

MARINE FISHERIES ADVISORY COMMISSION

December 13, 2018

DFW Headquarters

Westborough, MA

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; William Doyle, Clerk; Lou Williams; Tim Brady; Charles Quinn; Kalil Boghdan and Arthur Sawyer. Absent: Andrew Walsh.

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Jared Silva; Nichola Meserve; and Story Reed.

Department of Fish and Game: Ron Amidon, Commissioner; and Mary Lee King, Deputy Commissioner.

Massachusetts Environmental Police: Lt. Matt Bass.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the December 13, 2018 MFAC business meeting to order. Then he wished those in attendance a happy holiday.

REVIEW AND APPROVAL OF DECEMBER 13, 2018 BUSINESS MEETING AGENDA

The Chairman asked if there were any adjustments to the December 2018 business meeting agenda. No comments were made. **Bill Doyle made a motion to approve the December 2018 MFAC business meeting agenda. The motion was seconded by Arthur “Sooky” Sawyer. The motion was approved unanimously.**

REVIEW AND APPROVAL OF NOVEMBER 8, 2018 DRAFT BUSINESS MEETING MINUTES

The Chairman asked if there were any edits to the November 8, 2018 draft MFAC business meeting minutes. There were no edits or comments. **Bill Doyle made a motion to approve the November 2018 MFAC business meeting minutes as written. The motion was seconded by Tim Brady. The motion was approved unanimously.**

COMMISSIONER’S COMMENTS

Commissioner Ron Amidon began his comments by notifying the MFAC that 2019 hunting and fishing licenses were now available for purchase.

The Commissioner then briefly discussed his joint effort with DMF to bolster the Division's anadromous fish program, in particular its ability to obtain funding for fish passage projects through public-private partnerships. He highlighted that dam removal projects were viewed as priority. However, it was also necessary to accommodate fish passage at locations where dam removal was not an option and these fish passage projects were generally underfunded. Kalil Boghdan suggested the Department consider working with local Trout Unlimited chapters, as they are active in local river restoration projects.

Lastly, Ron reminded the MFAC that he was working to develop a sportsman's event and trade show, similar to the Springfield Sportsmen's Show, on Cape Cod. He noted that there had been some complications with finding a suitable venue. However, he was optimistic that an event will be put together for 2019.

DIRECTOR'S COMMENTS

Director David Pierce began his comments by wishing everyone a happy holiday. He then thanked Commissioner Amidon for his work on anadromous fisheries and fish passage issues.

The Director then discussed several federal fisheries management issues:

- Surf Clams. The NEFMC recently finalized its Omnibus Habitat Amendment, as it pertained to surf clam access to the Nantucket Shoals area. The NEFMC did approve a few small spatial exemptions. However, according to industry, surf clam abundances in these areas had been fished down in recent years. As a result, these exemption areas would likely not mitigate the impacts of the habitat closure on the industry, particularly those vessels based out of Southern New England Ports. David anticipated that there will likely be a surge of shellfish dredge fishing effort in state-waters. Moreover, some operations had indicated they would relocate their operations from New Bedford and other Southern New England ports back to the Mid-Atlantic.

David opined that the NEFMC struggled to develop an approach that protected habitat and continued to allow fishing in key areas that are of economic importance to the surf clam fishery and ports in Southern New England. He had advocated for an approach that would have allowed for continued access to the area with enhanced monitoring and habitat impact research, but this approach was not supported by the Council.

Sooky Sawyer asked if surf clams were abundant in the area of Nantucket Shoals in and adjacent to state-waters. Deputy Director Dan McKiernan stated that the surf clam fishery and surf clam resource has moved north and west from the Mid-Atlantic bight over the past 10-20 years. Now the fishery primarily occurs in the federal waters of Nantucket Shoals and Georges Bank. While there are surf clams in state-waters to the south and east of Nantucket, this is not a

primary harvest area for the fishery. However, with the habitat closure going into effect, DMF was concerned that displaced vessels would increase fishing effort into state-waters for surf clams, ocean quahogs, and bay quahogs both north and south of Cape Cod.

