

FISHERIES ADVISORY COMMISSION
August 19, 2021
Held Virtually via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Michael Armstrong, Assistant Director; Jared Silva; Nichola Meserve; Stephanie Cunningham; Maggie Nazarenus; Melanie Griffin; Bob Glenn; Erin Burke; Nick Buchan; Scott Schaffer; Steve Wilcox; Chrissy Petitpas; Mark Rousseau; and Anna Webb

Department of Fish and Game: Ron Amidon, Commissioner

Massachusetts Environmental Police: Lt. Matt Bass

Members of the Public: Philip Coates; Brett Hoffmeister; Lizzie Roche; Luke Holmes; Beth Casoni; and Kenneth Weeks

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the August 19, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF AUGUST 19, 2021 BUSINESS MEETING AGENDA

Jared Silva stated DMF sought two minor changes to the August draft business meeting agenda. First, DMF wanted the agenda item on “Updates on Protected Species Management” to be inclusive of happenings at the Atlantic Large Whale Take Reduction Team. Second, DMF wanted to move the “Review of MFAC Authorities in Fisheries Management” discussion up the agenda from item #6F to immediately following the Comments section at agenda item #3.

Chairman Kane asked for a motion to approve the draft agenda as amended by DMF. Sooky Sawyer made a motion to approve. The motion was seconded by Shelley Edmundson. The August 19, 2021 MFAC business meeting agenda was approved by unanimous consent.

REVIEW AND APPROVAL OF JUNE 3, 2021 DRAFT BUSINESS MEETING MINUTES

There were no comments regarding or amendments to the June 3, 2021 draft business meeting minutes.

Chairman Kane asked for a motion to approve the June 3, 2021 draft business meeting minutes. Sooky Sawyer made motion to approve. Mike Pierdinock seconded the motion. The motion was approved by unanimous consent.

CHAIRMAN'S COMMENTS

Chairman Kane hoped that everyone had an enjoyable summer and thanked the MFAC for their full attendance at the August business meeting.

COMMISSIONER'S COMMENTS

Commissioner Amidon thanked Director McKiernan and DMF staff for the rapid progress on the second round of CARES relief and for attending the recent meetings of the Legislature's recent Environment, Natural Resources, and Agriculture Committee.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). A number of striped bass violations were cited along the North Shore. Fishing activity along the Cape Cod Canal produced some complaints of non-compliance, as well as some citations for violations. An investigation was ongoing regarding commercial lobster gear in southwestern Cape Cod Bay. MEP observed good compliance with the new buoy line rules to protect right whales.

With regards to personnel, Lt. Bass indicated three recent hires had received their field assignments and four new hires had entered into field training.

Sooky Sawyer addressed the commercial lobster gear investigation in Cape Cod Bay. He stated many area fishermen were frustrated by the situation. Specifically, that MEP was not responsive to complaints regarding illegal trap fishing and stolen gear. Lt. Bass stated he would look into MEP's response to the allegations. It was also noted that the investigation was ongoing and DMF had initiated an adjudicatory proceeding.

Ray Kane stated he would like to see more officers entering training to ensure more boots on the ground. He acknowledged MEP is understaffed.

DIRECTOR'S COMMENTS

Director McKiernan stated the final arguments in the Strahan v. Commonwealth were postponed from August 19 to September 2. The hearing could be attended virtually and the Director asked staff to share the link Dan praised Bob Glenn for his work in preparation for this trial, including his testimony in June.

DMF held a meeting with the MA Conch Association, Dr. James Sulikowski from Arizona State University, MA Representative Tony Cabral, and MFAC members Shelley

Edmundson and Ray Kane. The purpose of the meeting was to discuss whelk biology, fishery management, and research initiatives. Dan reported there was support among Association members to revisit the whelk size-at-maturity study. However, he did not find the arguments in favor of redoing the study again to be compelling. Rep Cabral sought for greater collaboration among industry, SMAST, and DMF to improve management and science initiatives.

