A rectangular vent measuring at least 1 15/16" by 5 3/4" or two circular escape vents that measure at least 2 7/16" diameter.	1/8" indentation with or without setal hairs.
Outer Cape Cod	3 3/8"	N/A	A rectangular vent measuring at least 2" by 5 3/4" or two circular escape vents that measure at least 2 5/8" diameter.	1/8" indentation with or without setal hairs.
Southern New England	3 3/8"	5 1/4"	A rectangular vent measuring at least 2" by 5 3/4" or two circular escape vents that measure at least 2 5/8" diameter.	1/8" indentation with or without setal hairs.

Figure 1. Map of Lobster Management Areas Overlayed on Lobster Stock Areas





The Commonwealth of Massachusetts

Division of Marine Fisheries

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Lt. Governor


REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: April 18, 2025

SUBJECT: **Decision on Commercial Striped Bass Management Proposal**

Final Decision

This winter, DMF took to public hearing a proposal to adopt a slot limit and prohibit gaffing in the commercial striped bass fishery.¹ It is my recommendation that DMF not proceed with rule-making on this proposal at this time for the reasons described herein. Instead, I intend to continue the discussion of these, and additional possible commercial fishery amendments, with a to-be-named striped bass industry advisory panel and the MFAC Striped Bass Focus Group.

Public Hearing Proposal

DMF's interest in considering a commercial slot limit was based on concern about the future of the striped bass stock given the consecutive years of below average recruitment in the Chesapeake Bay, Delaware River, and Hudson River that are expected to cause declining biomass in the future. Because the scientific literature suggests beneficial effects of larger female striped bass on fecundity and recruitment success, I felt it justifiable to reconsider our management approach that results in the Massachusetts commercial striped bass fishery harvesting more large fish than any other jurisdiction.

The specifics of the proposal included retaining the current minimum size of 35" and adopting a maximum size (e.g., in the 43-45" range), as well as consideration of reducing the minimum size (e.g., to as low as 32" and potentially with a smaller maximum size) if there were concerns about discards or other factors to incorporate (e.g., market preference). Additionally, I sought feedback on fully prohibiting the use of gaffs in the commercial fishery with the adoption of a slot limit (currently only undersized fish may not be gaffed), similar to how gaffing became unlawful in the recreational fishery when a maximum size was adopted.

As expected, these proposals generated significant public interest and comment during the February 14–March 16, 2025 public comment period, including two hearings on March 10 (Gloucester) and March 11 (Bourne). More of the written comment favored the adoption of a slot

¹ This proposal was presented to the MFAC in January 2025. Refer to page 23 of the [meeting materials](#).

limit and gaffing prohibition, and most of that support came from recreational fishery participants. The comments we received at the in-person public hearings were primarily from commercial permit holders, and they opposed a maximum size, any change in the minimum size, and a ban on gaffing.

Comment in support of the commercial slot limit was based on the conservation benefits, while the opposition centered around several main themes: increased releases and differential discard mortality of larger fish; reduced ex-vessel value, both on a per trip and annual basis (from landing smaller fish and the associated quota reduction); and the lack of an interstate mandate for these actions. Reducing the minimum size raised additional concerns about the pace of quota consumption and putting more pressure on the 2015 year-class but was also seen as a way to reduce discards by some commenters. Prohibiting gaffing found some support as a means to reduce release mortality and enhance consistency across fisheries, but was strongly opposed by commercial anglers who said it would make them less efficient and less safe and asserted that they do not have a problem discerning keeper sized fish.

Decision Rationale

While there may be merit to the underlying conservation basis for the adoption of a commercial slot limit, I cannot proceed in making any recommendation to you at this time for a number of reasons.

First, the public was inadequately informed about the impact on the commercial quota. The magnitude of the quota reductions caused by adopting a slot limit to maintain conservation equivalency was provided as a range at the public hearings and the amounts presented also differed from my public hearing proposal memo given the timeline for the Technical Committee's review and data updates to the methodology. This turn of events, as well as the sheer number of minimum and maximum sizes included in the proposal, produced confusion and concern regarding the proposal's potential impact on the quota. Any future public hearing proposal that addresses commercial size limit changes will benefit from this year's hearings and the Technical Committee review and be narrower in scope and provide the needed clarity on the associated quota adjustment.

Second, the public comment highlighted several areas for further analysis or associated option development that cannot be completed in short order. There was stakeholder interest in DMF better documenting the conservation benefit of the proposal in terms of egg production and accounting for discards. Ideally, fecundity-at-size and discard mortality would be directly incorporated into the methodology for determining the conservationally equivalent quota adjustment, as was recognized by the ASMFC Technical Committee in reviewing our proposal. This warrants consideration before moving ahead, but if such improvements are deemed unrealistic (due to insufficient data for example), we may still be able to produce some estimate of the impact on egg production that accounts for releases. Contemporary data on commercial discard length frequency would benefit this work. We also have some pending analyses of data collected through DMF's striped bass citizen science project that are expected to isolate the effect of fish size on post-release mortality, which was of public interest. The interplay between the proposed size limits on discards, release mortality, and high-grading as raised in the public comment suggests these issues need to be discussed in greater detail with potential for some

additional management approaches. Some of these would benefit from additional analysis, such as the impact of angling gears and techniques that are still permitted in the commercial fishery (like snag and drop fishing with menhaden). All of these inquiries would help inform future management.

Third, the proposal ought to be considered in the context of possible interstate management changes in 2026 and the ongoing work of the MFAC's Striped Bass Focus Group. Since the development of the public hearing proposal, the commercial issues for consideration under ASMFC's Draft Addendum III to the interstate plan (expected to be voted on in October 2025) have expanded beyond a quota reduction (if warranted by updated stock projections) to include potential mandate of point-of-harvest commercial tagging programs. Currently the states have the option for either dealer-based or harvester-based commercial tagging programs, and Massachusetts is one of the few states with dealer-based tagging. States that have harvester-tagging rules have limited entry permitting, and in many cases, individual fishing quotas. Examples include Maryland, Virginia, and Delaware. Because the Massachusetts management system features open access and three times more permits issued than active participants, the administrative burden would be substantial on DMF to issue and then recall unused tags at season's end. Such a requirement would fundamentally alter the Commonwealth's commercial striped bass fishery—as it would necessitate a significant reduction in the number of permits—and would trigger a more holistic review of our management approach. Even without an ASMFC mandate, the MFAC has previously expressed interest in evaluating such changes and its Striped Bass Focus Group is due to reconvene on the topic this year. Consequently, I also believe it is time to re-establish an industry advisory panel, such as DMF has brought together in past instances of considering large-scale management changes. I will keep the MFAC apprised as I undertake the next steps down this path.