- Sea Scallops. The NEFMC was considering adjustments to make the limited access fishery more efficient. This included a proposal that would allow fleet owners to put two permits on a single vessel to create greater flexibility. This approach was not adopted as a priority management initiative for 2019, but would be considered as a management alternative moving forward.
- Groundfish. The NEFMC was also working to produce an evaluation of the impacts of sector management in the commercial fishery for multispecies groundfish. This evaluation would be contracted out by the federal government to a third party contractor. David anticipated that this report would likely take a favorable view of sector management. However, he noted DMF would be involved in the evaluation and review process and intended to apply pressure to ensure the evaluation properly addresses the various criticisms and concerns.

DMF was also engaged in other groundfish related work. The initial 3-year Industry Based Survey (IBS) study is nearing completion and a report on its findings is in development. DMF was currently in the process of determining how to proceed with the IBS in the future. DMF was also working on a collaborative cod genetics study, which he hoped would help provide more information on stock mixing and spawning populations.

- Sea Herring. NMFS recently decided to provide an additional 10,000 mt of herring quota in 2019. Based on the available data, David did not think this approach was not sufficiently conservative given the recent stock assessment. Accordingly, DMF would be commenting on this decision.

The Director then moved on to summarize a recent Marine Fisheries Institute Advisory Council meeting. DMF staff provided them with presentations of ongoing research. This included Micah Dean's presentation on cod stock structure and Tiffany Cunningham's presentation on black sea bass spawning aggregations. David expected staff would provide these presentations to the MFAC at upcoming business meetings.

DMF had completed its initial research plan on white sharks and was developing a white shark research plan for the next five years. David anticipated the research would focus on acquiring data that would be useful in enhancing local public safety management.

DMF staff met with state legislators to discuss the impacts of neoplasia on soft shell clams and the affects this clam disease is having on the industry around Boston Harbor and the North Shore. Further studies are warranted to better determine the cause, impacts, and how best to address the issue.

The Pilgrim Nuclear Power Plant in Plymouth was being decommissioned. The Director noted this area was a popular shore-side recreational fishing site prior to security controls implemented following 9/11. Now with its decommissioning there was interest in restoring some public and fishing access. Commissioner Amidon commented that talks were focused on potentially reducing the size of the security exclusion zone, but there were concerns regarding how it would be run and enforced.

Bill Doyle stated the area adjacent to the plant once had a popular waterfront park and boat ramp. However, there was no longer access to these features due to security constraints. Mike Pierdinock added that lobster fishing was also not allowed in the exclusion zone in the front of the plant.

Sooky Sawyer expressed frustrations regarding the extent to which fisheries were considered in energy projects. He felt that fishing interests were consistently overlooked and ignored in favor of moving energy projects forward, this was most recently seen with the development of offshore wind energy projects.

Sooky added that DMF had recently released a whelk stock assessment that demonstrated the stock was in poor condition and had initiated rule-making to raise the minimum size to protect spawning stock biomass. However, there were proposals to lay cable from the wind areas south of Martha's Vineyard and Nantucket through the whelk spawning grounds of Nantucket Sound to the Cape during peak whelk spawning season. He likened this to past MassPort dredging work around Boston Harbor that occurred during the summertime lobster molt.

Mike Pierdinock and Ray Kane agreed. Mike Pierdinock noted the past, present and future challenges facing the fishing industry regarding right whale conservation. Yet, some of the wind energy areas south of the islands were sited within known right whale habitat and migration corridors. Chairman Kane suggested DMF take a firm position that cable not be laid through Nantucket Sound during August and September when whelks are spawning.

