



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AMENDED AGENDA**

9:00AM

December 17, 2024

Via Zoom

Login: <https://us02web.zoom.us/j/87039541984>

Call In: 1-309-205-3325

Webinar ID: 870-3954-1984

1. Call to Order and Routine Business (9:00 – 9:15)
 - a. Introductions and Announcements
 - b. Review of December 2024 Business Meeting Agenda
 - c. Review and Approval of November 2024 Draft Business Meeting Minutes
2. Comments (9:15 – 9:45)
 - a. Law Enforcement
 - b. Commissioner
 - c. Director
3. Action Items (9:45 – 10:15)
 - a. Election of MFAC Vice-Chair and Clerk
 - b. 2025 Period I In-Season Adjustments for Summer Flounder
4. Items for Future Public Hearing (10:15 – 11:45)
 - a. False Albacore and Atlantic Bonito Limits
 - b. Constraints on Shore-Based Angling Activities to Limit White Shark Interactions
 - c. Recreational Black Sea Bass Season
 - d. Controls on Use of Conch Pots in Federal Zone
 - e. Commercial Eel Fishery and Permitting
 - f. Paperwork Requirements for Possession and Sale of Dogfish Fins
5. Discussion Items (11:45 – 12:45)
 - a. Atlantic States Marine Fisheries Commission's Striped Bass Board Meeting
 - b. New England Fishery Management Council Update
6. Other Business and Public Comment (12:45 – 1:00)
7. Adjourn (1:00)

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.

Future Meeting Dates

TBD

MARINE FISHERIES ADVISORY COMMISSION
Draft Business Meeting Minutes
November 19, 2024
via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Bob Glenn, Deputy Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Anna Webb, Acting Assistant Director; Jared Silva; Nichola Meserve; Melanie Griffin; Kelly Whitmore; Brad Chase; Erin Burke; Steve Wilcox; Tracy Pugh; Derek Perry; Nick Buchan; Matt Ayer Scott Shaffer; Emma Fowler; and Cara Litos.

Department of Fish and Game: Tom O’Shea, Commissioner; Sefatia Romeo-Theken, Deputy Commissioner.

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

Members of the Public: Beth Casoni; Rob Porter; Dustin Delano; Julia Logan; Domenic Santoro;

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the November 19, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order. Jared Silva conducted roll call attendance for the MFAC.

REVIEW OF NOVEMBER 19, 2024 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the November 19, 2024 MFAC business meeting agenda. No amendments were sought or made.

REVIEW AND APPROVAL OF OCTOBER 29, 2024 DRAFT MEETING MINUTES

Chairman Kane asked if there were any amendments to the October 29, 2024 draft MFAC business meeting minutes. No amendments were sought or made.

The Chairman requested a motion to approve the October 29, 2024 draft MFAC business meeting minutes. **Bill Doyle made the motion to approve the October 29, 2024 business meeting minutes as drafted. Bill Amaru seconded the motion. Jared Silva conducted a roll call vote. The motion was approved 6-0-1 with Chairman Kane abstaining.**

CHAIRMAN'S COMMENTS

Chairman Kane discussed the Commission's interest in holding more frequent in person meetings. Jared Silva stated he would work with the Chairman and Director to accomplish this.

LAW ENFORCEMENT COMMENTS

Captain Jack Chapin discussed a recent case involving nighttime small mesh dragging for mantis shrimp in Mount Hope Bay. While this fishing activity is authorized in Rhode Island, it is illegal in Massachusetts. The fisher acknowledged they were knowingly fishing in Massachusetts waters. Chapin noted this was a cooperative effort with Rhode Island Law Enforcement. Lt. Bass stated this entire catch was seized. Jared Silva asked if this was a violation of both Massachusetts' fishing and permitted regulations. Chapin confirmed that the fisher was not permitted in Massachusetts. Chairman Kane, Captain Chapin, and Lt. Bass discussed the process moving forward and a potential investigation into the dealer who was purchasing the product.

Chapin and Bass touched on the recent MFAC Law Enforcement Focus Group meeting. Both felt the meeting was productive in addressing a variety of enforcement and compliance issues.

Chapin and Bass also noted that law enforcement's attention has seasonally shifted to hunting, but coastal bureau officers remained engaged on commercial fishing, recreational tautog fishing, and the recreational lobster trap closure.

Kane, Chapin, and Bass then briefly discussed personnel levels and the agency's hiring process.

COMMISSIONER'S COMMENTS

Commissioner O'Shea provided an update on the so-called "Derelict Gear Bill." This bill is the product of a DMF Task Force, which included department counsel; the Massachusetts Environmental Police (MEP); MFAC members; industry groups; and non-governmental organizations (e.g., Provincetown Center for Coastal Studies). The bill aims to modernize state law to enhance the cleanup of abandoned, derelict, and lost fishing gear. While DMF initiated this work under the prior administration, the Department—under Tom's leadership—prioritized advancing this legislation and were successful in having it embedded in the larger Economic Development Bill, which was recently approved by the Legislature and was expected to be signed into law by Governor Healey. Once the statute is updated, Tom expected DMF, the Commissioner's Office, and the MFAC would have to work to develop a regulatory framework to authorize and permit various gear cleanup activities and fine tune what constitutes derelict gear.

O'Shea reminded the MFAC that both food security and public access were cornerstones of his Department's Strategic Plan. With regards to food security, the Department was able to secure an earmark to fund a feasibility study for a "share the catch" program. The

feasibility study would assess how to get underutilized seafood into food pantries while supporting prices paid to fishers and would study existing models of seafood distribution into food banks, as well as food pantry supply chain, costs, and logistics. DMF Deputy Director Story Reed would be overseeing this work. Tom anticipated this work would include input from food banks, commercial fishers, seafood dealers, and other stakeholders. With regards to other stakeholders, the Commissioner recognized the relevant experience of Shelley Edmundson and the Martha's Vineyard Fishermen's Preservation Trust. Tom then thanked Senator Bruce Tarr, Representative Ann-Margaret Ferrante, and Deputy Commissioner Sefatia Romeo-Theken for their work to support and fund this initiative. On public access, DMF, the Office of Fishing and Boating Access, and the City of Salem have completed the Salem Willows fishing pier project. Tom touted this as an important public access project in an environmental justice community. The project partners intended to hold a ribbon cutting event on the morning of December 2 and it was expected that Lt. Governor Driscoll would be in attendance.

Chairman Kane asked if MFAC members would be invited to the Salem Willows ribbon cutting event. Commissioner O'Shea indicated that Jared Silva would work with his office to ensure this occurs.

Lastly, the Consensus Building Institute (CBI) has been contracted to help DMF and the Office of Coastal Zone Management (CZM) to stand up the so-called Commercial Fisheries Commission. The goal of bringing CBI onboard is to help develop a mission for this new group and avoid overlap with work being currently conducted by the various other groups that are working on commercial fisheries and wind energy development issues. Additionally, CBI would help facilitate the initial meetings of this group as DMF onboarded its new wind energy specialist and policy support person. O'Shea was hopeful that CBI would be able to begin their work before the holidays and the Commission would hold its inaugural meeting in early 2025.

DIRECTOR'S COMMENTS

Director Dan McKiernan began his comments addressing the Commercial Fisheries Commission. The enabling statutory language is broad in establishing the public body's purpose, and as such, the potential scope of this Commission crosses over into work being conducted by various other groups and public bodies, including the Offshore Wind Working Groups on Habitat and Fisheries and the MFAC. Accordingly, DMF is interested in using CBI to scope the interests of the members of this public body, assess where this Commission fits within the landscape of existing groups, and develop a more surgical role and mission for it.

McKiernan then expanded on the Commissioner's comments on the Derelict Gear Bill. He thanked Deputy Director Bob Glenn for his work overseeing the Task Force and developing the white paper. DMF would also likely work through this Task Force to develop regulations to implement the framework to authorize cleanup and he was optimistic a draft regulatory proposal would be brought the MFAC for their review in early-2025.

Dan provided an overview of recent and upcoming meetings. During the MFAC meeting, DMF would more thoroughly cover the summer flounder industry meeting, the Law Enforcement Focus Group meeting, and the Shellfish Advisory Panel meeting. Additionally, DMF held a stakeholder meeting in Gloucester to discuss the status of the Newburyport Shellfish Depuration Plant. Dan anticipated a formal decision on the fate of the Plant would be forth coming. As for upcoming events, Dan invited MFAC members to the December 2nd event at the Salem Willows fishing pier, as well as all of DMF meeting and public event to expose the agency's work to the public on June 14 at the Cat Cove Lab in Salem.

ACTION ITEMS

Election of MFAC Vice-Chair

Chairman Kane noted that with Mike Pierdinock's resignation from the MFAC the seat of Vice-Chair is currently open. At the October business meeting, MFAC members sought to delay a nomination and vote on this until the November business meeting. Accordingly, the Chair sought a nomination.

No nomination was made. Kalil Boghdan indicated that Bill Doyle could be temporarily elevated from Clerk to Acting Vice Chair should the Chairman have to excuse himself from this meeting and then the MFAC could revisit this issue in December.

UPCOMING PUBLIC HEARING ITEMS

Menhaden Quota Management Rules

Director McKiernan provided introductory comments and noted that DMF held an industry stakeholder meeting in October 2024 which informed the development of this public hearing proposal.

Nichola Meserve provided some background information on the management of the commercial menhaden fishery and an overview of the recent industry meeting. She then presented DMF's three-part draft public hearing proposal:

1. Rescind the 90% quota use trigger that drops the limited entry fishery's trip limit from 25,000 pounds to 6,000 pounds or revise it to be in the range of 95-98% quota use. The current approach is designed to allow continued bait harvest when the fish are available inshore by slowing down landings and avoiding a quota closure. However, at current quota and participation levels, the 10% set-aside for the small-scale fishery is too large and impedes the utilization of the quota. Industry is also interested in utilizing the full quota in order to access the Episodic Event Set-Aside (EESA). Note that there is an inherent risk of a seining closure if the state takes 100% of its quota and the EESA is exhausted and quota transfers from other states are not available.
2. Use the August 1, 2023 control dates for the Menhaden Endorsement and CAP-Purse Seine Endorsement to further limit access to the menhaden fishery

beginning in 2026. This would include requiring a certain activity threshold be met prior to the control date to renew the limited entry Menhaden Endorsement and limiting access to the CAP-Purse Seine Endorsement to only those who held the permit by the control date. Additionally, DMF could then update the CAP-Purse Seine control date rule to further restrict permit access in the future based on activity criteria. This is being proposed to address the level of latent effort in the fishery and concerns this latent effort will be activated due to declining quotas for herring and mackerel.

3. Consider a pilot program that authorizes two similarly permitted and rigged vessels to share catch from the other's seine nets. The intent of this program is to prevent slippage and enhance efficiency and reduce gear conflicts by reducing the number of sets permit holders need to make to catch their limit. This program could be suspended based on landing rates or concerns about program misuse or permit activation.

Kalil Boghdan asked for Nichola to describe recent permit holder activity in this fishery. Nichola noted that it varies from year to year. However, the limited entry fishery generally involves fewer than ten permit holders and a handful of operators participate in the open entry fishery. However, DMF issues a substantially higher number of permits than are active in any given year and DMF's control date proposals respond to this substantial level of latent effort.

Chairman Kane asked about permit transferability and whether safeguards are in place to prevent this from becoming a fleet fishery. Nichola Meserve noted the Menhaden Endorsement is currently transferable if actively fished; the Coastal Access Permit – Purse Seine would become transferable when actively fished if it became limited entry; and the menhaden fishery is already owner-operator and would remain so under this proposal.

Summer Flounder Quota Management Rules

Jared Silva provided background information on the management of the commercial summer flounder fishery and an overview of recent fishery performance. He also discussed the recent industry meeting and noted that there was little consensus on specific proposals at the industry meeting, but there was some support for DMF to adjust how it manages the quota to allow some level of fishing opportunity into September. In this context, DMF was putting forth a multi-faceted proposal on summer flounder management.

For Period I (January 1 – April 22), DMF is proposing to reduce the trip limit from 5,000 pounds to 2,000 pounds by an in-season adjustment for 2025 and by a regulatory change thereafter. DMF will also take comment on eliminating the authorization for the multi-state program beginning in 2025 and for reducing the Period I quota allocation from 30% to as low as 15% for 2026 and beyond. The in-season adjustment public comment process would begin immediately after the November MFAC meeting and DMF would return to the MFAC in December with a final recommendation on this trip limit adjustment for 2025.

For the Period II Summertime Fishery (April 23 – September 30), DMF is proposing to drop the initial trip limit from 600 pounds for net fishers and 400 pounds for hook fishers to 500 pounds for net fishers and 325 pounds for hook fishers; adjust the quota-use based trip limit trigger that drops trip limits in-season from 75% quota use on or before August 1 to 75% quota use on or before August 15; and adopting a new quota-use based trip limit trigger to reduce trip limits to no more than 200 pounds for all gear types if 90% of the quota is taken on or before September 1. For the summertime fishery, DMF will also take public comment on eliminating Fridays and Saturdays as open fishing days. While not a preferred proposal, DMF felt it was appropriate to discuss it further given it may slow quota consumption and address user-group conflicts raised by the recreational fishery to DMF. Lastly, DMF supported maintaining the multi-day program for trawlers given the economic benefits associated with it. However, DMF would listen to suggestions on how to improve it given concerns that the program had evolved beyond its intent, encouraged effort from offshore vessels leading to more expedient quota utilization, and may be resulting in high-grading.

In aggregate, the purpose of these proposals is to ensure adequate quota is available to the commercial fishery during the summertime and early fall when the fish are accessible to most permit holders and of higher market value.

Bill Amaru stated his interest in keeping the fishery open into September given the interests of hook fishers on Nantucket Shoals and had requested DMF consider sub-quotas for the summertime fishery based on gear-type to accommodate this management objective. Amaru noted that DMF raised this policy consideration at the industry meeting and there was no interest among industry members in pursuing it. Accordingly, he supported DMF's action to not further pursue the item. Moreover, he felt that DMF's proposal would address his concerns through other mechanisms and felt the proposals balanced the various user interests. That said, Amaru did not support DMF continuing the multi-day program.

Jared Silva and Bill then discussed how small changes in effort in this fishery can impact quota use. This makes managing this fishery challenging given there is substantial interannual variability in effort driven by environment, availability, and the profitability of other fisheries and availability of other fishery resources. In this context, Bill, Ray, and Jared both expressed concerns that the expected reduction in Gulf of Maine cod catch limits for this season may lead to increased summer flounder fishing effort in both the inshore and offshore fishery. Bill noted this potential source of new effort could be further enhanced through the multi-day program, which is why he would not support it. Jared stated that this underscored DMF's preference to use by dates to trigger quota-based trip limit adjustments to ensure quota management objectives are being met.

Shelley Edmundson stated her support for DMF continuing the multi-day program. Edmundson recognized that while the program may have its challenges, its continuation is essential to the island's commercial fishing industry and the local shoreside infrastructure.

Chairman Kane, Director McKiernan, and Jared Silva discussed the origin and evolution of the multi-day program over the past five-years. McKiernan noted that the program did

not initially contemplate vessels fishing in federal waters overnight to take a trip that spanned to calendar days but it had seeming evolved in this direction, which frustrated some folks in the inshore fleet. Jared stated that DMF wants to maintain the program moving forward because it is important to a variety of stakeholders, including much of the dayboat fleet. However, the program has evolved beyond its initial purpose raising various concerns and DMF was open to modifying the program for 2025. One modification that participation in the multi-day program may only apply if a trip meets a certain length of time. Jared looked forward to hearing more from industry on this subject during this winter's public process.

Chairman Kane then discussed industry's interest in DMF adopting trip limit adjustments at the Director's discretion rather than based on a date certain. Jared and Dan discussed the regulatory challenges with this approach. Director McKiernan also explained that he wants to develop a predictable management framework to help businesses plan their season and did not think it was appropriate to allow DMF to adjust limits in-season on an ad hoc basis.

Kane then commended DMF on this proposal and stated that the industry generally felt DMF was actively listening working to engage with them and address their issues.

DISCUSSION ITEMS

Protected Species Update

Deputy Director Bob Glenn provided the MFAC with an update on protected species issues. The update focused on: the most recent population assessment for the North Atlantic right whale (NARW) population estimate; rule making expectations and timelines for the Atlantic Large Whale Take Reduction Plan (ALWTRP); NOAA Fisheries' ship speed rule; DMF personnel as it relates to its DMF's Protected Species Project; the development of a passive acoustic monitoring network for right whales; DMF's on-demand gear research; and the status of DMF's Incidental Take Permit application.

NOAA Fisheries recently released its population estimate for NARW. The population grew from 356 individuals in 2022 to 370 in 2023. It has been estimated that an additional 20 calves were born in 2024, but data suggest that five may have died this year. The population decline that has been expected since 2010 has slowed and is now trending upwards due to both lower mortality and higher birth rates.

NOAA Fisheries is moving forward to convene the Atlantic Large Whale Take Reduction Team (ALWTRT) to update the ALWTRP. The expectation is that in early 2025 NOAA Fisheries will release an EIS for public comments regarding amendments to gillnet and other trap/pot fishery rules. With regards to the lobster and Jonah crab trap fishery, the Consolidated Appropriations Act (CAA) curtailed NOAA Fisheries' to implement new ALWTRP rules until after December 31, 2028. However, NOAA Fisheries intends to begin to convene the ALWTRT in early 2025 to begin the rule making process so that new rules can be promulgated as soon as possible in 2029. Glenn then reviewed the ALWTRT's tentative timeline to accomplish rule making for 2029 and noted his intention to convene regional industry working groups after the March 2025 meeting to discuss potential risk

reduction strategies. On the subject of risk reduction, Bob noted that NOAA Fisheries derives the percent reduction figure based on the most recent five-years of data and the level of risk reduction required of the industry will likely decrease should the NARW population trend continue to improve. Director McKiernan stated that part of the reason why NOAA Fisheries was pursuing such a long rule making timeline was to give industry the opportunity to obtain funding for gear investments, particularly the potential need to use on-demand fishing gear and other ropeless fishing technologies.

Glenn then moved on to discuss NOAA Fisheries' proposed ship speed rule. He noted that the state's Office of Coastal Zone Management submitted a federal consistency objection to the proposal. DMF assisted them in the development of their comments. The focus of the objection was the inclusion of Vineyard and Nantucket Sounds in ship speed management area; the impacts this would have on vessel traffic, particularly ferries; and that there was insufficient data demonstrating NARW are commonly found in these waters thereby necessitating the application of the ship speed rule there and the resulting socio-economic impacts it would cause.

Bob discussed the current status of DMF's Protected Species Project. Erin Burke was recently promoted to be the program manager overseeing a team of five individuals. This includes three new hires: Leah Crow, Science and Monitoring Lead; Manali Rege-Colt, Acoustician; and Emma Fowler, Field Biologist. Additionally, two staff have been reassigned to the Project to work as gear specialists. This includes David Chosid, from Conservation Engineer Project and Bredan Rielly from the Invertebrates Project.

With the development of this more robust Protected Species Project and with funds from the CAA, DMF was now working to implement a passive monitoring program and conduct On-Demand Gear (ODG) testing. The monitoring work is part of the implementation of the Passive Acoustic Monitoring Network in collaboration with Northeast Fisheries Science Center. This is designed to better understand NARW presence and occupancy across the Northwest Atlantic and to better assess risk reduction strategies. Bob anticipated DMF would begin to deploy real-time monitoring buoys in early 2025 and archival buoys later in the year. On ODG research, DMF has begun to conduct some gear testing to address a range of technological, operational, and economic concerns. Bob noted that initial gear density work in Buzzards Bay has demonstrated that strings of ODG gear can be set about 30 feet apart.

For several years, DMF was working to develop an Incidental Take Permit (ITP) application and Habitat Conservation Plan (HCP) to cover takes of NARW and endangered sea turtles in the Massachusetts Mixed-Species Trap/Pot Fishery (MMSTF). DMF submitted its second draft HCP to NOAA Fisheries in July 2024. Glenn expected that NOAA Fisheries would provide their final comments by the end of 2024 allowing DMF to submit a final ITP application and HCP by early 2025. If this were to occur, the expectation would be that NOAA Fisheries would then begin their National Environmental Protection Act process, which includes public comment, allowing for a permit to be potentially issued in 2026.

Chris McGuire asked Bob Glenn several questions. First, would data from the real-time

monitoring buoys would be publicly accessible. Glenn responded that DMF intended to make this data available through a public facing dashboard. Second, what other data the monitoring buoys may collect. Glenn noted the buoys would collect other data, such as water temperatures, but was unsure of the specifics offhand. Third, would a real-time buoy be deployed in Nantucket Sound along the ferry lanes to help inform decision around the vessel speed rule. Glenn indicated that this would be ideal, however, resource constraints may limit DMF's ability to achieve this goal. He noted that most of the funding for this project came from the CAA, and the law is specific to addressing entanglement risk, which limits DMF's ability to deploy the gear to address ship strikes. However, DMF was interested in obtaining additional funding to monitor Nantucket Sound in real time. Lastly, was there a set schedule for retrieving data from the archival monitors. Glenn indicated DMF intended to do this about three to four times per year, but this may be subject to change given data management logistics.

Bill Amaru questioned DMF's decision to conduct its ODG gear density work in Buzzards Bay where the waters are shallow and protected, and there is a low density of trap fishing and limited mobile gear activity. He contrasted this to the realities of areas like the Outer Cape, Cape Cod Bay, Stellwagen, and Cape Ann where the gear was likely to be deployed by commercial fishers. Bob explained that the work will be iterative. This initial work was intended to be introductory, and the gear was deployed in Buzzards Bay because it presented the fewest logistical challenges. As the work evolves, DMF will begin to introduce additional variables and complexities like gear density, interactions with other fishing gears, and more challenging sea state conditions and bathymetry.

Amaru then raised a general concern about the deployment of ODG and gear conflicts. Using the sea scallop fishery as an example, Bill explained that the times and areas where mobile gear is being fished is changing in response to changing resource availability. Glenn agreed and noted that DMF is actively trying to get the interactive ODG software onto mobile gear boats to better understand how they can interact with it.

Chairman Kane asked if there were any further questions or comments. There were none.

November 2024 Shellfish Advisory Panel Meeting

Deputy Director Glenn stated that he chaired the recent November 6, 2024 Shellfish Advisory Panel (SAP) meeting. Bob then briefly reviewed the SAP's meeting agenda and presented on the key takeaways from the meeting.

As Massachusetts is a home rule state and municipalities have licensing authority over shellfish aquaculture sites, each jurisdiction has developed its own approach to addressing the issue of license site transfers. The lack of standardized rules across the state has frustrated aquaculturists in some communities who view their municipalities rules as being too restrictive as compared to others. To better understand the various municipal license site transfer programs, DMF and the SAP have developed an Aquaculture License Transfer Working Group. This group has surveyed the various municipalities to collect information on their programs and has begun to evaluate and synthesize the survey information. The goal for the Working Group is to develop a white paper that describes the various programs and in turn provide a resource for stakeholders

and municipalities to consider when discussing local license site transfer rules.

Additionally, DMF and the SAP established a Hatchery Seed Working Group to address interannual challenges in obtaining seed and determine ways to create a more stable supply of seed to Massachusetts shellfish aquaculturists.

The subject of bulk tagging by aquacultures was discussed by the SAP. Some SAP representatives from the aquaculture sector have advocated for DMF to reconsider authorizing a pilot program. DMF previously determined it would not pursue such a program after consulting with MEP, DPH, discussing the issue with industry, and holding a public scoping meeting. Dan explained that he did not favor the program due to concerns regarding enforcement, compliance, lot integrity, and traceability in the case of a recall. This was informed by recent enforcement and compliance issues that resulted in some challenging product recalls and he worried that bulk tagging may make these instances even more challenging. Additionally, Dan opined that bulk tagging largely shifted the compliance and traceability burden from the harvester to the dealer sector, which he did not favor.

A major topic of discussion was challenges related to the reclassification of shellfish growing areas around wastewater treatment plant outfalls and harvest closures due to wastewater discharges from combined sewage overflows (CSO) following precipitation events. The focus of this discussion was around the New Bedford wastewater treatment plant and its CSO discharge that have caused extensive harvest closures in western Buzzards Bay, particularly affecting shellfish aquaculture in Dartmouth, Fairhaven, and Mattapoisett. The National Shellfish Sanitation Program has strict guidelines governing these issues which limits how DMF can respond and mitigate impacts. With regards to reclassification around wastewater treatment plans, DMF has contracted the University of Massachusetts School for Marine Science and Technology to model effluent release to limit the scale of precautionary closures. DMF is also using male specific coliphage testing in shellfish as a viral indicator to lift CSO-related closures seven days after the release event and is seeking resources to fund the deployment of tryptophan sensors to detect pathogen loads following CSO releases to better understand the spatial extent of the pollution in hopes that it may allow closures to be more surgical in scale.

Lastly, Bob noted that DMF's Shellfish Program is now fully staffed for the first time in several years. However, while fully staffed, personnel have been strained by the increased workload associated with the emerging wastewater treatment plant and CSO issues.

