MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AMENDED AGENDA
9:00AM
January 23, 2025
Via Zoom
Login: https://us02web.zoom.us/j/85420610241
Call In: 1-646-931-3860
Webinar ID: 854 2061 0241

1. Call to Order and Routine Business (9:00 – 9:15)
   a. Introductions and Announcements
   b. Review of January 2025 Business Meeting Agenda
   c. Review and Approval of December 2024 Draft Business Meeting Minutes
2. Agency Updates (9:15 – 9:45)
   a. Office of Law Enforcement: Personnel, Recent Operations & Marine Fishery Incidents
   b. Department of Fish and Game: Recent Meetings and Events and Department-wide Activities and Projects
   c. Division of Marine Fisheries: Personnel, Recent Meetings and Events, and Agency Activities and Projects
3. Items for Future Public Hearing (9:45 – 10:45)
   a. Commercial State Waters Groundfish Management
   b. Commercial Striped Bass Management
4. Discussion Items (10:45 – 11:00)
   a. Cape Cod Bay Fixed Gear Free Zone for Whiting
5. Presentation on Open Meeting Law (11:00 – 11:30)
6. Other Business and Public Comment (11:30 – 12:00)
7. Adjourn (12:00)

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

February 25, 2025 – Location TBD

March 27, 2025 – via Zoom

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

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

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

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

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

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

INTRODUCTIONS AND ANNOUNCEMENTS

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

REVIEW OF DECEMBER 17, 2024 BUSINESS MEETING AGENDA

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

REVIEW AND APPROVAL OF NOVEMBER 19, 2024 DRAFT MEETING MINUTES

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

LAW ENFORCEMENT COMMENTS

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

DIRECTOR'S COMMENTS

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

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

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

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

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

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

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

ACTION ITEMS

Election of MFAC Vice-Chair and Clerk

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

The Chair offered his congratulations to Doyle and Edmundson.

2025 Period I In-Season Adjustment for Summer Flounder

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

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

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

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

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

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

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

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

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

UPCOMING PUBLIC HEARING ITEMS

False Albacore and Atlantic Bonito Limits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreational Black Sea Bass Season

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

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

Controls on use of Conch Pots in Federal Zone

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

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

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

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

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

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

Commercial Eel Fishery and Permitting

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

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

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

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

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

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

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

DISCUSION ITEMS

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

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

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

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

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

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

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

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

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

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

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

Director McKiernan noted that now that the state waters sub-components for groundfish stocks have been established, DMF will schedule a meeting with Chris Chadwick, a state waters gillnetter, in January to discuss ideas on state waters groundfish management. Chris had requested this meeting earlier in the year.
Kalil asked if DMF was concerned about specific data gaps regarding federal groundfish assessments. Melanie noted there are a host of areas that should be improved and that these are not just gaps but also a degradation of available data in the case of port sampling.

OTHER BUSINESS AND PUBLIC COMMENT

Public Comment

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

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

Other Business

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

ADJOURNMENT

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

MEETING DOCUMENTS

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

UPCOMING MEETINGS

9AM
Thursday, January 23, 2025
via Zoom

9AM
Tuesday, February 25, 2025
Location TBD

9AM
Thursday, March 27, 2025
via Zoom

The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | www.mass.gov/marinefisheries

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: January 17, 2024

SUBJECT: Future Public Hearing Item –State Waters Groundfish and Monkfish Management

Proposal

I am proposing to go out to public hearing this winter to make several adjustments to the management of groundfish and monkfish in state waters. These proposals include:

1. Adopt definitions for the Western Gulf of Maine of Southern New England cod stock areas consistent with recent changes to the federal stock boundary delineations.
2. Potentially reduce the commercial trip limit for Western Gulf of Maine cod from 400 pounds to 300 pounds.
3. Prohibit the retention, possession, and landing of Southern New England cod by all commercial and recreational fishers.
4. Increase the Gulf of Maine yellowtail flounder trip limit from 350 pounds to 500 pounds.
5. Update the control date for the state waters limited entry Groundfish Endorsement ("GE") from December 31, 2018 to December 31, 2024.
6. Increase the commercial monkfish trip limit from 536 pounds up to 1,000 pounds tail weight resulting in an increase in the whole weight trip limit from 1,560 pounds to 2,910 pounds whole weight consistent with the federal tail weight to whole weight conversion factor of 2.91.

Note, the New England Fishery Management Council (NEFMC) has not yet recommended FY25 recreational fishing limits for Western Gulf of Maine cod and Gulf of Maine haddock. This is expected to occur at the upcoming winter NEFMC meeting. Upon receiving the NEFMC recommendation, NOAA will begin their rule making process. Based on recent history, I anticipate NOAA may publish their final rule during the late spring. Accordingly, DMF will proceed with a separate emergency action to complement federal recreational fishing limits for these stocks.

