



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

10 AM

Tuesday, December 20, 2022

Via Zoom

Login: <https://bit.ly/3PsVBnu>

Call In: 1-305-224-1968

Webinar ID: 836 4833 2583

Passcode: 127743

1. Introductions, Announcements and Review of December Agenda (10:00 – 10:05)
2. Review and Approval of November 22, 2022 Business Meeting Minutes (10:05 – 10:15)
3. Comments (10:15 – 10:30)
 - a. Chairman
 - b. Commissioner
 - c. Law Enforcement
 - d. Director
4. Action Items (10:30 – 10:45)
 - a. Period I Summer Flounder In-Season Adjustment and Trip Limit Increase
 - b. Letters from MFAC to Incoming and Outgoing Administrations
5. Discussion Items (10:45 – 11:30)
 - a. Federal Fisheries Management Update
 - b. Protected Species Management Update
 - c. Recent Stakeholder Meetings on Horseshoe Crabs and Summer Flounder
6. Other Business (11:30 – 11:45)
 - a. Commission Member Comments
 - b. Public Comment
7. Adjourn (11:45)

Future Meeting Dates

To Be Determined

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

MARINE FISHERIES ADVISORY COMMISSION

November 22, 2022

Via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Mike Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Julia Kaplan; Nichola Meserve; Kelly Whitmore; Brad Chase; Jeff Kennedy; Anna Webb; Stephanie Cunningham; Nick Buchan; David Chosid, Dave Martins; Wendy Mainardi; Matt Ayer; Gary Nelson; Scott Schaffer; and Kristen Thiebault.

Department of Fish and Game: Ron Amidon, Commissioner

Massachusetts Environmental Police: Lt. Col. Pat Moran; Major Chris Baker; and Lt. Matt Bass

Members of the Public: Beth Casoni, Phil Coates, Jamie Bassett, Robert Florio, Emerson Hasbrouck, Dan Murphy, Gerry O’Neill, Andrew Santapaola, Lizzie Roche, and Steve Volpe

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the November 22, 2022 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF NOVEMBER 22, 2022 DRAFT BUSINESS AGENDA

No changes to the agenda were requested.

REVIEW AND APPROVAL OF OCTOBER 18, 2022 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked for a motion to approve the October 18, 2022 draft business meeting minutes. **Sooky Sawyer made the motion to approve the October 18, 2022 business meeting minutes. Kalil Boghdan seconded the motion. A roll call vote was taken and the motion passed 6-0-1 with Shelley Edmundson abstaining.**

CHAIRMAN’S COMMENTS

Chairman Kane noted the length of the meeting agenda and asked that questions and comments be pertinent to the topics being covered.

COMMISSIONER'S COMMENTS

Commissioner Amidon noted the Department of Fish and Game was working on providing proposals to the Governor's office for consideration in the forthcoming Economic Development Bill. Ron commended DMF for their work in providing pertinent information.

The Commissioner then requested the MFAC send letters to the outgoing Baker Administration and incoming Healey Administration documented the marine fisheries work accomplished and challenges ahead. Chairman Kane agreed that this was a good idea. Draft letters will be presented for the Commission's review and approval at next business meeting.

LAW ENFORCEMENT COMMENTS

Lt. Matthew Bass provided comments for the Massachusetts Environmental Police (MEP). He stated most of their ongoing cases were moving along through the court system. He highlighted joint training they've done with NOAA Fisheries involving new technology to help enforcement protected species regulations and vessel speed limit rules.

DIRECTOR'S COMMENTS

Director Dan McKiernan started his comments by thanking the MFAC for being flexible with shifting to a virtual format for the November meeting out of concern for not spreading COVID before the Thanksgiving holiday. Dan highlighted recent meetings he attended, which included the San Diego Director's meeting and the annual ASMFC meeting in New Jersey. He then commended DMF staff for conducting public hearings while he was away.

He then moved on to discuss a StoryMap produced by Micah Dean highlighting the results of the IBS cod research.

Dan then discussed the recent Shellfish Advisory Panel meeting. One of the primary deliverables for next year was to develop a pilot program to expand bulk tagging to all shellfish aquaculturists.

Director McKiernan then moved on to provide an update regarding the hydraulic dredging of surf clams off the coast of Provincetown. A surf clam dredge business submitted a Notice of Intent to conduct dredging in Provincetown waters. As a result, DMF reengaged the Secretariat on this matter, as it will require coordination with DEP and MEPA. Looking towards the future, Dan was interested in a potential legislative fix so that fishing gear regulated by DMF was not also subject to the Wetlands Protection Act. He also wanted to engage with the surf clam fishery to modernize spatial management using geo-fencing tools in order to more clearly protect sensitive habitats (e.g., eel grass).

Dan provided an update regarding offshore wind development issues. The transmission cable for Vineyard Wind I will be laid through Muskeget Channel later this month. Vessels will need to avoid the area while the cable is being laid and the states are now looking for a standardized relief method for affected fishers. DMF is in the process of hiring a new staff member to focus exclusively on offshore wind energy development issues.

ACTION ITEMS

Review of Final Recommendations

Atlantic Mackerel Management

Director McKiernan stated DMF was moving to establish a new commercial regulated fishery permit endorsement for Atlantic mackerel. This permit will allow for the differentiation of commercial and recreational mackerel fishing activities. The endorsement will be open entry and may be added to any commercial fishing permit. The endorsement fee will be \$30 for a resident and \$60 for a non-resident.

Permitted commercial fishers may retain, possess, and mackerel in excess of the recreational limit when commercially fishing for mackerel or other using mackerel as bait to commercially target other species (e.g., striped bass). Dan noted that commercial anglers may not mix commercial and recreational trip, meaning they may only exceed the recreational limit when commercially fishing.

Jared stated that this does not require a motion and welcomed any comments or concerns from the MFAC.

Mike Pierdinock asked about fishermen targeting bluefin tuna where they have the ability to fish recreationally or commercially. Jared Silva clarified that if you're fishing recreationally and a bluefin tuna is caught, you can retain the tuna and sell it. Fishermen will be able to fish under the recreational mackerel limit and retain a commercial grade tuna. Additionally, if a commercial tuna is retained then all other catch onboard the vessel need not conform to commercial fishing rules.

There was discussion between the Chairman, Mike Pierdinock, and DMF staff regarding hypothetical situations and how the permitting requirements would work depending on if someone was fishing commercially or recreationally.

Chairman Kane asked if there were any objections. There were no objections from the Commission. Dan stated that he will enact the permitting changes.

Atlantic Mackerel Recreational Catch Limit

Dan recommended the MFAC vote to approve a 20-fish recreational limit for Atlantic mackerel. This limit shall apply as a daily per angler harvest limit and a per angler possession limit while fishing. Recreational anglers will not be subject to this limit when holding mackerel in a freezer, fish car, or shore-based bait well or a holding car tied off

a dock. He noted that this recommendation does not differ from the proposal set forth at public hearing.

Chairman Kane asked for a motion to approve the recommendation. **Bill Doyle made a motion to approve the recommendation. Bill Amaru seconded the motion. The motion was passed unanimously 7-0.**

Recreational Tautog Slot Limit and Trophy Fish

Dan explained that for 2022 Rhode Island adopted a recreational tautog slot limit of 16" to 21" with an allowance for a recreational angler to retain one trophy fish exceeding 21" per calendar day. DMF was contacted its counterparts in Rhode Island requesting Massachusetts consider adopting a complementary rule. Due to regulatory timelines, DMF could not accommodate this action for 2022, but expressed a willingness to consider it for 2023.

In support of adopting a complementary rule, Dan explained that Massachusetts and Rhode Islands comprise a stock management unit, and an FMP objective is to have consistent rules across states within a single stock management unit. Moreover, this may restrict the eastward movement of anglers into Massachusetts waters to target large tautog. Lastly, it may contribute to conservation by protecting those larger, fecund fish in population over time.

In conclusion, Director McKiernan recommended the Commission vote to approve recreational tautog slot limit of 16" to 21" with an allowance for a recreational angler to retain one trophy fish exceeding 21" per calendar day. This rule would go into effect for the 2023 recreational fishing season.

Bill Amaru stated he was happy to read the comments from fishery participants who were in favor of this action. He added that he is also in favor of this recommendation.

Mike Pierdinock stated he would support this recommendation. He then referenced MRIP numbers that showed an increase in the number of tautog caught.

Chairman Kane asked for a motion to approve the recommendation. **Kalil Boghdan made a motion to approve the recommendation. Shelley Edmundson seconded the motion. The motion was passed unanimously 7-0.**

Electronic Trackers in Commercial Lobster and Crab Trap Fishery

Director McKiernan stated the ASMFC recently approved FMP addenda to require electronic trackers in the federal commercial lobster and Jonah crab trap fisheries by 2024. The purpose of this requirement is to improve spatial data collection in the federal lobster and Jonah crab trap fishery to address marine spatial planning, development of habitat conservation and marine protected areas, protected species risk analyses, and stock assessment and delineation of catch to stock area. Accordingly, DMF intended to require all commercial Offshore Lobster Permit holders and Coastal Lobster Permit holders with a federal lobster trap permit to install and have operational an electronic

tracking device onboard the vessel named on the federal and state lobster permit by May 1, 2023. This recommendation does not differ from the proposal set forth at public hearing.

Dan stated Massachusetts (and the other affected states) received a federal earmark to subsidize cost of this requirement. For Massachusetts, Dan anticipated the subsidy would cover the purchase and installation of the device, as well as the first three years of service fees. The ASMFC is currently reviewing RFRs for potential tracking device vendors and was expected to produce an approved list in early 2023.

For a number of reasons, Dan supported implementing this requirement in Massachusetts for May 1, 2023, rather than January 1, 2024, as required by the FMP. First, Massachusetts could begin to collect this important spatial data earlier allowing the state to have better data to address a variety of ongoing challenges. Second, by being first in line to get the devices and doing this on a timeline separate from Maine, Massachusetts' fishers may avoid potential supply issues. Dan expected industry will be able to purchase the trackers at upcoming industry trade shows

Bob Glenn added that these trackers will be critical in expanding the data available for where trap fishermen fish. He emphasized it's a vital piece to capture the footprint of the fishery which will help ensure that the fishery is well represented.

Jared Silva stated that this does not require a motion and vote by the MFAC. Chairman Kane welcomed questions and comments from the commission.

Sooky Sawyer asked if the trackers will be able to store ten days of data since offshore lobster trips typically last ten days. DMF staffer, Nick Buchan, expected at least four devices will be approved by ASMFC and he stated each device can hold at least 14 days of data and some can hold up to six months of data.

Sooky Sawyer expressed concern over the cost of the trackers and the potential for having to front the money and get reimbursed later. He also expressed concern over the short turnaround between now and May. Director McKiernan stated DMF is working to ensure that the money will be fronted and the trackers will be available this winter, including at the March Massachusetts Lobstermen's Association trade show. If it became apparent that it was impossible to comply with the May 1 implementation date, DMF could delay implementation and enforcement. Nick added that installation is fairly quick and easy. He expected that if fishers were able to obtain the device this winter there should be no issue having them installed prior to the season.

Sooky closed his comments by stating DMF may need to do more outreach to mobile gear fishermen who also fish fixed gear as some do not believe they need the trackers since they already have VMS installed.

Chairman Kane asked if the trackers that hold more data are more costly. Nick Buchan stated that is the case. Chairman Kane asked Nick to ensure that the vendor has a

hotline in place for the fisher to call if they run into issues on the water. Nick stated each of the vendors have a number in place and most have 24/7 assistance.

Bill Amaru stated he is in favor of this motion and is hopeful the transition will be smooth.

Chairman Kane asked if there were any objections. There were no objections from the Commission.

Whelk Gauge Size Schedule

Director McKiernan provided the Commission with some background regarding whelk management. DMF's stock assessment for channeled whelk in Nantucket Sound (primary harvest area) demonstrates the resource is overfished and overfishing is occurring. Additionally, DMF size-at-maturity studies show female channeled whelks in Nantucket Sound do not reach 50% size-at-maturity until 3 7/8" shell width, which corresponds to a 3 5/8" gauge width using the any orientation method of measurement. To enhance whelk conservation, in 2019, DMF and the MFAC implemented a 10-year schedule to biennially increase the gauge width by 1/8" biennial resulting in a terminal gauge width of 3 5/8" in 2029. Whelks are slow growing animals and the gradual gauge increase schedule was designed to offset economic impacts.

However, industry petitioned DMF to slow the gauge increase schedule so it occurs every third year rather than every other year. This was done out of concerns about declines in whelk fishing effort and landings and potential loss of shore-side infrastructure. DMF adopted the petition and took it out to public hearing. While the petition will delay milestones for spawning stock protections, it will balance this against long-term viability of the industry in Massachusetts.

Following public hearing and public comment, Dan recommended the MFAC vote to approve an amended whelk gauge increase schedule whereby the gauge width is increased by 1/8" every third year (instead of every other year), achieving the terminal width of 3 5/8" in 2033. In doing so, the pending increase from 3 1/8" to 3 1/4" will occur in 2024, rather than 2023. This recommendation was consistent with industry's petition.

Shelley Edmundson stated there are a number of conflicting views regarding the status of the resource and how to best enhance conservation and regulate the fishery. She hoped this recommendation would allow for additional studies into the resource and the fishery to determine the best course of action moving forward. Shelley was specifically concerned about how the gauge increases may skew sex ratios by having harvest focus almost exclusively on female whelks, as they grow to larger sizes.

Chairman Kane asked the Director to keep the Commission informed on any new research developments going forward.

Bill Amaru reiterated Ray's point regarding the need for updated information and offered to be a resource for fisher contacts when the time comes for additional studies. He closed his comments by stating he is in favor of the recommendation.

Chairman Kane asked for a motion to approve the recommendation. **Bill Amaru made a motion to approve the recommendation. Tim Brady seconded the motion. The motion was passed unanimously 7-0.**

Protected Species Management - Recreational Trap Gear Closure

Director McKiernan stated that under existing regulations, DMF may extend or shorten the duration of commercial fixed gear closures to protect right whales on a dynamic basis in response to the presence/absence of right whales. This allows DMF to extend the closure past May 15 if right whales remain in state waters or rescind the closure after May 1 if they have migrated out of state waters. A similar authority does not currently exist for the recreational trap fishery. At present, buoyed trap gear may be set on May 16 regardless of whether right whales remain present and may not be set prior to even if right whales depart. This recommendation would treat the commercial and recreational fisheries similarly with regards to the seasonal opening of the fishery.

Dan recommended the MFAC vote to provide the DMF Director with the authority to annually amend the opening of the May 16 – October 31 buoyed recreational trap fishery on a dynamic basis in response to the presence/absence of right whales. This recommendation does not differ from the proposal set forth at public hearing.

Chairman Kane asked for a motion to approve the recommendation. **Sooky Sawyer made a motion to approve the recommendation. Kalil Boghdan seconded the motion. The motion was passed unanimously 7-0.**

Protected Species Management - Weak Link at the Buoy

Bob Glenn provided the MFAC with background information regarding the requirement for a weak link at the buoy. He noted that for 2022, NOAA Fisheries' Atlantic Large Whale Take Reduction Plan ("Plan") regulations were amended and the weak link requirement was rescinded from the Plan. The rationale for this amendment was that the entanglement record shows little evidence the gear modification works as intended. Accordingly, the gear modification ultimately does not contribute to risk reduction. For various reasons, DMF was unable to take a complementary action for 2022, which allowed for state and federal rules to become out of phase whereby state rules required the weak link but federal rules did not and dual permit holders subject to the state rule when fishing in state waters.

At present, DMF was recommending the MFAC vote to approve complementary regulations that would rescind the weak link requirement for commercial trap fishers. Bob Glenn then discussed some of the comments received. He noted some trap fishers will likely continue to use the weak links because it enhances the functionality of the

gear ways unrelated to protected species risk reduction. Jared Silva added the recommendation would retain the weak link requirement for the recreational fishery, which did not differ from the proposal set forth at public hearing.

Sooky Sawyer agreed with Bob's comment and added that most commercial fishermen will continue to use the swivel-style weak link.

Lt. Bass and Shelley Edmundson questioned why DMF would continue to require a weak link in the recreational sector if the gear modification was proven to have no impact on risk reduction. Bob stated it was proposed in this manner because the recreational fishery is not subject to any of the weak rope requirements governing the commercial fishery. However, given the efficacy of the weak link in risk reduction, it was not necessary to retain the requirement for the recreational fishery. Director McKiernan stated his willingness to amend the recommendation to rescind the weak link requirement in all trap fisheries. Dan then welcomed debate by the Commission. There was a general consensus that the weak link requirement should also be rescinded for the recreational fishery. Accordingly, Director McKiernan revised his recommendation and sought the MFAC to vote in favor or rescinding the weak link requirement for both recreational and commercial trap gear fisheries.

Chairman Kane asked for a motion to approve the amended recommendation. **Kalil Boghdan made a motion to approve the amended recommendation. Shelley Edmundson seconded the motion. The motion was passed unanimously 7-0.**

Protected Species Management – Buoy line definition

Bob Glenn stated that when DMF was inspecting buoy lines this past season, it became apparent the current buoy line definition was too nebulous, and as a result, in some cases it became difficult to determine the precise location where the buoy line terminates along the ocean floor and therefore enforce a variety of buoy line rules. This was particularly true if the buoy line was not being removed from the gear and seized. Accordingly, DMF sought public comment to enhance the definition of the term buoy line to allow for more effective enforcement of the state's buoy line regulations.

The recommended definition describes a buoy line as that segment of line connecting fishing gear in the water to a buoy at the surface. For trap gear, the connection to the fishing gear in the water shall be where it connects to a trap, trap bridle, or groundline in front of the terminal trap at that end of the trawl. If the buoy line is connected to the groundline but that connection is not readily apparent or visible, then the end of the buoy line shall occur 12' in front of the connection to the terminal trap at that end of the trawl.

DMF welcomed any comments from Commission members. Sooky Sawyer stated he supported the recommended language.

Chairman Kane asked for a motion to approve the recommendation. **Sooky Sawyer made a motion to approve the recommendation. Bill Amaru seconded the motion. The motion was passed unanimously 7-0.**

Extended Area 1A Winter Mobile Gear Fishery

Jared Silva described the rationale for the extended area 1A Winter mobile gear fishery. He stated that Area 1A—off Gloucester and Rockport—is currently open to mobile gear fishing from February 1 – March 31 and June 15 – September 30. This past season, Lou Williams requested DMF extend the wintertime fishery past March 31 to provide additional inshore access to sea scallops. DMF analyzed the request and supported extending this opening through May 15. If DMF's recommendation was approved, any Coastal Access Permit holder further endorsed for North Shore Mobile Gear would be allowed to fish in this area with mobile gear from February 1 – May 15. Given the February 1 – May 15 seasonal fixed gear closure to protect right whales, DMF did not anticipate the extension would produce gear conflicts with fixed gear fishers.

Jared added that DMF does not anticipate this change will result in increased interactions with groundfish species. This fishery would be occurring in a time and space where seasonal groundfish availability is low, the use of trawl gear and the retention of groundfish will be limited by overarching groundfish closures, and sea scallop dredges are rigged in a manner to reduce groundfish bycatch. Moreover, there should be additional federal observer coverage on future Northern Gulf of Maine (NGOM) sea scallop trips, which will better inform discussions regarding potential groundfish bycatch in the region.

Jared stated that DMF recommends the MFAC vote to approve extending the Area 1A wintertime opening from February 1 – March 31 to February 1 – May 15.

Sooky Sawyer stated that the closure of the mobile gear fishery in May should coincide with the opening of the lobster fishery. Dan agreed with this assessment and stated he will amend the recommendation. Bill Amaru was interested if such a change would fit with Lou William's expectations. Jared Silva recalled that Lou stated he would support such an amendment at a prior MFAC meeting where the proposal was preliminary discussed.

Director McKiernan amended his recommendation. He now recommended the MFAC vote to approve extending the Area 1A wintertime opening from February 1 – March 31 to February 1 – May 15, unless sooner closed by the Director in response to opening the trap gear fishery.

Chairman Kane asked for a motion to approve the amended recommendation. **Sooky Sawyer made a motion to approve the amended recommendation. Bill Doyle seconded the motion. The motion was passed unanimously 7-0.**

Prohibition on Retention and Landing of Shortfin Mako

Director McKiernan stated that ICCAT recently determined all member nations needed to reduce shortfin mako fishing mortality to accelerate the recovery of the stock. In response, NOAA Fisheries adopted a federal prohibition on shortfin mako retention with an allowance to authorize harvest should it be allowed by ICCAT and the ASMFC's Coastal Sharks Management Board took action to require zero retention in state waters. Accordingly, the Director recommended the MFAC vote to approve a prohibition on the retention, possession, and landing of shortfin mako taken from the waters under the jurisdiction of the Commonwealth and allow for DMF to exempt fish lawfully caught in federal waters should NOAA Fisheries provide an allowance for harvest in the federal zone in the future.

Chairman Kane asked for a motion to approve the recommendation. **Shelley Edmundson made a motion to approve the recommendation. Mike Pierdinock seconded the motion. The motion was passed unanimously 7-0.**

Housekeeping

Jared Silva briefly discussed various housekeeping proposals and recommended the MFAC vote to:

- (1) eliminate the term "grandfather" from the regulatory code;
- (2) adopt gender neutral terms in the sections of 322 CMR currently being amended (e.g., fisher replaces fisherman);
- (3) rescind 322 CMR 8.08 thereby eliminating redundant provisions;
- (4) correct typographical errors in language defining black sea bass pots and mobile gear exemption areas;
- (5) move buoy line marking rules from 322 CMR 4.13 to 322 CMR 12.00; and
- (6) amend organization of 322 CMR 12.00 and update its purpose section to better reflect the current status of protected species management.

Chairman Kane asked for a motion to approve the recommendation. **Bill Amaru made a motion to approve the recommendation. Tim Brady seconded the motion. The motion was passed unanimously 7-0.**

DISCUSSION ITEMS

Interstate Fisheries Management Update

Staff provided the Commission with an interstate fisheries management update. This update covered key outcomes from the ASMFC Annual Meeting in November as well as a preview of a joint ASMFC/Mid-Atlantic Council meeting in December.

Striped Bass. Dr. Michael Armstrong discussed the results of the 2022 stock assessment update for striped bass. The assessment found overfishing is no longer occurring, the stock is still overfished, and the stock biomass is projected to rebuild by the 2029 deadline if fishing mortality remains static. Accordingly, no additional reductions were required by the Management Board for 2023.

Dr. Armstrong cautioned that there is a minor retrospective pattern of underestimating fishing mortality in the assessment and there is still poor recruitment coming out of the Chesapeake Bay. He was concerned poor recruitment in the Chesapeake may be a signal of a paradigm shift related to climate change, however, the Hudson River and Delaware Bay did not show similar trends in low recruitment.

Dr. Armstrong and Kalil Boghdan discussed fishing mortality rates and the need to keep fishing mortality low in the coming years to meet rebuilding targets. Kalil also expressed concern about the future of the stock once the large 2015 year class moves through the fishery and it is replaced by several years of terrible recruitment. Dr. Armstrong stated fish enter the spawning stock biomass at about seven years old. Accordingly, the large 2015 year class was just entering the spawning biomass and he was hopeful that if the right environmental conditions exist it will produce strong year classes as it matures. Similarly, we will not see the effects of recent poor year classes on SSB until around 2027.

Nichola Meserve then discussed Draft Addendum I, which considers allowing transfers of coastal commercial quota. The ASMFC would be holding public hearings in December, with a hearing for Massachusetts tentative scheduled for December 19. The Board was expected to vote on the addendum at the 2023 winter meeting.