DMF shellfish program personnel. Fully staffed. However, emergence of CSO and WWTP has increased testing requirements.

Chairman Kane asked if there were any further questions or comments. There were none.

MFAC Law Enforcement Focus Group Meeting

Jared Silva presented on the recent November 13, 2024 meeting of the MFAC's Law Enforcement Focus Group and reviewed the agenda and meeting summary provided in

the MFAC's business meeting materials. Silva noted the Focus Group addressed the catch of lobsters by trawlers; total length measurement of striped bass; commercial striped bass sales; buoy line marking rules; recreational targeting of white sharks; record keeping requirements to possess spiny and smooth dogfish fins; the potential to develop false albacore and bonito limits; and volumetric weight equivalencies in the menhaden fishery.

Several of these issues may result in regulatory actions. At the September MFAC business meeting, DMF presented a proposal to go out to public hearing next winter on standardizing how striped bass are measured, which was supported by the Focus Group. Additionally, the focus group supported DMF developing public hearing proposals to address shore-based fishing for white sharks, record keeping requirements for the sale of dogfish fins, and false albacore and Atlantic bonito limits. These proposals would likely be presented to the MFAC at their December business meeting.

Additionally, DMF felt the issues pertaining to the catch of lobsters by trawlers and volumetric weight equivalencies in the menhaden fishery likely required consideration at the ASMFC. DMF did not intend to unilaterally address these issues and stated its preference to consider regional or coastwide approaches.

Lastly, DMF discussed the current protected species management framework and the critical importance jurisdictional specific buoy line marking schemes. DMF and MEP discussed the potential for targeted enforcement and compliance efforts to address the issue in state and adjacent federal waters.

Bill Amaru was surprised that a shore-based fishery for white sharks was evolving and supported DMF's interest in further restricting this activity. Silva explained that DMF already considered this activity to be illegal but was considering tightening the regulatory framework to enhance enforcement and compliance.

PRESENTATIONS

Diadromous Fisheries

DMF's Diadromous Fisheries Project Leader, Brad Chase, presented on a variety of subjects relevant to the status of diadromous fish resources and fish passage and habitat restoration work. This included: a review the current status of DMF's Diadromous Fish Project; river herring and shad stocking efforts; ASMFC stock assessment results for eels, shad, and river herring; trends in herring run counts across various rivers throughout the state and the use of electronic and video counting stations; the development of sustainable harvest plans for river herring in for Middleborough and Lakeville, Harwich, and Pembroke; and various large and small scale fish passage and restoration efforts across the state.

Kalil Boghdan and Bill Amaru applauded the work of the Diadromous Fish Project and Brad's leadership. Bill noted the strong local support for the culvert replacement work at Sesuit Creek.

Director McKiernan noted that the marine side of DFG's Biodiversity Strategic Plan focuses heavily on fish passage and habitat restoration work and he was hopeful this can be used to leverage resources to expand the work done by both DMF's Diadromous Fish Project and its Habitat Project.

Online Permitting System

Anna Webb presented on and provided a demo of DMF's new online commercial, seafood dealer, and special permit renewal service.

Chairman Kane thanked Anna for her update.

OTHER BUSINESS

Commission Member Comments

Chris McGuire, Tim Brady, Bill Doyle, Shelley Edmundson, and Kalil Boghdan expressed that this was an informative and productive meeting.

McGuire requested DMF consider holding future November meetings in person. Director McKiernan noted that he scheduled the November and December meetings to be virtual because he wanted to be mindful of people's health around the holidays. Several years back he held an SAP meeting immediately prior to Thanksgiving that resulted in numerous individuals being infected with COVID, which negatively impacted their holiday plans. However, if scheduling permitted, in person meetings could be scheduled to avoid holiday impacts and MWRA COVID data could be tracked to consider risk.

Public Comment

Beth Casoni anticipated that protected species issues would be at the front and center of this year's Annual Meeting of the Massachusetts Lobstermen's Association and DMF should expect to discuss the NARW population estimate and risk reduction outlook, as well as ODG research, at the roundtable event.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the November 19, 2024 MFAC business meeting. **Chris McGuire made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. No objections were made to the motion.**

MEETING DOCUMENTS

- November 19, 2024 MFAC Business Meeting Agenda
- October 29, 2024 Draft MFAC Business Meeting Minutes
- Menhaden Public Hearing Proposals
- Summer Flounder Public Hearing Proposals
- Protected Species Update
- November 2024 Shellfish Advisory Panel Meeting Materials
- November 2024 MFAC Law Enforcement Focus Group Meeting Summary and Materials
- Diadromous Fisheries Presentation
- Online Permit Renewal Presentation

UPCOMING MEETINGS

9AM
December 17, 2024
via Zoom



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor


KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: December 12, 2024
SUBJECT: In-Season Adjustment to Set 2025 Period I Summer Flounder Trip Limits and Decision to Suspend Authorization of the Period I Multi-State Program

Recommendation

I am recommending the MFAC approve an in-season adjustment to reduce the 2025 Period I (January 1 – April 22) summer flounder trip limit from 5,000 pounds to 2,000 pounds. Additionally, this memorandum serves to notify the MFAC that I intend to suspend the authorization of the so-called Period I Multi-State Program for 2025.

Background and Rationale

At last month's MFAC business meeting, we reviewed DMF's memorandum proposing changes to the management of the commercial summer flounder fishery¹ to respond to recent quota reductions and fishery performance. With regards to Period I, I am interested in slowing the quota consumption rate to achieve a longer season and limit the risk of a quota allocation overage by reducing the trip limit from 5,000 pounds to 2,000 pounds. Given the timing, such a change only be achieved by the in-season adjustment process. Accordingly, I initiated this process on November 21 (see [Advisory](#)) and sought public comment through December 6.

In the November memorandum, I also expressed an interest in potentially suspending the authorization of the Period I Multi-State Program for 2025. This program was initiated among the northeast states (MA-NY) in 2020 to allow vessels who hold fluke landing permits in multiple states to possess non-conforming quantities of summer flounder when offloading a state's limit provided fish destined for each state are segregated and clearly labeled and the limit for each state is not exceeded. This was designed to allow the fleet to efficiently take advantage of available quota, reduce discarding, and reflected the fact that the wintertime fishery occurs in federal waters where there is no applicable federal trip limit (i.e., possession and retention is only limited by the limits in the states where fish is being offloaded).

While this program may have provided a reasonable accommodation in prior years when the quota and seasonal allocations were underutilized, I am uncertain this remains the case as it may be contributing to the early consumption of the Period I quota allocation and could create a situation whereby the Period I allocation is exceeded leaving less quota available for Period I. Moreover, I am troubled by the lack of symmetry in state permitting systems across the participating states that results in Massachusetts vessels not having the same opportunities to land their summer flounder in other participating states as they have here. Ultimately, the annual authorization of this program is a strict policy decision at the Director's

¹ For more details, please review the [November 15, 2024 memorandum](#).

discretion². To inform the use of this discretionary authority in 2025, I opted to engage the public on the issue and include it in the November 21 advisory on the Period I in-season adjustment.

The comment received on both the trip limit reduction proposal and the authorization of the multi-state program in 2025 was primarily limited to a small number of recreational anglers who support the action and are concerned about the health on the inshore summertime recreational fishery. Additionally, Bill Amaru submitted a comment in support of the action but also advocating for DMF to eliminate the summertime multi-day program (which will be brought to public hearing and discussed in early 2025). No comment was submitted on either action by vessels participating in the wintertime fishery and the seafood dealers purchasing fish from them.

In consideration of the above, I am moving to recommend reducing the trip limit to 2,000 pounds. DMF has reached out to the other northeast states and have discovered the following: Rhode Island has indicated they are accommodating a 4,000-pound bi-weekly limit; Connecticut is accommodating a 600-pound bi-weekly limit; and New York is accommodating a 1,400 pound bi-weekly limit. My recommended 2,000-pound trip limit is in line with Rhode Island's 4,000 pound bi-weekly limit (given most vessels only take one trip per week during the winter season). Additionally, I am opting not to reauthorize the Multi-State Program for 2025. DMF raised this potential action with the other northeast states, and they have indicated that they will continue the program in 2025 citing its perceived benefits (e.g., increasing efficiency, minimizing discards). While I understand this sentiment, I do not share it given quota utilization last year and anticipated quota use this year. Further, before reauthorizing the program in the future, I wish to better understand the permitting rules in other states that may be limiting the ability for Massachusetts homeported fishers from taking advantage of the program in some of those other states.

I recognize that the combined effect of these actions may limit the ability of participating vessels to utilize the 2025 Period I quota allocation. If that is to happen, the unused quota allocation will roll over to Period II. I do not view this as problematic and there is longstanding precedent for this. Moreover, I am generally supportive of amending the management of the summer flounder fishery to allocate more 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, and as described in the November memorandum, I am considering reducing the Period I allocation beginning in 2026 to accomplish this.

Enclosed:

Written Public Comment

² 322 CMR 6.22(2)(c)(3) reads, "Subject to an annual authorization from the Director, vessels landing in Massachusetts may possess summer flounder in quantities exceeding the limits at 322 CMR 6.22(2)(c)1. and 2., provided the non-conforming fish is to be landed in another state, is clearly labeled identifying the state it is to be landed in, and it remains on the vessel while the Massachusetts limit is being landed." Accordingly, the authorization of this program does not require a regulatory action or an in-season adjustment, rather its authorization is determined annually at the Director's discretion.

From: [Timothy O'Connor](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Summer flounder restriction
Date: Friday, November 22, 2024 7:32:01 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.

Dear Mr. McKiernan,

I am writing to let you know that I am in favor of the reduction in the commercial quota for summer flounder. I fish for flounder nearly every week on the Helen H during the summer on Nantucket Shoals. It has become increasingly difficult over the past 10 years to catch larger fish, and/or, the limit of fish allowed on a daily trip.

Additionally, last summer a number of commercial boats from NJ, NY and elsewhere came through the Nantucket area in June, arguably the best month to fish for Fluke, and they took a LOT of fish from the area. The reason they are coming here according to the captains and the mates on the Helen H is that they have overfished the areas South of Nantucket for years. It would be awful if that were to happen here in MA where we have arguably the BEST fluke fishing in the country.

I am in favor of commercial fishing, but it has to be managed in such a way that large breeding fish are left to spawn and keep the fishery healthy. The reduction of the quota seems appropriate at this time and perhaps also eliminating the commercial guys from the fishery during June when the large females are easy to catch.

For example, I love the new striper regulations because the females are required to be released.

Furthermore, we have to begin educating the public that it is no longer "Cool" to take and keep large fish. It's much better to keep the small ones for the dinner table and let the large female fish return to the ocean to keep the fishery healthy,

I do believe many fisherman are beginning to feel this way, but unfortunately, there is not enough of us on board with this concept at the present time. Many older guys "just can't let a big fish go back to the ocean."

God Bless and Happy Thanksgiving,

Tim O'Connor
Hull, MA

From: [Bill Amaru](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Fluke quota adjustment for commercial seasons
Date: Thursday, November 21, 2024 9:35:59 PM

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I favor the adjustments outlined by DMF in the email from Director Mc Kieran.

I also favor returning to single day possession of fluke for the summer season for mobile gear vessels. The two day possession scheme presents too great a threat to introduce latent effort into the fishery as large vessels unable to access groundfish due to extremely low quota levels of cod will seek to enter the fishery. The two day possession limit while theoretically beneficial will become a guarantee of an early closing of the season. This will —again — reduce the ability of all fishers to access this resource as it becomes available to them, especially eastern regional hook and line fishers.

The single day possession limit has been acceptable to the trawl fleet for decades. We all would like to see the greatest efficiency come to all our fisheries but the cost must outweigh the gains. The costs in this case outweigh any added value that may arise.

Thank you for your consideration.

Sincerely,
Capt. Bill Amaru

From: [dan feeney](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Summer flounder
Date: Thursday, November 21, 2024 7:44:42 PM

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I fished a few times this summer for fluke and never caught a legal one. It was the worst year for fishing in general, in my 50+ years here on Marthas Vineyard.

No bait at all in the summer months and it was a chore to catch anything in the sound.

Off shore was the same, few tuna and they were small. No bait and very few whales and dolphins. Lots of windmills though!

Whoever came up with this genius plan should be fired and sent across the southern border

Where they can't get back.

Sent from my iPhone

From: [Greg Sellers](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Flounder
Date: Thursday, November 21, 2024 7:12:30 PM

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I would agree as now the flounders are healthy. There is no more flounder capital.

From: sunbirdexp@aol.com
To: [Fish, Marine \(FWE\)](#)
Subject: summer flounder changes
Date: Thursday, November 21, 2024 4:36:54 PM

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.

Dear DM, I applaud your recommendations to the summer flounder harvest, they will restore some of the reduction of this fishery.

The absence of this fishery in the sounds around Marthas Vineyard and Buzzards Bay is significant. Your changes will help reduce the illegal drops in states other than the one of catch origin.

Please do not forget to consider the damage to this fishery caused by draggers inside the 3 mile limit. Having fished the sounds for over 50 yrs. I have never seen them so void of fish as the present day.

Respectfully, Matt Johnson

@ sunbirdexp@aol.com



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MAURA T. HEALEY
Governor

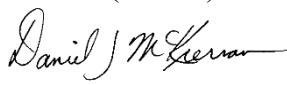
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—Updated Proposal Affecting Conch Pot Gear Set in Federal Waters

Overview

At our September 2024 Fisheries Advisory Commission business meeting, I proposed to: (1) clarify that Massachusetts' rules affecting fish pot and conch pot fishing would apply to any permitted Massachusetts commercial fisher regardless of whether they were fishing in state or federal waters; and (2) adopt a new buoy line marking scheme for fish and conch pot gear set in federal waters by these fishers¹.

This initial proposal was meant to ameliorate concerns regarding the lack of federal controls governing the use of fish and conch pot gear in federal waters; the potential entanglement risk this gear poses to protected species; and the likelihood any such entanglement may be misattributed to Massachusetts Mixed Species Trap/Pot Fishery (MMSTF). The MMSTF is a state waters only fishery that is inclusive of all state waters pot and trap fisheries (i.e., lobster and edible crab trap, black sea bass pot, scup pot, and conch/whelk pot) and is the fishery for which we are seeking Incidental Take Permit (ITP) from NOAA Fisheries under the Endangered Species Act. During our discussion, MFAC members raised concerns that this proposal would limit the ability for federal limited entry scup and black sea bass permit holders to lawfully prosecute these fisheries with pot gear in federal waters without a corresponding limited entry state pot endorsement. In recognition of this issue, I withdrew my proposal and sought to review the concerns raised and revisited the proposed action.

This memo sets forth an updated proposal which focuses exclusively on the use of conch pots in federal waters, as there is no federal fishery management plan (FMP) for whelks, nor are there any existing state or federal controls governing the harvest of whelk or conch pot effort in federal waters by Massachusetts fishers.

Updated Proposal

I am proposing to go out to public hearing this winter to require Massachusetts commercial fishing permit holders setting conch pots in the federal zone and possessing or landing whelk in a Commonwealth port taken by conch pot from the federal zone to: (1) hold a DMF-issued conch pot regulated fishery permit endorsement to possess or land whelks taken by conch pot gear in federal waters; (2) affix a valid annual conch pot trap tag to all conch pot gear set on the vessel or set in the water; and (3) adhere to the state's maximum pot limit of 200-conch pots and April 15 – December 15 conch pot fishing season.

¹ For more details, please review the September 12, 2024 [memorandum](#) from DMF to the MFAC.

Discussion

While federal waters conch pot fishing effort has likely been historically limited, we have reason to believe effort is emerging in federal waters, particularly east of Nantucket. This is likely a product of shifting geographic availability driven primarily by nearshore depletion. Recall that DMF considers the principal target species—channeled whelk—to be depleted throughout its range in state waters and DMF’s 2018 stock assessment of channeled whelk in Nantucket Sound demonstrated the resource is overfished with overfishing occurring within the primary harvest area of Nantucket Sound.

Additionally, there is no federal FMP for whelks and NOAA Fisheries does not permit or otherwise manage pot/trap fishing for whelks in federal waters. Accordingly, anyone with an open entry shellfish endorsement in Massachusetts may legally set conch pot gear in federal waters without any 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. The uncontrolled proliferation of conch pot gear in federal waters poses an avoidable risk to endangered right whales and sea turtles. Accordingly, given this—as well as the lack of a federal FMP for whelks—it is appropriate for DMF to consider applying the state’s conch pot effort control rules to any Massachusetts permitted commercial fisher regardless of whether they are fishing in state waters or adjacent federal waters.

Other Considerations

Fish Pot Fishery Management

At this time, I am not proposing any changes to the state rules affecting fish pot fisheries for scup and black sea bass. Unlike whelk, both scup and black sea bass are subject to federal fishery management plans, limited entry federal permitting systems, and various state and federal catch and effort controls that work to constrain pot fishing activity by Massachusetts fishers in federal waters. Accordingly, individuals who hold a federal black sea bass or scup permit may continue to set fish pot gear in federal waters to target these species and land the product in Massachusetts provided they hold a DMF-issued Scup, Black Sea Bass, Scup Pot, or Black Sea Bass Pot endorsement so as to possess and land the fish in the Commonwealth and adhere to the state possession and landing limits established for the endorsement type. Note that the trip limits for the directed black sea bass fishery are based on endorsement type held, not gear type fished. Therefore, a vessel fishing fish pots in the federal zone who holds a state Black Sea Bass Pot Endorsement has a higher possession and landing limit than the vessel fishing fish pots in the federal zone who holds a state Black Sea Bass Endorsement.

Buoy Line Marking and Configuration

The Atlantic Large Whale Take Reduction Plan (ALWTRP) sets forth a complicated buoy line marking program for the Atlantic Mixed Species Trap/Pot Fishery (otherwise referred to as Other Trap Pot or “OTP”) in Northern Nearshore Trap/Pot Waters². The marking scheme starts with three 6” red marks with one mark occurring in the top, middle, and bottom of the buoy line. From there, an additional 6” mark must be present near the 6” red mark and the color for this additional mark is specific to the management area where the gear is fished. For the federal waters Nearshore Trap/Pot Waters, the color of this additional mark is also red, effectively making the requirement a 12” red mark occurring in each third of the buoy line.

In my opinion this does not sufficiently differentiate a buoy line fished in the OTP in Northern Nearshore Trap/Pot Waters from a buoy line fished in the MMSTF (Figure 1). Recall the buoy line marking scheme for the MMSTF requires at least four 2’ red marks in the buoy line with at least two marks in the top half and two marks in the bottom half and no more than 60’ between marks. This lack of distinction between marking schemes is problematic and may lead to misattributing gear should an entanglement occur, this is

² For more information, please view the [2022 Atlantic Large Whale Take Reduction Plan Guide](#).

particularly concerning given the OTP in the Northern Nearshore Trap/Pot Waters is not limited to non-lobster and Jonah crab pot/trap gear set by Massachusetts fishers in the federal zone, but most nearshore federal waters from eastern Long Island to the Canadian Border (Figure 2).

In my September 2024 memo I discussed my interest in adopting a discrete buoy line marking program for the Massachusetts-based component of the OTP fishery occurring in the federal portion of the Northern Nearshore Pot/Trap Waters. Specifically, I proposed requiring an additional 1' green mark adjacent to each red mark, similar to what is required of the federal waters lobster and Jonah crab trap fishery. However, upon further review, this red/green convention would also be similar to the ALWTRP's buoy line marking program for the OTP in the Jeffery's Ledge Gear Marking Area. Moreover, other color choices are likely to conflict with existing marking conventions for the various OTP management areas. Given the complexity of the ALWTRP's buoy line marking program for the OTP, I believe it is necessary for DMF to consult with NOAA Fisheries to ensure that any regulations developed by DMF are consistent and compatible with federal ALWTRP gear marking rules.

With regards to buoy line modifications, NOAA Fisheries recently updated their for the Northeast Lobster and Jonah Crab Pot/Trap Fishery and eliminated the 600-pound breaking strength weak link at the buoy and required the use of 1,700-pound breaking strength buoy lines ("weak rope"). DMF also adopted similar requirements for the MMSTF. However, the federal ALWTRP rules affecting OTP fisheries have not been similarly updated. Accordingly, this gear still requires a 600-pound breaking strength weak link at the buoy, but the use of weak rope is not mandated. Given the reports of OTP gear in federal waters south and east of the islands— an area of moderate North Atlantic right whale density—I am concerned about the entanglement risk this gear poses. Accordingly, I strongly encourage any Massachusetts fisher fishing fish pot or conch pot gear in federal waters to use weak rope. Yet, like the buoy line marking issue, I am not moving a proposal to amend the state's buoy line modification rules to address state fishers participating in OTP fisheries in the Northern Nearshore Pot/Trap Waters at this time. Instead, this issue will be a point of discussion with NOAA Fisheries, and I am optimistic a solution can be developed that is consistent and compatible with federal ALWTRP gear marking rules.

In summation, it is critical for DMF and NOAA Fisheries to address these buoy line marking and configuration rules. This is of heightened importance to Massachusetts given DMF's ongoing Incidental Take Permit (ITP) application for the MMSTF, the spatial extent the ITP's Habitat Conservation Plan for the MMSTF being the waters under the jurisdiction of the Commonwealth, and the importance of making gear uniquely identifiable to a management area to avoid misattribution should an entanglement occur. With regards to buoy line configuration rules, I generally support the use of weak rope in the OTP in the Northern Nearshore Pot/Trap Waters to reduce entanglement risk—this gear has demonstrated its ability to be fishable but also part when an entanglement occurs thereby limiting potential harm to large whales. Until there is viable management solution that involves input NOAA Fisheries (if not an amendment to the ALWTRP), I do not intend to make any adjustments to buoy line marking and configuration rules. Rather, we will maintain the status quo, effectively requiring all fish pot and whelk pot gear set in Massachusetts state waters to be marked and configured in compliance with the MMSTF regulations and all fish pot and whelk pot gear set in federal waters to comply with the ALWTRP's program for the OTP in the Northern Nearshore Pot/Trap Waters.

Figure 1. Comparison of MMSTF Buoy Line Marking Configuration to OTP in Northern Nearshore Pot/Trap Waters

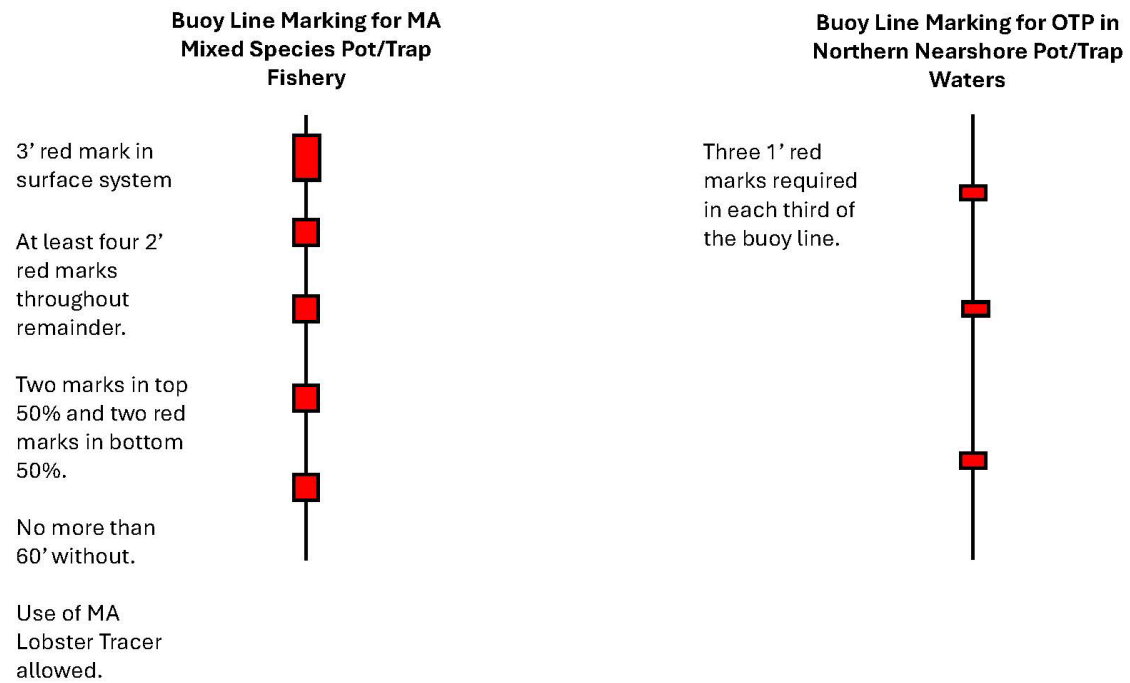
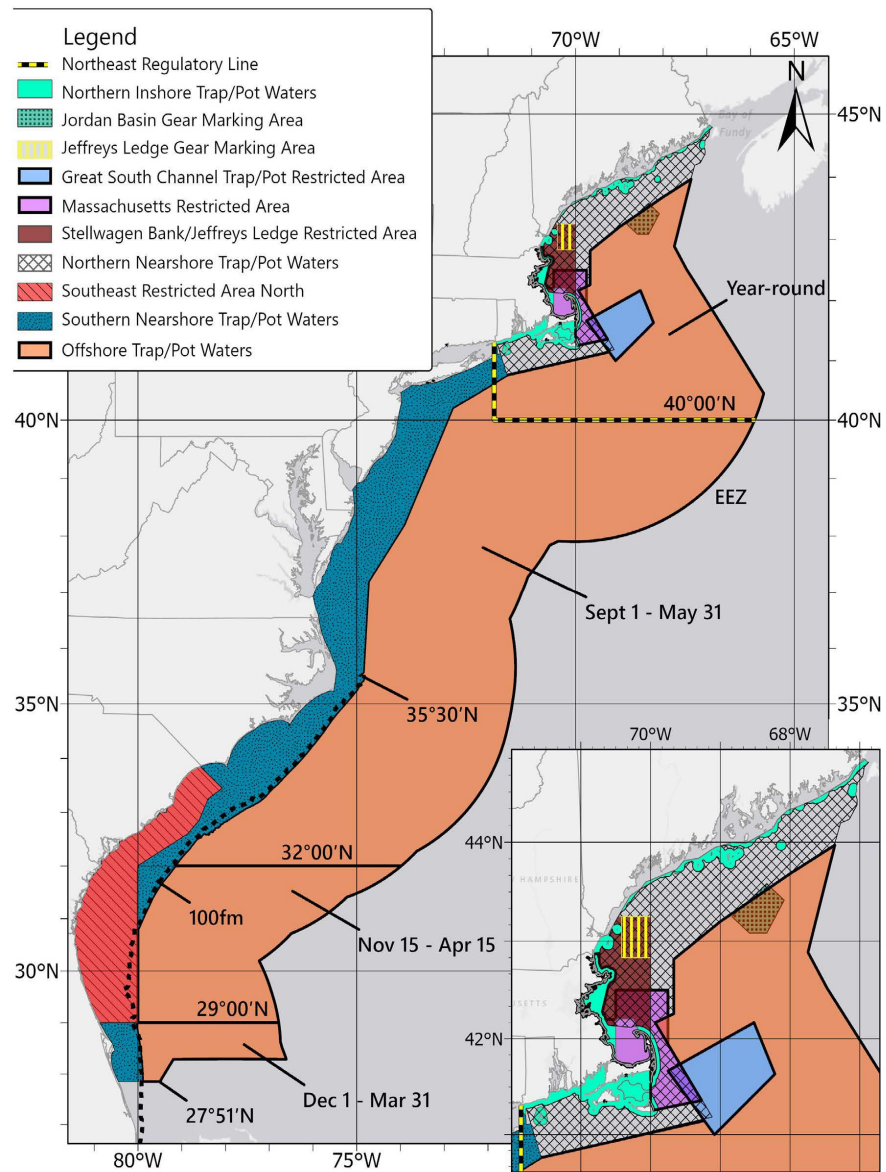


Figure 2. Atlantic Large Whale Take Reduction Plan and Northeast Trap/Pot Management Areas

NORTHEAST TRAP/POT MANAGEMENT AREAS FOR FISHERIES OTHER THAN LOBSTER AND JONAH CRAB





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Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel McKiernan, Director *Daniel J. McKiernan*
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—Commercial American Eel Management and Permitting

Overview

This memorandum serves to inform the MFAC of my interest to propose additional management for the state's commercial American eel fishery on yellow phase eels for 2026. I am proposing to go out to public hearing with management options that would either: 1) restrict access to the commercial fishery, or 2) institute a commercial harvest moratorium. Should a commercial harvest moratorium be enacted, DMF could consider the continued sale of eels by bait dealers provided they can provide paperwork demonstrating the product being offered for sale was harvested lawfully in another jurisdiction.

This proposal responds to the stock status of American eel and recent commercial permitting, reporting, and landings trends. DMF is concerned that the eel population has not responded positively to large reductions in commercial effort since the 1980s and that commercial permit reporting practices may not accurately be documenting current practices of using the commercial eel permit primarily to collect eels for personal use as commercial striped bass bait.

Background

Massachusetts Eel Fisheries: Harvest of American eel in Massachusetts is limited to yellow and silver phase eels (a 9" minimum size limit prohibits the harvest of elvers and the smallest of yellow eels). Such harvest may be for bait or food purposes. Harvest occurs mainly in coastal rivers and embayments between May and October. Most commercial harvest in Massachusetts is by pots, although other methods of take may include fyke nets, spearing, and angling. Note that Massachusetts Division of Fisheries and Wildlife regulations have prohibited the harvest of American eel from inland waters for personal use as bait or any commercial purpose since 2014; and there is no monitoring from which to estimate inland recreational harvest for consumption. Additional municipal controls such as permitting requirements, possession limits, and pot limits may apply in addition to the state measures discussed herein. Categories of saltwater harvest include:

1. Recreational harvest for personal use as bait or food. Such saltwater harvest is subject to DMF recreational licensing requirements and recreational possession limits. The latter includes a 25-eel recreational angler and 50-eel for-hire permit holder harvest and possession (while fishing) limit that is also applied to the vessel. Eels taken recreationally may not be used as bait for any commercial fishing activity during the same trip. MRIP provides the only source of recreational catch and effort data (limited to tidal waters). MRIP estimates for Massachusetts have very low precision but portray minor and intermittent recreational harvest.

2. Harvest under the authority of a DMF commercial permit (with eel endorsement) for personal use as bait or food. Unlike recreational harvest, there is no commercial possession limit, but several gear restrictions apply (e.g., eel pot minimum mesh size, net gear restriction in the fall to protect out-migrating silver eels). Although not sold, such harvest is still required to be reported on commercial harvester reporting forms (with distinct catch disposition codes for food or bait personal use). Based on changes in commercial permit reporting and anecdotal information, underreporting of such harvest is suspected by DMF, especially that intended for commercial bait use in other fisheries (primarily striped bass). Eels harvested under the authority of a commercial permit are not allowed to be used as bait for recreational fishing on the same trip.
3. Commercial harvest for sale as bait or food. Such harvest is required to be sold through a permitted primary buyer, and thus should be documented in dealer reporting records in addition to harvester reporting forms. Eels sold into the bait market are used in both commercial and recreational fisheries, primarily for targeting striped bass. Eels sold for food were historically for both domestic and export markets, though there is no evidence of the latter in recent years. According to NOAA Fisheries data, commercial landings (those sold) for the state peaked in the mid-1970s to early 1980s, with annual totals between 200,000–500,000 pounds, worth \$50,000–\$85,000 per year (in inflation adjusted ex-vessel value) (Figure 1). Landings subsequently declined and stabilizing around 25,000 pounds per year for about a decade. Since 1995, landings have been below 6,000 pounds annually, with an annual ex-vessel value under \$11,000. Data for multiple years are confidential due to the limited amount of activity. Based on anecdotal information, it is highly likely that some unknown quantity of eels is harvested and sold without proper harvester- or dealer-reporting. Relative to coastwide American eel yellow phase harvest, Massachusetts routinely contributes less than 1% (and is thus considered *de minimis* under the interstate FMP).

American Eel Permit Endorsement: DMF’s commercial American Eel Regulated Fishery Permit Endorsement is an open entry permit. Endorsement issuance and activity since 2001 (about when interstate management through the Atlantic States Marine Fisheries Commission began) are shown in Figure 2, alongside harvester- and dealer-reported landings data. Interestingly, the number of these open entry permits issued annually has increased steadily from less than 100 permits in 2001 to nearly 250 permits in 2023—while reported commercial landings have shown an overall declining trend. Over the last 10 years, the number of permittees reporting commercial harvest has dropped to ten or less per year, and three or less the past four years. These data raise questions about the reason for this apparent large amount of latent effort and the potential for underreporting of harvest for commercial purposes.

Stock Status: The most recent ASMFC stock assessment for American eel was a benchmark that underwent peer review in late 2022 and was accepted for management use in 2023. Since the first coastwide assessment in 2012, the assessment team has struggled with biological data limitations and the extremely complex life history of the species to assess the stock. Traditional stock assessment models that can provide biomass estimates and reference points have not been possible, and data poor methods based on trend analysis have been used.

The 2023 assessment concludes that the stock is depleted and at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease (consistent with the results of the 2012 and 2017 stock assessments). Despite exploring additional approaches for assessing American eel that were suggested in past stock assessments, overfished and overfishing determinations still could not be made due to data limitations. However, the 2023 stock assessment found that the yellow eel population has declined since the previous assessment (2017) and recommended reducing yellow eel harvest.

In response to the assessment, the American Eel Management Board reduced the coastwide cap for yellow eel commercial landings through Addendum II to the Interstate FMP in 2024. Unlike previous assessments, the 2023 assessment identified an index-based tool to provide management advice. Using this tool (“I_{TARGET}”), the yellow eel cap was reduced from 916,473 pounds (based on historical harvest) to 518,281 pounds, a 43% reduction. If the coastwide cap is exceeded by 10% for two consecutive years, then states with landings greater than 1% of the coastwide total in the year(s) when the management trigger is tripped will be responsible for reducing their landings to achieve the coastwide cap in the subsequent year. With coastwide landings declining, it’s feasible that Massachusetts yellow eel landings could increase to be more than 1% of coastwide harvest with only a small increase in fishery participation or better reporting.

Proposal

My proposal would have two options:

1. a) Adopt a December 31, 2024 control date for the American Eel Endorsement;
b) Cease the issuance of new American Eel Endorsements and limit renewals in 2026 to those that meet a minimum level of activity prior to the control date (examples in Table 1) (note: must have held an American Eel Endorsement in 2024 and 2025 to meet this criteria); and
c) Consider making the endorsements non-transferable and owner-operator; **or**
2. Establish a commercial fishery moratorium for American eel (no sooner than 2026).

Table 1. Preliminary Number of Eel Endorsements Eligible for Renewal in 2026 Under Proposed Range of Landings Criteria. Permit holder landings history based on harvester records. Results are out of the 234 Eel Endorsements issued in 2024. 2024 harvester data not yet available but would be included for final determination. Data subject to change.

Reference Period	Landings Threshold	
	1 lb sold in any year	1 lb sold or kept for personal use in any year
January 1, 2015–December 31, 2024 (10 years prior to control date)	7	9
January 1, 2020–December 31, 2024 (5 years prior to control date)	3	3

Rationale

The yellow eel population of American eels is in need of additional protection as determined by the most recent stock assessment. While Massachusetts’ reported contribution to the coastwide harvest of yellow eels may excuse us from participating in additional anticipated interstate management, our permitting trend of increased issuance without reported catch—plus DMF biologists’ observations of fishing activity—suggests that underreporting of commercial harvest is occurring to some unknown extent. This is likely a long-standing, but apparently worsening, situation that presents accountability and conservation concerns. Activation of any truly latent permits or other new effort would also undermine interstate goals of reducing yellow eel harvest. The part of the fishery that is being recorded has eroded to such a degree that it no longer represents an economically viable commercial industry, and the administration and enforcement of the commercial fishery is out of balance with the limited benefit of its existence. Finally, American eel provides a valuable forage source for a wide range of important commercial and recreational marine fish, especially at juvenile life stages. It is in the interest of marine resource management to protect and improve the eel stock status also for forage contributions.

Consequently, I am considering two alternative paths to modify or eliminate the commercial yellow eel fishery in Massachusetts which differ in their timeline for achieving this result. For a more immediate result, DMF could establish a commercial fishery moratorium (as early as 2026). Very few harvesters would be affected based on the number of permits with reported landings, and the economic impact on those affected appears minor based on the magnitude of reported catch and value. With the adoption of a commercial harvest moratorium, regulations would also be needed to require documentation for legally imported eels to be sold by bait dealers.

Alternatively, if there is interest to grant historical users continued access, DMF could limit entry to the fishery through the adoption and application of a control date that removes all but active permits from the permit pool. This proposal would include making the remaining endorsements non-transferable and owner-operator such that permit issuance will decline and eventually cease upon retirement of the permit holder from fishing activity. The resulting level of fishing activity would likely maintain state landings below the 1% contribution to coastwide landings needed to avoid additional interstate management while still contributing to the interstate goals of reduced yellow eel harvest as the fishery comes to its sunset.

Under either approach, anglers could still harvest American eel under the recreational limit for personal use; however, if to be used as bait in commercial fishing, that activity is not allowed to occur on the same trip.

Figure 1. Massachusetts American Eel Commercial Landings and Value of Sold Fish, 1950–2022*.
Source: NOAA Fisheries query tool, 11/5/24.

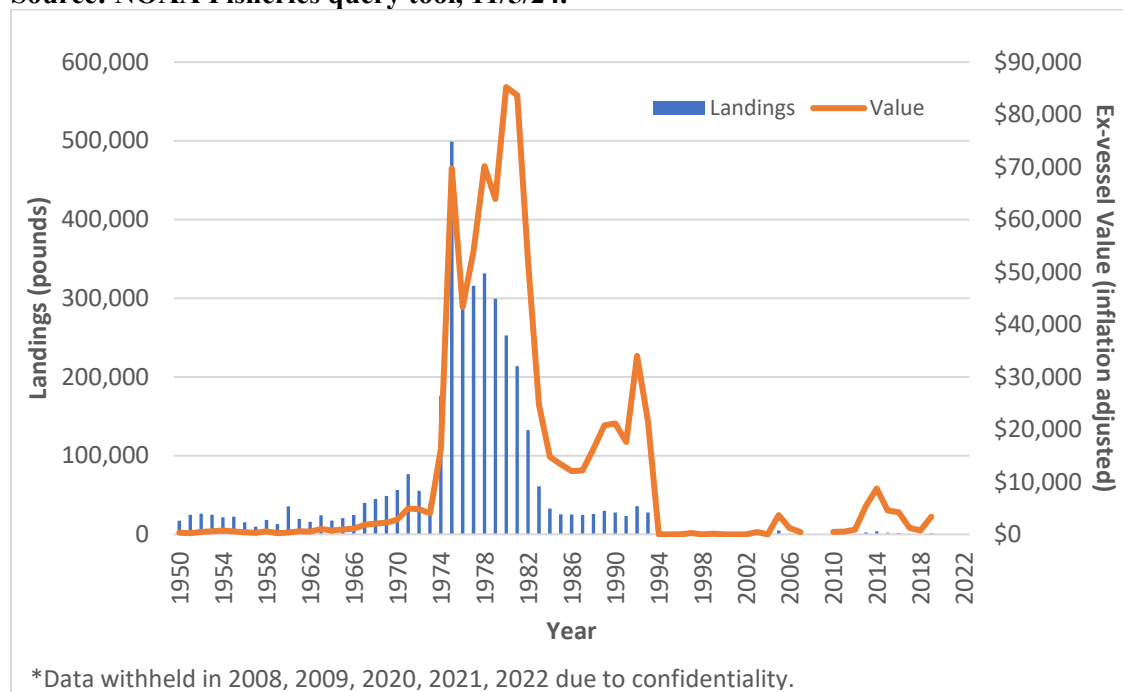
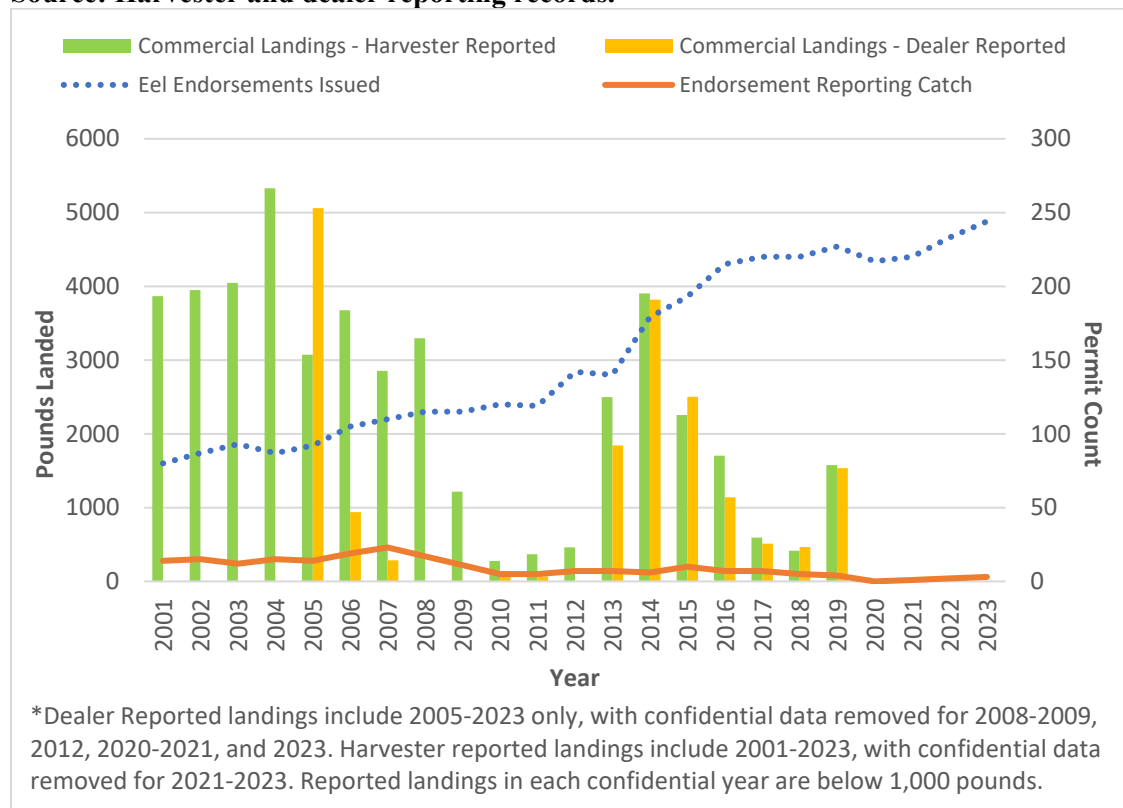


Figure 2. Massachusetts American Eel Endorsement Issuance and Reported Activity, 2001–2023*.
Source: Harvester and dealer reporting records.





The Commonwealth of Massachusetts

Division of Marine Fisheries

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MAURA T. HEALEY
Governor


KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel J. McKiernan, Director 
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—Mandating Paperwork to Demonstrate the Lawful Possession of Dogfish Fins

Proposal

I am proposing to go out to public hearing this winter to require business selling spiny or smooth dogfish fins in the Commonwealth be able to produce paperwork (e.g., bill of lading) that documents the lawful origin of product.

Background and Rationale

In 2014, the Massachusetts Legislature approved the so-called “Shark Fin Bill” at [G.L. c. 130, §106](#). This bill prohibited the removal of shark fins except during the ordinary course of processing a lawfully retained shark whereby any fin separated from the carcass must be destroyed or used for purposes of taxidermy. The bill also amended [G.L. c. 130, §1](#) to define sharks as to not be inclusive of smooth or spiny dogfish (inclusively “dogfish”). This therefore allows the terrestrial processing of dogfish by seafood dealers for fins; the at-sea processing of dogfish fins is prohibited under DMF regulations at 322 CMR 6.35 and 6.37. The purpose of this exemption was to allow the state’s seafood processing sector to separate fins from lawfully caught dogfish should there be a market for such product.

This exemption for dogfish fins introduced a potential loophole whereby illegal shark fins could be marketed as (legal) dogfish fins. There are some percolating concerns that purveyors of illegal shark fins may attempt to disguise their contraband as dogfish fins, particularly if genetic testing of the product is inconclusive¹. To address this, DMF is proposing that should any business in the Commonwealth offer dogfish fins for sale then they must possess paperwork that documents the lawful origin of this product. This is similar to existing rules affecting the in-state sale of shell-on lobster parts. DMF discussed this proposal with the MFAC’s Law Enforcement Focus Group at their November 2024 meeting, and it was broadly supported.

¹ The Massachusetts Environmental Police seized shark fins being sold in a Boston market. The product was sent off for genetic testing, which came back inconclusive, likely due to treatment with formaldehyde during processing for consumption.



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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel McKiernan, Director *Daniel J. McKiernan*
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—2025 Recreational Black Sea Bass Season

Proposal

I am proposing to go out to public hearing this winter to modify the 2025 recreational black sea bass season so it opens one day earlier—on Saturday, May 17 as opposed to Sunday, May 18—and a conservationally equivalent adjustment to the end of the season. A preliminary estimate of the season end date is two days prior to current, on Monday, September 1 rather than Wednesday, September 3. This is based on the exchange rate of harvest between days in Wave 3 to days in Wave 5 that was used to similarly adjust the season in 2024; this method has not yet been approved by the ASMFC and the closure date associated with a May 17 opening is subject to change prior to public comment and/or final rule-making.

Background

On December 10, the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) voted in favor of status quo recreational black sea bass measures, with an allowance for states to make minor adjustments to their season through conservation equivalency. Massachusetts' existing regulations include a 4-fish possession limit, 16.5" minimum size limit, and May 18–September 3 open season. In keeping with the tradition of a Saturday opening, DMF seeks to consider moving the season start to Saturday, May 17 in 2025. We anticipate that this will require one or more days to be removed from the end of the season. Ideally, we will be able to maintain Labor Day within the open season, which occurs on Monday, September 1 in 2025. The exact method to calculate the allowed season adjustment is still pending ASMFC consideration but should be known by mid-winter. Due to the simplicity of the change, DMF is able to include this seasonal modification in our typical winter rule-making schedule, rather than undertake emergency rule-making in the spring as has been routine.

The status quo management measures decision results from a series of somewhat complicated and unexpected events. Earlier this year it was anticipated that the 2024 black sea bass stock assessment would provide the basis for establishing the 2025 fishery specifications, and the Percent Change Approach would then be used to establish the recreational management outcome (liberalization, reduction, or status quo) using the resulting 2025 Recreational Harvest Limit (RHL). However, the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board ("Board") had serious reservations about the assessment's projected decline in biomass and the resulting Acceptable Biological Catch (ABC) recommendation (-20%) from the MAFMC's Scientific and Statistical Committee (SSC). The Board consequently determined to break ranks with the MAFMC and vote for a status quo RHL of 6.27 million pounds rather than the 4.46-million-pound RHL adopted by the MAFMC (which is bound to its SSC's recommendation for ABC). Using a provision in the federal regulations about a disconnect

between interstate and federal measures that may cause disproportionate impacts to federal permit holders, NOAA Fisheries adopted the higher Commission-approved RHL¹. Their action also considers that the black sea bass stock is well above the fishery management plan's (FMP) definition of the biomass capable of producing maximum sustainable yield.

Based on the outcome of a status quo RHL, the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee further recommended—and the Council and Commission supported—maintaining status quo recreational measures for 2025. The rationale included that the Percent Change Approach is intended to be used to adjust measures in sync with the setting of catch and landing limits in response to updated stock assessment information. While there was new stock assessment information for black sea bass this year, it was not used to set the RHL, and although the Percent Change Approach was intended to generally set measures for two years at a time, it does not prohibit the use of the same measures across more than two years, such as the three years of stable measures that now results from a status quo determination for black sea bass in 2025. It is anticipated that an updated management track assessment will be available in 2025 to inform the specifications for 2026–2027, and that the questioned projection methodology will garner more scrutiny during the update. As is typical, “status quo measures” for black sea bass allows for minor seasonal adjustments that are not expected to increase harvest subject to ASMFC approval.

Other Updates

Summer flounder and scup recreational measures were revised in 2024 in response to their 2023 stock assessments and the application of the Percent Change Approach using the resulting RHLs.² As anticipated, those measures will stay unchanged for 2025, as they were intended to be two-year measures prior to the next round of scheduled assessments in 2025 that will inform 2026–2027 management. At that point, all three species—including black sea bass—will be on the same assessment and management timeline.

It is also expected that the Recreational Measures Setting Process Framework/Addenda (which may modify or replace the Percent Change Approach) will be voted on in April 2025 and implemented in time for setting 2026 measures. Public hearings on the draft framework/addenda have been scheduled for mid-to-late January, with a joint webinar for Maine, New Hampshire, and Massachusetts on January 14³. The next potential FMP revision for recreational management is also underway via the Recreational Sector Separation and Data Collection Amendment. A Plan Development Team was populated this fall, and the Council and Commission approved a scoping document at their December 10 meeting. Public hearings are anticipated to occur in early 2025.

¹ Federal register notice: <https://www.federalregister.gov/documents/2024/12/10/2024-28845/fisheries-of-the-northeastern-united-states-2025-specifications-for-the-summer-flounder-scup-black>. The coastwide commercial quota for 2025 will also remain status quo at 6.00 million pounds, although Massachusetts' quota is declining 15% based on a shift in the regional biomass that is factored into the allocation formula.

² This included a 28% reduction for summer flounder and 10% reduction for scup in 2024.