Background

At its December 2024 meeting, the New England Fishery Management Council (NEFMC) approved Framework 69 to the Northeast Multispecies Fishery Management Plan (FMP). This action transitioned cod management away from the historic two-stock management unit approach—Gulf of Maine (GOM) and Georges Bank/Southern New England — to a four-stock management unit approach—Eastern Gulf of Maine (EGOM), Western Gulf of Maine (WGOM), Georges Bank (GB), and Southern New England (SNE) (Figure 1). Additionally, the framework finalized the annual catch limits for the cod, yellowtail flounder and other groundfish stocks for the 2025 fishing year (FY25), which begins on May 1 (Table 1).

Proposed modifications to the state waters management program will support consistency with the federal program and conservation objectives. Specifically, DMF strives to manage the state waters commercial

fishery so that landings do not exceed the state waters sub-components for any stock. While exceeding the state waters sub-component for a stock is not strictly prohibited under the FMP or implementing federal law, it increases the likelihood that the Total Annual Catch Limit (ACL) for a stock is exceeded which would trigger an accountability measure affecting the broader federally managed fishery. This is of particular concern for the WGOM and SNE cod stocks given their low ACLs and the increased likelihood that each segment of the fishery (e.g., sectors, common pool, recreational) will fully utilize their harvest limits in FY2025. While it is not directly comparable—given the change in stock boundary from GOM cod to Eastern Gulf of Maine (EGOM) cod and Western Gulf of Maine (WGOM) cod_—it is worth mentioning that the FY23 estimated total catch of GOM cod was ~970,000 pounds, which exceeds the FY25 total ACL for WGOM cod by 16% and the FY23 recreational landings of GB cod caught in federal waters totaled ~460,000 pounds, almost 10x the FY25 total ACL for SNE cod.

While the cod resource remains in poor condition, there are opportunities to increase commercial harvest in the state waters fishery on non-cod species. Over the past several months, DMF has been in frequent communication with Chris Chadwick, an inshore gillnetter, about how to enhance the performance of this fishery and more robustly utilize available state waters sub-components. Most recently, staff met with Chris at our Gloucester office on January 15th and we found some common ground regarding increasing trip limits for Cape Cod/Gulf of Maine (CC/GOM) yellowtail flounder and monkfish. Total catch of CC/GOM yellowtail flounder was ~790,000 pounds in FY23, about half of the preliminary total ACL of 1,900,000 pounds for FY25 and state waters catch in FY23 (~19,000 pounds) represents less than one-third (30%) of the FY25 state waters sub-component (~62,000 pounds).

Chadwick has been an advocate for DMF to manage the state waters groundfish sub-components in a more dynamic fashion. This dynamic approach would involve adopting landings thresholds to increase or decrease trip limits to ensure the sub-component is harvested but not exceeded, similar to how DMF and the MFAC have worked to manage the state quotas for summer flounder, menhaden, striped bass, and black sea bass. However, adopting this approach for the state waters groundfish fishery is not currently possible. The manner in which the groundfish fishery is structured and permitted from the federal level down to the state level is fundamentally different than these other species. Foremost among these differences is the state is not assigned a state quota to cover all landings in the state. Rather, a state waters sub-component is taken from the Acceptable Biological Catch (ABC) before it is further divided into the Total ACL and various sub-ACLs for other components of the fishery (e.g., sectors, recreational, common pool). Generally, the state-waters sub-component is not based on a biological metric but on the three-year average of catch from all New England state waters, not just Massachusetts, and it is for use by the various New England states that may harvest that stock from state waters. While Massachusetts state waters commercial fishery is responsible for all of the harvest of certain groundfish stocks (e.g., WGOM cod), harvest may come from other states for others (e.g., pollock), and if there is not a sub-ACL for the recreational fishery then state waters recreational catch is counted against the state waters sub-component (e.g., GOM winter flounder). Further, commercial state waters landings (and recreational harvest) are not tracked and monitored in real-time in Massachusetts, or elsewhere in New England.

Rationale

Cod Stock Area Designations
Of the four new cod stock areas delineated in the federal FMP, only the WGOM and SNE cod stock areas overlap with the waters under the jurisdiction of the Commonwealth and have spatial components that are subject to state management. Accordingly, I am proposing to adopt new spatial management area definitions specific to cod, while retaining the current spatial management areas designations (GOM and SNE) for other groundfish stocks (e.g., SNE and GOM winter flounder, GOM haddock, GOM yellowtail flounder). In practicality, this adjustment means those state waters along the backside of Cape Cod and

east of Nantucket that are south of 42°00' are now part of the WGOM cod stock area, rather than the SNE cod stock area (Figure 2).

Western Gulf of Maine Cod Trip Limit
The state waters sub-component for WGOM cod will be about 44,000 pounds in FY25, increasing to 51,000 pounds in FY26. The current trip limit for GOM cod is 400 pounds. This trip limit has been in place since FY22 when it was increased from 200 pounds. Under this limit the state waters fishery landed about 55,000 pounds of cod in FY22 and about 43,000 pounds of cod in FY23. Considering recent performance, my expectation is that under status quo management state waters landings of WGOM cod will approach and could exceed the FY25 state waters subcomponent (Table 2).