Kalil Boghdan asked if there were states that did not utilize their commercial striped bass quota this year. Nichola stated that was true of several states, notably North Carolina who has a large quota but limited access given the prohibition on fishing in the EEZ. Dan this addendum was being pushed by Delaware. However, Massachusetts has taken advantage of quota transfers for other species where it is allowed. If the Addendum passed, the MFAC may want to weigh in to DMF on how the state should involve itself in quota transfers.

Mike Pierdinock asked how differences in size limits among states would influence quota transfers. Nichola stated this was a point of discussion amongst the Plan Development Team and potential options were reviewed. For simplicity, the addendum would allow transfers on a pound-for-pound basis and not consider that Massachusetts harvests fewer fish at a larger size, whereas other states may take more fish at a smaller size. Mike P. also expressed his opinion on how commercial quota transfers may locally have a negative impact on recreational fishing activity.

Menhaden. Nichola reviewed the two major actions taken by the Menhaden Board—setting the 2023-2025 TAC and approving Addendum I. The 2023-2025 TAC was set at 233,550 MT, a 20% increase from the two prior years but still with a less than 40% probability of causing the Ecological Reference Point fishing mortality target to be exceeded. Addendum I established new state allocations that better reflect recent landings (using a three-tier minimum and 2018/2019/2021 landings as the basis); maintained the EESA at 1% of the TAC; prohibited the use of purse seines and other

directed gears during the Incidental Catch/Small Scale Fishery (IC/SSF) allowance and IC/SSF landings; and if a TAC overage occurs Board must change trip limit or gears allowed and may do so by Board action.

Nichola then discussed the changes that will impact Massachusetts' menhaden fishery. As a result of the increased TAC and the change in the state shares, Massachusetts' 2023 quota is expected to be set at about 10.8 mlb. This is similar to 2021/22 landings, which were made possible by numerous quota transfers and opting into the EESA. Additionally, DMF would have to amend its regulations to address the use of directed gears in the IC/SSF. This provided an opportunity for DMF to consider other regulatory changes to address quota management, performance, compliance, and gear conflicts. An additional industry scoping meeting is being scheduled for early 2023 and DMF would follow up with formal rule-making after that, with the goal of implementing new rules for June 1, 2023. Director McKiernan highlighted DMF may reconsider some of its previous quota management techniques during this process.

Ray Kane commended Nichola for her work at Commission.

American Lobster. Director McKiernan discussed the ongoing development of Draft Addendum XXVII which will propose management triggers and responses to increase spawning stock protection of the GOM/GBK stock. This was an issue initially raised by Maine in light of early signs of waning record high biomass there but was tabled due to protected species management issues. Dan expected the draft addendum would be approved for public comment at the winter 2023 ASMFC meeting.

River Herring and Shad. Nichola reported that the sustainable fishery management plans for limited recreational harvest of river herring in the Nemasket River and Herring River were approved by the ASMFC. Additionally, the Board approved the state's updated Shad Habitat Plan which included the new Taunton River five-year stocking project.

Horseshoe crab. Nichola stated that the Adaptive Framework Model for setting DE-Bay harvest specifications was updated based on the best available science, but no female crab harvest was authorized for 2023 in recognition of public concerns about migratory bird forage needs. More relevant to Massachusetts, a working group was established which will be reviewing Best Management Practices for biomedical handling, with recommendations expected in spring of 2023.

Bill Amaru asked whether the biomedical firms and fishermen will be included in the ASMFC's development of best management practices for biomedical harvesting. Nichola indicated that the working group that had been formed included industry members to ensure firsthand knowledge. Dan noted both of the local biomedical firms are included in on the work group. He added that historically the group was focused on

handling by biomedical firms, but now the discussion will likely be expanded to the harvesters.

Fluke/Scup/Black Sea Bass. Nichola closed her comments by discussing the upcoming MAFMC/ASMFC joint meeting on December 13. This will address the setting of 2023 recreational measures for these three species using the newly approved “percent change” approach. This approach takes into consideration MRIP harvest estimate uncertainty and stock status in determining liberalizations or reductions each year. The adoption of this approach as well as changes to the recreational/commercial allocations and the management measures adopted in 2022 had enabled a waiving of accountability measures triggered for black sea bass and scup. Nonetheless, the preliminary outcomes included a 10% reduction for black sea bass, status quo measures for scup, and a 10% liberalization for fluke. Regional or state-specific approaches for achieving these changes likely would not be finalized until early next year though. Nichola also noted that the management bodies would be resuming prior discussions about an amendment addressing recreational sector separation and recreational catch accounting. She welcomed any questions.

Federal Fisheries Management Update

Melanie Griffin was unable to attend this business meeting and instead provided Jared with a brief written update that he shared with the MFAC and made available in the December 2022 MFAC business meeting materials.

Protected Species Management Update

Bob Glenn provided the Commission with a brief protected species update. As a result of the recent federal court decision in the Center for Biological Diversity v. NOAA Fisheries, the federal government must develop new amendments to the Atlantic Large Whale Take Reduction Plan that reduce the risk of right whale entanglement by 90% in all regulated fisheries coastwide. Moreover, NOAA Fisheries will have to develop a new Biological Opinion for right whales. The agency has until the end of 2024 to complete both tasks.

NOAA Fisheries had been holding a number of stakeholder meetings along the coast to begin to develop proposals to achieve the necessary entanglement risk reduction measures. Early indications are that Massachusetts would not be credited for the Massachusetts Restricted Area closure as it was implemented in 2015, prior to the 2017 baseline being used by NOAA Fisheries for risk reduction. However, DMF continued to advocate for this. Additionally, DMF was also advocating that NOAA Fisheries update the risk reduction model to include mortality data from more recent years. Commissioner Amidon will be drafting a letter of support and DMF is hopeful that more support will be coming down the pipeline.

Lastly, the Atlantic Large Whale Take Reduction Team met last week. Bob Glenn commended Erin Burke for her work at the TRT. DMF had worked to develop a straw

man that would achieve 87.8% risk reduction for LMA1 and there were a number of different measures that could be taken to achieve 90%.

Sooky Sawyer expressed concern over the management of risk in federal waters of LMA1 where vessels from Maine, New Hampshire, and Massachusetts may be fishing side-by-side each subject to different state-specific risk reduction programs.

MFAC Sub-Committee Update

Permitting Sub-Committee

Story Reed provided the Commission with a summary of the October 20 MFAC Permitting Sub-Committee (PSC) meeting. DMF left the meeting with a variety of deliverables and analyses it hoped to conduct during the winter. His intention was to reconvene the sub-committee in early 2023 and then begin to move towards an industry scoping process.

Ray Kane was frustrated DMF did not engage the PSC in defining what a commercial fisherman is. He asked that this be discussed at the next meeting. Story stated it could be added to the agenda.

Law Enforcement Sub-Committee

Jared provided the Commission with a summary of the October 26 MFAC Law Enforcement Sub-Committee (LESC) meeting. The LESG on non-compliance issues in certain quota managed fisheries, particularly menhaden and striped bass. These discussions would inform rule making for 2023 and beyond.

Director McKiernan and Lt. Col. Moran discussed the measuring of striped bass under the new slot limit and how the tail may be manipulated to enhance the retention of fish. Dan stated there may be a benefit to standardize the method of measurement among coastal states. Lt. Col. Moran stated he would reach out to other states and see how they define the method of measurement.

OTHER BUSINESS

Commission Member Comments

Tim Brady thanked everyone for their work.

Sooky Sawyer would like a status update regarding ongoing adjudicatory hearings. Jared stated that there has been one settlement agreement reached thus far and the others are still pending.

Bill Amaru, Bill Doyle, and Kalil Boghdan wished everyone a happy Thanksgiving.

Ray Kane thanked the DMF staff and wished everyone a happy Thanksgiving. He praised the Commission for their continued attendance and involvement at public hearings.

Next Business Meeting and Industry Meetings

Director McKiernan and Chairman Kane discussed the potential need for a brief meeting on December 20 to address a small number of time sensitive issues. There were no objections to a short virtual meeting on this date. Jared Silva indicated the meeting would be held on Zoom from 10AM to Noon.

Jared highlighted upcoming summer flounder and horseshoe crab stakeholder meetings scheduled for DMF's SMAST East facility on the evening of December 13.

PUBLIC COMMENTS

Beth Casoni asked that DMF send out reminders to fishermen regarding upcoming virtual protected species meetings next week. Bob Glenn stated that a notice will be sent out this Friday, November 25th. Beth Casoni thanked Erin Burke for her work on the TRT and wished everyone a happy Thanksgiving.

Phil Coates commended Commissioner Amidon for his work during his tenure and he hopes it will continue with the new administration. Additionally, he commended Mike Armstrong for his work on striped bass issues. He closed his comments by bringing up a petition filed several years ago regarding the implementation of a limited entry program for the commercial striped bass fishery.

Jamie Bassett wished everyone a happy Thanksgiving.

ADJOURNMENT

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

MEETING DOCUMENTS

- November 2022 MFAC Agenda
- October 2022 Draft MFAC Meeting Minutes
- 2022 Fall Omnibus Recommendations and Presentation
- ASMFC November Meeting Summary and Presentation
- NEFMC Update
- MFAC Permitting Sub-Committee Meeting Summary
- MFAC Law Enforcement Sub-Committee Meeting Summary

UPCOMING MEETINGS

December 20th
10 AM via Zoom

DRAFT



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

BETHANY A. CARD
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: December 15, 2022

SUBJECT: **Recommendation to Make In-Season Adjustment to Increase 2023 Commercial Summer Flounder Limit for Period I**

Recommendation

I recommend increasing the summer flounder commercial possession limit for the 2023 Period I (January 1–April 23) fishery from 3,000 pounds to 10,000 pounds.

Rationale

Massachusetts' annual summer flounder quota has been on the rise since its all-time low in 2017 (Table 1). In recent years (2021 and 2022), the growth in the quota has been substantial in response to increases to the coastwide quota as based on the results of the most recent stock assessments¹ and a change in how the coastwide quota is allocated among the states resulting in a heightened share for Massachusetts². For 2022, Massachusetts quota was set at 1.39 million pounds—the highest level it has been in more than a decade—and for 2023, the quota is expected to remain similarly elevated at about 1.36 million pounds.

DMF held a series of industry meetings over the past few years to discuss how to adjust the state's summer flounder management program in response to this increased quota availability. A product of these industry meetings was a series of regulatory amendments enacted this past May to liberalize the commercial summer flounder limits³. While these regulatory amendments did enhance landings in 2022 compared to recent years (Table 1; Figure 1), the overall quota will remain underutilized this year. In fact, as of December 13, 2022, only 56% of the state's 2022 quota has been taken (Table 1; Figure 2).

¹ For example, the 2021 stock assessment (used to set 2022 specifications) demonstrates summer flounder are not overfished and overfishing is not occurring. Spawning stock biomass was estimated to be 86% of the target and trending upwards, while fishing mortality was estimated to be 19% below the threshold.

² Beginning in 2021, when the coastwide quota exceeds 9.55 mlb, all additional quota above this level is allocated in equal shares of 12.375% to all states (except ME, NH, and DE which share 1% of the additional quota). Quota up to 9.55 mlb is allocated under the historic shares based on 1980-1989 landings. Massachusetts' historic baseline quota share is 6.82%. Based on the size of the coastwide quota, the state's quota share was effectively increased to roughly 8.1% for 2021 and 8.9% for 2022–2023.

³ <https://www.mass.gov/doc/042922-new-regulations-affecting-commercial-summer-flounder/download>

Table 1. Massachusetts Summer Flounder Quota and Landings (2017 – 2023)

Year	Quota (lb)*	Landings (lb)	Percent Utilized
2017	389,573	419,714	108%
2018	413,361	427,167	103%
2019	741,532	551,267	74%
2020	795,584	700,390	88%
2021	1,025,159	679,914	66.3%
2022	1,391,379	774,474**	55.6%**
2023	1,360,000^	TBD	TBD

* Quota as adjusted by transfers; ** as of December 13, 2022; ^ approximate anticipated quota.

Part of this underutilization is that the Period I fishery—which occurs offshore in federal waters during the wintertime—is not taking its full quota allocation. By regulation, this fishery is allocated 30% of the overall annual quota. Given the 1.39-million pound quota for 2022, the Period I allocation was approximately 418,000 pounds. With a 2,500-pound trip limit in 2022⁴, the Period I fishery landed approximately 214,516 pounds, just over 50% of its quota allocation.

For 2023, the Period I quota allocation will be roughly the same as it was in 2022. If no action is taken, the fishery will open with a 3,000-pound trip limit. I do not expect the 500-pound increase in the trip limit from 2022 to 2023 to substantially impact performance. Therefore, should the Period I trip limit remain at 3,000 pounds, I anticipate the 2023 Period I fishery will underperform its quota allocation. That said, the performance of this fishery is undoubtedly affected by a variety of complicated non-regulatory factors—including fishery economics—and I am uncertain the recommended increase will result in full utilization. However, increasing the trip limit to a substantially higher level may encourage Massachusetts permitted vessels to target summer flounder offshore and to land their catch in Massachusetts (as opposed to other states where they may be permitted). My view is a higher trip limit for this period would improve the utilization of the state’s available quota and enhance the productivity of Massachusetts’ seafood economy. Consequently, I am recommend increasing the 2023 Period I trip limit from 3,000 pounds to 10,000 pounds for January 1.

With this recommendation, I’d like for you to note two things. First, the current summer flounder trip limit is set at 10,000 pounds for the 2022 October 1–December 31 season. DMF and the MFAC increased this trip limit from 3,000 pounds to 10,000 pounds via an in-season adjustment on September 22, 2022⁵. This was done to enhance the utilization of the 2022 quota.

⁴By regulation, the Period I trip limit to start 2022 was set at 1,000 pounds. DMF and the MFAC increased this trip limit to 2,500 pounds through an in-season adjustment on December 2, 2021. Then in May 2022—after the conclusion of this year’s Period I fishery—DMF amended the summer flounder regulations, which included increasing the regulatorily set summer flounder trip limit from 1,000 pounds to 3,000 pounds.

⁵ <https://www.mass.gov/doc/092222-dmf-to-increase-commercial-summer-flounder-limits-for-october-1/download>

Accordingly, establishing a 10,000-pound trip limit for the 2023 Period I fishery will allow the wintertime offshore fleet to continue to target and land summer flounder at the present trip limit to start the calendar year. In my opinion, it is sensible to maintain a consistent trip limit for this offshore fishery across calendar years given recent trends in quota utilization. Second, the regulations specify that if the Period I quota allocation is taken, then the trip limit is reduced to 100 pounds for the remainder of the period. This is done to ensure quota remains available for the summertime inshore fishery.

Overview of Public Comment

DMF conducted a public comment period on this proposed in-season adjustment during November 29–December 14. Thirteen written comments were received and are attached to this memorandum.

There were several comments in favor of the proposal submitted by commercial fishing interests. Proponents support the action to increase the trip limit because of the potential economic benefit and as a result of high overhead costs (e.g., fuel).

DMF also received a number of comments objecting to the proposal, principally from recreational fishers. These comments stated concerns linking commercial fishery access to worsening stock status—which is not supported by the available science—and speculation that commercial fishing was contributing to poor recreational fishing conditions inshore. There were also several comments expressing general anger towards DMF and commercial fishing generally.

Attachments

Written public comment

Figure 1. Annual Running Total of Summer Flounder Landings (2017–2022)

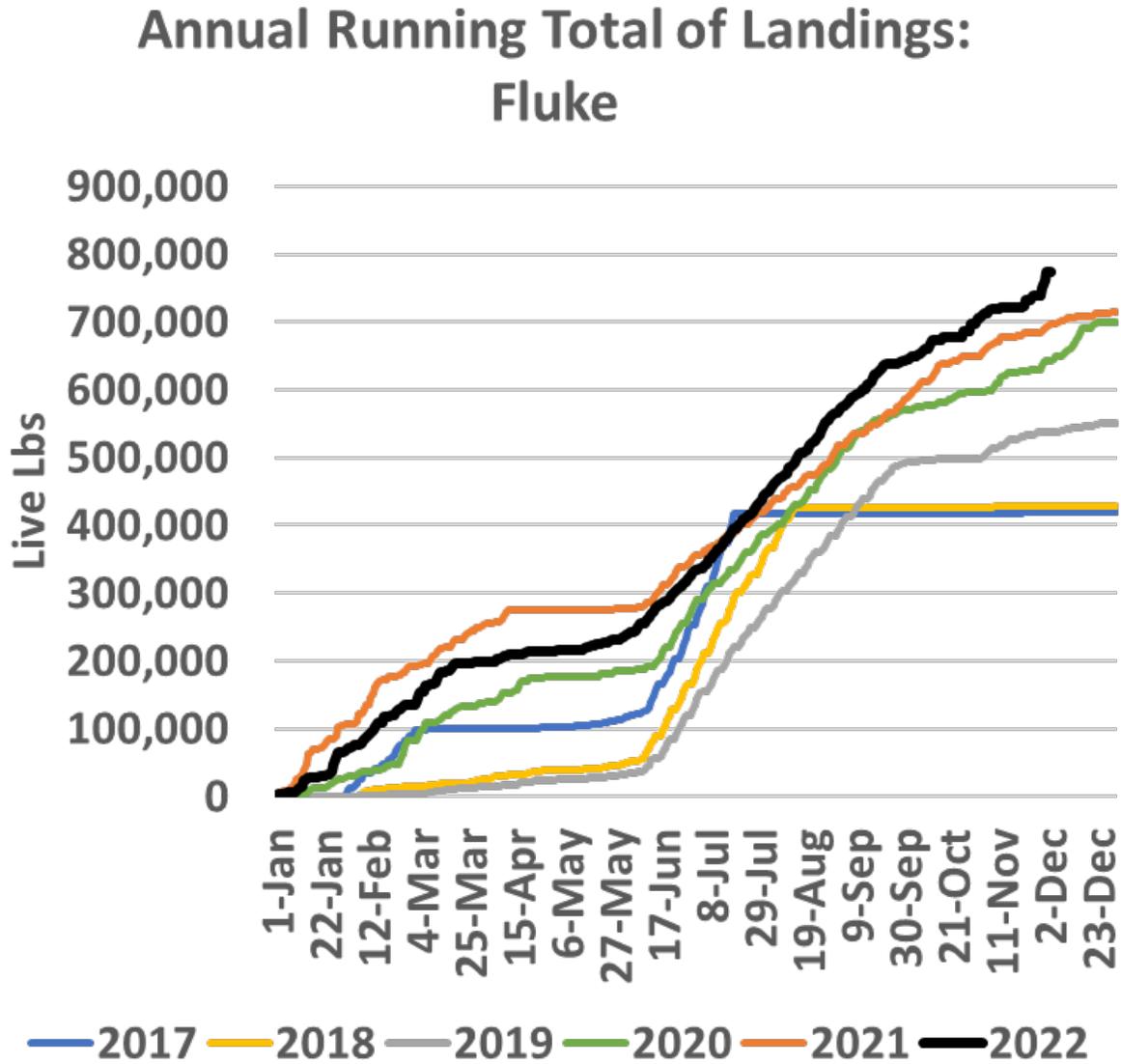
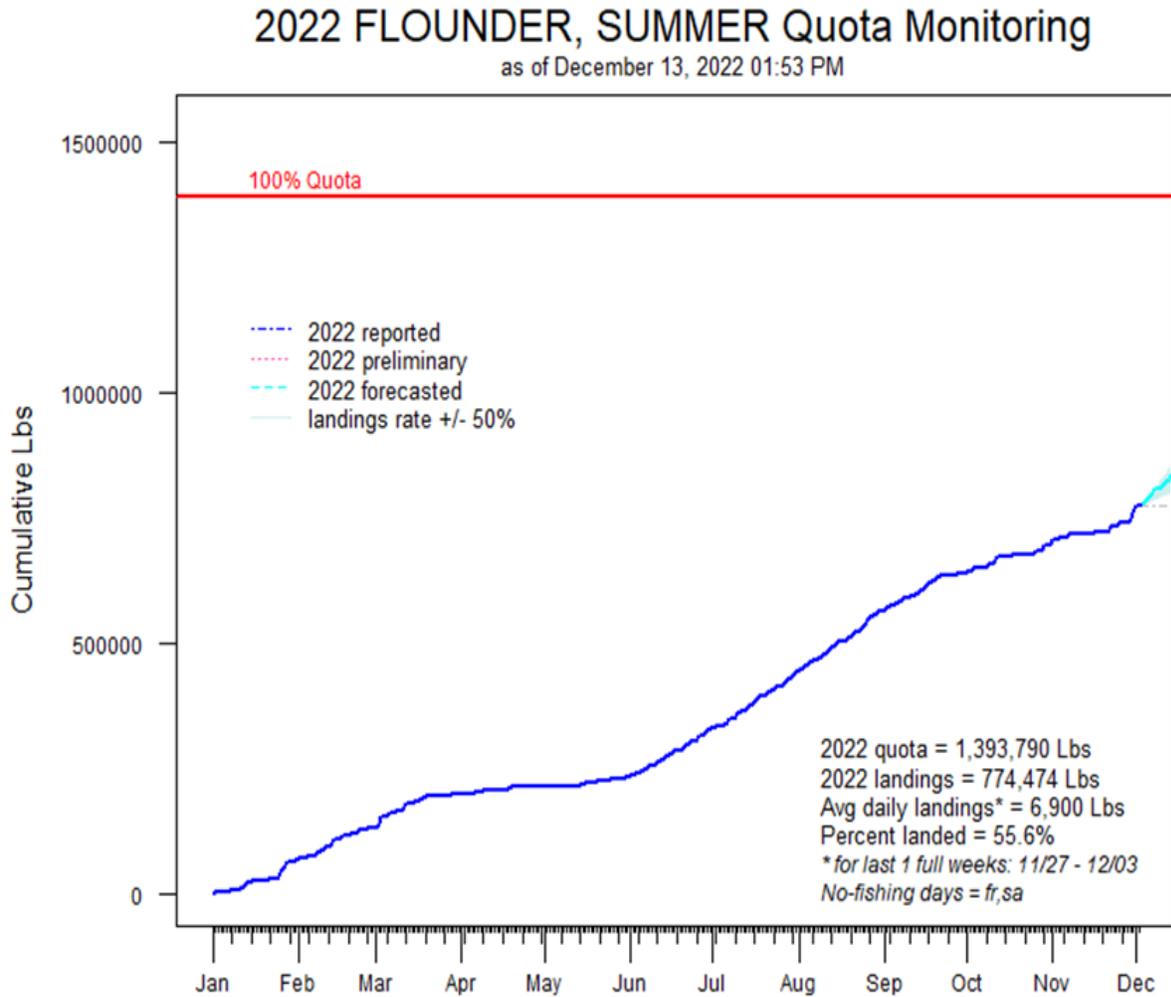


Figure 2. 2022 Massachusetts Summer Flounder Quota Monitoring Graph (as of 12/13/22)



From: [Chad Maguire](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Fluke limit
Date: Tuesday, November 29, 2022 10:45:32 AM

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

We support the higher landing limits for the first period. The fishery as a whole has migrated north and it allows us to be more profitable given the exorbitant high cost of fuel and insurance in the past two years. Thank you for your consideration.

Chad maguire

From: [Richard Nardini](#)
To: [Fish, Marine \(FWE\)](#)
Subject: increase summer flounder quota
Date: Tuesday, November 29, 2022 12:07:30 PM

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Cant catch hardly any fluke in Buzzards bay. NO NO NO INCREASE!!!!!!!

From: [Jeffrey Porter](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Increase to 2023 Summer Flounder Period I Commercial Trip Limit
Date: Tuesday, November 29, 2022 11:16:01 AM

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Hello,

As a SCUBA diver that logs about 100 dives per season, I have noticed that I am seeing more flounder on a regular basis when diving for the past two seasons. However, this seems like a very large increase per trip (3,000 pounds per trip to 10,000 pounds).

