

John Kenneway
65 Westpond Rd.
Chatham Ma

Feb 19 2024

I am a commercial conch pot fisherman, shellfisherman, horseshoe crab harvester, we currently have two horseshoe crab bait permits in our house hold. In years past we have had 3 bait permits in the house. My sons got their horseshoe crab bait permits when they were 14. Great part time job when they were in high school.

I have been harvesting horseshoe crabs on and off for the last 24 years on the same beaches selling to bait dealers, and for our own conch bait use. The years we harvest for bait dealers we harvested over 6,000 crabs in May and June. Some years the crabs' sales have been the first good paychecks of the years in our household.

The last couple of years we have been harvesting horseshoe crabs for our conch bait in May and June saving on our bait bill. In 2023 we bought crabs in July through the Rent a crab's program Witch saves use two dollars a crab The Rent a crab program works very well.

Hand horseshoe crab harvesters have lost both Pleasant Bay and Monomoy for harvesting one of the largest gatherings of horseshoe crabs on the east coast This leaves hundreds of thousand crabs to nest and lay eggs undisturbed, adding to a increasing and stable crab population.

MA horseshoe crab lunar harvesting closure has been a successful management tool for hand harvesting. Leaving horseshoe crabs to stage and nest undisturbed at the most active nesting times. The horseshoe crab population in Nantucket Sound has increased and is stable

There is no need for the May -June hand harvesting restriction of horseshoe crab. The loss of both Pleasant Bay and Monomoy plus the lunar harvesting closure leaves hundreds of thousands horseshoe crab to spawn Lunar closers have been a very successful management tool. Adding to recruitment and a stable and increase in horseshoe crab population.

As a conch pot fisherman, we need horseshoe crab as a base bait. There is nothing that fishes better then horseshoe crabs for conch bait. It is bad enough that the conch gauge increase we are discarding 70-to 80 % of our potted conchs. There are 10 to 15 hand harvesting bait horseshoe crab fisherman in Chatham fishing out of small skiffs. This is part of our yearly income and bait supply for the conch pots. Outside environmental groups should not dictate fisheries management in MA. The horseshoe crab stock in Nantucket sound has increased since the lunar closer was put in places and the stocks are stable. Loss of the hand harvest makes our crab permit worthless and affects the May and June bait supply for the conch pot fisheries.

John Kenneway

From: [jill nawoichik](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Subject: Horseshoe crab regulation changes
Date: Friday, March 8, 2024 10:48:46 PM

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Good evening,

I hope all is well with you. I am writing regarding the proposed horseshoe crab regulation changes. I will always try to support conservation efforts, especially when it comes to ocean life. My career is primarily based on fishing/harvesting, however, we (fisherman/fisherwoman) are also the forefront of conservation. I wrote, and rewrote this email multiple times. Only to erase what I had entirely for a simple version. The proposed changes will cripple a small group of people able to fish horseshoe crabs. Closing fishing entirely from April-June (I'm not specifying due to you having your own information) would cause an immediate hardship for day boat fisherman/fisherman. From what i was shown, it doesn't effect the population much...The possibility of smaller daily limits, or other closure dates are more receptive. I believe further discussion on this topic is needed. Preferably more than a few emails, two limited meeting dates, and a week to respond without full knowledge of everything discussed.

Thank you for your time,
Jill Nawoichik

From: [david.mesurvey](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Silva, Jared \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Subject: Hsc Comment
Date: Friday, March 8, 2024 4:19:58 PM

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Dear Director McKiernan,

Thank you for providing the opportunity to comment on upcoming regulation changes. I always support reasonable horseshoe crab conservation efforts. With significant changes inevitable, I respectfully ask you consider two changes to your proposal.

1) Limit closure to May. This would allow protection of over 75% of spawning females while still providing at least a small amount of bait to the conch industry during a time of year they need it. Freezing crabs over the winter would be extremely inefficient and produce a crab that is freeze burnt and not suitable for use. Allowing bait harvest on either side of May would at least provide some opportunity to fishermen that are about to lose their fishery entirely. Please, for the fishers that have given up so much to allow for a successful crab population, support limiting closure to May or within reason.

2) At minimum, allow for a limited biomedical harvest during closure. This proven low impact fishery will provide some stability for LAL production. With crab numbers on the rise in state waters and extreme conservation measures on the horizon, a biomedical fishery during the closure seems to be reasonable. This will allow for this crucial industry that we all depend on to at least stay operational. Hundreds of jobs depend on it. Hundreds of millions of people depend on the product. With mortality virtually zero, it's a small ask.

With major conservation initiatives on the horizon, I ask DMF to the best of their abilities limit the impact to LAL manufacturers, conch fishers, and most importantly HSC fishers that have given so much over the years. These fishers are the reason for increased numbers of crabs currently in our waters.

Thank you again for the opportunity to comment.

With Regards,

David Mesurvey
Fisherman
Dealer
Conservationist

From: [Joe Weinberg](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crab spawning closure attention Director Mckiernan
Date: Friday, March 8, 2024 2:44:14 PM

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To: Director Mckiernan
All members of the MFAC

For the second year in a row DMF is proposing an end to the beach harvest of Horseshoe Crabs. This measure would exclude roughly 30 active harvesters from a fishery, in which they historically landed the majority of the Horseshoe Crab Quota. I am one of them.

Last year the MFAC voted this measure down based on caution, common sense, and lack of supporting evidence. I am grateful for their thoughtful consideration last year, and would ask them again for their support this year.

What are the motivating factors for this closure?