While we could maintain the existing state waters commercial trip limit of 400 pounds for WGOM cod, I believe this is an unnecessarily risk prone approach[1]. I suspect other components of the groundfish fishery (e.g., sectors, common pool, recreational) will fully utilize their low sub-ACLs priming us for a scenario whereby an exceedance of the state waters sub-component could result in an overage of overall ACL triggering accountability measures (AMs) that would affect federal permit holders in FY26. It has been DMF's longstanding position that it is critical for the agency to manage the state waters fishery in a manner that avoids triggering AMs that impact the federal fleet. Accordingly, I am proposing a reduction to the commercial trip limit for WGOM cod. Historically, DMF has taken cues from the federal common pool fishery as to the appropriate trip limit for the state waters fishery, given these vessels are of similar scale. For FY25, the common pool trip limit for WGOM cod is 50 pounds per day-at-sea not to exceed 100 pounds per trip. Given recent fishery performance, I do not think a trip limit in the range of 50 to 100 pounds is warranted to constrain harvest to the state waters sub-component. Accordingly, I do not support matching the common pool trip limit and am instead proposing a more modest reduction to 300 pounds per trip to buffer against exceeding the sub-component.

In our January 15 meeting, Chris Chadwick suggested DMF consider disparate seasonal trip limits that would allow for a higher 400-pound limit during the summer months and then a lower 200-pound limit during the winter months. He argued this could achieve the goal of creating a buffer between Massachusetts state waters landings and the state waters sub-component for WGOM while making the fishery more profitable for participants. This type of management approach is something I may consider in a final recommendation if supported by public comment and staff analysis. Additionally, he noted that the risk of exceeding the sub-component under current trip limits may be ameliorated by continued attrition in the gillnet fishery.

Southern New England Cod Moratorium
Under Framework 69, there is a proposed moratorium on the retention of SNE cod by recreational fishers and commercial common pool vessels for FY25. I intend to complement this moratorium in state waters. I anticipate this moratorium will have no impact on state waters fishing activity, as the spatial overlap between this cod stock area and state waters is limited to Nantucket Sound, Vineyard Sound, Buzzards Bay, and Mount Hope Bay where cod fishing does not occur. The effective purpose of the state moratorium is to bolster compliance with federal rules.

Gulf of Maine Yellowtail Flounder Trip Limits
GOM yellowtail flounder are one of the more common groundfish stocks landed by Massachusetts' state waters commercial groundfish fishery. Total state waters catch of GOM yellowtail has averaged about ~57,000 pounds annually from FY19 through FY23 (Table 3), with Massachusetts' state waters fishery

[1] Note that based on historic data I do not anticipate the inclusion of those state waters along the Outer Cape within the WGOM cod stock area will contribute meaningfully to increasing landings of WGOM cod by the state waters fishery.

account for about 96% of the overall state waters catch. This five-year average catch would utilize ~92% of the preliminary FY25 state waters subcomponent of ~62,000 pounds. However, catch has been steadily trending down to a time series low of 19,000 pounds in FY23, primarily due to reduced participation, as well as reduced landings by remaining participants. FY23 catch utilizes less than one-third (~31%) of the preliminary FY25 sub-component. Accordingly, I think Massachusetts can liberalize its state waters trip limit to accommodate additional harvest of this stock without exceeding the overall state waters sub-component, and to this end, I am proposing to increase the GOM yellowtail flounder trip limit from 350 to 500 pounds for FY25.

Monkfish Trip Limits
As discussed at the August 2024 MFAC business meeting, I support Chris Chadwick's request to increase the state waters monkfish trip limits. I had initially proposed increasing the trip limit from 1,560 pounds whole weight and 536 pounds tail weight to 1,746 pounds whole weight and 600 pounds tail weight[2]. This would bring the state trip limits into phase with the current limits for the federal Northern Fishery Management Area days-at-sea program for Category B and D permits. This proposal was consistent with DMF's historic approach to managing monkfish trip limits and reflected the fact that state and federal trip limits have become out-of-phase in recent years. However, following continued conversations with Chris Chadwick and my staff, I am willing to consider proposing a trip limit increase up to 2,910 pounds whole weight and 1,000 pounds tail weight. While this would bring the state waters trip limit above the federal limit, I do not believe it will result in a significant increase in harvest given the limited availability of this resource in state waters and the small number of gillnet fishers (~5) who have participated in the state waters fishery in recent years.

Groundfish Endorsement Control Date
My last proposal is to update the control date for the state waters Groundfish Endorsement ("GE"). The GE is the DMF-issued permit required for the commercial harvest of any groundfish from state waters by non-federal permit holders in excess of the open access limit of 25 pounds of all groundfish in aggregate. As of 2024, DMF issued 484 GE endorsements. Of these permit holders, there are about 15-20 individuals who may be highly active in any given year. Additionally, in any given year, there exists a pool of permit holders who may land some nominal amount of groundfish. For instance, in 2023, 40 permit holders reported landing groundfish; looking back over the past three years (2021-2023), this number increases to 61; then over five-years (2019-2023), the number increase to 88; and then over 10-years (2014-2023), it increases to 146. This represents a substantial amount of latent effort. The activation of even a small amount of this latent effort could be problematic for the management of this fishery moving forward, particularly with the likelihood of persistently low Western Gulf of Maine cod sub-components.