Mankind's very existence is reliant on having healthy seas & oceans so I would like to see no increase or a much more conservative increase.

Thank you for your time.

Best,
Jeff

--

Jeffrey Porter, CPA
781-258-2130

This email and any attachments are intended for the person(s) to whom it was addressed and may contain information that is PRIVILEGED or CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any unauthorized use, review, distribution, or copying of this transmittal by any person other than the addressee(s) is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone at 1-781-258-2130 or email me at Jeffrey.K.Porter@gmail.com and immediately delete this message and all its attachments.

From: [David Rowland](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Increase to summer commercial trip limit
Date: Tuesday, November 29, 2022 10:51:56 AM

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While we do not have much of a fluke (summer flounder) fishery in this area it would seem to me that the proposal will have a negative impact on the total fish available not only to MA commercial/recreational fishermen but fisheries in general. This proposal will only serve the short term interests of a few fishermen and will serve to reduce the number fish for every group.

From: [Bruce Buchan](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Increasing the limit makes no sense this fishery is in trouble ask any rec fisherman
Date: Wednesday, November 30, 2022 6:25:31 AM

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how they did this year . If limits are not reduced there will be no flounder to catch do not do to this fishery what has Ben done to the striped bass biomass

Sent from my iPad

From: [William Guzowski](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Let the Flounder keep restocking
Date: Tuesday, November 29, 2022 12:37:08 PM

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Hi,

Flounder used to be plentiful. Overfishing has depleted them significantly. Please keep the present 3,000 lb quota and allow the Flounder to multiply back and save this fishery.

William Guzowski
33 Guild Rd
Beverly, MA 01915

From: gokt@aol.com
To: [Fish, Marine \(FWE\)](#)
Date: Tuesday, November 29, 2022 11:02:49 AM

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An increase will benefit the economy of Cape Cod and the islands. Please increase the limit.

Tom Godfrey

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

From: [Michael LaMontagne](#)
To: [Fish, Marine \(FWE\)](#)
Subject: oppose increase in summer flounder trip limit
Date: Saturday, December 10, 2022 12:37:42 PM

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The recreational summer flounder fishery has all but disappeared in Cape Cod Bay. I presume that harvesting offshore has something to do with that, so I oppose an increase in the commercial limit. Michael

--

Michael LaMontagne, Ph.D.
Founder & CSO, Endobiome, Inc.
LSB 124, Endicott College
376 Hale Street, Beverly MA 01915
<https://www.linkedin.com/in/michaellamontagne>
mlamontagne@endobiome.com
617-331-3214

From: [Richard Pombriant](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Period 1 commercial flounder limit
Date: Tuesday, November 29, 2022 12:33:10 PM

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Please advise against the increase for commercial flounder 1st quarter. Also show data that proves it isn't dramatically reducing available fish for rod and reel recreational fishermen. Ty Richard Pombriant

Sent from my iPhone

From: [ken blanchard](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment Sought on Proposed Increase to 2023 Summer Flounder Period I Commercial Trip Limit
Date: Tuesday, November 29, 2022 10:59:54 AM

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Team,

I feel that this should be a regional cooperative decision. It's the same fishery in RI & MA.

To me a novice it looks like increasing from 3000 LBS to 10000 LBS (Unless I'm not understanding this correctly) would put us way above the 2000 LBS Bi-Weekly in RI.

I would say leave it as it is until this species has made a full and robust recovery.

Best wishes,

Ken Blanchard Jr.

From: [D](#)
To: [Fish, Marine \(FWE\)](#)
Subject: summer flounder
Date: Tuesday, November 29, 2022 10:51:45 AM

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all looks good to,me!

From: [Mark Veduccio](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Summer flounder
Date: Tuesday, November 29, 2022 1:19:21 PM

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Do u money grubers ever quit?

[Sent from Yahoo Mail for iPhone](#)

From: [Bob Bamford](#)
To: [Fish, Marine \(FWE\)](#)
Subject: There haven't been any Flounder in Boston harbor for years now. I know because in my favorite 17 fishing spots there are only skates and plenty of them. Mass fishing management has failed miserably in doing their job over the years. Please note also. I...
Date: Tuesday, November 29, 2022 10:53:45 AM

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

2023 Period I Summer Flounder Fishery

Recommendation: Increase 2023 Period I trip limit from 3,000 pounds to 10,000 pounds.

Rationale:

- May improve utilization of quota.
- Sets 2023 Period I limits commensurate with current limits.
- Incentivizes targeting of summer flounder offshore and landing of product in Massachusetts

Background:

- Stock is not overfished and overfishing not occurring.
- MA commercial quota expected to be set at 1.36 million pounds for 2023, similar to 2022 quota.
- MA quota substantially increased since 2021 in response to assessment and new quota allocation scheme.

Year	Quota (lb)*	Landings (lb)	Percent Utilized
2017	389,573	419,714	108%
2018	413,361	427,167	103%
2019	741,532	551,267	74%
2020	795,584	700,390	88%
2021	1,025,159	679,914	66.3%
2022	1,391,379	774,474**	55.6%**
2023	1,360,000^	TBD	TBD

* Quota as adjusted by transfers; ** as of December 13, 2022; ^ approximate anticipated quota.





The Commonwealth of Massachusetts Marine Fisheries Advisory Commission

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

<https://www.mass.gov/orgs/marine-fisheries-advisory-commission>



Ray Kane
Chair

Mike Pierdinock
Vice-Chair

Bill Doyle
Clerk

Arthur Sawyer

Bill Amaru

Kalil Boghdan

Louis Williams

Shelley Edmundson

Tim Brady

December 20, 2022

Governor Charlie Baker
Massachusetts State House
24 Beacon Street
Boston, MA 02133

Governor Baker,

I am writing you on behalf of the Massachusetts Marine Fisheries Advisory Commission (MFAC), as its Chair. We wanted to take this opportunity to thank you and your administration for your considerable efforts in supporting the Commonwealth's marine fisheries and assisting Massachusetts in navigating the various and continued challenges we face in this arena. We also wanted to wish you and your administration well on all future endeavors.

As you know, the Marine Fisheries Advisory Commission is a nine-member public body consisting of individuals qualified in the field of marine fisheries who are appointed by the Governor to advise the Division of Marine Fisheries (DMF), appoint the DMF Director, and regulate commercial and recreational fishing activity. During your tenure, we have appointed two DMF Directors who have successfully overseen the administration of this agency and worked on behalf of the state's marine fisheries and fishing industries. Your administration has been supportive of difficult work we do alongside DMF to manage and regulate the Commonwealth's fisheries. To this end, you have been responsive to DMF in the implementation of mandatory regulations to comply with federal law and discretionary regulations to enhance the management of our local fisheries. The nine members of this Commission also appreciate your work with the Office of Boards and Commissions to ensure our appointments remain current. These actions have proven critical to maintaining the credibility of our public body and executing management of fisheries in this state. Your support for the fisheries management process also extends to the appointment of highly qualified individuals to the New England Fisheries Management Council and the Atlantic States Marine Fisheries Commission to advocate for Massachusetts on these federal and interstate fisheries management bodies.

The success of any marine fisheries management program is contingent on a robust enforcement program. Accordingly, the MFAC has historically advocated on behalf of the Coastal Bureau of the Massachusetts Environmental Police (MEP) and ensuring sufficient penalties exist to deter non-compliance. After years of persistent personnel shortfalls, we'd like to acknowledge the work your administration has done to rebuild the ranks of the MEP. While it is our opinion that the agency remains understaffed relative to enforcement needs, we would like to thank you for enhancing their presence along the coast. The MFAC also worked closely with

DMF and MEP to propose statutory amendments that modernize the criminal and non-criminal penalty schedule for marine fisheries violations. You signed these important changes into law with the passing of the 2018 Environmental Bond Bill. This action works to deter non-compliance and hold violators accountable for their illegal fishing activity.

Your administration prioritized collaborative research between the fishing industry and the DMF. This was evidenced through your advocacy for and the financing of the Industry Based Survey for Gulf of Maine cod. While the results of the survey, with regards to cod biomass, were not what many of us on the waterfront had hoped for, it stands out as being an important piece of collaborative research that helps inform stock assessments and lends legitimacy to the science used in the management process. It's also proven to have cross-functional benefits, as it helped inform DMF's cod avoidance work for the recreational haddock fishery.

Your support for our fixed gear fisheries and the significant challenges they face regarding right whale conservation were also notable. This included supporting the Division of Marine Fisheries in the development of its Incidental Take Permit to NOAA Fisheries, including the hiring of necessary support staff, as well as providing funding for DMF to purchase weak buoy line and buoy line contrivances to assist the commercial lobster fleet comply with new right whale regulations. Additionally, as calls for "ropeless fishing" mount, DMF's Ropeless Fishing Gear Feasibility Report will serve as a critical guidepost for addressing the challenges associated with the integration of this new gear technology into trap fisheries. This report certainly benefited from the support of your administration.

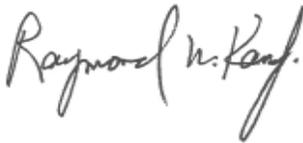
Bi-valve molluscan shellfish are among the most important species and fisheries in our nearshore waters. The administration's work to establish the Massachusetts Shellfish Initiative was an important step to develop a strategic plan to maximize the economic, environmental, and social benefit of the state's shellfish resources. To this end, the codification of the Massachusetts Shellfish Advisory Panel as a public advisory body to DMF will help shellfish stakeholders address important and emerging shellfish resource, fishery, and management issues. One of these critical emerging challenges is responding to US FDA evaluations regarding the classification of shellfish beds near sewage treatment outfalls and potential that this results in expanded shellfish closures. Your administration has been responsive here as well, working with DMF and the University of Massachusetts School for Marine Science and Technology to fund the modeling of effluent dilution and the presence of indicator bacteria to better delimit potential closure boundaries in order to retain access to shellfish resources.

The commercial fishing industry of Massachusetts has a long, rich history, that is part of the cultural fabric of coastal communities from Cape Ann to Cape Cod. Pressures from coastal development to extreme weather and climate change have resulted in serious disruption to fish stocks, and in the worst cases, declared fisheries disasters. Your administration has always been supportive of our industry and has provided the safety net that our fishing families sometimes need to weather the hardest of economic challenges. You successfully advocated for federal disaster assistance in our groundfish and sea herring fisheries. Over \$21 million dollars was provided to Massachusetts' groundfish fishing community and several million will be distributed to the sea herring industry imminently. Moreover, in the past year, your administration has provided several million in grant funds to the industry to develop innovative ways of becoming more efficient by "greening" the industry and by developing new technologies for "whale safe" fishing.

The pandemic had substantial economic impacts across the state's seafood industry. You endorsed programs that quickly rolled out over \$50 million to keep seafood and fishing

businesses viable as the industry faced unprecedented challenges during the first year of the pandemic. This included both the relief provided federal CARES Act program and the state's Food Security Infrastructure Grant program. In 2020 and 2021, the Food Security Infrastructure Grant Program provided approximately 54 businesses within the seafood industry with approximately with nearly \$8.6 million in funding. This was an unprecedented investment in the Commonwealth's seafood industry at a time of great uncertainty and shifting market conditions. The funding allowed both seafood dealers and commercial fishers to upgrade and pivot their infrastructure to improve food security for their communities in the short and long term. This funding also complemented the work of DMF's Seafood Marketing program that, with the support of the administration, continues to promote local seafood.

Sincerely,

A handwritten signature in black ink that reads "Raymond N. Kane". The signature is written in a cursive style and is positioned to the left of a vertical line.

Raymond Kane, Chairman

cc: Marine Fisheries Advisory Commission; Daniel J. McKiernan, DMF Director; Ronald Amidon, DFG Commissioner



The Commonwealth of Massachusetts Marine Fisheries Advisory Commission

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Ray Kane
Chair

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Clerk

Arthur Sawyer

Bill Amaru

Kalil Boghdan

Louis Williams

Shelley Edmundson

Tim Brady

December 20, 2022

Governor-Elect Maura Healey
Office of Healey for Governor
PO Box 15
Boston, MA 02137

Governor-Elect Healey,

I am writing you on behalf of the Massachusetts Marine Fisheries Advisory Commission (MFAC), as its Chair. We wanted to take this opportunity to congratulate you on your election as Governor of the Commonwealth and welcome you and your incoming administration.

The Marine Fisheries Advisory Commission is a nine-member public body consisting of individuals qualified in the field of marine fisheries who are appointed by the Governor to advise the Division of Marine Fisheries (DMF) regarding the proper management and development of the Commonwealth's marine fisheries; approve the appointment of the DMF Director by the Commissioner of the Department of Fish and Game (DFG); and approve DMF's regulations governing commercial and recreational fishing activity.

There are no shortage of challenges facing the Commonwealth's fisheries and seafood industry. This includes right whale conservation and management; impacts of climate change and environment on fish distribution and abundance; marine spatial planning—including offshore wind energy development—and its impacts on fisheries resources and fishing activity; and enhancing opportunities for cooperative research between the government and the industry to build confidence in the science used in fisheries management. We will undoubtedly need the support of your administration to work through these challenges. Moreover, the backing of the incoming administration is necessary to ensure DMF continues to achieve its strategic mission and vision to manage the Commonwealth's marine resources in a sustainable manner that supports its fisheries and their contributions to the economy and our coastal culture, and supports the production of high quality, local seafood.

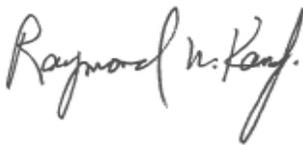
The MFAC—along with DFG and DMF—enjoyed a strong working relationship with the Baker Administration. This included maintaining current MFAC appointments; appointing leaders in fisheries management to other important fisheries management bodies—including New England Fishery Management Council and the Atlantic States Marine Fisheries Commission; working through DFG to create a work environment at DMF that continues to attract and maintain talented and thoughtful fisheries professionals; implementing an expedient and functional executive branch regulatory review process to ensure management measures approved by the MFAC are implemented in a timely fashion to address emerging issues, as well

as federal and interstate mandates; and providing state resources and funding and advocating for federal resources and funding to benefit our fisheries, fisheries science, and the seafood industry.

The success of any marine fisheries management program is contingent on a robust enforcement program. We applaud the Baker Administration for their work to restore the ranks of the Massachusetts Environmental Police after years of persistent personnel and resource shortfalls. However, it is our opinion that MEP remain understaffed relative to their mission and the state's marine fisheries enforcement needs. We strongly encourage the Healey Administration to follow the Baker Administration's good work and continue to grow the ranks of the MEP to ensure that our fisheries management program is enforceable.

We look forward to working with your administration to address the various and complicated challenges confronting the state's fisheries and seafood industry. A strong working relationship among the MFAC, DFG, DMF, and the broader Healey Administration is critical for Massachusetts to retain its mantle as a leader in fisheries management and the home to world class fisheries and seafood products.

Sincerely,

A handwritten signature in black ink that reads "Raymond N. Kane". The signature is written in a cursive style with a large, prominent initial 'R'.

Raymond Kane, Chairman

cc: Marine Fisheries Advisory Commission; Daniel J. McKiernan, DMF Director; Ronald Amidon, DFG Commissioner

New England Regional Fishery Updates

- **Summary December Council meeting in Newport, RI**
- **Outlook for January meeting in Portsmouth, RI**
- **Other Council related updates**

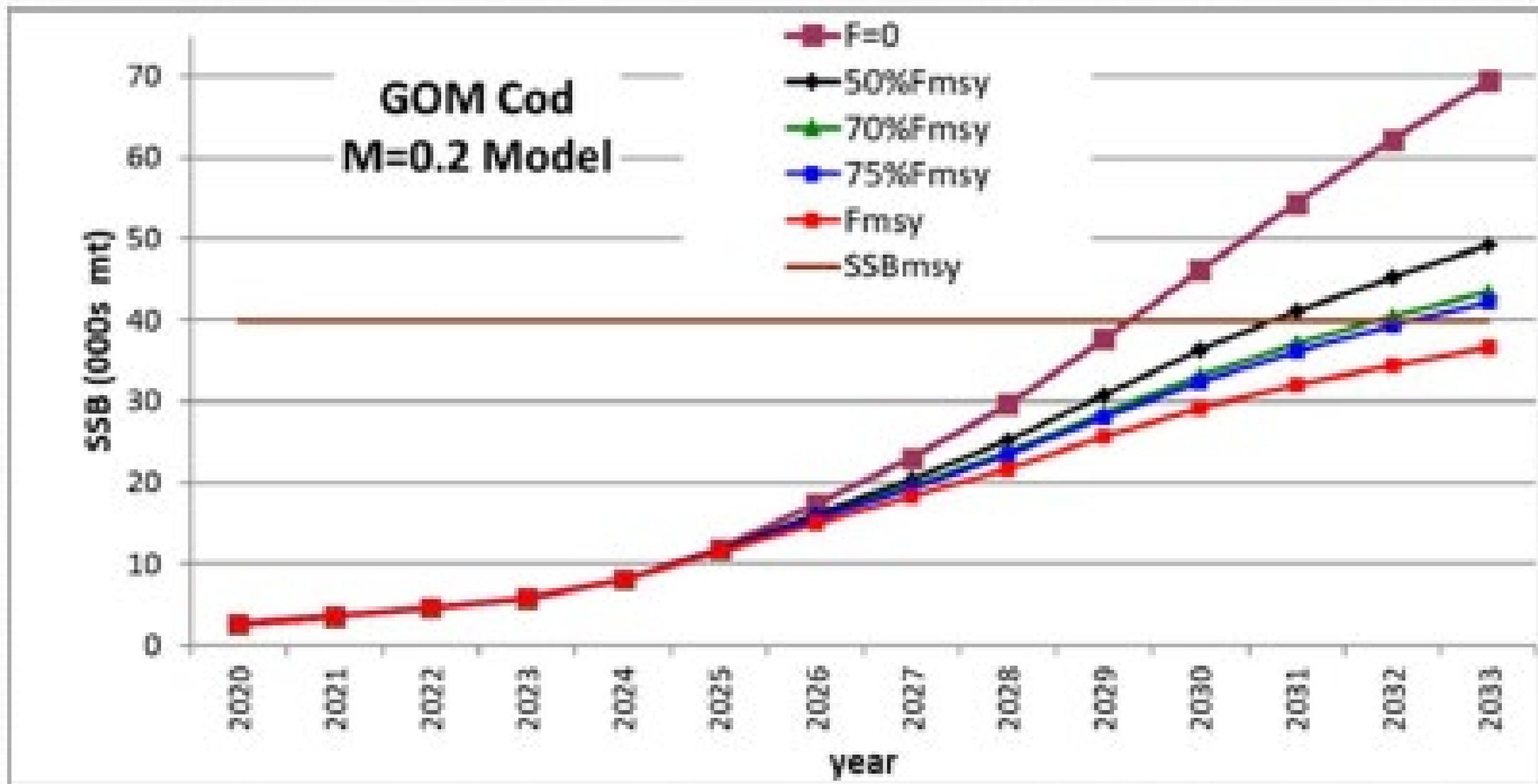




Groundfish

- FW65:
 - Rebuilding GOM cod
 - 2023-2024/2025 specifications
 - GB cod recreational catch target
 - ~~ABC Control Rule revisions~~
 - ~~Additional measures to support GOM cod rebuilding~~



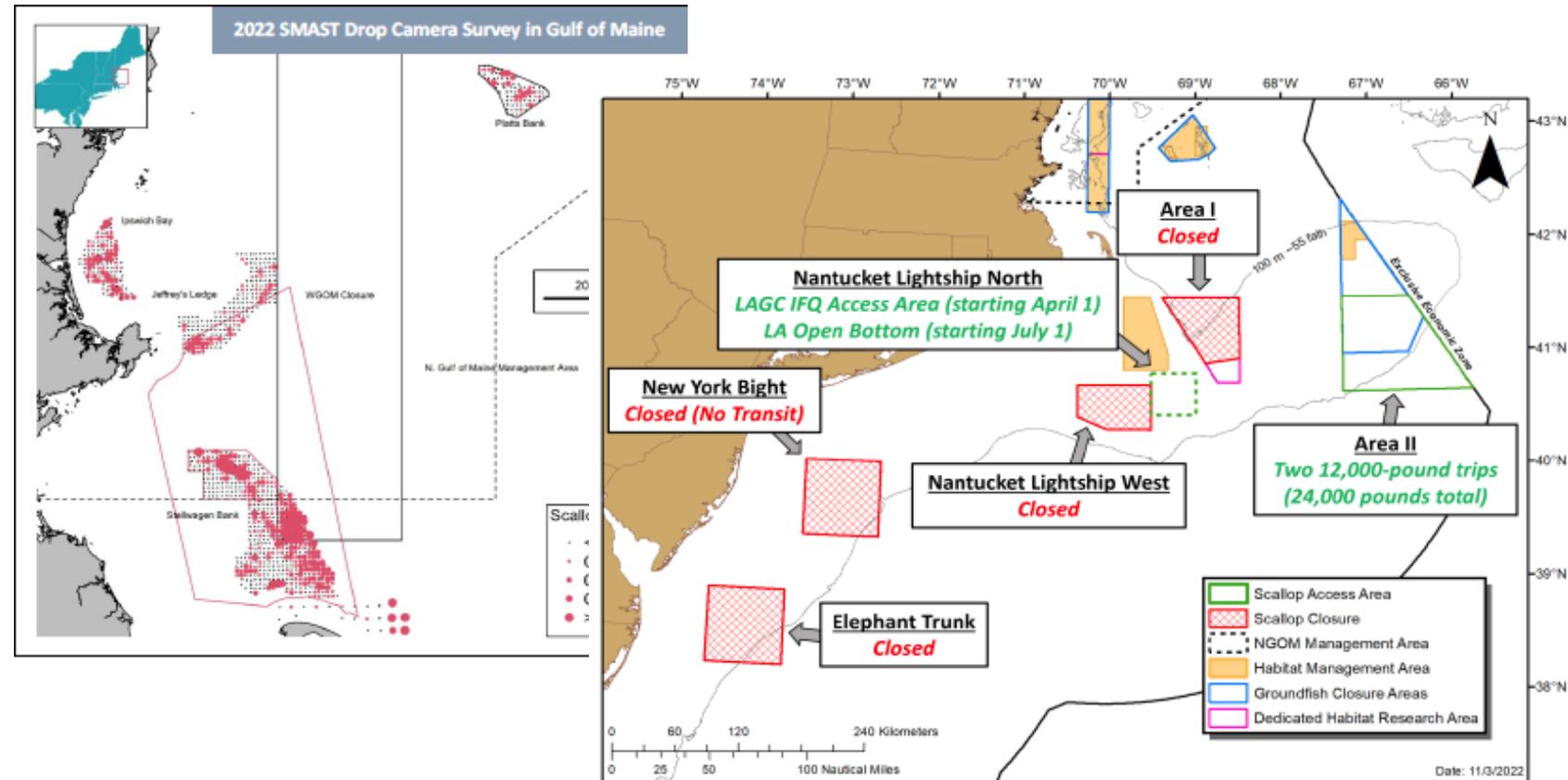




Atlantic Sea Scallop

FW36 approved:

- 2023 NGOM TAL
- 2 AA trips to Area II
- 24 DAS



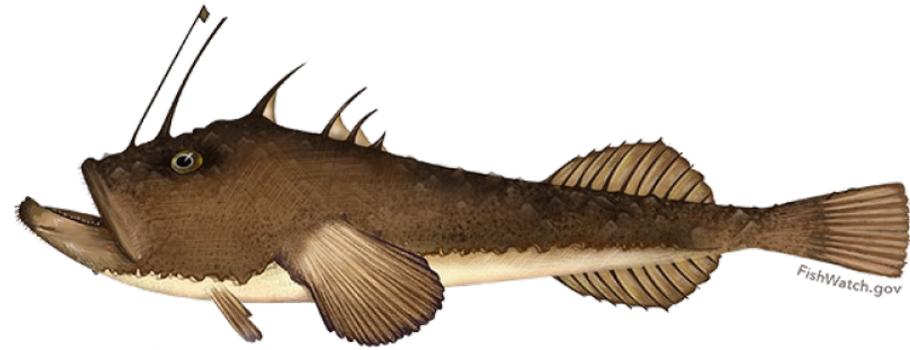
Spiny Dogfish



Specifications	2023	
	mil pounds	metric tons
OFL (from SSC)	na	na
ABC (from SSC)	17.2	7,788
Canadian Landings	0.1	37
Domestic ABC	17.1	7,751
ACL = ABC	17.1	7,751
Mgmt Uncert Buffer	0%	0%
Amount of buffer	0	0
ACT (minus buffer)	17.1	7,751
U.S. Discards	4.6	2,088
TAL (minus discards)	12.5	5,663
U.S. Rec Landings	0.5	214
Com Quota (Minus Rec)	12.0	5,449

Monkfish

- Monkfish FW13 Delayed

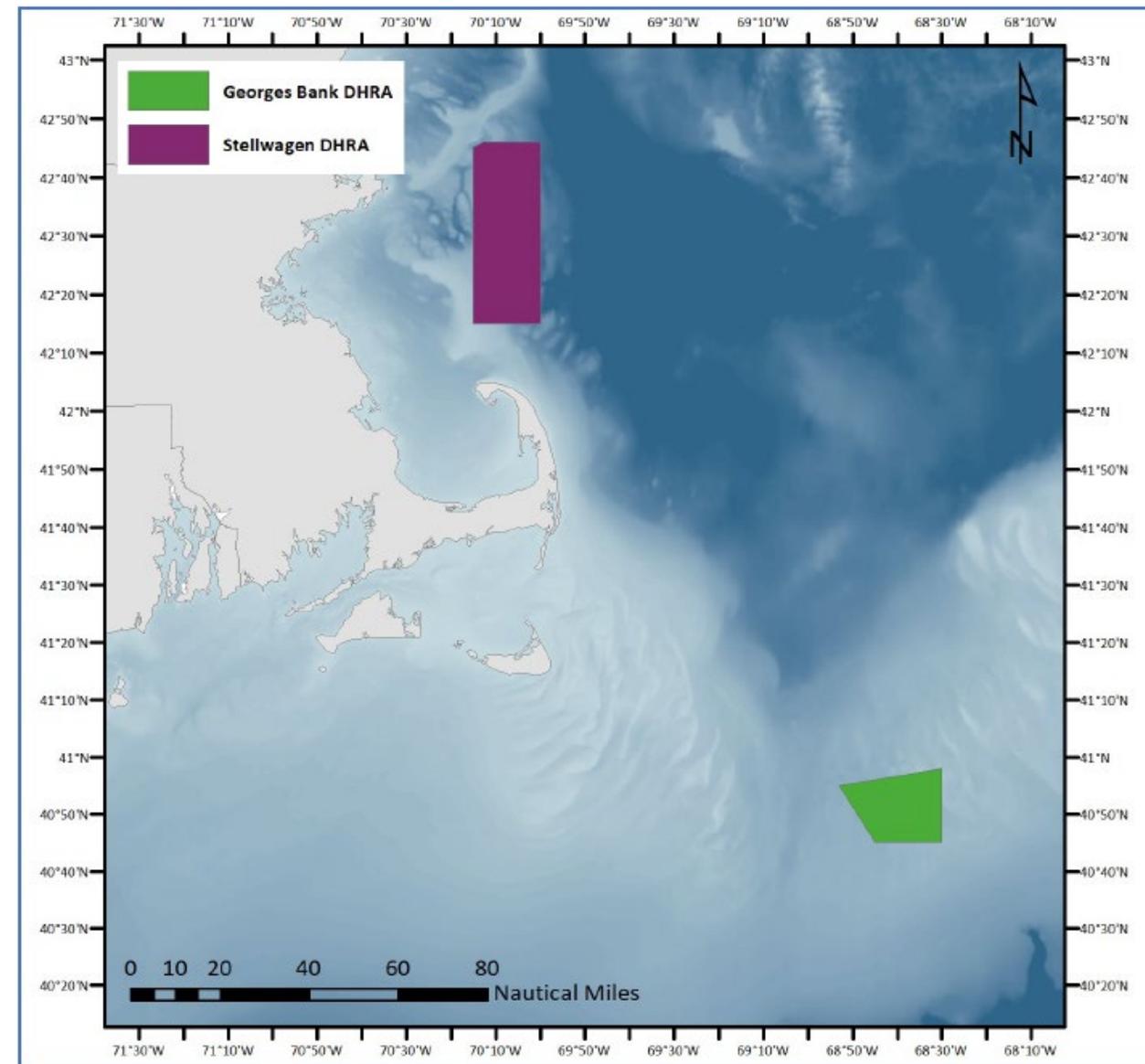


	North			South		
	Current (mt)	SSC FY2023 (mt)	% Change	Current (mt)	SSC FY2023 (mt)	% Change
OFL	17,805	Undetermined	N/A	23,204	Undetermined	N/A
ABC=ACL	8,351	5,526	-34%	12,316	3,766	-69%
ACT (97% of ACL)	8,101	5,360	-34%	11,947	3,653	-69%
Expected Discards	1,477	729	-51%	6,065	2,205	-64%
Federal TAL (ACT –discards)	6,624	4,632	-30%	5,882	1,449	-75%



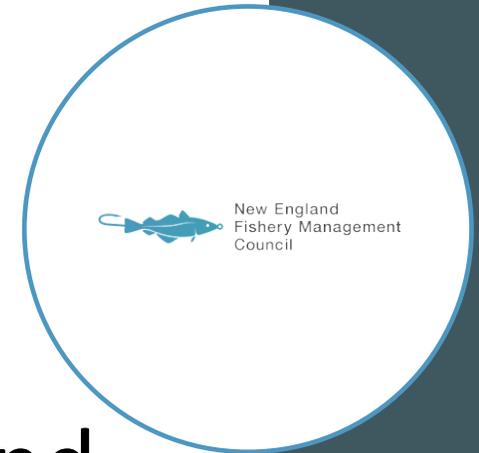
Habitat

- Retained Georges Bank Dedicated Habitat Research Area (DHRA)
- Previously voted to retain Stellwagen DHRA



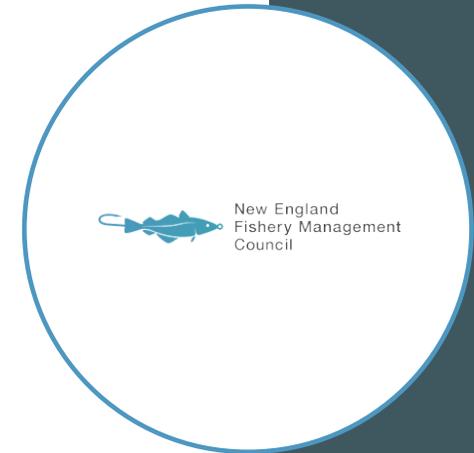
Other Regional Updates

- 2023 Management Priorities
- Herring Disaster Aid
- Portside sampling
- Synthesis of Science II – Floating Wind (RODA)



Looking ahead to January

- **January 24-26 in Portsmouth, NH**
- **Recreational Groundfish**
- **NGOM Scallop Control Date**



Questions?



New England
Fishery Management
Council

Massachusetts Division
of Marine Fisheries



Interstate Fisheries Management Update

MAFMC/ASMFC Meeting: December 13

Marine Fisheries
Advisory Commission

December 20, 2022

Massachusetts Division
of Marine Fisheries

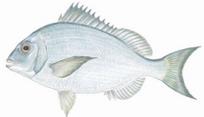


2023 Recreational Measures for Fluke, Scup, and Black Sea Bass

- Factors at play:
 - RHLs influenced by new sector (commercial/recreational) allocations*
 - Recreational ACL overages for scup & BSB, but GARFO nullifies AMs.
 - Models to predict harvest that incorporate additional variables e.g., recruitment, angler preference.
 - Harvest Control Rule:
 - Use of confidence interval around harvest prediction when comparing to RHL
 - Consider biomass compared to target level
 - Cap on amount of change per year

(millions of lbs)	Fluke	Scup	BSB
RHL 2022	10.36	6.08	6.74
RHL 2023 Initial	10.36	5.41	5.95
RHL 2023 Final*	10.62	9.27	6.57
Recent Rec Harvest (2018-2021 avg)	8.07	14.2	9.4
2022 Management Changes	Liberalize 16% (state-by-state)	Cut 33% (1-inch increase CW)	Cut 20.7% (state-by-state)



Future RHL vs Harvest Estimate	Stock biomass compared to the target stock size (B/B_{MSY})	Change in Harvest
Future 2-year average RHL is greater than the upper bound of the harvest estimate confidence interval (harvest is expected to be lower than the RHL)	Very high (at least 150% of the target stock size)	Liberalization percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 40%</u>
	High (between the target and 150% of the target stock size)	Liberalization percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 20%</u>
	Low (below the target stock size)	Liberalization: 10% 
Future 2-year average RHL is within the confidence interval of the harvest estimate (harvest is expected to be close to the RHL)	Very high (at least 150% of the target stock size)	Liberalization: 10%
	High (between the target and 150% of the target stock size)	No change: 0%
	Low (below the target stock size)	Reduction: 10% 
Future 2-year average RHL is less than the lower bound of the harvest estimate confidence interval (harvest is expected to exceed the RHL)	Very high (at least 150% of the target stock size)	 Reduction: 10% 
	High (between the target and 150% of the target stock size)	Reduction percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 20%</u>
	Low (below the target stock size)	Reduction percent based on the difference between the harvest estimate and the 2-year average RHL, <u>not to exceed 40%</u>

If this approach not in place for 2023, results may have been:

Fluke: 27% liberalization or 3% reduction

No change: 0%

Black Sea Bass: 15% reduction

Scup: 35% reduction

Summer Flounder

Model for Estimating Harvest	Model Estimate for 2023 Harvest (mlb)	80% CI of Harvest Estimate (mlb)	RHL (mlb)	Stock Size Category	Percent Change Approach Requirement	Change Needed to Reach RHL
RDM #1	8.38	7.56 – 9.52	10.62	Low	10% Liberalization	27% Liberalization
RDM #2	10.92	9.23 – 12.94			10% Reduction	3% Reduction

- Preferred model provided different results based on model input specifications (10% reduction vs 10% liberalization)
- Board determined that unsure which more accurate, so split the difference
- **Result: Status Quo Management for 2023**
- MA measures: May 21 – September 29, 16.5” minimum, 5 fish bag



Scup

Model for Estimating Harvest	Model Estimate for 2023 Harvest (mlb)	80% CI of Harvest Estimate (mlb)	RHL (mlb)	Stock Size Category	Percent Change Approach Requirement	Change Needed to Reach RHL
RDM	14.31	11.55 – 16.26	9.27	Very High	10% Reduction	35% Reduction
RFDM	14.42	8.95 – 23.08			10% Increase	36% Reduction

- Two models provided different results (10% reduction vs 10% liberalization)
- MC split on preference for model but recommended status quo management
- GARFO determined that RDM was best available science
- **Result: 10% Reduction for 2023**

- Federal measures changed →
- Rest of reduction to be achieved in northern region (MA - NY) state measures

- MA-NY will have to make up most of 10% reduction, but all states will contribute
- Few anglers take the high bag; significant bag cuts needed to achieve reduction

Season	Bag	Size
January 1 – December 31 May 1 – December 31	50 fish 40 fish	10"



Black Sea Bass

Model for Estimating Harvest	Model Estimate for 2023 Harvest (mlb)	80% CI of Harvest Estimate (mlb)	RHL (mlb)	Stock Size Category	Percent Change Approach Requirement	Change Needed to Reach RHL
RDM	7.93	7.17 – 8.63	6.57	Very High	10% Reduction	17% Reduction
RDFM	11.96	8.17 – 16.81			10% Reduction	45% Reduction

- Both models provide same overall result
- **Result: 10% Reduction for 2023**
- Each region to achieve a 10% reduction: MA-NY, NJ, DE-NC. Regions are not required to have uniform measures.
- MA 2022 measures: May 21 – September 4, 16” minimum, 4 fish bag
- Addendum 32: “In the event that a region must reduce harvest, states will develop measures in a manner that ensures each state takes an **equitable** reduction, with consideration given to **prior year fishery performance**, resource distribution and expected availability, angler effort, and **TC recommendations**.”



Next Steps...

- TC Meetings in January
 - Establish Guidelines and Methodology for Development State/Regional Proposals (Scup & BSB)
 - Staff will review specification setting timeline (TBD, but might include)
 - Board review and approval of range of proposals at ASMFC Winter Meeting (first week of February)
 - Time for scoping in states? ASMFC usually needs to know early spring what state measures will be in order for federal waters measures to be waived.
 - Emergency rule-making required



Public Scoping & Comment Reminders

- Striped Bass Draft Addendum I
 - Considers allowing transfers of coastal commercial quota
 - MA Virtual Hearing: December 19
 - Written Comment Deadline: January 13
- Menhaden Scoping for MA Management
 - Response to Addendum I changes in commercial allocation & IC/SSF
 - Address other management & enforcement issues
 - January 12 scoping meeting in Gloucester



Questions?



DMF Stakeholder Meetings

- DMF held public stakeholder meetings on December 13, 2022 to discuss the management of summer flounder and horseshoe crabs.
- Summer flounder discussion focused on recent fishery performance and how best to improve utilization of quota at current elevated level.
- Horseshoe crab meeting focused on changing dynamics of fishery due to increasing demand from biomedical industry in Massachusetts.



December 13, 2022

Massachusetts Division
of Marine Fisheries



2022 Summer Flounder Reg Changes

Period	Allocation	Season	Open Days	Trip Limits	Min. Size
Period I	30%	Jan 1–Apr 22	Sun – Sat	1,000 lb, reduced to 100 lb at 25% quota use (all gear) 3,000 lb, reduced to 100 lb at 30% quota use (all gear) Multi-state possession limit program	14"
Period II	70%	Apr 23–Jun 9	Sun–Sat	100 lb (nets), 0 lb (hooks)	14"
		Jun 10–Oct 31	Sun–Thu	400 lb (nets), 250 lb (hooks)	
		Apr 23–Aug 31	Sun–Sat	500 lb (nets)*, 300 lb (hooks)	
		Sept 1–Sept 30	Sun–Sat	800 lb (all gears) if ≥20% quota remains	
		Nov 1–Dec 31 Oct 1–Dec 31	Sun – Sat	1,000 lb (all gear) if ≥5% quota remains, otherwise 500 lb 3,000 lb if ≥ 5% quota remains; 800 pounds if ≤ 5% of quota remains Multi-state possession limit program	

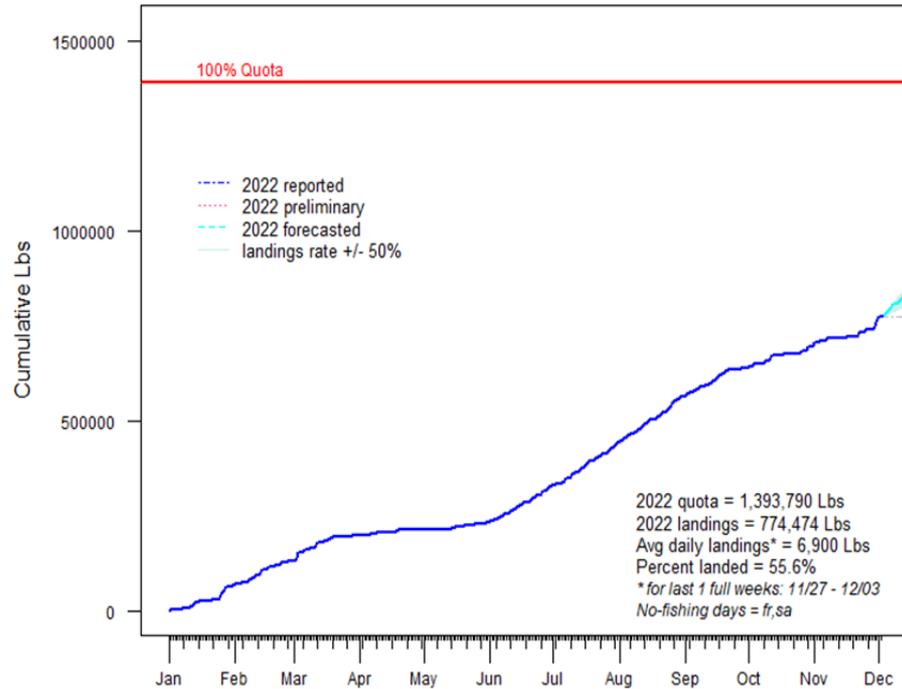
* 100-lb limit applies if more than 250 lb of squid in possession or if fishing with small mesh.

- October 1 – December 31 trip limit increased to 10,000 pounds by in-season adjustment.

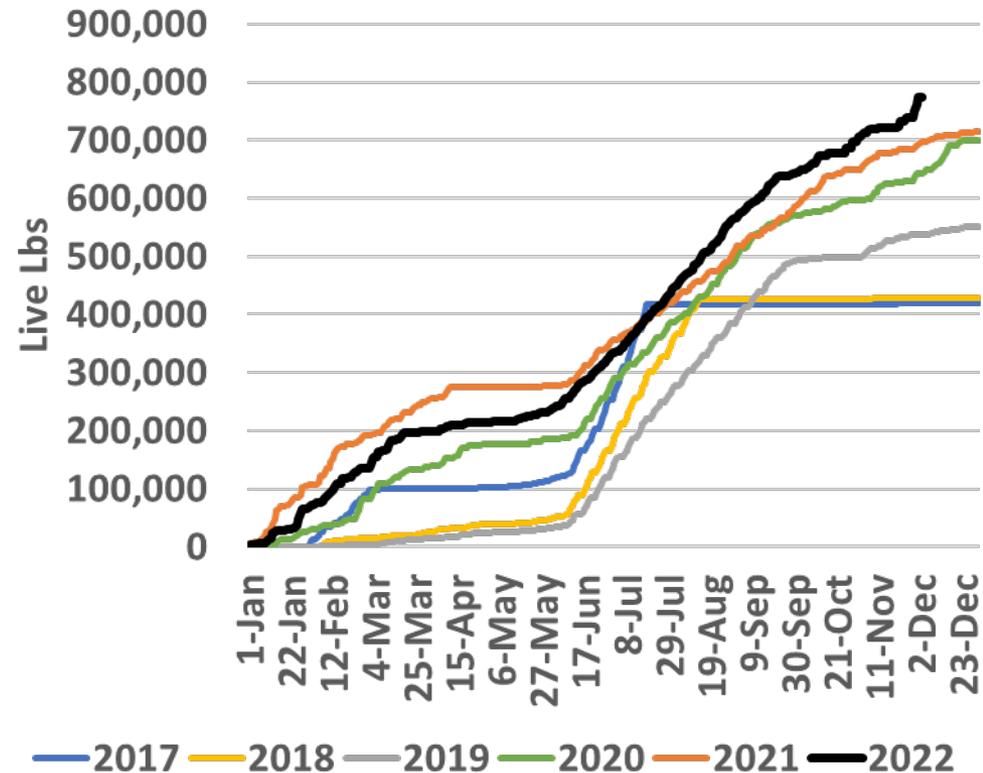


2022 Quota Monitoring

2022 FLOUNDER, SUMMER Quota Monitoring
as of December 13, 2022 01:53 PM



Annual Running Total of Landings:
Fluke



Data as of 12/13/22,
SAFIS eDR

December 13, 2022

Massachusetts Division
of Marine Fisheries



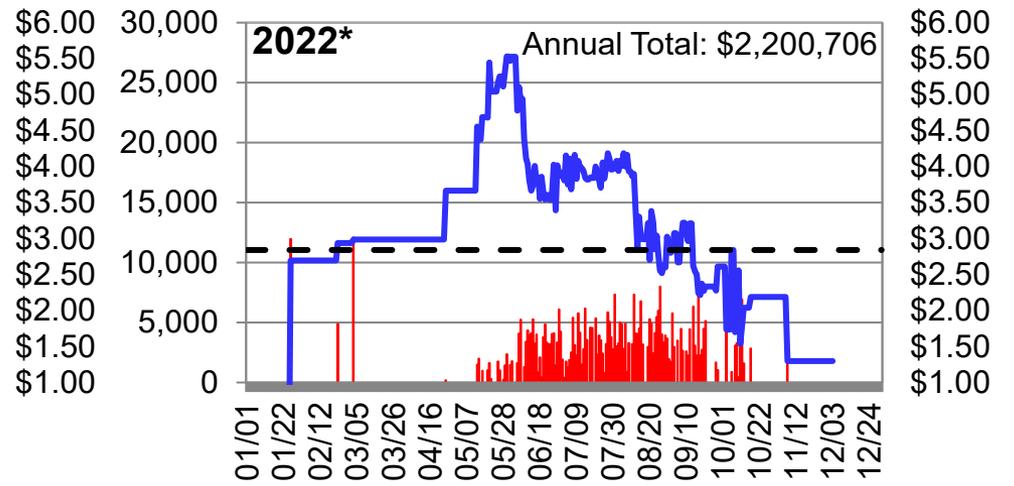
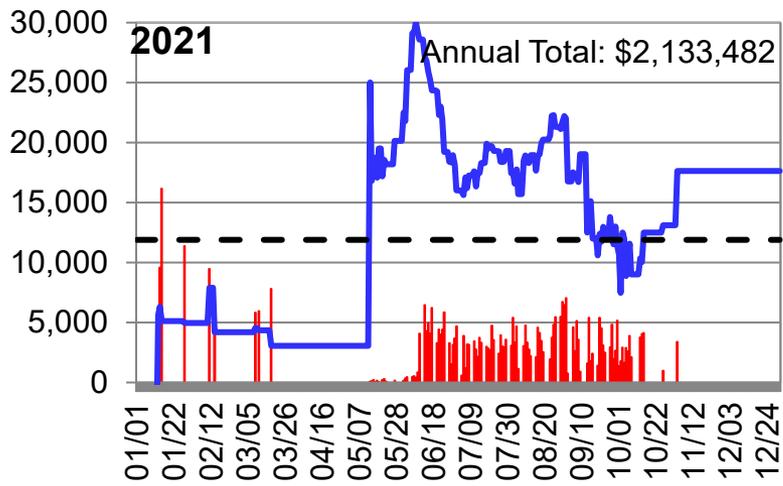
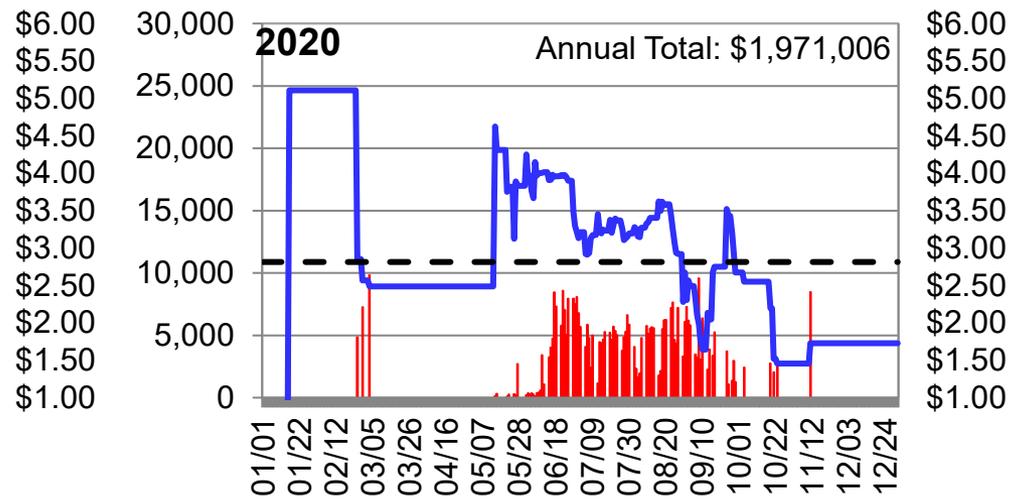
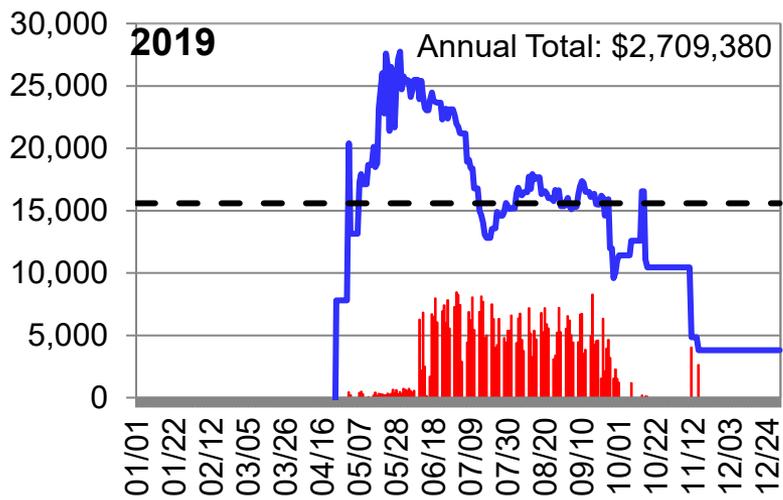
Quota Performance 2017 - 2022

Year	Quota (lb)*	Landings (lb)	Percent Utilized
2017	389,573	419,714	108%
2018	413,361	427,167	103%
2019	741,532	551,267	74%
2020	795,584	700,390	88%
2021	1,025,159	679,914	66.3%
2022	1,391,379	774,474**	55.6%**
2023	1,360,000^	TBD	TBD

* Quota as adjusted by transfers; ** as of December 13, 2022; ^ approximate anticipated quota.