1. We shouldn't harvest an animal when it is spawning:

In Massachusetts, we harvest various shellfish, Squid, Scup, Sea Bass, and Horseshoe Crabs (HSC). When managed properly this practice has proven to be sustainable. While Sustainability may be a dirty word to the Audoban Society, it is the mission of DMF and the key to financial survival of Fisherman and the Fishing Industry.

2. Shorebirds won't have HSC eggs to eat if the beach harvest continues:

This is simply not true. There are many spawning areas from Provincetown to the southern tip of Monomoy Island, where shorebirds feed on HSC eggs, that are closed to beach harvest. Also, within open harvest areas, birds feed on HSC eggs deposited during Lunar Closures. Additionally, eggs are deposited in open areas, on open harvest days, despite HSC being harvested. Harvesters require some depth of water to work. Birds require little to no water to feed.

3. Not enough is being done to help the stock rebound:

Not according to DMF. The stock has improved from "Poor to Neutral" and "Appears to be stable". Fisheries Managers have created a "Balance of harvest effort vs. conservation measures." Is it not DMF's belief that population improvement in Massachusetts is most likely due to conservation measures already in place?

4. The roughly 30 Hand Harvesters can simply make a lateral shift in the industry: Some will. Some will not. The harsh reality is that we Fishermen are losing this game of Whack-A-Mole. Every year it gets harder and harder to make shifts from fishery to fishery. The windows of opportunity are constantly shrinking. Usually, the losses are due to regulation.

5. Motivation to end the beach harvest, due to public opinion.

The general public has been duped and misled by various conservation groups, such as the Audoban Society. By spreading misinformation to achieve their agenda, these groups seem to be gaining traction based on false statements, assumptions and conjectures.

Aside from the motivations for this action that have no merit, there are several negative impacts resulting from a spawning closure.

1. Unjustified financial hardship on roughly 30 Commercial Fishermen.

2. Adding further stresses and challenges to an already distressed Channel Whelk Fishery.

3. Increasing harvest on one subpopulation of HSC (within Nantucket Sound). DMF has already stated that size

(age structure) of HSC in Nantucket Sound has declined. DMF suspects that this is due to fishing pressure. This measure would exacerbate that problem in Nantucket Sound.

4. Creating imbalance in areas, such as Cape Cod Bay, where HSC will not be harvested at all. HSC will become an unchecked and under utilized resource.

I have been fishing for a living in Massachusetts since 1991. In that time I have harvested Softshell Clams, Quahogs, Mussels, Razor Clams, Bay Scallops, Squid, Green Crabs, American Eels, Scup, Tautog, Black Sea Bass, Cod, Pollack, Haddock, Striped Bass, Bluefish, Bluefin Tuna, Cunner, and Horseshoe Crabs. I have spent most of my time from the inside bays to the great south channel. I have fished with fixed gear, mobile gear, hand rakes and my hands. The idea is simple. Fish for what is most abundant, with the least amount of restrictions, when it is in highest demand. The theory is simple, but not easily accomplished. I have watched the cod fishery collapse, only to be shut out of the fishery when it rebounded. I watched the Seabass population explode, only to lose access to it due to regulations, despite population health. Watched fluke regulations liberalize, despite obvious decline in stock biomass. Watched fisheries's managers with no other choice but to use flawed science, derived from flawed data, because of the constraints forced upon them by legislators. I am now watching as the court of public opinion could possibly influence fisheries managers, despite the lack of evidence to justify it.

To Commission Members undecided on how to vote on this Measure. Please have the faith and patience that the current conservation measures are working. Please encourage DMF to continue to work with fishermen. Please believe that HSC harvesters, Whelk fishermen, wholesalers, and the biomedical industry truly need this fishery.

Thank you to Dan Mckiernan, DMF, and all MFAC members for your efforts and achievements. The sustainability thus far of the HSC fishery in Massachusetts has been proven successful. Please let it continue.

Joe Weinberg
Horseshoe Crab Harvester
Sent from my iPhone

From: [Jacob Angelo](#)
To: [Fish, Marine \(FWE\)](#)
Subject: HS Crab Public Comment to Director McKiernan from Jacob Angelo (Barnstable Seafood Co.)
Date: Friday, March 8, 2024 8:51:25 AM

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Dear Director McKiernan,

My name is Jacob Angelo and I am a shell fisherman and commercial pot fisherman out of Barnstable. I got my first fishing permit (town shellfish) in 2015 and have expanded to sea bass, and conch since then. I am also a small time primary wholesale buyer under the name Barnstable Seafood Co. I am against the spring closure for horse shoe crabs for the following reasons.