Director McKiernan then discussed the municipal management of shellfish (“home rule”). State law establishes home rule for the management of certain bivalve shellfish species in municipal waters. In recent months, a small number of vessels were fishing with dredges for mussels in Plymouth Harbor. Unknowingly, however, local regulations prohibit commercial fishing for all municipally managed shellfish species, including blue mussels. While the shellfish constable initially took action to restrict this activity, there was some interest among the local authorities to accommodate it in deeper waters between Gurnett Point, Browns Bank, and Bug Light. At a recent town meeting, the Board of Selectmen took action to allow the activity to continue temporarily while a management plan was developed. There was some interest in the state developing baseline rules which could either be adopted at the local level or apply in certain local waters should the town not want to manage the.

Director McKiernan noted Bill Doyle was involved in this matter locally and asked if Bill wanted to speak to it. Bill stated the selectmen were interested in allowing commercial dredge fishing in the outer harbor to some extent. He was hopeful local officials would work with DMF to develop a management plan.

Director McKiernan then touched on personnel. He stated that with Kathryn Ford leaving for the Northeast Fisheries Science Center, Mark Rousseau was promoted to DMF’s Habitat Program Manager. The Director discussed Mark’s new role and the projects he will be taking on.

Jared Silva was asked to summarize a recent agency action to set recreational cod and haddock limits for the for-hire fishery. NOAA Fisheries just recently finalized the recreational Gulf of Maine (GOM) cod and haddock limits for the current fishing year and allowed a September 8 to October 7 for-hire recreational fishing season for GOM cod. This season was not currently allowed under state rules. DMF wanted to ensure the state rules complemented the federal rules to provide for-hire fishermen with this additional fishing access and to allow fish lawfully taken in federal waters to be landed in Massachusetts. Given the narrow timeframe to implement this, DMF chose to do it by permit condition, as opposed to adopting it by regulation.

Director McKiernan then welcomed questions from the MFAC.

Bill Amaru was concerned about the development of a complex myriad of mussel dredging rules should each town want to adopt its own local management plan out to its seaward boundary. Director McKiernan was optimistic this would not occur but noted such “Balkanization” was why the commercial surf clam and ocean quahog dredge

fishery is managed at the state level. Dan's preference is to work with the local communities through their shellfish officers and potentially adopt baseline regulations that would apply locally should the municipality choose not to manage the resource throughout the extent of its waters. This was an item he hoped would be discussed at an upcoming MSOA meeting.

Sooky Sawyer asked about a recent entanglement of a humpback whale in Massachusetts lobster gear. Director McKiernan stated DMF was still waiting on a formal report from NOAA Fisheries. However, he confirmed it was a juvenile humpback, the whale broke free from the buoy line, and the buoy line was properly rigged with the newly required weak contrivances. Sooky advocated for DMF to share this with the Attorney General's Office and the court that is hearing the ongoing protected species litigation. Director McKiernan stated he intended to share the formal NOAA report with the legal team once it was made available.

DMF Legal Authorities

Director McKiernan provided a historic overview on the formation of the Commission and its rule making authority. He then asked Jared Silva to present on various legal authorities available to manage marine fisheries in MA, and to what extent the MFAC is involved in each. Jared Silva provided a presentation on the subject and then welcomed questions from the MFAC.

At the top of the management pyramid are those laws established by the legislature at G.L. c. 130. While modern fishery laws typically provide a framework for regulation, there are various state laws that actually establish marine fishery limits. The next layer of management is the Director's authority to promulgate regulations pursuant to G.L. c. 130. G.L. c. 130, §17A allows DMF to regulate the manner of fishing and size, times, places, and quantities of fish to be taken with approval of the MFAC. Beyond the explicit purview of the MFAC, the Director may also adopt permitting regulations and regulations governing vessels operating in Massachusetts waters to protect marine species. Emergency regulations are a type of regulation that is set on a temporary basis for a period of 90-days. They are implemented by the Director with approval of the DFG Commissioner. This authority is typically used to respond in a timely manner to changes in federal or interstate management, address issues pertinent to public health, and manage latent effort. Below the agency's regulatory authority resides the Director's declaratory authority. This is an authority developed by DMF and the MFAC to allow DMF to make in-season adjustments to fishery limits without having to amend regulations. For the Director to issue a declaration, the agency must host a two-week written comment period, the MFAC must approve the action, and the action must be published via a certain protocol. The last tier of the agency's management authority is the ability to condition permits. The MFAC has no formal role in this process. However, DMF typically seeks their advice on management and conservation issues. Once adopted, the permit conditions are sent to the permit holder and published on the agency's website. The most common type of permit condition is a Letter of Authorization, which are typically issued to allow certain exempted activities or

accommodate pilot programs. Permit conditions are also used to respond flexibly or immediately to critical enforcement and management challenges.