Daily Landings and Avg Prices



Data as of 12/13/22, SAFIS eDR

■ Landings
 ■ Price
 - - - - Avg Yearly Price

* Preliminary

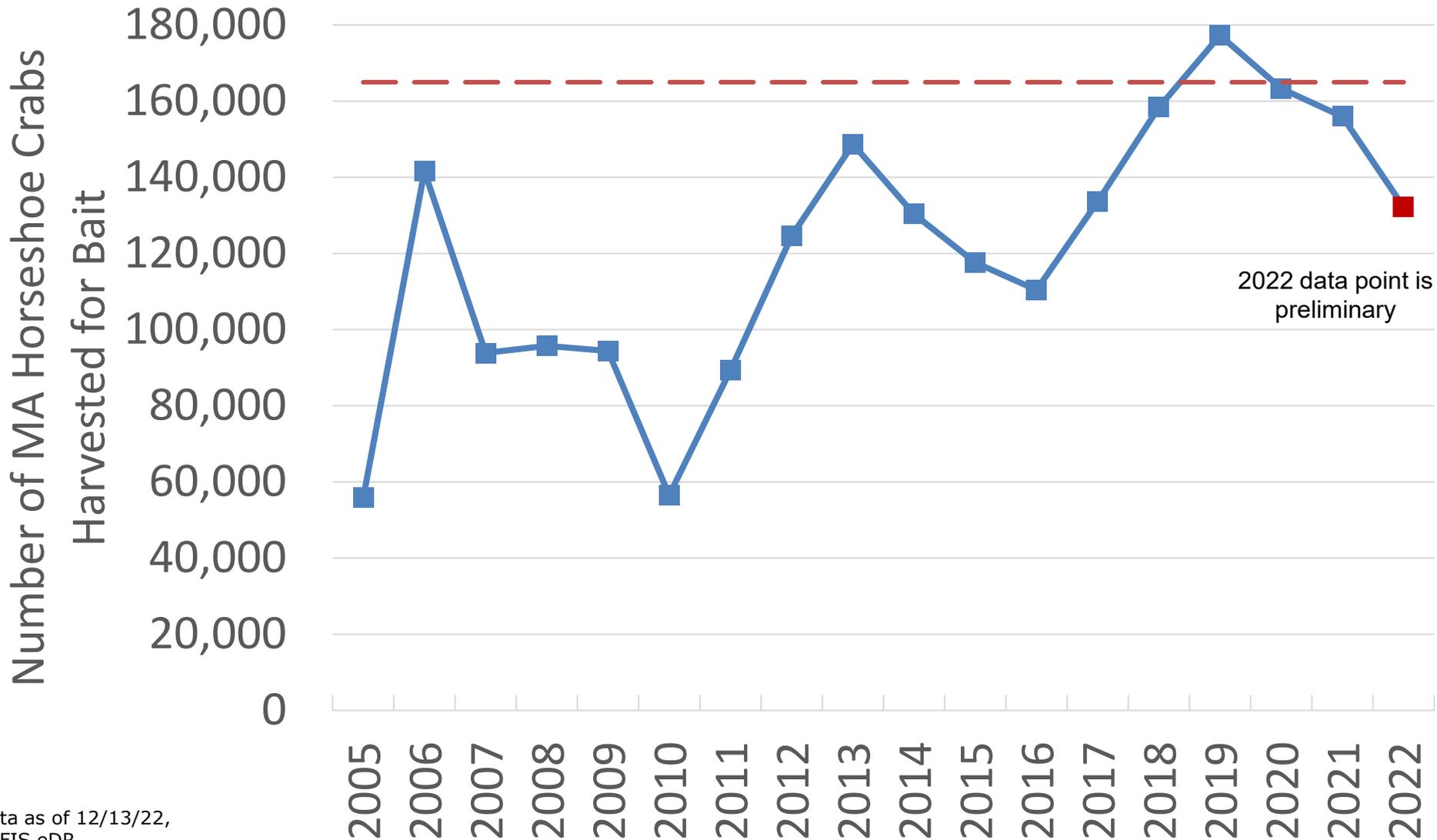


Key Discussion Notes

- Analyze potential for decreasing net mesh size from 6.5” (current state-wide standard) to 5.5” (minimum size allowed by FMP).
- Consider increases to trip summertime trip limits for all gear types, particularly during late-spring and early-summer when price is elevated.
- Potential for RI-style aggregate weekly landing program involving daily EVTR and vessel tracking.
- Concerns about need to enhance access to this fishery (and others) and balancing with capital equity in permits.
- Wait-and-see approach given upcoming stock assessment and potential quota adjustments in 2024.
- Reconsider P1 and P2 allocations if quota is elevated (e.g., > 1 mlbs then P1 receives 50%).



MA Horseshoe Crab Bait Landings



Data as of 12/13/22,
SAFIS eDR

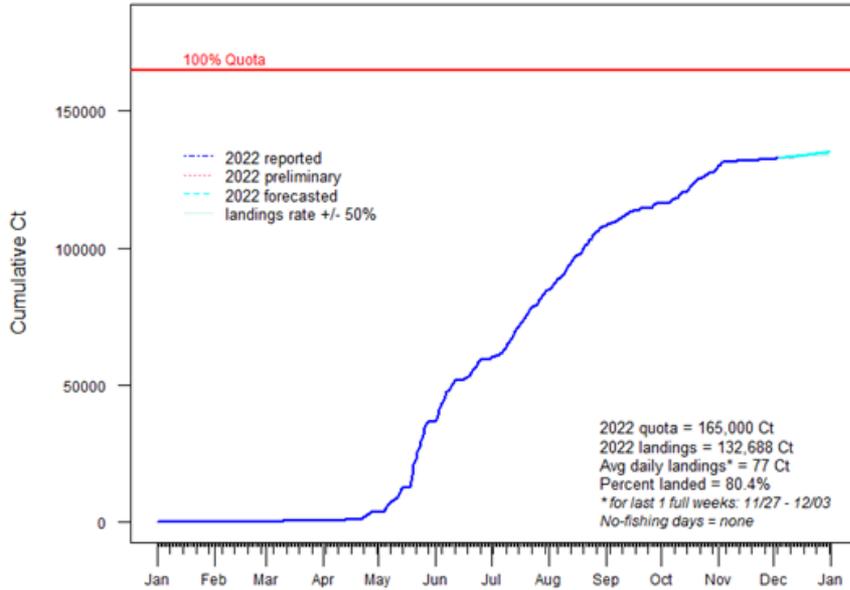
December 13, 2022

Massachusetts Division
of Marine Fisheries

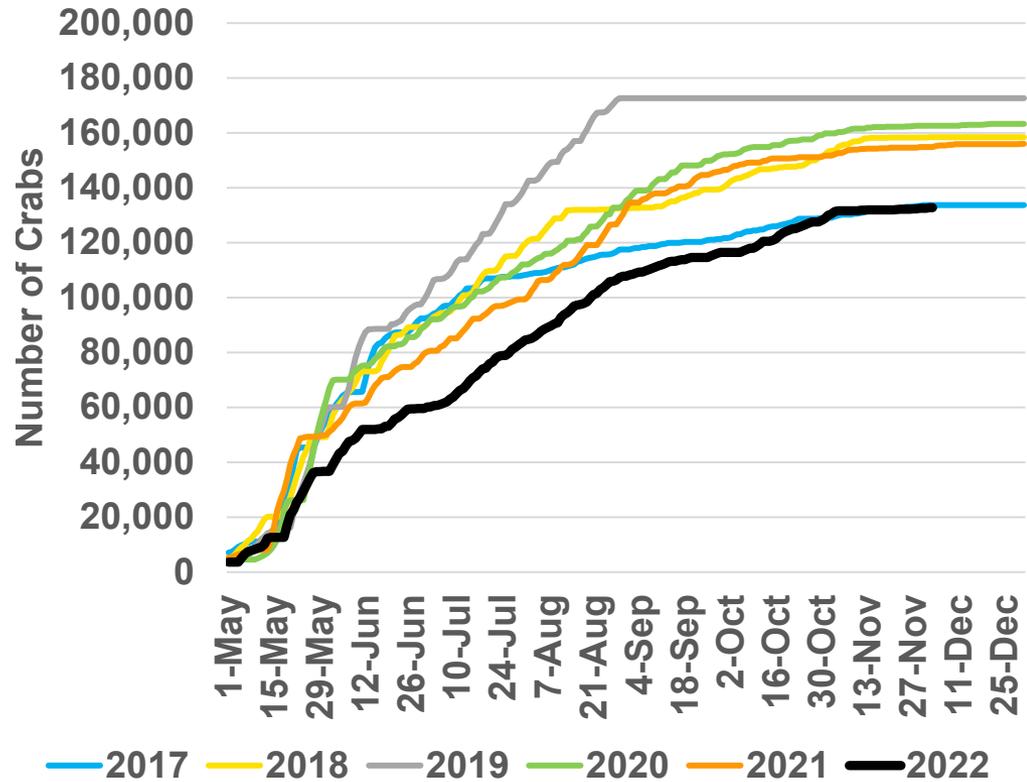


Recent Performance

2022 CRAB, HORSESHOE Quota Monitoring
as of December 13, 2022 01:57 PM



Annual Running Totals of Bait Landings: Horseshoe Crab



Data as of 12/13/22,
SAFIS eDR



Key Discussion Notes

Bait Fishery

- Raising current trip limit (300 crabs) to make bait limit more competitive with or equal to biomedical limit (1,000 crabs).
- Increasing access to fishery among active trawlers. Support for changing transferability criteria vs opposition to prior LOA program.
- Eliminating lunar closures for mobile gear fleet.
- Demand for bait remains strong despite decreasing effort on state whelk pot fishery.

Biomedical Fishery

- Interest in maintaining current trip limits (1,000 crabs).
- Concerns regarding mortality during harvest, handling, and penning.
- New BMPs being developed at ASMFC and focus on harvest and handling.
- Ability to participate in summer flounder aggregate program if biomedical trawling.
- Increasing participation in rent-a-crab program.
- Fate of crabs subject to incidental mortality in biomedical fishery.

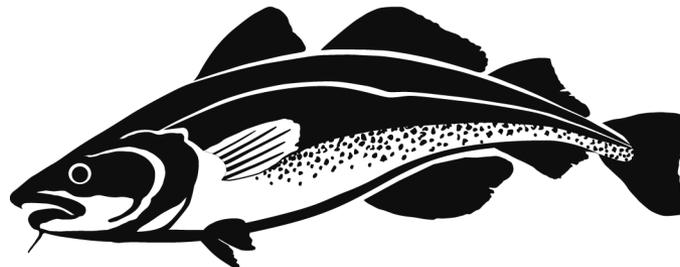
Conservation Community

- Increasing spawning protections for all gear types.
- Closing harvest in Wellfleet Harbor.
- Eliminating bait fishery and phasing out biomedical fishery.
- Issues with current metrics for measuring abundance & desire for egg density studies on beaches.



**Public Meeting:
Horseshoe Crab Management
December 13, 2022**

Marine Fisheries
Commonwealth of Massachusetts



Agenda

1. Overview of Resource and Management
2. Bait Fishery Management
3. Biomedical Fishery Management
4. Interests from Conservation Community
5. Initial DMF Considerations for 2023



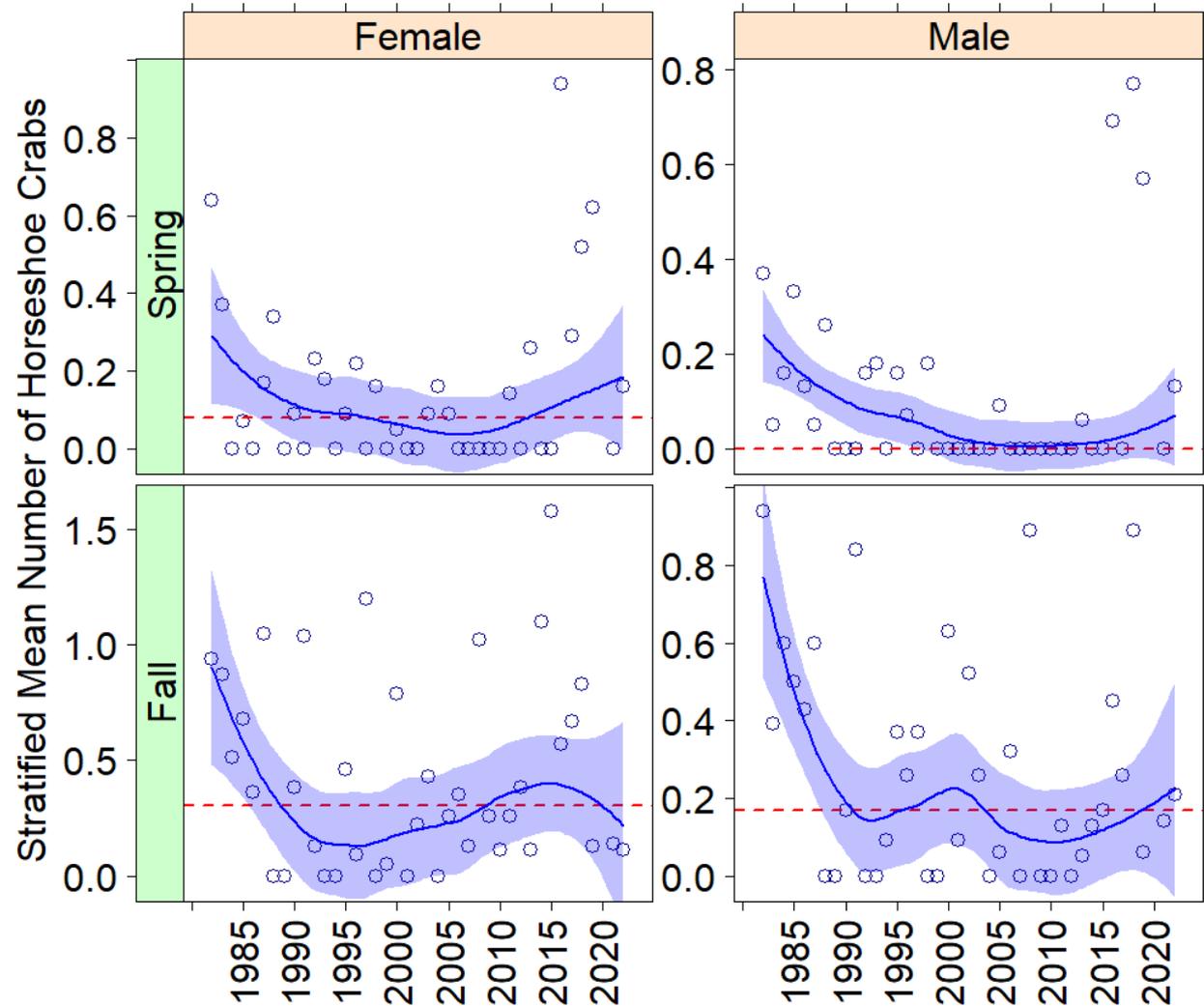
Overview of Resource and Management

1. Trawl Survey Indices
2. Spawning Beach Survey Summary
3. Horseshoe Crab Regulations
4. Trends in Horseshoe Crab Landings