Accordingly, I think it is appropriate to update the control date for this endorsement. The current control date is December 31, 2018, and I am proposing to update it to December 31, 2024. Additionally, while not proposed at this time, I am interested in potentially developing eligibility criteria based on commercial fishery landings to authorize the continued renewal of a GE in the future. The implementation of any such eligibility criteria would be subject to future rule making.

Status Quo Management of Other Groundfish Species
There are other commercially important species to the state waters groundfish fishery. This principally includes Gulf of Maine winter flounder and haddock (when abundant). To a lesser extent the state waters fishery also catches American plaice ("dabs") and witch flounder ("grey sole"), but these fish are

[2] See the August 14, 2024 Monkfish Trip Limit proposal memorandum to the MFAC available in the August 20, 2024 meeting materials.

generally more available in deeper offshore waters. At this time, I am not considering any changes to the limits for these species.

Figure 1. Updated Federal Cod Stock Unit Map
Source: New England Fishery Management Council

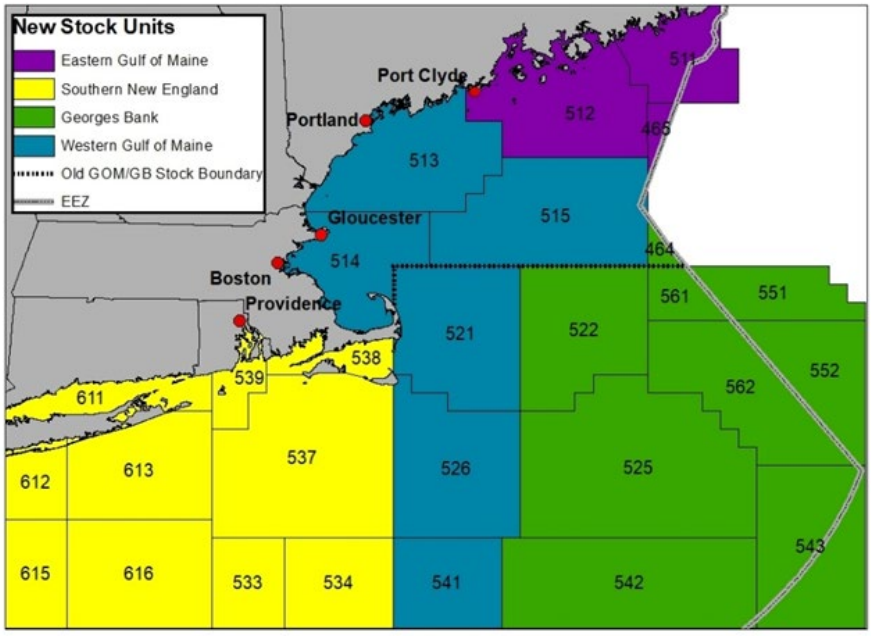

Figure 2. Updated Massachusetts Cod Stock Ares in Comparison to Existing Groundfish Management Area

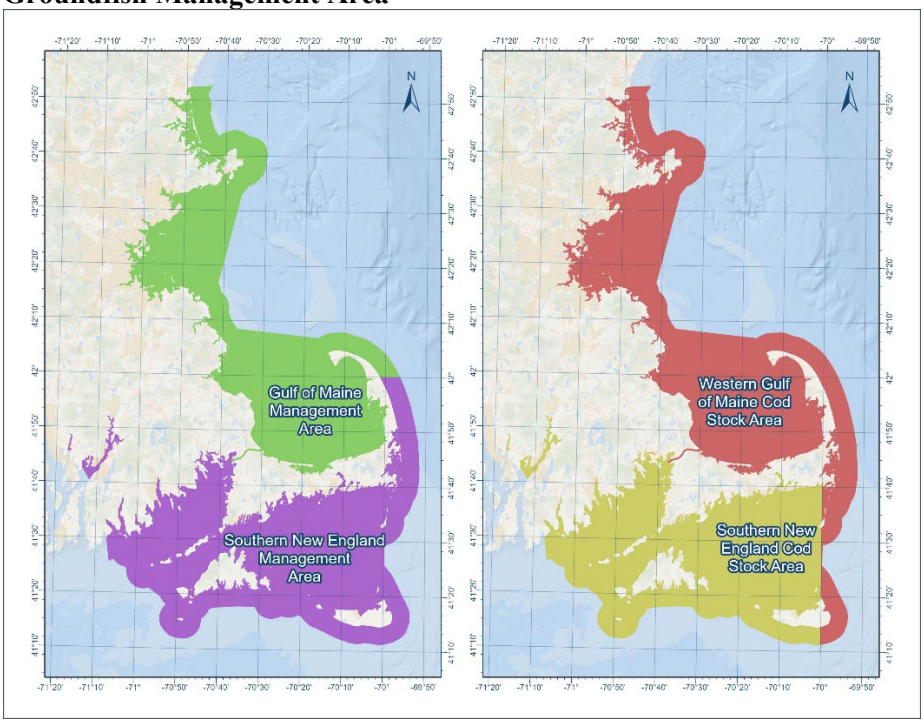

Table 1. Preliminary FY2025 Commercial Groundfish Federal Catch Limits (pounds, rounded to two significant figures) for Western Gulf of Maine cod (WGOM), Southern New England Cod (SNE), and Cape Cod/Gulf of Maine yellowtail flounder for FY2025.