Bill Doyle thanked Jared for his presentation. Bill noted there was some confusion among MFAC members regarding their authority on certain matters and this helped better explain the MFAC's role. Bill then asked several questions. First, he asked if the MFAC's authority under G.L. c. 130, §17A to regulate certain fishing activity extended to shellfish. Jared stated that shellfish was a complex area of management due to home rule. However, the MFAC's regulatory oversight would extend to those aspects of shellfish management under DMF's control. Second, he asked if the MFAC could move and vote on their own motions on regulations. Jared stated the process for moving regulations begins with a recommendation from the Director. The MFAC may choose to move the Director's recommendation as a motion; if the recommendation is not moved or the motion fails, the MFAC can advise the Director on how to amend the recommendation so that it is supported. Lastly, Bill asked how a MFAC member may push for a certain change to a regulation. Director McKiernan stated the member should discuss the action with other MFAC members and DMF staff. They can also raise the specific action at a business meeting. In response, DMF will then study and review the action and discuss it to determine what course of action is warranted.

ACTION ITEMS

2021 Quota Managed Species Updates

Anna Webb provided an update on quota managed species and quota utilization for 2021. Her presentation focused on black sea bass, summer flounder, striped bass, menhaden and horseshoe crabs.

Ray Kane asked about overall compliance with dealer and harvester reporting. Anna stated that generally speaking reports were being submitted accurately and on time.

Ray Kane then asked about the number of vessels fishing in the summer flounder fishery. Anna stated she did not have the data on hand. Jared Silva noted anecdotal reports were that the inshore trawl fishery was down to about 10 vessels and of those 10 vessels several had left the fishery in season due to a variety of factors. DMF was planning on meeting with the fleet during the fall to discuss the challenges they face and how manage the inshore fishery and utilize the quota moving forward.

Kalil Boghdan, Anna Webb, and Jared Silva discussed DMF's projection for fishery closure dates. DMF's projections were based on current fishing effort and daily catch rates remaining static. Therefore, the projections become less certain during the fall months, as these factors change in response to deteriorating weather and fish migration.

Kalil Boghdan and Director McKiernan discussed the challenges the state may face should it not take its quota. From an economic perspective, it is a deficit of local domestic seafood production and unrealized income for commercial fishermen and

seafood dealers. From a management perspective, if the state continuously underutilizes its quota then there may be pressure at the ASMFC and Council level to reallocate the state's to a state or user-group where it may be better utilized. Accordingly, DMF works with the MFAC to set harvest rules to utilize 100% of the available quota.

Kalil then asked Anna to explain how data is reported. Anna stated that dealers acting as primary buyers report their direct from harvester seafood purchases into the SAFIS database on a weekly basis. This allows DMF to monitor the quota in near real time. As we approach the quota, staff also work closely with the buyers to obtain the landings data in near real-time to more accurately project quota closures and avoid quota overages. On the fisherman side, data is reported monthly on a trip level basis. This data is not used to monitor quota but is used to is used for spatial information and gear types.

Mike Pierdinock asked if adjacent states are seeing the same trends regarding quota and landings. Nichola Meserve indicates that it varies from fishery to fishery and state to state.

Mike Pierdinock then asked if the landings data includes both state and federal permitted vessels. Anna Webb confirmed the data is inclusive of all fish landed in the state regardless of where it was caught and the permits held by the vessel.

Nichola discussed the performance of the 2021 menhaden fishery. MA took its initial 5.4-million pound (mlb) quota by the middle of June. MA—as well as ME and RI—opted into the ASMFC's episodic event set-aside (EESA) program. The EESA was set at 4.28 mlb this year and these states exhausted the EESA by the end of month. MA landed approximately 46% of the overall EESA and allowed fishing up to a 25,000-pound trip limit during the fishery. ME, MA, and RI then 8.27 mlb of quota transfers from other states. The transfer was allocated among the three states based on a cooperative agreement with MA received about 2.49 mlb. This kept the fishery open through early August at the 25,000 pound trip limit. The directed fishery closed on August 11 and fishing continues under the small scale and incidental harvest limit of 6,000 pounds.