Director Pierce appreciated the MFAC's concerns regarding energy development projects. He noted that decisions on these projects are ultimately made by entities that may not be sensitive or aware of impacts on the fishing industry. However, DMF remains engaged on these issues to raise and highlight these concerns, and many of the concerns flagged by DMF have also been raised by Secretary Beaton.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass reminded the MFAC that the marine fisheries new fines and penalties schedule went into effect in November 2018. This new penalty schedule, including the \$10 per fish fine, has been utilized in the enforcement of fisheries violations in recent weeks, particularly during the early winter tautog fishery.

Over the next few months, Law Enforcement's efforts would be focused on identifying fixed gear in Cape Cod Bay. The owners of the gear are notified of its location and the need for them to remove the gear before the February 1 haul-out period. After the haul-out period is in effect, DMF and MEP will remove any gear that remains in the area and permit holders may face legal action. Deputy Director McKiernan noted that DMF was currently involved in an adjudicatory hearing to revoke a coastal lobster permit belonging to a Plymouth area lobsterman who consistently (over three consecutive years) abandoned large amounts of gear in Cape Cod Bay during the closure.

On the topic of personnel and staffing, Lt. Bass expected two new hires will become active field officers in the next six months, pending completion of their field training. The other 10 new hires are expected to be in the field by 2020 complete their training within the next six months and will then become active field officers. The other 10 new hires are expected to be in the field by 2020.

ACTION ITEM

Mobile Gear Closures

Jared Silva reviewed the Director's recommendation memorandum. In summary, DMF took out to public hearing a proposal to amend its mobile gear regulations to: (1) modernize the mobile gear closure boundaries by translating existing boundaries into GPS coordinates; (2) formally codify that the night fishing prohibition extends to sea herring purse seiners; (3) clarify that the use of net strengtheners is allowed in the squid fishery; (4) correct permitting rules related to CAP-Purse Seine and Inshore Net Permits; and (5) recodify and consolidate mobile gear fishing regulations.

After reviewing public comment, the Director was recommending the MFAC vote to implement the regulations as proposed at public hearing with three modifications. The three modifications would be to: (1) explicitly allow the use of chafing gear on the bottom of trawl nets which was historically used by the fleet as a proxy for the 1881 Line. Jared then reviewed the; (2) allow mobile gear fishing within South Shore Area 3 during April (consistent with the adjacent Cape Cod Bay Area 4) to provide additional access to sea scallops; and (3) amend the western boundary of Cape Cod Bay Area 4 to more closely resemble 3-mile line from shore, rationale set forth in the memorandum regarding these recommendations.

Jared noted that the Director was not accommodating any requests to adjust the spatial and temporal components of the North Shore "Area 1" year-round closure. The Director was concerned that providing additional access to this area would increase catch and effort in the state-waters groundfish fishery; this would be contrary to current DMF efforts to constrain this fishery to ensure the state-waters fleet would not exceed the federally allocated sub-components. Opening the area would also exacerbate existing gear conflicts between mobile gear and fixed gear fishermen along Cape Ann. Moreover, such an adjustment to an area that has been closed year-round for the past century would require a specific proposal and additional public comment on that proposal.

The Chairman called for a motion on the Director's recommendation. **Sooky Sawyer made to adopt the Director's recommendation. The motion was seconded by Bill Doyle.**

Lou Williams expressed his support for the Director's recommendation. Lou had spoken with a few of the mobile gear fishermen who requested the North Shore boundary be amended, and while he was sympathetic to their request he understood and did not disagree with the Director's decision to not accommodate it.

Kalil Boghdan asked for more clarification regarding chaffing gear. Lou Williams explained that chaffing gear is a net modification used by trawlers. When a net is towed the bottom of the net is dragged across the ocean floor. This causes chaffing and if the bottom of the net is unprotected the chaffing may cause the net to split and catch lost. To prevent this wear and tear, additional gear is affixed to the bottom of the net to absorb the chaffing. As it is on the bottom of the net, it should not prevent small fish from escaping through the twine on the top of the net.