1. The population is increasing/stable in most locations with the exception of degraded habitat areas. This is not just what I seen on the studies provided by the DMF but also what I see out on the water. I see hoards of crabs spawning all over Barnstable harbor, catch them dredging up in the estuaries on the south side of Barnstable, and even in fish weirs and clinging to pots I haul in Nantucket Sound.
2. The DMF and fishermen have made a lot of sacrifices implementing catch limits and the lunar closures. Since 2010 the populations have been rebounding consistently. One of the reasons for a bigger landing of spring crabs last years was certainly due to the sheer abundance of them.
3. Taking pressure off horse shoe crabs will certainly put pressure on other small inshore fisheries.
4. The dependence of crab eggs to shore birds is over exaggerated and not proven. This is an excerpt from the Audubon Field guide for the Red Knot: "**Diet** Includes mollusks, insects, green vegetation, seeds. In migration and winter, feeds on small invertebrates that live in mud of intertidal zone, especially small mollusks, also marine worms, crustaceans. On breeding grounds, feeds mostly on insects, especially flies. Also eats much plant material, especially early in breeding season (when insects may be scarce), including shoots, buds, leaves, and seeds."(Source: <https://www.audubon.org/field-guide/bird/red-knot>) No mention of crab eggs at all.
5. The Audubon society will eventually come after all the horse crab sectors and eventually other fisheries. The amount of public comments in favor of the closure is undoubtedly due to the propaganda of the Audubon society through NPR and social media. They have created a fill in the blank public comment form which anybody can fill out and submit without knowing what was written. (Source: https://web.massaudubon.org/sites/Advocacy?cmd=display&page=UserAction&id=290&_gl=1*113jgb*_ga*Mzc5NzU3MzIzLjE3MDk3NjI0NDQ_*_ga_CNI9TFRJB4*MTcwOTc2MjQ0My4xLjAuMTcwOTc2MjQ0Ni4wLjAuMA._&_ga=2.102565570.2140902006.1709762444.379757323.1709762444)
6. Conch pot fishing sector will face further hardship. Horseshoe crabs from out of state will be more expensive and have a much larger carbon footprint. There is mention of alternative baits, including but not limited to green crabs, but the reality of the situation is no one will bother potting conch without hs crab. Every conch fisherman I know, including myself, has experimented with different kinds of bait combinations many times with dismal results. If I could use exclusively green crabs and skate racks for conch it would make me more bait independent, but unfortunately it doesn't work.
7. It is important to protect the fishermen. We are stewards of the ocean and have no interest in unsustainable harvest. I'm 32 years old and I only know of one other person younger than me who fishes full time to make a living. You will be taking away a low impact, low overhead fishery that is as helpful for a young fisherman getting into the industry as it is to an old timer who is trying to continue to make ends meet.
8. There are serious concerns in Barnstable Harbor that if the ever expanding population of horse shoe crabs were to go completely untouched in the spring, we would will see a huge decrease in shellfish sets due to predation. The horse shoe crabs in Barnstable harbor are so plentiful that we are seeing breeding behavior in spots that never did before.
9. Population studies done by citizen scientists should be thrown out. There is nothing that stinks more than a bias group of Audubon members being the source of population sample data.
10. The National Seashore and Monomoy Island are massive areas already closed to harvest. These areas combined contribute to protecting a large amount of spawning stock in Cape Cod Bay, Nantucket Sound, and Outer Cape.

Let's make a 50,000 crab spring quota to reflect the historical spring harvest, as well as recognizing the increasing population. Don't let the Audubon tarnish all the hard work the DMF and fishermen have done to make the Massachusetts horse shoe crabs fishery sustainable.

- Jacob Angelo
46 Meadow Lane West Barnstable, MA 02668
Cell: 508-367-7830
Barnstable Seafood: 774-994-1711

From: [William Korkuch](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe Crabs
Date: Thursday, March 7, 2024 9:07:16 PM

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Attn: Director McKiernan

Hello my name is William S Korkuch I'm a lifelong commercial fisherman all over Cape Cod, primarily Barnstable Harbor. I sold my first Horseshoe Crab when I was 10 years old for 15 cents, this started my forty four year career as a commercial fisherman. My boots on the ground opinion is that a closure is completely unnecessary. There are more Horseshoe Crabs now than in my lifetime. I speak with fishermen in Massachusetts and Rhode Island. Horseshoe Crabs are everywhere, they all say the same thing, they are back, they are everywhere. The Horseshoe Crabs are even bigger than ever before, they are just huge.

MY STORY:

I grew up on Maraspin Creek in Barnstable Harbor, I lived there till I was 25, I still own the property. I still live on Cape Cod right down the street. One day in 1979 I was riding my bicycle down at Barnstable Harbor and a pot fisherman told me he would give me money if I picked up Horseshoe Crabs. I walked up and down the beach with my rowboat picking up Horseshoe Crabs, I filled up my rowboat, went to the pay phone and called the guy who unloaded Horseshoe Crabs into his truck and I did it again, 3 dinghys a day. I was making \$35.00 dollars a day at 10 years old. This work ethic stuck with me my entire life, it taught me the answer to mega bucks is mega work.

The following year someone told me about the biomedical part of the Horseshoe Crabs. After a dozen phone calls at 11 years old, I found doctor Borge. He was very impressed with my enthusiasm as a kid trying to make money. He did not know how I would do it but he was willing to give me a try, I told him my dad would drive me. He said he could not discuss money on the phone but he paid more than 15 cents. While all this was going on my father was teaching me the value of money and how to talk business like a man, When we pulled away from my first delivery of Horseshoe Crabs I opened the envelope and realized he was paying a \$1.00 a Horseshoe Crab, at a 11 years old I was instantly rich. I was making around \$1500 - \$1800 a week more money than both my parents combined. My father was charging \$200 a week to deliver plus \$40 a week to rent his rowboat, plus gas and oil. I had to buy 12 trash barrels for \$200 dollars because my father, who was also a fisherman when I was going up, was teaching me how the fish world works. This went on every summer for the next 6 or 7 years, then the population of Horseshoe Crabs dwindled to nothing. By then I was a commercial clam digger and have never left the ocean. The Horseshoe Crabs never came back, I was hearing stories in Rhode Island of guys filling rental trucks with 15,000 thousand Horseshoe Crabs a day. I could not catch any as they were gone. A few years after came regulations and licensing which I thought was a bad idea not realizing conservation is necessary because they never came back. I have paid for my license every year and still no Horseshoe Crabs.

