

MARINE FISHERIES ADVISORY COMMISSION
Tuesday, February 13, 2024
Via Zoom

In attendance:

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

Department of Fish and Game: Commissioner Tom O’Shea; and Sarah Maier

Division of Marine Fisheries: Daniel McKiernan, Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Mike Armstrong, Deputy Director; Jared Silva; Julia Kaplan; Ben Gahagan; Brad Chase; Tracy Pugh; Derek Perry; Steve Wilcox; Melanie Griffin; Kiera Lawlor; Stephanie Cunningham; Scott Schaffer; and Nick Buchan.

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

Members of the Public: Nora Blair; Peter Fallon; Sharl Heller; and Heather Haggerty.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane thanked everyone for their attendance and called the February 13, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF FEBRUARY 13, 2024 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the February 13, 2024 MFAC business meeting agenda. No amendments were proposed.

REVIEW AND APPROVAL OF DECEMBER 19, 2023 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any amendments to the December 19, 2023 draft business meeting minutes. No amendments were sought.

The Chairman then requested a motion be made to approve the minutes. **Sooky Sawyer made the motion to approve the December 19, 2023 business meeting minutes. Shelley Edmundson seconded the motion. A roll call vote was taken and the motion passed unanimously 8-0-1 with Chairman Kane abstaining.**

CHAIRMAN'S COMMENTS

Chairman Ray Kane welcomed everyone and thanked the MFAC for their continued attendance.

LAW ENFORCEMENT

Lt. Bass handled the comments for the Massachusetts Environmental Police (MEP) and briefly discussed some issues occurring on the North Shore related to the inshore sea scallop fishery and the federal maximum retention program for groundfish. Lt. Bass then highlighted ongoing work to remove trap gear from the seasonal closure area to protect right whales and discussed the deceased right whale off Martha's Vineyard. He then closed his comments with a personnel update.

COMMISSIONER'S COMMENTS

Commissioner O'Shea stated he will be meeting with members from the Gloucester fishing community later this week and discussed NOAA Fisheries' recent Ocean Biodiversity conference in Washington DC. The conference was timely given DFG's ongoing development of a Biodiversity Strategic Plan for Massachusetts. DFG staff would present on this plan later in the meeting.

DIRECTOR'S COMMENTS

Director McKiernan began his comments by highlighting the various issues facing the agency's Shellfish Program. On the personnel side, there were a number of vacancies throughout the program due to turnover and retirements. DMF promoted Chrissy Petitpas to be the Shellfish Program Manager; Chrissy was previously the South Coastal Program Leader and had served as the Acting Program Manager followed Jeff Kennedy's retirement last year. Additionally, DMF Wayne Castonguay was hired to be the North Coastal Program Leader; most recently, Wayne worked for the Ipswich River Watershed Association. Lastly, DMF biologist Alex Boeri moved from the Invertebrate Fisheries Program to lead the Aquaculture Project. Dan felt strongly that these hires created a strong core team, but DMF still needed to backfill the South Coastal Lead position (previously held by Chrissy) and bring on laboratory and field biologist staff. Dan noted these staffing issues underscored a larger agency-wide problem regarding talent retention, which he and Commissioner O'Shea were working to address. Concurrently, the Shellfish Program was also facing serious programmatic issues. DMF had to close the Newburyport Depuration Plant

There were also two significant programmatic issues at present. First, DMF halted depuration activities at its Newburyport plant in late November 2023. Recent storms and coastal erosion had rendered the plant inoperable and in need of significant infrastructure investment. DMF had scheduled a stakeholder meeting for February 15 to discuss the infrastructure issues at the plant and the possibility of re-opening the plant in the future; potential alternatives for affected shellfish harvesters while

operations at the plant are suspended; and the likely ability to upgrade the classification of certain areas within Boston Harbor and return management of the resource to local municipalities. Dan noted that performance in this fishery has waned dramatically in recent years, likely the product of coastwide issues facing the softshell clam resource and the prevalence of neoplasia in areas (e.g., Boston Harbor) where this fishery was historically active. Second, in recent years, the FDA has been requiring DMF systemically address the spatial extent of precautionary safety areas around sewage treatment plant outfalls. This is an ongoing, state-wide effort that has resulted in DMF having to downgrade the classifications of areas proximate to outfalls, which impacts shellfish fishing and propagation opportunities. To minimize the spatial extent of these impacts, DMF has relied on oceanographic modeling by Dr. Chen at SMAST and this modeling has been used to inform classification decisions made around the Fall River, Marshfield, Scituate, and Plymouth outfalls. DMF will soon be similarly reclassifying areas in Buzzards Bay relative to the New Bedford and Fairhaven outfalls. Given the volume of effluent released from the New Bedford plant, the spatial impacts of this reclassification effort will impact waters around most of the southern and western coast of the Bay. DMF will likely also have to substantially increase its water quality testing in adjacent areas to minimize the closure footprint. The impacts related to reclassification are also compounded by the effluent releases from Combined Sewage Overflows following precipitation.

Senator Tarr, along with a bi-partisan group of coastal legislators, filed a bill to modernize Massachusetts' statutes relevant to derelict gear. This bill is consistent with the recommendation of DMF's Derelict Gear Task Force. Dan was hopeful this bill would be passed in the coming months allowing DMF and the MFAC to streamline the permitting and management process for derelict gear removal and disposal.

Dan briefly touched on two ongoing lawsuits. The Massachusetts Lobstermen's Association has sued NOAA Fisheries over their recent action to seasonally close the area of federal waters adjacent to the state waters portion of Massachusetts Bay known as the "Wedge" to fishing traps with persistent buoy lines to protect right whales. Second, a group of Maine fishers has sued the State of Maine over recent ASMFC-mandated regulations requiring vessel tracking devices onboard any vessel with a federal lobster trap allocation.

DMF is hosting public hearings at the end of February to take comment on regulatory proposals affecting a number of different commercial fishing issues. Among the more controversial items is DMF's seasonal closure to protect spawning horseshoe crabs. Additionally, DMF will be holding a public hearing at the Massachusetts Lobstermen's Association annual trade show on March 22 regarding implementing ASMFC-mandated regulations affecting lobster carapace size, v-notch, and escape vent rules, as well as, an allowance for commercial fishers to use of "MA Tracer" weak rope.

Kalil Boghdan asked for clarification regarding the current status of the Newburyport facility. Dan stated the facility is still currently functioning as a DMF laboratory, but the depuration activities have ceased due to damage to wellheads.

Sooky Sawyer asked about scallop permits being transferred to Maine. Dan stated permitting staff will look at recent transfer and activity data and will review it with the MFAC at an upcoming meeting.

Ray Kane and Bob Glenn discussed various weak rope options for trap fishers and the development of the new MA Tracer line. Bob Glenn indicated that DMF will be handing out whale safe gear and marking contrivances at the upcoming Massachusetts Lobstermen's Association's trade show.

Bill Amaru, Chris McGuire, and Director McKiernan discussed offshore wind energy development, happenings at recent Fisheries Working Group meetings, and the pending rollout of the Vineyard Wind Compensation program. DMF staff will provide a more thorough update on wind energy development at an upcoming MFAC meeting.

DISCUSSION ITEMS

Interstate Fisheries Management Update

Nichola Meserve reviewed significant items from the Atlantic States Marine Fisheries Commission's (ASMFC) Winter 2024 Meeting and previewed the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board meeting on February 14. At the ASMFC's winter meeting, the Lobster Board initiated an addenda to clarify minimum size standards for Canadian imports, voted to request NOAA Fisheries not implement certain trap caps in LMA 2 and LMA3, and determined to stay management action in response to the 2023 Jonah crab stock assessment. The Striped Bass Board approved Addendum II to Amendment 7 to the Fishery Management Plan. This requires states take action by May 1, 2024 to cut their commercial quota by 7%; adopt coastwide standards to prevent the filleting of striped bass by recreational anglers, with an exception for for-hire operations if racks are retained; maintain current recreational bag limit and slot limit standards for the ocean fishery; and for the recreational fishery in the Chesapeake Bay, implement a 1-fish limit with a 19" to 24" slot limit. The Spiny Dogfish Management Board approved FY24-26 commercial quotas consistent with the Mid-Atlantic and New England Fishery Management Council actions. The American Eel Board initiated an addenda to establish Maine's glass eel quota beyond 2024 and to consider revisions to the coastwide yellow eel commercial cap. The Summer Flounder, Scup, and Black Sea Bass Management Board meeting is set to approve the states' range of proposed recreational management measures for summer flounder, scup, and black sea bass at their February 13 meeting. Staff reviewed Massachusetts' submitted range of options, for which a scoping meeting and comment period was scheduled. DMF will need to proceed with emergency action to comply with the striped bass recreational at-sea filleting standards and implement an approved set of summer flounder, scup, and black sea bass measures. DMF will bring its recommendations to the March 19 MFAC business meeting.

Sooky Sawyer and Dan McKiernan discussed the pending lobster carapace size changes and the anticipated availability of gauges.

Chris McGuire asked when and how managers will get access to the aggregated tracking

information. Dan stated that this is still being worked out among the states and the Atlantic Coastal Cooperative Statistics Program.

Mike Pierdinock raised issues regarding rack disposal relevant to the rack retention requirement affecting striped bass filleting. Mike P. was interested if alternative approaches can be considered (e.g., photos). Nichola stated that such alternatives were not approved in the addendum and could not be implemented, however, most other states already require rack retention and have not reported significant disposal issues. That said, DMF was looking forward to the state's scoping meeting to better understand and troubleshoot these anticipated challenges in Massachusetts.

Kalil Boghdan, Mike Pierdinock, and Mike Armstrong discussed abiotic and biotic factors impacting young-of-the-year production in the striped bass fishery.

Ray Kane closed the discussion by stating that Representative Sarah Peake will be retiring from the state legislature. Ray commended her for her work as the state's legislative delegate to the ASMFC. He is hopeful her predecessor will be just as strong of an advocate.

Federal Fisheries Management Council Update

DMF staff briefed the MFAC on the January 2024 NEFMC meeting. The NEMFC recommended cod and haddock limits to NOAA Fisheries for the upcoming fishing year. For Gulf of Maine (GOM) cod, season and bag limit rules will remain status quo, but there was a recommended 1" increase in the minimum size to 23". rules remain status quo except for a 1" increase to the minimum size. For GOM haddock, it was recommended that last year's split mode measures be abandoned in favor of adopting the current for-hire rules for the whole fishery (April 1 – February 28 season with a 15-fish bag limit, and 18" minimum size. Lastly, there are no expected changes to the Georges Bank cod rules. DMF will adopt complementary regulations by emergency action. Additionally, as stated above, the NEFMC approved spiny dogfish specifications. Lastly, a scoping document for the development of Amendment 10 to the Atlantic Herring FMP has been released and scoping meetings will be scheduled this spring.

Bill Amaru asked if there were any changes coming up regarding winter skate. Melanie stated DMF will follow-up with Bill after the meeting.

Mobile Gear Fishery Issues

Jared Silva discussed its February 1 stakeholder meeting regarding mobile gear fishing in state waters. The meeting's primary purpose was to address a variety of burgeoning issues related to the sea scallop dredge fishery and the retention of sea scallop shellstock. Following the meeting, on February 8, DMF released a comprehensive policy guidance document. The meeting also provided an opportunity for DMF to address the trawl fishery and provide an overview of expected quotas and regulatory changes for the summertime trawl fishery south of Cape Cod in advance of the public hearings scheduled for February 28 and February 29.

DMF also provided a short update on its surf clam dredge pilot program to improve geo-

spatial management through electronic monitoring. DMF would present on this issue in more detail at a springtime meeting.

Ray Kane asked about the status of a graduate student for whelk research. Dan McKiernan stated they are looking for funding within the next funding period of \$75,000.

STRATEGIC PLAN DEVELOPMENT FOR DEPARTMENT OF FISH AND GAME PRESENTATION

Commissioner O'Shea introduced Sarah Meier. Sarah was spearheading the Department's strategic planning efforts with Christy Edwards. Sarah discussed the intent of the planning initiatives and the various themes, goals, and strategies.

Kalil and Sarah discussed the timeline for publication. Sarah was hopeful the document development would be completed by the end of the year.

Chris McGuire supported the initiative and noted it points the agencies within the Department to prioritize items that may have been under-served in the past. Sarah and Chris also discussed how this may impact interagency cooperative.

DIADROMOUS FISH PASSAGE WORK PRESENTATION

Brad Chase provided the MFAC with an update on DMF's Diadromous Fisheries Project, focusing on recent fish passage and habitat restoration work.

Mike Pierdinock suggested DMF develop, maintain, and publish an inventory of fishways that need to be improved.

Brad, Chairman Kane and Mike P. discussed funding and how crucial DMF's recreational permit fees are these projects

Brad and Mike P. discussed eel distribution data.

Kalil Boghdan commended Ben Gahagan and thanked him for letting him get involved with the alewife count. Ben Gahagan informed MFAC members of an upcoming conference in Hyannis.

OTHER BUSINESS

Upcoming Public Hearings

Jared Silva discussed various upcoming public hearings and meetings. He stated that the Commission members are encouraged to attend. More information regarding the upcoming public hearings can be found [here](#).

Commission Member Comments

Mike Pierdinock thanked DMF for their continued work.

Bill Doyle asked if there is any hope for recreational herring license. Jared stated that is allowed on a run-to run-basis and it is left up to the towns to determine. Brad stated that four towns requested DMF created management plans thus far. He stated that two of the towns with approved plans, but they have not opened to fishing.

Tim Brady echoed Bill's thoughts on herring and appreciates all the efforts by Brad's team.

Chris McGuire, Shelley Edmundson, and Bill Amaru thanked DMF staff and commended the memos that have been distributed regarding upcoming public hearings.

PUBLIC COMMENTS

No public comments were made.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the February 13 MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Bill Doyle. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- February 13, 2023 MFAC Agenda
- December 19, 2023 Draft MFAC Minutes
- Atlantic States Marine Fisheries Commission Winter Meeting Summary
- Update on Recreational Black Sea Bass, Scup, and Fluke
- Update on Striped Bass Addendum II Implementation
- Review of the Mobile Gear Meeting
- New England Fishery Management Council Meeting Summary

UPCOMING MEETINGS

9AM
March 19, 2024
via Zoom
9AM
May 21, 2024
TBD

9AM
April 23, 2024
TBD
9AM
June 18, 2024
TBD