Stock	Total ACL	Groundfish Sub-ACL	Sector Sub-ACL	Common Pool Sub-ACL	Recreational Sub-ACL	State waters Sub-Component	Other Sub-Component
WGOM Cod	**840,000**	**780,000**	**550,000**	**18,000**	**220,000**	**44,000**	**8,900**
SNE Cod	**46,000**	**33,000**	**8,800**	**260**	**24,000**	**8,200**	**4,400**
CC/GOM Yellowtail Flounder	**1,900,000**	**1,800,000**	**1,700,000**	**99,000**	**N/A**	**62,000**	**82,000**

Preliminary catch limits are based on Draft Framework 69 Table 6 as approved by the NEFMC at their December 2024 Council Meeting. Final limits will be established by NOAA Fisheries pending federal rule-making.

Table 2. Total WGOM Cod FY23 State Waters Catch in pounds (rounded to the nearest thousand) of GOM Cod Compared to State Waters Sub-Components for FY25 and FY26 in pounds (rounded to the nearest thousand)

Stock	FY23 State Waters Catch*	FY2025 sub-component	FY2026 sub-component
WGOM Cod	43,000	44,000	51,000

*FY2023 state waters catch is of the GOM stock which is comprised of the new WGOM cod stock and Eastern Gulf of Maine cod stock.

Table 3. Federal year-end state waters catch estimates (FY19-23) in pounds (rounded to nearest thousand) of CC/GOM yellowtail flounder.

Stock	FY19	FY20	FY21	FY22	FY23	Average
CC/GOM Yellowtail Flounder	94,000	73,000	58,000	42,000	19,000	57,200

The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | www.mass.gov/marinefisheries

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel McKiernan, Director

DATE: January 21, 2025

SUBJECT: **Future Public Hearing Item: Commercial Striped Bass Management**

Proposal

This memorandum serves to inform the MFAC that I intend to go out to public hearing this winter with several potential revisions to the state's commercial striped bass management measures for 2025. Specifically, I am proposing to: (1) modify the commercial size limit, including the adoption of a maximum size limit in the range of 38" to 44" and a reduction in the minimum size limit to as low as 32"; and (2) prohibit gaffing in the commercial fishery. These are being proposed as conservation measures (independent of any interstate mandates) to enhance stock productivity and reduce release mortality.

Background

Commercial Size Limit Management

Massachusetts' commercial striped bass fishery has been managed with a 35" minimum size limit since 2020; this was preceded by a 34" minimum size limit since 1995. These relatively large minimum sizes arose from a combination of interstate fishery management plan (FMP) requirements in the 1980s followed by state-specific management choices.

The interstate plan's approach to rebuilding the stock from the 1980s collapse required states to protect the 1982 year-class with annual size limit adjustments (until a pre-determined trigger based on the Maryland juvenile index was reached) or implement a harvest moratorium. Massachusetts opted to maintain a commercial fishery during this rebuilding period, and consequently, the state's commercial size limit increased from 24" in 1982 to 36" in 1989. When in 1990 the FMP allowed states to lower the commercial minimum size to 28", DMF opted to retain the 36" minimum due to recreational anglers' concerns about relaxing the regulations too soon, and only went to a 34" minimum in 1995 based on certain commercial anglers' preference (Nelson, 2018). This 34" minimum size remained in effect for the next quarter century (despite the opportunity to lower it) until 2020 when it was set at 35". This one-inch increase responded to the adoption of the 28–35" recreational slot limit (per interstate mandate) and DMF's interest in establishing a clear size difference between the commercial and recreational fisheries to enhance compliance and enforcement.

Each change in the state's commercial size limit affects the state's resulting commercial quota through analyses meant to maintain the same spawning potential across each size limit and quota combination ("conservation equivalency"). In general, moving the commercial fishery to smaller sized fish results in a quota reduction and moving the commercial fishery to larger sized fish results in a quota increase. Massachusetts' and other states' use of conservation equivalency to deviate from former coastwide standards (e.g., a 28" minimum size) has resulted in there being no uniform FMP requirement for the

commercial fishery size limits. The current FMP requirement is for each state to maintain their 2022 size limit(s) under a quota representing a 7% reduction from 2022. For Massachusetts, this is a 683,777-pound quota at a 35" minimum size. States may still request to deviate from their individual standard through an approved conservation equivalency proposal that adjusts their commercial quota.