In the early 1990's I acquired a shellfish farm in Barnstable Harbor again the ocean pays for my whole existence. While working on my Aquaculture Farm in 2011/2012 I came across a

set of Horseshoe Crabs meaning literally thousands and thousands of them, they were about the size of a nickel and completely transparent you could see right through them. You could pick them up by the handful they were everywhere, it was the first evidence of Horseshoe Crabs in years. Even though they were tiny it was a pleasant surprise. In 2019 I began seeing mature Horseshoe Crabs in Barnstable Harbor for the first time in years. I went up to the breeding sandbars that I used to go to as a kid and the Horseshoe Crabs were back, thousands of them. I started fishing for Horseshoe Crabs for the first time in years, it was incredibly lucrative again, and there is a much greater population now than there was when I was a kid. I also fish in Chatham and Wellfleet, again Horseshoe Crabs are everywhere. I do not know where people are getting their information but I'm in the game and know the players the best it's ever been in my 44 years of fishing, and I hear that from everyone. I can bring you to a sandbar where there are thousands and thousands of Horseshoe Crabs. You can fill your quota and it does not even look like you harvested any. I tell people it looks like a plane full of bowling balls crashed on the beach, I have never seen so many Horseshoe Crabs in my lifetime. Just like the sharks and seals we protected 40 years ago and now they are everywhere as well. When the fishery is regulated and protected so well and DMF is doing a good job Horseshoe Crab is better than ever. WHY WOULD WE CLOSE IT?

I do not know who is behind this push for a closure of Horseshoe Crabs, I only found out about it yesterday 03/07/2024. But I would imagine that nothing has changed since I was a kid. The same small group of people constantly bother you because the squeaky wheel gets greased. Let me guess the same old talking points.

1. I'm on vacation and never see them.
2. They are the oldest living thing on earth. It's up to us to save them.
3. The only place you can see one is where we protected them.
4. What about the birds?
5. Overfishing
6. Climate change
7. Pollution

All regurgitated talking points from the last 40 years to make the uninformed nervous and scared about something they know nothing about. The war on prosperity needs to end. It's actually okay for me to make a living and feed my family. The government takes away too much from the many on behalf of the few. The DMF people do a great job regulating the fisheries (I never thought I would say that).

Please give consideration to the fishermen and fishing industry that gives you facts and actual data on Horseshoe Crabs, and not so much to the people that walk on a public beach five times a summer and give you their uneducated feelings about Horseshoe Crabs because they did not see any. Not to be disrespectful but these people are uninformed and know nothing about Horseshoe Crabs.

Sincerely William S Korkuch



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From: [Tyler Hagenstein](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Dear MA DMF
Date: Thursday, March 7, 2024 3:20:32 PM

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Dear MA DMF,

Thank you for allowing public comments regarding potential regulation changes of horseshoe crab harvests. I am 33 years old and proud to be a fisherman in the state of Massachusetts. I am not involved in either biomedical or the bait fishery, nor am I involved in the conch fishery. I consider myself a baymen with conservation as my number one core value. I depend on a variety of species to sustain my livelihood. I fish for lobster in area 1, grow oysters on a grant in Barnstable Harbor, and harvest wild clams all over the town of Barnstable. I spend the vast majority of my time combing the tidal flats looking for life, and not just bivalve activity. Dating back to 2017 I have a plethora of field notes that include barnacle sets, invasive species, water temperatures, notes on vegetation, bird activity and so on. I would like to share a few common themes in my field notes.

1. A disturbing number of green crabs year after year. Today is March 7th and I'm already noticing them coming out of their winter dormancy. They easily outcompete horseshoe crabs for the same food source (wild shellfish). I have been hoping for an abnormally cold winter to keep them in check, but with climate change this seems less and less likely.
2. As horseshoe crabs lay their eggs during the spawning season green crabs follow them and easily burrow 4-8 inches into the bottom to eat the freshly laid eggs.
3. For the last few years (2021-2023) I've noticed a remarkable abundance of both adult and newborn horseshoe crabs. The adults during spawning season and the newborns a little over a month later.
4. In 2023 there was an incredible display of shorebird biodiversity and abundance.
5. A common theme in my notes is that the population of both horseshoe crabs and green crabs are becoming so abundant that wild shellfish stand little chance against them. I have pictures of flats full of steamer seed that have been devoured by both green crabs and horseshoe crabs. I think you'll noticed in catch reports that wild harvest Shellfish from Barnstable Harbor have been down significantly for the last few years.
6. Shoreline development like private docks, bulkheads, and heavily landscaped private properties have lead to the degradation of vital habitat for all species, especially horseshoe crabs, shellfish, and aquatic vegetation.
7. I caught a tagged horseshoe crab in the spring of 2022, it was tagged during the spring of 2018. Tag number 379215

I am against cutting the quota of the horseshoe crab harvest. Out of respect for other fisherman, I have kept drone, videos, pictures, and field notes out of the public eye. Meanwhile, groups like MA Audubon society have been taking pictures of horseshoe crab molts and calling it mass mortality to point fingers at fishermen. They have also been using their vast resources and "citizen scientists" to inform their members and the public that horseshoe crabs are in imminent danger. Let's use our fisherman to target green crabs and improve horseshoe crab tagging efforts. I think we should take 2024 as an opportunity to thank

MA DMF and all the stakeholders for managing a fishery and giving a population an opportunity to grow. This would also be a great opportunity to ease career anxiety amongst young fisherman.