Chairman Kane stated that this mobile gear regulatory project was ambitious and commended DMF for taking it on. However, he wanted to confirm with DMF whether or not the felt that industry was adequately engaged in this final recommendation. Jared Silva was confident that the efforts by DMF to engage industry leading up to the public hearing and following the public hearing were sufficient and the final product was coherent and consistent with the industry's expectations.

No further comments were made. The Chairman called the recommendation to a vote. **The motion was approved unanimously.**

Winter I Scup Limits

Jared Silva stated that the National Marine Fisheries Service implemented a 50,000 pound scup trip limit for the 2019 Winter I period. Accordingly, the Director was recommending DMF adopt a complementary Winter I possession and landing limit for Massachusetts. Taking this action would allow vessels lawfully harvesting scup in the federal zone to land this fish in Massachusetts ports. Jared noted that scup were not abundant in state-waters during the winter and only a small number of vessels typically land fish in this quantity in Massachusetts ports during this winter period.

The Chairman called for a motion on the Director's recommendation. **Bill Doyle made to adopt the Director's recommendation. The motion was seconded by Sooky Sawyer.** No comments were made and the Chairman called the recommendation to a vote. **The motion was approved unanimously.**

FUTURE PUBLIC HEARING ITEMS

Jared Silva stated that the following described draft regulations will go out to public hearing during the late-winter 2019. They will likely be combined with previously

reviewed public hearing items addressing striped bass management, seasonal scup trip limits for small mesh trawlers, and head boat compliance rules during the black sea bass and scup fishery.

Sale to a Primary Buyer

Deputy Director Dan McKiernan stated that this past year, particularly during the tautog season, there were numerous allegations and incidents involving fishermen selling their commercial tautog catch directly to entities that were not authorized primary buyers. While state regulations are clear that seafood dealers must be a primary buyer to purchase fish directly from a commercial fishermen, fishermen are not explicitly required to sell their commercial catch directly to a primary buyer.

Dan stated that DMF was moving forward with a draft regulation that would explicitly require commercial fishermen sell their catch only to an authorized primary buyer. He noted that this should not be burdensome as DMF maintains a sortable list of primary buyers on its website. Dan added the proposed rule does not apply to any fish sold by a commercial fisherman to the public under the authority of a retail boat or bait dealer permit (in these instances the commercial fisherman would be acting as the primary buyer of their own catch and reporting it as both the fisherman and dealer).

Bill Doyle noted that shellfish fishermen are required to sign an affidavit that they are aware of and will comply with the general sanitation requirements for shellfish harvest, handling and transportation. Bill suggested that DMF similarly require all commercial fishermen sign an affidavit when they obtain their permit and have this affidavit state the basic tenets of commercial fishing, including such a primary buyer requirement.

Dan explained that the shellfish affidavit was developed as a stop-gap to comply with National Shellfish Sanitation Program's Model Ordinance until regulations could be promulgated. Moreover, he noted that all commercial fishing permit applications have an affidavit that stipulates the applicant understands and will comply with all applicable laws and regulations. However, an explicit regulation is needed to eliminate any ambiguity and set forth that commercial catch must be sold as a primary buyer.

Lt. Bass agreed with Dan and expressed his support for this regulation.

Use of Commercial Fishing Permits during For-Hire Trips

Dan McKiernan stated that there continues to be an issue where allegedly dual for-hire and commercial permit holders take out clients as for-hire customers and fish under the authority of their commercial fishing permit. This activity allows them to let their patrons take advantage of the more liberal commercial fishing catch limits for certain species (e.g., tautog). MEP have noted that it is often obvious when this activity is occurring. When it is encountered, their practice is to question the patrons to determine if they are commercial crew or fishing recreationally. If they are for-hire patrons recreational bag limits are enforced. The patrons, as well as the for-hire operation, may then be cited for recreational fishing violations. While this enforcement strategy has worked, DMF was proposing to make this prohibition explicit so that no ambiguity remains.

Lt. Bass supported this proposal.