Gaffing Regulations

DMF first adopted a gaffing rule for striped bass in 2019 in response to the 2018 stock assessment's finding that striped bass were overfished—with release mortality playing a significant role in this determination. While our initial proposal for public hearing was to prohibit any striped bass from being gaffed, DMF and the MFAC ultimately moved forward with a prohibition on gaffing *undersized* striped bass in the state's recreational or commercial fisheries. This modification was made on account of fishers raising safety concerns, explaining that they primarily gaffed large fish well over the minimum size limit and gaffing allowed for the expedient removal of these large fish from the water while fishing at night, in rough weather, in the presence of white sharks, or other dangerous conditions.

This rule was revised a year later—relative to the recreational fishery only—to require the use of non-lethal devices in the removal (or return) of striped bass from the water, thereby banning the use of a gaff (or other injurious tool) by a recreational striped bass angler. This change occurred alongside the adoption of the 28–35" recreational slot limit. Eliminating the harvest of large fish over 35" by recreational anglers diminished the safety concerns previously raised in support of continuing gaffing in the recreational fishery. Given the continuation of the state's 35" commercial minimum size, the no-gaffing-undersized-fish measure remained in the commercial fishery. Prohibiting gaffing in the recreational striped bass fishery also became an interstate mandate in 2023 through Amendment 7. Gear restrictions have been increasingly incorporated into the interstate plan to address recreational release mortality concerns (e.g., circle hook requirement) but have not yet been mandated in the commercial fishery.

Rationale

Commercial Size Limit Management

I am proposing a maximum size limit in the range of 38 to 44" for the commercial striped bass fishery as a conservation measure to protect the largest striped bass from targeted exploitation in Massachusetts and hopefully enhance stock productivity. This could also include lowering the minimum size limit to as low as 32". Any of these changes would also require a quota adjustment per interstate FMP conservation equivalency procedures. Refer to Table 1 for the range of size limit options.

While the Atlantic States Marine Fisheries Commission (ASMFC) has taken aggressive action to limit fishing mortality in support of stock rebuilding, continued poor recruitment[1] may render the need for even more restrictive fishery regulations. What the resource needs most at this time is multiple stronger year classes to recover. Although the drivers of poor recruitment are most likely environmentally related (e.g., warmer, dryer winters), certain stock characteristics can contribute to spawning success, including maintaining a broad age structure within the spawning stock biomass (Secor, 2007). This is an outcome that may be best controlled with size limits (as opposed to the more typical ASMFC commercial management tool of adjusting the quotas).

The scientific literature points to the importance of "big old fat fecund female fish (BOFFS)" in fostering stock productivity and stability across a range of fishes, as explained by Hixon et al. (2014):

[1] Below average recruitment has been indicated in the Maryland Chesapeake Bay index for the past six years (including the lowest ever in 2023), as well as the Virginia Chesapeake Bay and New York Hudson River indices for the past two years. Additionally, the New Jersey (Delaware River), Maryland, and Virginia indices met the criteria of the Amendment 7 recruitment trigger in the ASMFC's last evaluation in 2024 (i.e., the 2021–2023 values were below the 25th percentile for the high recruitment period of 1992-2006).

> *"Compared with smaller mature females, BOFFFFs in a broad variety of marine and freshwater teleosts produce far more and often larger eggs that may develop into larvae that grow faster and withstand starvation better. As (if not more) importantly, BOFFFFs in batch-spawning species tend to have earlier and longer spawning seasons and may spawn in different locations than smaller females. Such features indicate that BOFFFFs are major agents of bet-hedging strategies that help to ensure individual reproductive success in environments that vary tremendously in time and space. Even if all else were equal, BOFFFFs can outlive periods that are unfavourable for successful reproduction and be ready to spawn profusely and enhance recruitment when favourable conditions return (the storage effect)."*[2]

The likelihood of larger striped bass producing higher quality eggs released across a wider time or area that can help buffer stock productivity during poor environmental conditions speaks to the need to give these fish additional protection particularly at this time. Fish greater than 35" have been sheltered from recreational harvest coastwide since 2020, with fish between 31–35" added in mid-2023. Whereas the complaints we often heard in prior years about the high commercial size limit removing the best breeders could be countered with data showing that the recreational fishery harvested more of these large fish than the commercial fishery, this is no longer true.

Moreover, across the commercial fisheries coastwide, Massachusetts can be expected to harvest more of the largest striped bass than any other jurisdiction due to a combination of quota, size limit, and size availability (Table 2)[3]. We have the largest ocean quota and the largest minimum size. Second in ocean quota amount is New York, which has a 28–38" commercial slot. The only other state with a minimum size above 28" is Rhode Island, with a 34" minimum for part of its quota which is 1/5th the size of MA's (and only part of which is for the gear type with the 34" minimum). While the Chesapeake Bay quotas are much larger (e.g., the Bay quota totals 2.79 million pounds versus the ocean quota totaling 2.24 million pounds), the fishery in the Bay is largely prosecuted on smaller fish that have yet to join the ocean stock, and the Bay jurisdictions have either year-round or seasonal maximum sizes ranging from 28" to 36".