³ ASMFC hearing schedule: https://asmfc.org/uploads/file/6753258epr38RecreationalMeasureSetting_PublicHearings.pdf



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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission

FROM: Daniel J. McKiernan, Director 

DATE: December 12, 2024

SUBJECT: Future Public Hearing Item—Constraining Certain Shore-Based Angling Activities to Limit Interactions with White Sharks

Proposal

I am proposing to go out to public hearing this winter to constrain certain shore-based fishing activities to limit interactions with white sharks resulting in their intentional or unintentional catch with the goal of protecting white sharks and enhancing public safety. This includes:

1. Banning shore-based shark fishing in specific areas of the Massachusetts coast where white sharks are common. The affected area would start at the Massachusetts – New Hampshire coastal boundary then south to the Cape Cod Canal in Sandwich, then eastward along the southern shore of Cape Cod Bay to Rock Harbor in Orleans, then northward along the eastern shore of Cape Cod Bay to Race Point in Provincetown, then south along the eastern Atlantic facing shore of Cape Cod, inclusive of all of Monomoy Island. Exempt from this would be the shorelines of Plymouth, Kingston, and Duxbury Bays (“Three Bays”) within a straight line drawn between the south westernmost point of Saquish Head to the northernmost point of Plymouth Beach¹. See Figure 1. This prohibition will be made enforceable by defining shore-based shark angling as any rod and reel fishing activity that is not occurring from a vessel and uses a baited hook of a size greater than or equal to 8/0 that is attached to any metal fishing leader.
2. Prohibiting shore-based chumming.
3. Limiting the launching of baits to normal casting when shore fishing.

Background and Rationale

Existing state regulations at 322 CMR 6.37 restrict the ability for fishers to target white sharks. This includes general shark fishing rules, as well as white shark specific rules. As a requirement of the Atlantic States Marine Fishery Commission’s Interstate Fishery Management Plan for Coastal Sharks, any fisher who catches a prohibited species of shark²—which is inclusive of white sharks—are to release the shark in a manner that ensures the maximum probability of survival. Additionally, any recreational shark fisher is required to use circle hooks in the terminal tackle when fishing with bait and any shark caught on any baited hook other than a circle hook is to be released. With regards to white sharks specifically, it is

¹ This is consistent with the definition for Plymouth, Duxbury, and Plymouth Harbors as set forth in DMF’s Inshore Restricted Waters regulations at 322 CMR 4.02.

² As of today the list of prohibited shark species include the following: Atlantic angel, basking, bigeye sand tiger, bigeye sixgill, bigeye thresher, bignose, bluntnose sixgill, Caribbean reef, Caribbean sharpnose, dusky, Galapagos, longfin mako, narrowtooth, night, sandbar, sand tiger, sharpnose sevengill, shortfin mako, silky, smaltail, whale, and white.

unlawful for any person to attract³ or capture⁴ a white shark without authorization from the DMF Director. These white shark specific regulations were developed by DMF in 2015 to address concerns about how the expansion of human interaction with these animals may put both white sharks and people in danger by altering white shark behavior so that they begin to associate the presence of humans with feeding opportunities⁵.

I generally view the state's white shark management program as successful because DMF has largely been able to limit the growth of certain activities that would put humans in intentional and direct contact with these animals (e.g., intrusive research, baited cage diving, targeted fishing) potentially altering their behavior and increasing public safety risks. However, in recent years, a small number of shore-based anglers have been observed targeting and landing white sharks, particularly along the eastern facing beaches of Cape Cod. This activity is often captured on video and shared on social media, either by the angler themselves or by other beachgoers. Earlier this fall, the activity gained some media attention from the Provincetown Independent. The [article](#) reported that shore-based anglers were targeting sharks and were chumming off the beach, using drones to deploy baits, and doing so among a group of local surfers. The local surfers claimed to have observed surfacing white sharks while in the water and that they were "clotheslined" by the fishing gear; the fishers suggested the surfers were intentionally interacting with the fishing gear and claimed they were fishing for sharks other than whites.

It is my view that this fishing activity violates the existing regulations, presents a public safety risk, and creates an untenable user group conflict. However, while the Massachusetts Environmental Police (MEP) have been able to investigate some of these reported instances—and in one case, were successful in citing an individual for violating the state's white shark rules—the existing rules are difficult to enforce as intended. At last month's MFAC's Law Enforcement Focus Group, MEP officers explained there two major challenges enforcing the existing rules. Foremost, successful enforcement requires MEP be able to demonstrate angler intent and that it difficult to prove and anglers will often claim they are targeting other species of sharks, striped bass, or bluefish⁶. Compounding this issue is the fact that this discrete fishing activity is difficult to detect, particularly as it is primarily occurring on the remote beaches along the eastern shore of Cape Cod.

With the above in mind, there may be benefit to DMF adopting a more straightforward rule controlling white shark fishing to ease enforcement challenges. This would make it easier for MEP, as well as the general public, to easily determine if an angler is shark fishing. In turn, MEP may be able to more efficiently respond to reported violations (similar to the prohibition on commercial striped bass fishing along the Cape Cod Canal).

Moreover, I am concerned about the potential for this activity to expand both in terms of the number of participants and the geographic extent of the fishery. My concern is driven by both general interest in this animal and the substantial social media interest around shore-based shark fishing. Should this growth occur, it would substantially increase the risks to both the public and to white sharks. In response, DMF has developed a series of proposals that I view as being commonsense steps to make the existing

³ 322 CMR 6.37(5) defines the term "Attract" to mean "any activity that lures or may lure any white shark to a person or vessel by using food, bait, chum, dyes, decoys, acoustics, or any other means, excluding the mere presence of persons on the water including those persons conducting commercial or recreational fishing activity."

⁴ 322 CMR 6.37(5) defines the term "Capture" to mean "forcefully gain control of a white shark. Capture includes, without limitation, the restraint or detention of a white shark or any act of intrusive research performed on a white shark. Capture shall not include the incidental catch of white sharks during the course of lawfully permitted fishing activity."

⁵ For more details, review the [March 15, 2015](#) and [July 31, 2015](#) memoranda from DMF to the MFAC regarding the development of emergency and final white shark management regulations.

⁶ DMF does not view these claims as legitimate given the gear being fished and the lack of other shark species available from Outer Cape beaches.

regulatory framework more enforceable and constrain burgeoning fishing activities that may potentially lead to intended or unintended interactions with white sharks resulting in harm to the animal and a public safety risk. My proposals are also informed by existing regulations in other jurisdictions with traditional shore-based shark fisheries, including New York and Florida.

Shore-Based Shark Fishing Prohibition

Shore-based shark fishing has increased in popularity along the east coast of the US. In Massachusetts, directed shore-based recreational fishing for sharks has occurred for decades and there are indications that fishing effort and catch rates have increased dramatically over the past few years. For example, it is now common for shore-based recreational anglers to catch 5–10 sharks in a single trip and some individuals have conventionally tagged over 100 sharks in a single season. The most common species caught by shore-based anglers is the sandbar shark (aka brown shark), but increasing catches of sand tiger and dusky sharks have been reported in recent years. Shore-based shark fishing effort primarily occurs along the south shore of Cape Cod, and on Martha’s Vineyard and Nantucket Islands⁷.

However, with the increasing abundance of white sharks in our coastal waters over the last 15 years, there has been concurrent interest in shore-based targeting of this species, primarily along the eastward facing beaches of Cape Cod. While the targeting of white sharks is clearly prohibited and the existing rules may be readily enforceable in certain instances, I think a more direct approach to managing fishing for white sharks is warranted. To address this, I am proposing to prohibit the shore-based angling for sharks along our coastline on the Gulf of Maine and the Outer Cape (inclusive of all of Monomoy Island), with an exception for the Three Bay System shoreward of a line drawn between the south westernmost point of Saquish Head to the northernmost point of Plymouth Beach. To achieve this, the proposal will define shore-based shark angling as any rod and reel fishing activity not occurring from a vessel that uses a baited hook greater than or equal to 8/0 attached to a metal fishing leader.

The term “shore-based” will be simply defined as “not from a vessel” and the term “shark angling” will be defined based on tackle fished. The proposed gear specifications for shore-based shark angling are based on a minimum hook size threshold (8/0) coupled with the use of a wire leader. This is informed by a 2024 study (Kneebone et al., 2024) that worked with 21 shore-based shark anglers in Massachusetts that found the minimum size circle hook and metal leader lengths used by these fishers was an 8/0 hook and 18” metal leader. Rather than applying a minimum leader size, my preference is to have the rule state shark fishing is the use of any metal leader with a hook that is 8/0 or greater in size, so as to prevent a loophole by simply shortening the leader length by some small amount.

This aspect of the proposal should exclude gears commonly fished from shore for striped bass, bluefish, or other target finfish species. DMF’s understanding—informed by our own experience, as well as discussions with anglers and tackle shops—is that most shore anglers targeting other species are fishing smaller hook sizes (e.g., 6/0) and are not using metal leaders except when targeting bluefish. Note that some shore-based anglers may want to target bluefish using large baits requiring the use of metal leaders attached to large hooks (e.g., 8/0). The extent to which there may be interest in this activity should be exposed during the public hearing and public comment process and may help inform potential modifications to my final recommendation that could accommodate existing lawful fishing practices.

As for the spatial extent of this proposed prohibition, I am focused on having it apply as broadly as possible to shorelines where white sharks may be present, so that the prohibition is not just displacing this fishing activity from one area to another. Additionally, I am proposing to have it apply only in areas

⁷ Under current Massachusetts state law, circle hooks must be used when targeting sharks with natural baits, and all of these species are prohibited from retention.

where there is little to no existing shore-based shark fishing activity for non-white shark species (e.g., sandbar, dusky, sand tiger). This will prevent the new rule from negatively impacting historic and lawful shore-based recreational shark fishing activity. Note that the strong presence of white sharks tends to displace other shark species, so robust populations of these other species would not be expected to occur in areas frequented by white sharks. Based on acoustic telemetry data and other observations collected by DMF's shark research program, the areas where white sharks may be present include most waters north and east of Cape Cod (including Monomoy Island). Accordingly, the waters along the South Cape and Islands, where recreational shark fishing for non-white shark species has historically occurred, are not included in this proposal. Additionally, I am proposing to exempt the shoreline inside the Three Bays system given there is a traditional shore-based catch and release sand tiger shark fishery in this area, and we have no data to suggest that white sharks frequent these potentially exempted waters. I will consider exempting other similar areas in my final recommendation should the issue be raised in public comment.

Chumming Prohibition

My proposal also seeks to ban chumming when fishing from shore throughout the Commonwealth. There have been documented conflicts between shore-based shark fishers using chum and beachgoers on Nantucket and Cape Cod, including the incident that the Provincetown Independent recently reported on ([linked above](#)). Since most shore-based shark fishing occurs on beaches, and the use of chum attracts sharks, this activity poses an unnecessary public safety risk, particularly in areas where shore-based shark fishing may continue and white sharks may occur (e.g., Nantucket). Moreover, the prohibition will likely have limited impact on traditional non-white shark fishing activity as the use of chum is not as common.

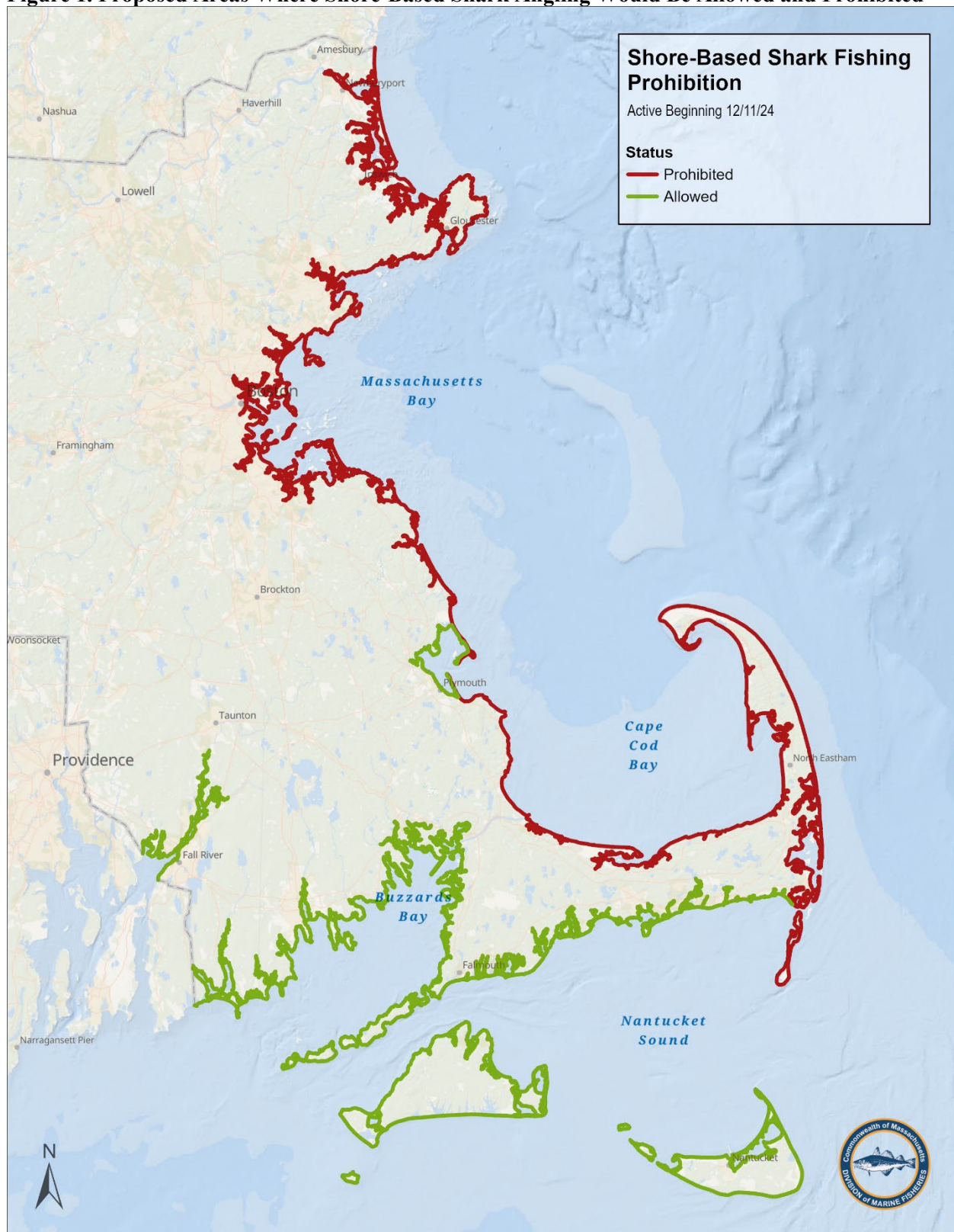
Casting Mandate

The last aspect of my proposal is to mandate the casting of baited hooks and prohibit anglers from deploying baited hooks by other means. The use of drones, bait cannons, and other mechanized devices is becoming more commonly used to deploy bait. In the context of shark fishing, it allows the angler to place the bait beyond the surf where white sharks typically occur. Like the chumming prohibition, this proposal seeks to further constrain the potential for anglers to target white sharks under the guise of legal shore-based angling, particularly in those areas where shore-based shark fishing would remain authorized.

However, my proposal applies more broadly to all shore fishing activity—not just that which falls within the gear-based definition of shark fishing. This is principally driven by the concerns I have regarding the use of mechanized bait deployment devices in the shore-based striped bass fishery, as it allows anglers to observe fish (in the case of drones) and set baits to target fish in areas that are further from shore and beyond the traditional reach of the shore angler. This increases the efficacy of shore angling, but also likely increases the stress put on the fish and the fight time to bring the fish to shore. Given striped bass are the predominant species that would be targeted with these tools from shore, and the substantial concerns about release mortality in the recreational striped bass fishery, I think it is critical to be precautionary and get out ahead of the widespread use of these tools.

Based on public comment, I would be amenable to considering an exemption for the use of traditional, manual bait delivery systems (e.g., kayaks) should there be sufficient public interest. However, the intent of my proposal is to broadly prohibit the activity because I think the most straightforward rule is the best for enforcement and compliance. Then the public hearing and comment period can be used to inform DMF and the MFAC of potential carve outs to a final rule.

Figure 1. Proposed Areas Where Shore-Based Shark Angling Would Be Allowed and Prohibited





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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel J. McKiernan, Director 
DATE: December 12, 2024
SUBJECT: Future Public Hearing Item—Possession Limit for Atlantic Bonito and False Albacore

Proposal

I am proposing to go out to public hearing this winter to establish a five fish per person possession limit for Atlantic bonito and false albacore (both species combined).

Background and Rationale

False albacore and Atlantic bonito are managed under the International Commission for the Conservation of Atlantic Tunas and NOAA Fisheries' implements the requirements thereof through their Highly Migratory Species Division. At present, there is little understanding of the species life history, the populations are not assessed, and there are no federal or interstate fishery management plans governing harvest. Absent such oversight, it is up to each state's discretion as to whether they want to unilaterally manage the possession and harvest of these migratory species within their jurisdiction. Historically, Massachusetts—like most other Atlantic coastal states—has opted not to manage these species.

DMF presented and reviewed available commercial and recreational harvest data for these species at the September 2024 MFAC business meeting. In summary, these data demonstrate: (1) estimated harvest of both species is predominantly driven by the recreational sector coastwide and in Massachusetts; (2) Massachusetts contributes significantly to the recreational harvest of both species but has a very small commercial fishery for Atlantic bonito and no commercial fishery for false albacore; (3) Massachusetts recreational fishery is predominately catch and release for both species with some retention of Atlantic bonito; and (4) Massachusetts has seen increasing recreational catch of both species in recent years.

These data conform to anecdotal reports that recreational fishing activity for both species has become increasingly popular in recent years, particularly along our southern coast during the late summer, and has effectively filled the gap created by the declining availability of striped bass and bluefish in the region. Additionally, with the expansion of warm ocean waters in New England, the geographic extent and seasonality of our fisheries for these species are likely increasing as well. This is further bolstered by the preliminary 2024 MRIP catch estimates demonstrating this year is likely an all-time high for Atlantic bonito catch and harvest. Through Wave 4 (July – August), Massachusetts' 2024 catch exceeded the next highest annual estimate (2018), and it is estimated that more fish were retained in Massachusetts during Wave 4 than an any prior annual MRIP estimate for the state (1981-2024).

With this increasing fishing activity, a segment of our recreational fishing sector has become concerned about the unconstrained growth in this fishery absent stock assessments and fishery management plans. Accordingly, they have encouraged states to act and manage these species with precaution. I find these

arguments to be compelling and believe it is appropriate to consider adopting a state-specific possession limit to constrain harvest.

Note that the proposed limit would apply per person and thereby apply to commercial and recreational fishers alike. This is similar to the approach we have taken to manage blue crabs and sand lance. Adopting such a rule will prevent an individual from obtaining a commercial fishing permit to avoid low recreational fishing limits but will also effectively constrain commercial fishing for these species. It may also limit their use as bait, which was a concern several years back when young-of-the-year Atlantic bonito were being jigged as bait alongside mackerel.

Harvester data demonstrate that potential impacts on constraining commercial catch will be limited to the Atlantic bonito fishery. This fishery is nominal in scale and value with between five and 15 active permit holders selling bonito in any of the past five years; annual aggregate landings not exceeding 400 pounds over the past three years (2021-2023) and not exceeding 1,000 pounds in any of the last five years (2019-2023); and the average ex-vessel price has been about \$5.00 per pound since 2021. At present, Massachusetts does not have a commercial fishery for false albacore but has fielded phone calls in recent years about the potential development of a purse seine fishery for false albacore in state waters. There is no evidence to suggest this interest has materialized.

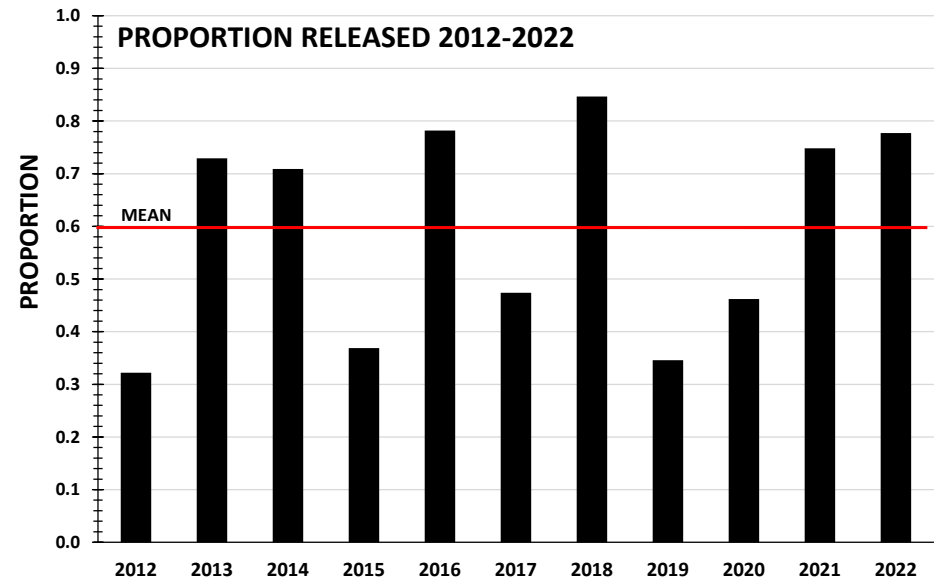
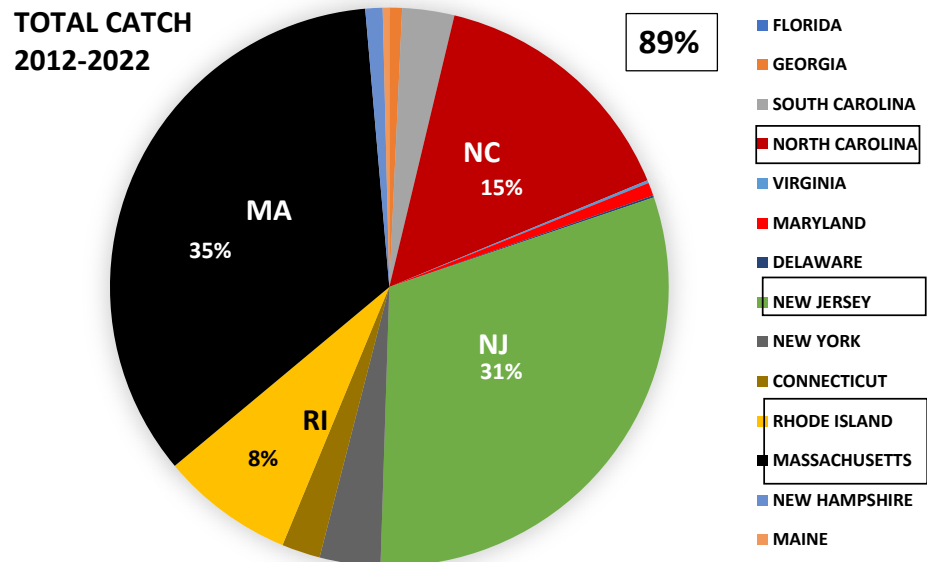
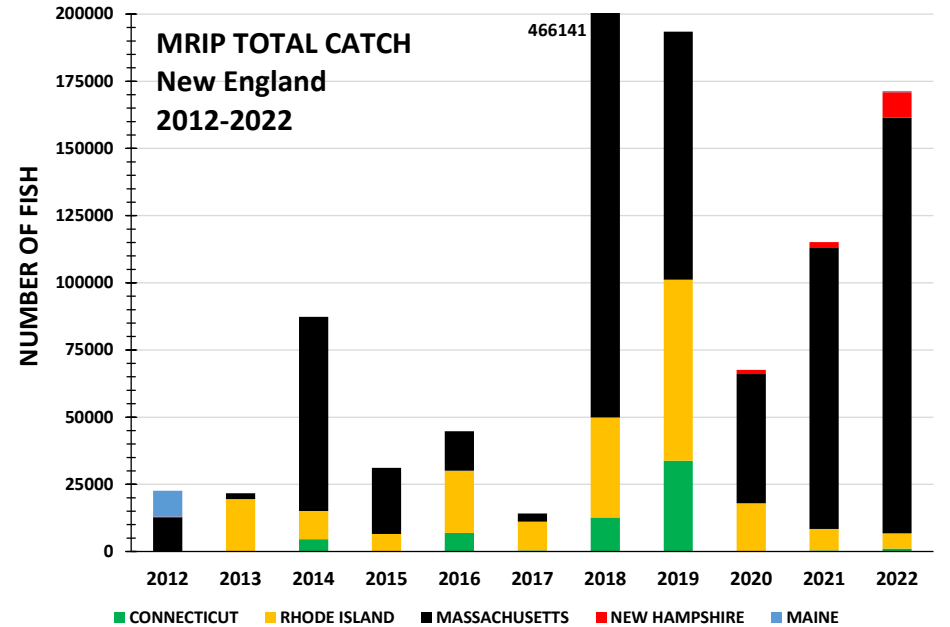
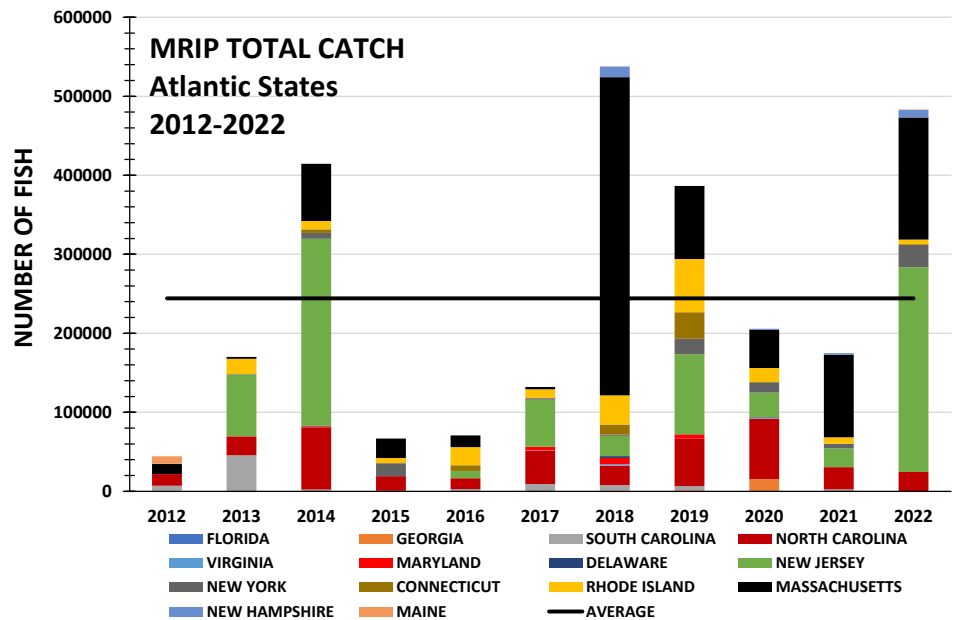
I anticipate this proposal will be generally popular, particularly as the harvest limit is sufficient to accommodate local fishing tournament retention practices. However, those few individuals who have been fishing commercially and targeting Atlantic bonito may be negatively impacted. Additionally, it has been suggested that industrial-scale commercial jigging operations for mackerel do incidentally catch these species. An exemption may be warranted for this incidental catch given the total volume of fish caught in this fishery and the challenges related to sorting and discarding bycatch when fishing is occurring. I expect that public comment will help me better understand this issue and craft a recommendation to address it. Note that such a bycatch exemption has precedent in high volume bait fisheries, DMF has exempted the federal waters trawl fishery for sea herring from the river herring moratorium and allowed an incidental catch of river herring up to 5% the total count of Atlantic herring.