In-Season Adjustments

Action on Commercial Black Sea Bass Adjustments

Director McKiernan set forth his recommendation to liberalize commercial black sea bass limits for 2021 to better utilize the remaining quota. The recommendation was:

1. Effective August 30, 2021, increase the directed commercial black sea bass trip limits for hook and line and pot fishermen by 25%. This will increase the commercial pot limit from 400 pounds to 500 pounds and the hook and line limit from 200 pounds to 250 pounds.
2. Effective August 30, 2021, increase the number of open fishing days per week for the directed commercial black sea bass hook and line and pot fisheries from

three days per week (Sunday/Tuesday/Thursday) to five days per week (Sunday – Thursday).

3. Effective October 1, 2021, eliminate the remaining closed fishing days in the directed commercial black sea bass hook and line and pot fisheries.

Director McKiernan opened the floor up to questions from the MFAC.

Bill Amaru supported the recommendation. Bill anticipated there may be some objections to enacting these changes prior to the end of the recreational fishery on September 9 and was curious if the Director would consider amending his recommendation should it not pass. Dan stated his support for the recommendation as provided and did not think it would have a measurable impact on the recreational fishery. However, he indicated he would be willing to amend his recommendation should it fail to pass.

Mike Pierdinock did not oppose liberalizing commercial fishing limits for black sea bass, but could not support any action to enact such changes prior to the end of the recreational fishing season. Mike stated that warm waters were driving the recreational fleet further from shore and increased the likelihood of user group conflicts between the commercial and recreational fishing sectors.

Kalil Boghdan stated he would vote in favor of the motion, but shared Pierdinock's concerns about potential user group conflicts.

Tim Brady stated his intention to vote against the recommendation. He argued increasing commercial fishery removals may limit the fish available to the recreational fishery. This had the potential to impact resource availability and could have a limiting effect on for-hire trips.

Ray Kane summarized conversations he had with commercial fishermen. Those fishermen supported the recommendation, but they wanted the liberalizations to be implemented immediately. Ray was concerned that compromise measures would result in the quota being underutilized this year. Ray and Nichola then discussed quota utilization this year versus past years.

No further comments were made.

Chairman Kane asked for a motion to approve the Director's recommendation for in-season adjustments to commercial black sea bass limits. Bill Amaru made motion to approve the Director's recommendation. The motion was seconded by Sooky Sawyer. A roll call vote was taken. The motion was passed 6-2 with Tim Brady and Mike Pierdinock voting in opposition.

Review of Authorization for Horseshoe Crab Trip Limit Increase for Trawlers
DMF also reviewed its decision to issue Letters of Authorization to all Coastal Access Permits (inshore trawlers) with horseshoe crab landings this season to increase the

daily horseshoe crab limit to 400 crabs. This was done in response to a shortage of crabs on the bait market impact the supply of crabs available to the biomedical industry for LAL production.

Brett Hoffmeister, of the Associates of Cape Cod, thanked DMF for the attention to the matter and stated that this increase helped ameliorate supply chain issues for the biomedical firm.

Bill Amaru and Ray Kane stated their support for the Director's position.

Items for Future Public Hearing

Adjusting the Timing of Inshore Squid Fishery

Director McKiernan reviewed his forthcoming public hearing proposal to modify the timing of the inshore small mesh trawl squid season. At present, regulations allow this fishing activity to occur within the seasonal Small Mesh Squid Trawl Exempted Area from April 23 – June 9. The Director then has the discretion to extend the season beyond June 9. Over the past five years, the Director used this discretion on several occasions to extend the fishery by a week or two in response to a continued abundance of large squid south of Cape Cod. The proposed modification would extend the season by an additional six-days — through June 15— and strike the Director's discretionary authority to extend the fishery.

The Director explained that the April 23 start date is earlier than when the squid normally start showing up in the Sounds. However, with warming water temperatures the timing of this fishery may change, and he would expect DMF and the MFAC to be responsive to that.