My range of options for a new commercial slot limit considers the length frequency distribution for commercially landed fish in Massachusetts; the most recent four years available of commercial market length sampling data are in Figure 1. The sampled lengths range from (just below) the 35" minimum size to as large as 49" across the years, with the mode for each year ranging between 36 and 42" (with some year class effects evident). On the upper end for a proposed maximum size, I've included 44"; roughly only 15% on average of the sampled fish were above this size (Table 3), suggesting a limited negative impact on the fishery but also less contribution to protecting larger fish. On the lower end for a proposed maximum size is 38", mirroring several other states' maximum sizes. The same data indicate that 73% of the harvest has been above this size, suggesting a significant impact on the fishery but considerably more contribution to protecting larger fish. Due to the impact of the lower maximum sizes included, I've also included an option to reduce the minimum size to as low as 32". This minimum size reflects my continued preference to size segregate the commercial and recreational fisheries and incorporates recent Law Enforcement Focus Group discussion on the benefit of having at least a one-inch separation between legal sizes.

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[2] Work by Zastrow et al (1989) specific to striped bass is included in this meta-analysis of maternal effects; the authors found a significant relationship between the size of spawning female and the size of resulting eggs. Further studies, including Monteleone and Houde (1990) and Brown et al. (2024) supported this theory, showing that larvae from larger bass were also larger and grew faster than larvae from smaller striped bass and that fecundity at length increased faster than weight at length.

[3] In addition to Table 1, DMF intends to review the commercial catch-at-age data compiled for the last stock assessment to further support this statement and better describe the state-by-state contributions to commercial harvest of striped bass by size/age.

My preferred range of options would either retain the 35" minimum size and adopt a 42 to 44" maximum size, or reduce the minimum size to 32" and adopt a 38 to 40" maximum size. This range of options produces a slot width of between six and nine inches. In contrast, the current combination of minimum size and fish availability is effectively a 14-inch slot width.

Much recent ASMFC discussion has considered year class strength and possible protections for stronger year classes, so this may be a point of interest. The above average 2015-year class (which caused the 2022 recreational harvest spike) will be age 10 in 2025 with an average size of around 35.5" and consequently recruited to the commercial fishery under either a 32" or 35" minimum size. The above-average 2018 year-class will be largely within the recreational 28–31" slot in 2025. Of course, commercial quota management contributes to limiting the commercial fishery's exploitation of any particular year class, unlike the recreational fishery.

The proposed commercial size limits would require an adjustment in our commercial quota (through conservation equivalency to maintain spawning potential[4]); preliminary quota adjustments for the range of options are in Table 1. Within my preferred range of size limit options, the effect on the commercial quota ranges from a preliminarily calculated 6% reduction to a 30% reduction.

I anticipate questions about DMF taking unilateral action to propose a maximum commercial size limit outside of an ASMFC mandate. While coastwide action is generally preferred, it appears unlikely that a maximum size limit would be adopted into the FMP. A set of alternatives (including a 38", 40" or 42" maximum size limit with corresponding quota reduction) was considered but removed from consideration during the development of Addendum II as a measure to enhance spawning. It is notable that the reasons for this exclusion are not particularly germane to Massachusetts' commercial striped bass fishery. The major concerns included: potential for increased discard mortality especially in gillnet fisheries; perceived inequity in state quota adjustments; and general misalignment with the addendum's stated goal of reducing fishing mortality.

Release Mortality Considerations

While we don't have gillnet fisheries for striped bass in Massachusetts to contend with in this proposal, I am still sensitive to the issue of increasing discards (and consequent release mortality) in our hook and line commercial fishery. It can be expected that adopting a maximum size will result in additional releases of the largest fish to the water; however, reducing the minimum size to 32" may offset this based on the uneven availability of fish at length (i.e., less fish at those highest lengths). Fortunately, hook and line fishing has the lowest estimated release mortality among gears of 9% (as also used in the recreational fishery). Still, it is responsible for us to reconsider mechanisms to reduce release mortality in the commercial fishery.

Consequently, I am also proposing to prohibit the use of gaffs in the commercial striped bass fishery and require that only non-injurious devices be used in the removal of fish from the water. This would standardize this rule between the commercial and recreational fisheries. With the proposed narrowing of harvestable sizes in the commercial fishery, the ability to discern a legal sized fish while still in the water becomes more challenging and the largest fish will no longer be harvestable, supporting the removal of the current allowance in the commercial fishery. Other less injurious removal devices (e.g., nets) are also readily available.

I am also interested in public input on other measures to reduce release mortality in the commercial fishery.

[4] ASMFC conservation equivalency methods for commercial size limit changes affecting the quota incorporate the maternal effect of size of female fish on the quantity of eggs. Other possible maternal effects, such as on quality of eggs and length of spawning season, are not included, from which we anticipate a conservation benefit.