Enclosed

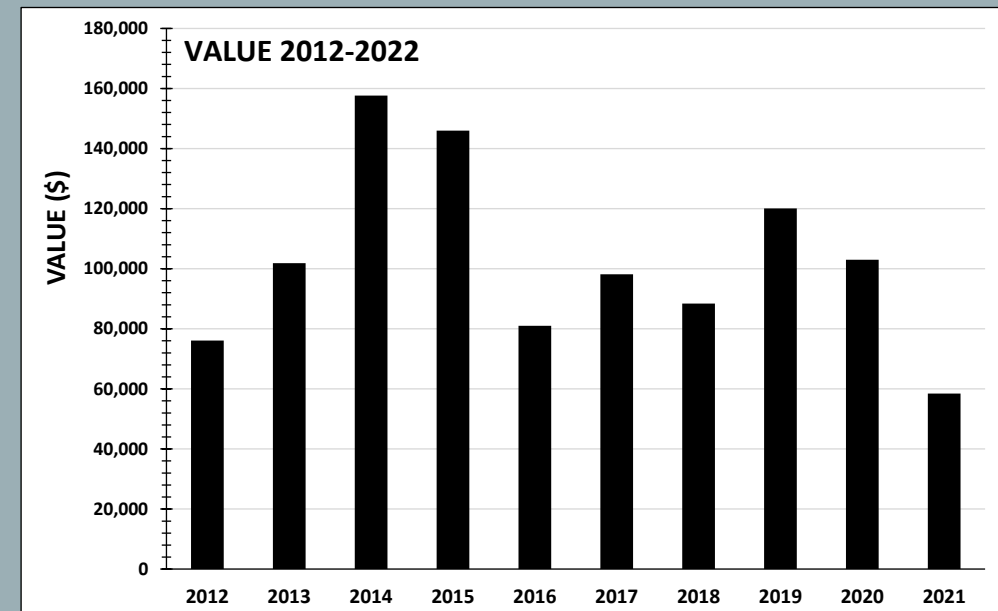
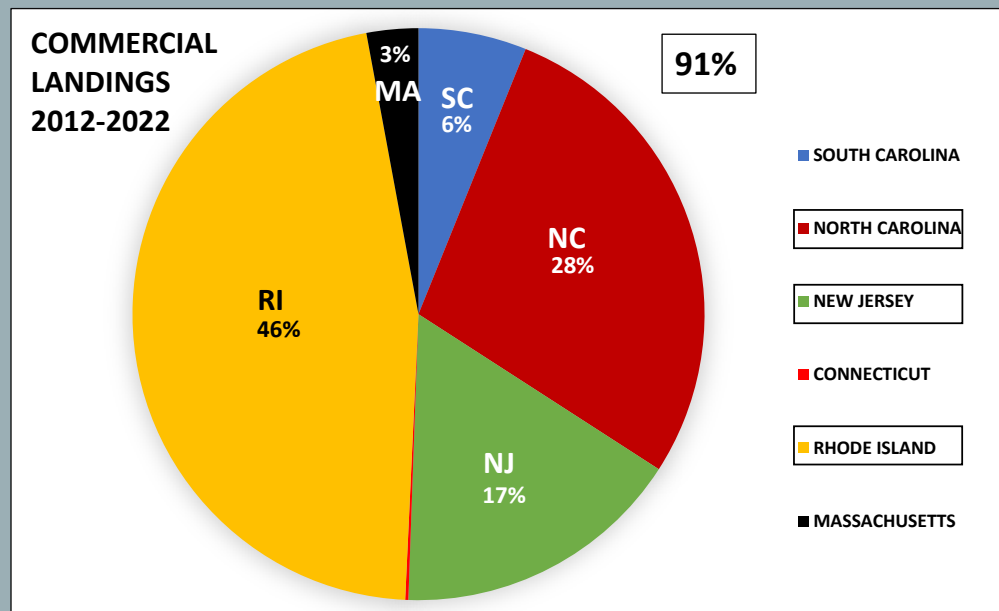
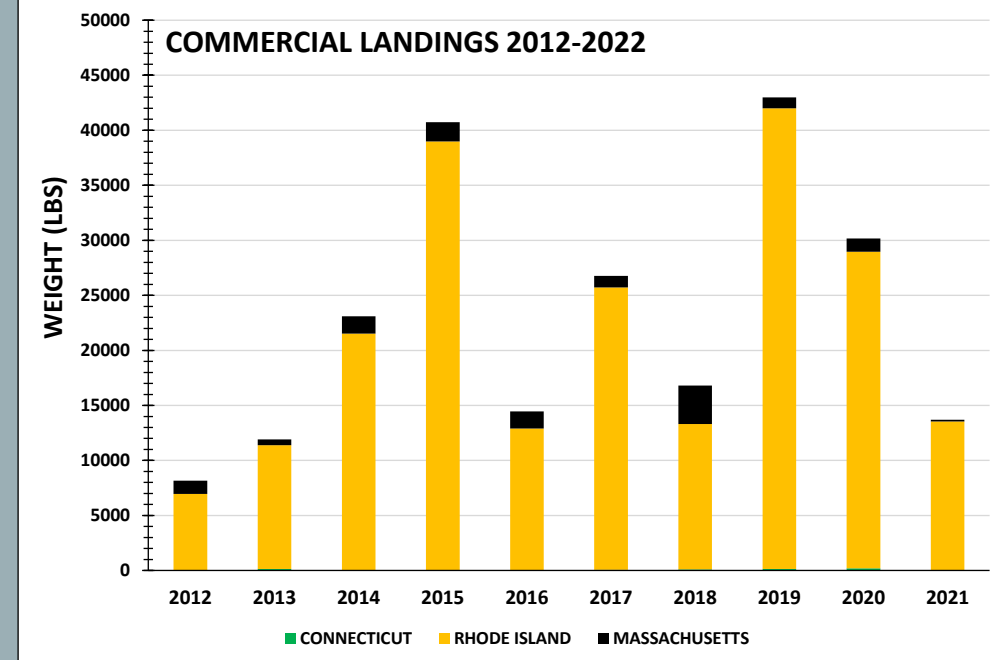
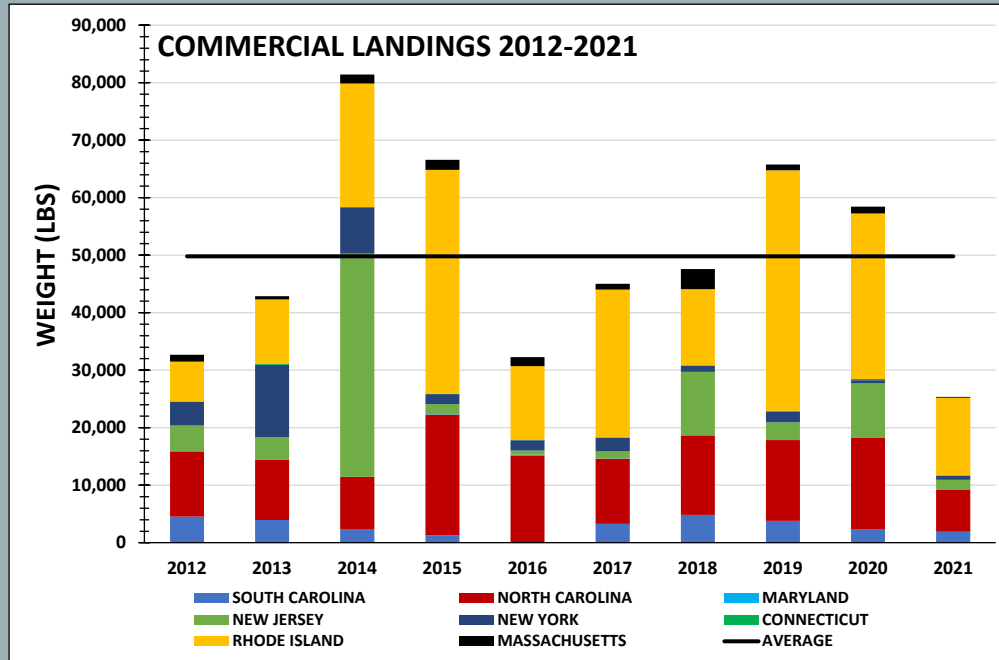
September 2024 DMF Presentation on Atlantic Bonito and False Albacore Catch and Harvest

ATLANTIC BONITO
FALSE ALBACORE
CATCH CHARACTERISTICS

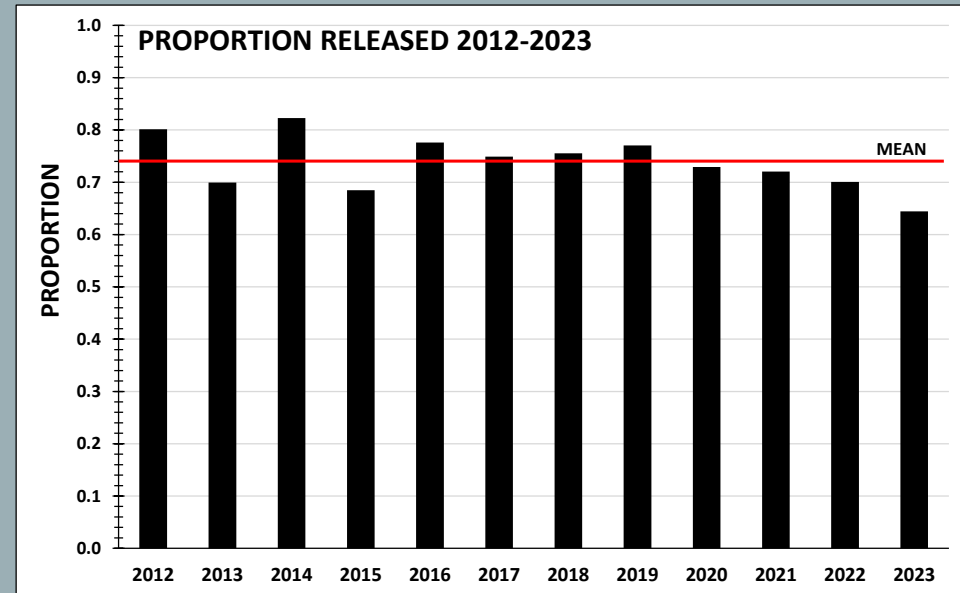
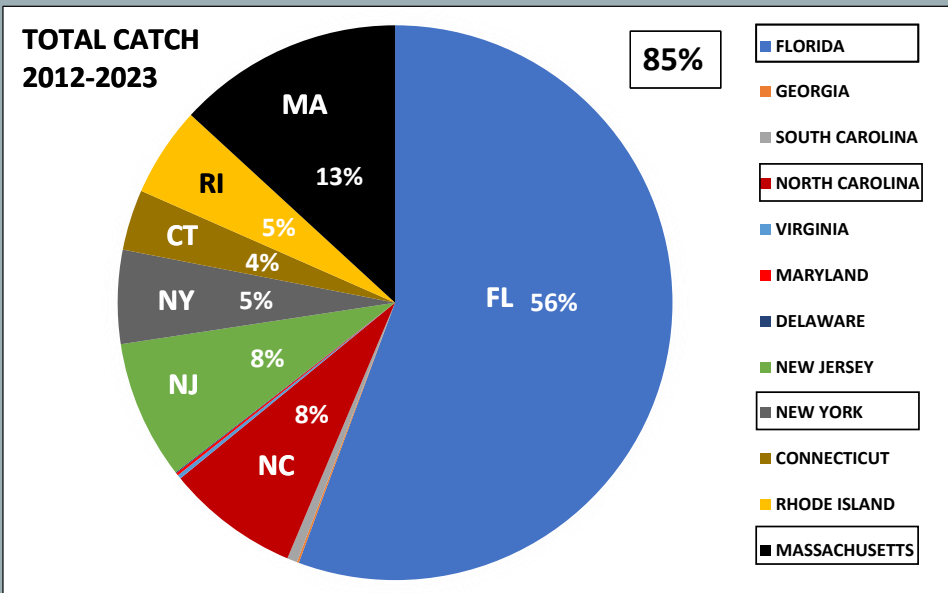
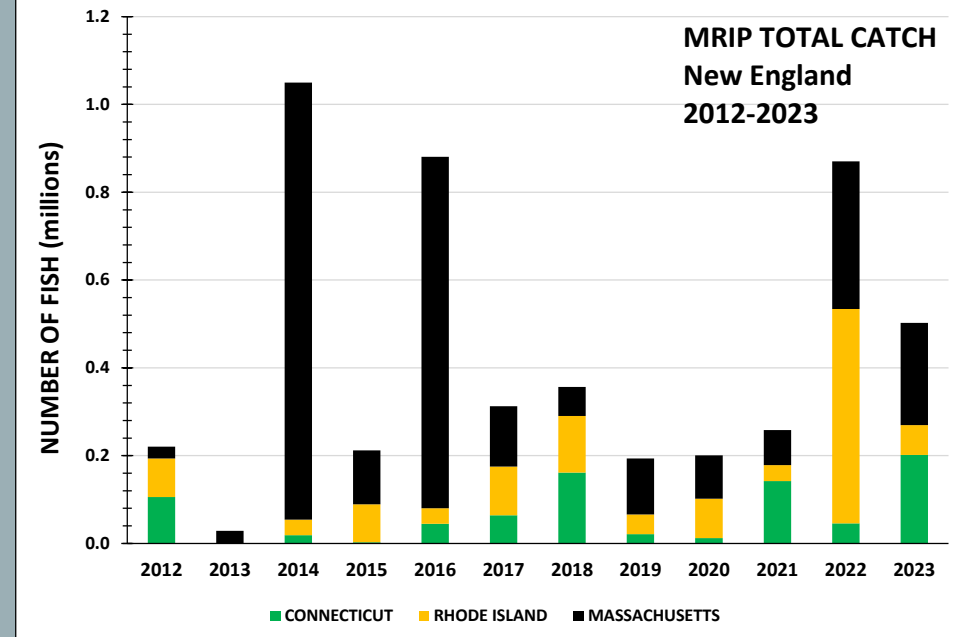
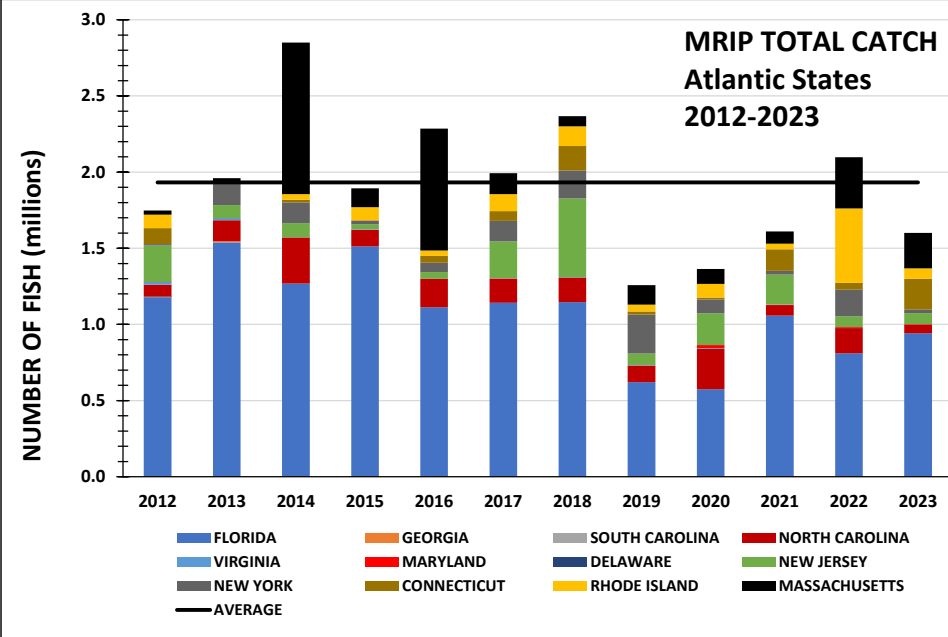
ATLANTIC BONITO RECREATIONAL



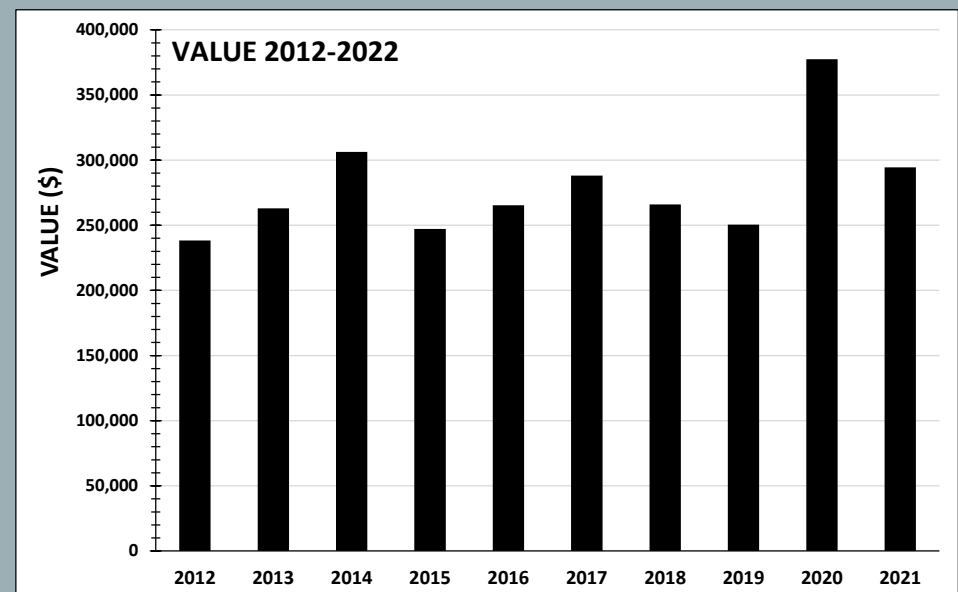
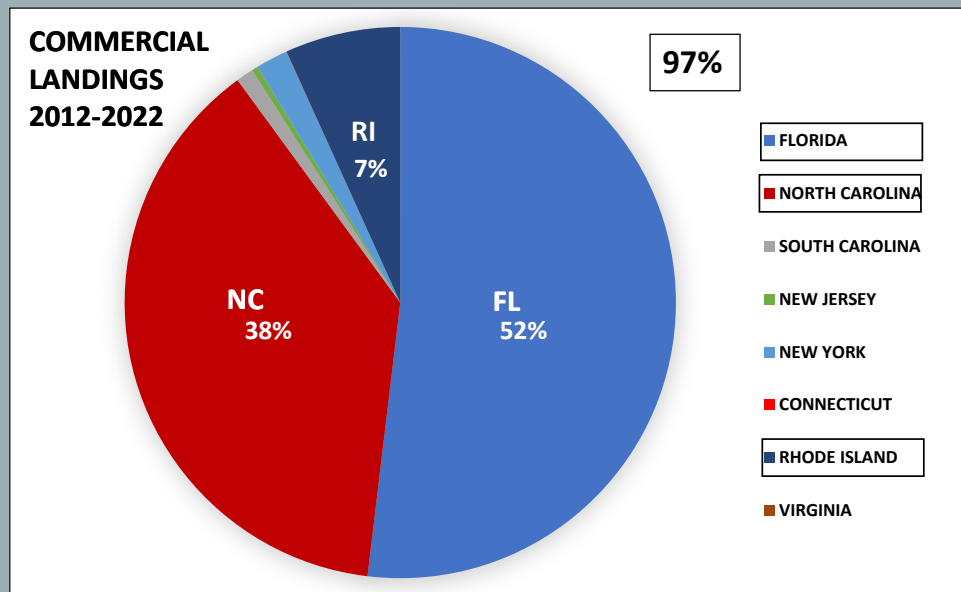
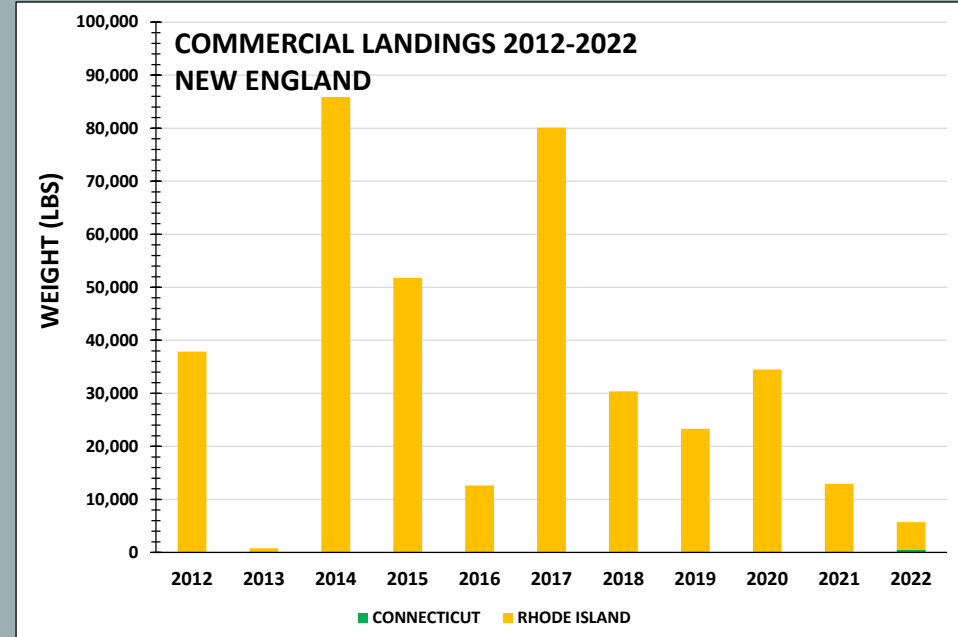
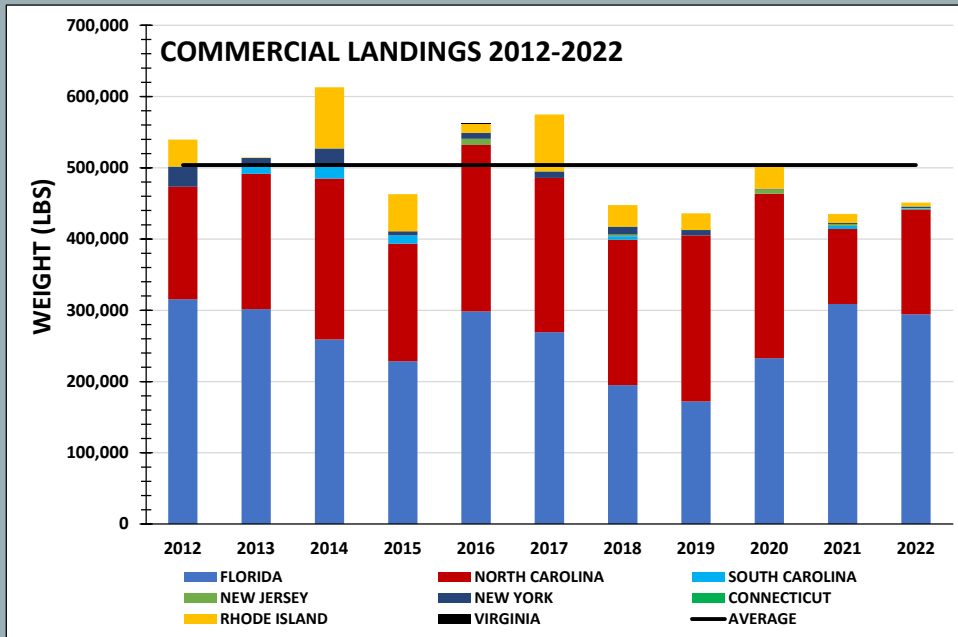
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FALSE ALBACORE RECREATIONAL