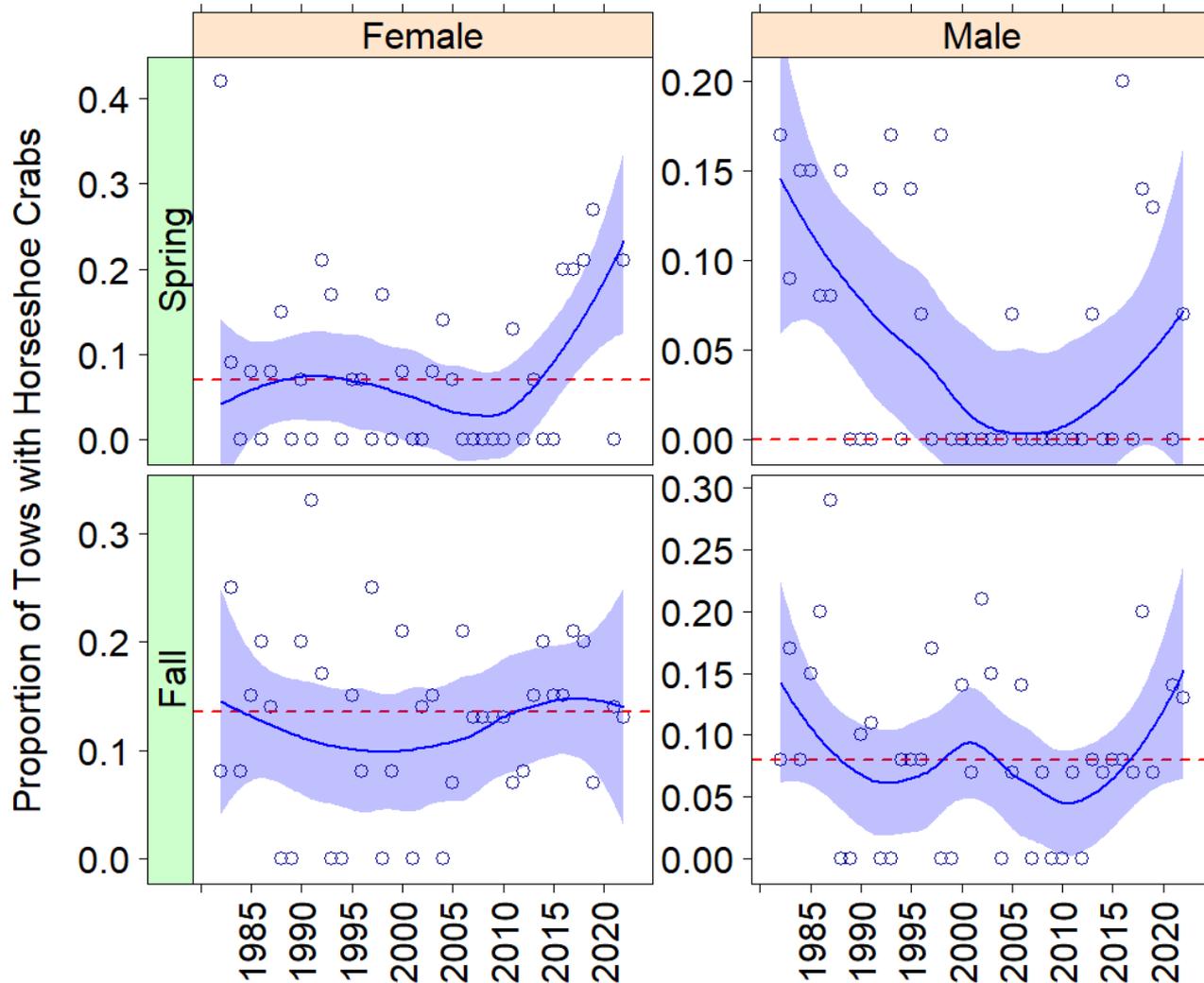
MA Horseshoe Crab Abundance

MA DMF Trawl
Survey North of
Cape Cod



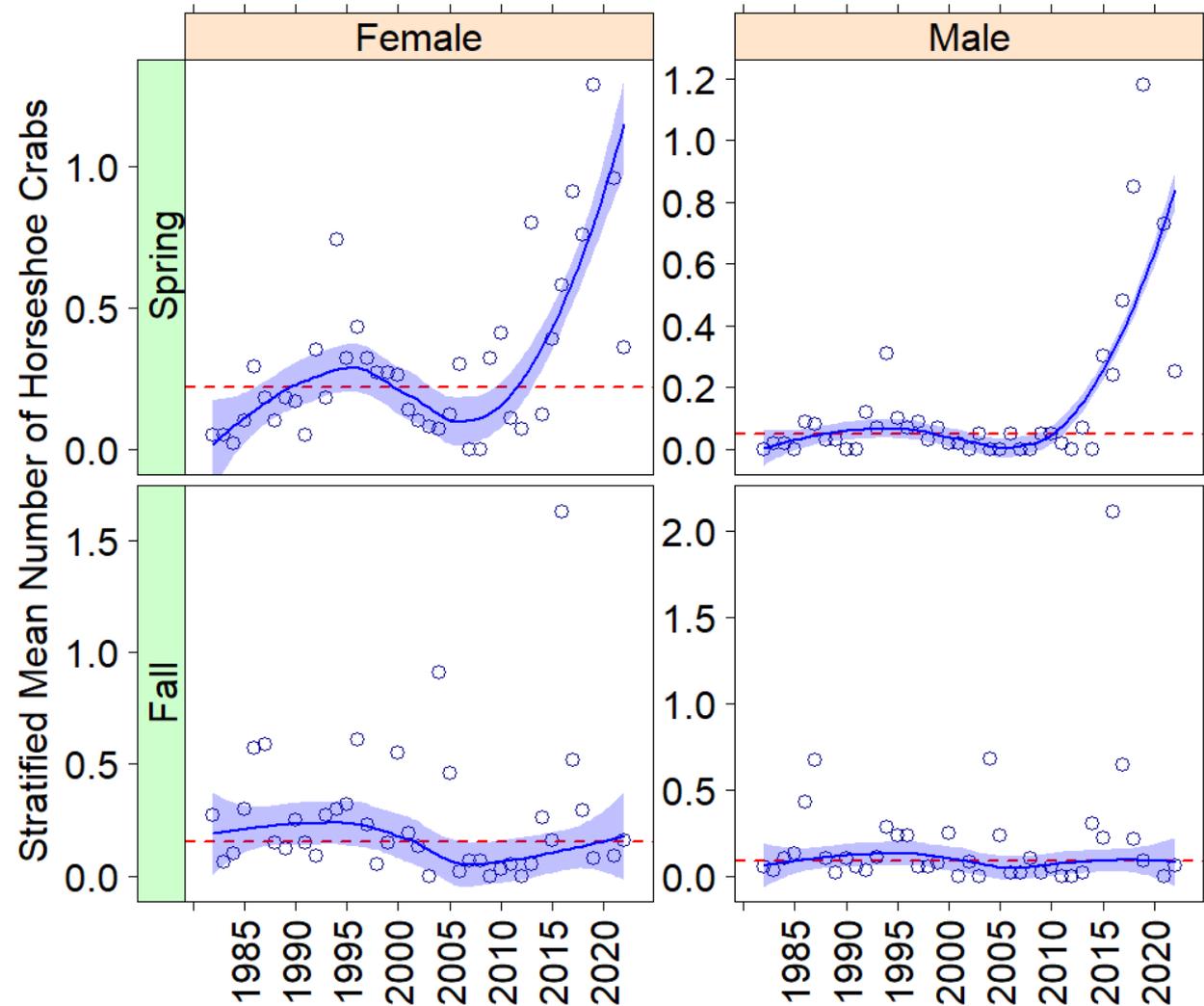
MA Horseshoe Crab Abundance

MA DMF Trawl
Survey North of
Cape Cod



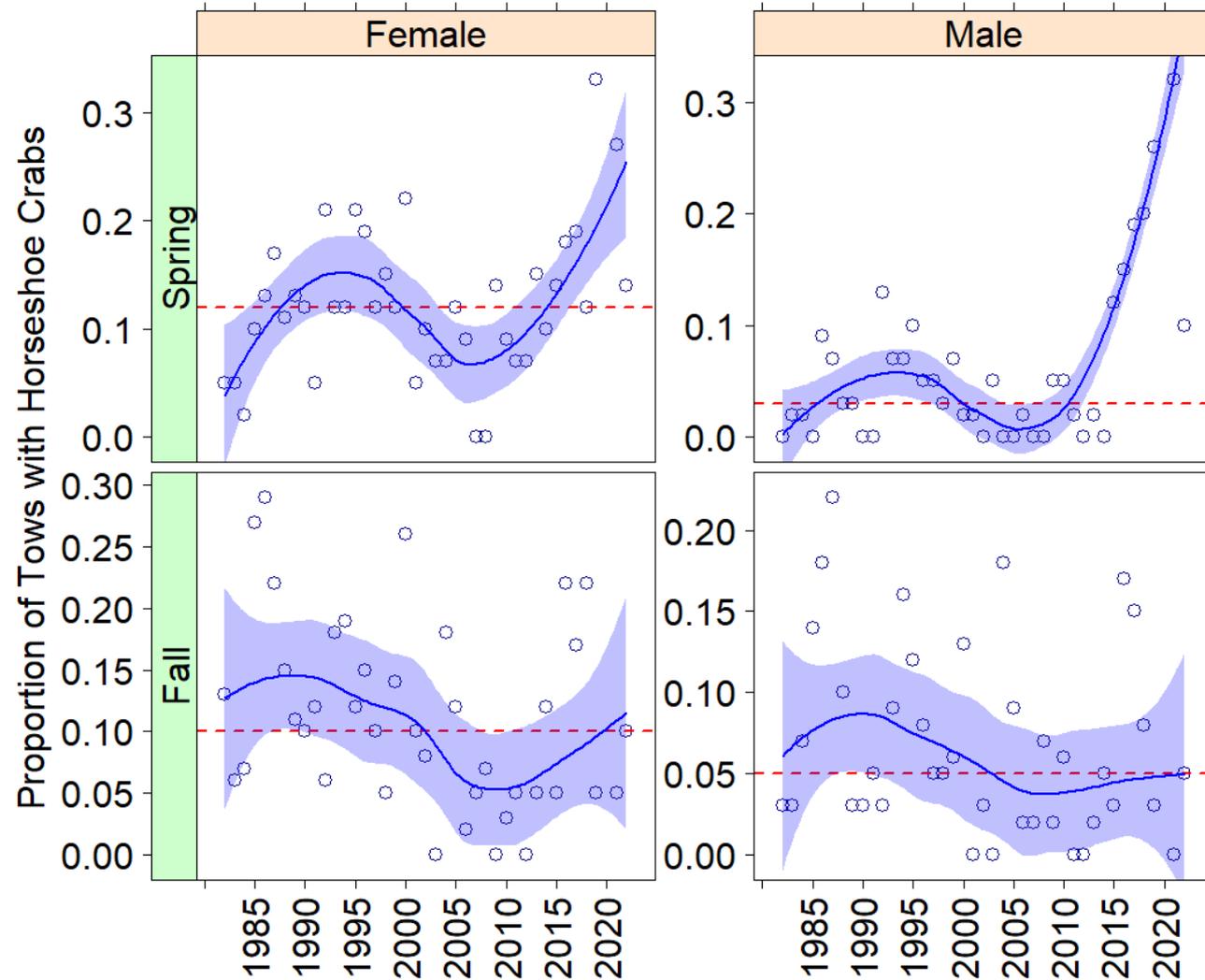
MA Horseshoe Crab Abundance

MA DMF Trawl
Survey South of
Cape Cod



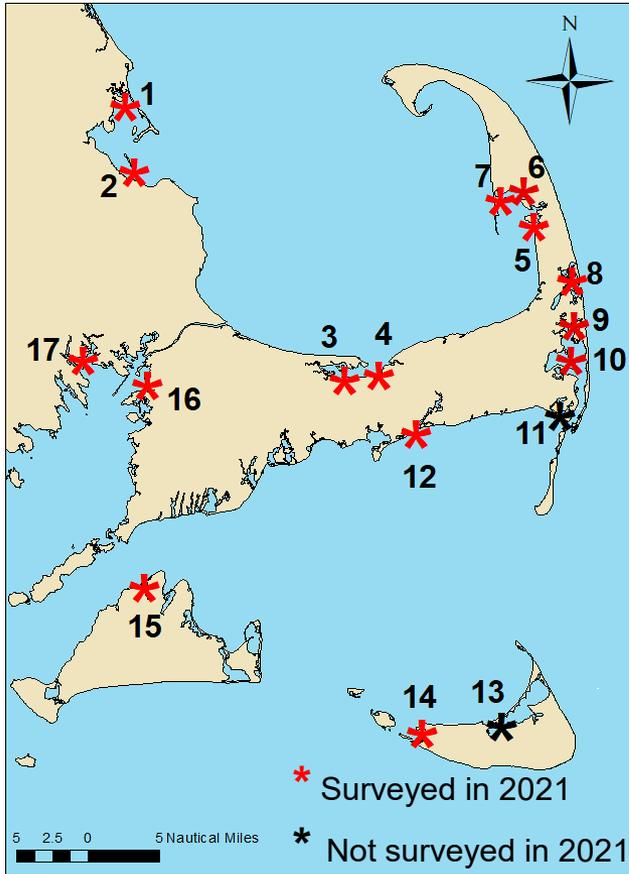
MA Horseshoe Crab Abundance

MA DMF Trawl
Survey South of
Cape Cod



MA Horseshoe Crab Abundance

2021 Spawning Beach Survey Summary

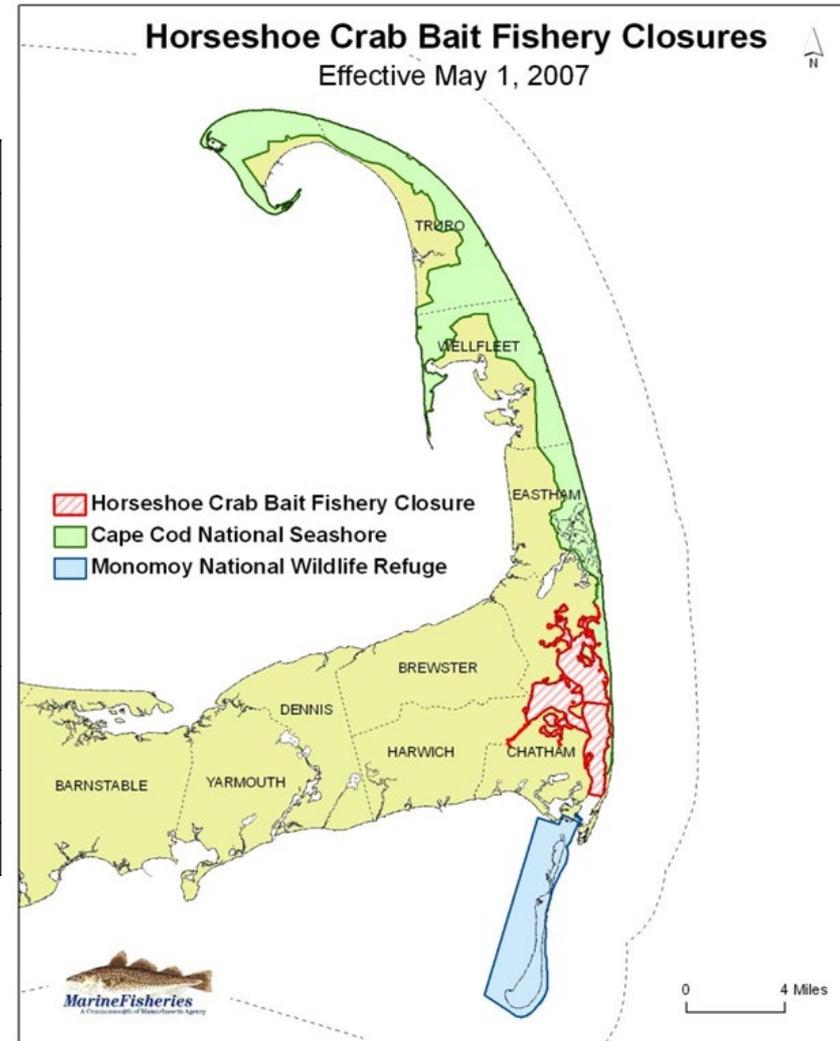


Beach	Region	Time of Day	2021 vs Median	10-year trend	5-year trend
Duxbury	Cape Cod Bay	Day	equal	mixed	decreasing
Duxbury	Cape Cod Bay	Night	equal	mixed	neutral
Long Beach	Cape Cod Bay	Day	equal	N/A	N/A
Long Beach	Cape Cod Bay	Night	above	N/A	N/A
Millway	Cape Cod Bay	Day	above	mixed	increasing
Millway	Cape Cod Bay	Night	above	mixed	increasing
Long Pasture	Cape Cod Bay	Day	above	mixed	increasing
Long Pasture	Cape Cod Bay	Night	below	N/A	N/A
Sanctuary Beach	Cape Cod Bay	Day	below	decreasing	increasing
Indian Neck	Cape Cod Bay	Day	above	mixed	increasing
Indian Neck	Cape Cod Bay	Night	above	mixed	increasing
Great Island	Cape Cod Bay	Day	above	decreasing	increasing
Priscillas Landing	Outer Cape Cod	Day	above	increasing	increasing
Marsh 2-3	Outer Cape Cod	Day	above	increasing	increasing
Erica's Beach	Outer Cape Cod	Day	above	decreasing	increasing
Bass River	Nantucket Sound	Day	above	N/A	mixed
Bass River	Nantucket Sound	Night	below	N/A	N/A
Warrens Landing	Nantucket Sound	Day	above	increasing	increasing
Warrens Landing	Nantucket Sound	Night	above	increasing	increasing
Tashmoo	Nantucket Sound	Day	above	increasing	increasing
Tashmoo	Nantucket Sound	Night	above	increasing	increasing
Tahanto	Buzzards Bay	Day	equal	mixed	neutral
Tahanto	Buzzards Bay	Night	above	decreasing	increasing
Swifts Beach	Buzzards Bay	Day	equal	decreasing	neutral
Swifts Beach	Buzzards Bay	Night	below	decreasing	decreasing



MA Horseshoe Crab Regulations

Regulatory Description	Effective Date
Mobile gear harvest prohibited on weekends	1990's
Federal area closures	pre-2007
Pleasant Bay closed to bait harvest	2007
DMF Reduced quota from 330,377 to 165,000	2008
Bait possession limit reduced from 1,000 to 400	2008
7" MLS	2010
May-June lunar closures	2010
Mobile gear bait harvest trip limit increased 400 to 600/24-hour period starting July 1	2010
Lunar closure extended, starting in mid-April	2013
Reduced mobile gear bait trip limit to 300/day, year round	2014
Importation of Asian crabs prohibited	2014
Weekend mobile gear prohibition repealed	2020



MA Horseshoe Crab Regulations



Biomedical BMPs

MA Biomed Permit Requires...

- Keep crabs separated by source
- Return crabs in good condition
- Return crabs to same embayment/area of harvest
- Marked to avoid re-bleeding
- Transported at 50-60 °F
- <70 °F in lab
- Containers <2/3 full
- Crabs must be kept moist
- Maximum 36 hours out of water
- DMF/EP can inspect facility anytime
- Must report # of crabs bled, sex, and condition monthly



Landings & Data Confidentiality

G.L. c. 130, §21. The Director shall devise a system of statistical information useful to the commercial and recreational fishing industry of the Commonwealth and may collect and compile fishery statistics obtained thereunder. He may require for such purposes statistical reporting from all fishermen, wholesale and retail fish dealers, and fish processors on such forms and as such time to be determined by him. Said statistical reports shall be signed and submitted under the pains and penalties of perjury, and subject to Chapter 66 and 66A, **shall be held strictly confidential by the Director and shall not be disclosed except in compliance with a valid court order.** The Director may be regulation prescribe such procedures as may be necessary to preserve such confidentiality, except that **the Director may release or make public any such statistics in aggregate or summary for which does not directly or indirectly disclose the identity or business of any person who submits such statistics.**

Rule of Three. ACCSP confidentiality policy requires any publicly disclosed data summary to include landings from at least three dealers, three harvesters, and three vessels to be considered non-confidential.

Harvester Reporting. DMF requires all commercial permit holders to report at a trip level on a monthly basis. Exempt from this are federal permit holders subject to federal trip level reporting requirements.

Dealer Reporting. DMF requires all commercial dealers to report all purchases directly from commercial permit holders on a weekly basis.

Biomedical Dealers. DMF requires all biomedical dealers to additionally report on a monthly basis the number of crabs purchased, rejected, bled, their fate, and number of dead crabs received prior to bleeding and their sex. Biomedical trawlers are also required to report incidental mortality observed during harvest to biomedical dealer for reporting to DMF.

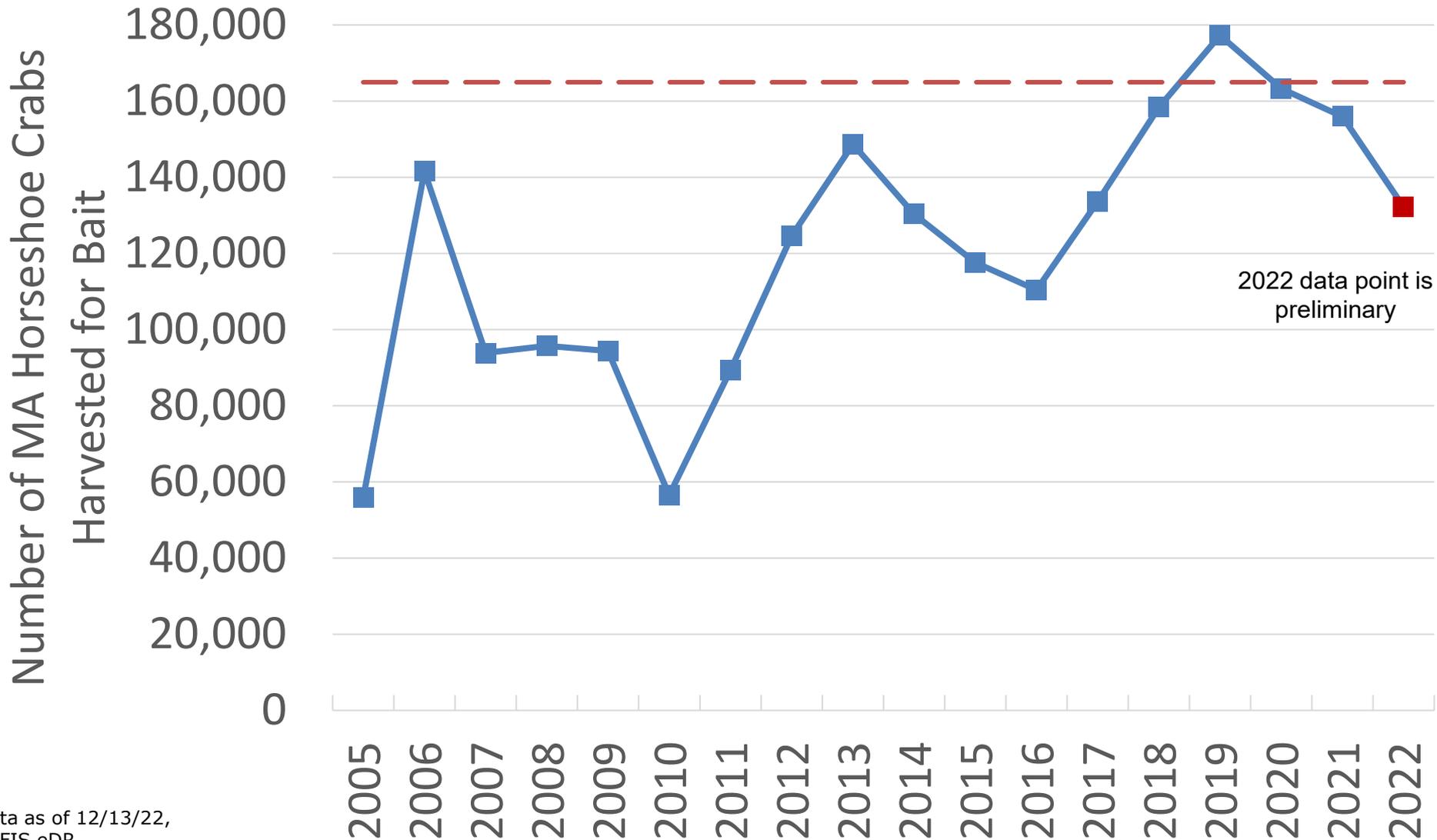


Bait Fishery Management Topics

1. Recent performance
2. Whelk pot fishery performance and overall bait demand
3. Changing effort in mobile gear fishery
4. Amend trip limits for bait fishery
5. Permitting horseshoe crab retention for mobile gear fishery



MA Horseshoe Crab Bait Landings



Data as of 12/13/22,
SAFIS eDR

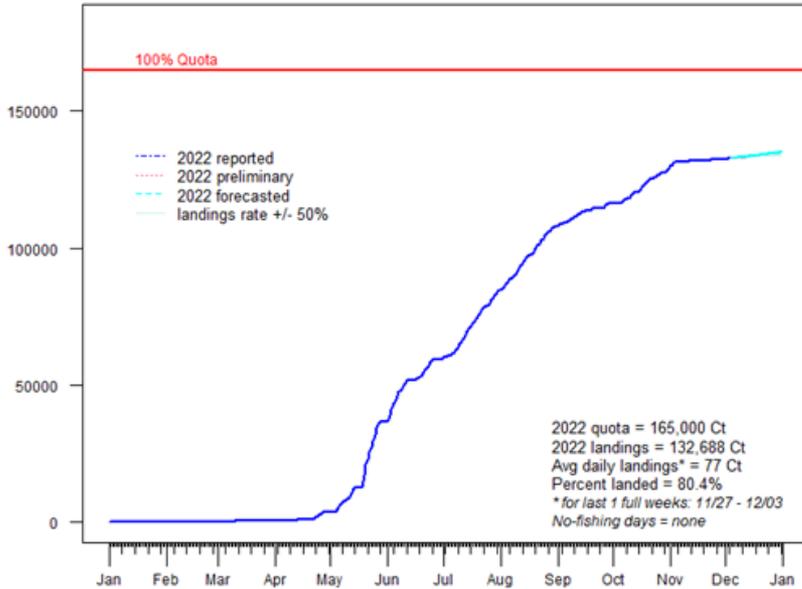
December 13, 2022

Massachusetts Division
of Marine Fisheries

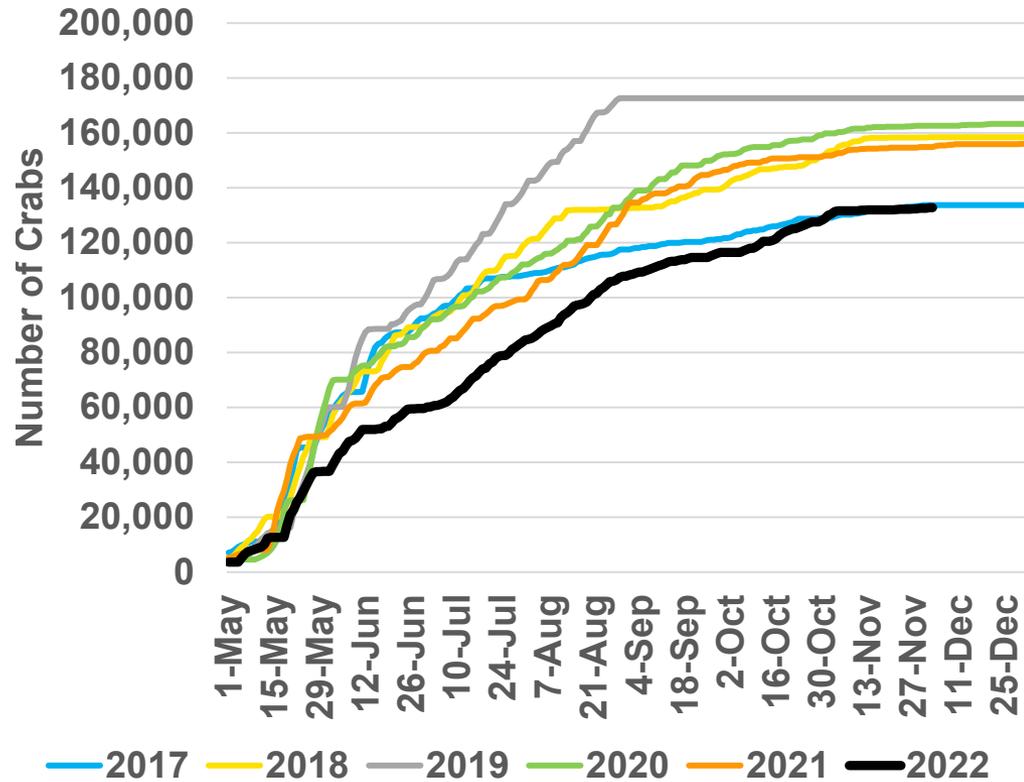


Recent Performance

2022 CRAB, HORSESHOE Quota Monitoring
as of December 13, 2022 01:57 PM



Annual Running Totals of Bait Landings: Horseshoe Crab

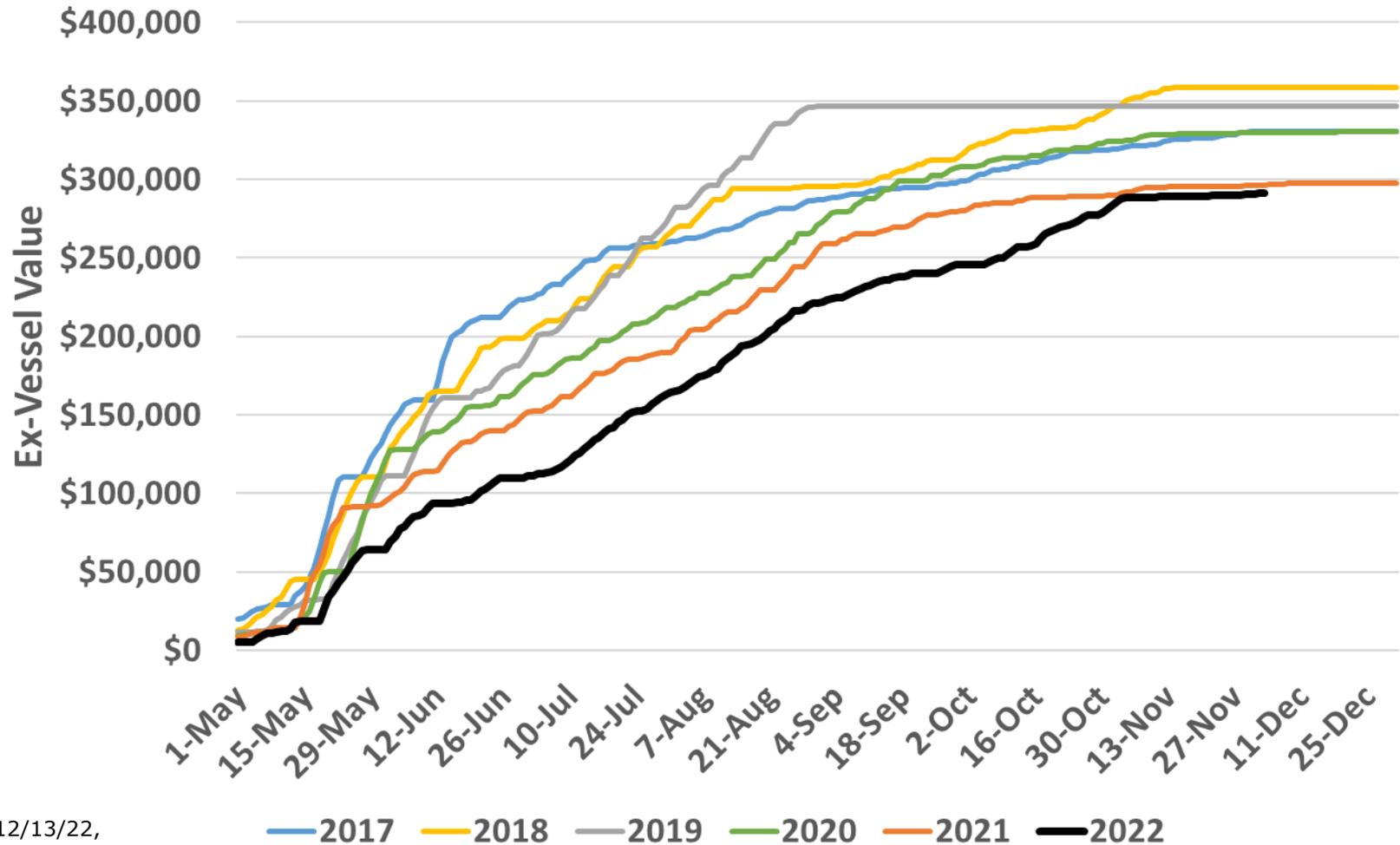


Data as of 12/13/22,
SAFIS eDR



Recent Performance

Annual Running Totals of Bait Ex-Vessel Value: Horseshoe Crab



Data as of 12/13/22,
SAFIS eDR



Bait Fishery Management Topics

~~1. Recent performance~~

2. Whelk pot fishery performance and overall bait demand
3. Changing effort in mobile gear fishery
4. Amend trip limits for bait fishery
5. Permitting horseshoe crab retention for mobile gear fishery