Mike Pierdinock asked to confirm that this would not impact for-hire vessels selling certain highly migratory species, like tuna and swordfish, which is allowed under the federal permit.

Dan stated that this activity would be exempt. He also noted that when these HMS species are caught during for-hire trips the fish is sold to a dealer and counted against the quota and it is not a nefarious means to avoid complying with recreational fishing limits. The activity of concern to DMF is when a for-hire operator takes patrons recreationally fishing, but allow them to keep commercial quantities of fish in excess of the recreational limits. In these instances, the fish are not counted against the commercial quota because they are not sold to a primary buyer, and the catch may obfuscate MRIP estimates if anglers are interviewed by a sampler.

At-Seat Transfer of Fish

Dan stated that the Summer Flounder FMP requires that states prohibit the at-sea transfer of summer flounder (fluke). Historically, DMF accomplished this through an at-sea processing regulation that prohibited at-sea transfers. However, the at-sea processing regulation was rescinded several years back during a routine recodification effort. As a result, DMF now needs to implement an at-sea transfer rule to comply with the FMP. Accordingly, DMF was proposing to adopt an at-sea transfer prohibition on any species governed by a trip limit, except for bait fish sold over the rail under the authority of a bait dealer permit. DMF was also proposing to recodify the buy-boat provision in the fluke regulations as a general rule applicable to all trip limit managed species.

DISCUSSION ITEMS

Nichola Meserve reviewed a recent joint meeting of the MAFMC and ASMFC's Summer Flounder, Scup and Black Sea Bass Board. Addenda XXXI and XXXII were approved. Addendum XXXI gave the management bodies a suite of tools to enhance the compatibility of state and federal fishing regulations, including the ability to lift federal recreational black sea bass rules when appropriate state rules are implemented, allowing for both bodies to use slot limits in the recreational management of black sea bass and fluke, and establishing provisions for state-permitted harvesters (recreational and commercial) to transit through the federal waters of Block Island Sound. Addendum XXXII focused on the process for establishing recreational black sea bass and fluke measures, allowing regulations to be set by a specification process rather than the addenda process. This is expected to enhance management flexibility and allow the Boards to focus on establishing more consistent limits across jurisdictions and years.

On the commercial side, Nichola stated that the Boards postponed final action on the commercial fluke issues amendment, after a failed effort (led by NY members) to add new reallocation options used up all the allotted time. The amendment will be on the agenda again for the February meeting. She noted that there was a strong preference, particularly among Mid-Atlantic states, for a gradual implementation of any quota reallocation scheme.

Chairman Kane commended Nichola Meserve for her work at a meeting. He noted that the two Massachusetts fishermen who attended the meeting expressed their gratitude for her contributions and advocacy for Massachusetts interests regarding fluke, scup, and black sea bass.

Mike Pierdinock asked if the contents of the approved addenda were consistent with the views expressed by Massachusetts fishermen at public hearing. Nichola stated that they were. However, she noted that public comment was limited largely because these addenda were very process oriented.

Director Pierce asked Nichola to discuss the setting of the 2019 RHL for black sea bass. Nichola replied that states were anticipating having to take an 11% cut to the RHL based on advice of the Council's SSC. However, NMFS proposed rule would allow for status quo by way of additional analysis of the expected contribution of the 2015 year class to the population. Therefore, the states are waiting for the 2018 MRIP harvest data to be compiled and audited so potential 2019 limits may be modeled.

Mike Pierdinock and Nichola further discussed the approval of the Block Island transit rules. Nichola stated that when state-permitted vessels are transiting the federal waters area in possession of non-conforming fish then gears must be stowed and the vessel underway. Fishing in these federal waters may occur only under the authorization of a federal permit and in conformity with federal rules.