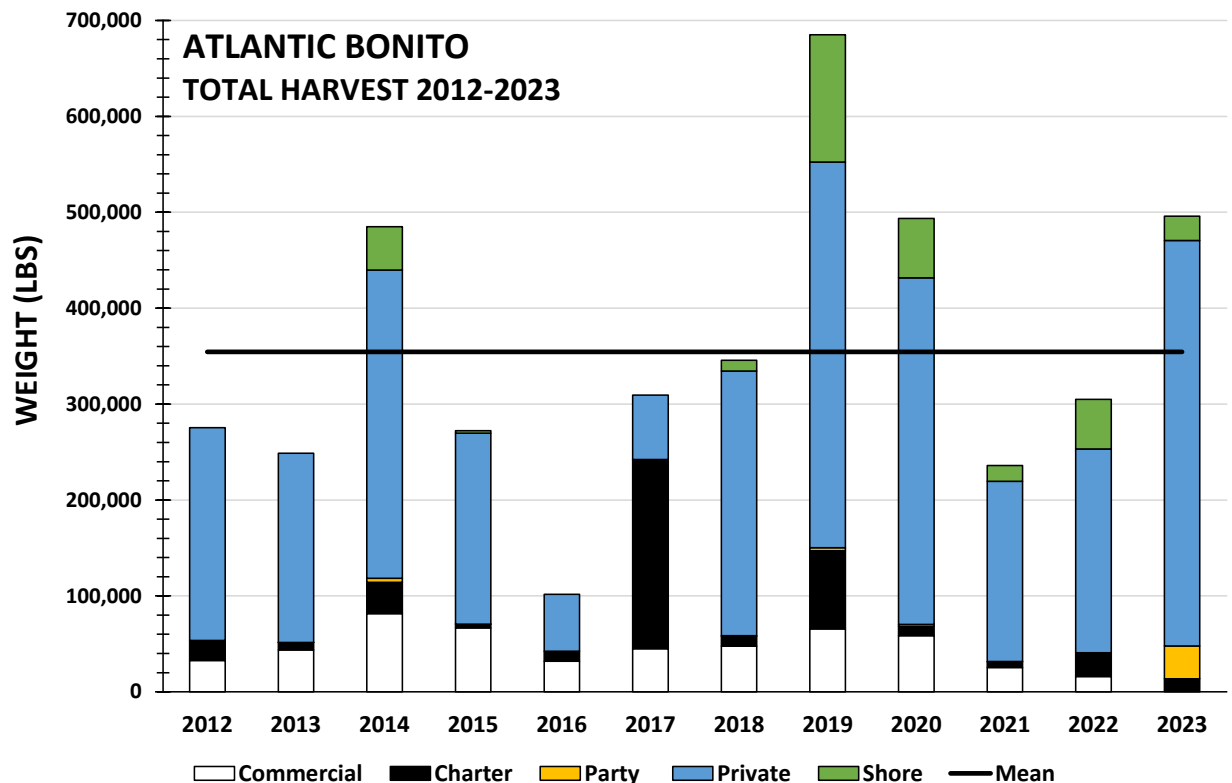


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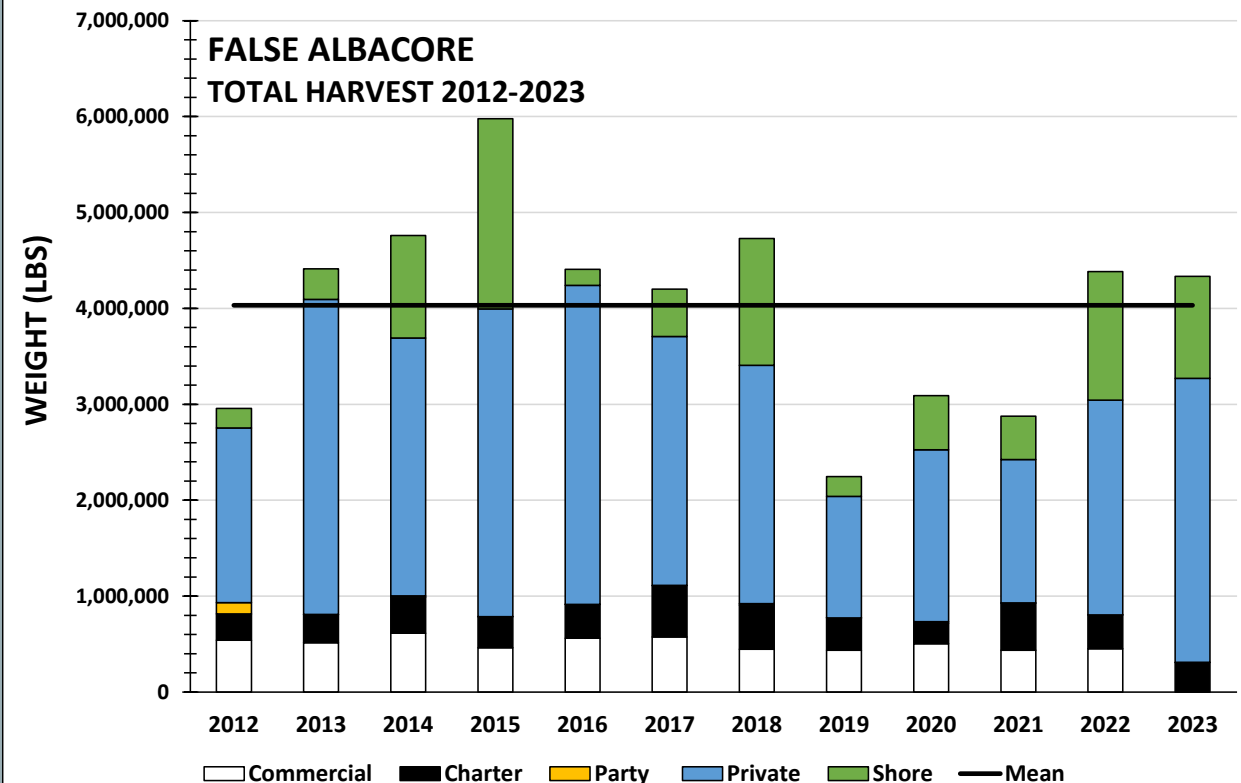


TOTAL HARVEST

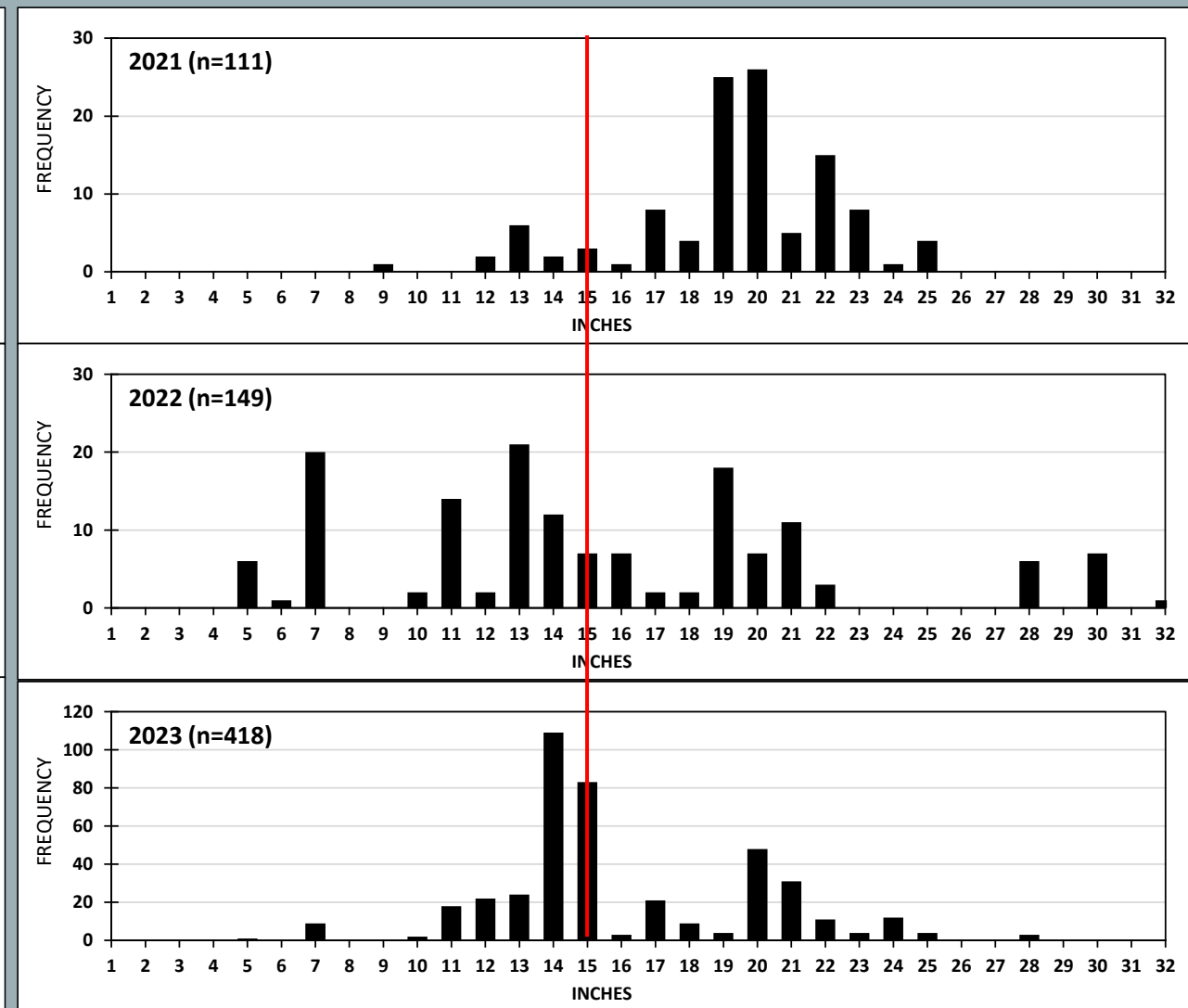
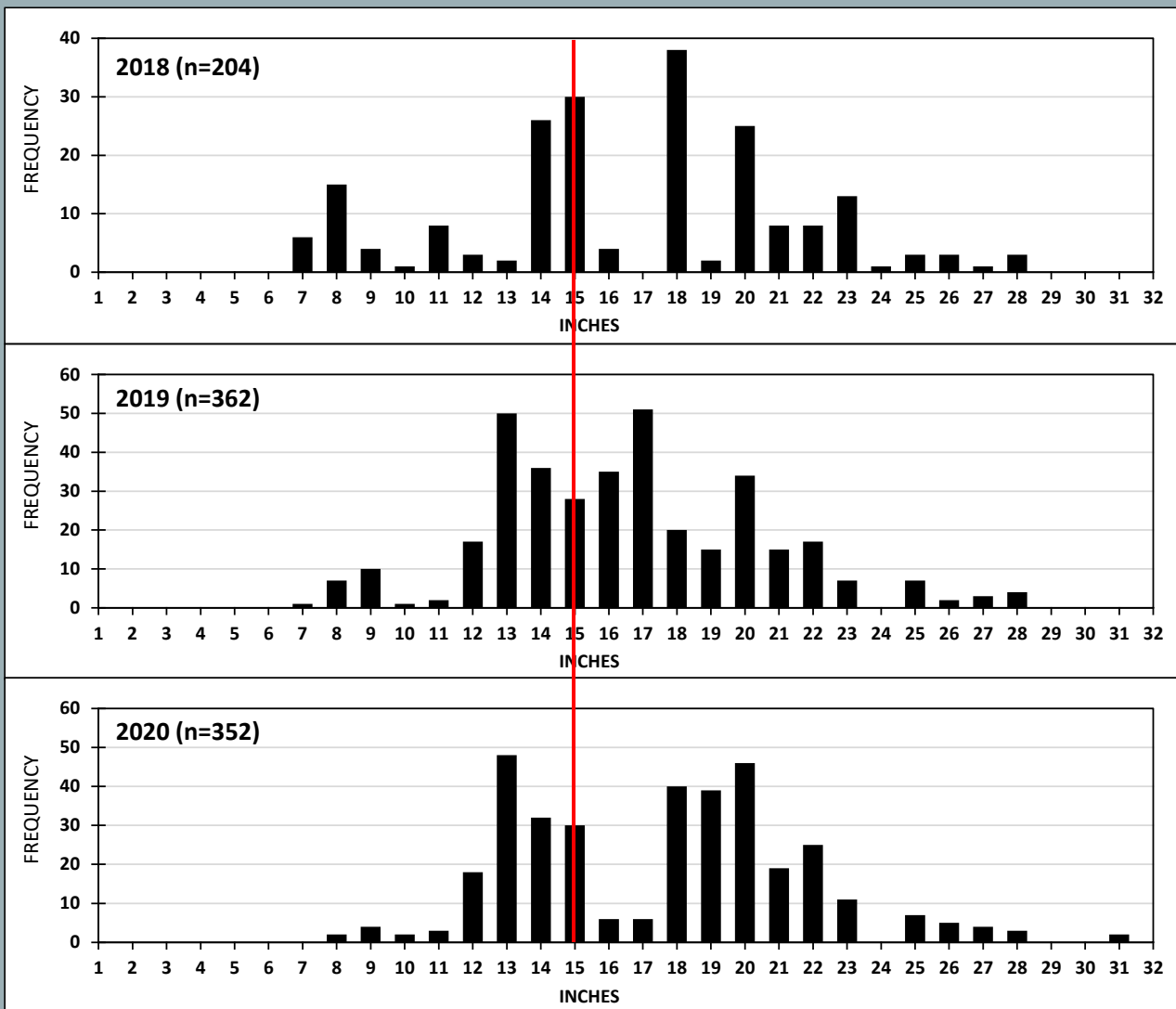
ATLANTIC BONITO
TOTAL HARVEST 2012-2023



FALSE ALBACORE
TOTAL HARVEST 2012-2023

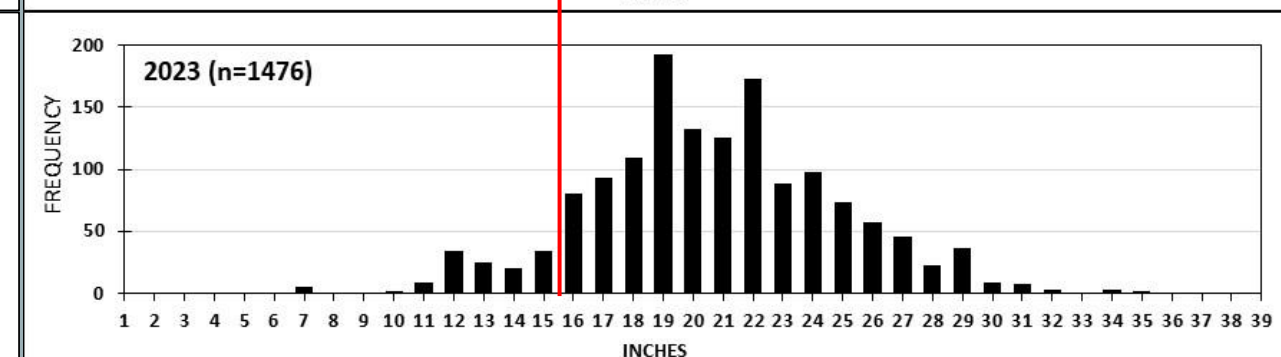
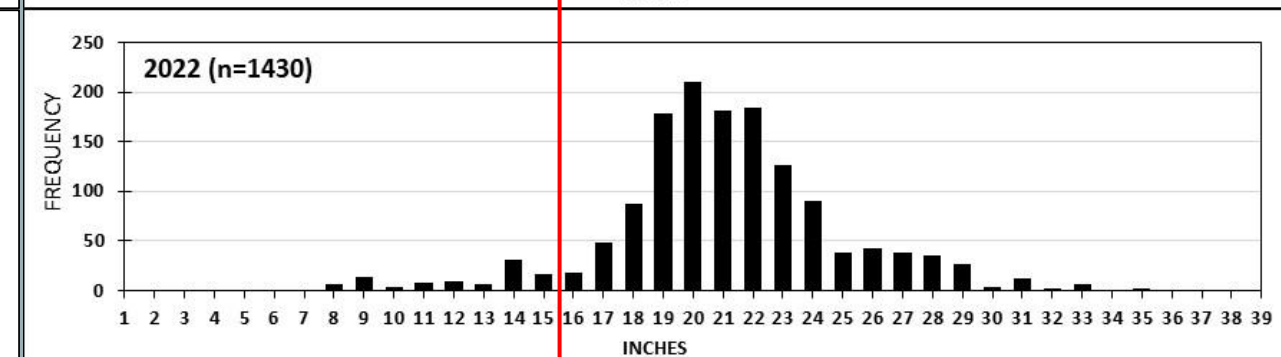
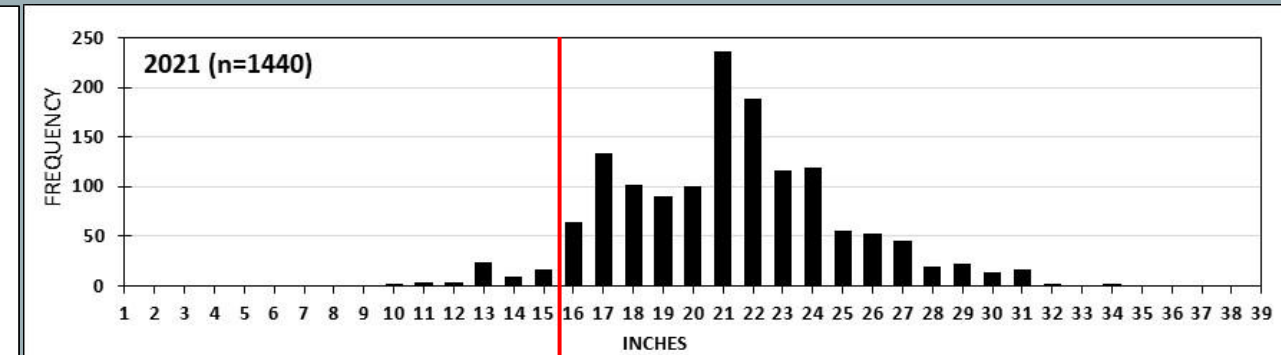
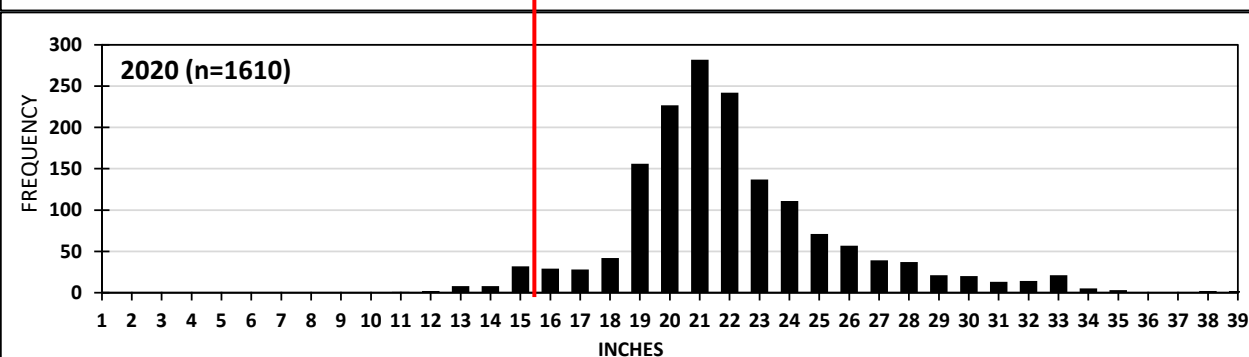
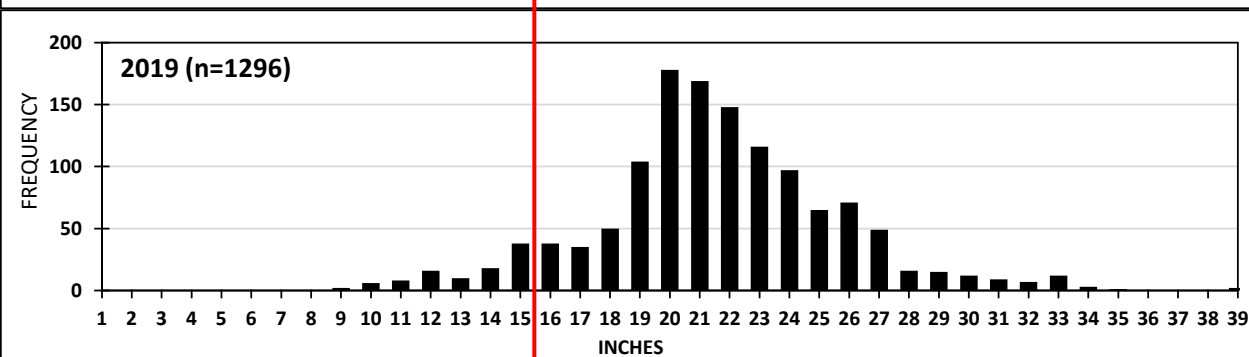
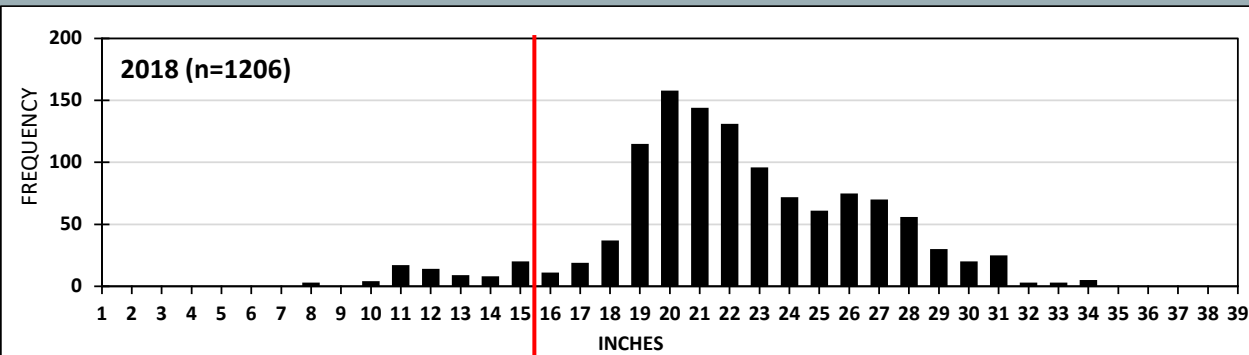


LENGTH FREQUENCY: ATLANTIC BONITO



ESTIMATED SIZE AT SEXUAL MATURITY

LENGTH FREQUENCY: FALSE ALBACORE



ESTIMATED SIZE AT SEXUAL MATURITY

DECEMBER 2024 COUNCIL MEETING

The **New England Fishery Management Council** (NEFMC) met December 2-5 in Newport, RI. Below, find meeting highlights with Council motions denoted in bold on actions taken (consensus unless tallied yes/no/abstain) and links to relevant Council documents. Major decision points included fishery specifications for groundfish and scallops. The NEFMC meets next in Portsmouth, NH January 28-30, 2025.

COUNCIL ACTIONS

SPINY DOGFISH – The New England and Mid-Atlantic (lead) Councils jointly manage the Spiny Dogfish Fishery Management Plan (FMP). The Councils adopted fishing year (FY) 2024-2026 specifications in December 2023/January 2024 but have the opportunity to review specifications as necessary. In FY2024, NOAA Fisheries took emergency action to implement a higher FY2024 quota than the Councils recommended based on supporting the economic viability of the sole remaining dogfish processor (located in MA). In considering the potential loss of processing operations and thus the fishery, as well as stock health (i.e., status not overfished, not experiencing overfishing) the New England Council **recommended that the Acceptable Biological Catch (ABC) for spiny dogfish be set equal to the Overfishing Limit (OFL) for fishing year 2025, at 7,626 mt, and to follow the Spiny Dogfish Committee's recommendations for calculating discards**. These values allow deriving a commercial quota of 9.3 mil pounds. The Mid-Atlantic Council will address adjustments to FY2025 specifications on December 10th. In February, the ASMFC will discuss complimentary measures for its interstate Spiny Dogfish FMP.