Biomedical Fishery Management Topics

1. Trip limits for hand and trawl fisheries.
2. Rent-a-crab program and fate of crabs subject to incidental mortality during harvest and handling.
3. Best management practices.
4. Incidents of unlawful night-time trawling.
5. Penning.
6. Spawning season harvest.
7. Improving reporting.
8. Permitting.



Concerns from Conservation Interests

1. Prohibition on all horseshoe crab harvest.
2. Prohibition on bait fishery and phasing in of prohibition on biomedical fishery.
3. Increasing spawning protections.
4. Closing Wellfleet Harbor.



Initial DMF Considerations for 2023

1. Cap overall mortality for bait and biomedical fishery.
2. Right size trip limits for bait and biomedical fisheries.
3. Encourage participation in rent-a-crab program.
4. Improve data collection and resolution regarding pre-bleeding mortality in bio-medical fishery.
5. Work through ASMFC process to enhance BMPs for bio-medical fishery and codify existing BMPs in state regulations.

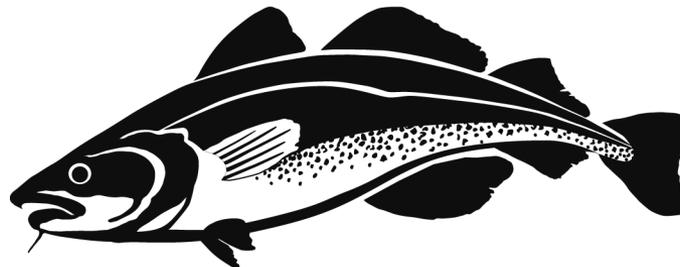


Questions?



**Public Meeting:
Summer Flounder Management
December 13, 2022**

Marine Fisheries
Commonwealth of Massachusetts



Agenda

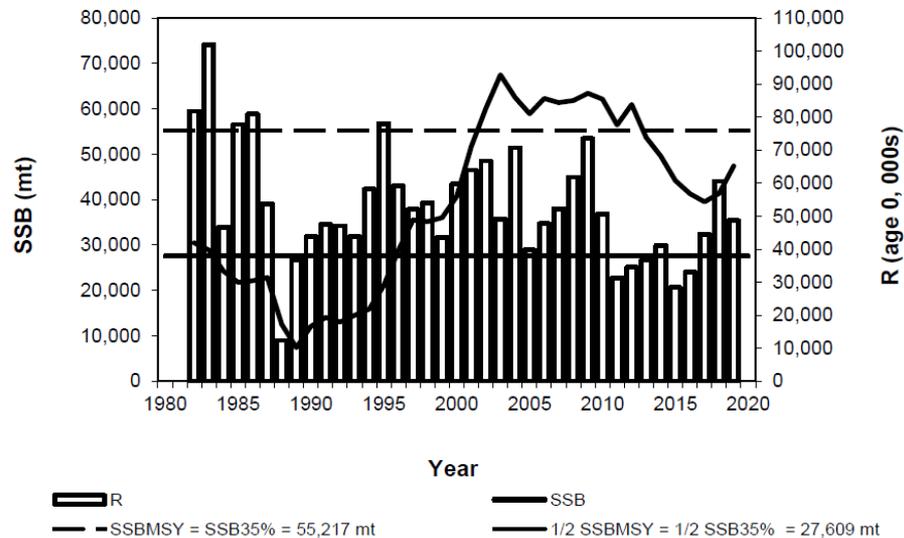
1. Summer Flounder Stock Status
2. Summary of Recent Management Changes
3. Review of Recent Performance
4. Discuss Potential Management Solutions



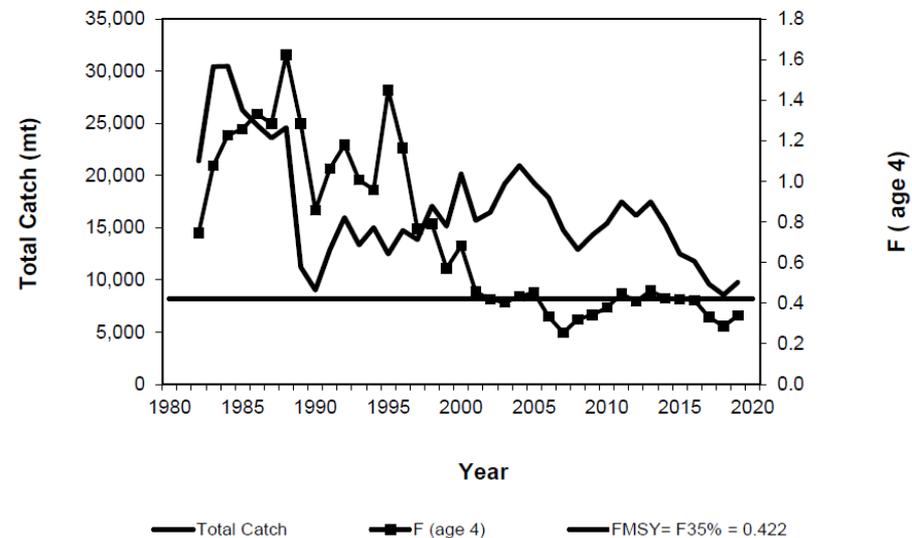
Summer Flounder Stock Status

- Source: 2021 Management Track Assessment (data through 2019)
- Not overfished. $SSB_{2019} = 47,397$ MT, or 86% of biomass target. Note recent upward trend.
- Recruitment: below average 2011-2017 caused recent decline in SSB (driver of pattern unknown); 2018 year class above average, 2019 below average but above 2011-2017.
- Not experiencing overfishing. $F_{2019} = 0.34$, 81% of threshold.
- Northward & eastward shift in spatial distribution over last four decades.

Spawning Stock Biomass (SSB) and Recruitment (R)



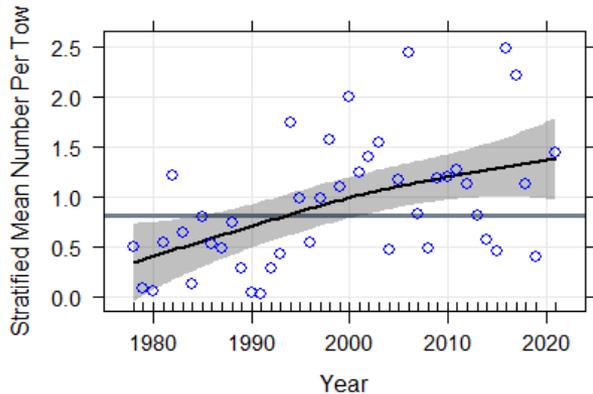
Total Catch and Fishing Mortality (F)



Spring Trawl Survey Abundance by Market Grade

Market Grade: Medium

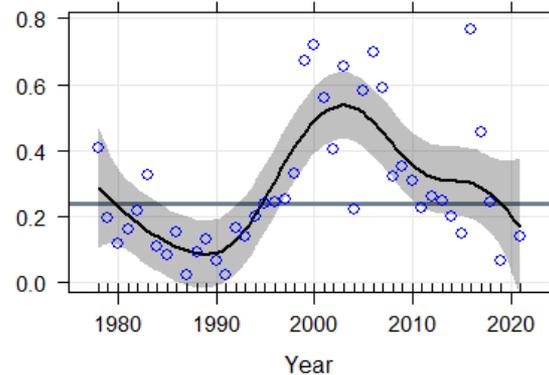
Summer Flounder Abundance (36-44cm)
MDMF Spring Survey, Regions 1-5
All Massachusetts State Waters



Black line: GAM fit.
Grey line: timeseries median.
No data collected in 2020

Market Grade: Large

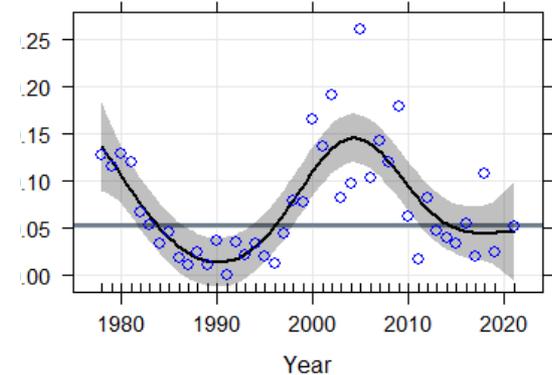
Summer Flounder Abundance (45-55cm)
MDMF Spring Survey, Regions 1-5
All Massachusetts State Waters



Black line: GAM fit.
Grey line: timeseries median.
No data collected in 2020

Market Grade: Jumbo

Summer Flounder Abundance (>55cm)
MDMF Spring Survey, Regions 1-5
All Massachusetts State Waters



Black line: GAM fit.
Grey line: timeseries median.
No data collected in 2020

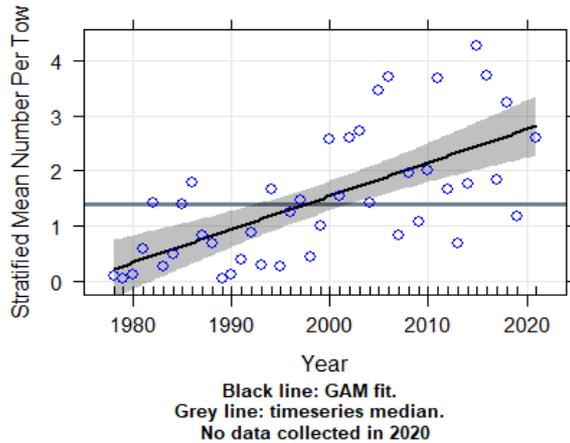
- Trawl survey occurs in May.
- Observed increase in abundance of medium market grade fish.
- Abundance of large and jumbo market grade fish now below time-series mean. Substantial decrease from time-series high in early 00s.
- Expectation is this survey would catch those fish moving into inshore summertime fishery.



Fall Trawl Survey Abundance by Market Grade

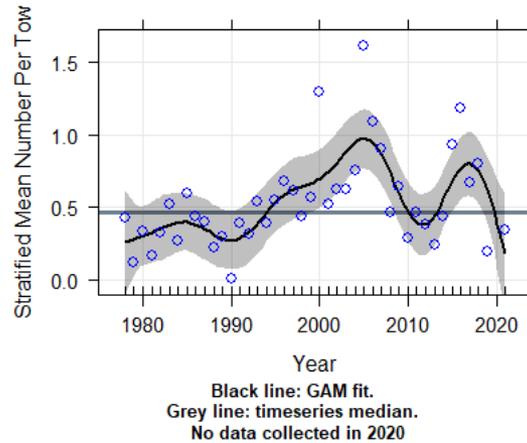
Market Grade: Medium

Summer Flounder Abundance (36-44cm)
MDMF Fall Survey, Regions 1-5
All Massachusetts State Waters



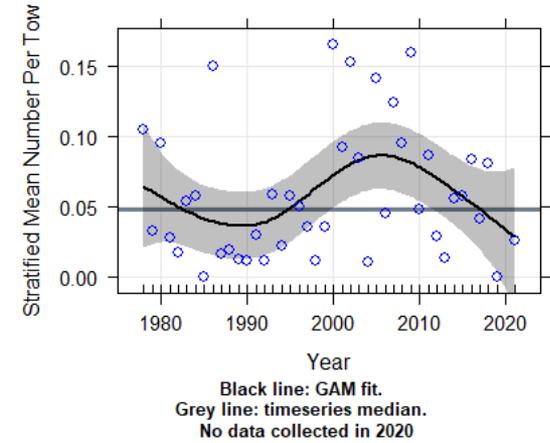
Market Grade: Large

Summer Flounder Abundance (45-55cm)
MDMF Fall Survey, Regions 1-5
All Massachusetts State Waters



Market Grade: Jumbo

Summer Flounder Abundance (>55cm)
MDMF Fall Survey, Regions 1-5
All Massachusetts State Waters



- Fall trawl survey occurs in September.
- Similar but less pronounced trends than in the spring regarding abundance by market grade.
- Seasonal migration tends to be occurring during the time the fall trawl survey occurs.



Summer Flounder Quota & Utilization

- MA commercial quota expected to be set at 1.36 million pounds for 2023, similar to 2022 quota (1.39 mlbs)
- Quota has steadily increased since all-time low in 2017 with large increases in 2021 (28%) and in 2022 (37%).
- Quota increases occurring coastwide due to stock status. Additionally, MA's quota share increased in 2022 under a new quota allocation approach.
- Quota has been under utilized since 2019.

Year	Quota (lb)*	Landings (lb)	Percent Utilized
2017	389,573	419,714	108%
2018	413,361	427,167	103%
2019	741,532	551,267	74%
2020	795,584	700,390	88%
2021	1,025,159	679,914	66.3%
2022	1,391,379	774,474**	55.6%**
2023	1,360,000^	TBD	TBD

* Quota as adjusted by transfers; ** as of December 13, 2022; ^ approximate anticipated quota.



2022 Regulatory Changes

Period	Allocation	Season	Open Days	Trip Limits	Min. Size
Period I	30%	Jan 1–Apr 22	Sun – Sat	1,000 lb, reduced to 100 lb at 25% quota use (all gear) 3,000 lb, reduced to 100 lb at 30% quota use (all gear) Multi-state possession limit program	14"
Period II	70%	Apr 23–Jun 9	Sun–Sat	100 lb (nets), 0 lb (hooks)	14"
		Jun 10–Oct 31	Sun–Thu	400 lb (nets), 250 lb (hooks)	
		Apr 23–Aug 31	Sun–Sat	500 lb (nets)*, 300 lb (hooks)	
		Sept 1–Sept 30	Sun–Sat	800 lb (all gears) if ≥20% quota remains	
		Nov 1–Dec 31 Oct 1–Dec 31	Sun – Sat	1,000 lb (all gear) if ≥5% quota remains, otherwise 500 lb 3,000 lb if ≥ 5% quota remains; 800 pounds if ≤ 5% of quota remains Multi-state possession limit program	

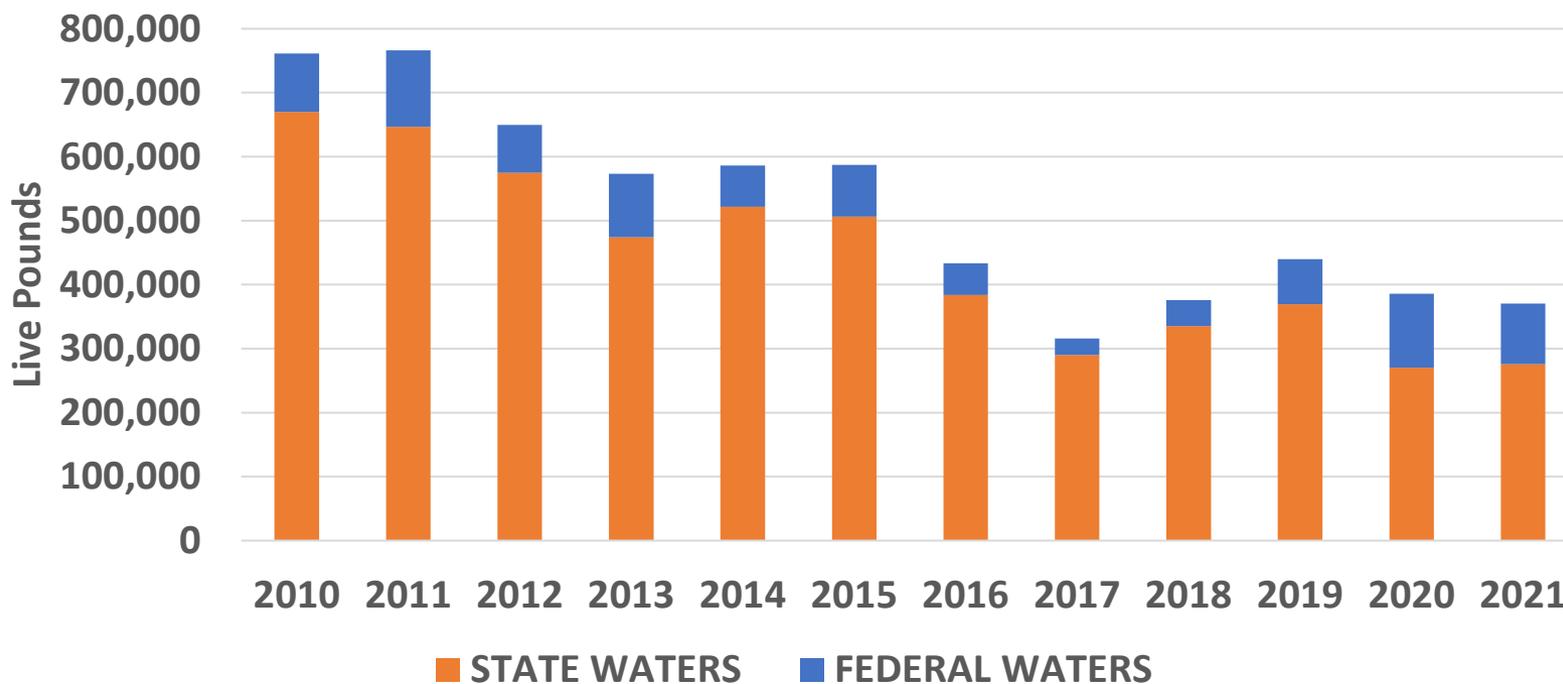
* 100-lb limit applies if more than 250 lb of squid in possession or if fishing with small mesh.

- October 1 – December 31 trip limit increased to 10,000 pounds by in-season adjustment.
- DMF considering in-season adjustment to maintain 10,000 pound trip limit for 2023 P1.