Tables and Figures

Table 1. Commercial size limit alternatives with preliminary state quota adjustments. DMF's preferred range of options are highlighted.

Size Limit(s)	Slot Width	Quota (lb)	% Change in Quota
35" minimum	n/a	683,773	
35 – 40"	5-inch slot	541,859	-20.75%
35 – 42"	7-inch slot	590,736	-13.61%
35 – 44"	9-inch slot	642,222	-6.08%
32 – 38"	6-inch slot	481,433	-29.59%
32 – 40"	8-inch slot	529,156	-22.61%
32 – 42"	10-inch slot	579,128	-15.30%
32 – 44"	12-inch slot	618,923	-9.48%

Table 2. 2024 commercial size limits and quotas for Atlantic coast states with active commercial fisheries (i.e., excludes states that prohibit commercial harvest) and 2022 fishery gear and length characteristics

State	2024 Measures under Addendum II		2022 Commercial Sampling Results	
	Size Limit(s)	Quota (lb)	% Landings by Gear Type	Mean Length (and Range), TL inches
Massachusetts	35" min	683,773	100% hook & line	40 (35–48)
Rhode Island	34" min general category 26" min floating fish trap	138,467	Confidential (61% allocated to GC, 39% to FFT)	35 (H&L: 34–52) (FFT: 26–52)
New York	28 – 38" slot	595,868	63% gill net 18% hook & line 7% fixed gear 5% trawl	30 (24–38)
Delaware	28", except 20" for gill nets in DE Bay/River 2.15-5.31	132,501	100% gill net	35 (20–45)
Maryland – Ocean	24"	82,857	100% gill net	41 (32–48)
Maryland – Chesapeake Bay	18 – 36"	1,344,216	53% pound net 42% gill net 5% hook & line	22 (GN: 18–35) (PN/H&L: 18–34)
Potomac River Fisheries Commission	18" min, 28" max during 2.15-3.25	532,760	67% gill net 23% pound net 9& hook & line	24 (18–48)
Virginia – Chesapeake Bay	18" min, 28" max during 3.15-6.15	914,555	84% gill net 12% pound net 4% hook & line	GN: 25 (18–49) PN: 23 (17–36) H&L: 36 (18–28 & 41–49)
Virginia – Ocean	28"	116,282	100% gill net	40 (29–51)
North Carolina	28"	274,810	NA (no landings)	NA

Source: ASMFC, 2024.

Figure 1. Commercial striped bass length frequency from DMF market sampling, 2020-2023.

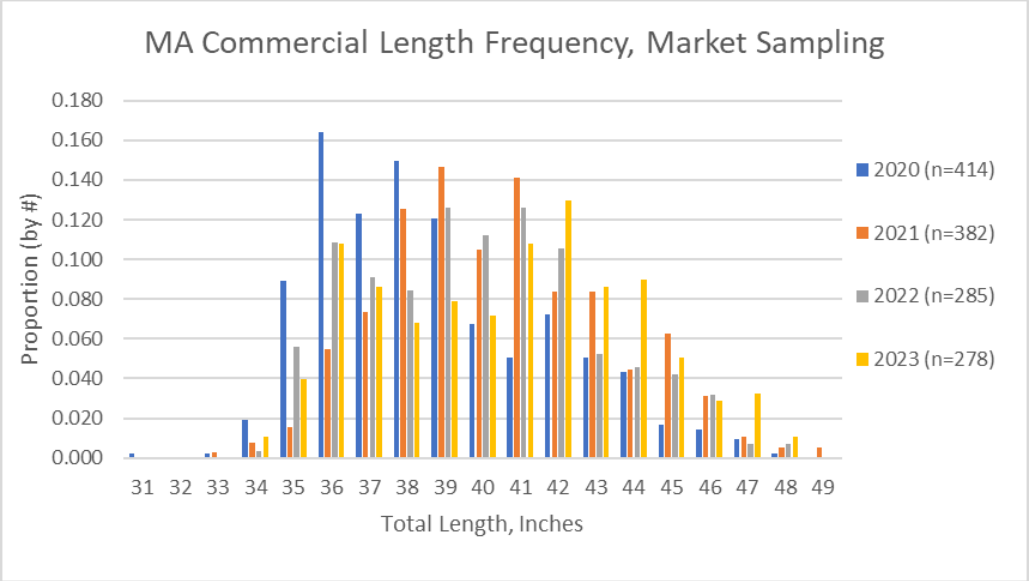

Table 3. Cumulative proportion of market sampled fish above a specific size.

Size (TL)	Year				
	2020	2021	2022	2023	**Average**
% ≥ 38"	59.9%	84.6%	74.0%	75.5%	**73.51%**
% ≥ 40"	32.9%	57.3%	53.0%	60.8%	**51.0%**
% ≥ 42"	21.0%	32.7%	29.1%	42.8%	**31.4%**
% ≥ 44"	8.7%	16.0%	13.3%	21.2%	**14.8%**

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