



MA Marine Fisheries Advisory Commission August 18, 2022 Meeting Summary

This document serves as a brief summary of the August 18, 2022 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held virtually via Zoom. All meeting materials are available on the [MFAC's past meeting website](#) and a recording of the full meeting is posted to [DMF's YouTube channel](#).

Upcoming Public Hearings

DMF provided the MFAC with an overview of upcoming fall 2022 public hearings. This included the scheduled September 13, 2022 public hearing on recreational Georges Bank cod and Gulf of Maine cod and haddock limits, as well as a pending mid-fall omnibus public hearing on various fishery management issues. The pending mid-fall hearing is expected to include proposals affecting Atlantic mackerel and shortfin mako, discussed at the June 2022 MFAC business meeting, in addition to the five items to be discussed at the August meeting and summarized below.

1. Effective May 1, 2023, require electronic trackers be installed and operable on all vessels fishing under the authority of a state issued commercial lobster permit with an appurtenant federal lobster trap permit and allocation. The Atlantic States Marine Fisheries Commission's (ASMFC) Fishery Management Plans (FMP) for American Lobster and Jonah Crab require this as of 2024, but DMF seeks to implement it a year earlier to address critical data needs.
2. Take comment on a petition from the Massachusetts Conch Association to delay the scheduled gauge increases to bring size-at-harvest to 50% size-at-maturity for female whelks. Rather than 1/8" gauge increases occurring biennially, the 1/8" gauge increases will occur once every three years.
3. Amend, clarify, and refine state protected species regulations governing fixed gear. The proposed amendments will eliminate the weak link requirement for commercial trap fisheries and allow the DMF Director to extend or rescind the recreational trap closure based on the presence or absence of right whales. Additionally, DMF seeks to clarify a redundancy in its buoy line rules relative to accommodating a piece of groundline extending from the terminal trap in a trawl to the buoy line. Lastly, there will be several housekeeping measures to better structure the rules.
4. Extend the period when Area 1A (Gloucester/Rockport) is open to mobile gear fishing from February 1 – March 31 to February 1 – May 15. The closure was historically adopted to manage gear conflicts with fixed gear fishermen, but with the trap gear closure now in effect through mid-May, the potential for gear conflicts is diminished. Extending the mobile gear fishing period is expected to provide additional access to sea scallops should there be local abundances.
5. In 2021, at the request of the local recreational fishing community, Rhode Island implemented a 21" maximum size and a trophy fish allowance of 1-fish per angler measuring 21" or greater for its recreational tautog fishery. Under the ASMFC's FMP for tautog, Massachusetts and Rhode Island are to manage their fisheries in a cooperative manner. Accordingly, DMF is proposing to consider adopting a similar maximum size and trophy fish allowance.

Discussion Items

Updates Concerning the Atlantic States Marine Fisheries Commission

DMF staff reviewed hot button issues being addressed at the ASMFC. This focused on: (1) the 2022 Atlantic herring stock assessment; (2) the continued postponement of the Gulf of Maine/Georges Bank stock resiliency addendum to the American lobster FMP to address possible implications on international trade; (3) the pending 2022 striped bass stock assessment and how this may necessitate rule making for 2023, including what types of measures ASMFC member states want to consider; (4) the 2022 menhaden stock assessment and the approval of Draft Addendum I to the FMP for public comment, which proposes revisions to the state quota allocations, the Episodic Event Set-Aside, and the Incidental Catch and Small Scale Fishery allowance; and (5) 2023 specification updates for bluefish, summer flounder, scup and black sea bass and how 2023 recreational fishing measures for certain stocks may be affected by the new harvest control rule and the summer flounder management strategy evaluation.

Updates Concerning the Federal Fisheries Management

DMF provided a high-level summary of the recent June NEFMC meeting in Portland, ME and an overview of issues coming before the Council at its September meeting in Gloucester. For Atlantic herring, the 2023 – 2025 specifications were discussed, as well as concerns regarding continued development of the Georges Bank spawning protection measures in Framework 7. For multi-species groundfish, the Council is focused on Framework 65, which addresses the 2023 – 2025 specifications, rebuilding cod and Southern New England winter flounder, and ABC control rule provisions. On sea scallops, the NEFMC will be deciding whether to pursue development of a limited access leasing program, as well as developing Framework 36 to set specifications for 2023 and 2024. For skates and monkfish, the update was on pending annual monitoring reports and Framework 13 to set the 2023 – 2025 specifications. The NEFMC continues to work on the development of Eco-system Based Management and issues relative to habitat management areas, dedicated research areas, as well as offshore wind and aquaculture developments.

Protected Species Update

DMF informed the MFAC it was finalizing the draft Incidental Take Permit application for submission to NOAA Fisheries. DMF expected the application would be an iterative process. DMF then reviewed the recent federal court decision in the Center for Biological Diversity v. NOAA Fisheries. The judge in this case found NOAA Fisheries violated the Endangered Species Act by failing to satisfy the Marine Mammal Protection Act's negligible impact requirement for setting the authorized level of take in its Incidental Take Statement. Consequentially, the 2021 Biological Opinion for the North Atlantic Right Whale and the recent federal Atlantic Large Whale Take Reduction Plan regulations were invalidated. The court ordered parties to submit a joint schedule on remedies and the plaintiffs requested NOAA Fisheries submit a new final rule that meets potential biological removal within six months. As a result of this, there is great uncertainty regarding the future management of the lobster trap fishery and how this may impact Massachusetts. DMF also reviewed grant programs for mandatory lobster gear modifications to protect right whales, NOAA's Roadmap to Ropeless Fishing, and federally proposed vessel speed limit rules along the Mid-Atlantic and New England coast.

Shellfish Program Updates

DMF's Shellfish Program provided a brief update to the MFAC on recent happenings. The update covered the ongoing and annual FDA PEER Review, which was focused on the *Vp*. Control Plan and shellfish growing area classifications for mooring areas and near wastewater treatment plants. DMF also discussed ongoing dilution analyses being conducted by SMAST for certain wastewater treatment plants meant to inform classifications and preliminary results for Scituate and Marshfield. Lastly, DMF discussed the biotoxin closures this year.

Recent Adjudicatory Proceedings

DMF provided a short update regarding its administrative law program and recently finalized adjudicatory proceedings.

Quota Managed Species Update

DMF reviewed the status of its quota managed fisheries in 2022. This compared landings and quota utilization rates in 2022 to recent years to help demonstrate fishery performance. A more in depth presentation will be provided at the September meeting, as these quota managed fisheries will be winding down for the season.

Upcoming Meetings

The next MFAC business meetings are scheduled for September 13, 2022 (via Zoom) and October 18 (location TBD).