Commercial Summertime Landing Trends by Year and Distance from Shore

June to October Landings by Region and Year



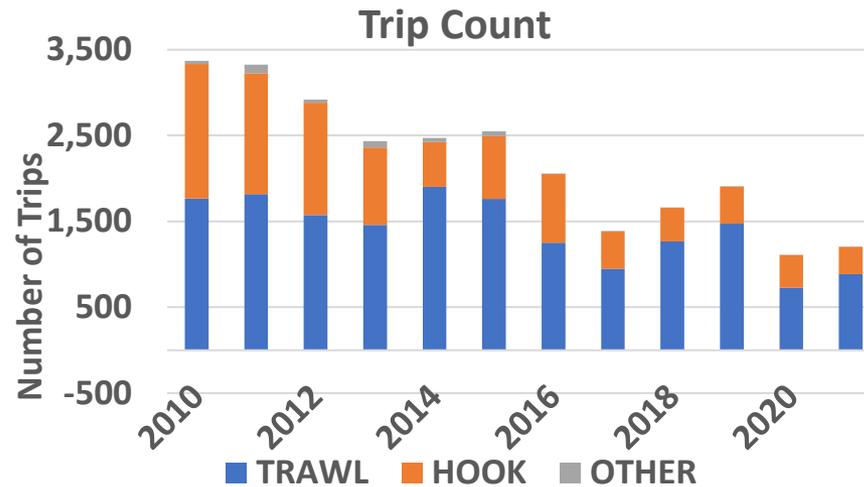
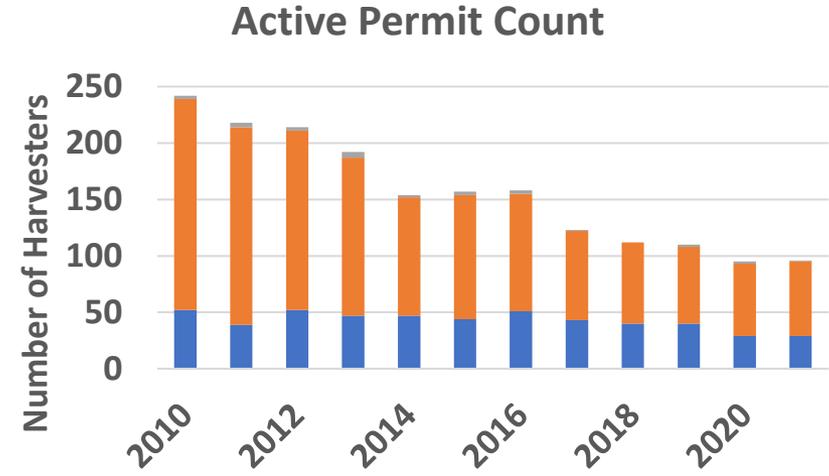
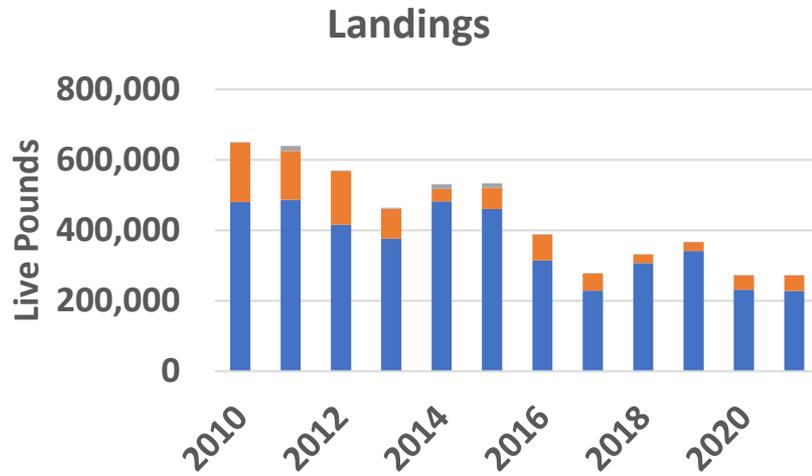
Data as of 12/13/22, SAFIS
eTRIPS & federal VTRs

December 13, 2022

Massachusetts Division
of Marine Fisheries



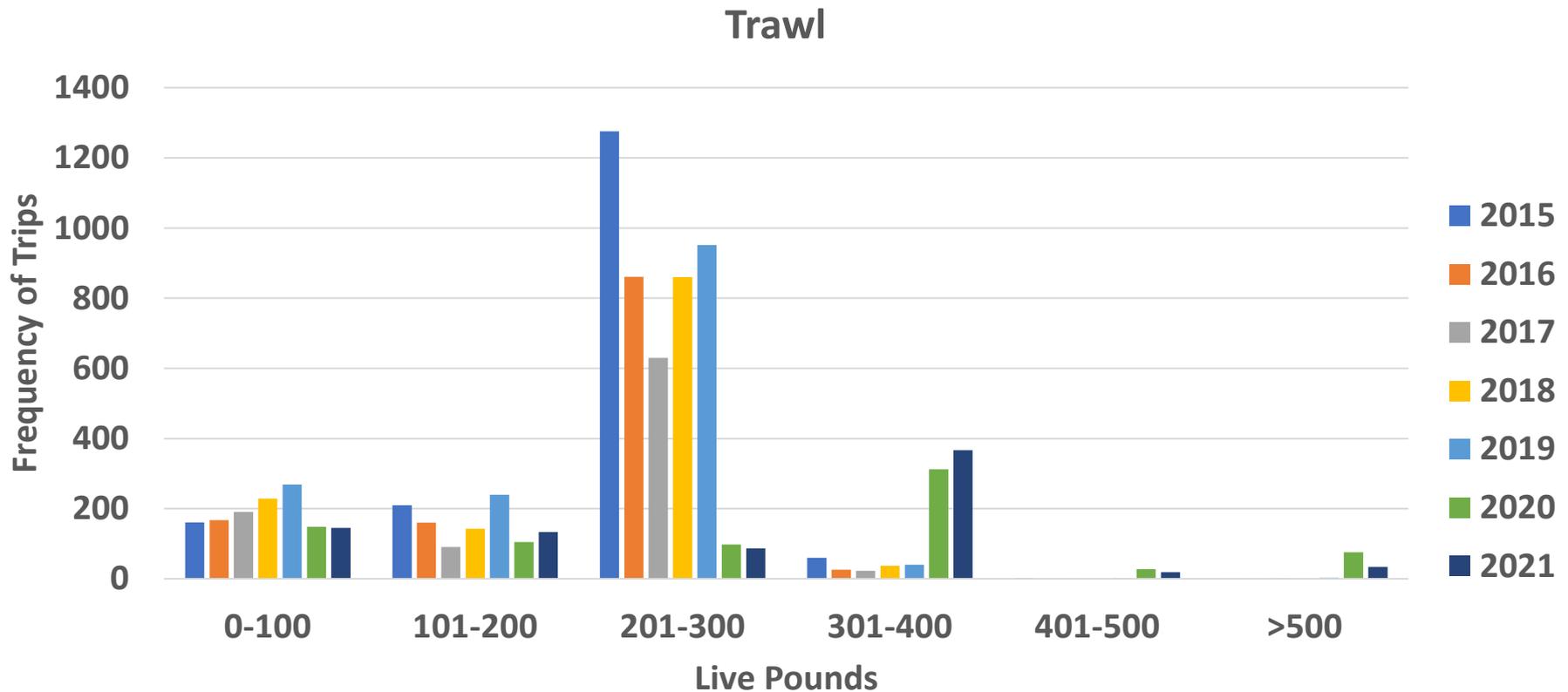
Commercial Summertime Landings, Participation and Trip Count by Gear Type



Data as of 12/13/22, SAFIS eTRIPS & federal VTRs



Frequency of Summertime Landings for Trawl



Data as of 12/13/22, SAFIS
eTRIPS & federal VTRs

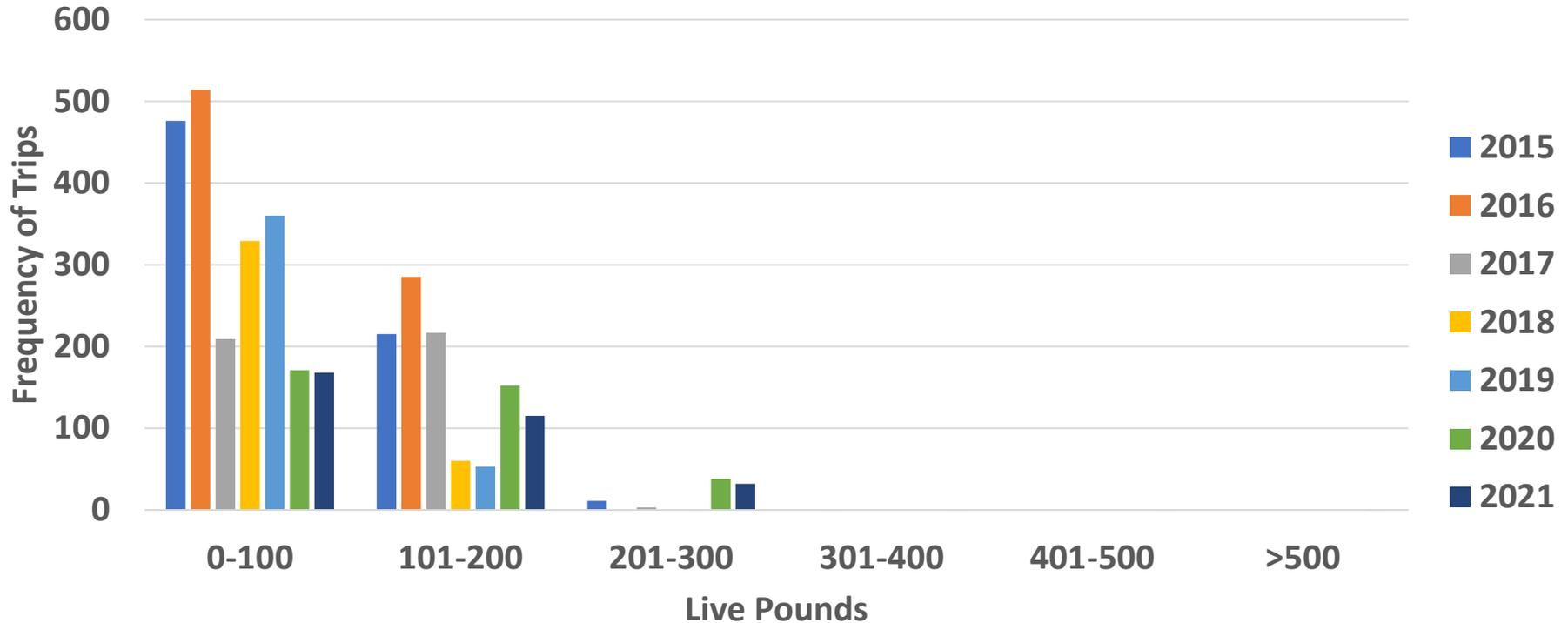
December 13, 2022

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Frequency of Summertime Landings for Hooks

Hook and Line



Data as of 12/13/22, SAFIS
eTRIPS & federal VTRs

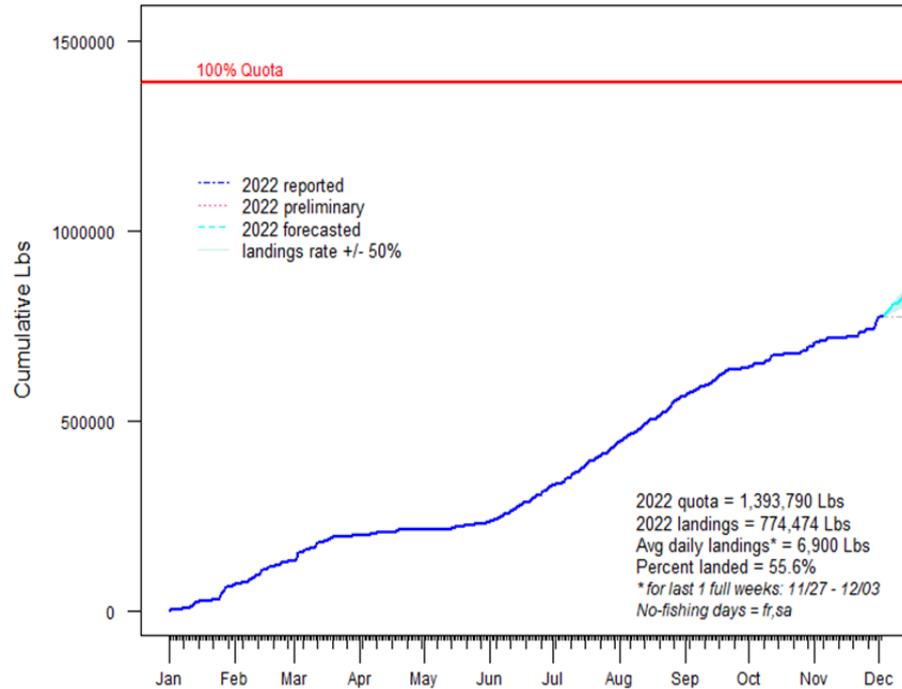
December 13, 2022

Massachusetts Division
of Marine Fisheries

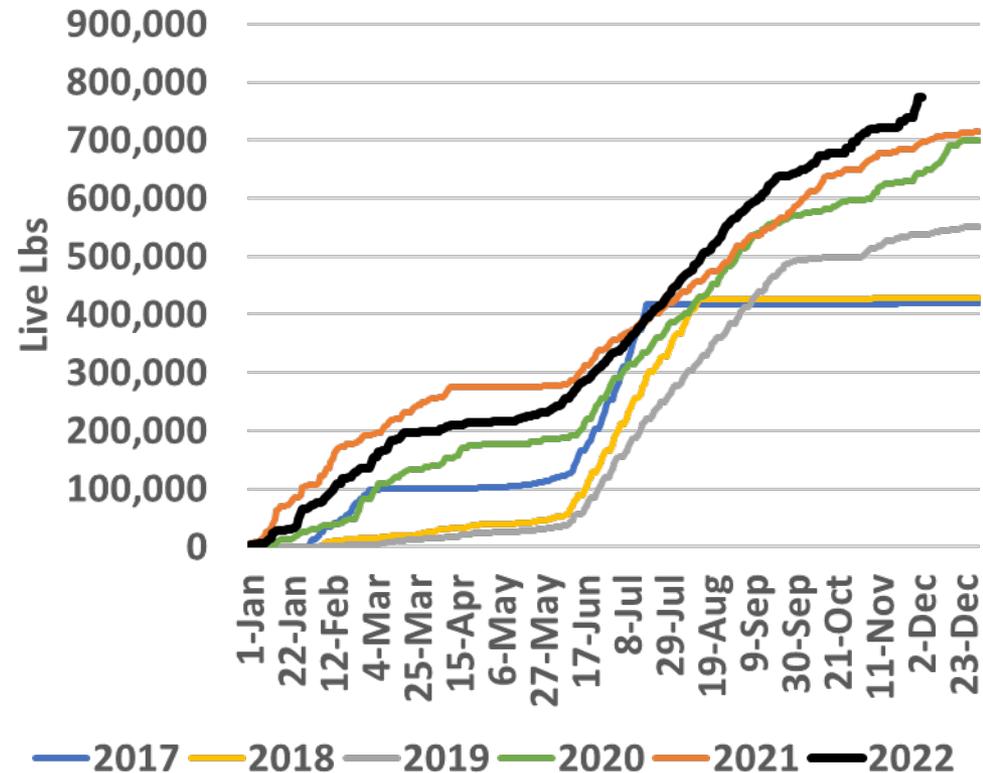


2022 Quota Monitoring

2022 FLOUNDER, SUMMER Quota Monitoring
as of December 13, 2022 01:53 PM



Annual Running Total of Landings:
Fluke



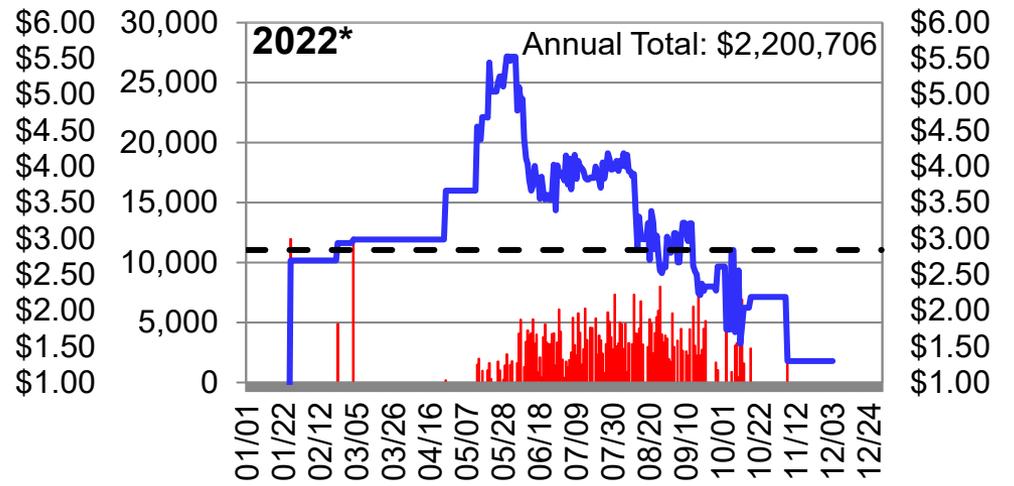
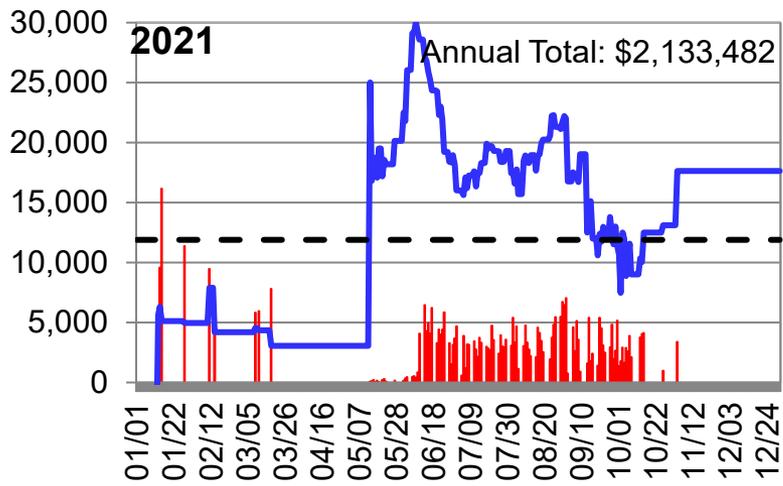
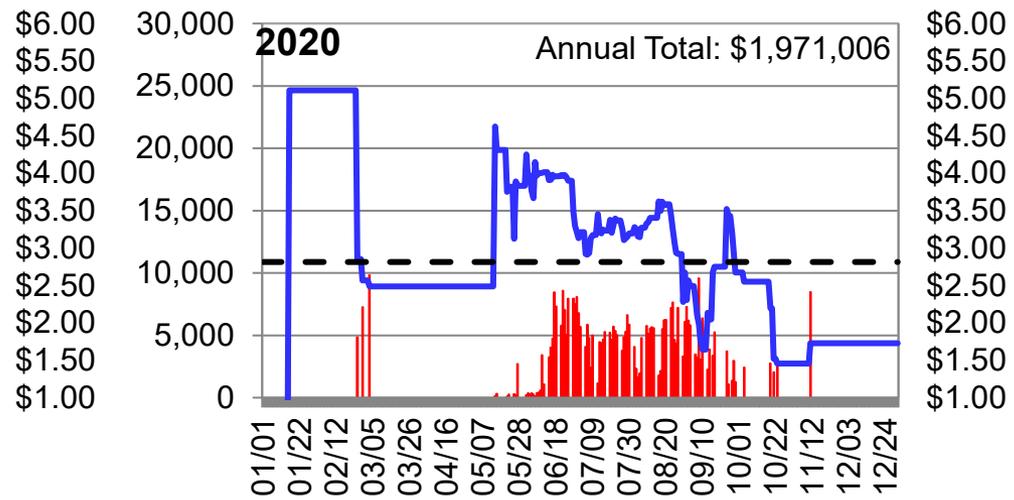
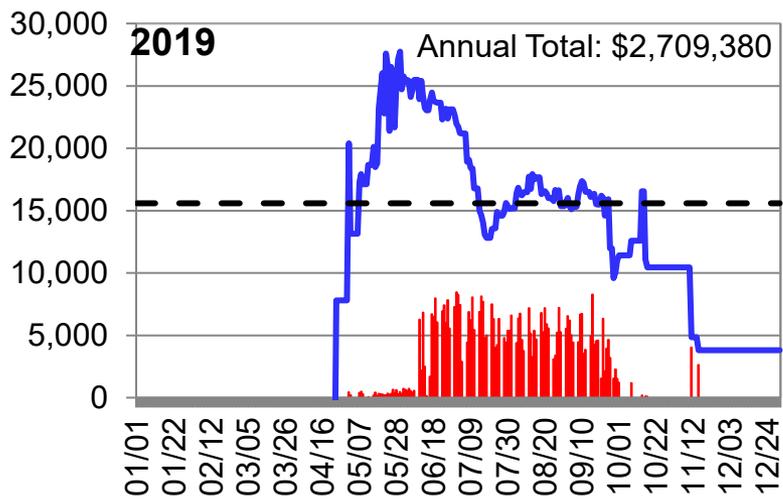
Data as of 12/13/22,
SAFIS eDR

December 13, 2022

Massachusetts Division
of Marine Fisheries



Daily Landings and Avg Prices



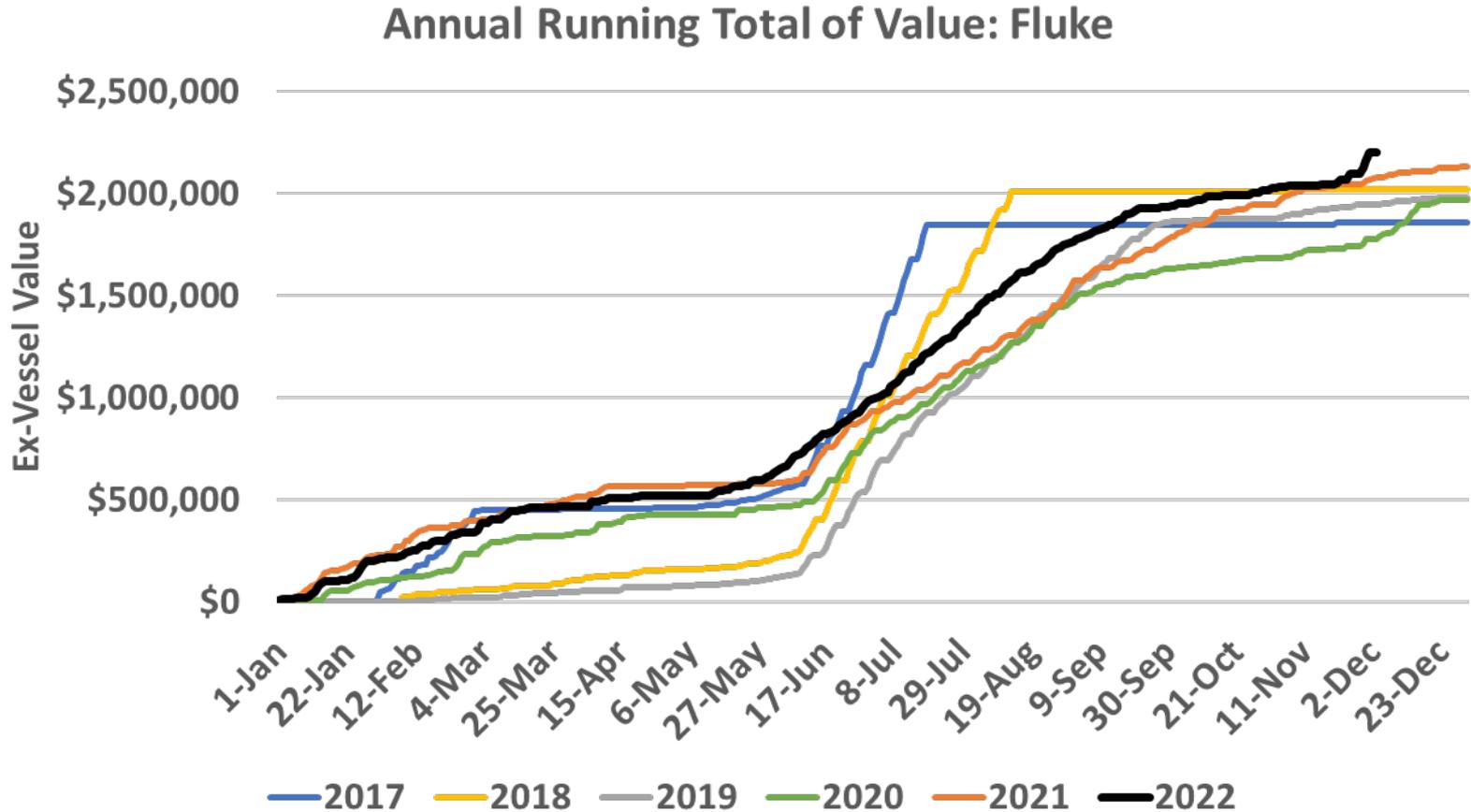
Data as of 12/13/22, SAFIS eDR

■ Landings
 ■ Price
 - - - - Avg Yearly Price

* Preliminary



Fluke Ex-Vessel Value Trends



Data as of 12/13/22,
SAFIS eDR



Mesh Sizes by Species Under FMP

Summer Flounder FMP

5.5-inch diamond or 6.0-inch square applied throughout the body, extension(s), and codend portion of the net, except as required in a TED extension

Bycatch allowance for smaller mesh: <100 lb May 1 - October 31, and <200 lb November 1 - April 30

Scup FMP

5.0-inch diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net

Bycatch allowance for smaller mesh: <1,000 lb October 1 - April 14; <2,000 lb April 15 - June 15; and <200 lb June 16 - September 30

Black Sea Bass FMO

4.5-inch diamond mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net

Bycatch allowance for smaller mesh: <500 lb January 1 through March 31, and <100 lb April 1 - December 31

MA Current Rule: 6.5-inch in cod end and 6-inch throughout year-round in state waters, with exceptions for seasonal small mesh exempted fisheries (e.g., squid).



Potential Management Changes

Options for Change

- Period quota allocation splits?
- Amending trip limits?
- Retention of summer flounder when possessing squid?
- Mesh sizes?
- Permitting and transferability?
- RI-style weekly aggregate limit (pilot program)?
- What else may work?



Questions?