Thank you for your time,
Tyler Hagenstein

From: [colin.urquhart](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Attention Director Mckiernan
Date: Thursday, March 7, 2024 2:15:47 PM

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Hello Director McKiernan,

My name is Colin Urquhart and I am a fisherman based out of Marion. In regard to the horseshoe crab regulation changes, I am against the proposed changes of the rules. It seems that the stock of the crabs is close to being plentiful as ever, despite the fact that they may be laying their eggs in different areas than they traditionally have.

I feel that the impacts from the proposed changes would be detrimental to not only the hand harvest crab fishermen, but the conch fishermen as well. As I'm sure you're aware, the entire conch fishery and shoreside infrastructure has taken a serious turn for the worst in recent years due to regulation based changes, and I fear that they can not be sustained with much more loss and change.

I am now 32 years old and commercial fishing is, and always has been, a way of life for my family and me. I want nothing more than to see all of our fisheries remain sustainable, as I would like to continue fishing for the remainder of my life. Although I believe in some cases increased regulations are warranted, I feel that the constant increase of regulations are going to eventually put most Atlantic fishermen's livelihoods in jeopardy; more than they already have.

In regard to the transfer of latent licenses to immediate family members, I am for the proposed change. Massachusetts's fishing businesses are family fishing businesses, and the permits are part of the businesses, therefore transfer to immediate family members should be allowed regardless of landings or any other criteria. I hope you will take what I have shared with you into consideration.

Thank you for your time.

Best,
Colin Urquhart
F/V Nomad

Sent from my iPhone

From: [Paul Unangst](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Silva, Jared \(FWE\)](#)
Subject: Proposed Amendments
Date: Thursday, March 7, 2024 1:15:58 PM

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Dear Director Dan Mckiernan

I would like to give you my opinion what is best for the 2024 summer fishing in Nantucket sound.

1. I think 400 lbs of fluke is a sufficient amount of fish to catch in a day, when ever we go higher then that the price seems to drop. I think at the meeting you had at Mass Maritime Jarid said the average catch over the summer was 330 lbs per day. Please keep the 7 fishing days open so I can pick the best weather days to go and not have to go on windy days like when we had Friday and sat off. I would ask you to keep the 2 day trip limit in effect so when we fish over towards the islands we can stay over night and fish another day instead of traveling back burning up another 100 gallons of fuel. I would like to be able to keep the crabs from the first day, last year we could not keep them the first day and you can't really go anywhere and not catch them any more.

2. As far as Horseshoe crab management I think 300 crabs is sufficient amount of crabs to catch in a day, I think 1,000 crabs per day in the biomedical quota is way to many , it just keeps boats drilling away to get that many crabs.

My guess is you will stop the landing of grabs till June 7 seeing that the environmentalist sent 3000 letters in to you, but make no mistake next year they will be back wanting more cuts, I wish they could see how many crabs we see now compared to years past but it still would not change there cause.

3. Delaying the Welk size till 2027 is a good idea

Thanks for your consideration

Sincerely,
Paul s Unangst
F/V Destiny
Marshfield, Mass

From: [Tom Luce](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Attn: Director McKiernan-Horseshoe crab
Date: Wednesday, March 6, 2024 9:45:37 AM

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Hello Dan,

The current horseshoe crab research for the NE region appears positive, with increasing recruitment numbers. That's good news-an improving and healthy stock status. Do not see the need to eliminate the spring hand harvesting. The current Mass crab quota/regulations have been determined accurately by DMF. A proposed complete spawning closure for April 15-June 7 is not necessary or warranted according to DMF's own data. The second proposal of reducing the daily count and spreading the quota throughout the season possibly makes more sense.

Also, I do not understand the pressure coming from the non-fishing industry regarding the horseshoe crab being used as bait. I have never seen such an affinity or affection for the crab compared to any other managed quota species. There is the red knot bird reliance on crab eggs, but eventually eliminating the horseshoe crab as a bait source is too damaging to the whelk pot fishery. There can be a balance to keep it's use as bait and protect the bird. There was talk at the Bourne meeting about using alternative baits. No other bait comes even close to the horseshoe crab. Green crabs and Jonah crabs will work but are inferior-the catch rate would drop significantly. Plus, they do not freeze well-only around a month or so before they dry out most likely causing infrastructure difficulties. You can freeze the horseshoe crab for over a year and it still fishes well. The conch buyers currently stockpile and freeze the horseshoe crabs well in advance.

One other note, a speaker at the meeting mentioned other states restricting horseshoe crab harvest but I'm assuming they most likely do not have a sufficient whelk fishery.

Thank you,

Tom Luce
508-274-9402

Sent from my iPhone

From: fishkids0116@gmail.com
To: [Fish, Marine \(FWE\)](#)
Subject: Attn Director Daniel McKiernan, Horseshoe Crab Regulations
Date: Wednesday, March 6, 2024 7:51:58 AM

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To Whom it may concern,

My name is Robert Wright and I have been a commercial fisherman for over 30 years and have seen numerous regulatory changes. I have been constantly adjusting my business model to accommodate these changes and stay in business.

After attending the meeting at Mass Maritime on February 28th and hearing the proposed changes to the Horseshoe Crab regulations, to say I am concerned is an understatement .

As a hand harvester of Horseshoe crabs, I am definitely opposed to the proposed changes to the Horseshoe Crab regulations. It is my belief that the number of Horseshoe Crabs have been on the rise for years and 2023 was my best season ever.

For that reason, I believe, the current lunar closures along with the dwindling number of permits due to fisherman aging out and the inability to get new permits, has helped the stock of Crabs rebound nicely. In short, what we are doing right now is working and I feel we should stay with the current regulations.

If the newly proposed changes to the regulations are passed, not only will it put me out of the Horseshoe Crab business, but most likely out of commercial fishing altogether.