Deputy Director McKiernan expressed his skepticism regarding commercial quota reallocations as the current process was too political. He thought the ASMFC and Councils needed to develop a new process to objectively address reallocation. Director Pierce added that such a process may have to be developed and approved by the ASMFC Policy Board. Chairman Kane advocated that Massachusetts push the ASMFC in this direction, as he felt the ASMFC – with its current Chairman and Executive Director – would currently be amenable to the development of such a process. Dan and David were less optimistic. David noted that there seemed to only be interest in reallocation once stocks were rebuilt to high levels, resulting in this occurring infrequently with only small amounts of quota being redistributed.

Lou Williams expressed skepticism about the redistribution of fish stocks. He thought the argument for climate driven redistribution may be overstated and that changes in geographic distribution may be influenced by other factors like stock size, localized overfishing, and cyclical changes in oceanic conditions. Mike Pierdinock stated that changes in the geographic distributions of some stocks (e.g., fluke) may be climate driven, whereas others (e.g., haddock) may be driven by biomass.

Bill Doyle asked if any consideration had been given to reconfiguring the Hague Line. Director Pierce did not recall this being raised recently and noted that he did not anticipate that this would occur. Mike Pierdinock stated that international boundaries, including the Hague Line, were a point of contention at the October ICCAT meeting. However, there was little appetite among the US delegation to pursue the issue further in the World Court. This was due to concerns that the US would ultimately give up access to certain areas. Deputy Director McKiernan then reviewed a recent MAFMC For-Hire Enforcement and Compliance workshop that he attended in Philadelphia. The meeting focused on two

issues: (1) HMS permitting and data reporting; and (2) enhancing for-hire fleet angler compliance with recreational fishing limits.

On the first issue, there was much discussion about merging reporting systems and increasing compliance with USCG safety requirements. Dan expected there would be a series of recommendations coming out to address these issues.

Regarding for-hire compliance, Dan presented on recent proposals by Massachusetts to create streamlined enforcement standards for the black sea bass and scup head boat fleet during the scup bonus season (see November 8, 2018 MFAC business meeting minutes and documents). He noted that it seemed most jurisdictions were struggling to some extent with compliance in their for-hire fisheries. Common issues that state enforcement agencies and fisheries managers were encountering were whether employees of the for-hire business could during any for-hire trip engage in fishing activities, retain recreational fishing limits for personal use, and give or sell any fish off to patrons.

Tim Brady, Ray Kane, Lt. Bass and Dan discussed the comingling of catch and the pros and cons of establishing for-hire vessel limits rather than angler limits.

Lt. Bass sought DMF to provide greater regulatory clarity on the issue of whether or not for-hire employees can provide fish to patrons if it puts the patrons in excess of the bag limit. For example, he stated that under current regulations a charter boat with six patrons and two crew may come into port with eight striped bass. However, if the crew were to give one of these fish to a patron and that person were to leave the dock with two fish in their possession they would be in violation of the state's striped bass rules. Yet, if this exchange were to happen at another location away from the waterfront, it would likely avoid detection and MEP could not enforce it.

Mike Pierdinock suggested that DMF consider a pilot program to investigate the issue. He advocated an approach whereby DMF would require for-hire operations obtain tags and then any fish caught by an employee of the for-hire operation during a for-hire trip be tagged. This would segregate this catch and DMF could then either prohibit or allow this tagged fish to be given to patrons.

Dan stated his interest in this idea, but noted that he would have to review it with DMF's Sportsfish Program. This would help him better understand what if any effect this would have on recreational fisheries data collection and management. Chairman Kane suggested that DMF further explore this issue through the For-Hire Sub-Committee.

Period I (January 1 – April 22) Wintertime Fluke Fishery

Director Pierce reminded the MFAC that in 2018 he discontinued the Period I Winter Fluke "Pilot Program." This program exempted vessels from the 500 pound trip limit set forth in regulation and instead allowed them the flexibility to land up to 1,000 pounds per week. This 2018 decision was made in response to substantial reductions to the state's

fluke quota in recent years, and out of concerns that this program may be encouraging directed effort on fluke and producing additional discarding.