SEA SCALLOP – The Council took final action on [Framework Adjustment 39](#) (FW39) to the Atlantic sea scallop FMP to set FY2025 fishery specifications and FY2026 default measures for rotational access and open area fishing. The resource is considered healthy; the stock is not overfished, and overfishing is not occurring. However, 2024 survey biomass was the lowest recorded since the 1990s and exploitable biomass declined from 2023 to 2024. The majority of scallop biomass is found on Georges Bank (77%). Recruitment signals improved in 2024 relative to 2023. To best balance resource harvest and conservation, optimize fishing practices, and promote geographic spread of open bottom fishing, the Council determined the following regarding FW39 fishery specifications:

Action 1: The Council **adopted updated OFLs and ABCs for Fishing Years 2025 and 2026 as the preferred alternative** (FY2025 ABC 17,901 mt, FY20226 ABC 17,745 mt).

Action 2: Regarding the Northern Gulf of Maine (NGOM) management area, the Council **agreed to set the NGOM management area Total Allowable Landings (TAL) at target F rate of $F=0.18$ using biomass estimates from Stellwagen, Ipswich, Jeffreys Ledge, and Machias Seal Island, and including set-asides to support research, monitoring, and a directed Limited Access General Category (LAGC) fishery using, as the preferred alternative**. This represents a 2025 NGOM TAL of 712,093 pounds with a set-aside of 675,563 pounds. In NGOM, the bulk of fishing in 2025 is expected to occur on the high density of older scallops present around Stellwagen Bank. To address an inconsistency among LAGC permit categories (IFQ, NGOM), the Council **agreed to allow NGOM-permitted (LAGC Category B) vessels on a declared NGOM trip to possess scallops and transit outside of the NGOM scallop management area (i.e., south of 42° 20'), as the preferred alternative**.

Action 3: On fishery specifications for the FY2025 allocation to full-time Limited Access permit holders, the Council **agreed to adopt 24 Days-At-Sea (DAS) and two Access Area trips each with a 12,000 lb trip limit – with one trip to Area I and one trip to Area II, as the preferred alternative** (vote 16/1/0).

Action 4: The Council **agreed to distribute LAGC IFQ Access Area trips to Area I and Area II as the preferred alternative**, for consistency with LAGC IFQ allocations in recent years.

Action 5: To address Scallop Research Set-Aside Compensation Fishing, the Council **adopted the alternative to allow up to 50% of RSA compensation fishing in Area I and Area II Access Areas, as preferred**, to better disperse RSA compensation fishing effort. With this, RSA compensation fishing for pounds allocated in FY2025 would be permitted only in Area I and Area II Access Areas, areas open to Limited Access DAS fishing, and up to 25,000 pounds of RSA harvest from the NGOM management area. Up to 50% of the FY2025 RSA compensation pounds available outside of the NGOM (625,000 pounds) would be available between both Area I and Area II, with no limit on the amount of RSA compensation pounds that can be harvested from the Open area bottom.

Action 6: Regarding a delayed opening, the Council **recommended a May 15th opening of Area I and Area II Access Areas, as the preferred alternative**. This represents a significant change from the traditional April 1st start. With this delay, the fleet will be able to fish its allocation in fewer tows for higher yield due to known improvement in scallop meat weight as the spring progresses.

Action 7: The Council **adopted a modification of the Area II Access Area seasonal closure, where the closure period will be November 15 to May 15 (six months), as the preferred alternative**. The current Area II seasonal closure is August 15 - November 15. The closure will help maximize scallop yield, reduce overall scallop mortality, and reduce bycatch of Northern windowpane flounder in Area II. Vessels would have 60 days after May 15th to harvest Access Area allocations from the previous fishing year.

Finally, the Council **agreed to submit Framework Adjustment 39 to the Scallop FMP to NOAA Fisheries, as modified** (vote 16/0/1).

Atlantic Sea Scallop Research Track Assessment: The Council heard an update on the Research Track Assessment (RTA) now underway; its peer review has been delayed from 2024 to 2025. Voicing concern that the RTA results may not be available in time for use in developing FY2026 scallop fishery specifications, the Council **agreed to send a letter to the Northeast Fishery Science Center (NEFSC) expressing concern about progress made on the scallop Research Track stock assessment and ensure that a community outreach meeting occurs** (vote 16/0/1). The Council specified that **the NEFSC should prioritize the development and review of the SAMS model, three CASA models (Mid-Atlantic, Georges Bank Open, and Georges Bank Closed), and the two SYM models, as these models are integral to the management of the Atlantic sea scallop**, with development and review of the new GeoSAMS model as time allows (vote 16/0/1).

The Council will hold an Atlantic Sea Scallop Research Track Assessment Community Engagement Meeting on December 18th in New Bedford (in-person with webinar option). To register and to view discussion questions, see: [NEFMC scallop RTA engagement meeting](#).

TRANSBOUNDARY MANAGEMENT GUIDANCE COMMITTEE (TMGC) – The Council **approved the TMGC's recommendations for US/Canada total allowable catches (TACs) for 2025 as: Eastern Georges Bank haddock at a TAC of 7,410 mt and Georges Bank yellowtail flounder at a TAC of 200 mt**. The US and Canada were unable to reach consensus on a shared TAC for Eastern Georges Bank cod for FY2025 at the TMGC meeting in October. The allocation sharing agreement for the Eastern Georges Bank cod FY2025 TAC is 23% U.S. and 77% Canada.

GROUND FISH – The Council took final action on [Framework Adjustment 69](#) to the Northeast Multispecies FMP to set specifications for several groundfish stocks for fishing years 2025-2027, U.S./Canada TACs for 2025, incorporate revisions to scallop fishery flatfish accountability measures (AM) triggers, and set measures to address Phase 1 of the Council's Atlantic cod management transition plan. The Council determined the following regarding FW69 groundfish fishery specifications:

Action 1: For Atlantic Cod Status Determination Criteria, the Council **selected as preferred the alternative for new status determination criteria** for the four cod stock units added to the FMP under Amendment 25 (vote 13/4/0). This decision followed a failed motion to substitute the 'no action' alternative for adoption of new cod stock status determination criteria (vote 1/15/1). The Council held a lengthy discussion with the public regarding challenges that the industry expected to face with FY2025 cod allocations, and on the cod transition plan timeline and details.

Action 2: On fishery specifications, the Council **agreed to select as preferred, revised specifications for the non-cod stocks** (vote 15/0/2). The Council and public expressed substantial concern regarding the reduced allocation of Georges Bank haddock (-77%). For shared stocks, the U.S./ Canada TACs will be set for FY2025 only and be revisited next year, in recognition of changes in TMGC process.

For the cod stocks, the Council **agreed to revised specifications for Eastern Gulf of Maine (EGOM) cod for FY2025-2027** (vote 16/0/1); **revised specifications for Georges Bank (GB) cod for FY2025 only** (vote 16/0/1); **revised specifications for Southern New England (SNE) cod** (vote 14/0/3); and **revised specifications for Western Gulf of Maine (WGOM) cod for FY2025-2027**. The Council **agreed to apportion the WGOM cod commercial sub-ACL to allow 68% in the North and 32% in the South, with the resulting pounds combined to create a WGOM sector sub-ACL and common pool sub-ACL which will apply to the whole of the WGOM stock area, as the preferred approach** (vote 16/1/0).

FY2025-20276 specifications for cod and the other groundfish stocks can be found in [Table 6 of FW69 Draft Alternatives](#) with the percentage change in sub-ACL from FY2024 to FY2025 specifications summarized in the table below:

Draft revised specifications – groundfish sub-ACLs				
Stock	Commercial ground fish sub-ACL			
	FY 2024	Proposed FY 2025	% Change	
EGOM Cod	N/A	47.2	N/A	
WGOM Cod	N/A	256.3	N/A	
GB Cod	N/A	75.3	N/A	
SNE Cod	N/A	4.1	N/A	
GB Haddock	6,570.9	1,515.4	-77%	
GOM Haddock	1,435.1	2,183.8	+52%	
GB Yellowtail Flounder	56.1	76.3	+36%	
SNE/MA Yellowtail Flounder	33.4	33.4	0%	
CC/GOM Yellowtail Flounder	876.4	808.4	-8%	
American Plaice	5,191.6	8,641.5	+66%	
Witch Flounder	1,145.5	1,477.6	+29%	
GB Winter Flounder	1,487.5	1,430.8	-4%	
GOM Winter Flounder	607.2	607.2	0%	
SNE/MA Winter Flounder	440.8	440.8	0%	

Stock	Commercial groundfish sub-ACL			
	FY2024	Proposed FY2025	% Change	
Allocated Stocks				
Redfish	7,891.7	7,859.3	-0.04%	
White Hake	1,828.1	1,815.8	-1%	
Pollock	12,183.6	11,263.0	-8%	
Non-allocated Stocks				
Northern Windowpane Flounder	93.6	93.6	0%	
Southern Windowpane Flounder	29.7	29.7	0%	
Ocean Pout	49.0	49.0	0%	
Atlantic Halibut	58.2	23.1	-60%	
Atlantic Wolffish	86.5	86.5	0%	

Table 1. Draft revised commercial groundfish sub-ACLs for FY2024 and FY2025 and relative percent change. Source: NEFMC Groundfish Committee presentation to the Council, December 4, 2024.

Also under Action 2, the Council also **agreed to set a Southern New England cod recreational sub-ACL** (vote 16/0/1).

And, **agreed to set the management uncertainty buffer for the four Atlantic cod stock units as:**

- **Recreational sub-ACLs for WGOM cod and SNE cod at 7%.**
- **Commercial (sector and common pool) sub-ACLs for all four cod stocks at 5%.**
- **For GB cod, the 5% management uncertainty buffer for FY2025 only; reevaluate for FY2026+.**
- **Sector management uncertainty buffer for SNE cod remain in place and not be removed even under 100% monitoring coverage target for FY2025.**

Action 3: To address Fishery Program Administration, the Council **selected as preferred, alternatives to:**

- **Remove the requirement for sectors to submit federal and state permit information.**
- **Remove Regional Administrator authority to adjust common pool differential days-at-sea.**

Action 4: On Atlantic sea scallop Accountability Measure (AM) Implementation Policy, the Council **agreed to modify the trigger for the Atlantic sea scallop AM implementation policy for Georges Bank yellowtail flounder and/or northern windowpane flounder** (vote 16/0/1). With this, the AM would be implemented only if the scallop fishery exceeds its sub-ACL for either stock and the overall ACL is also exceeded.

Action 5: Under Commercial Fishery management measures for Atlantic cod, the Council **selected as preferred:**

- **Adoption of the PDT's recommendation for trimester TAC distributions and trimester TAC closures for the new cod stock units.**
- **Common pool baseline trip limits for cod stocks.**

Action 6: On Recreational Fishery management measures for Atlantic cod, the **Council selected as preferred:**

- **SNE cod recreational fishing measures** (vote 16/0/1).
- **To establish a regulatory process for the Regional Administrator to adjust recreational measures for cod stocks.**

Finally, the Council **approved submission Framework Adjustment 69 to the Northeast Multispecies FMP to the Greater Atlantic Regional Fisheries Office, as amended** (vote 15/0/2).

2025 COUNCIL PRIORITIES – The Council **adopted the Executive Committee’s recommendations for 2025 Council Priorities**. The focus for 2025 will be on required tasks such as specifications, assessment support, regulatory tasks, multiyear priorities approved in prior years, inter-agency coordination, working groups, and addressing IRA initiatives.

COUNCIL UPDATES & DISCUSSION

ECOSYSTEM, CLIMATE, & INFLATION REDUCTION ACT (IRA) INITIATIVES – The Council was updated on membership appointments to the new Climate and Ecosystem Steering Committee and on planned activities and inter-agency coordination expected in 2025.

ENFORCEMENT COMMITTEE: ON-DEMAND GEAR CONFLICT – The Council’s Enforcement Committee overviewed [feedback](#) to the On-Demand Fishing Gear Conflict Working Group and to the Council, on recommendations for reducing gear conflict and other challenges related to on-demand gear. The On-Demand Gear Conflict Working Group meets next on [January 8](#) to discuss this work.

WHOI LOC-NESS PROJECT – Woods Hole Oceanographic Institution (WHOI) scientists presented informational details on their “Locking away Ocean Carbon in the Northeast Shelf and Slope”, or LOC-NESS, project. This work aims to investigate ocean alkalinity enhancement’s potential to help mitigate the effects of human-caused climate change by accelerating the ocean’s ability to remove carbon dioxide from the atmosphere without exacerbating ocean acidification. A goal of the work is to verify and report the amount of carbon dioxide this method might realistically remove if deployed at scale. The team intends to carry out one large-scale controlled release experiment (of sodium hydroxide plus a tracer dye) in summer 2025 over Wilkinson Basin however the EPA has not yet permitted the project. The Council discussed concerns regarding timing and location of the proposed chemical release.

HIGHLY MIGRATORY SPECIES ELECTRONIC REPORTING – NOAA Fisheries staff overviewed the [proposed rule](#) for electronic reporting requirements for Atlantic Highly Migratory Species. The comment period remains open through January 6.

SEPTEMBER 2024 STOCK ASSESSMENTS – The Council received a presentation on management track stock assessments and September 2024 peer review results for American plaice, Gulf of Maine haddock, Georges Bank haddock, Atlantic pollock, witch flounder, and Atlantic halibut.

SCIENTIFIC AND STATISTICAL COMMITTEE (SSC) – The SSC presented recommendations for overfishing limits (OFL) and acceptable biological catches (ABC) for the following stocks: sea scallops, witch flounder, American plaice, Gulf of Maine haddock, Georges Bank haddock, pollock, and Atlantic halibut.

SCS8 – The SSC summarized proceedings of the 8th National Scientific Coordination Subcommittee (SCS8) Workshop and key action items identified for the NEFMC; a full workshop report is forthcoming.

NATIONAL SEAFOOD STRATEGY IMPLEMENTATION PLAN – NOAA Fisheries staff presented an overview of the national [strategy](#) and [plan](#) to support a thriving domestic U.S. seafood economy and enhance resilience of the seafood sector, specifically through actions/changes to commercial fisheries and aquaculture. Funding for this work had not been identified, thus the agency intends to leverage existing resources such as the [Saltonstall-Kennedy grant program](#) and to bolster partnerships with states and USDA.

REGIONAL EEJ IMPLEMENTATION PLAN – The NOAA Fisheries Regional Administrator summarized internal actions identified in the New England/Mid-Atlantic Equity and Environmental Justice (EEJ) [Implementation Plan](#) which reflects goals of the NOAA Fisheries [National EEJ Strategy](#).

AGENCY ACTIVITIES REPORTS – [Council Executive Director](#), [NOAA Northeast Fisheries Science Center](#), [MAFMC](#), [ASMFC](#), [U.S. Coast Guard](#), and the [Northwest Atlantic Fisheries Organization](#).

LOOKING AHEAD

In [January](#), the Council is expected to:

- Provide recommendations to GARFO on FY2025 recreational measures for cod and haddock
- Receive an MRIP report on the re-envisioning of NOAA's Fisheries Fishing Effort Survey
- Discuss NOAA Fisheries proposed rule on National Standard 4, 8, 9 Guidelines
- Receive a report outlining new Essential Fish Habitat (EFH) Review designation methods

New England Regional Fishery Updates



- December Summary
- Upcoming Meetings



Groundfish FW69

Commercial Groundfish
Sub-Annual Catch Limits (sub-ACLs) in Metric Tons
with Percentage Change for
Fishing Year 2024 vs. Proposed Fishing Year 2025

Commercial (sector and common pool) groundfish sub-ACLs	Stock	Commercial groundfish sub-ACL		
		FY2024	Proposed FY2025	% Change
Allocated Stocks	EGOM Cod	N/A	47.2	N/A
	WGOM Cod	N/A	256.3	N/A
	GB Cod	N/A	75.3	N/A
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	Atlantic Halibut	58.2	23.1	-60%
	Atlantic Wolffish	86.5	86.5	0%

Source: NEFMC

Massachusetts Division
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Cod State Waters Sub-components

Stock	FY2025	FY2026	FY2027
EGOM Cod	0.2 mt (442 lb) 0.2 mt (442 lb)	0.2 mt (442 lb)	0.2 mt (442 lb)
WGOM Cod	20 mt (~44,000 lb)	23 mt (~51,000 lb)	30 mt (~66,000 lb)
SNE Cod	3.7 mt (~8,000)	6.1 mt (~13,500 lb)	6.1 mt (~13,500 lb)

Source: NEFMC

Source: NOAA Fisheries

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of Marine Fisheries



Additional Groundfish Management Actions:

- SNE cod recreational sub-ACL
FY2025: 11 mt/24,000 lb FY2026 & 2027: 18 mt/40,000 lb
- Elimination of a scallop AM triggers for flatfish sub-ACLs
- Zero recreational possession for SNE Cod

Source: NEFMC



Common Pool

Stock	Trimester 1	Trimester 2	Trimester 3	Statistical Areas
EGOM Cod	80%	10%	10%	512
GB Cod	33%	33%	34%	522, 561
SNE Cod	36%	31%	33%	537, 539, 613
WGOM Cod	55%	22%	23%	513, 514, 521

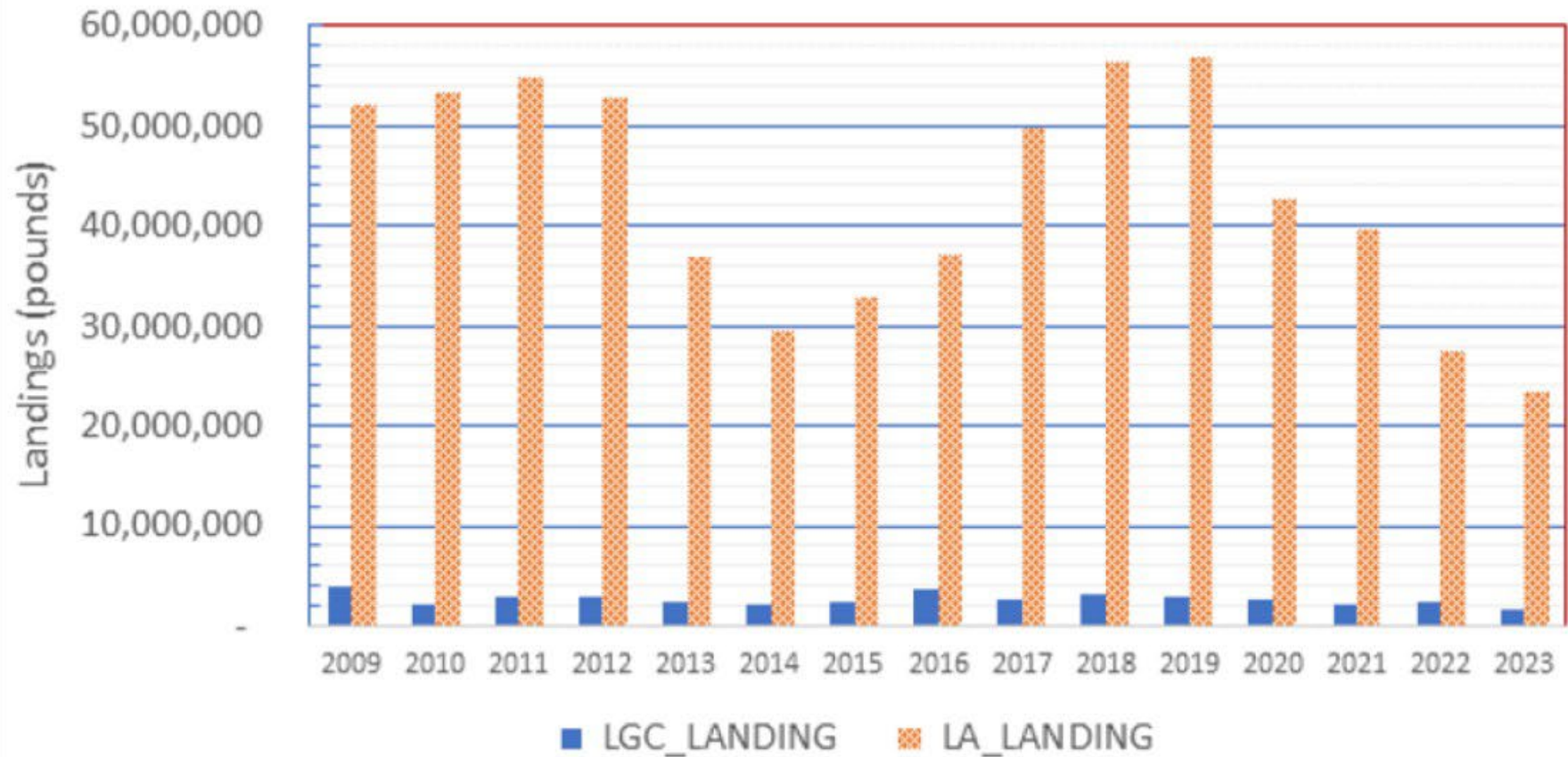
Baseline common pool trip limits for DAS vessels would be established as the following:

EGOM cod	25 lb per DAS/50 lb per trip
WGOM cod	50 lb per DAS/100 lb per trip
GB cod	25 lb per DAS/50 lb per trip
SNE cod	0 lb trip limit/possession prohibition

Source: NEFMC



Scallop FW 39



Source: NEFMC

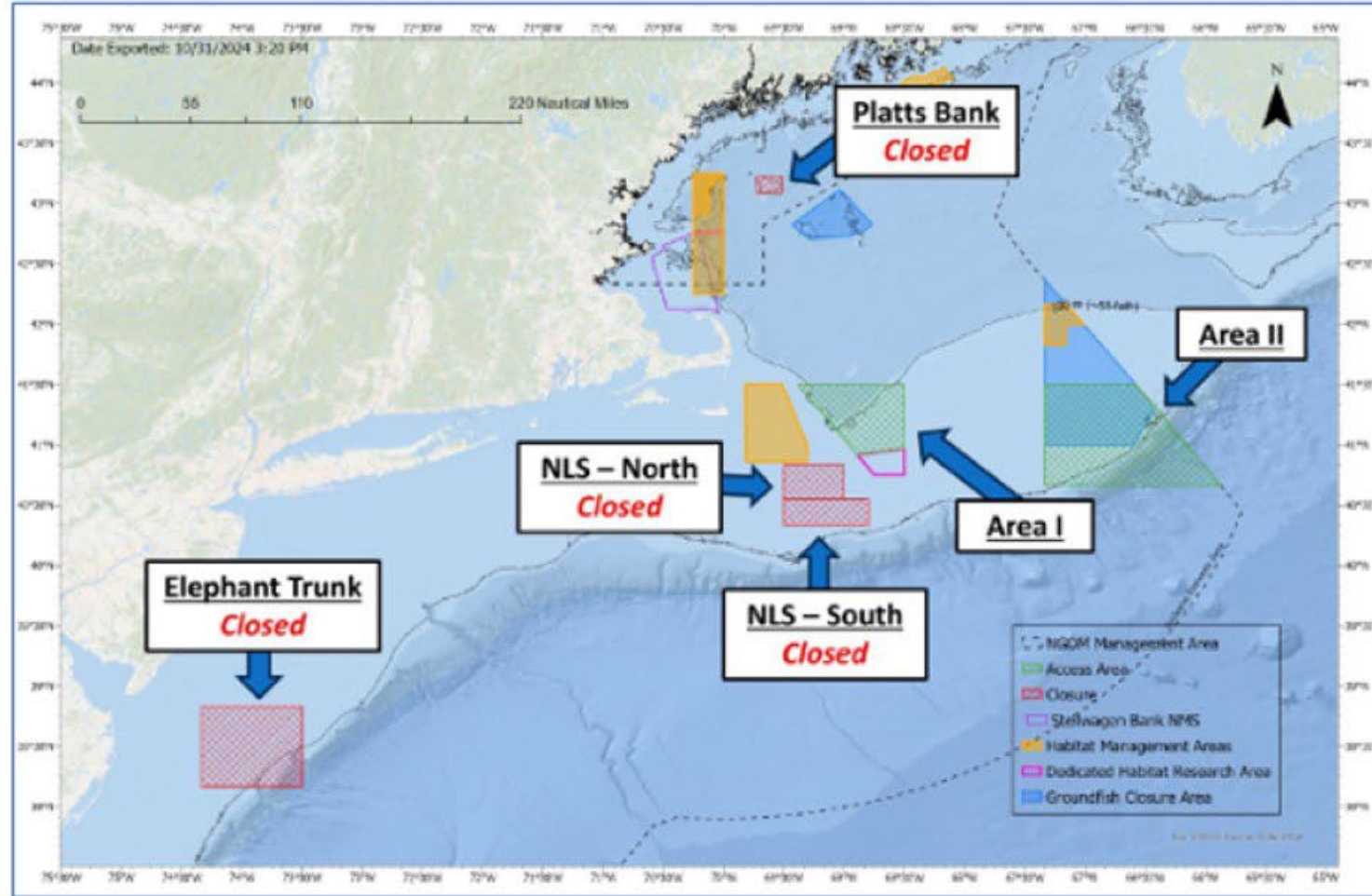


Source: NOAA Fisheries

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Scallop Access Areas and Closed Areas for Fishing Year 2025