Horseshoe Crabbing makes up about 40% of my annual income and if taken away, I don't think I will continue to be able to piece together a year's pay to support my family. I have been a supporter of Horseshoe Crab preservation for decades and have complied with all reporting requirements and have also been involved in the tagging and reporting program. My only hope would be to be allowed to get the proper permit to drag for them, so I am not completely excluded from fishing for them in the future.

I sincerely hope you reconsider changing the regulations and stay with the current system. If not, I hope you have a plan to compensate the fishermen like me that will be put out of business.

I look forward to hearing your thoughts,

Sincerely,

Robert Wright

Sent from my iPhone

From: [christopher jepsen](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe Crab, Whelk
Date: Sunday, February 25, 2024 6:49:36 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.

Director Mc Kieran,

I know that delaying the hand harvest season for horseshoe crabs until 15 June will put an end to that fishery. As you already know May is the best month and June is when it's over. All the data that I've heard said crab populations are in good condition.

I believe that delaying the gauge increase on whelk until 2027 is a good idea, that should be time to get the data needed to move forward.

Thanks
Chris Jepsen
FV Blood Blistah
Chatham

Sent from my iPhone

From: [DONALD R. KNEPPER](#)
To: [Silva, Jared \(FWE\)](#)
Subject: RE: Feb 13 Advisory Meeting 2023
Date: Thursday, February 8, 2024 3:48:21 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.

Hi Jared,

I guess we are back to the new Horseshoe Crab Proposals for 2024, which seem to be in line with last year's, only worse. This once again is very bad news if you are a hand harvester. We need the month of May, as you know, for it to be worthwhile. I have never sold a crab after June 7. This is really the end all for us if it goes through. You need to give us something that makes sense, maybe even reducing harvest to less than the 300 that is proposed, That proposal makes no sense because it is too late for us. Most fisheries at least start with a major quota reduction and then make changes from there, after they see the results. Maybe give us half of that say 150/day, but we need May. I would think that, coupled with the Lunar Closures, is a pretty good conservation move. See how the quota goes from there. Maybe increase it for the draggers later on. It is just such a big hit all at once to take away that time when we need to go. And I do understand the concern with the spawning. That's why maybe a major reduction in daily harvest might be something that would be good compromise for at least this year. This would definitely slow the yearly quota down and space harvest out more evenly. I know that was a concern last year with the high numbers that were harvested early. But this is fishing and every year is totally different. And I guess the other sad part about this is the opposition from the conservation groups that are really fueling the fire. I just read a notice on the Audubon website for all their members to be involved in the fight to end this harvesting during spawning because the Crabs were far below historic levels. This, they have no proof of but they tell their people what they want. In Dan McKiernan's remarks about this, he has said the population of crabs is not in danger and appears to be at sustainable levels. Also, Jared, nobody really talks about how this permit will become worthless if these proposals pass. All the other State Fisheries have monetary value should one want to transfer and sell. This one does at this time but won't anymore. These new proposals are just so bad for us. I am not against good conservation methods but this is way too much. Please give us something that we can work with.

Thank you,
Donald Knepper

On 02/15/2023 10:21 AM EST Silva, Jared (FWE) <jared.silva@state.ma.us> wrote:

Donald,

I appreciate you reaching out on this and I will circulate this e-mail among the policy team. It's important to point out that the February 13 MFAC business

meeting was the first airing of DMF's horseshoe crab proposal (the full written proposal memo is attached here). Moving forward, DMF will likely announce a public hearing and comment period in the next month. Following the conclusion of the public hearing and comment period, DMF will draft a final recommendation for the MFAC to debate and vote on at a spring business meeting. Our final recommendations do not necessarily match the initial proposal. While I can't predict what the final recommendation will include, I can say that DMF strongly considers public comment in developing final recommendations and the agency also provides all written comment to the MFAC for their consideration before voting up any DMF recommendations. Please keep an eye on this management action as it progresses through the rule making process and I strongly encourage you to attend the public hearings and submit written public comment. Also note that given the timing, any potential changes to the current spawning strategy are not likely to go into effect this year.

Kind regards,

Jared

Jared A. Silva

Senior Policy Analyst

MA Division of Marine Fisheries

836 S. Rodney French Blvd

New Bedford, MA 02744

C: 617-634-9573

O: 508-742-9737

jared.silva@mass.gov

From: drknepper@comcast.net <drknepper@comcast.net>

Sent: Tuesday, February 14, 2023 7:16 PM

To: Silva, Jared (FWE) <jared.silva@mass.gov>
Subject: Feb 13 Advisory Meeting 2023

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.

Hi Jared,

I am a Commercial Fisherman in Chatham, permit No. 152197

I have fished commercially for over 40 years in Chatham.

Starting out jigging for cod,haddock, pollock and then gillnetting,when there was really fish to catch!

Anyway, at the present I Commercial Shellfish and Hand Harvest Horseshoe Crab.

I heard about the latest Advisory counsel meeting about the new Horseshoe Crab Regulation Proposals but was unable to attend the Zoom meeting.

I did watch later on with you tube.

So it appears that you want to close the Horseshoe Crab down through May as one of the conservation measures,which I Think you have enough of with Quotas and Lunar Closures!

And basically that's suicide for me and others that hand harvest the Crabs

We have a Very Short Window of opportunity to harvest these migratory crabs in our Area, never Mind the Weather and Lunar Closures!

And May is our Month!

It does carry a little into June but not much

So giving us a June first opening with with no Lunar Closures doesn't make sense, because the Crabs are gone!!!