At the November 2018 MFAC business meeting Andrew Walsh requested DMF reconsider its decision to eliminate the program. He additionally advocated that DMF consider adopting a 2,000 pound biweekly trip limit to provide offshore vessels with greater flexibility to fish for and retain fluke during the wintertime. He noted that the winter fluke fishery had moved north and east towards Massachusetts and implementing a pilot program would allow a number of vessels to take advantage of this nearshore wintertime fishery.

David stated he would not accommodate any changes to the Period I fluke fishery for 2019. Additional assessment information and quota specifications is expected to be available later this winter. This data would further inform DMF about the future status of the fluke resource. After a review of the data, David would consider a regulatory change to the Winter I trip limit for 2020. David expressed his hesitancy to utilize a pilot program to create exemptions to regulatory limits unless there was a specific scientific or management objective that the program would allow DMF to address or analyze.

Lou Williams asked if the Period I quota allocation was taken in 2018. The Director stated that the overall fluke quota was taken. However, the Period I fishery did not take its allocation of this quota. Accordingly, the remaining quota was available to the summertime Period II fishery. David noted the importance of the fluke resource to the inshore dragger fleet, as these vessels had a limited number of seasonal fisheries to participate in.

Mandatory Electronic Reporting for Dealers

Story Reed stated that by January 1, 2020 DMF intended to mandate 100% electronic dealer reporting. This would result in more timely reporting, a reduction in paperwork and allow a shift in DMF staff resources from key punching data to data auditing. Story explained to the MFAC that unlike the federal government, DMF did not initially mandate electronic dealer reporting. This accommodated smaller dealers (e.g., seasonal shellfish and lobster markets) who did not have computer systems. There were currently about 90 dealers who still reported on paper, but these dealers did not account for a large number of transactions. He stated that DMF staff is ready to support dealers with training during this transition.

Bill Doyle strongly supported DMF mandating electronic dealer reporting.

COMMISSION MEMBER COMMENTS

Mike Pierdinock reviewed the recent ICCAT meeting in Croatia. He focused primarily on big eye tuna and blue marlin management. While both of these species are overfished with overfishing occurring, management changes were not moved forward, as a number of countries (Portugal, Spain, China, Japan) supported the status quo. He also added that reporting is now required in the commercial mako fishery and was hopeful that this

would positively eventually influence future stock assessments by demonstrating that the species is more abundant than previously assessed.

Mike P. also expressed his frustrations with the ICCAT process and the inability for the body to achieve consensus to improve conservation. He noted US conservation efforts are far better than the rest of the world, however, the lack of conservation in other jurisdictions impacts US access to these fisheries. As an example, he highlighted the small mesh purse seine fishery for big eye tuna in the Gulf of Guinea spawning grounds.

Bill Doyle concurred and noted that international politics played a strong role at ICCAT. He then recalled his experience with ICCAT in the 1990s when the US gave up tuna and swordfish quota to buy goodwill to take military action in Libya against Gaddafi in Lybia.

Ray and Mike P. then discussed the importance for ICCAT to have strong leadership from the international community on management, enforcement and compliance. This leadership was currently lacking.

Mike P. brought up NMFS development of HMS Amendment 13 and the importance of keeping the commercial Atlantic Bluefin tuna fishery open into the fall to benefit New England fishermen. He thanked DMF for the continued efforts to engage the federal government on this issue.

Mike P. received some initial feedback from the for-hire fleet regarding DMF's proposed striped bass management measures, specifically the circle hook mandate and gaffing prohibition. He reported there was little support for either measure. Experienced for-hire captains have stated that they observe little to no difference in lip hook versus gut hook or throat hook rates when utilizing j-hooks opposed to non-offset circle hooks. Accordingly, if DMF were to implement a mandatory circle hook requirement the sentiment was that it should only apply to inexperienced anglers and the for-hire fleet should be exempt.

Mike P. reiterated his prior support for DMF to consider exemptions to gaffing and circle hook rules for members of the commercial and for-hire fleet.