Source: NEFMC

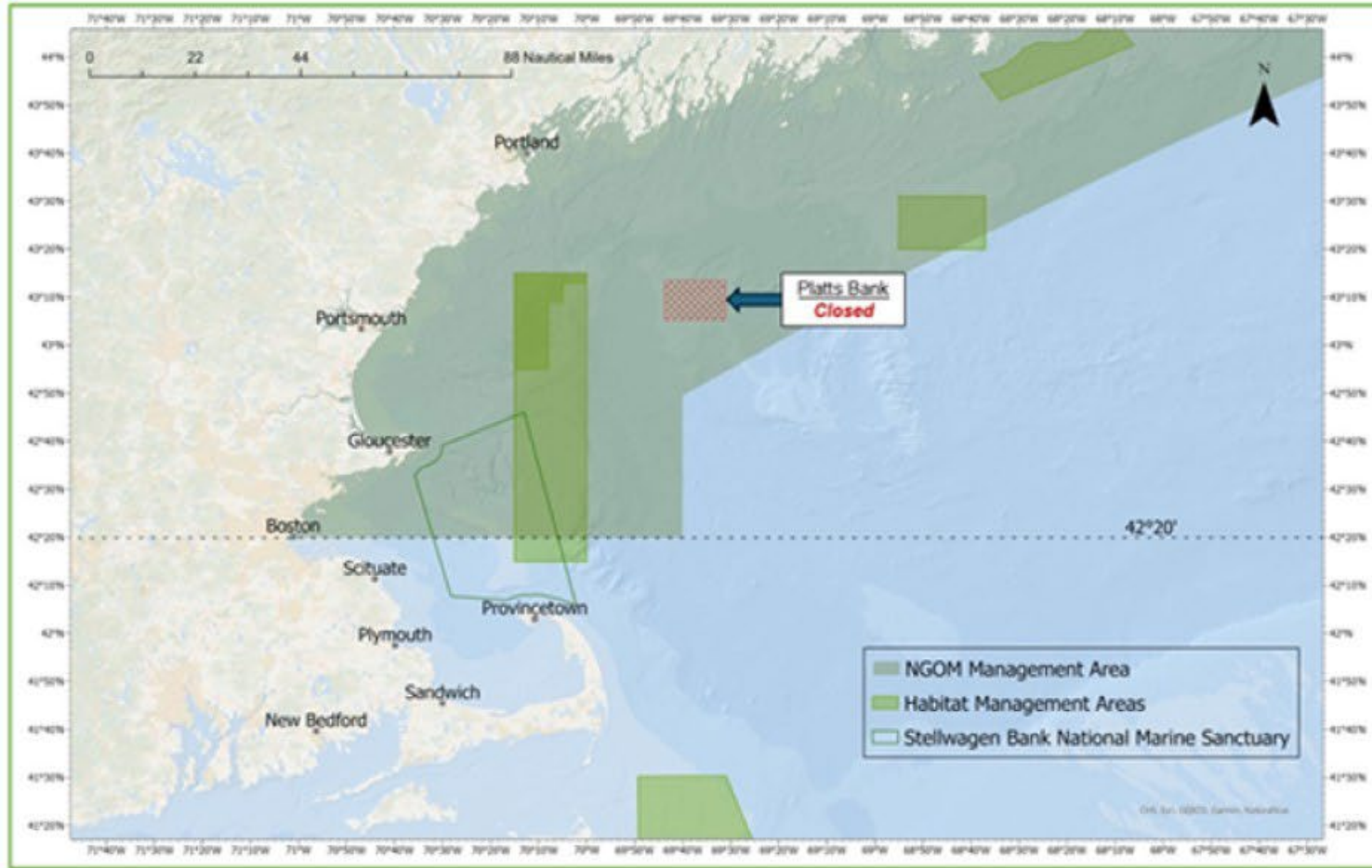


Source: NOAA Fisheries

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Northern Gulf of Maine (NGOM) Management Area Showing 42°20'N Southern Boundary Line and Massachusetts Fishing Ports With NGOM Scallop Landings South of the Line



Source: NEFMC



Source: NOAA Fisheries

Massachusetts Division
of Marine Fisheries



Atlantic Sea Scallop Research Track Assessment Community Engagement Meeting

ATTENTION INDUSTRY: An Atlantic Sea Scallop Research Track Assessment is underway. This assessment will help scientists better understand stock status. Outcomes will be considered in future scallop management track assessments and help fishery managers develop appropriate measures for the fishery.

Join. Talk. Let assessment scientists know what you're seeing on the water and what research you think is important for the successful management of the scallop fishery going forward. Community engagement is key.

Date: December 18, 2024

Time: 10:00 a.m. to 12:30 p.m.

Location: Waypoint Event Center, New Bedford

Webinar Option: [Register here](#). In-person attendance for this meeting is highly encouraged but a webinar option is available.

More Information: Visit the Atlantic Sea Scallop Research Track Working Group [webpage](#).



Source: NOAA Fisheries

Source: NEFMC

Massachusetts Division
of Marine Fisheries



Priorities

IRA	Required	Acceptable Biological Catch (ABC) Control Rules for Northeast Multispecies	Multiyear, expected completion 2025
IRA	Required	Atlantic cod management transition	Multiyear, expected completion 2026
IRA	Required	Operationalizing ecosystem approaches in NE fisheries management	Multiyear
IRA	Required	Operationalizing the East Coast Climate Change Scenario Planning Initiative	Multiyear
IRA	Required	Holistic strategic plan for climate resilient NE fisheries management	Multiyear
IRA	Required	Enhancing participatory processes for climate resilient fisheries	Multiyear

Source: NEFMC

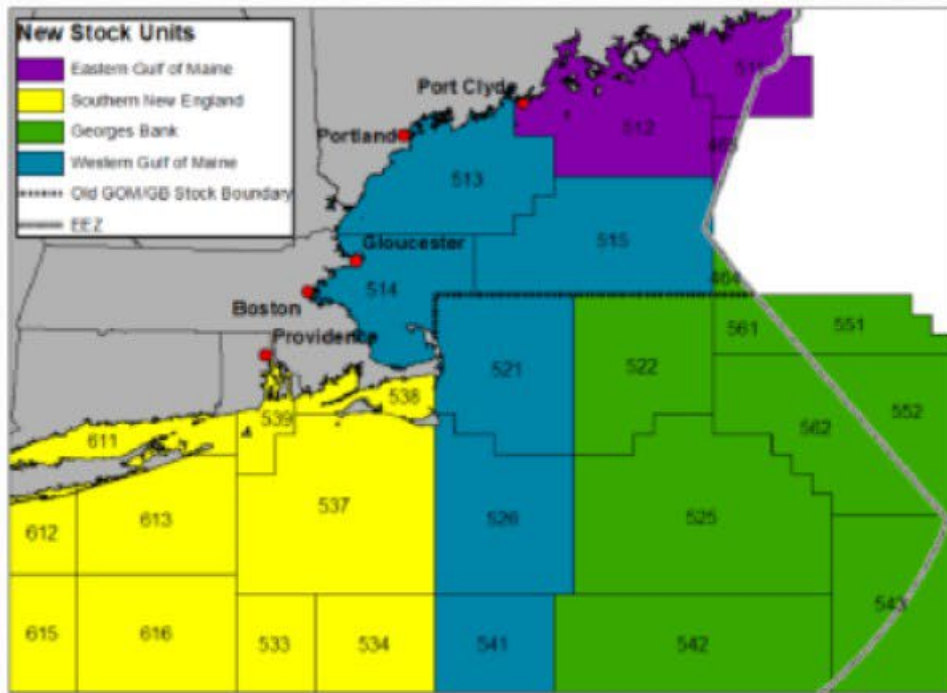
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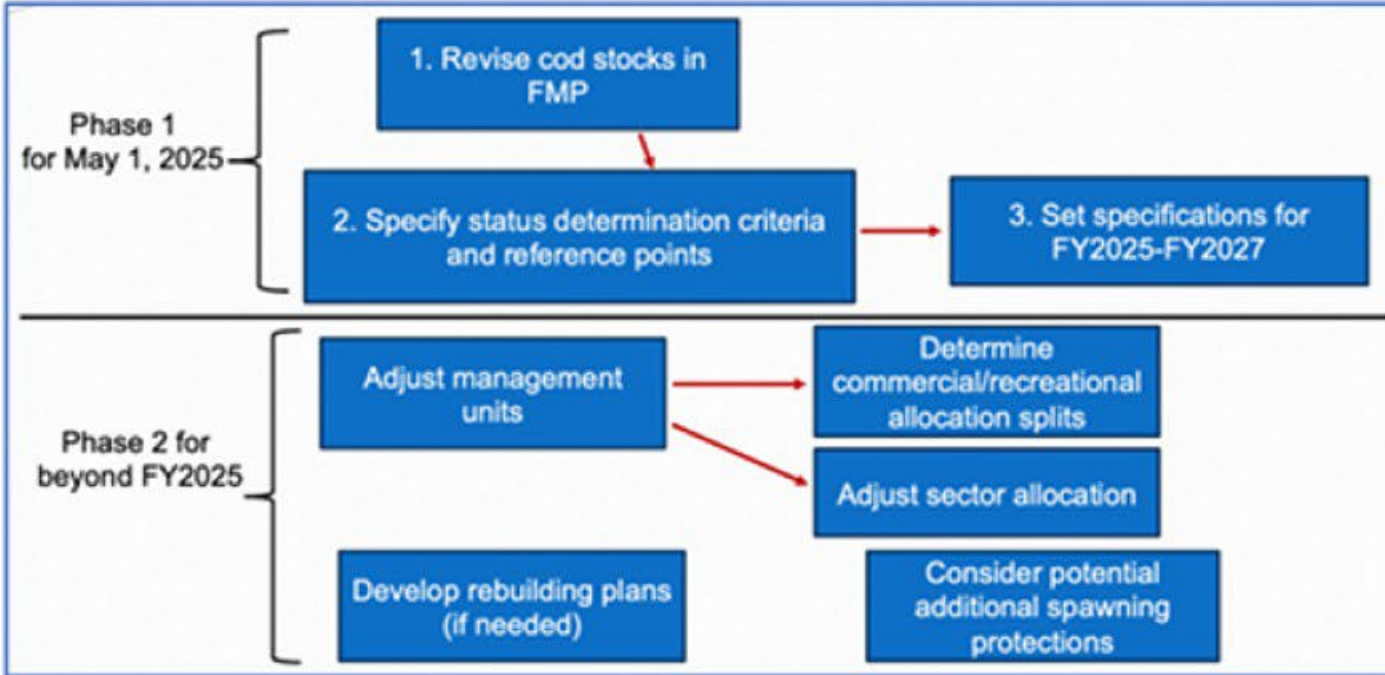
Questions?



Cod Transition



Atlantic Cod Management Transition Plan Order of Operations for Fishery Management Plan Changes



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Period I Summer Flounder Recommendation

Recommendation

- Approve in-season adjustment to reduce the 2025 Period I summer flounder trip limit from 5,000 to 2,000 pounds.

Rationale

- Will slow quota consumption rate to achieve a longer season and limit risk of quota allocation overage.
- With a similar quota last year, Period I fishery achieved its 30% allocation in early-February.
- Trip limit is similar to 4,000-pound biweekly limit in RI. NY and CT have bi-weekly limits of 1,400-pounds and 600-pounds, respectively.
- Generally supported in public comment.

Multi-State Pilot Program Determination

- Will not authorize program for 2025.
- Program is likely contributing to early consumption of Period I quota allocation.
- Concerns about lack of symmetry in state permitting systems thereby limiting ability for MA-vessels to land in other participating states (i.e, RI, NY, CT, NJ).

Other Considerations

- If combined impact of these actions is an underutilization of Period I quota set aside, this underage will be allocated to Period II fishery.
- Longstanding precedent for this to occur.
- DMF generally supports amending summer flounder management program later this year to allocate more quota to inshore fishery.



False Albacore and Bonito Limits

Public Hearing Proposal

- Adopt a five-fish per person possession limit for false albacore and bonito (both species combined). Would apply to all harvest modes (i.e., both recreational and commercial sectors)

Rationale

- Lack of federal or interstate management plans leave species potentially vulnerable to unconstrained harvest.
- Becoming an increasingly popular late-summer and early-fall recreational fishery, particularly along south coast.
- Interest from public in Massachusetts adopting a precautionary management approach.
- Limit accommodates most retention practice, including fishing tournaments.
- Little commercial harvest currently occurring.

Potential Exemption

- May need to accommodate a bycatch exemption for commercial mackerel jigging.



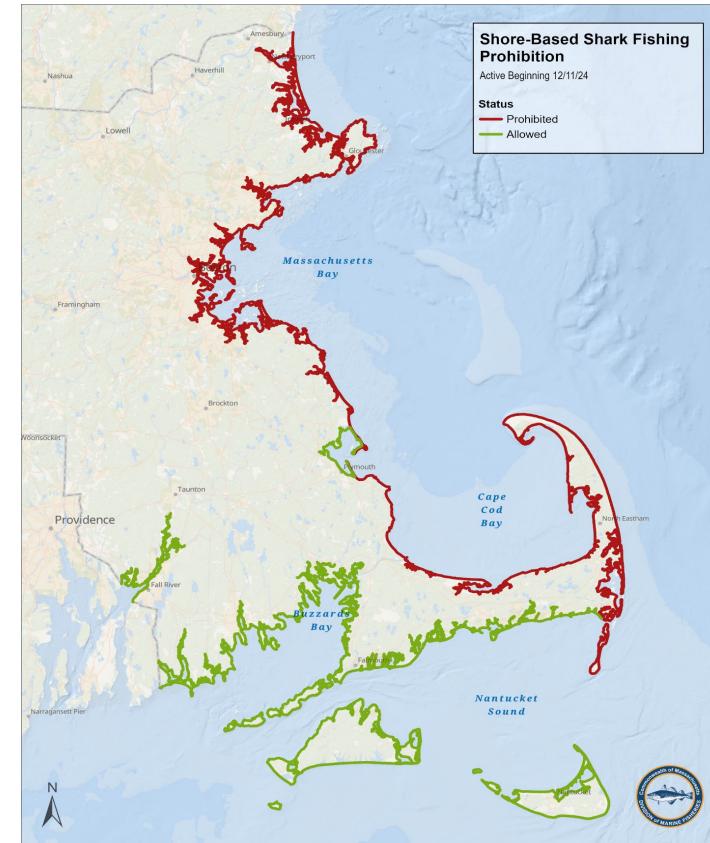
Constraints on Shore-Based Shark Angling

Public Hearing Proposal

- Prohibit shore-based shark angling from the Massachusetts – New Hampshire coastal boundary then south to the Cape Cod Canal in Sandwich, then eastward along the southern shore of Cape Cod Bay to Rock Harbor in Orleans, then northward along the eastern shore of Cape Cod Bay to Race Point in Provincetown, then south along the eastern Atlantic facing shore of Cape Cod, inclusive of all of Monomoy Island. Exempt from this would be the shorelines of Plymouth, Kingston, and Duxbury Bays (“Three Bays”) within a straight line drawn between the south westernmost point of Saquish Head to the northernmost point of Plymouth Beach.
- Shore-based shark angling to be defined as any angling not from a vessel that uses a baited hook with a hook size of 8/0 or greater and a metal leader attached.
- State-wide prohibition on shore-based chumming.
- Limit shore-based anglers to launching baits by casting only.

Rationale

- Will strengthen enforcement of existing management program that prohibits fishing for white sharks.
- Will constrain ability for anglers to target white sharks under guise of fishing for another species.
- Reduces risk of potential harm to white sharks and public safety risk to public.
- Should not affect other shore-based fishing activities for other sharks (e.g., brown, sand tiger, dusky) and other species (e.g., bluefish, striped bass).
- Eliminating use of drones and bait cannons to deploy bait will benefit other fishery resources (e.g., striped bass).



Other Considerations

- If shore-based anglers want to target bluefish with large hooks and metal leaders, may need to consider leader length rule.
- May want to accommodate use of kayaks and other manual bait delivery systems.

December 17, 2024

Massachusetts Division
of Marine Fisheries



Recreational Black Sea Bass Season

Public Hearing Proposal

- Open recreational season on May 17, as opposed to May 18.
- Take conservationally equivalent reduction at end of season, likely moving closure date from September 3 to September 1.

Rationale

- ASMFC approved status quo management with allowance for small seasonal adjustment through conservation equivalency
- Maintains Saturday opening for the fishery.

Other Considerations

- Will maintain 4-fish bag limit and 16.5" minimum size.
- Status quo management for scup and summer flounder.
- All three species will be on the same assessment and management timeline beginning in 2026.



December MFAC Meeting to Resume at 10:20AM

December 17, 2024

Massachusetts Division
of Marine Fisheries



Controls on Use of Conch Pots in Federal Zone

Proposal:

- Require any MA-fisher who sets conch pots in the federal zone to hold a DMF-issued conch pot permit.
- Require all conch pots to have a valid MA trap tag affixed to the gear when on the vessel or set in state and federal waters.
- Require all conch pot permit holders to set no more than 200 conch pots and haul all conch pot gear from December 16 – April 14 annually.

Rationale:

- Reported shift in conch pot fishing effort to the east, including into federal waters off Nantucket.
- No federal FMP for whelk resulting in no controls on whelk pot fishing effort in federal waters.
- No state trip limits on whelk that may limit potential effort.
- Uncontrolled proliferation of gear poses entanglement risk to sea turtles and whales.
- Federal waters off Nantucket are an area of moderate use by right whales.

Other Considerations:

- Will not similarly manage fish pot fisheries because effort is constrained by state and federal rules.
- Sea bass potters are advised that the trip limit is permit-based, not gear-based.
- Gear marking and modification requirements are complicated and DMF needs to work with NOAA Fisheries to develop new marking and modification rules for Other Trap/Pot Fisheries in the Northern Nearshore Trap/Pot Waters.
- Fish and conch pot gear set in the federal zone must comply with ALWTRP buoy line marking and modification rules, not state rules.
 - Required to use of 600-pound weak link at buoy
 - Required to mark buoy lines with three 1' red marks (top, middle, and bottom).
 - Use of weak rope is not required for federal waters, but DMF encourages it.



Gear Marking in OTP in Northern Nearshore Waters

NORTHEAST TRAP/POT MANAGEMENT AREAS FOR FISHERIES OTHER THAN LOBSTER AND JONAH CRAB

Buoy Line Marking for MA Mixed Species Pot/Trap Fishery

3' red mark in
surface system

At least four 2'
red marks
throughout
remainder.

Two marks in top
50% and two red
marks in bottom
50%.

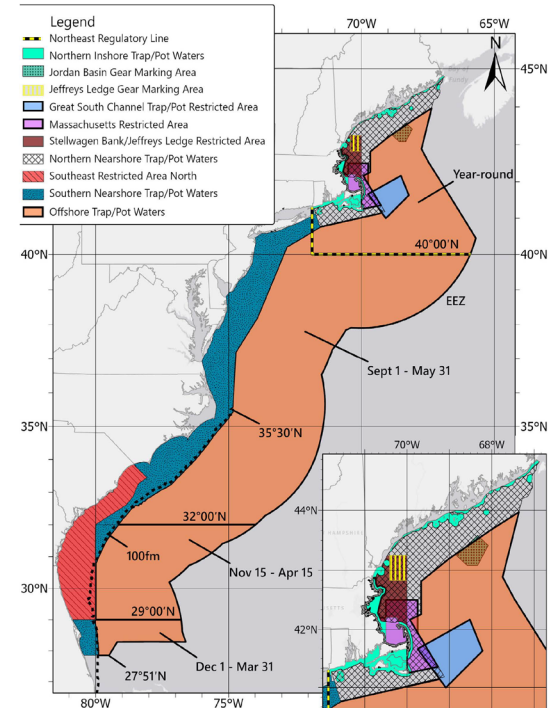
No more than
60' without.

Use of MA
Lobster Tracer
allowed.



Buoy Line Marking for OTP in Northern Nearshore Pot/Trap Waters

Three 1' red
marks required
in each third of
the buoy line.



Commercial Eel Fishery and Permits

Proposal:

- Establish a moratorium on the commercial harvest of eels, but allow importation, sale, and possession of eels lawfully harvested in other jurisdictions subject to paperwork requirements.
- Adopt permit restrictions to restrict participation adopting a control date of December 31, 2024.
 - Limit permit issuance in 2026 to persons who held permit prior to control date and landed or sold one pound of eels during a qualification permit (e.g., 5 or 10-year period preceding control date)
 - Make limited entry permit owner-operator and possibly non-transferable.

Rationale:

- 2023 assessment concluded eels are depleted and at or near historically low levels driven by a variety of anthropogenic and environmental factors.
- Massachusetts commercial fishery remains open entry, but activity is limited.
- Underreporting may be occurring creating accountability and conservation challenges.
- Eels are an important forage fish and interest in conserving the stock.

Other Considerations:

- Reported commercial landings have been about less than 1,000 pounds per year for past decade with total annual value under \$11,000.
- Massachusetts harvest is almost exclusively yellow-phase eels.
- DMF issues about 250 permits annually but 10 or fewer are currently reporting any catch.
- Private recreational limit allows for harvest of 25 eels per day and limits possession to no more than 25 eels when fishing; limit is 50 eels on for-hire vessels.



Preliminary Considerations for Limiting Entry for Eel Fishery

Reference Period	Landings Threshold	
	1 lb sold in any year	1 lb sold or kept for personal use in any year
January 1, 2015–December 31, 2024 (10 years prior to control date)	7	9
January 1, 2020–December 31, 2024 (5 years prior to control date)	3	3



Winter 2025 Public Hearing Docket

General Provisions

- Uniform Method for Striped Bass Measurement
- Prohibit Use and Sale of Non-Endemic Worms
- Prohibit Mechanized Bait Deployment
- False Albacore and Atlantic Bonito Possession Limit

Sharks and Shark Fishing

- Prohibit Retention of Oceanic White Tips
- Prohibit Shore-Based Shark Angling and Chumming
- Paperwork for Dogfish Fin Possession

Protected Species

- Controls on Use of Conch Pots in Federal Zone
- Whale and Turtle Entanglement Reporting

Commercial Fishing

- Menhaden Permitting and Trip Limit Triggers
- Groundfish and Monkfish Permitting and Limits*
- Eel Fishery Permitting and Limits
- Summer Flounder Controls
- Striped Bass Management*

Recreational Fishing

- Black Sea Bass Season
- Cod and Haddock Limits*
- Striped bass length measurement method

Timeline and Process

- DMF anticipates public hearings in late-February or early-March 2024.
- Minimum of two public hearings (e.g., Gloucester, Bourne)
- Final recommendations to MFAC at spring business meeting.
- Implementation goal of May 2025.



ASMFC Striped Bass Management Board

Special December 16 Meeting to Consider Board Action for 2025 in Response to 2024 Stock Assessment

- Projections indicated range of 0% to 14% reduction needed to achieve 50% probability of rebuilding by 2029.
- Range based on assumptions about catch in 2024, expectation for fishing mortality in 2025-2029, and recruitment.

Prevailing Motion

- Move to initiate an addendum to support striped bass rebuilding by 2029 in consideration of 2024 recreational and commercial mortality while balancing socioeconomic impacts. Options should include, if needed, a range of overall reduction, consideration of rec vs comm contributions to the reductions, rec season and size changes taking into account regional variability of availability, and no harvest vs no target closures. Final action shall be taken by the annual 2025 meeting to be in place for the 2026 rec and comm fisheries.



ASMFC Striped Bass Management Board

Competing Motion for Board Action (as amended):

- Move to take Board action to implement in 2025 recreational season closures to achieve a 9% reduction and decrease the commercial quotas by 5%. The recreational seasonal closures will be implemented regionally, as follows:
 - ME-RI: no harvest or no targeting closures in Waves 3 and 5 to achieve a combined 9% reduction, implemented in uniform dates across the region
 - CT-NC: no harvest or no targeting closures in Waves 2 and 6 to achieve a combined 9% reduction, implemented in uniform dates across region
 - Chesapeake Bay: no harvest or no targeting closures in Wave 4 in Maryland and Wave 6 in Virginia to achieve 9% reductions each
 - NY, PA, DE area-specific fisheries: seasonal closures or size limit changes to achieve 9% reductions.
- The Regions/states will submit implementation plans for Board approval at the Winter 2025 Meeting Week. If a region can't decide on uniform dates, the Board will make the selection. The implementation deadline is April 1, 2025.