Ray Kane asked about participation in the small mesh squid fishery and the homeports of those vessels. Jared Silva stated the fishery was a mix of resident and non-resident vessels. The small trawlers who principally fish in Sounds were largely resident vessels. The larger vessels were typically a mix of resident and non-resident, and these vessels would fish both in the Sounds and south of the Islands. The Chairman extend there would be concerns about non-resident vessels expressed at public hearing and hoped DMF would provide data on this subject.

Mike Pierdinock asked if it is mandatory for bycatch in the squid fishery is reported. Jared Silva explained that bycatch and discards are tabulated from observer data. Bycatch is not reported on fisherman catch reports unless it is retained and sold. Mike P., Jared, and Dan discussed bycatch and discard rates in the squid fishery. Director McKiernan tried to parse the issue of the timing of the fishery in state waters from more broad discussions about bycatch and discards, which affect the fishery more generally. However, he asked Jared to share DMF's squid report and presentation with the MFAC as it deals with the issue in greater detail. He also noted Brad Schondelmeier will be on the panel for the public hearing and he would be able to answer such questions in greater detail, as the principal investigator and author of the report.

Setting of Federal Winter Period Scup Limits

Jared Silva discussed the process for setting wintertime commercial scup limits. He first described the declaratory process whereby DMF moves to compliment federal limits before the Winter II and Winter II period to allow vessels fishing offshore to lawfully land their catch in Massachusetts. After several years of using this process, DMF now prefers to streamline the process for setting wintertime scup limits commensurate with the federal rules and avoid using the declaratory process. To do this, DMF is proposing:

1. Establish a baseline harvest and retention limit for state waters of 1,500 pounds from October 1 – April 22 and 2,000 pounds from April 23 – May 1. This would to apply to all state-only permit holders and those federal permit holders fishing in state-waters.
2. Adopt a regulation allowing federal permit holders to possess and land scup in excess of the state-waters limit from October 1 – April, provided the fish were caught in federal waters in accordance with federal regulations.

Jared noted this proposal was consistent with DMF's approach to managing groundfish and sea scallop limits for state-only and federal permit holders.

DISCUSSION ITEMS

Protected Species Management Update

Bob Glenn provided a briefing on DMF's ITP application and the development of amendments to the Atlantic Large Whale Take Reduction Plan (ALWTRP).

With regards to DMF's ITP application, NOAA fisheries published its 2022 List of Fisheries (LOF) in early August and listed MA's lobster trap fishery separately from the North Atlantic lobster trap fishery and as a Category 2 fishery. This listing designates that the state's fishery poses a lower risk to marine mammals than the overarching lobster trap fishery. Obtaining this designation was a critical step in DMF's ITP application.

This past spring, NOAA Fisheries promulgated amendments to the ALWTRP affecting the lobster and trap fishery to protect the North Atlantic right whale. NOAA was now reconvening the Take Reduction Team to similarly address risk in the gillnet fishery and mixed species trap/pot fishery. Initial discussions have focused on time/area closures and gear modifications. Bob expected public scoping meetings to be held this fall and stated rules may be adopted in 2022 for 2023. Any changes to the ALWTRP impacting these gears would affect the management of the state's inshore gillnet fishery and scup, conch, and black sea bass pot fisheries.

Bob then explained how DMF's ITP application interacted with these likely adjustments to the ALWTRP. From his perspective, the state needed to get out ahead of the ALWTRP and manage these fisheries to mitigate risk to right whales. He was most

concerned about the state-waters gillnet fishery. While the fishery is small, there is a spatial and temporal overlap with seasonal right whale aggregations. He was less concerned about the summertime fish and conch pot fisheries. These occurred south and west of Cape Cod during the summer where there is a negligible co-occurrence with right whales.

CARES Act Relief Update

Jared Silva updated the MFAC on the second round of CARES relief funds. Applications were sent out in late July and were due at the end of August. DMF held workshops in Chatham, New Bedford, Scituate, and Gloucester and was working closely with the Fishing Partnership's Navigators to assist in the completion of applications. Jared was optimistic that relief funds would be distributed to qualified applicants in October.

Updates on August ASMFC Meeting and Joint ASMFC/MAFMC Meeting

Nichola Meserve provided an overview of the recent August 2021 ASMFC meeting.

- *American Lobster and Cancer Crab Board.* The Board initiated Draft Addendum 29 to consider establishing electronic tracking requirements for federally permitted vessels. The purpose is to collect high resolution spatial and temporal fishing effort data to improve the understanding of the resource, protected species entanglement risk assessment, ocean planning and offshore energy development, and other similar items important to the fishery. The development of Draft Addendum 27 is also ongoing. This addendum seeks to increase the resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) lobster stock in anticipation of an expected stock decline in the coming years. This is accomplished through certain pre-established triggers for certain management actions. The Board also postponed further development of a Management Strategy Evaluation (MSE) for GOM/GB lobster stock to prioritize the above two actions. On the Jonah crab front, a species of growing economic value in Massachusetts, the Board initiated the first-ever stock assessment with an expected completion date of 2023.
- *Striped Bass Board.* The Board reviewed 2020 catch and harvest data, which confirmed Addendum VI's success in meeting the intended 18% reduction in total removals in 2020 relative to 2017 levels. In fact, a 28% reduction was achieved. The Board provided additional guidance to the Plan Development Team (PDT) for Draft Amendment 7. The PDT was also assigned reviewing Delaware's request for allowing commercial quota transfers among states.
- *Summer Flounder, Scup, and Black Sea Bass Board.* The Board approved a 1% increase to NY's commercial quota allocation, increasing it from 7% of the coastwide quota to 8%. This decision followed an appeal to the Policy Board regarding quota reallocation and CT obtaining additional quota in response to the growth of the stock in Long Island Sound.
- *Menhaden Board.* The Board initiated an addendum to consider changes to the state-by-state quota allocations, the episodic event set aside (EESA) program, and the incidental catch/small-scale fishery allowance.

- *Policy Board.* There were several overarching policy and guidance documents undergoing review. This included *de minimis* provisions, conservation equivalency, and the appeals process, which if revised have the potential to impact all the Commission's species management.

Nichola then discussed the a recent joint ASMFC/MAFMC meeting where the summer flounder, scup, sea bass, and bluefish specifications were set. These specifications set the commercial quotas and recreational harvest limits (RHL) for these species for 2022-2023. The 2023 limits for summer flounder, scup, and black sea bass could be revised by the ongoing commercial/recreational allocation amendment; the bluefish specifications already included its recently revised sector allocation.

In reviewing the RHLs, Nichola noted how the apparent increases or decreases to the limits do not always translate into regulatory liberalizations or restrictions under the current management approach. Rather fishing limits are based on comparing the RHL to the prior year(s) harvest in an attempt to fit the next year's harvest into the prescribed RHL. The resulting disconnect between species health and harvest restrictions was the source of frustration with recreational management program and prompted the ASMFC and MAFMC to consider new approach to management. This new approach is the so-called "harvest control rule" and it seeks to incorporate stock status indicators (e.g., biomass trend, recruitment, B/Bmsy, F/Fmsy) into predefined management steps for the setting of recreational measures. Four approaches were approved for further development. Nichola speculated a new management approach could be adopted for 2023.

Bill Amaru asked why the harvest control rule was limited to recreational fishery. Nichola stated the commercial fishery is quota managed the quota is directly tied to the status of the stock. Accordingly, there was not a strong of a disconnect between stock health and quota levels. Due to the way the recreational fishery is managed there have been increasing instances where stringent recreational catch limits constrained access to healthy fish stocks. Bill disagreed with Nichola's assessment and felt a similar approach should be considered for commercial fisheries.

Kalil Boghdan read a statement made at the spring ASMFC meeting by the Striped Bass Board Chair, Patrick Keliher. Mr. Keliher advocated for the ASMFC to take aggressive action in response to the striped bass stock's downward trend. Kalil asked DMF to speak to their thoughts on the quota. Nichola stated the Chair was looking for the Board to prioritize management initiatives for Amendment 7 so the document could move through the management process.

NEFMC Meeting Updates

Melanie Griffin provided the Commission with several New England Fishery Management Council (NEFMC) related updates. This included newly appointed Council members (Michael Pierdinock for MA), recent and upcoming stock assessments, Atlantic Cod Stock Structure workshops, and the Sea Scallop Survey Working Group.

The next NEFMC meeting will occur in late September. The Council will work towards the development of specifications for several management plans (e.g., groundfish, scallops and skates) and take final action on the herring rebuilding plan (Framework 9).

Two ongoing federal public comment periods were relayed to the MFAC. First, comment was being accepting on the CLF petition for Secretarial Action on Atlantic Cod; comments are due by October 4. Second, comments were being accepted on the regional East Coast Climate Change Scenario Planning by October 6.

Shellfish Program Updates

PSP Closures

Chrissy Petitpas provided a brief presentation on this summer's PSP closures. The Nauset System, which is typically subject to annual springtime closures, was closed from March 17 to June 17 (92 days) for bi-valve shellfish species. The area remains closed to moon snail harvest. Chrissy then discussed some unexpected summertime closures on the north shore. She also reviewed PSP conditions and *Alexandrium* counts in the GOM in this year to those in prior years.

SMAST Contract for Hydrographic Modeling

Chrissy Petitpas discussed a \$100,000 earmark in the current fiscal year's state budget for the MFI to conduct hydrodynamic modeling around wastewater treatment plant sewage outfalls. Dr. Chen at SMAST will be using the Northeast Coastal Ocean Forecast System and the Finite Volume Community Ocean model to create these hydrodynamic models. Dan McKiernan added that DMF is hopeful this will allow for more precise and accurate closures around outfalls.

Shellfish Advisory Panel Codified in State Law

Director McKiernan briefly stated that the Shellfish Advisory Panel was codified by legislation. He was currently working on appointments and was hopeful the panel would meet twice annually beginning in 2022.

OTHER BUSINESS

Status of Sub-Committees

Jared Silva stated DMF plans to hold a State-Waters Groundfish Sub-Committee meeting before the next commission meeting to discuss time sensitive groundfish and protected species management issues. The Law Enforcement Sub-Committee would likely hold its annual meeting in November. DMF was delayed in convening the Striped Bass Sub-Committee and the Permitting Sub-Committee because of staffing constraints. DMF anticipated these committees would have data intensive needs, and the Statistics Program was currently working on DMF's ITP application, the CARES Act, and annual compliance reports. Once the work load lessened, the Statistics Program would shift their efforts towards the needs of these sub-committees and DMF could schedule meetings.

Future of Meetings

Jared stated that the September – December 2021 business meetings were initially scheduled for DFW’s Westborough office. However, in light of the delta variant and continued constraints on meeting room capacity, DMF intended to continue to convene the MFAC via Zoom. The Governor’s emergency order on the Open Meeting Law allowed this virtual format to continue through April 2022, should need be.

Commission Member Comments

Kalil Boghdan thanked DMF for the informational presentations.

Tim Brady stated he had the opportunity to spend a day with OCEARCH. He noted the organization was federally permitted to conduct white shark research, but could not obtain similar permits through DMF. Dan stated he would provide DMF’s formal correspondence with OCEARCH regarding the agency’s decision on their permit status.

Tim also thanked everyone involved for authorizing the for-hire bonus season for GOM cod.

Sooky Sawyer preferred law enforcement and DMF to pursue adjudicatory hearings rather than court cases for marine fishery violations. He, and other lobstermen, felt the lack of timely results from criminal proceedings encouraged non-compliance and the permit sanction process provided a stronger deterrent.

Lou Williams was glad to hear that the MA lobster and crab trap fishery was listed separately from the North Atlantic fishery on NOAA’s LOF. Lou added he would like to see more media regarding the success of the new whale regulations.

Ray Kane thanked the commission members for their participation.

PUBLIC COMMENTS

No public comments were made.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the August MFAC business meeting. **Bill Amaru made a motion to adjourn the meeting. The motion was seconded by Lou Williams. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- August MFAC Business Meeting Final Agenda
- June 2021 Draft MFAC Business Meeting Minutes
- Quota Monitoring Reports
- Menhaden Quota Management Update
- 2021 BSB In-Season Adjustment Memo
- HSC Trawler Limit Increase
- Proposal to Adjust Timing of Inshore Squid Fishery
- Proposal Affecting Winter Period Scup Limits
- ASMFC Summer 2021 Meeting Summary
- ASMFC and MAFMC Joint Meeting Summary
- June 2021 NEFMC Agenda and Motions
- 2016 Rules and Process Primer

UPCOMING MEETINGS

9AM
September 22, 2021
Via Zoom

9AM
October 28, 2021
Via Zoom

9AM
December 2, 2021
Via Zoom