



## **MA Marine Fisheries Advisory Commission August 20, 2024 Meeting Summary**

---

This document serves as a brief summary of the August 20, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held in-person at DMF's SMASST East Facility in New Bedford, MA. All meeting materials are available on the [MFAC's past meeting website](#).

### **2024 Commercial Fishery Performance and Quota Utilization Report**

DMF provided an update on overall trends in fishery performance with a focus on the quota managed fisheries for menhaden, striped bass, black sea bass, summer flounder, and horseshoe crabs in the context of the various management tools adopted for this season. Based on this review, DMF will likely consider quota management approaches for menhaden and summer flounder in 2025.

In late July 2024, DMF proposed an in-season adjustment to increase the black sea bass trip limits to 600 pounds for potters and 300 pounds for hook fishers. The proposed in-season adjustment would implement these trip limit increases as soon as August 21, rather than wait until September 15 when they are scheduled to automatically occur should 15% or more of the quota remain. Given lack of strong support from industry, DMF opted to not move this proposal forward as a recommendation to the MFAC. Accordingly, status quo trip limits will stay in effect for the time being.

### **Future Public Hearing**

*Commercial Monkfish Trip Limits.* DMF reviewed its planned proposal for public comment to increase the commercial monkfish trip limits for whole monkfish and monkfish tails. The current trip limits are 1,560 pounds for whole monkfish and 536 pounds for monkfish tails (the monkfish tail weight to whole monkfish weight conversion factor is 2.91). The proposal would increase the whole weight trip limit to 1,746 pounds and the tail weight trip limit to 600 pounds. This action would bring the trip limits for the state waters fishery in line with the trip limits for federal Category B and D permit holders participating in the Northern Fishery Management Area Days-At-Sea program. As a matter of practice, DMF has historically managed the state waters monkfish fishery in concert these federal limits but state rules recently and inadvertently fell out of phase with federal rules. There is some interest from the commercial fishery to further increase the monkfish tail weight trip limit upwards to 1,000 pounds (2,910 whole weight). In response, DMF committed to modifying its proposal to go out to public hearing to increase the trip limits within the range of 600 to 1,000 pounds of tail weight.

### **Discussion Items**

*Update on Legislation Affecting Marine Fisheries.* DMF highlighted that an outside section to the FY25 state budget amended state law so that persons engaged in fishing activities permitted by DMF are not subject to filing a Notice of Intent under the Wetlands Protection Act (WPA) and its implementing regulations or obtaining a water quality certification. This statutory change reaffirms the authority of DMF and the MFAC in managing fisheries and resolves the question of regulatory authority over hydraulic dredge fisheries that followed an appeals court decision in Aqua King Fishery, LLC v. Conservation Commission of Provincetown whereby it was determined that under existing state laws hydraulic shellfish dredging could be regulated by the Division of Marine Fisheries, as well as the Department of Environmental Protection and municipal Conservation Commissions under the WPA.

*Federal Fisheries Management.* DMF briefed the MFAC on happenings at the recent June 2024 New England Fishery Management Council (meeting). This focused on: (1) changes in NEFMC membership; (2) the decision to discontinue the development of a framework to consider sea scallop dredge access within the Northern Edge of Georges Bank; (3) a report on public scoping to inform development of Amendment 10 to the Atlantic Herring FMP that addresses user group issues and bycatch avoidance; (4) the setting of annual specifications for Atlantic herring for 2025–2027; (5) the initiation of Framework 69 to the Northeast Multispecies FMP that addresses annual specifications for 2025–2027 and the Atlantic Cod Management Transition Plan; and (6) ecosystem and climate initiatives being developed pursuant to the Inflation Reduction Act. DMF also provided the MFAC with an overview of the upcoming September NEFMC meeting. An item of importance in September will be the final action on Amendment 25 to the Northeast Multispecies FMP that incorporates four new cod stock units into the FMP, informed by recent genetic research.

*Interstate Fisheries Management.* DMF briefed the MFAC on happenings at the recent August meeting of the Atlantic States Marine Fisheries Committee. The Lobster Management Board meeting focused on the potential trade implications of the gauge size adjustments approved in Addendum 27 to the FMP. The Board initiated a new addendum to delay that addendum's implementation schedule by another six months to July 1, 2025, and finalized Addendum 30 to confirm that the new lowest minimum size to be implemented (3 5/16") would serve as the national standard on imports. The Menhaden Board approved forming a workgroup to begin addressing concerns about how availability of menhaden in the Chesapeake Bay may be impacting nesting osprey and provide guidance on how to manage the utilization of the menhaden resource in the Bay to consider piscivorous birds and fish. The Striped Bass Board received an interim report from a working group established to examine management issues around recreational release mortality, including reviewing the efficacy of "non-targeting" closures and gear modifications. The Board also received an update on the 2024 Stock Assessment and provided input on how the Technical Committee should develop potential measures if needed. Lastly, DMF also provided an overview of the 2024 stock assessments presented for Atlantic herring, Atlantic sturgeon, and river herring.

DMF also briefed the MFAC on the 2025 specifications and other actions taken for species jointly managed by the ASMFC and the Mid-Atlantic Fishery Management Council (MAFMC) in August. Previously set 2025 specifications—i.e., commercial quotas and recreational harvest limits—were maintained for summer flounder, scup (with a correction made), and bluefish; whereas new specifications were set for black sea bass based on the 2024 stock assessment. Notably, the situation around black sea bass management is confounded given a disconnect between state managers and federal managers over how to set the Allowable Biological Catch (ABC). The MAFMC is required to adopt the SSC-recommended ABC, which would set a lower ABC (-20%) based on a projected sharp decline in spawning stock biomass moving forward, despite the current spawning stock being assessed at 219% its target. The ASMFC is not required to adopt the SSC-recommended ABC and favored a status quo approach for several reasons including concern about the reliability of those projections. Divergent commercial quotas and recreational harvest limits being set by the two management bodies creates several management issues (e.g., timing of quota closures), which NOAA Fisheries will consider when ultimately determining the federal limits. Even under the ASMFC preferred status quo limits, neither MA's commercial quota nor recreational measures are expected to be status quo for 2025. This assessment indicates a more equal north-south split of the biomass than the last assessment, which will reduce the northern states' quotas per the state-by-state allocation formula. Recreational measure setting will occur according to the Percent Change Approach, which does not have a viable status quo outcome for black sea bass at this time. DMF also reviewed the timelines for public hearings on pending

management actions to address how recreational fishing limits are set and mesh size exemptions for summer flounder trawling in the Mid-Atlantic.

*Use of Fish and Conch Pots in Federal Waters.* DMF described concerns regarding the proliferation of trap gear in the federal zone by Massachusetts permit holders and how this may impact efforts to reduce the entanglement risk posed by buoy lines to endangered right whales and sea turtles. DMF is considering a regulatory proposal that would manage state permit holders fishing in the federal zone consistent with state regulations and require any buoy lines set in the federal zone be set consistent with buoy line marking rules for the Atlantic Mixed Species Trap/Pot fishery and not the Massachusetts Mixed Species Trap/Pot Fishery.

*Non-Native Species for Use and Sale as Bait.* DMF briefed the MFAC about emerging concerns regarding the sale of live Pacific lugworms as bait and the potential for this worm or other invertebrates that may be present in the packing of this product to become invasive. This emerging issue also raised persistent concerns about the potential introduction of non-native species or pathogens from imported baits. In response, DMF will move to propose banning the possession and sale of the Pacific lugworm and may develop a framework to control the use of baits that are not endemic or naturalized in Massachusetts.

**Upcoming Meetings.** The next MFAC meeting is scheduled for September 19. This meeting will no longer occur virtually, but the location is to be determined. Then the MFAC will meet on October 29 at DFW's Field Headquarters in Westborough, and again on November 19 and December 17 via Zoom. Unless otherwise notified, all meetings are scheduled to start at 9AM.