Ray Kane did not expect there would be much push back from the Cape Cod commercial fleet on the gaffing rule. He noted that dealers have stated a preference to purchase fish that has not been gaffed because gaffing may result in holes in the filets. Additionally, many commercial fishermen have expressed a lot of frustration with how some fishermen were gaffing fish, particularly the gaffing and subsequent discarding of dead sub-legal sized fish.

Tim Brady sought clarification as to whether DMF intended to prohibit the possession of gaffs or the gaffing of striped bass. Dan stated that DMF only intended to prohibit the gaffing of striped bass.

Lastly, Mike P. brought up grey seals. NOAA had allowed sea lion culls on the Columbia River due to the impacts of sea lion predation on local salmon runs. This was producing interest in a potential cull of grey seals along Massachusetts coast. Mike P. was interested in whether any studies were being conducted to assess the impacts of seal predation on fisheries resources and if such studies could be used in the future as a scientific basis to locally cull the grey seal population in critical areas.

Director Pierce stated that diet and tagging studies were being conducted on seals. These studies will help inform discussion regarding the impact the seal population may be having on fishery resources. However, a local seal cull was not viewed as a viable solution, even if the studies showed the seals were having substantial impacts on certain fishery resources. The grey seal population is an open population and seals migrating in from other areas (e.g., Sable Island) to establish haul-outs along the New England coast. So, if a cull were to occur on Cape Cod it would remove the seals temporarily, but new seals would migrate in and fill in that haul-out.

Sooky Sawyer expressed his interest in NOAA's ongoing sector evaluation. He expected the report would incorrectly portray sector management as a positive development. However, Sooky felt the implementation of sector management has been a complete failure that decimated the small boat groundfish fishery in New England.

Lou Williams agreed with Sooky. Lou added that James Odlin recently sold off his groundfish permits to venture capital group. He stated that since their implementation he anticipated the groundfish quota would be consolidated in this fashion and ultimately end up in the hands a few large-scale vertically integrated corporate seafood interests. Lou noted that this was what occurred in Iceland. Both Lou and Sooky stated that while many permit holders may currently belong to sectors, only a few boats actually leave the dock to fish. Most permit holders either lease their quota, or are holding onto their permits in hopes that its value rebounds so they can profit more from its eventual sale.

Director Pierce stated that when sector management was implemented DMF hired fisheries economist Seth Macinko to analyze the potential impacts. Many of his findings have occurred, including the consolidation of quota at the expense of the small boat fleet. David noted that DMF was prepared to question the report and require it address the negative impacts caused by sector management.

Lou Williams questioned if the Lynn outfall pipe and the use of chlorine in sewage treatment had any impact of the surf clam die off on the North Shore.

Dan McKiernan stated that DMF sent the clams off to a lab for test. The test results did not find any diseases or parasites. These findings increased suspicions about the role of sewage treatment, but there was no conclusive evidence. He found the die off particularly curious because it only killed one year class.

No further comments were made. The Chairman thanked Commission members for the attendance. **He requested a motion to adjourn be moved forward. Lou Williams made a motion to adjourn and the motion was seconded by Sooky Sawyer. The December 13, 2018 MFAC business meet was then adjourned.**

MEETING DOCUMENTS

- December 13, 2018 MFAC Business Meeting Agenda
- November 8, 2018 Draft Business Meeting Minutes
- Recommendation for Final Mobile Gear Regulations
- 2019 Winter I Scup Trip Limit Recommendation
- Public Hearing Proposals for Several Regulatory Clarifications
- Memorandum on Proposed Modifications to For-Hire Compliance Regulations
- Draft Report on MAFMC Law Enforcement/For-Hire Workshop
- Memorandum on Period I Wintertime Fluke Fishery
- Memorandum on Mandatory Electronic Reporting for Seafood Dealers

FUTURE MEETINGS

9AM
January 24, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
February 14, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
March 14, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
April 11, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
May 9, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
June 13, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA