

MARINE FISHERIES ADVISORY COMMISSION
Draft Business Meeting Minutes
December 17, 2024
via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Bill Doyle, Vice Chair; Shelley Edmundson, Clerk; Kalil Boghdan; Arthur “Sooky” Sawyer; Chris McGuire; and Tim Brady.

Division of Marine Fisheries: Daniel McKiernan, Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Anna Webb, Acting Assistant Director; Jared Silva; Nichola Meserve; Melanie Griffin; Kelly Whitmore; Greg Skomal; Ben Gahagan; Tracy Pugh; Brad Chase; Steve Wilcox; Alex Boeri; Nick Buchan; Erich Druskat; Gabe Lundgren; Cara Litos; Neil McCoy; and Scott Schaeffer.

Department of Fish and Game: Sefatia Romeo-Theken, Deputy Commissioner; and Conrad Crawford.

Massachusetts Environmental Police: Captain Jack Chapin; and Lt. Matthew Bass.

Members of the Public: Rex Messing; Jamie Boyle; T. Edwards Nickens; Nick Jones; David Borden; Kyle Schaefer; Peter Jenkins; Cody Rubner; Anthony Friedrich; Tom Roller; Joe Gugino; Beth Casoni; Julia Logan; Diogo Godoi; Mike Hogan; Terry Nugent; and Ray Jarvis.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the December 17, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order. Jared Silva conducted roll call attendance for the MFAC.

REVIEW OF DECEMBER 17, 2024 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the December 17, 2024 MFAC business meeting agenda. No amendments were sought or made.

REVIEW AND APPROVAL OF NOVEMBER 19, 2024 DRAFT MEETING MINUTES

Chairman Kane asked if there were any amendments to the November 19, 2024 draft MFAC business meeting minutes. No amendments were sought or made. The Chairman requested a motion to approve the November 19, 2024 draft MFAC business meeting minutes. **Sooky Sawyer made the motion to approve the November 19, 2024 business meeting minutes as drafted. Bill Amaru seconded the motion. Jared Silva conducted a roll call vote. The motion was approved 7-0-1 with Chairman Kane abstaining.**

LAW ENFORCEMENT COMMENTS

Captain Jack Chapin provided comments for Law Enforcement. He noted the presence of right whales along Massachusetts coast, as well as two humpback strandings unrelated to fishing gear entanglements.

DIRECTOR'S COMMENTS

Director Dan McKiernan began his comments discussing the recent statutory amendment to address derelict fishing gear. He thanked Deputy Director Bob Glenn. Bob oversaw a task force that included DMF; DFG legal counsel; the Massachusetts Environmental Police; MFAC members Ray Kane and Sooky Sawyer; Beth Casoni, Executive Director of the Massachusetts Lobstermen's Association; and Laura Ludwig from the Provincetown Center for Coastal Studies. The task force drafted and published a white paper that highlighted the challenges related to the cleanup of derelict fishing gear under the existing legal framework and recommended statutory changes to modernize the law and better enable clean-up efforts. These statutory changes were supported by Senator Bruce Tarr who sponsored the bill. In effect, the new law draws distinctions between fishing gear debris and fishing gear based on certain attributes, allows for DMF and the MFAC to permit and regulate the cleanup of fishing gear debris, and bestows private property rights to fishing gear. DMF is now moving to develop the regulatory framework to authorize cleanup activities and will provide the MFAC with a formal public hearing proposal at a future business meeting.

The Director then discussed Governor Healey's recent decision to close the Newburyport Depuration Plant and Laboratory to shellfish depuration activities. For about 100-years, the Commonwealth ran a depuration plant on Plum Island that purified soft-shell clams harvested from moderately contaminated growing areas for sale into commerce. However, coastal erosion and sea level rise began to negatively affect the facility's infrastructure, and in November 2023, erosion following a significant storm surge eliminated the facility's access to its saltwater well heads. This forced DMF to halt depuration activities at the facility. An engineering study was commissioned to determine the feasibility and cost of repairing critical infrastructure to restore and maintain depuration plant operations. After reviewing the study, Governor Healey opted to close the plant to depuration activity in consideration of the waning productivity of the fishery and the likelihood of continued infrastructure issues driven by sea-level rise and coastal erosion. Dan noted that throughput from the plant was off by about 90% from peak years because of the decreased abundance of soft-shell clams in the region and improving coastal water quality reducing the spatial extent of moderately contaminated growing areas. DMF continues to operate its shellfish laboratory at this facility and is having discussions with the Département of Capital Asset Management regarding its fate.

Dan then discussed personnel. With funding from the federal Consolidated Appropriations Act, DMF has been able to bring on several new employees to staff its Protected Species Project. These staff will help facilitate the development of passive monitoring network—discussed at the November meeting—that is being implemented throughout the northeast. Additionally, interviews for the Offshore Wind Specialist position are concluding and Dan was optimistic he would have someone in this role for early 2025. Lastly, the Policy and

Management Program had begun the process to backfill the Policy and Communications Specialist role vacated by Julia Kaplan in April 2024.

On permitting, annual commercial fishing permit renewals were disseminated, and staff are beginning to process applications. For the first time ever, permits may now be renewed online, which Anna Webb presented on at the MFAC's November 2024 business meeting.

Several years back, the Massachusetts Environmental Trust (MET) added the striped bass conservation plate to their specialty plate series. Funds from the sale of this plate are dedicated to supporting efforts to protect and conserve striped bass through research and other activities that benefit the species and their forage. The use of these funds is overseen by an advisory panel, which includes Alison Bowden from the Nature Conservancy; John Papalardo, CEO of the Cape Cod Commercial Fishermen's Alliance; Dr. Adrian Jordaan, from UMass Amherst; Mike Pierdinock from the Stellwagen Bank Charter Boat Association; MFAC member Kalil Boghdan; and staff from DMF and MET. Based on the initial sales of these plates, Dan estimated the Panel would oversee the expenditure of about \$50,000 annually. The Panel was scheduled to meet soon to begin prioritizing uses for the funding. Kalil Boghdan noted the meeting was scheduled for Thursday, December 19.

Bill Amaru asked about the research set-aside to maintain a sentinel fishery for northern shrimp. Chairman Kane indicated that about 26 metric tons of quota was dedicated to the research set-aside, fishermen can opt to purchase the set-aside through an auction; there are no government funds to subsidize RSA purchases. Amaru asked in Massachusetts' vessels can participate. McKiernan stated the program was open to vessels from Maine, New Hampshire, and Massachusetts. Most interest has been among Maine's industry, consistent with where participation has resided over the past twenty years as this resource has become less abundant throughout its range and particularly within its southern extent. Bill noted his history in this fishery and sought greater outreach from DMF to industry to potentially involve more Massachusetts vessels in the program.

ACTION ITEMS

Election of MFAC Vice-Chair and Clerk

Chairman Kane sought nominations from the MFAC to elect a new Vice-Chair. **Kalil Boghdan moved to nominate Bill Doyle to the open position of Vice-Chair, and if approved, then nominate Shelley Edmundson to the position of Clerk, which would be vacated by Doyle upon his election. Bill Amaru seconded the motion. There was no further discussion. Jared Silva called a roll call vote. The motion was approved 7-0-1 with Chairman Kane abstaining.**

The Chair offered his congratulations to Doyle and Edmundson.

2025 Period I In-Season Adjustment for Summer Flounder

Director McKiernan explained that DMF and the MFAC work to annually set regulations to manage fisheries but state regulations also have a process built in to adjust fishing limits

in-season to more timely address quota utilization issues. Dan noted that his recommendation today would address only the 2025 Period I (January 1 – April 22) commercial summer flounder trip limit. However, he is interested in potentially making this trip limit adjustment a fixture of the regulation later this year (for 2026 and beyond). He then turned the discussion over to Jared Silva.

Silva stated that the Director's recommendation was to reduce the 2026 Period I trip limit from 5,000 to 2,000 pounds. The purpose of the change was to slow quota use and accommodate a longer season. In 2024, the Period I fishery only lasted about 5-weeks before its allocation (30% overall) was approached, and the trip limit was reduced to 100 pounds. Additionally, this trip limit adjustment would bring Massachusetts closer in line with Rhode Island who will have a 4,000-pound bi-weekly landing limit. Silva added that the public comment received in response to this action was supportive.

Silva also discussed the so-called Multi-State Pilot Program. DMF initiated this program several years alongside New York, Connecticut, and Rhode Island. The program allowed vessels with permits in multiple states to possess summer flounder in excess of Massachusetts Period I trip limit when offloading, provided the non-conforming fish remained on the vessel and was clearly labeled with the state it would be landed in. DMF was concerned that this program contributed to early quota consumption. The Director did not intend to renew the program for 2025 due to concerns about quota consumption and the lack of symmetry across state permitting programs that limited the ability for Massachusetts homeported fishers to take advantage of the program in the other northeast states (e.g., Rhode Island, Connecticut, and New York). While staying this program does not require a vote by the MFAC, DMF welcomed the Commission's feedback.

The combined effect of these two proposed actions may result in the underutilization of the Period I quota allocation. Should this occur, the unused allocation will rollover to Period II. DMF has historically rolled over unused quota from Period I to Period II, and for 2026, DMF is proposing to allocate more of the annual quota to the summertime fishery as the fish is of greater value during the summer period and the resource is accessible to more permit holders. This proposal is part of the broader changes being considered for the commercial summer flounder fishery, which DMF intends to go out to public hearing with later this winter for implementation in the spring of 2025.

Chairman Kane called for a motion on the recommended in-season adjustment. **Bill Amaru moved a motion to approve the Director's recommendation to reduce the 2025 Period I summer flounder trip limit from 5,000 pounds to 2,000 pounds. Kalil Boghdan seconded the motion.** The Chairman opened the recommendation up for discussion.

Bill Amaru expressed his support for the recommended in-season adjustment, as well as the Director's decision to not renew the Multi-State Pilot Program. However, Bill also raised his concerns about the accuracy of the summer flounder stock assessment which drove the recent quota reductions, as it does not match his observations on the water. Bill also cautioned that low cod quotas should shift effort into the summer flounder fishery,

and this may increase quota utilization and lead to an earlier than expected quota closure, which would have a negative economic impact on the inshore summer flounder fishery and lead to increased discarding of the species when targeting other species (e.g., horseshoe crabs).

No further comments were made. **The Chairman called for a vote on the motion. Jared Silva called the roll. The motion passed 7-0-1 with Chairman Kane abstaining.**

UPCOMING PUBLIC HEARING ITEMS

False Albacore and Atlantic Bonito Limits

Director McKiernan highlighted that false albacore and Atlantic bonito have become increasingly important to recreational fishers along the south coast because of their increased summertime availability coupled with the diminished local availability of other target species (e.g., striped bass, bluefish). This has been evidenced by both anecdotal reports and MRIP data. In 2024, local recreational catch of these species during Wave 4 (July/August) was higher than any prior year's catch in aggregate. Dan expected Wave 5 catch (September/October) would also be similarly high. McKiernan also noted the recreational fishing public's concern over the growth of the fishery, emerging commercial fishing activities, and the use of young-of-the-year bonito as bait, particularly absent stock assessments, a fishery management plan, and a state commercial fishing quota.

In analyzing the issue, DMF supported taking a precautionary management approach and developed its proposal to establish a 5-fish per person limit for both species combined. Dan noted the single bag limit was designed to make the rule more enforceable and to avoid potential confusion in species identification. Dan felt this limit should cover most routine recreational fishing activity, including tournament behaviors. However, he would be willing to consider an even lower limit if supported in public comment. As part of its proposal, DMF will also consider an exemption to the limit to cover the incidental catch of these species in the commercial mackerel jig fishery. Dan explained the challenges related to sorting and discarding bycatch in this mechanized, high-volume fishery.

Chris McGuire expressed his support for DMF's proposal. However, he advocated that DMF also consider a 16-inch minimum size for both species. Chris noted that the MRIP data for both species demonstrates that retention typically begins to occur at 16 inches. Moreover, 16 inches is the L50 for both species—the size at which 50% of the population is sexually mature. Chairman Kane expressed his support for this additional consideration.

Director McKiernan explained that his proposal moved forward only a bag limit because he felt this would be the simplest action to comply with that would effectively reduce exploitation and limit the use of small fish at bait. However, Dan noted he would consider alternative, lower bag limits and a potential size limit at public hearing.

Bill Amaru stated his support for DMF's proposal. He also explained the need to exempt the commercial mackerel jig fisher from any potential size limit and bag limit. He noted this fishery encounters some bycatch of both species, catch occurs at high volumes, and the fishing activity is mechanized and computerized. This makes it impossible for fishers to

actively sort out and discard bycatch. McGuire noted he would support such an exemption, particularly if coupled with a move along strategy to help fishers avoid areas where the catch is mixed.

Chairman Kane noted that an ASMFC member recently spoke with him and expressed their support for DMF's leadership in proactively managing these species.

Constraints on Shore-Based Angling Activities to Limit White Shark Interactions

McKiernan discussed an article in the Provincetown Independent that described conflicts on Outer Cape beaches this past summer between shore-based shark fishers and surfers. Dan felt this article provided a compelling narrative regarding the user-group conflicts and public safety challenges posed by this emerging shore-based white shark fishery. McKiernan also noted that targeted fishing for white sharks is already illegal but is difficult to enforce given the need to demonstrate intent. In response, DMF developed an area-based closure, a gear-based rule, and a methods-based rule to curb constrain shore-based angling.

Jared Silva noted DMF's proposal affects both shore-based shark fishing and shore-based angling generally. First, specific to shark fishing, DMF is proposing to prohibit shore-based shark fishing (i.e., use of a baited hook attached to any metal fishing leader with a hook size greater than or equal to 8/0) along the eastern shore of Cape Cod (inclusive of all of Monomoy Island) and the state's shoreline north of Cape Cod. Acoustic data demonstrates these are the areas where white sharks are most likely to occur. In developing this proposal, DMF exempted both the Three Bays system and the shoreline along the South Cape and Islands. This was done because there are historic shore-based shark fisheries in these areas for species other than white sharks and these are areas where acoustic data demonstrates there is a diminished likelihood of encountering white sharks. Silva opined that this would strengthen the existing regulatory framework. Next, DMF's proposal prohibits shore-based chumming state-wide so as not to attract white sharks to beaches. Lastly, DMF's proposal seeks to limit shore-based anglers to launching baits by casting only. This is not only an effective strategy for constraining white shark fishing but will also provide conservation benefits to other common target species (e.g., striped bass). For instance, the use of mechanized bait launching (e.g., drones) allows shore-based fishers to access aggregations of fish further from shore thereby increasing resulting fight times and stress on fish, which is likely to increase post-release mortality.

Jared anticipated there may be some objections to this action at public hearing that the DMF and MFAC may want to consider when moving to implement a final recommendation. This included shore-based anglers who have historically targeted bluefish with large baits and hooks. In anticipation of this, DMF reached out to some angler organizations and tackle shops, and many believe this activity is diminished compared to historic levels. Additionally, there may be some interest among shore-based anglers to use kayaks to set baits.

Kalil Boghdan questioned whether tackle shops would have a good sense of whether or not large hooks were being used when bluefish fishing given sales may have shifted

online. Jared noted that if this becomes a contentious issue, it may be appropriate to consider a maximum leader length to distinguish bluefish fishing from shark fishing.

Dr. Greg Skomal added that shore-based shark fishing is becoming an increasingly popular along the Atlantic coast due in large part to social media. Massachusetts is one of the few places where white sharks can be targeted from shore, and this makes our coastline a potential hot spot for this activity. Skomal reported that other states, including Florida and New York, have implemented similar rules to constrain the activity, and New Jersey is considering similar rules.

Kalil questioned why DMF is not proposing to prohibit shore-based shark angling along the entire coastline. Silva explained that there are historic shore-based fisheries for other shark species (e.g., sand bar, sand tiger, dusky) that DMF does not want to constrain if the data shows white sharks are generally not present, and as such, it is unlikely that this continued activity would present public safety concerns.

Bill Amaru strongly supported the proposal and expressed his interest in seeing other similar actions be taken coastwide. Bill also agreed with Skomal that the rise in shore-based shark fishing is a cultural phenomenon driven by social media. Amaru opined that the activity should be constrained given how it may negatively impact public safety and shark populations.

Sooky Sawyer asked why the proposal does not affect vessel-based activities. Silva's explanation was two-fold. First, shore-based fishing poses a more acute public safety risk given the sharks are being attracted to and brought up on the shoreline where beachgoers and surfers are present and in the water. Second, it is more difficult to distinguish vessel-based white-shark fishing activities from other legitimate fishing activities that may occur (e.g., tuna, other sharks), whereas this is not the case with shore-based fishing.

With regards to the map in the memorandum, Shelley Edmundson questioned the overlap between open and closed around Plymouth and Chatham. Silva explained this is the convergence of closed areas and exempted areas. Edmundson requested DMF present a higher resolution map at public hearing that shows cut-outs of are the areas where these boundaries converge.

Boghdan asked if MEP supported this proposal. Silva explained that this proposal was developed in concept through the MFAC's Law Enforcement Focus Group and DMF has been working with MEP to fine tune the draft regulatory language. Lt. Bass concurred and noted that this rule would be more enforceable than the existing framework. Silva and Skomal then discussed that anglers may try to use a smaller hook (i.e., less than 8/0) to target white sharks, but DMF did not anticipate this would result in successful hook ups.

If approved, Tim Brady encouraged DMF to update its beachfront white shark signage to include language that describes the shark fishing prohibition.

Ray Kane and Greg Skomal discussed the current status of shortfin mako sharks and Greg noted that these sharks are not caught from shore.

Recreational Black Sea Bass Season

Nichola Meserve stated that the ASMFC recently approved status quo management for black sea bass, scup, and summer flounder for 2025. However, the FMP allows nominal conservationally equivalent adjustments under status quo management. Accordingly, DMF is moving to shift the season start date back one day from May 18 to May 17, allowing the fishery to continue to open on the Saturday. For this to be conservationally equivalent, DMF must shorten the season by two days on the back end, moving the closure date from September 3 to September 1.

Nichola then briefed the MFAC on several items relevant to the future management of recreational black sea bass, scup, and summer flounder. All three species will have stock assessment updates for 2026 allowing for the species to move ahead on the same management track. Presently, the MAFMC and ASMFC use the so-called Percent Change Approach as a framework to set recreational measures. The authorized use of this approach sunsets after this year and an approach needs to be approved for implementation for 2026 and beyond. Accordingly, in January 2025, the ASMFC and MAFMC will go out to public hearing on an update to the FMP for 2026 to either maintain or modify the Percent Change Approach or adopt a new approach. Lastly, the ASMFC and MAFMC are drafting a scoping document to investigate both improved data collection and sector separation (i.e., managing the for-hire and private angler modes separately) in the recreational fishery for these three species, as well as bluefish.

Controls on use of Conch Pots in Federal Zone

Director McKiernan described the expansion of the state's conch pot management program into the federal zone and DMF's proposal to extend state conch pot rules to manage this fishery in both state and federal waters. This would effectively eliminate the potential for unconstrained fishing effort in this fishery in the federal zone and reduce potential large whale and sea turtle entanglement risk. Dan noted that this is similar to how Maine manages its lobster and crab trap fishery.

Jared Silva reminded the MFAC that this issue was initially discussed at the September business meeting. At that time, DMF was proposing to extend state rules for both conch pot and fish pot fishing into the federal zone and develop a new and unique buoy line marking scheme for Massachusetts permit holders fishing this gear in federal waters. Based on feedback from the MFAC and subsequent conversations with NOAA Fisheries, DMF has modified its proposal. Now, DMF is proposing to only extend the state management of the conch pot fishery into the federal zone. That said, DMF intends to work with NOAA Fisheries to address buoy line marking and modification requirements for fish pot and conch pot fishers outside of Massachusetts state waters for 2026.

Silva explained that the conch pot fishery has shifted east and into federal waters, likely in response to serial depletion of the resource throughout state waters. There is no federal FMP for whelks and NOAA Fisheries does not regulate the harvest of whelks or conch pot effort in the federal zone. Accordingly, anyone with an open entry shellfish endorsement in Massachusetts may lawfully set conch pot gear in federal waters—without any federal permitting requirement or limitations on the use of pot gear—and land their catch in Massachusetts. Further, because there is no state trip limit for conch pot-harvested

whelks, harvest controls do not exist that may have a de facto limiting effect on the quantity of conch pot gear a fisher sets in the federal zone. This creates the potential for the uncontrolled proliferation of conch pot gear in federal waters which poses an avoidable risk to endangered right whales and sea turtles. Expanding state conch pot rules to DMF permit holders operating in federal waters would ameliorate this situation.

The fish pot fisheries differ from the conch pot fishery in that there are federal FMPs for scup and black sea bass. Accordingly, NOAA Fisheries has a limited entry permitting program for both of these species thereby controlling who may fish commercially for these species in federal waters. Moreover, DMF has limits set on how much permit holders can land, which limits the effective amount of gear an individual will fish. Consider these factors, the entanglement risk profile of the conch pot fishery in federal waters is substantially higher than the fish pot fisheries. For these reasons, DMF is not pursuing changes to how state permit holders may use fish pots in the federal zone.

DMF remains very concerned about the gear marking and modification rules affecting other trap/pot fisheries in the Northeast Inshore Trap Pot Waters. At present, NOAA Fisheries does not require these fisheries use weak rope. Moreover, the marking scheme for this gear is very similar to the Massachusetts Mixed Species Trap/Pot Fishery, which may result in an entanglement being misattributed to the state waters fishery. At the September MFAC business meeting, DMF discussed potentially developing state rules to resolve these issues. However, upon further deliberation and discussions with NOAA Fisheries, it would be too challenging to address this without updates to the federal Atlantic Large Whale Take Reduction Plan. DMF intends to work with NOAA Fisheries to address this issue.

Commercial Eel Fishery and Permitting

Director McKiernan explained that the eel resource is in poor condition in Massachusetts and coastwide. Maintaining an open entry fishery for this species is challenging and Dan expressed his concern that commercial eel permit is being used to avoid low recreational limits, and commercial harvest is not being adequately reported. To address these concerns, DMF is proposing to either: (1) adopt a moratorium on the commercial harvest of eels; or (2) establish a December 31, 2024 control date and limit entry in 2026 to permit holders with a history of participation prior to the control date. If a fishery is maintained, DMF would also consider making it owner-operator and having the endorsement be non-transferable.

Senior DMF biologist, Brad Chase, noted that the eel resource and fishery began to decline in the 1980s and has not recovered despite efforts to improve habitat and fish passage.

Bill Amaru noted a potential error in the commercial landings and value figures presented by DMF. Nichola noted a typo in the slide and clarified that landings have not exceed 25,000 pounds since the 1980s and have been about 1,000 pounds annually over the past decade with a total annual value of under \$11,000.

Kalil Boghdan noted that the memorandum references a 2023 assessment. He asked if

this was a statewide or coastwide assessment. Brad Chase confirmed it was a coastwide assessment.

Paperwork Requirements for Possession and Sale of Dogfish Fins

Jared Silva explained that this proposal was developed through the MFAC's Law Enforcement Focus Group. State law prohibits the possession of shark fins except for the possession of lawfully processed dogfish fins and such dogfish fins may be lawfully possessed and sold. This creates a potential loophole whereby shark fins may be marketed as dogfish fins requiring genetic testing to determine compliance. The proposed regulation attempts to simplify this by requiring paperwork to document the lawful source of the product. There were no questions or comments on this proposal.

Silva then provided the MFAC with an overview of the prospective public hearing docket for this winter. Silva noted the perspective docket includes the various proposals brought to the MFAC over the past six months, as well as pending proposals to amend commercial striped bass and state waters groundfish rules, which DMF will present on at the January 2025 MFAC business meeting. Jared anticipated DMF would host public hearings during the late winter and return to the MFAC at an early spring meeting with final recommendations with the goal of filing new rules by May 1.

DISCUSSION ITEMS

Atlantic States Marine Fisheries Commission's (ASMFC) Striped Bass Board Meeting

Nichola Meserve stated that the ASMFC's Striped Bass Management Board held a special meeting on December 16 to discuss potential responses to the 2024 stock assessment. The stock assessment indicated there was some uncertainty about the ability for the ASMFC to stay on track to rebuild by 2029. Nichola then discussed this uncertainty and how it relates to forecasting catch using MRIP data and how changing year-class strength may influence availability and fishing effort.

The FMP contains provision that allows the Board to take emergency action if it anticipates there is less than a 50% chance of rebuilding by 2029. At this meeting, the Board considered an action for 2025, but ultimately decided to initiate an addendum to support the rebuilding of striped bass by 2029 to be implemented in 2026. The specifics of this addendum are to be developed in the coming months, but she anticipated the draft addendum would be finalized for the May ASMFC meeting. Nichola then described the competing motion to take emergency action for 2025, which included recreational season closures ("targeting closures") to achieve a 9% reduction in fishing mortality and 5% cut to commercial quotas. The Board did provide an opportunity for public comment and there was a wide-ranging sentiment across stakeholders about the state of the striped bass fishery and the need for management action.

Kalil Boghdan noted that Nichola mentioned "partial data" when discussing forecasting catch and asked her to elaborate. Nichola and Ray explained that the 2024 MRIP data set is not complete and will not be available until February 2025. Accordingly, the Board was using partial 2024 MRIP catch data to make assumptions and model projected catch for 2025. Dan then explained that initial MRIP data for Wave 4 (July/August) and Wave 5

(September/October) had been released prior to the Board meeting which showed catch rates had declined compared to prior years. Accordingly, there was a strong opinion among some Board members to take a wait and see approach, because if these initial data bore out in the final data then no management changes may be needed to stay on track to rebuild.

Kalil noted this was a complicated issue made more complicated because of uncertainty around release mortality and discards from other commercial fisheries, as well as the multiple years of poor recruitment. Nichola, Ray, and Kalil then discussed how commercial discards were extrapolated. Ray noted that he had an outstanding question to ASMFC regarding whether this extrapolation was based entirely on commercial tagging data or if observers were required to record striped bass discards.

Ray expressed his frustration with Maryland's viewpoint that they would not be able to get new rules in place for 2025 because of their tagging program. Dan noted there were a lot of challenges related to getting new rules in place for April 1, 2025, and ultimately, delaying action was supported given the uncertainty around the data and the potential challenges related to adopting targeting closures.

Ray complemented Nichola for her work at the ASMFC Striped Bass Board and at this recent special meeting.

New England Fishery Management Council (NEFMC) Update

Melanie Griffin briefed the MFAC on the December NEFMC meeting. For groundfish, Framework 69 was approved to set commercial groundfish annual catch limits for certain species, including the four new cod stocks. The limits for cod stocks in Fishing Year 2025 are going to be extraordinarily low, resulting in zero retention of Southern New England cod for the Common Pool and recreational fishery. The state-waters sub-component for Western Gulf of Maine Cod may be sufficient to maintain the commercial state-waters fishery at its current catch level given recent performance. The NEFMC also adjusted accountability measures related to the harvest of flatfish by the scallop dredge fleet so that they only apply if the total ACL is exceeded.

With regards to scallops, Melanie reviewed the recent biomass survey, which was the lowest recorded since the 1990s and documented a continued decline in exploitable biomass from 2023 to 2024. The NEFMC also adopted catch limit specifications for 2025; agreed to set seasonal access area dates to improve scallop yield; and allowed vessels declared into the Northern Gulf of Maine (NGOM) fishery to possess scallops and transit outside the NGOM area (i.e., to ports south of Boston). Lastly, Melanie highlighted a community engagement meeting on the sea scallop research track assessment to be held in New Bedford on December 18.

The final aspect of the briefing focused on work priorities for calendar year 2025. Melanie noted that funding from the Inflation Reduction Act will be used to better understand how to create resilience in our fisheries and how to allow fishermen to access underutilized stocks.

Bill Amaru expressed his concerns about how full utilization of cod allocations may force some boats into other fisheries, such as the summer flounder fishery, and impact how these fisheries operate.

Director McKiernan noted that now that the state waters sub-components for groundfish stocks have been established, DMF will schedule a meeting with Chris Chadwick, a state waters gillnetter, in January to discuss ideas on state waters groundfish management. Chris had requested this meeting earlier in the year.

Kalil asked if DMF was concerned about specific data gaps regarding federal groundfish assessments. Melanie noted there are a host of areas that should be improved and that these are not just gaps but also a degradation of available data in the case of port sampling.

OTHER BUSINESS AND PUBLIC COMMENT

Public Comment

Chairman Kane sought comment from members of the public. Tony Frederich, Ray Jarvis, Mike Hogan, Kyle Schaeffer, Nick Jones, Terry Nugent, Peter Jenkins, T. Edwards Nickens, Rex Messing, and Cody Rubner all expressed their support for DMF's proposed action on albacore and Atlantic bonito management and the agency's willingness to consider a size limit and various options for bag limits. Terry Nugent, Peter Jenkins, and Cody Rubner also thanked DMF for their leadership at the ASMFC's Striped Bass Board.

Beth Casoni stated her interest in DMF working with NOAA Fisheries to resolve buoy line marking issues given the similarities between the marking requirements for the MMSTF and other trap and pot fisheries in the northeast.

Other Business

Jared Silva discussed the 2025 MFAC meeting schedule. He noted that meetings had not yet been scheduled because he was still uncertain about the rule making timeline moving forward. He anticipated the need for a late-January meeting, as well as a potential late-February or early-March meeting. However, this may evolve as the public hearing docket goes through internal review by the Healey Administration. Jared would reach out to MFAC members to better understand their availability to attempt to maximize participation in these meetings. Jared also committed to scheduling these meetings in person when schedules permitted. Should weather events arise that would prevent turnout at an in-person meeting, DMF could move the meeting to a virtual format within 48-hours of the meeting time. Lastly, with Mike Pierdinock resigning from the Commission, the MFAC was no longer limited to meeting on Tuesdays to avoid conflicts with the NEFMC.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the December 17, 2024 MFAC business meeting. **Bill Doyle made a motion to adjourn the meeting. The motion was seconded by Bill Amaru. No objections were made to the motion.**

MEETING DOCUMENTS

- December 17, 2024 MFAC Business Meeting Agenda
- November 19, 2024 Draft MFAC Business Meeting Minutes
- Recommendation for 2025 Summer Flounder Period I In-Season Adjustment
- Proposal Affecting Conch Pot Gear in the Federal Zone
- Proposal on Commercial Eel Permitting and Management
- Proposal to Establish Mandatory Paperwork to Demonstrate Lawful Possession of Dogfish Fins
- Proposal to Set 2025 Recreational Black Sea Bass Season
- Proposal Affecting Shore Based Angling for Sharks
- Proposal to Establish a False Albacore and Atlantic Bonito Possession Limit
- Slides on Public Hearing Proposals
- Presentation on Atlantic States Marine Fisheries Commission's Striped Bass Board Meeting
- Review of December 2024 New England Fishery Management Council Meeting
- Presentation on New England Fishery Management Council Activities

UPCOMING MEETINGS

9AM
Thursday, January 23, 2025
via Zoom

9AM
Tuesday, February 25, 2025
Location TBD

9AM
Thursday, March 27, 2025
via Zoom