I'm trying to tell you Jared This is an Absolute disaster for the Small Boat Fishery Guy if you implement This!

Let's find a compromise here on the calendar!

Best Regards!

Thank You!

Donald Knepper

Douglas E. Sylvia
318 Rock O'Dundee Road
Dartmouth, MA 02748

March 7, 2024

Via email: marine.fish@mass.gov

Dear Director, Daniel McKiernan:

This correspondence is comment upon the proposed regulatory amendments to the Commonwealth of Massachusetts' rules concerning whelk fishing and horseshoe crab harvesting, pursuant to the February 7, 2024, Notice of Public Hearing and Comment Period. I am a longtime inshore commercial fisherman in the Commonwealth of Massachusetts and I have many times before rendered comment upon other proposals. I am a participant in the whelk pot fishery and I must inform you that there are tremendous numbers of whelk present in the waters of the Commonwealth, but the vast majority of the larger whelk are just under the size allowed by the current conch gauge. Therefore, there will be no damage done to the whelk fishery, if the gauge remains as it is for the next three years. This is, especially, true as participation in the whelk fishery appears to be declining, which I believe is due to the age of the participants, the increased expenses of commercial fishing, and the recently declining prices paid for whelk. A gauge increase at this time is unnecessary, it will directly cause me harm and it may force me out of the whelk fishery. My whelk potting has already suffered a decline of income due to the recent approximately 25% decline in whelk prices, and the previous gauge increases. Also, with the potential new issues concerning the bait supply for whelk potting, now is not the time for whelk potters to be required to suffer the effects of another gauge increase.

On to the proposed changes to the harvest of horseshoe crabs. Horseshoe crabs are an ancient species that are more closely related to spiders than to other crabs, and they are the best available bait for whelk pots. Many whelk potters have only fished with horseshoes and have no other experience with alternative baits, and they are in full melt down mode over the proposal to curtail the spring horseshoe crab harvest period. I have fished with green crabs, and I found them to be effective bait for whelks but, obviously, not as effective as horseshoes. If there will be less horseshoe crabs available for whelk bait I have the following concerns:

- a) Green crabs, at the prices I have paid in the past, are more expensive to use for bait than horseshoes;
- b) Horseshoes are naturally greasy when chopped up and green crabs are not, therefore, to improve bait effectiveness, one needs to add small pieces of greasy fish bait, which adds even more to the expense of bait for every whelk pot, when fishing with green crabs;
- c) I do not believe that there are enough green crabs currently being harvested to make up for the shortfall in bait that will be created by closure of the spring harvest of horseshoe crabs. This problem will be exacerbated by the bans on the harvest of female horseshoe crabs, which appear to be planned in the more southerly states.

I am terrified that I will go through all of the labor and expense related to the setting of the whelk pots, only to suffer lost trips due to a lack of available bait. The green crabs need to be harvested in the spring and summer and then frozen and held for the fall whelk fishery. A major expansion of the green crab fishery and the planned advanced freezing of a huge amount of green crab will be required to provide enough bait for all of the whelk potters in the Commonwealth of Massachusetts. Just so you are aware, in my experience, the wholesale dealers who purchase the whelks from the fishermen also obtain and provide the bait to their fishermen.

Obviously, I desire that a spring horseshoe crab harvest be allowed. If it is not, and there is a large reduction in the available amount of horseshoe crabs, the Commonwealth is going to need to assist with the creation of a larger green crab fishery and also assist with the costs and availability of freezing for the green crabs. Has there been a reduction in the overall number of horseshoe crabs in the Commonwealth? I am not aware. If the general public, who will never even encounter a horseshoe crab, desires to shut down the fishery for horseshoe crabs, upon principle only, the few whelk fishermen in the Commonwealth should not be caused to bear the entire burden required to accomplish that goal. Something should be done by the Commonwealth with taxpayer funds to assist the whelk fishermen survive the potential for a massive interference in their bait supply.

Yours truly,

/s/ Douglas E. Sylvia

Douglas E. Sylvia

To All parties, The Division of Marine Fisheries, and the Director Daniel McKiernan,

I hereby express my disagreement with all of the Division of Marine Fisheries' horseshoe crab regulations, past and proposed, which I believe are unlawful, unjustified, and cause undue harm to my livelihood as a commercial fisherman. I am complying with these regulations under protest, and I reserve all of my legal rights and remedies under UCC 1-308 and any other applicable laws.

I encourage the Director Daniel McKiernan to explore amicable solutions with the Labs and their intermediary dealers for restoring investment backed expectations to permit holders who held permits prior to 2001. The DMF management efforts exacted direct losses, and devalued permits for pre 2001 permit holders.

All regulations applied after 2001 had a disproportionate effect on these permit holders, in comparison to newer permitted entrants. I believe this violated the rights of these individuals, and serious consideration to draft regulations that restore those rights is in order.

The disposition based permit structure halved the legal effectiveness of previously whole permits, and amounted to a taking for those individuals who held permits prior to its implementation. The resource steering disposition based permits manipulated expected normal supply and demand pricing, causing harm to those who held permits prior to 2001. These measures combined with measures to increase supply for the labs, created a direct benefit to ACC, their intermediary dealers, and the DMF.

This uncustomary permitting and regulatory scheme raises serious Anti-trust law concerns. There was no increased price for a product that was being utilized and sold twice by the intermediary dealers. Permit holders were obligated to sell to the two (now 4) bait dealers who also supply the Biolabs. The states regulations and expansion in permit sales ensured this would occur. The crabs were purchased from harvesters for around \$2, bled for \$5-\$10, and then returned to the Intermediary dealer who in turn sold them again for \$2 or more for bait. No additional payment was made to the harvesters.

A significant public interest in transparency exists given the astronomical value of the crabs blood, and the documented exploitation of the harvesters. Scientific studies indicate an adult crab yields between 200 and 400ml of blood, there is 946ml in a quart. So there is 3-4 crabs conservatively per quart. Based upon NOAA's Seagrass website, the blood is valued at over \$15,000 a quart. $\$15,000/4=\$3,750$ per crab for the labs. MA DMF allowing 200,000 crabs to be bled, would equal \$750,000,000 in revenue for the labs, \$2,000,000 for the 4 intermediary dealers, and \$600,000 dispersed to the over 200+ harvesters.

Even if the figure was \$1,500 a quart, significant consideration as to the fairness of prices being paid to fishermen is warranted.

The disposition based permit scheme, and subsequent measures created an unequal application of the law, and a disproportionate effect on existing participants. Newer entrants did not suffer the same losses that existing entrants suffered when management measures were taken. Existing participants rights were violated, permit values, and business positions diminished, and they were denied an opportunity to be heard in a meaningful manner, and appropriate setting.

spawning season beach harvesters, those with the most investment backed expectations. The DMF has demonstrated an intent to “eliminate” those harvesters practices from the fishery in Alison Leschens 2008 statement to the press. Any further actions by the state to eliminate spawning season beach harvest on those specific individuals will be a continuation of the previous retributive management efforts directed specifically at them.

See:<https://www.wickedlocal.com/story/archive/2008/04/08/under-pressure-horseshoe-crabs-appear/39346692007/>

“This won’t change things that much for many fishermen,” Alison Leschen of the state Division of Marine Fisheries said on Saturday morning. “Conch fishermen collect them for themselves and only 15 percent of fishermen harvest more than 400 crabs a day. Last year a couple of guys went into a few embayments and just hammered them and took thousands of crabs. That’s what we are trying to eliminate.”

Possible resolution:

Restore previously held positions to those permit holders affected. Restore unrestricted days, and limits, other than the quota cap. Implement measures to protect the harvesters from continued exploitation by the labs and intermediary dealers, given the limited avenues for sale. If bait disposition is allowed, require appropriate, separate, distinguishable compensation for crabs being bled and then returned for bait, along with mandatory reporting of said compensation amounts. Require the labs furnish financial documents and provide equitable compensation to harvesters, and intermediary dealers. Require the labs to propagate crabs being utilized for bait, at a state specified level of performance. Impose substantial limits and spawning closures on permit holders, trawlers, and Letters of Authorization who did not hold a permit prior to 2001.

It is understood that the DMF has broad authority to implement regulations, but it must do so under the rule of law.

The management efforts as a whole, and in some cases, individually, were excessive in relationship to their stated purpose. Government and public interests could have been met with measures less restrictive, and less harmful to the invested fishermen.

I agree to abide by the Division of Marine Fisheries laws under protest, and without prejudice in any future actions.

This document supersedes all of the claimants (Justin Pascarelli and others) public comments, and submitted documents, and no future documents, negotiations, or comments shall be construed as to diminish the claimants rights reserved in this document.

Signed,
Justin Pascarelli
J&L Bait
3/07/2024

John Kenneway
65 Westpond Rd.
Chatham Ma

Feb 19 2024

I am a commercial conch pot fisherman, shellfisherman, horseshoe crab harvester, we currently have two horseshoe crab bait permits in our house hold. In years past we have had 3 bait permits in the house. My sons got their horseshoe crab bait permits when they were 14. Great part time job when they were in high school.

I have been harvesting horseshoe crabs on and off for the last 24 years on the same beaches selling to bait dealers, and for our own conch bait use. The years we harvest for bait dealers we harvested over 6,000 crabs in May and June. Some years the crabs' sales have been the first good paychecks of the years in our household.

The last couple of years we have been harvesting horseshoe crabs for our conch bait in May and June saving on our bait bill. In 2023 we bought crabs in July through the Rent a crab's program Witch saves use two dollars a crab The Rent a crab program works very well.

Hand horseshoe crab harvesters have lost both Pleasant Bay and Monomoy for harvesting one of the largest gatherings of horseshoe crabs on the east coast This leaves hundreds of thousand crabs to nest and lay eggs undisturbed, adding to a increasing and stable crab population.

MA horseshoe crab lunar harvesting closure has been a successful management tool for hand harvesting. Leaving horseshoe crabs to stage and nest undisturbed at the most active nesting times. The horseshoe crab population in Nantucket Sound has increased and is stable

There is no need for the May -June hand harvesting restriction of horseshoe crab. The loss of both Pleasant Bay and Monomoy plus the lunar harvesting closure leaves hundreds of thousands horseshoe crab to spawn Lunar closers have been a very successful management tool. Adding to recruitment and a stable and increase in horseshoe crab population.

As a conch pot fisherman, we need horseshoe crab as a base bait. There is nothing that fishes better then horseshoe crabs for conch bait. It is bad enough that the conch gauge increase we are discarding 70-to 80 % of our potted conchs. There are 10 to 15 hand harvesting bait horseshoe crab fisherman in Chatham fishing out of small skiffs. This is part of our yearly income and bait supply for the conch pots. Outside environmental groups should not dictate fisheries management in MA. The horseshoe crab stock in Nantucket sound has increased since the lunar closer was put in places and the stocks are stable. Loss of the hand harvest makes our crab permit worthless and affects the May and June bait supply for the conch pot fisheries.

John Kenneway