



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

8:00AM

January 21, 2022

Via Zoom

Link: <https://bit.ly/3ggSP7C>

Dial-In: 1-312-626-6799

Webinar ID: 857 9701 4777

1. Introductions and Announcements (8:00 – 8:15)
 - a. Review and Approval of the January 21, 2022 Business Meeting Agenda
 - b. Review and Approval of the December 2, 2021 Draft Business Meeting Minutes
2. Comments (8:15 – 8:30)
 - a. Chairman
 - b. Commissioner
 - c. Law Enforcement
 - d. Director
3. Action Items (8:30 – 10:00)
 - a. New Trap Gear Buoy Line Requirements
 - b. Gillnet Closure to Protect Right Whales
 - c. Commercial Groundfish Trip Limits and Spatiotemporal Closures
 - d. Recommendation on Small Mesh Squid Trawl Season Adjustment
 - e. Trap Tag Installation Deadline
 - f. Recommendation on Winter Period Scup Limits
4. Items for Future Public Hearing (10:00 – 10:30)
 - a. Commercial Spiny Dogfish Trip Limits for 2022
 - b. Commercial Bluefish Minimum Size for 2022
 - c. Recreational Georges Bank Cod Limits
5. Discussion Items (10:30 – 11:45)
 - a. Protected Species Update
 - b. Atlantic Mackerel Management
 - c. Updates from the Atlantic States Marine Fisheries Commission
 - d. Updates from the New England Fishery Management Council
6. Other Business (11:45 – 12:00)
 - a. Commission Member Comments
 - b. Public Comment
7. Adjourn (12:00)

Future Meeting Dates

**March 10, 2022
Location TBD**

**April 7, 2022
Location TBD**

**May 12, 2022
Location TBD**

**June 9, 2022
Location TBD**

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.

MARINE FISHERIES ADVISORY COMMISSION

December 2, 2021

Held Virtually via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Story Reed; Jared Silva; Julia Kaplan; Nichola Meserve; Jeff Kennedy; Kelly Whitmore; Maren Budrow; Stephanie Cunningham; Tracy Pugh; Steve Wilcox; Scott Schaffer and Anna Webb

Department of Fish and Game: Mark Reil

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

Members of the Public: Katie Almeida; Lizzie Roche; Andrew Kolek; Craig P; Emerson Hasbrouck; and Manuela Barrett

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the December 2, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF DECEMBER 2, 2021 BUSINESS MEETING AGENDA

Dan McKiernan recommended amending the December 2, 2021 MFAC draft business meeting agenda to have items 3a and 3b switched. There were no other amendments made to the agenda.

Chairman Kane asked for a motion to approve the amended draft December 2, 2021 business meeting agenda. Mike Pierdinock made a motion to approve the amended draft agenda. The motion was seconded by Bill Doyle. The amended December 2, 2021 MFAC business meeting agenda was approved by unanimous consent.

REVIEW AND APPROVAL OF November 10, 2021 DRAFT BUSINESS MEETING MINUTES

Kalil pointed out a typo at the end of page 3 on the meeting minutes. Jared Silva stated he would correct this type. There were no other amendments made to the November Draft Business Meeting Minutes.

Chairman Kane asked for a motion to approve the November 10, 2021 MFAC business meeting minutes. Tim Brady made motion to approve the November 10, 2021 business meeting minutes with his amendments. Shelley Edmundson seconded the motion. The motion was approved by unanimous consent.

CHAIRMAN'S COMMENTS

Chairman Kane thanked the commission for their continued attendance and wished everyone happy holidays.

COMMISSIONER'S COMMENTS

Commissioner Amidon was absent from the meeting.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). He stated MEP has been identifying and removing abandoned recreational lobster gear. Lt. Bass expressed concern over the lack of a uniform size limit on lobsters coming from the Outer Cape between the state and federal waters component of the Lobster Management Area. He then discussed MEP staffing and stated there are nine in command staff, 14 in bureau safety, and 75 uniformed officers in the field—36 of which are assigned to the coast.

Ray Kane asked if the MEP are trying to add new officers. Lt. Bass stated there is an active civil service list. He stated he is only aware of one position they are trying to fill.

Sooky Sawyer asked for an update regarding lobster-related enforcement incidents on the North Shore. Lt. Bass stated he was uncertain which case Sooky was referring to, but noted a recent favorable court decision in a North Shore lobster case.

Kalil Boghdan asked about how the MEP schedule shifts. Lt. Bass stated the scheduling is flexible and the schedules are usually put out two weeks in advance. Lt. Bass also stated officers will work into the night as well.

DIRECTOR'S COMMENTS

Director McKiernan welcomed everyone to the meeting. Dan started his comments by discussing DMF's new recreational permitting system, which went live on December 1.

Dan briefly discussed several recent meetings. This included the MFAC sub-committee meetings on Law Enforcement and Atlantic Mackerel. DMF's Conservation Engineering Program also arranged a call with colleagues from Pacific state fishery agencies regarding protected species issues germane to the removal and hauling of abandoned fixed gear. Several states use a "finders-keepers" method whereby abandoned gear becomes the property of the finder and it may be sold back to the original owner. Dan

was uncertain about this approach in Massachusetts. However, he was looking to discuss the issue with the lobster industry with the ultimate goal of developing a statutory amendment to allow for a direct approach to the issue.

Director McKiernan then went on to discuss the final decision in the endangered species litigation. While the court is no longer requiring DMF apply to NOAA Fisheries for an Incidental Take Permit, given the most recent Biological Opinion and the content of the judge's decision, DMF was continuing the ITP application process.

On behalf of the Massachusetts Lobstermen's Association, Sooky Sawyer thanked DMF for all the effort expended on the litigation and the ITP application. Sooky then asked about the number of catastrophic gear loss claims DMF has received as a result of the recent Nor'easter. Dan stated he will get back to Sooky regarding the specific number claims. Sooky and Dan then discussed the potential for economic support given the scale of gear loss.

ACTION ITEMS

2022 Winter I Scup Trip Limit

Jared Silva discussed the Winter I Scup Trip Limit. The Director recommended establishing a 50,000-pound trip limit for the 2022 Winter I (January 1 – April 30) period. This limit is consistent with federal catch limit and would allow vessels fishing in federal waters to land scup in state ports. Jared welcomed any questions and discussion.

Bill Amaru stated this will benefit the crew and captains even though the trip limit may not necessarily be met every trip.

Chairman Kane asked for a motion to approve the recommendation from the Director. Bill Amaru made a motion to approve the recommendation from the Director. Tim Brady seconded the motion. A roll call vote was taken, and the motion was passed unanimously 8-0.

Declaration to Increase Period I Summer Flounder Trip Limit for 2022

Director McKiernan and Jared Silva provided a brief overview of the stock status for summer flounder. Jared then went on to discuss the summer flounder quota and utilization and background information on the state's summer flounder management system.

The Director's recommendation was to increase the Period I (January 1 – April 22) summer flounder trip limit from 1,000-pounds to 2,500-pounds for 2022. Jared then went on to discuss the rationale. The summer flounder quota is increasing to 1.39mlbs, a 37% increase from 2021. This is the second consecutive year of substantial increases, as the quota increased by 28% from 2020 to 2021. Additionally, the annual quota was underutilized the past three years (2019-2021). The Period I fishery has a demonstrated ability to harvest its quota allocation provided the trip limit is set sufficiently high.

Mike Pierdinock asked if the quota has also been increased for vessels fishing in federal waters. Nichola stated the coastwide quota for the fishery has increased, which resulted in most states seeing an increase. Dan added there are no federal trip limits, the fishery is managed on a state-to-state basis with state possession limits dictating the level of fishing effort occurring in federal waters. Jared explained how the coastwide quota is distributed amongst the states and how the quota increase effects each state's quota.

Kalil Boghdan expressed concern over the increase in coastwide quota due to the underutilization in previous years. Jared explained how socioeconomic and environmental factors, as well as management, have constrained the fishery's ability to harvest its quota.

Bill Amaru stated this is a good opportunity for fishermen to utilize quota. He pointed out that it's a wintertime fishery and most of the fishermen will deal with harsh conditions that sometimes prevent them from fishing. He concluded his comment by stating he supports the recommendation.

Ray Kane asked if there are fish houses from North Carolina buying fish from Massachusetts ports. Dan stated all fish landed in in state get counted against the state's quota, regardless of whether the primary buyer is headquartered elsewhere.

Chairman Kane asked for a motion to approve the recommendation from the Director. Sooky Sawyer made motion to approve the recommendation from the Director. Shelley Edmundson seconded the motion. A roll call vote was taken, and the motion was passed 7-0 with Kalil Boghdan abstaining.

ITEMS FOR FUTURE PUBLIC HEARING

Adjustments to Commercial Summer Flounder Limits for 2022

Director McKiernan and Jared Silva gave an overview of summer flounder public hearing proposals. Jared then went into detail on each proposal for the summer flounder fishery.

With regards to Period I, DMF was proposing to increase its share of the annual quota from 30% up to 50%; increase the trip limit from 1,000lbs to at least 2,500lbs; maintain a trip limit reduction trigger based on new quota allocation; and codify multi-state pilot program as regulation. With the quota increase, providing additional wintertime access to the resource would better enable the utilization of the available resource.

Kalil Boghdan asked about the trip limit trigger which reduces the trip limit to 100-pounds once a certain amount of the Period I quota allocation is taken. Jared explains this is done to ensure the Period I fishery does not exceed its allocation while allowing them to continue to maintain a bycatch thereby preventing regulatory discarding.

Bill Amaru and Ray Kane expected there will be pushback from the inshore fleet against increasing the Period I allocation. Jared noted that based on recent performance the Period II fishery is underperforming its quota allocation and with the quota increase in 2022, DMF expects the summer flounder quota will be substantially underutilized if status quo measures stay in place. Director McKiernan also explained the 50-50 split represents the most extensive re-allocation that may occur and any reallocation may be tied to the magnitude of the quota.

Mike Pierdinock stated he would reluctantly support the proposal and is curious to see how fishery performance may change. He stated there is more to be done at the federal level to determine changes in spatial distribution of fish stocks resulting from environmental changes and how it affects quota management.

Jared then moved on to discuss proposals affecting Period II fishery. DMF is proposing to decrease Period II quota allocation from 70% to no less than 50%; adjust timing of the directed fishery to start as early as April 23, rather than June 10; increase trip limits; and eliminate closed fishing days during the directed fishery.

With regards to trip limits, options include increasing trip limits from 400 to 500-pounds for trawlers and 250 to 300-pounds for hook and line gear. During the period overlapping with state's small mesh trawl squid fishery the trip limit for trawlers would remain at 100-pounds if in possession of squid. DMF is also proposing to establish a built in-season trip limit increase on dates certain based on quota utilization (e.g. September 1 increase to 800lbs for all gears should > 75% of the quota remain). Then after the recreational fishery closes on October 9, DMF was proposing to increase the trip limit to accommodate the offshore fleet. This would be done by increasing the limit to 1,500lbs for all gear types in <15% of quota or 2,500lbs if >15% of quota remains.

With regards to fishing days, options could include starting the season with no closed days, one closed fishing day or phasing in additional open days based on quota availability at dates certain.

Lastly, on the subject of the fishing season, starting the season earlier would provide trawls with flexibility to target another species should the squid run be late or poor. It also gives hook and line fishermen a profitable spring fishery option, which has been sought since the black sea bass quota was moved to summer in 2013. For open days, DMF wanted to provide fishermen with more flexibility to pick good weather days, particularly given potential safety issues if vessels are travelling further offshore to fish. Finally, it may result in increasing number of overall trips to compensate for loss of active permits.

Kalil Boghdan asked if DMF has statistics on daily efforts and an average of how many fishermen are actively fishing during the winter fishery. Jared did not have the data regarding daily effort on hand. However, he estimated about 25 vessels participate in the Period I fishery.

Kalil asked if the decline in effort and decrease in permits held is due to aging out or poor fishing. Jared stated the reasons are likely multi-faceted and complicated. A segment of the population is retiring out, but there are also other factors a variety of socioeconomic and environmental factors that may be causing attrition in participation (e.g., lower near-shore abundance; seasonal dockage and overhead costs; profitability in other fisheries).

Bill Amaru stated his support for DMF to take comment on these proposals.

Adjustments to Commercial Black Sea Bass Limits for 2022

Dan McKiernan and Nichola Meserve discussed the black sea bass quota and quota utilization. With an anticipated quota increase in 2022 and given fishery performance in 2021, DMF was proposing several adjustments to the commercial black sea bass rules to ensure the quota is utilized.

DMF was proposing to: move the season start date from July 8 to July 1; add Mondays and Wednesdays as open fishing days, allowing fishing Sunday – Thursday from July 1 – September 30; on October 1 eliminate closed fishing days allowing commercial fishing seven days per week; increase the possession and landing limit by 25% from 400 to 500-pounds for pots and from 200 to 250-pounds for other non-trawl gears (mostly hook and line); and if more than 10% of quota remains on October 1, increase trip limits to 600-pounds for pots and 300-pounds for hook and line. Finally, in regards to trawler bycatch limits, should changes be made to the summer flounder season and open fishing days, trawler rules for black sea bass should be adjusted accordingly to allow for retention of bycatch and reduce regulatory discarding.

Kalil asked for information regarding the commercial sea bass permit holders. Nichola stated that data was not pulled for this memo. However, that data could be pulled when this proposal goes to public hearing.

Establishing a Commercial Menhaden Season for 2022

Nichola Meserve discussed a proposal to establish a June 1 menhaden season start date. Weirs would be exempted from this start date given the opportunistic nature of this fishery. DMF was also considering a similar exemption for the small-scale and incidental catch fishery.

Nichola explained the 2021 fishery began in earnest in late-May. In turn this increased reliance on EESA and state quota transfers during the summer to keep the fishery open when local bait demand was high. A June 1 start would better align the fishery with local bait demand and aligned with the opening of the inshore net areas to purse seining. Nichola noted Maine established a June 14 start date in 2021 for similar bait availability reasons. Regarding the weir fishery exemption, this gear is opportunistic and seasonal, and it is warranted to allow them to retain menhaden if encountered.

Director McKiernan and Mike Pierdinock discussed conflict in the Boston Harbor fishery last year. At Pierdinock's request, the Director agreed to take public comment on the

inshore net permit conditions allowing fishing on Fridays in Boston Harbor. Dan also noted he was going to directly deal with the single permit holder who was causing user group conflicts in the area and was considering conditioning his permit to prevent him from fishing in Boston Harbor in 2022.

DISCUSSION ITEMS

Shellfish Advisory Panel Meeting

Dan McKiernan provided background information regarding the Shellfish Advisory Panel (SAP). This body was initially formed in 2014 by DMF on an ad-hoc basis. The following the recommendations of the Massachusetts Shellfish Initiative, the Legislature codified it as a formal advisory body in the Acts of 2021. DMF reviewed the enabling statute and described the purpose and composition.

The newly constituted SAP met for the first time on November 18, 2021 in Plymouth. The meeting was largely informational with DMF providing an overview of the public body and why it was formed and briefing them on ongoing issues DMF's Shellfish Program has been working on. Lastly, the DMF appointed members discussed their priority issues they would like the SAP to address. DMF anticipates the next meeting will be in February 2022.

Bill Doyle stated he found the meeting very informative and powerful having all stakeholders together in one room working together towards a common goal. He believes a lot of good will come from the Panel. He thanked Dan for the opportunity to serve on the Panel.

Law Enforcement Sub-Committee Meeting

Jared Silva provided the MFAC with a brief summary of the recent Law Enforcement Sub-Committee meeting held on November 17, 2021. Jared briefed the full MFAC on the various items discussed, which ranged from ongoing enforcement challenges to potential regulatory adjustments to enhance enforcement and compliance, and the emerging need to develop enhanced protocol for the hauling, seizing, and storing of non-compliant or abandoned gear. Jared noted it would provide a more substantive memorandum in early 2022 to cover potential regulatory amendments supported by the Sub-Committee.

Review of Atlantic Mackerel Sub-Committee Meeting

Dan McKiernan provided the MFAC with an overview of the emerging issues regarding Atlantic mackerel. The MFAC's Atlantic Mackerel Sub-Committee met on December 1. The purpose of the meeting was to begin to discuss anticipated management challenges emerging out of the MAFMC's development of a mackerel rebuilding plan. This included the potential need to develop recreational fishery management measures in New England (e.g., harvest limits), including within state waters. DMF was working on an extensive memo on the subject, which the Sub-Committee reviewed, and this memo would be shared with the full MFAC in early 2022. Additionally, the Massachusetts, Maine and New Hampshire were expected to sign a joint letter to the MAFMC

expressing concerns shared among the states. Sub-Committee members also expressed concerns about the quantitative basis for taking a management action, including the use of MRIP data to estimate recreational catch; the seeming lack of tools to account for and managing the shifting geographic distribution of stocks based on climatic shifts; unprecedented levels of local availability contrary to the overall assessment of the coastwide stock; and the MAFMC's rapid time for implementation and the lack of outreach to stakeholders including formal engagement with the NEFMC and New England states. Dan asked those MFAC members who serve on the sub-committee for additional thoughts.

Bill Amaru stated Kelly Whitmore did a great job at preparing the list of concerns to be included in the letter to MAFMC. Bill then discussed the memo sent out and stated it lacked data regarding the midwater trawl fishery. He was also curious regarding how the resource was managed in Canada.

Kelly Whitmore stated the memo was still in a draft form and staff intended to update it with information regarding the mid-water trawl. She also stated the Canadian fishery had a 10.5 inch minimum size which was informed by the data in the last stock assessment.

Kalil Boghdan found the meeting very informative and went on to discuss his concerns regarding observed declines in spawning stock biomass.

Mike Pierdinock was pleased with the draft letter to the MAFMC and was glad the three states would co-sign it.

Updates from the Atlantic States Marine Fisheries Commission

Dan McKiernan stated ASMFC was trying to figure out how to manage a hybrid in-person and virtual meeting for January. Dan also addressed the draft addendum requiring federal lobster permit holders to have cellular phone trackers on board their vessel to obtain more refined spatial data.

PRESENTATIONS

Seafood Value Trends by Species

Story Reed provided the MFAC with a presentation on ex-vessel value trends by species. Story stated the value of the state's fisheries not only rebounded from 2020, it set an all-time high. The presentation focused on sea scallops, lobsters, and oysters.

Kalil Boghdan asked about where to find the graphs from a September 18th MFAC meeting that contain the top 10 ex-vessel value by species. Story stated that those graphs can be found within the annual report.

New Cat Cove Laboratory and Facility

Mike Armstrong provided the MFAC with a virtual tour of DMF's new Cat Cove Marine Laboratory in Salem. He provided some historic background on the facility and DMF's

use of it, as well as some of the highlights of the facility including the Smith pool an extensive wet lab. DMF plans to build out offices to house employees who work on stock assessments and management. He also discussed future work opportunities such as a winter flounder hatchery, eelgrass seed grow out, striped bass studies in the Smith Pool, and a possible shellfish hatchery.

Shelley Edmundson expressed excitement about the lab and thanked Mike for the presentation. Shelley asked if the in-flow pipes to the hatchery are taking water from the pool or elsewhere. Mike stated the pipes come from the pool.

Tim Brady asked if the pond is salt or brackish. Mike stated it is a salt water pool fed by Salem Harbor.

Bill Amaru hoped some of the money from the newly passed infrastructure bill could be used by the state for the facilities repairs.

Dan discussed the old lobster hatchery that was used by DMF in Oak Bluffs. DMF got permission to create a lease so the MV Shellfish Group can use the facility at almost no cost for 15 years. While DMF still owns the building, MV Shellfish Group can maintain and use the building as they see fit. Dan stated the hatchery is named after John T. Hughes who sadly passed earlier this week.

OTHER BUSINESS

Business Meeting Schedule for 2022

Jared stated that Jan 20th, March 3rd or March 10, April 7, May 12 or 19, and June 9 or 16 are possible future meeting dates for 2022. Jared will circulate an email to get feedback on the suggested dates. He expected the January meeting to be in-person, and then DMF and the MFAC will consider going to every other month for in-person and virtual meetings thereafter.

Commission Member Comments

Sooky Sawyer would like to Dan to pass along his thanks to the Attorney General's office for their work on the recent endangered species litigation.

Mike Pierdinock discussed an outfall pipe from the nuclear power plant in Plymouth possibly releasing radioactive water being discharged into CCB. DMF will consult with DEP on the subject and report back at the next MFAC when more details are known. Mike closed his comments by highlighting the upcoming NEFMC meeting.

Shelley Edmundson stated she was grateful to DMF for figuring out how to lease the facility to the MV Shellfish Group. She also paid respects to John T. Hughes.

Bill Doyle was alarmed that Wareham was in the process of creating a sewage discharge pipe. He was excited certain quotas were being increased and thought DMF

could share this information in a press release. hopes that this information could be shared in a press release.

Mike Pierdinock added to Bill's comment and expressed concern regarding the Wareham project and potential impacts on the Canal. Jeff Kennedy explained the Canal is deep and has a lot of mixing water, so it may be a better location for an outfall.

Kalil asked about reconvening the Striped Bass Sub-Committee. Story stated DMF continued to work on the analysis requested at the last meeting and anticipated meeting this winter.

Tim Brady echoed what Mike Pierdinock stated regarding the radioactive discharge.

Bill Amaru was looking forward to the return of in-person meetings.

Ray Kane thanked the Commission and commended the leadership of Dan McKiernan. He wished everyone happy holidays.

PUBLIC COMMENTS

Ed Barrett stated the proposals for summer flounder are fairly significant and was hopeful DMF would do additional outreach to industry and suggested full date meetings in advance of the public hearing.

Beth Casoni thanked DMF and the Attorney General's Office for their work on the recent endangered species litigation. With regards to the radioactive discharged, MLA was seeking a meeting with EOEEA.

ADJOURNMENT

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

MEETING DOCUMENTS

- December 2, 2021 MFAC Business Meeting Agenda
- November 10, 2021 MFAC Draft Business Meeting Minutes
- 2022 Period I Summer Flounder Recommendation
- 2022 Winter I Scup Recommendation
- Commercial Summer Flounder Public Hearing Proposal
- Commercial Black Sea Bass Public Hearing Proposal
- Commercial Menhaden Public Hearing Proposal
- Presentation on Public Hearing Proposals
- Shellfish Advisory Panel Presentation
- November 2021 Draft Shellfish Advisory Panel Meeting Minutes
- Law Enforcement Sub-Committee Meeting Summary
- Atlantic Mackerel Sub-Committee Presentation
- Seafood Value Trends Presentation
- Cat Cove Virtual Tour Presentation

UPCOMING MEETINGS

January 21, 2022
Zoon

March 10, 2022
Location TBD

April 7, 2022
Location TBD

May 12, 2022
Location TBD

June 9, 2022
Location TBD



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor


KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: January 16, 2022
SUBJECT: Recommendation on Buoy Line Marking Rules for Commercial Trap Gear

Recommendation

I am recommending the MFAC vote to approve the following modifications to the buoy line marking rule scheduled to go into effect on February 1, 2022:

1. Require all lobster and crab trap fishermen fishing in federal waters to have a green mark measuring at least 1' within 1' of all MA-specific red marks in the buoy line.
2. Prohibit all Massachusetts commercial trap fishermen from fishing buoy lines with marks other than the prescribed red marks—or white marks should the buoy line be red. This requires all green federal marks to be removed from the buoy line if set in state waters.
3. Extend the state waters buoy line marking rules to apply to all commercial trap gear fisheries.

Background

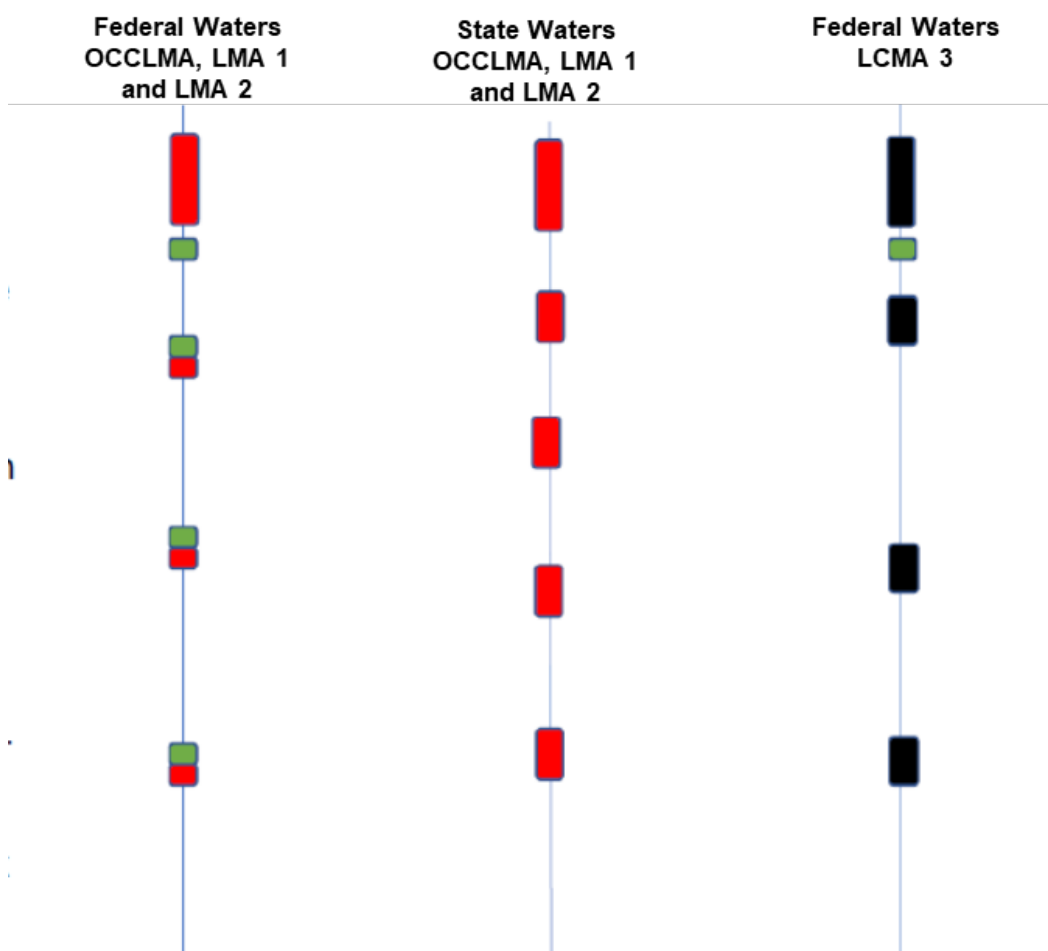
Over the past few years, NOAA Fisheries convened the Atlantic Large Whale Take Reduction Team (TRT) to modify the Take Reduction Plan (TRP) to reduce the incidental mortality and serious injury to large whales caused by fishing gear. This action was principally driven by a declining calving rates and increased mortality to the endangered North Atlantic right whale (NARW), whose population has been on the decline since 2010. This federal rule making process was divided into two phases, with Phase 1 addressing the Northeast Lobster and Jonah Crab Trap/Pot Fishery and Phase 2 addressing the U.S. East Coast Gillnet, Atlantic Mixed Species Trap/Pot, and Mid-Atlantic Lobster and Jonah Crab Trap/Pot Fisheries. Federal rule making for Phase 1 occurred throughout 2021, and rule making on Phase 2 is expected to occur in 2022.

In April 2020, concurrent with this federal rule making, a federal judge ordered the Division of Marine Fisheries to obtain an Incidental Take Permit (ITP) from NOAA Fisheries to cover fixed gear fishery interactions with endangered right whales and sea turtles. DMF subsequently began to work on this ITP application and this work remains ongoing.

A successful ITP application establishes a Habitat Conservation Plan (HCP) which distinguishes the state waters fisheries from similar fisheries in other jurisdictions and mitigates for all potential sources of risk to endangered species. Throughout 2021, DMF began to implement new regulations affecting its lobster trap fishery to achieve such an HCP; the lobster trap fishery was prioritized because it is the largest fixed gear fishery in Massachusetts, and given the scale of the fishery, it poses the greatest entanglement risk to the NARW population. Accordingly, the seasonal commercial trap gear closure was expanded to the Massachusetts/New Hampshire maritime border and new weak VBR and VBR marking requirements were promulgated.

With regards to buoy line marking, DMF enacted new rules in 2021 establishing a distinct gear marking requirement for the state waters commercial lobster and crab fishery and also anticipated and complemented the pending TRP adjustments affecting Massachusetts fishermen fishing in federal waters. At the MFAC's June 2021 business meeting, these new buoy line marking rules were unanimously approved (see May 28, 2021 memo). These new buoy line marking regulations were promulgated with the Secretary of State on July 9, 2021 and are scheduled to go into effect on February 1, 2022 and are depicted in Figure 1 and described in detail in the subsequent bullets.

Figure 1. Buoy Line Marking Rules for Commercial Lobster/Crab Trap Gear
Effective February 1, 2022



- State Waters LCMA 1, 2 and OCC. There is to be one solid red mark measuring at least 3' in the surface system (i.e., first 12' from buoy). In the body of the buoy line, there are to be at least four solid or non-solid red marks measuring at least 2' with at least two marks in the top 50% of the buoy line and two marks in the bottom 50% of the buoy line and no more than 60' between marks. If the buoy line is red, then these marks are to be white in color.
- Federal Waters LCMA 1, 2, and OCC. Within the surface system of the buoy line, there is to be one solid red mark measuring at least 3' and no more than 1' below the red mark there is to be a solid green mark measuring at least 1'. In the body of the buoy line, there are to be three solid or non-solid marks, with at least one mark in the top third, one in the middle third and one in the bottom third. Each mark is to be comprised of at least 1' of red and 1' of green. While the red and green marks need not be adjacent, they cannot be spaced out more than 6" apart. If the buoy line is red, then the red marks are to be white in color.
- LCMA 3. Within the surface system of the buoy line, there is to be one solid black mark measuring at least 3' and no more than 1' below the black mark there is to be a solid green mark measuring at least 1'. In the body of the buoy line, there are to be three solid or non-solid black marks, with at least one mark in the top third, one in the middle third and one in the bottom third.

Further, in developing our ITP application, we have requested our commercial trap fisheries be listed separately from the broader Northeast Lobster and Jonah Crab Trap/Pot Fishery and Atlantic Mixed Species Trap/Pot Fishery on NOAA Fisheries' 2022 List of Fisheries (LOF). This requires all gear in the fishery be distinguishable from other similar pot/trap gear fished in these broader fisheries. Obtaining this separate listing demonstrates Massachusetts' state waters fisheries are distinct from the fisheries occurring in other jurisdictions and is a necessary step for a successful application.

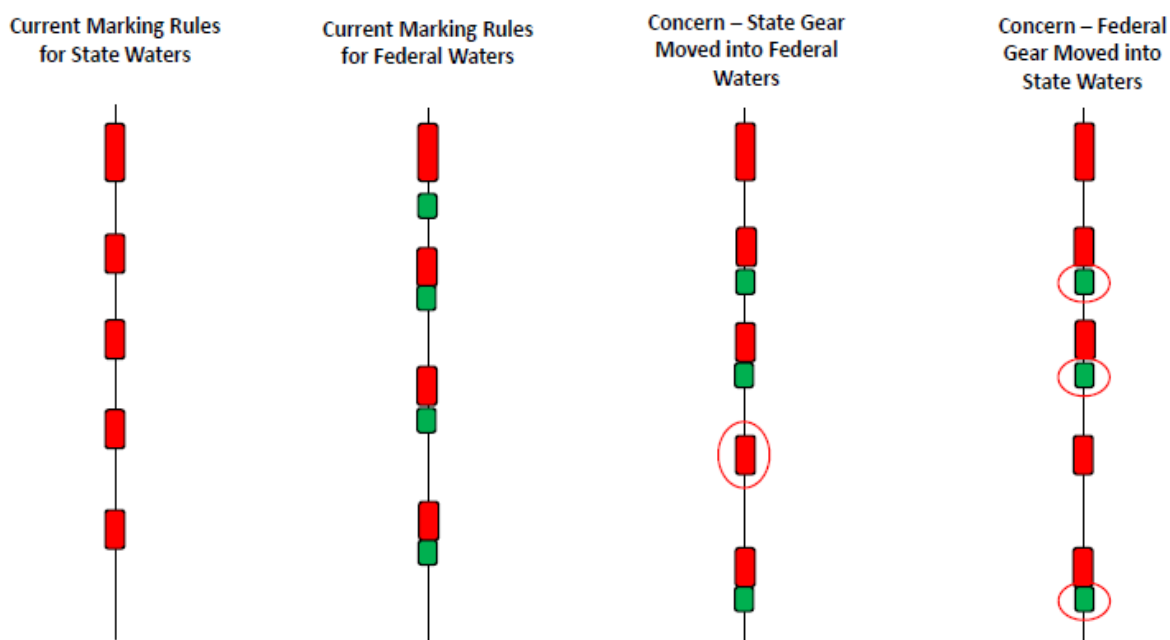
Rationale

Adjusting Buoy Line Marking Requirements

In reviewing the interplay between the new state and federal rules, DMF observed two areas of concern regarding dual state/federal permit holders who may move their gear across the state-federal boundary and use one set of buoy lines (Figure 2). First, state rules do not require the green federal marks be removed from the buoy line when set in state waters. Second, not all potential red marks are required to have an adjacent green mark when the gear is set in federal waters. This inconsistency may lead to gear not being distinctly marked by jurisdiction (state waters vs. federal waters) and could result in the mis-attribution of gear to a jurisdiction should an entanglement occur.

Ensuring gear is distinctly identifiable to a specific jurisdiction is critical to the success of DMF's ITP application. Additionally, the mis-attribution of an entanglement to state waters gear could risk jeopardizing an ITP permit and impact the future of fixed gear fishing in Commonwealth waters. This recommended regulation seeks to accomplish this.

**Figure 2. Inconsistencies Between State Waters and Federal Waters
Buoy Line Marking Rules**



Note, the burden of jurisdiction-specific buoy line marking requirements for the commercial lobster trap fishery was already established as part of the June 2021 regulatory recommendation unanimously approved by the MFAC. This proposal for the amended regulation more narrowly seeks to adjust this existing regulation to ensure the integrity of the marking scheme. This will only affect dual state-federal permit holders and will require: (1) all red marks have an accompanying green mark when gear is set in federal waters; and (2) all green marks are removed when gear is set in state waters. Ultimately, this may result in fishermen having to carry two sets of buoy lines—one state and one federal. However, I am hopeful these requirements can be accommodated through gear modifications, such as tracers, that can be added or removed from the buoy line when the gear is being moved from one jurisdiction to the next.

Expanding the Buoy Line Marking Requirement to All Commercial Trap Gear Fisheries

In August 2021, NOAA Fisheries published its draft LOF for 2022. It proposed to list Massachusetts' commercial trap fisheries separately as a separate, single fishery—the Massachusetts Mixed Species Pot/Trap Fisheries. Moreover, the Massachusetts fishery is proposed as Category 2 which enhances our chances of achieving the permit. During public comment on NOAA Fisheries' 2022 Proposed LOF, criticism was levied against the establishment of the Massachusetts Mixed Species Pot/Trap Fisheries, as the state's fish pot or whelk pot fisheries did not have uniquely identifiable buoy line marking rules.

The final decision on the 2022 LOF is imminent and the separate listing of our fisheries may be dependent on the state adopting a unique buoy line marking scheme for all commercial trap gear fisheries. Accordingly, I am recommending the buoy line marking scheme for the state waters

lobster/crab trap fishery also apply to the commercial fish pot and whelk pot fisheries. Given NOAA Fisheries' proposal to list all our commercial state waters trap gear fisheries as a separate, single fishery it was sensible to have the same buoy line marking requirements for each of these gears.

Public Comment

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 5, 2022. All written comment is appended to this memo.

DMF received comment in favor of this proposal at the public hearing. This comment was provided by a commercial fisherman. It recognized that while burdensome, the rule was necessary for DMF to obtain an ITP and allow the continued use of VBR.

DMF also received one written comment in favor of this proposal, a co-signed letter from Whale and Dolphin Conservation and the Conservation Law Foundation. While supportive of this measure, the commentators further requested DMF require marks every 40' while working to develop a line with a tracer unique to the individual fisherman woven throughout the VBR, as well as sinking groundline marking requirements. This is similar to public comment received regarding the initial buoy line marking proposal last summer, which I addressed in my [May 28, 2021 memorandum](#) to the MFAC. In summary, (1) the bathymetry of Massachusetts state waters is such (depth rarely exceeding 200'), and as a result, buoy lines with four marks no more than 60' will be frequently marked at intervals of about 40'; (2) while intriguing, no technologies currently exist whereby an individual specific tracer can be woven into the line; and (3) the marking of groundlines would place an inordinate burden on fishermen while not enhancing our ability to identify entanglements to jurisdictions, as the entanglement record shows groundlines minimally contribute to entanglements. Finally, while I do not see this as practical or appropriate at this time, this suggestion is appropriate for discussion at the federal Large Whale Take Reduction Team.

DMF has received a small amount of written comment in opposition to this proposal. These comments explain the considerable burden marking requirements place on industry and argue buoy line marking provides a limited conservation benefit. I certainly understand the burden and inconvenience associated with these gear marking rules. DMF is willing to work with industry to develop the best methods and techniques for adding/removing marks to comply with this regulation.

There were also some questions fielded at public hearing about how this rule would apply. First, one fisherman asked if a "weak inserts" could be used a red mark. If the insert is red or has red woven into it, then it could be additionally used as a marking device. This would include splices of the red or candy cane weak rope, as well as the standard orange South Shore sleeves with the red tracers woven in. Therefore, those weak inserts which were predominantly used in 2021 would be viable red mark devices in 2022. However, if additional types of weak rope or sleeves become available, they would have to be red in color or have a visible red tracer in them to be used as a red mark. Second, it was asked if additional marks should be applied to differentiate between state waters fish pot/whelk pot and lobster/crab trap gear. This is not necessary if the

whole suite of the commercial trap fisheries is listed as a single, distinct fishery on the annual LOF. If this occurs, then any potential ITP would apply to this single fishery and the endangered species entanglement risk would be applied to the fishery as a whole regardless of the type of trap gear being fished.

Attachments

Written Public Comment

January 14, 2022

Director Daniel McKiernan
251 Causeway Street, Suite 400
Boston, MA 02114

Submitted electronically: marine.fish@mass.gov

Re: Proposed amendments to regulations at 322 CMR 4.00, 6.00 and 7.00 affecting trap gear fishing

Dear Dan:

Please accept these comments submitted on behalf of Whale and Dolphin Conservation (WDC), Conservation Law Foundation, and Defenders of Wildlife. Our comments focus on the proposal to modify the Buoy Line Marking Rules (322 CMR 4.13).

We are federally appointed members of the Atlantic Large Whale Take Reduction Team and members of organizations that have consistently advocated for regional gear marking to better inform regulatory decisions designed to protect critically endangered North Atlantic right whales and reduce unnecessary burdens on low-risk fisheries.

We are generally supportive of the proposal put forward by MA DMF but once again ask the Commonwealth to move toward an ideal marking system which incorporates a printed tracer throughout the line that includes the fishery, permit number, and region fished. Until that is available, we ask MA DMF to require markings on all lines (static vertical and groundlines) at least every 40 feet, as a minimum standard. As we have stated in previous comments, we acknowledge the burden on the industry of additional markings at this frequency, but base this request on the data available from gear retrieved from entangled whales. While it is our understanding that the vast majority of the state fisheries will meet or exceed this mandate based on the average line length of under 200 feet, a minimum standard should be clarified in the state's proposal with detail provided on why this standard is required.

In addition, we recommend MA DMF include a unique marking strategy for sinking ground line to identify whether sinking line removed from a whale is part of the vertical line or the groundline. This can help inform the efficacy of the sinking groundline rule.

Again, we thank MA DMF for its efforts to protect critically endangered North Atlantic right whales while preserving the economic and culturally important Massachusetts fishing industry.

Sincerely,

Regina Asmutis-Silvia
Whale and Dolphin Conservation
Regina.asmutis-silvia@whales.org

Erica Fuller
Conservation Law Foundation
efuller@clf.org

Jane Davenport
Defenders of Wildlife
jdavenport@defenders.org



From: [Michael Polisson](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Reed, Story \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Subject: line marking requirements
Date: Wednesday, January 5, 2022 5:15:35 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.

All these marking requirement do nothing to identify where the bouy line was fished and is of no value in anything to do with reducing right whale risk entanglements. A tag similar to a trap tag affixed just below the breakaway link would identify the type of fishery and also show the exact geographical area that the bouyline came from in the possible event a whale was ensnarled.....you genius' really don't get it.....with all your degrees and PHD's you people just don't get it..

I have been a commercial fisherman for over 53 years and have participated in every fishery massachussetts has.....

I am considered a fishing gear expert and specialist..... I have worked with the DMF in the past especially in regards to rope tecknology and design.

PLEASE START BEING PRACTICAL AND SCIENTIFIC NOT POLITICAL

Michael Polisson permit #000320

From: [EDWARD WIESSMEYER](#)
To: [Fish, Marine \(FWE\)](#)
Subject: New state and federal buoy line marking requirements for 2022
Date: Monday, January 10, 2022 11:18:08 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.

I presently hold both a Mass. state and Federal commercial area #1 lobster permit. I can understand why there is a need to mark buoy lines, but I would like to go on record that I am opposed to the two color (in my case red and green) marking system for state and federal waters. The additional burdon of adding and removing green markings when moving from state to federal waters is a time consuming unnecessary cost to the fisherman. In 2021 the DMF gave every commercial lobsterman 2 free rolls of red break away line. I am proposing that the state develope and supply every commercial lobsterman with some type of colored marking that is required in their designated fishing area that can be easily removed and reattached to their buoy lines as required. I am also proposing that the state or federal government pay for these reusable markings since they are the ones requiring these markings I am also suggesting that the board of people who want to implement these color code regs. be required to spend time as an observer on a lobster boat that has to change the color scheme of its buoy lines when switching from state to federal waters in order to appreciate the time and inconvience involved. Another simpler suggestion would to totally eliminate the federal line markings and substitute a small colored area specific buoy/marker approximately 4" in size, that can be tied to the base of the fishermans lobster buoy with the 'Free Willy' line, which would also be supplied by the DMF or Federal Gov. In my opinion, now that break away lines are a requirement on buoy lines, it is overkill to require the extra federal markings. If the break away lines are doing their job, which I believe testing has confirmed, then the use of a small area specific markers tied off of the lobster buoys should be adequate to allow identification of areas of entanglement!

Sincerely

Ed Wiessmeyer

MA #141400
Fed #149608



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Dan McKiernan, Director *Daniel J McKiernan*

DATE: January 16, 2022

SUBJECT: Extension of Gillnet Closure to Protect Right Whales

Recommendation

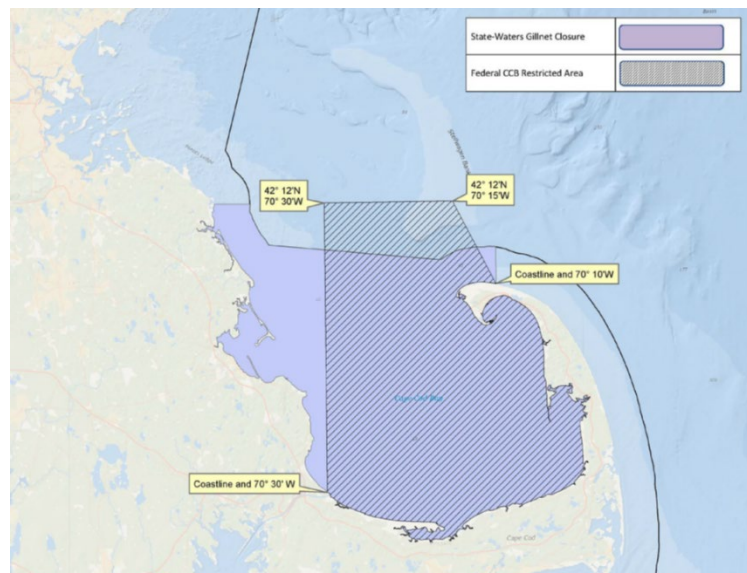
I am recommending the MFAC vote in favor of expanding the existing January 1 – May 15 gillnet closure in Cape Cod Bay to include all of state waters to further minimize the risk of entanglements to the endangered North Atlantic right whale (NARW).

Closure Background

As part of the first right whale conservation regulations enacted by DMF in 1997, DMF seasonally (January 1 – May 15) closed waters within Cape Cod Bay (the former “Critical Habitat”) to the use of gillnets. This closure was later adopted in the federal Atlantic Large Whale Take Reduction Plan, “Cape Cod Bay Restricted Area”).

DMF unilaterally expanded the spatial extent of this closure in state waters during the early 2000s. This added the western shore of Cape Cod Bay—west of 70°30' W and north to 42°00' N—to the seasonal closure area. This was made in response to increasing observations of NARWs seasonally using the waters along Sandwich, Sagamore, and Plymouth. Similarly, for 2021, the state-waters portion of this gillnet closure was expanded northward to Scituate Harbor at 42°12' N (Figure 1).

Figure 1. Seasonal Gillnet Closures



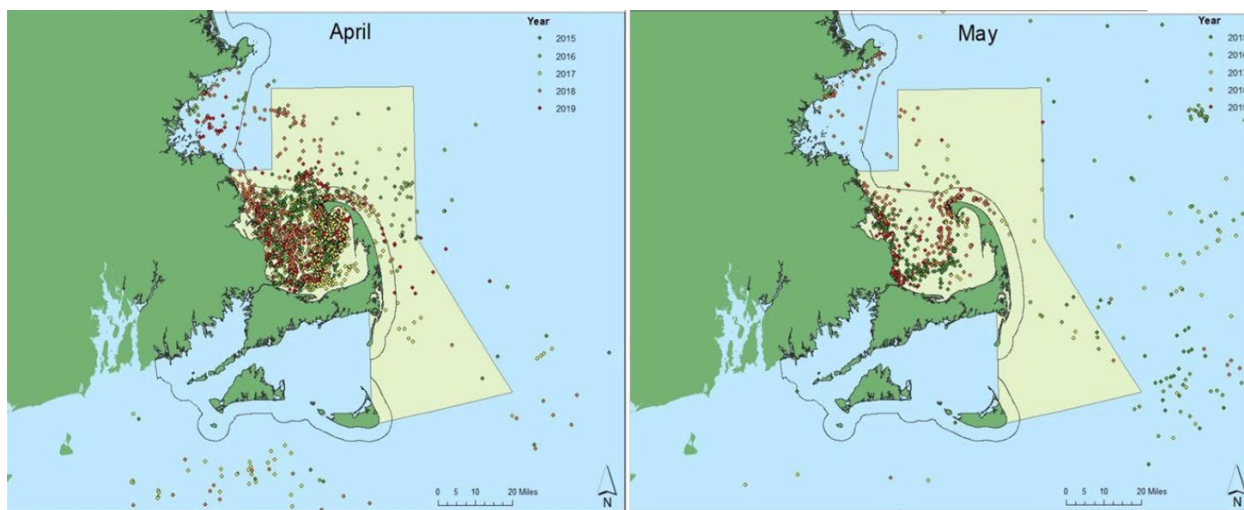
Gillnet Fishery Overview

DMF established the regulated fishery gillnet permit endorsement (“gillnet permit”) in 1987. This gillnet permit allows fishermen to deploy sink gillnets in state waters, and the gear is typically used to target the multi-species groundfish complex and dogfish. The permit was made limited entry in 1992 and has never been transferable¹. At present, there are 80 commercial fisherman permit holders with a gillnet permit, however, only a very small subset of this population is actively fishing gillnets. As of 2019², only 14 permit holders appear to be active; only eight of these permit holders reported fishing in state waters with gillnets, the other six held gillnet permits but were fishing outside of state-waters and likely landing fish taken from federal waters under the authority of their federal permits.

Rationale

Last year, I did not recommend extending the spatial extent of the seasonal gillnet closure to match that of the seasonal trap closure, which would have moved it north to the MA/NH maritime border and east down the backside of Cape Cod³. At that time, DMF was actively working to enact rules emanating from proposals put forth by the Large Whale Take Reduction Team focused only on the lobster fishery. I proposed a spatially smaller gillnet closure given the small size and scale of the state waters gillnet fleet. In the past year, I have reconsidered this position. The state waters gillnet fishery occurs principally in Massachusetts Bay and off Cape Ann. In recent years, right whale sightings data during April and May show these whales increasingly utilizing these waters during these months (Figure 2). There is a potential for co-occurrence of gillnet gear and right whales that I seek to address.

Figure 2. Observations of Right Whales in April and May 2015 - 2019



¹ See [October 31, 2017 memorandum](#) from former Director Pierce on gillnet permit transferability.

² Effort data is derived from fisherman catch reports. Due to fisherman reporting schedules, DMF is unable to query this data until the spring of the following year. Therefore, 2021 data will not be available until the spring of 2022. While 2020 data could be used, we know fishing effort was skewed by the COVID pandemic. Therefore, 2019 is the most recent and complete data set to describe effort in this fishery.

³ See [January 22, 2021 Protected Species Recommendation Memo](#) (pages 7 and 8).

To address these concerns in 2021, I recommended maintaining the conditional April groundfish closure mortality between Plymouth (42°00' N) and Marblehead (42°30' N) for gillnet gear only⁴, thereby prohibiting the use of this fixed gear between Scituate (42°12' N) and Marblehead (42°30' N) throughout April. Despite this action, those waters to the north around Cape Ann remained open to gillnet gear in April. Moreover, once the conditional April groundfish closure expired on May 1, the area of state waters between Scituate (42°12' N) and Boston Harbor (42°20' N) opened to gillnet fishing; the May groundfish mortality closure kept those waters from Boston Harbor (42°20' N) to the MA/NH maritime border closed to all groundfish fishing. Applying this groundfish mortality closure to a single gear type to protect right whales was not my preferred management approach. However, I felt compelled to minimize potential entanglement risks given the observed presence of the endangered NARW in Massachusetts Bay and the dynamic situation regarding the state's ongoing Incidental Take Permit (ITP) application.

For 2021, aerial surveillance indicated right whales remained in Massachusetts Bay and off Cape Ann throughout April and into mid-May⁵. The area off Boston Harbor was notable for NARW activity during this spring period. Given how this past year played out—having the conditional April groundfish mortality closure apply to address a gear specific entanglement risk and having areas of Massachusetts Bay remain open in April and May when whales are present—a change in management is needed for 2022.

Accordingly, I am recommending to close all state waters to gillnet fishing from January 1 – May 15. Similar to the existing trap gear closure, this proposed regulation would allow the Director to rescind or extend this closure based on the presence or absence of right whales⁶. This will allow for DMF to more directly minimize the seasonal entanglement risk posed by gillnet gear to the NARW.

NOAA Fisheries is expected to address the entanglement risk posed by the U.S. East Coast Gillnet Fishery, having already address the lobster fishery in its most recent round of rulemaking. Based on the most recent NARW population estimate, I expect NOAA Fisheries will target a 90% reduction in risk. This recommendation anticipates potential changes to the ALWTRP that would affect the state waters gillnet fishery and demonstrates Massachusetts is managing its gillnet fishery in a manner distinct from the broader gillnet fishery. By adopting distinct measures and mitigating risk for this fixed gear, we help advance our ITP application.

Anticipated Impacts

Tables 1 and 2 depict gillnet effort data by Statistical Reporting Area (SRA) on an annual basis from 2017 – 2019. Figure 3 shows the geographic location of the SRAs in state waters. The data from Tables 1 and 2 indicate effort by the state waters gillnetters does not ramp up until April, seasonally peaks during the summertime, declines in the fall, with little to no activity occurring

⁴ See [March 15, 2021 Recommendation to Lift Conditional April Groundfish Closure](#).

⁵ As a result of the continued presence of right whales in state waters in late April and early May, the seasonal trap gear closure and small vessel speed limit were extended beyond May 1 and stayed in effect until May 14. See [DMF Advisory](#).

⁶ Note that DMF cannot rescind the gillnet closure within certain waters of Cape Cod Bay prior to May 15. This is because the overarching federal ALWTRP rule establishes a gillnet closure in the Cape Cod Bay Restricted Area from January 1 – May 15. This includes those state waters within the area bounded by 41° 46.8' N and 70° 30' W, 42° 12' N and 70° 30' W, 42° 12' N and 70° 15' W, 42° 4.8' N and 70° 10' W, and the MA coastline. See pages 12 and 13 of the [ALWTRP Guide on Northeast Gillnet Fishery Requirements and Management Areas](#).

throughout the winter. These seasonal shifts in effort are attributable to several factors. This includes seasonal availability of groundfish in state waters, gillnet fishermen switching over to fish trap gear for lobsters in the fall, poor wintertime weather affecting access, and an array of spatiotemporal closures⁷. Note that those data withheld as confidential in Tables 1 and 2 because there were fewer than three permit holders active during that month.

Table 1. Active GE Gillnet Vessels and Trips by Month for 2017 - 2019

Active Vessel and Trip Count from Sink Gillnet Vessels by Month						
MONTH	2017		2018		2019	
	Active Vessels	Trip Count	Active Vessels	Trip Count	Active Vessels	Trip Count
JAN	*	*	0	0	0	0
FEB	*	*	*	*	0	0
MAR	0	0	0	0	0	0
APR	*	*	*	*	*	*
MAY	9	85	6	97	4	64
JUNE	11	182	8	160	8	163
JULY	9	179	8	158	8	171
AUG	*	*	*	*	*	*
SEP	5	62	5	33	3	39
OCT	*	*	0	0	0	0
NOV	*	*	0	0	0	0
DEC	*	*	*	*	0	0
Total	12	809	9	655	8	611

*Confidential

Data Source: MATL Reports and NMFS VTRs as of January 2021

Table 2. Average Number of Trips by Active GE Fishermen by Month and SRA for 2017 - 2019

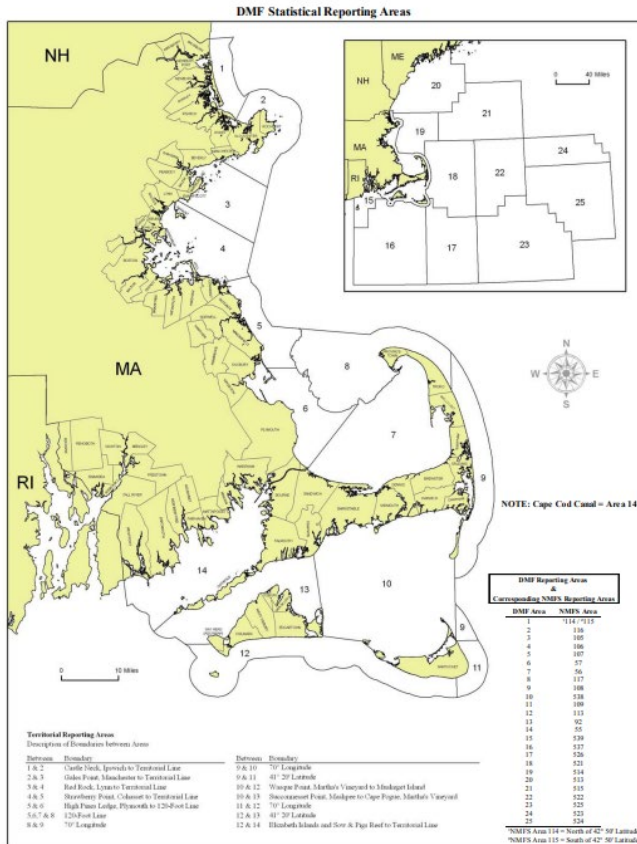
2017-2019 Average Sink Gillnet Trip Count by Month and SRA						
MONTH	SRA					Total
	2	3	4	5	9	
JAN	*	0	0	0	0	*
FEB	*	*	*	0	0	*
MAR	0	0	0	0	0	0
APR	*	46	65	*	0	*
MAY	*	*	78	*	*	82
JUNE	*	81	136	16	*	168
JULY	20	70	141	*	*	169
AUG	12	53	118	*	0	*
SEPT	*	28	28	0	*	45
OCT	*	*	0	0	*	*
NOV	*	0	0	0	0	*
DEC	*	0	0	0	0	*
Total	79	289	*	76	*	692

*Confidential

Data Source: MATL Reports and NMFS VTRs as of January 2021

⁷ From October 1 – January 31, those waters between 42°00' N and 42° 30' N west of 70° 24' W are closed to commercial groundfish fishing to control overall groundfish landings and mortality attributable to the state-waters groundfish fishery. From November 15 – January 31, waters between 42° 21' N and 42° 27.5' are closed to groundfish fishing to protect spawning cod aggregations. From February 1 – May 31, inshore waters from Provincetown to the MA/NH maritime border are closed to commercial groundfish fishing to protect winter flounder spawning. From March 1 – March 31, the use of gillnets is prohibited in the Massachusetts Bay Management Area under the federal Harbor Porpoise Take Reduction Plan (HPTRP). The HPTRP effects commercial fishing effort to the shoreline and this closure is inclusive of those Massachusetts state waters between 42°00' N and 42°30' N. See more details in [New England Guide to HPTRP](#).

Figure 3. DMF Statistical Reporting Areas



As gillnet effort is non-existent during the winter, the January – March period of the proposed closure will have a no impact on the fishery. However, the data does show increasing gillnet fishing effort in April and May. During this period, effort principally occurs in Massachusetts Bay. While effort occurs throughout SRAs 2-5, it is concentrated in SRA 3 and 4. SRAs 3 and 4 spatially overlap with those areas where we have observed right whales during these months. This underscores the matter of co-occurrence.

Based on catch report information, this proposal will have minimal impact on fishing activity outside of SRAs 2-5. The Outer Cape is closed to all groundfish fishing during May by a groundfish mortality closure within those waters east of Cape Cod south of 42°00' N and east of 70°00' W. Additionally, gillnet fishing is prohibited in Buzzards Bay and Mt. Hope Bay year-round and in the Sounds from April 1 – November 15.

Public Comment

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 6, 2022. No comments were received. The lone gillnet fishermen who attended the January 6 public hearing opted not to provide testimony on this issue.



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: January 16, 2022

SUBJECT: Recommendation to Amend Timing of Small Mesh Inshore Squid Season

Recommendation

I am recommending the MFAC vote in favor extending the inshore small mesh trawl squid season from April 23 – June 9 to April 23 – June 15 and eliminating the provision allowing the Director to extend the season beyond the regulatorily set season end date.

Notably, I am not recommending the MFAC vote to extend the small mesh trawl season for squid without eliminating the season extension provision, nor will I recommend eliminating the season extension provision without extending the season to June 15. If this measure does not pass, then status quo measures will remain in place and DMF will evaluate whether to extend the season past June 9 on an annual basis.

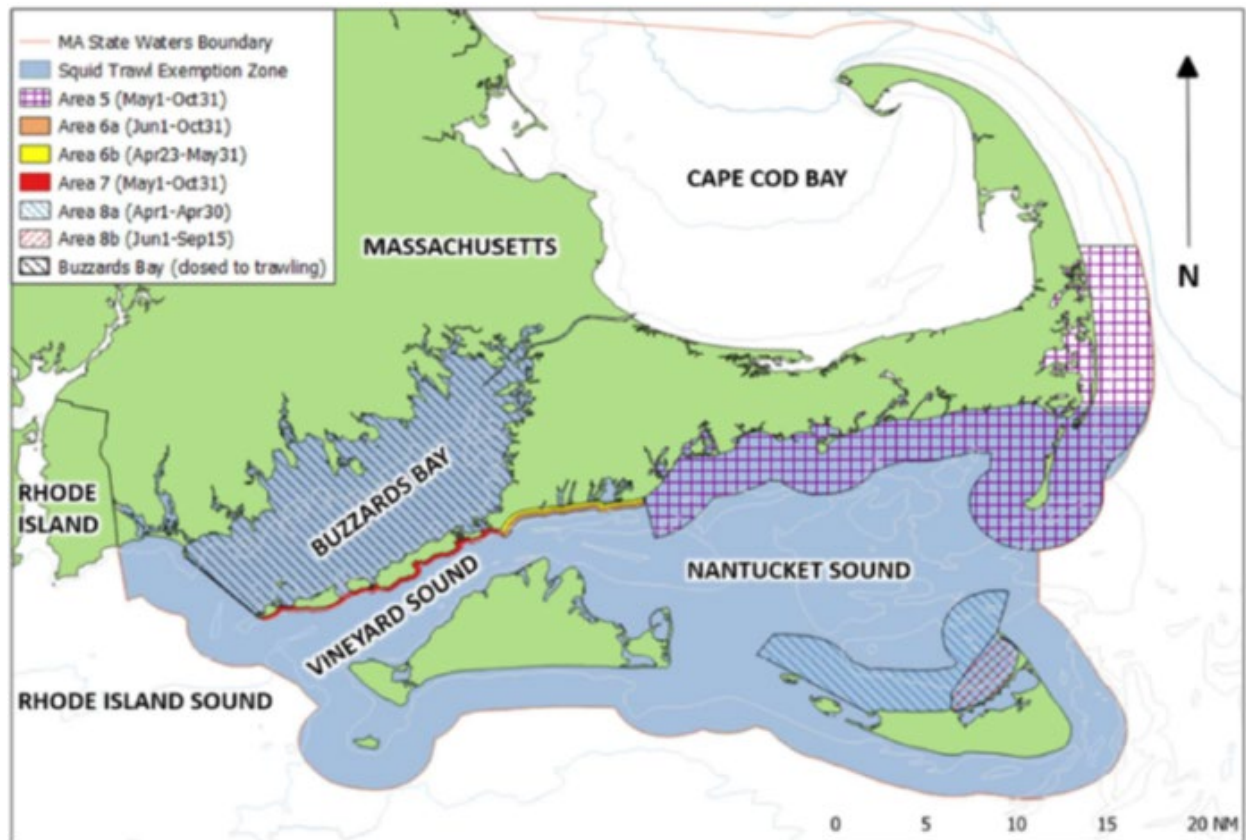
Background

This small mesh squid fishery may occur in certain state waters south of Cape Cod and around the islands (Figure 1) from April 23 – June 9. These spatiotemporal rules date back about 30-years to the early 1990s (and it was an issue I cut my teeth on as a young fishery manager). At the time, DMF was attempting to balance: (1) providing commercial fishermen with access to the squid resource at times when and places where it was available and commercially viable in state waters; (2) trying to limit the bycatch and discard of scup (primarily), as well as black sea bass and summer flounder, for which interstate and federal management plans were being developed to rebuild the stocks; and (3) addressing concerns from other stakeholder groups, such as recreational fishermen, who had competing interests in the availability and management of squid, scup, black sea bass, and summer flounder.

Over the course of several years, DMF tinkered with the small mesh trawl season closure date and it was moved back and forth throughout the early summer. Eventually, we settled on June 9 with the ability to extend the season if sea sampling data demonstrated the catch of squid was

predominately large tubes and there was little bycatch of small squid or juvenile scup, black sea bass, and summer flounder¹. At this time, DMF had its own sea sampling program.

Figure 1. Small Mesh Squid Trawl Exempted Area and Mobile Gear Closures



Source: MA DMF

By the early 2010s, the state's observer program deferred much of the sampling to the more robust federal program (NEFOP). As a result, DMF became reliant on NEFOP data to determine the appropriateness of annually extending the squid fishery. This was advantageous because the federal program was conducting far more trips than DMF could accomplish and it could gain access to vessels from out-of-state fishing in our local waters. However, for purposes of timeliness, it was less than ideal because NEFOP data is not as readily available to DMF to make spatially discrete and real-time fishery management decisions.

The federal observer program is a critical independent data source. Observer data provides broadscale information regarding catch composition, bycatch and discards, and protected species interactions which informs stock assessments and management decisions. That said, the data is

¹ The regulation at 322 CMR 4.06(4)(c)(1)(d) read, "the Director may extend the seasonal small mesh squid fishery if it is determined that continued fishing with small mesh will not result in large catches of small squid less than five inches mantle length, or juvenile scup, black sea bass, or summer flounder."

not designed to inform real-time, spatially discrete management decisions such as a potential annual extension of the Massachusetts state waters small mesh trawl squid fishery.

NEFOP data is typically not available until at least 90-days after the completion of a trip. However, in the years when we used this data to make decisions about the small mesh trawl squid season, the observer program staff were highly cooperative and provided us with unaudited observer reports usually within a week of the trip. While this was an appreciated accommodation by our colleagues at NOAA Fisheries, I was never comfortable with the resulting analysis by DMF staff for the following reasons. First, NOAA Fisheries would provide DMF with the actual observer report. Therefore, the data provided was not audited or quality controlled by NOAA Fisheries. Second, we were relying on data from a week or two prior to make decisions about the coming week. In this fishery, catch rates (especially for squid) can change abruptly and the time-lag would not capture such changes. Lastly, the sample size was often only a small number of tows. Many of the trips sampled occurred in both state and federal waters and often times tows would occur in both jurisdictions. DMF would work to analyze only those tows occurring exclusively in state waters. In summary, this resulted in DMF reviewing only a subset of tows from a handful of unaudited observer reports from a week prior and it was not a suitable approach to real-time management.

Accordingly, in 2018, DMF amended this squid fishery extension regulation and eliminated the reference to sea sampling data demonstrating the catch of squid was predominately large tubes and with little bycatch of small squid or juvenile scup, black sea bass, or summer flounder. The new regulation more broadly afforded the Director the unilateral discretion to extend the fishery via permit condition. As a matter of practice, staff would typically call various fishermen and dealers to get a sense of what was being caught and landed, and then try to verify this anecdotal data against recent NEFOP data (if available).

Since this rule change in 2018, DMF extended the 2016 fishery through June 16. In the other three years (2018, 2020, and 2021) the fishery was not extended. In 2020, commercial fishing effort and seafood marketability was negatively impacted by the COVID pandemic and public health responses (e.g., restaurant closures). As a result, there was little interest in extending the fishery beyond June 9. In 2021, squid fishing was strong in mid-to-late May, then a Nor'easter blew through around Memorial Day and seemingly brought an end to the run. Staff spoke with dealers and fishermen leading up to the June 9 closure date and there was little interest in extending the fishery as fishing conditions waned the first week of June. On June 7, DMF announced the fishery would close as scheduled on June 9. Then between this announcement and closure date, DMF received anecdotal reports that a fresh run of large squid arrived in the Sounds. I was unable to nimbly and timely respond to these anecdotal reports; however, had this occurred a day or two sooner, I would have extended the fishery for some additional time.

Rationale

As described above, the decision-making criteria we currently have in place to determine whether or not to extend the small mesh trawl squid season are admittedly imperfect. Specifically, we no longer have parameters with thresholds to guide this decision, and in large part, we are making it based on anecdotal reports that may be verified against potentially available federal observer data. Therefore, I strongly support adjusting how we manage the end

date of this fishery, particularly as whatever decision is made can result in consternation and frustration among whatever user group feels negatively impacted by the ultimate decision.

Moreover, concerns about bycatch species have changed overtime. As detailed above, the seasonal management of the squid season was designed in part to consider the bycatch and discard of scup (primarily), as well as black sea bass and summer flounder, for which interstate and federal management plans were being developed to rebuild the stocks. At present scup, black sea bass, and summer flounder are quota managed through comprehensive and well-established federal and interstate fishery management plans. Moreover, these stocks are all rebuilt and are not overfished and overfishing is not occurring. In fact, scup—the most common bycatch in the small mesh trawl squid fishery (Table 1)—is about two times its target biomass and the annual commercial quota at both the state and federal level is consistently and substantially underutilized.

Given this, the need to balance access to the squid resource against concerns about reducing the bycatch of these species to rebuild the stock is ameliorated. As, DMF's [Characterization of the Massachusetts Longfin Squid Fishery](#) (Schondelmeier and Hoffman, 2020), commonly referred to as the Squid Report, observes, “these levels of scientific assessment, management oversight, and quota accountability suggest that if the spring longfin squid fishery were to increase catches of these species to the point where a detrimental impact was clear, regulatory backstops are in place to effectively mitigate these issues.”

For these reasons, I'd like to forge a new path towards managing the small mesh trawl squid season. At the public hearing, I referred to my current recommendation to establish a firm season end date on June 15 as a Solomon-like approach and here is what I mean by that.

- Establishing a June 15 end date would provide the trawlers with an additional six days to target squid in state waters. This will enhance the ability for commercial fishermen and dealers to structure their operations knowing the fishery ends on a date certain.
- Recreational fishermen would also be assured by a firm end date. They would not be annually aggrieved by a potential seasonal extension and after this closure date they would be certain there would be no commercial trawling for squid in state waters. This could ameliorate user-group conflicts and forage concerns.
- It would not be a substantial departure from how the fishery is currently managed, given the Director's ability (and my willingness) to extend the fishery later into June if the resource remains commercially viable in state waters. In fact, when extensions occur the extension period is frequently longer than six days (nine-days in 2015 and seven-days in 2016 and 2019).
- The performance of the inshore squid fishery is subject to interannual variability, and this is likely dependent upon squid that survive the offshore wintertime fishery, and the local conditions (water temperature and wind direction) that affect local abundance. In years when there is a strong run of squid later in the season, DMF typically extends the fishery; when the run is not as strong, the fishery typically tapers off early as fishermen move on to target other species. This recommendation would effectively allow for this to occur without the added administrative action of having to extend the fishery.

Table 1. Aggregated Catch Rates and Proportions for Top 20 Finfish and Other Species of Interest from 2013 - 2017

Species	Kept lbs	Discard lbs	Total lbs	% Discard	% Finfish Catch	% Total Catch
SCUP	23,881	136,933	160,814	85.1%	49.5%	14.3%
SEA BASS, BLACK	1,354	22,091	23,445	94.2%	7.2%	2.1%
BUTTERFISH	6,330	15,376	21,706	70.8%	6.7%	1.9%
SKATE, LITTLE	0	20,679	20,679	100.0%	6.4%	1.8%
SEA ROBIN, NORTHERN	24	19,129	19,152	99.9%	5.9%	1.7%
SKATE, WINTER	1,162	17,705	18,867	93.8%	5.8%	1.7%
FLOUNDER, SUMMER (FLUKE)	3,007	9,325	12,331	75.6%	3.8%	1.1%
MACKEREL, ATLANTIC	1,988	7,811	9,798	79.7%	3.0%	0.9%
DOGFISH, SMOOTH	189	6,483	6,672	97.2%	2.1%	0.6%
FLOUNDER, WINTER	105	4,457	4,561	97.7%	1.4%	0.4%
FLOUNDER, WINDOWPANE	250	3,354	3,604	93.1%	1.1%	0.3%
ALEWIFE	100	3,249	3,349	97.0%	1.0%	0.3%
SKATE, LITTLE/WINTER, NK	0	2,250	2,250	100.0%	0.7%	0.2%
BLUEFISH	2,053	131	2,184	6.0%	0.7%	0.2%
HERRING, NK	0	2,145	2,145	100.0%	0.7%	0.2%
HAKE, SILVER (WHITING)	145	1,636	1,781	91.9%	0.5%	0.2%
TAUTOG (BLACKFISH)	195	1,496	1,690	88.5%	0.5%	0.1%
BASS, STRIPED	0	1,479	1,479	100.0%	0.5%	0.1%
FLOUNDER, FOURSPOT	0	1,399	1,399	100.0%	0.4%	0.1%
SKATE, NK	0	1,050	1,050	100.0%	0.3%	0.1%
SEA ROBIN, STRIPED	64	872	936	93.2%	0.3%	0.1%
SEA ROBIN, NK	122	700	822	85.2%	0.3%	0.1%
HERRING, ATLANTIC	135	652	787	82.9%	0.2%	0.1%
HERRING, BLUEBACK	0	468	468	100.0%	0.1%	0.0%
SHAD, AMERICAN	0	444	444	100.0%	0.1%	0.0%
MENHADEN, ATLANTIC	4	244	248	98.6%	0.1%	0.0%
MONKFISH	99	97	196	49.4%	0.1%	0.0%
WEAKFISH	0	34	34	100.0%	0.0%	0.0%
COD, ATLANTIC	4	13	17	79.3%	0.0%	0.0%
Other Finfish Species	149	1,814	1,963	92.43%	0.60%	0.17%
Finfish Total	41,357	283,516	324,873	87.3%	100.0%	28.8%

Source: Unpublished NEFOP data from DMF Characterization of Massachusetts Longfin Squid Fishery

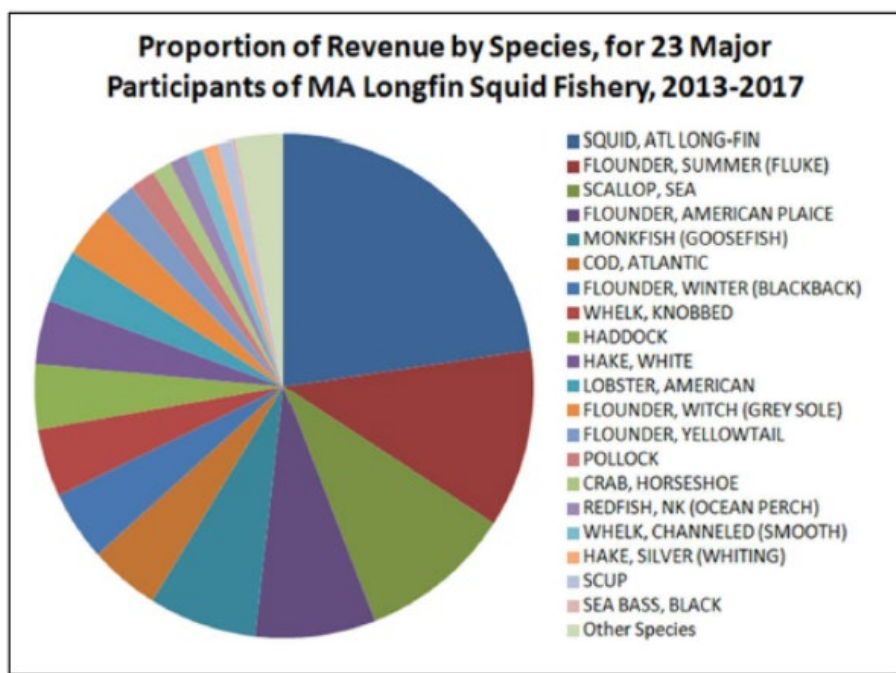
I would also like to take this opportunity to highlight that this recommendation will provide the inshore squid trawl fleet with additional flexibility to target squid in years when they are abundant (or if summer flounder are scarce). Given the status of the inshore trawl fleet, providing these vessels increased flexibility is critical to keeping them economically viable. Recall, the Squid Report concluded, “the longfin squid fishery represents an important fishing opportunity and source of income for vessels” based on the fact that during the period of 2013 – 2017, “longfin squid sales accounted for 22.7% of total annual revenue (\$30,011,000 over 5 years) for ‘Massachusetts squid boats’”. This approach to enhance flexibility is also consistent

with our pending public hearing proposals to adjust the seasons and fishing days in the inshore summer flounder trawl fishery, in which many of these squid boats participate.

For these vessels that consistently participated in the squid fishery and landed their catches in MA ports, it is the single most important species by value on an annual basis (Fig 2). Therefore, providing opportunity for these fishermen to take advantage of the squid resource while it is in our waters helps to ensure their profitability over the calendar year. As you can see, this fishery is particularly important for those smaller sized trawlers who are the most active participants in the Nantucket Sound squid trawl fishery (Fig 3).

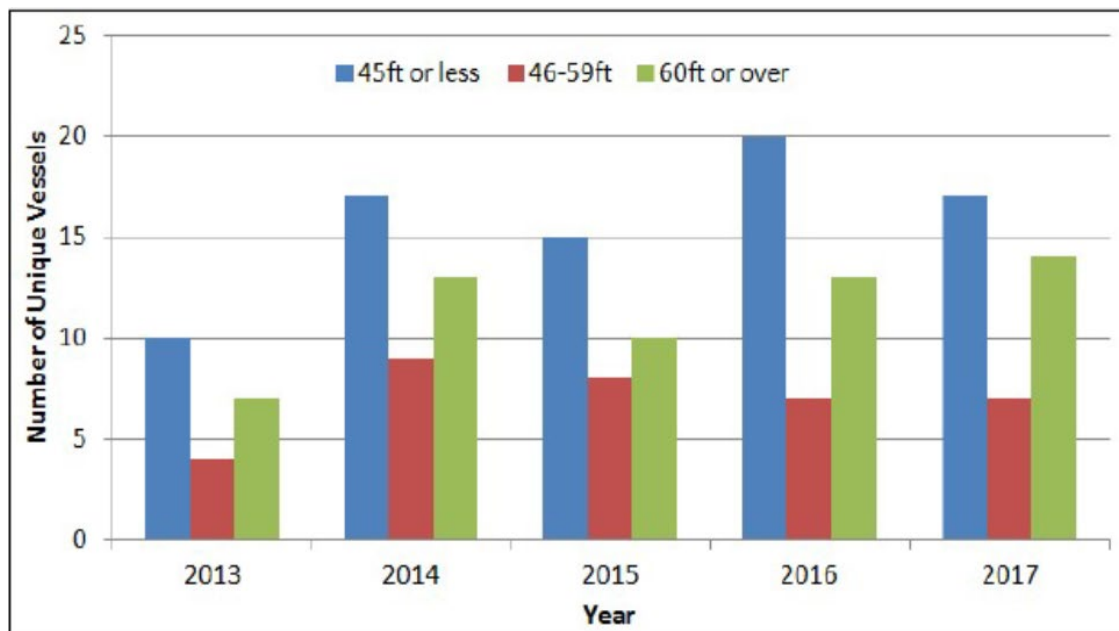
It is also noteworthy that moving the inshore squid season to June 15 would better align it with the April 15 – June 15 season when small mesh trawlers are allowed to land up to 2,000 pounds of scup according to the interstate and federal management plans. This seasonal trip limit was implemented in 2019 to reduce the regulatory discarding of scup in the squid trawl fishery. This synchronization would eliminate any confusion as to where scup retention with small mesh may occur. This should result in enhanced enforcement, compliance, and data collection.

Figure 2. Proportion of Revenue by Species for 23 Major Participants of MA Longfin Squid Fishery, 2013 – 2017.



Source: Unpublished NMFS Dealer Data

Figure 3. Number of Unique Vessels Landing Squid from Trips in Federal Statistical Area 538 (Nantucket Sound) by Vessel Length Class



Source: Unpublished NMFS and MA DMF Dealer and VTR Data

Public Comment

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 6, 2022. We received written and verbal testimony both for and against this proposal. All written comment is appended to this memo.

At public hearing, there were four recreational fishing interests from Nantucket who spoke against this proposal. Their concerns were varied ranging from: (1) the removal of forage and perceived impacts on recreational fishing opportunities for predator species, principally striped bass; (2) concerns regarding the bycatch and discard of non-target species; (3) the disruption of egg mops; and (4) grievances regarding the lack of mobile gear closures around the island. These individuals indicated their preference for status quo management. Some of these concerns (e.g., egg mops) were also reiterated in the written comments received objecting to this recommendation.

As I anticipated these concerns would be raised, I addressed issues related to forage, bycatch and discards, and egg mop disruptions in my [August 13, 2021 memorandum](#) introducing this proposal. The text from this prior memorandum has been summarized in the italicized sections below. The conclusions drawn are principally informed by DMF's Squid Report (Schondelmeier and Hoffman, 2020). In my view, the findings of the Squid Report conclusively refute many of the stated objections to this recommendation. Accordingly, I strongly encourage MFAC members to review this report before the January 21 business meeting. The full written report is published on our [website](#) and Brad Schondelmeier's presentation on the report is available on DMF's [YouTube channel](#).

With regards to the lack of mobile gear closures around Nantucket, this issue is beyond the scope of this recommendation. Director Pierce analyzed and addressed a petition from the Town of Nantucket to implement a May 1 – October 31 mobile gear closure from 0-3 nm around the island in a [December 1, 2016 memorandum](#) to the MFAC where he concluded taking such a petition to public hearing was not warranted. At this time, I have not received a new petition requesting the implementation of such mobile gear closures. Moreover, absent new evidence and given the findings of the Squid Report, I would not support taking such a petition to public hearing.

Lastly, I must take exception to a comment made at public hearing in favor of maintaining the status quo management of the squid season. The commentor suggested DMF simply do its job and make annual determinations as to whether or not it is appropriate to extend the fishery. My objective here is not to reduce my staff's workload. Rather, I do not want to attempt to make real-time fishery management decisions about the second and third week of June based on a small sample of unaudited federal observer reports from the end of May. It is not the workload itself that causes me angst, but rather the usefulness of the analysis in the decision making.

Other testimony in opposition of this regulation came from a member of the inshore trawl fleet who favored DMF maintaining the status quo regulations in order for DMF to maintain the flexibility to extend the squid season past June 15 should squid remain available.

DMF also received testimony in favor of this recommendation. A representative from the Rhode Island based Town Dock provided comments in favor of this action at the January 6 public hearing. DMF also received similar comments from certain members of the inshore trawl fishery and some of the seafood dealers who are primary buyers of squid in Massachusetts. In fact, there was some support to extend the season to June 20. I favor the June 15 date as it provides a compromise position and aligns with the season when up to 2,000 pounds of scup bycatch in small mesh trawl fisheries.

Bycatch Concerns

The Squid Report concludes, “bycatch in the overall small-mesh otter trawl fishery is near the median when measured against other fisheries and gear types. This is not surprising, nor concerning, considering the use of small-mesh nets.” The most commonly caught bycatch species are scup (14.3% of total catch), followed then by black sea bass (2.1% of total catch) and summer flounder (1.1% of total catch) (Table 1). Scup is the predominant species being incidentally caught and discarded in this fishery. The 2021 management track stock assessment for scup shows the stock is not overfished and overfishing is not occurring. Moreover, spawning stock biomass was estimated at 389 million pounds in 2019, which is about two times the biomass target of 198 million pounds. Adding an additional six-days of fishing opportunities within the Small Mesh Squid Trawl Exempted Area should not contribute significantly to overall bycatch or bycatch mortality rates of these species.

Historically, there has also been some concern about the bycatch and discard of other species, such as river herring and striped bass. With regards to river herring, the Squid Report concluded that while small mesh fisheries are likely contributing to the delayed rebuilding of populations, it is difficult to determine to what extent this is being influenced by the squid trawl fishery.

Bycatch of river herring represents .34% of total catch, which is an order of magnitude lower than other small mesh fisheries in the region (e.g., herring, mackerel, whiting). As for striped bass, they only make up a nominal amount of bycatch by weight (0.1%) in this fishery and those among us who have conducted sea sampling in this fishery know the fish are lively when returned to the water quickly. Survival is enhanced when tows are short in duration and the depth of water is shallow.

Forage and Striped Bass

Concerns have also been raised that the squid fishery is influencing the availability of recreationally important species, such as striped bass, by depleting forage. The Squid Report concluded that, “Fears that the squid trawl fishery could deplete the forage base, thus forcing predators to relocate for food, are unsupported at this point”. While striped bass undoubtedly feed on squid in these waters during the spring, they are opportunistic and generalist predators. A 2003 study by DMF (Nelson et al., 2003) demonstrates striped bass inhabiting Nantucket Sound have a diverse diet. Crustaceans (50% by weight) and bony fish (40% by weight) were the primary prey items, while unidentified cephalopods (e.g., squid) only comprised 3.3% of stomach contents by weight.

Additionally, there is ample anecdotal evidence of spatiotemporal shifts in the availability of striped bass in our waters. We are seeing this play out in our commercial striped bass fishery over the past few years as landings and effort have shifted from waters off Cape Cod towards Massachusetts Bay (Boston and Gloucester). Concurrently, we are hearing similar reports from our recreational fishing community. This is likely driven by increasing water temperatures in the northwest Atlantic, given striped bass prefer water temperatures between 55°F and 65°F and larger fish begin to become physiologically stressed when water temperatures exceed 70°F. By the second week of June, the NOAA buoy in Nantucket Sound is routinely taking surface water temperature readings of around 17 or 18°C (~62-65°F) which is already at the high end of the temperature range for striped bass.

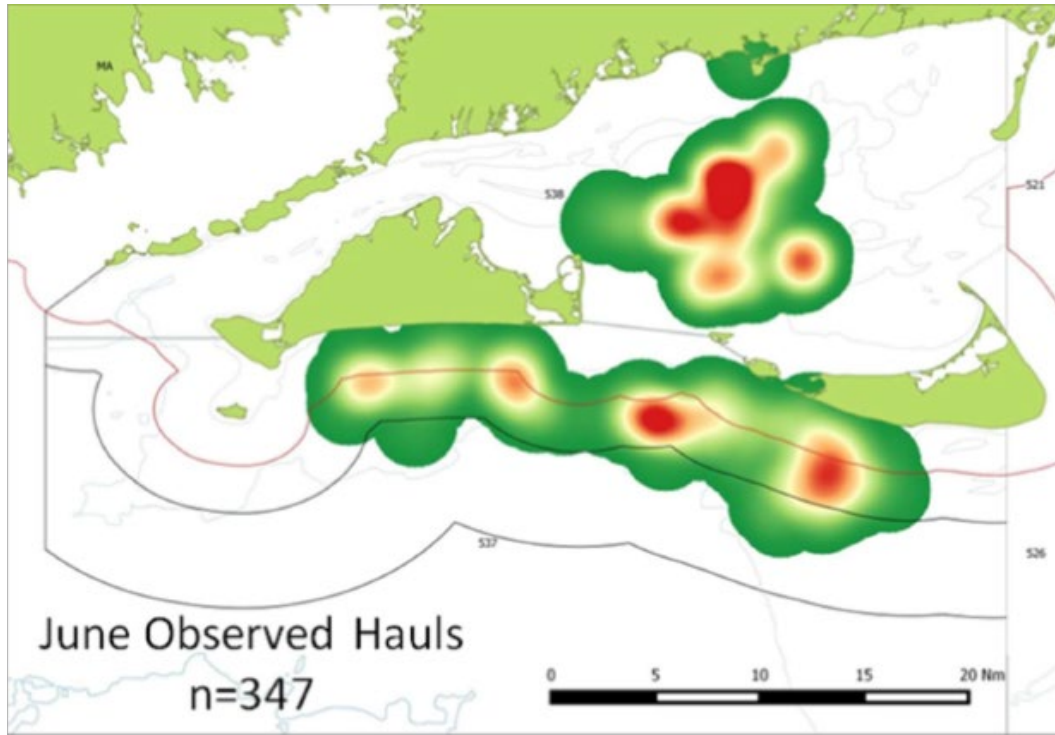
Egg Mop Disruption

Another commonly voiced concern regarding the inshore squid fishery is the disruption of egg mops by trawlers. The Squid Report shows that nearly all observed squid trawling effort in state waters during June is centralized in two discrete areas: South of the Islands between Squibnocket (Martha’s Vineyard) and Madequecham Beach (Nantucket) along the state/federal line and in Nantucket Sound between Horseshoe Shoal and Tuckernuck Shoals (Figs. 4 and 5). The red dots in Figure 4 represent tow start and end locations. Fishing effort is not as intense in other areas in response to several factors, including regulatory closures (e.g., Buzzards Bay, inshore Cape Cod) and untowable bottom (e.g., shoals and fixed gear). This provides substantial spatial refuge where egg mops remain undisturbed on the bottom.

Attachment

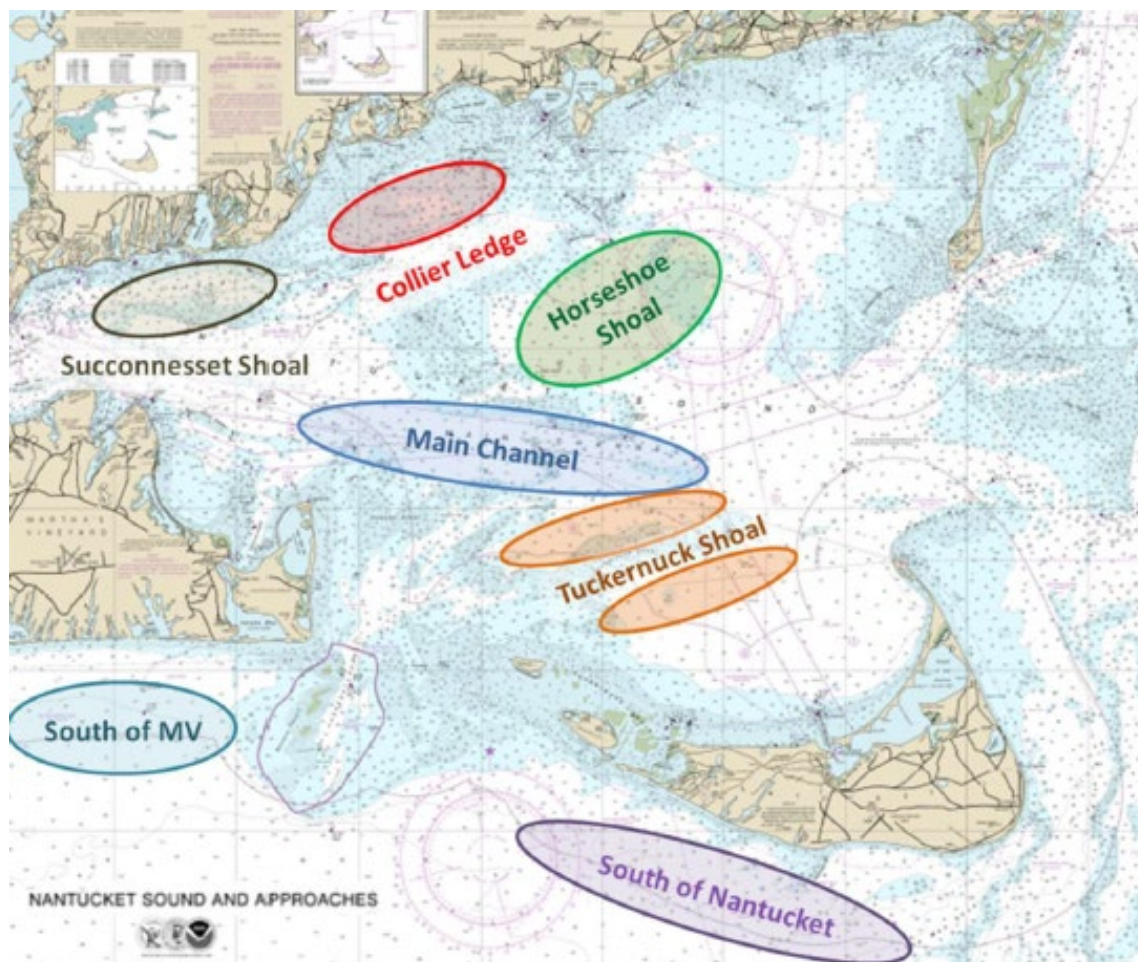
Written public comment

Figure 4. Heat Map of Starting Points of Observed Hauls during June, 2013 - 2017



Source: Unpublished NEFOP Data

Figure 5. Names for Fishing Grounds within Small Mesh Squid Trawl Exempted Area



From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: I don't think extending the Squid season is going to be a good idea. I'd like to give the Squid a chance to spawn and lay there eggs. There's a handful of guys from up north and down south that are greedy I want always things to get extended I think i
Date: Wednesday, January 12, 2022 10:53:36 AM

-----Original Message-----

From: John Phaneuf <johnphaneuf@ymail.com>
Sent: Wednesday, January 12, 2022 10:08 AM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: I don't think extending the Squid season is going to be a good idea. I'd like to give the Squid a chance to spawn and lay there eggs. There's a handful of guys from up north and down south that are greedy I want always things to get extended I think it...

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.

Sent from my iPhone

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Mass Squid Fishery
Date: Wednesday, January 12, 2022 9:56:26 AM

From: Jared Auerbach <jared@redsbest.com>
Sent: Wednesday, January 12, 2022 9:39 AM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: Mass Squid Fishery

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.

Hello Mr. McKiernan,

This email is in support of permanently extending the Mass squid fishery for the dragger fleet.

We are in favor of permanently running the season to June 20th.

This is a very important fishery for the state.

Please let me know if there is any additional information I can provide.

Thank you.

Jared Auerbach

Jared Auerbach
Chief Executive Officer

Mobile: 1 617 413 4981 • Fax: 1 617 428 0030 • jared@redsbest.com
WildFish LLC • 37 Boston Fish Pier, Boston MA 02210
www.redsbest.com

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Request Squid season extension
Date: Wednesday, January 12, 2022 9:03:48 AM

From: philmich10@aol.com <philmich10@aol.com>
Sent: Wednesday, January 12, 2022 8:51 AM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: Request Squid season extension

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 Dan,
I would like to see the squid season extended at least until June 15 each year
it's been my experience that the squid still remain in-state waters in reasonable abundance and size
to make the fishery worthwhile
Thank you
Phil Michaud jr

[Sent from the all new AOL app for iOS](#)

From: [Katie Almeida](#)
To: [Fish, Marine \(FWE\)](#)
Subject: MADMF squid regulation comment
Date: Tuesday, January 11, 2022 1:37:22 PM
Attachments: [MADMF squid comment.pdf](#)

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.

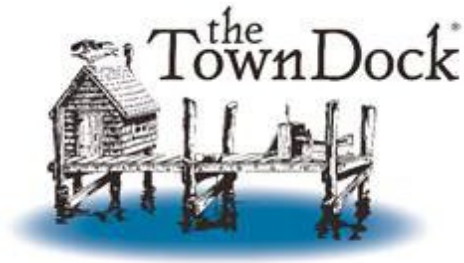
Hello,

Please find attached my public comment regarding the seasonal change to the MA inshore squid fishery.

Thank you,
Katie

Katie Almeida
**Senior Representative, Government Relations
and Sustainability**

45 State Street | Narragansett, RI 02882 USA
O: 401-789-2200 x143 | C: 508-930-2633
www.towndock.com



The contents of this e-mail message and any attachments are confidential and are intended solely for the recipient. Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please notify the sender by reply e-mail and delete all copies of this message and its attachments, if any.

From: [Tory Bramante](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Small mesh squid season extension
Date: Friday, January 14, 2022 1:43:47 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.

Division of Marine Fisheries
Director Dan McKiernan

Atlantic Coast Seafood in Boston, supports the Division of Marine Fisheries' proposal to extend the inshore small mesh squid trawl fishery season to the 15th of June. This will help us to have an uninterrupted squid season while the squid are present.

Having the opportunity to catch squid if the squid are present or leave the grounds if they are not, will greatly benefit our already short inshore fisheries season.

Also, regarding comments made during the public meeting on forage, it is my belief that the stripers have the ability to feed 24 hours a day, but prefer the dark night time hours. Allowing the trawlers to fish 6 additional days during the daylight hours will not directly impact the striped bass preferred feeding times.

Tory Bramante
42-44 Boston Fish Pier
Boston, MA 02210
617-482-0040
Fax 617-482-0165

From: [Hal Herrick](#)
To: [Silva, Jared \(FWE\)](#)
Subject: Squid fishery off Nantucket Island
Date: Friday, January 14, 2022 3:52:54 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Capt Hal Herrick. I have run a charter boat out of the west end of Nantucket for over 25 years. It has come to my attention that the fisheries is considering extending the length of the squid fishery . I am not in favor. I have witnessed over the years off Madaket and the west end of Nantucket the decline of small squid and the decline of both the Striped Bass and Bluefish populations off Nantucket.

Please do not extend the time line of the commercial squid fishery

Thank you

Capt Hal Herrick

Nantucketfishing Charters

Sent from my iPhone

From: [Edward Barrett](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Squid Proposal
Date: Friday, January 14, 2022 8:31:18 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.

To Director McKeirnan,

I would like to include these comments on the proposed extension of the small mesh squid fishery. I believe that there should be no change to the current regulations that closes the fishery on June 10 but gives the Director the discretion to extend the fishery.

My reasoning for “no change” is that there are some years where it is advisable to extend the squid season and some years where it is not. By extending per regulation it will eliminate the flexibility of management that this fishery and other fisheries that interact need. Thank you for this opportunity to comment.

Edward Barrett
F/V Sirius

From: [Matthew Reinemo](#)
To: [Silva, Jared \(FWE\)](#)
Subject: Squid season
Date: Thursday, January 13, 2022 10:26:24 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.

Please do not extend the squid small mesh season. The disastrous effects of this fishery are well documented- it is disgusting that it takes place all. Yet you want to extend it. I fully expect you to do the wrong thing here, but feel free to surprise me.

Thanks,
Matt Reinemo

--

www.facebook.com/FishingNantucket

From: [Corey Gammill](#)
To: [Silva, Jared \(FWE\)](#)
Subject: Squid Season
Date: Thursday, January 13, 2022 8:45:08 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.

Jared,

Please let me know if you would like me to address this note somewhere else, but I am sending a comment in OPPOSITION to the following:

DMF is proposing to extend the small mesh squid trawl season from April 23 – June 9 to April 23 – June 15. With this six-day extension of the squid season, DMF would then strike the regulatory allowance for the Director to discretionarily extend the season on an annual basis. This attempts to find a more balanced and manageable administrative approach to the management of the small mesh squid trawl season.

I own/operate a tackle shop on Nantucket and own/operate a guiding business out of Nantucket. I have actively worked as captain/guide for the last 20 years. What we have learned over this period is how important a healthy squid population is to the success of our fishery. In the years when the squid fleet decimates the bottom in state and near federal waters (think the 3 mile line) our fishery around Nantucket and in the sound is poor. In these years we watch the bass not feed for food is not in the ecosystem. We watch our late summer bluefish and albie bite not exist because there are no squiddos in our water. In years like 2020 and 2021, when the squid fleet is not as active and hence not as destructive we see our catch rates increase incredibly. It has been well documented how sensitive squid mops are to any disturbance.

I have a 2 and a 5 year old and I want them to see our fishery at its best. In order to do this, best practice has been said for years to protect reproduction grounds. Why we allow the squid fleet to fish the waters around the cape and islands in May and June when it has been well documented that this is when the squid lay their eggs I do not know. Because of this I am in favor for as short a season as possible.

I want to say clearly as well I am NOT against commercial fishing as I commercially scallop here on Nantucket, but I am all for doing it responsibly. The fleet should not be fishing when heavy by-catch is around and when/where future populations of squid will be affected.

Thank You for your time,

Corey Gammill

Capt. Corey Gammill

203-962-8867

cmgammill@gmail.com

Owner: Bill Fisher Outfitters www.billfisheroutfitters.com ,

Owner: Bill Fisher Tackle www.billfishertackle.com

Twitter: @billfishers

Directions to Madaket Marine: <http://billfisheroutfitters.com/pricing-info>

Weather and Cancellation Policy: All Weather related cancelations are determined by the Captain. The season is short and we try to take every opportunity to fish, so please plan accordingly. If changes in your schedule come up you can cancel up to 7 days off. Inside 7 days if we can rebook the trip we will happily oblige. And please remember as we tell our kids all the time, *see your commitments through....*



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Dan McKiernan, Director 

DATE: January 17, 2022

SUBJECT: State-Waters Groundfish Management

Recommendation

I recommend the MFAC vote to approve an April 15 – April 30 commercial groundfish closure in those state waters between Plymouth (42°00'N) and the MA/NH maritime border west of 70°30'W (Figure 1). This closure would apply to all fishing gears capable of catching groundfish other than shellfish dredges.

Contingent on the approval of the April spawning closure described above, I further recommend the MFAC vote to: (1) rescind the April 1 – April 30 commercial groundfish closure in those state waters between Plymouth (42°00'N) and Marblehead (42°30'N) west of 70°30'W; and increase the commercial trip limits for Gulf of Maine (GOM) cod from 200 pounds to 400 pounds and GOM yellowtail flounder from 250 pounds to 350 pounds.

Lastly, I am not recommending to rescind the May 15 – October 31 gillnet closure off Outer Boston Harbor.

Spawning Closure

In 2017, NOAA Fisheries promulgated [Omnibus Habitat Amendment 2](#) (OHA2) for implementation in April 2018. Among other things, this amendment established the Spring Massachusetts Bay Spawning Protection Area (Figure 2). This action closed those waters within federal Statistical Report Area 125—the 10-minute square between 42° 00' N to 42° 30' and 71° 00' W and 70° 30' W—to certain federally permitted fishing activities, including commercial groundfish fishing¹, during the period of April 15 – April 30. The purpose of this closure is “to improve spawning protection for various groundfish species (including cod) in the Gulf of Maine” (NEFMC OHA2 DEIS).

¹ Exempt fishing activities include: recreational fishing; charter and party boats with a Letter of Authorization; vessels fishing on a sector trip or under a Hand Gear A permit within the GOM Cod Protection Closures IV and V; vessels fishing with spears, rakes, dive gear, cast nets, tongs, harpoons, weirs, dip nets, stop nets, pound nets, pots and traps, purse seines; surf clam and ocean quahog dredges; pelagic hook and line, longline, single gillnets gear; shrimp trawls with a properly configured grate; midwater trawls; sea scallop dredges when fishing under a day-at sea or in an sea scallop dredge exemption area; and raised foot rope trawls in exempted whiting fisheries.

While DMF has a history of complementing federal groundfish closures that occur within state waters and applying these closures to the state waters groundfish endorsement fleet (“GE”), DMF did not adopt the Massachusetts Bay Spawning Protection Areas for the GE fleet. Our thinking at the time was influenced by our acoustic tagging work and the 2003-2007 Industry Based Survey (IBS1). This research demonstrated that while cod spawning activity occurred in April, the principal spring spawning month was May. Accordingly, in attempting to balance providing the GE fleet with access to groundfish resources in state waters with spawning cod protections, DMF did not implement a corresponding April closure.

It should be noted there are a series of spatio-temporal closures protecting spring aggregations of spawning cod. On a broad scale, the commercial groundfish mortality closures in May (Boston to New Hampshire) and June (Marblehead to New Hampshire) provide ancillary spawning protections. Additionally, the Spring Cod Conservation Zone closes a discrete area off Marblehead to all groundfish fishing from April 16 – July 21 to protect a discrete seasonal cod spawning aggregation (Figure 3).

The agency’s position regarding complementing the Spring Massachusetts Bay Spawning Protection Area has evolved with the completion of the second Industry Based Survey (IBS 2), which occurred from October 2016 through January 2019. IBS 2 demonstrated that while the presence of spring spawning cod has declined overall, May is still the peak spawning month and April is now almost as important as May in terms of the presence of cod in spawning condition (Figure 4).

Recent work of senior DMF biologist, Dr. Micah Dean has also highlighted the importance of protecting spawning cod. His research shows there are two discrete sub-populations of GOM cod that exhibit different seasonal peaks in spawning activity—the so-called “spring spawners” and the so-called “winter spawners”. The importance of these two groups to the overall stock has changed over time, and currently nearly all recruitment comes from the winter-spawning group. However, as recently as the early 2000s, the spring spawning group accounted for most of the spawning stock and recruitment. Ensuring that both sub-populations continue to persist is critical for the recovery of the GOM cod stock.

Further, while the federal Western Gulf of Maine closure offers some protection to spring-spawning cod outside of the spawning season, the loss of some federal seasonal closures (i.e., “rolling” closures) as the sector system was implemented may be impacting reproductive success through disruption of mating behaviors (Dean et al., 2019). Adding on potential depensation effects at low population density (Allee effects), the continued poor status of GOM cod and failure to rebuild and it is now clear additional conservation management measures are going to be required. To this end, the New England Fishery Management Council will be reviewing potential measures in a future action to revise the existing GOM cod rebuilding plan.

Given these three above-described factors, I am now recommending we adopt an April 15 – April 30 commercial groundfish closure in all state waters between Plymouth and the New Hampshire border west of 70°30’ W. This will extend further north than the federal Spring Massachusetts Bay Spawning Protection Area providing spawning protections north of

Marblehead around Cape Ann. This is an area where spawning cod were observed during IBS1 (Figure 5), when the spring spawning sub-population was more robust. While spawning cod were not observed in this area during IBS2, having protections in place for these historic spawning aggregations will likely be necessary to allow for the recovery of spring spawners and to enhance the likelihood of a broader stock recovery.

It should also be added that while the Spring Cod Conservation Zone provides some spawning protection in late-April, it is only one discrete spawning aggregation. This closure—by itself—does not provide sufficiently robust protections for the spring spawners. Spatially broader closures are necessary to protect other remnant spawning aggregations, particularly as our acoustic tagging research shows individuals move in and out of discrete spawning locations.

In my [October 22, 2021 proposal memorandum](#), I describe the anticipated impacts (p 11 – 12). In summary, presuming the January 1 – May 15 gillnet closure is implemented for all state-waters, this spawning closure would only affect trawlers and hook and line fishermen. In recent years, only a small number of GE fishermen have landings of groundfish during April (and as a result the data are confidential). While these active fishermen did not submit comment on the proposal, they will obviously be impacted should the spawning closure be implemented. However, it would not prevent the mobile gear fishermen from fishing for sea scallops in open areas outside Boston Harbor and in Ipswich Bay, should there be a commercially viable and exploitable set of scallops (Figure 6).

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 6, 2022. DMF did not receive written or oral testimony regarding this item.

Conditional Closure

In 2019, DMF implemented a conditional commercial groundfish closure during April within those state waters between Plymouth and Marblehead west of 70°30'W (Figure 7). The closure was a fail-safe to prevent the GE fishery from exceeding federally allocated state waters set asides to an extent whereby the federal ACL may also be exceeded resulting in accountability measures against the federal groundfish fleet. Over the course of the winter, DMF would analyze GE groundfish landings and determine whether an April closure was necessary. If DMF determined federal accountability measures would not be triggered by allowing GE fishing in April, then DMF would begin a public process to rescind this closure. Recall the federal fishing year runs from May 1 – April 30.

Provided the gillnet closure to protect right whales and the April spawning closure for GOM cod are approved, I am recommending rescinding this April conditional closure. With these other closures in effect, the conditional closure becomes largely redundant and unnecessary. This would also relieve staff of having to expedite the requisite annual analysis to determine the appropriateness of the condition closure.

An ancillary benefit of rescinding this closure would be the reduction of animosity among user groups. When DMF moves to rescind the closure, we are required to hold a two-week public comment period. The nuance of the purpose of the conditional closure is often not well

understood and we typically receive an outpouring of comments objecting to the action. These comments typically express conservation concerns and user group objections that are beyond the scope of the intended closure. Eliminating this conditional annual action—and implementing more predictable and comprehensive conservation measures—may help assuage tensions along the waterfront.

Enhancing GE Fishing Opportunities

The recommended spawning cod and gillnet closures are expected to reduce GE fishing effort and landings in Massachusetts. Accordingly, I am interested in providing the GE fleet with additional opportunities to harvest and land groundfish at times and in places where spawning cod and right whales are of less of a concern. Based on analysis of GE fishery regulations and landings and considering feedback from the MFAC's State Waters Groundfish Sub-Committee, I proposed three actions be considered at public hearing. First, I proposed to increase the GOM cod trip limit from 200 pounds to 300 pounds. Second, I proposed to increase the GOM yellowtail flounder trip limit from 250 pounds to 350 pounds. Lastly, I proposed rescinding a remnant May 15 – October 31 sink gillnet closure off Boston Harbor.

Note I did not propose adjusting the trip limits for other target commercial groundfish species (e.g., winter flounder and grey sole). There are varied reasons for this. In the case of winter flounder, the trip limit for the GOM stock is currently 500 pounds, which is the maximum allowed under the interstate fishery management plan. For grey sole (witch flounder), these fish are not found in large abundances in state waters and the current 750-pound trip limit is thought to be more than sufficient. In fact, in 2017, DMF reduced the trip limit from 1,000-pounds to 750-pounds to disincentivize poaching. There was a concern among the industry that the 1,000-pound trip limit was encouraging certain GE permit holders to illegally fish in federal waters for this species and at the time there were law enforcement incidents involving a GE trawler fishing in federal waters. While GOM haddock is another commercially important groundfish species caught in state waters, there is currently no commercial trip limit.

GOM Cod Trip Limits

Federal specifications have set the state waters sub-component for GOM cod at 105,822 pounds (48 mt) for the 2022 fishing year (May 1, 2022 – April 30, 2023). In Fishing Year (FY) 2019², the GE fleet landed 63,052 pounds of GOM cod. This indicates there is room to increase GOM cod trip limit above 200 pounds without substantially increasing the likelihood of overharvesting the sub-component. In considering these factors, I proposed increasing the trip limit from 200 pounds to 300 pounds.

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 6, 2022. DMF received a single comment on this item from an active gillnetter at the public hearing. He requested the trip

² DMF typically uses the most recent available year to analyze fishery performance. As FY21 remains ongoing, the data set is not complete and has not been audited. It is my preference to not review FY20 data because it may be misleading given the disruptive impact the COVID-19 pandemic had on the fishing industry. FY19 was also impacted by the pandemic (March and April, 2020), but to a lesser degree. FY18 is the most recent full year of data not impacted by the pandemic. Given the scale of the GE fishery and how landings may be influenced by small shifts in effort and attrition, I preferred not looking back this far. To balance these concerns, I determined it was best to use the FY19 data.

limit be increased to 400 pounds. The commenter recalled the trip limit was reduced from 400-pounds to 200-pounds around 2016, in part based on public comment from gillnetters who preferred maintaining spatiotemporal access to higher trip limits. Therefore, if DMF is going to constrain spatiotemporal access to protect spawning cod and right whales, the prior 400-pound trip limit should be considered.

The history regarding the trip limit change was that NOAA Fisheries reduced the common pool trip limit from 800 pounds to 200 pounds. Rather than complementing this for state waters, DMF proposed a 400-pound trip limit. Industry then stated their preference for a lower 200-pound trip limit but fewer spatiotemporal closures (e.g., not implementing a June closure between Boston and Marblehead). Based on this feedback, DMF recommended a 200-pound trip limit and compromise measures on the closures, which were ultimately approved by the MFAC.

After considering this comment, I am recommending a 400-pound trip limit for GOM cod. When comparing 2019 landings to the 2022 sub-component, there is about 43,000 pounds available to harvest. The new spawning and right whale closures will likely further reduce cod landings by prohibiting all commercial groundfish fishing during the second half of April in Massachusetts Bay and prohibiting gillnetting from January 1 – May 15 throughout the entire state. Moreover, the GE fishery is already very small in scale and is experiencing continued and consistent attrition³, particularly as the gillnet permit endorsement is non-transferable. For these reasons, I'm comfortable doubling the trip limit for GOM cod.

The benefits of this trip limit increase will be principally afforded to gillnetters who may conduct more directed fishing effort on cod outside of closed areas. The rod and reel fleet may also be able to target cod at higher levels, but GE rod and reel effort is nominal and they only make up a small percentage of overall GE landings. Given the lack of overlap between productive cod bottom and areas where trawls may lawfully be deployed, I do not expect this will change will greatly enhance trawl landings of GOM cod.

GOM Yellowtail Flounder Trip Limits

Federal specifications have set the state waters sub-component for GOM yellowtail flounder at 127,868 pounds (58 mt) for the 2022 fishing year (May 1, 2022 – April 30, 2023). In 2019, the GE fishery landed 93,256 pounds of GOM yellowtail flounder. Accordingly, there is some room to accommodate a modest increase in landings before approaching the state waters sub-component for this stock and I proposed increasing the trip limit from 250 pounds to 350 pounds.

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 6, 2022. DMF received a

³ DMF has run a preliminary query of dealer data to generalize attrition in the GE fishery. Note dealer data does not contain data elements for area fished or gear type. These data are estimated from harvester reports. Therefore, we are assuming gear type based on prior year's reports and permits held. Additionally, among trawlers, the data likely contain landings from a subset of some fishermen who hold a GE but principally fish south of the Cape and may have groundfish landings (e.g., winter flounder) from incidental catch in the squid or summer flounder trawl fisheries.

Among GE gillnetters, in FY19 there were eight permit holders who made in aggregate 583 trips where groundfish were sold, so far in FY21 there were five permit holders who made in aggregate 240 trips where groundfish were sold. Among GE trawlers, in FY19 there were 15 permit holders who made in aggregate 479 trips, so far in FY21 preliminary data show 10 fishermen who made in aggregate under 200 trips.

single comment on this item from an active gillnetter at the public hearing. For economic reasons, he requested the trip limit instead be doubled to 500 pounds. He noted the price for yellowtail flounder is currently very low and a higher volume of catch is necessary for profitability. Moreover, the proposed cod spawning and right whale closures would reduce groundfish catch and effort across the GE fleet.

I have reviewed this comment. There is only a 27% difference between 2022 GOM yellowtail flounder set-aside and FY19 GOM yellowtail flounder landings. Even when accounting for the scale of the GE fishery, attrition, and the impacts of the proposed closures on effort and landings, I do not think a doubling of the trip limit is justifiable. While the GE fishery is not required to harvest within the sub-component, it is my preference to structure the management of the fishery (including trip limits) such that we aim to achieve harvest at the sub-component annually and minimize the risk of the GE fishery triggering federal accountability measures. Therefore, I am recommending the trip limit only be increased to 350-pounds, as proposed at public hearing.

There is also consideration of GOM yellowtail life history that differs somewhat from GOM cod. Less is known about GOM yellowtail spawning. It is more generally spread throughout summer months, with spawning beginning in April and May and eggs are continued to be found through September (Bigelow and Schroeder, 2002). So unlike, GOM cod where the remaining open times/areas should limit impacts on spawning, there is a higher potential impact of significantly increased GOM yellowtail effort. This supports a reasonable increase that can be monitored for impacts.

If approved, this trip limit increase will principally benefit GE trawlers. According to FY19 data, 43% of trawl trips landed at or above 225 pounds of GOM yellowtail flounder per trip, whereas, only 8% of gillnet trips landed at or above that threshold. This will not affect commercial anglers, as this species is not targeted by rod and reel gear.

If the GE fleet wants DMF to more dynamically manage their trip limits to better utilize the available sub-components, then I would be open to discussions about improving real-time reporting and data collection.

Boston Harbor Gillnet Closure

At this time, I am not making a recommendation to amend or rescind the May 15 – October 31 Boston Harbor gillnet closure (Figure 8). There is seemingly little interest from the state waters gillnet fleet in accessing this area. This assertion is supported by discussions at prior MFAC business meetings regarding the general productivity of the closed area and by the fact we received no written comments or oral testimony regarding rescinding the closure. Given this, as well as past public comment from Boston-area recreational fishing expressing their concerns about inshore winter flounder fishing conditions, and I have decided to leave this remnant closure in place.

Figure 1. Recommended April 1- April 15 Commercial Groundfish Closure to Protect Spawning Cod

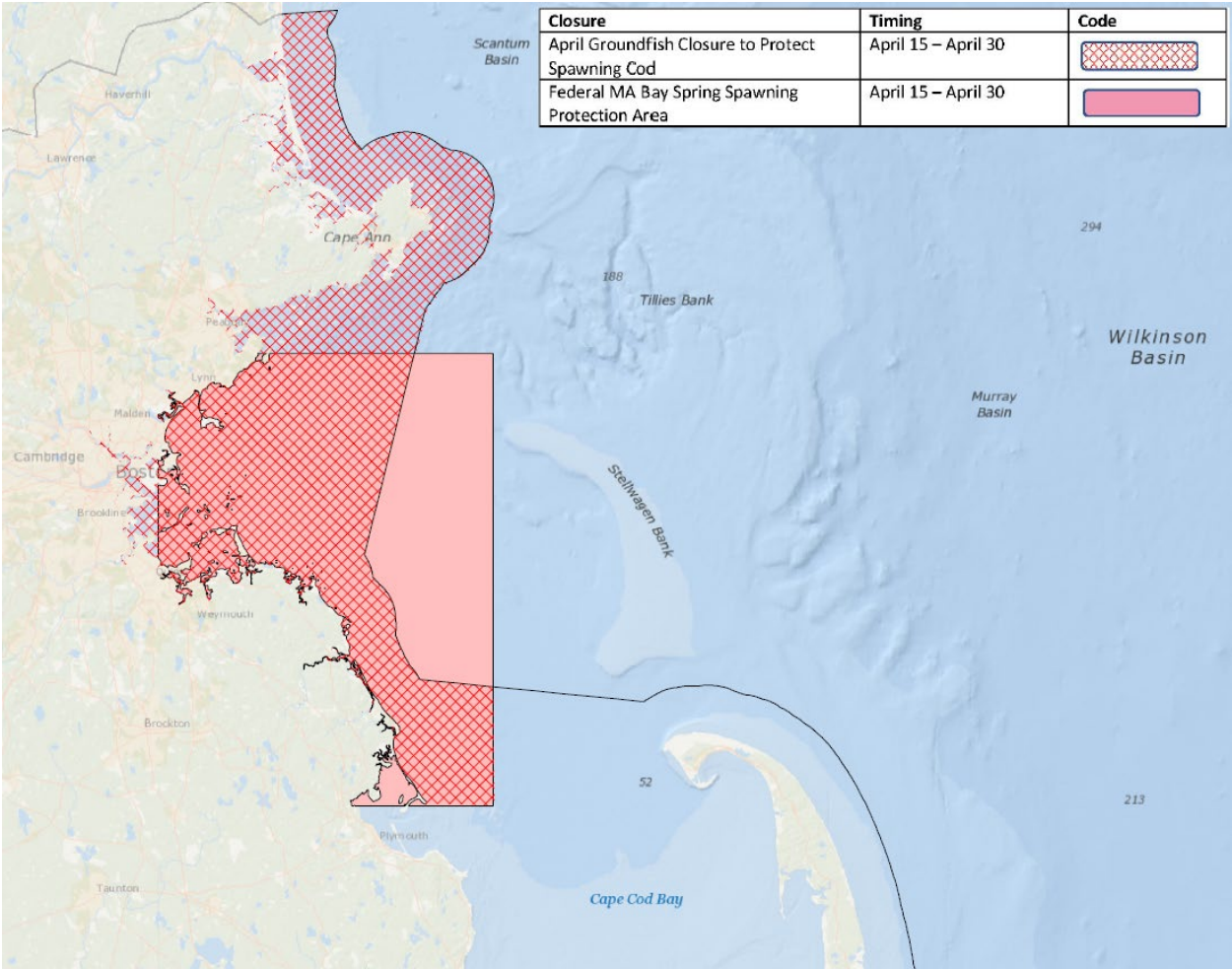
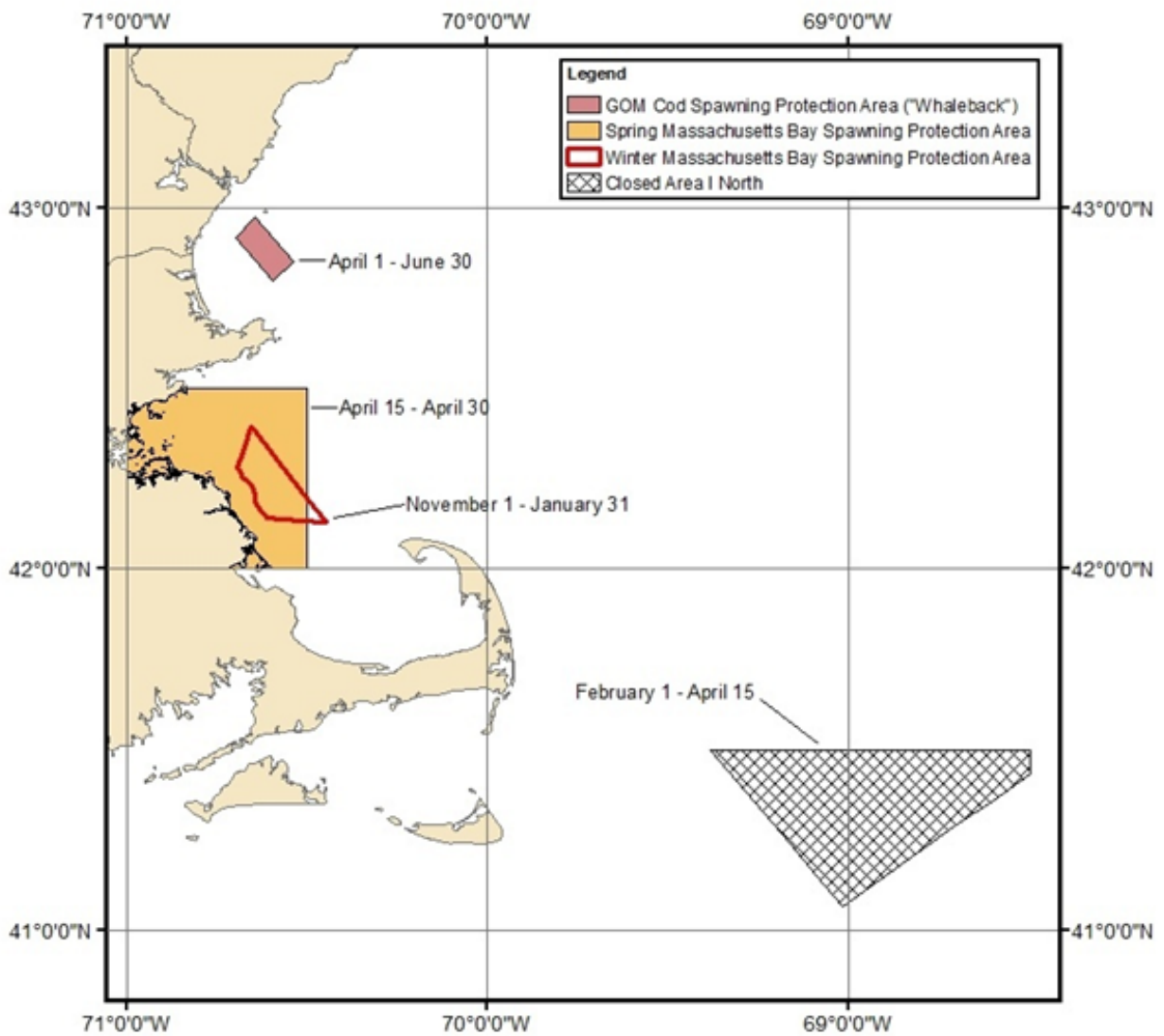
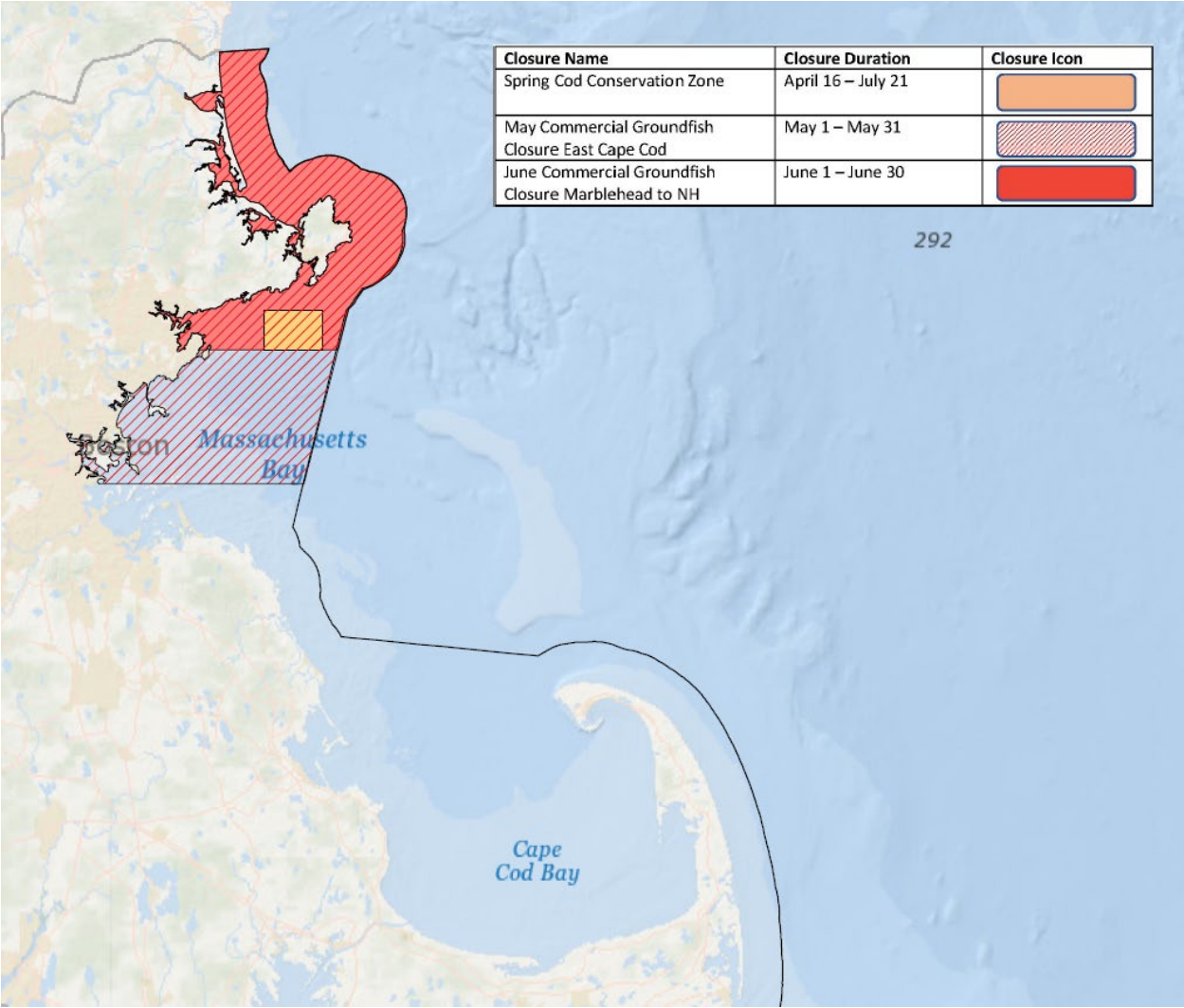


Figure 2. Federal Groundfish Spawning Closures including Spring Massachusetts Bay Spawning Protection Area



Source: [GARFO](#)

Figure 3. Springtime Closures Affecting Commercial Groundfish Fishing



**Figure 4. Presence of Spawning Cod
by Month from IBS1 to IBS2**

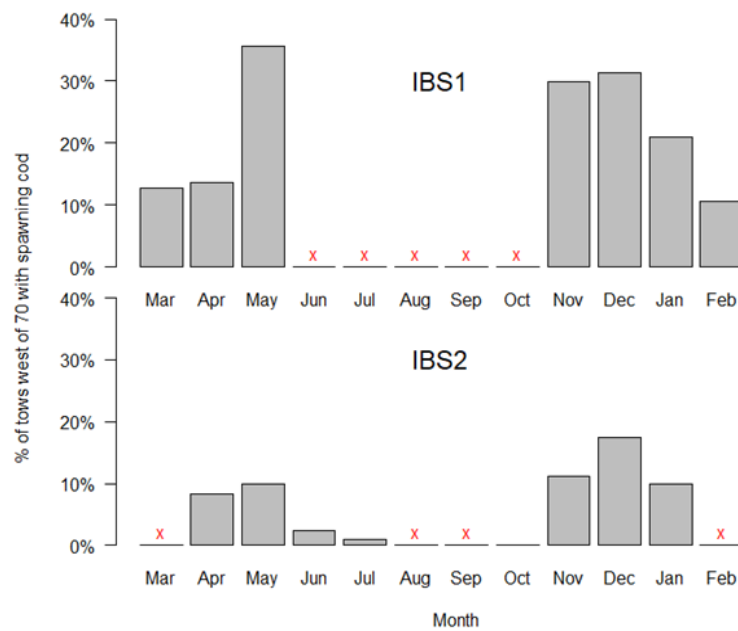


Figure 5. Distribution of spring spawning cod observed during IBS 1

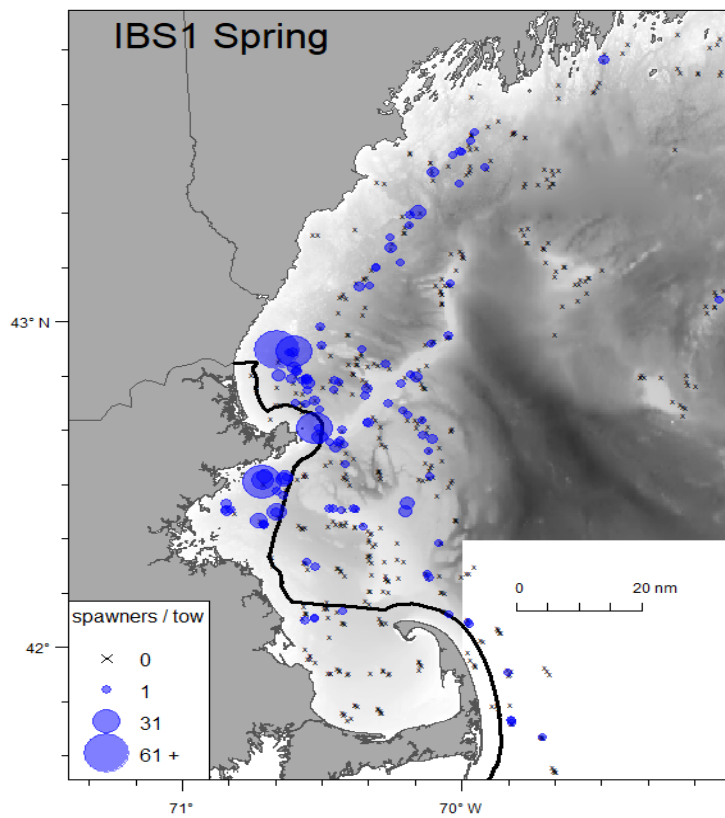


Figure 6. Areas Closed and Open to Mobile Gear Fishing in April

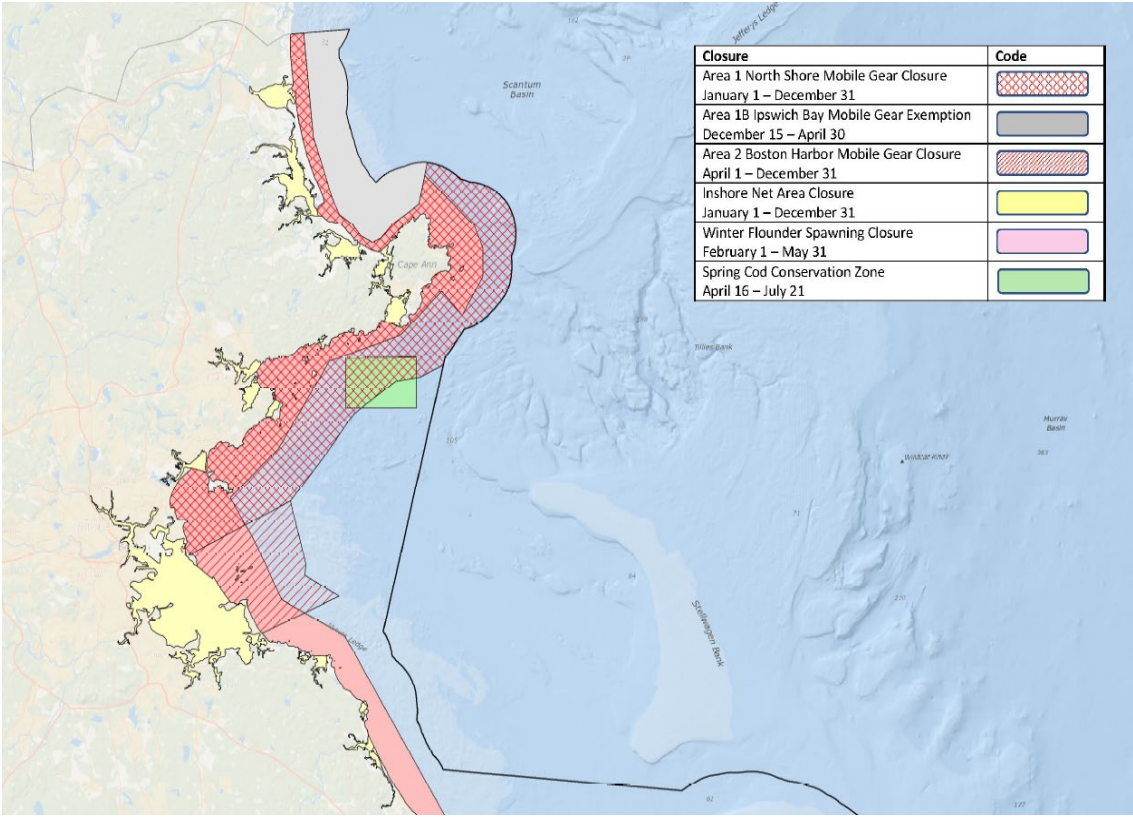


Figure 7. Conditional April Groundfish Closure

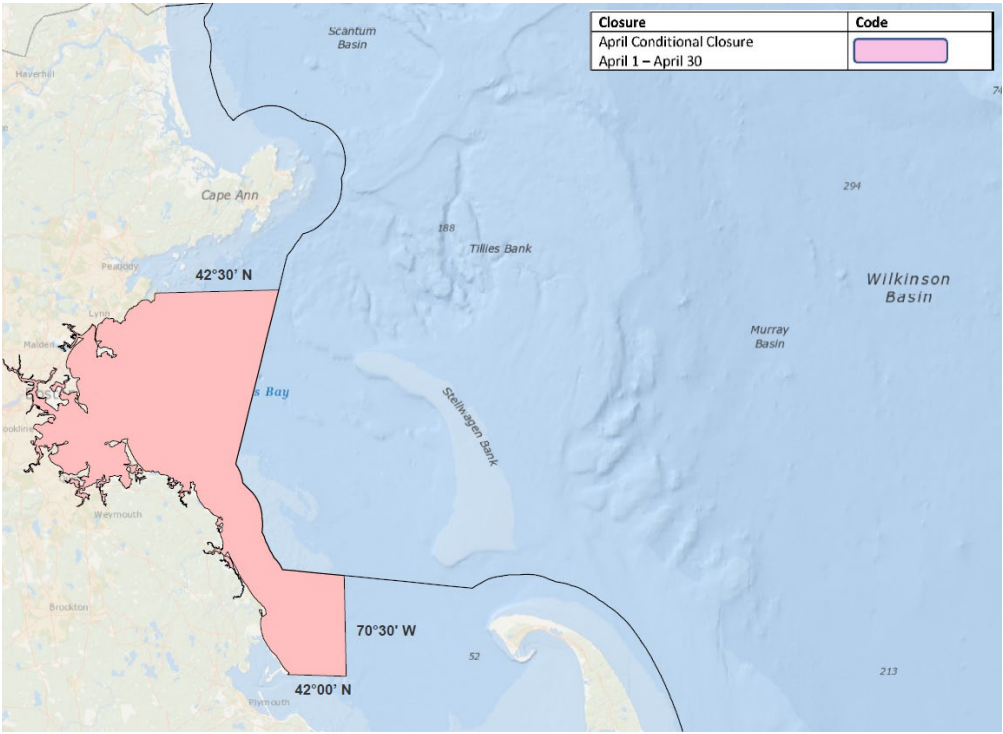
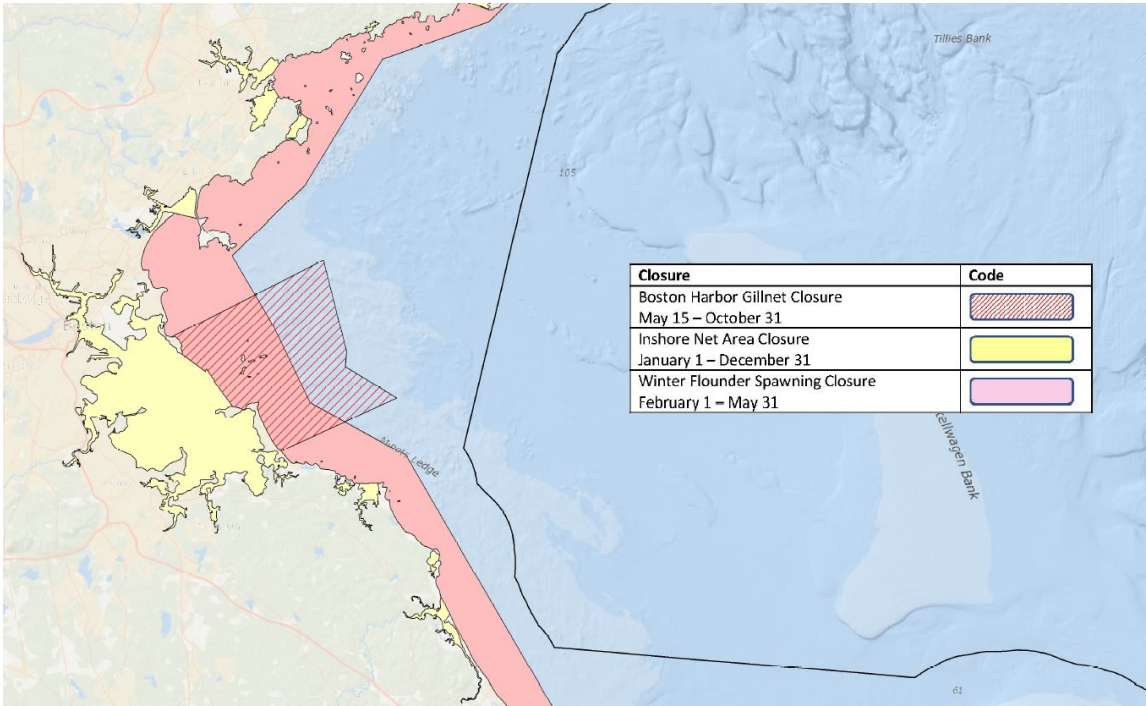


Figure 8. Boston Harbor Gillnet Closure





The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: January 15, 2022

SUBJECT: Recommendation to Amend Trap Tag Installation Date for Lobster Traps

Recommendation

I recommend the MFAC vote in favor of requiring all commercial lobster traps to have current year trap tags installed into them by May 1 for all LCMAs. If gear is not set until after May 1, then it would have to have the current year trap tag installed when set.

Rationale

DMF has historically identified in regulation a date certain for commercial lobster trap fishermen to install trap tags into their lobster traps for the current calendar year. For the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) the date certain has been March 16, coinciding with end of the old January 15 – March 15 seasonal trap closure in this area to control effort and harvest. For LCMA1, LCMA 2, and LCMA 3, this date certain has been June 1. This coincides with the time of year that the lobster trap fishery begins in earnest in these LCMAs.

Last year, we implemented a new February 1 – May 15 seasonal trap closure throughout the state waters portion of LCMA 1 and OCCLCMA to protect endangered right whales. This closure may be extended past or rescinded before May 15 based on the presence and absence of right whales in Massachusetts waters. With this closure now affecting a large proportion of MA coastal lobster permit holders, it seems to make sense to sequence the trap tag installation date with the end of this closure. Therefore, I am proposing move the trap tag installation date to May 1 for all LCMAs effective this coming year. This new trap tag installation deadline will ensure all traps going in the water after the whale closure will be tagged with current year trap tags. This is likely occurring in LCMA 1 and OCCLCMA already, as fishermen are working on their gear during this period. For LCMA2, this will require these fishermen to change out their trap tags one month earlier. LCMA3 will be unaffected by this recommended change, as overarching federal rules require trap tags be set by May 1.

Public Comment

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 5, 2022. DMF received a comment objecting to this proposal because annual trap tag issuance may be delayed due to

production issues by the company or permit renewal delays by DMF. If such delays occur, DMF will work to nimbly respond.

Attachment

Written public comment

From: [Dean Philip Karoblis](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Trap tags
Date: Thursday, December 9, 2021 4:22:38 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.

If your going to move up then required date for the tags we need to get our renewal for our licenses in October. DMF was atrocious at getting the paperwork last year. The tag company gets ridiculously backed up every year add covid delays on top of that. Perhaps find a better tag company preferably one in Massachusetts. Who has a better turn around than 4 months minimum.



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: January 15, 2022

SUBJECT: Recommendation Affecting Winter I and Winter II Scup Limits

Recommendation

I am recommending the MFAC vote to approve:

1. Establish a 2,000-pound possession limit for scup taken by commercial fishermen in state waters during the Winter I (January 1 – April 30) and Winter II (October 1 – December 31) periods; and
2. Allow commercial fishermen lawfully fishing in the federal zone during the Winter I and Winter I periods to possess and land scup in Massachusetts in accordance with the federal limits, provided the vessel transits directly through state waters and all gear is stowed.

Rationale

The annual commercial coastwide scup quota is divided into three seasonal quota management periods (Table 1). The Summer period is subject to the state-by-state quotas allocated under the interstate fishery management plan and subject to each state's quota management regulations. During the Winter I and Winter II periods—when harvest occurs predominantly in offshore waters—the fishery is managed at the federal level with a coastwide quota and trip limit.

Table 1. Commercial Scup Seasonal Quota Management

Period	% of Coastwide Quota	Trip Limit
Winter I (January 1–April 30)	45.11%	Coastwide (50,000 lb since 2012)
Summer (May 1–September 30)	38.95% (with state shares)	State-by-state
Winter II (October 1–December 31)	15.94% plus underage from Winter I	Coastwide (12,000 lb* since 2014)

* Winter II trip limit increased by 1,500 lb for every 500,000 lb of Winter I quota rolled over

Historically, DMF has adopted state possession and landing limits to complement the federal trip limit for the winter periods. Doing so allows federally permitted vessels fishing offshore to possess and land lawfully harvested scup in our ports. In recent years, this has been

accomplished through the use of the Director's declaratory authority. This is an intensive process which was principally designed to allow DMF to make in-season adjustments to commercial fishing limits based on fishery performance and quota utilization.

In my opinion, the use of this declaratory process to set the wintertime scup limits is too onerous. From October 1–April 30, the commercial scup fishery principally occurs offshore in federal waters. Rather than annually setting limits to complement federal rules, my preference is to establish a regulation allowing federal permit holders fishing in federal waters to possess and land scup in Massachusetts in accordance with federal regulations. This recommendation will accomplish this objective. It is also consistent with DMF's approach to managing the federal components of the sea scallop and groundfish fisheries.

In recognition of the fact there may be commercial scup catch occurring in state waters during the shoulder seasons of the winter periods (October and April), it is also appropriate to consider a state waters harvest limit. Given existing spatiotemporal closures, night closures, vessel length restrictions, and net mesh rules, there is little opportunity for vessels fishing in state waters to catch scup at the elevated federal trip limits. The largest catches of scup in state waters occur during the springtime small mesh trawl fishery for squid (April 23 – June 9)¹. During this period, the interstate and federal fishery management plans limit the retention of scup taken by small mesh (less than 5") to 2,000 pounds. Therefore, I am recommending a 2,000-pound limit be adopted as a baseline limit for the harvest of scup taken from state waters during the winter periods.

Public Comment

On December 9, 2021 DMF submitted this action for public comment. A public comment period was held through January 14, 2022 with a public hearing on January 6, 2022. No comment was received in support of or in opposition to this action at the public hearing. One written comment was received in support of this action.

Attachment

Written public comment

¹ Note this April 23 – June 9 season is subject to change pending the outcome of my recommendation to extend this season to April 23 – June 15 and eliminate the authorization for the Director to extend the fishery past the regulatorily set closure date.

From: [Tom Dowd](#)
To: [Fish, Marine \(FWE\)](#)
Subject: why do we have limits on fish where the quota has never been taken?
Date: Friday, December 10, 2021 9:03:05 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.

Sent from my iPhone
thomas dowd



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor


KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel McKiernan, Director 
DATE: January 14, 2022
SUBJECT: **Proposal to Increase the Spiny Dogfish Trip Limit**

Proposal

DMF intends to go to public hearing this winter with a proposal to increase the state's spiny dogfish trip limit from 6,000 pounds to 7,500 pounds. This is contingent upon the Atlantic States Marine Fisheries Commission (ASMFC) adopting a 7,500-pound trip limit for the Northern Region, which is anticipated to occur at its Winter Meeting in late January. Final adoption may also be contingent upon NOAA Fisheries implementing a 7,500-pound trip limit for federal waters as recommended by the regional management councils late last year. If adopted, this rule change would most likely go into effect for the start of the 2022 fishing year on May 1, 2022.

Background

Spiny dogfish is a jointly managed species, by the Councils (both New England and Mid-Atlantic) in federal waters and the ASMFC in state waters. Management measures include a coastwide commercial quota, which is allocated 58% to the Northern Region of Maine–Connecticut and in individual state shares for the states of New York through North Carolina.¹ NOAA Fisheries sets a federal waters trip limit based on the recommendations of the two Councils; the ASMFC sets a Northern Region trip limit (typically in alignment with the federal waters limit) which serves as an upper bound for those states' implementation; and the southern states implement state waters trip limits of their own choosing.²

Since the stock was declared restored in 2008, the trip limit (federal waters and Northern Region state waters) has been gradually increased: 3,000 pounds for FY2008–2012; 4,000 pounds for FY2013; 5,000 pounds for FY2014–2015; and 6,000 pounds for FY2016–2021. Under these trip limits, the coastwide landings kept pace with quota increases through FY2011, but then plateaued around 20 million pounds through FY2018 despite considerably larger coastwide quotas (Figure 1). (A DMF-commissioned economic analysis found that the size of the market was constrained by the local processing capacity and the total maximum global demand,

¹ NY: 2.707%, NJ: 7.644%, DE: 0.896%, MD: 5.920%, VA: 10.795%, NC: 14.036%.

² The trip limits implemented by the southern states in FY2020 ranged between 1,000 and 20,000 pounds.

estimated at approximately 20 million pounds.³) The FY2019 coastwide quota was sharply reduced back to about 20 million pounds based on a decline in biomass observed in the 2018 stock assessment. Since then, the coastwide quota has increased again yet in 2020 and 2021 the landings have declined (Figure 2 shows partial year FY2021 landings tracking behind FY2020 landings). The FY2020 coastwide landings of roughly 12.7 million pounds were 55% of the 23.2-million-pound coastwide quota. If the FY2021 coastwide landings follow a similar trajectory, they will amount to about one-third of the 29.5-million-pound coastwide quota. Massachusetts' landings for FY21 show a similar lagging trend compared to FY20 (Figure 3); Massachusetts typically leads the coast in landings (e.g., 52% in FY2020).

Concerns from industry about the quota underutilization and a possible permanent loss of market prompted the Mid-Atlantic Council's Monitoring Committee (MC) to discuss a trip limit increase. Analyses indicated that the current trip limit was likely a constraining factor on some landings (for example, 62% of coastwide landings in FY2019–2020 were in the 5,000 to 6,000-pound range; Figure 4), and that the two prior trip limit increases (4,000 to 5,000 pounds in 2014 and 5,000 to 6,000 pounds in 2016) had not had an appreciable negative impact on price paid to harvesters. Industry reported that distribution shifts and an erosion of participants (due to higher costs and more lucrative fishing opportunities elsewhere) were behind the decline in dogfish landings.

The MC considered these factors as well as prior split opinions about the benefit and risk of trip limit increases from the industry standpoint, the timeline for the 2022 research track assessment that may revise our understanding of stock status, implications of possible increases in gear in the water, and administrative process issues for implementing an increase. For the latter, NOAA Fisheries staff advised that another incremental increase, similar in scale to the prior two increases, could likely be channeled through an expedited NEPA review process in order to take effect by May 1, 2022, whereas larger increases would likely trigger a more comprehensive evaluation and delay implementation.

The MC also considered whether a trip limit increase should occur via the annual specifications process or a framework; a framework would provide more public notice and comment opportunity but delay implementation. Public comment made during the MC meeting as well as input from the Advisory Panel reflected the prior range of comments, specifically aversion to large increases from dayboat fishermen concerned about a decline in value versus interest from offshore fishermen and some processors to greatly increase landings to spur more market demand. Ultimately, the MC favored an incremental increase through the specifications process, recommending a 25% trip limit increase from 6,000 pounds to 7,500 pounds, and future consideration of additional trip limit changes through a framework after the 2022 research track assessment.

Both Councils subsequently reviewed the MC recommendations and voted in favor of a 7,500-pound trip limit, with the understanding that NOAA Fisheries would implement it as soon as possible but most likely just in time for the FY2022 season start on May 1. For its part, the ASMFC decided to wait until both Councils had taken action prior to determining the Northern Region state waters trip limit. With both Councils' recommendations in alignment, it is

³ Report available at: <https://www.mass.gov/doc/an-economic-analysis-of-spiny-dogfish>

anticipated that the ASMFC will also vote in favor of a 7,500-pound trip limit for the Northern Region state waters when the Spiny Dogfish Management Board meets on January 25. This limit serves as an upper bound for what the states of Maine through Connecticut can implement due to the regional nature of their shared quota.

Anticipated Rule Making Timeline

I anticipate this regulatory adjustment will go out to public hearing in February 2022. I will then provide the MFAC a final recommendation at their March business meeting. Approved measures would then be promulgated for implementation in late-April or early-May 2022, to be timed with NOAA Fisheries' expected implementation of the federal waters trip limit increase.

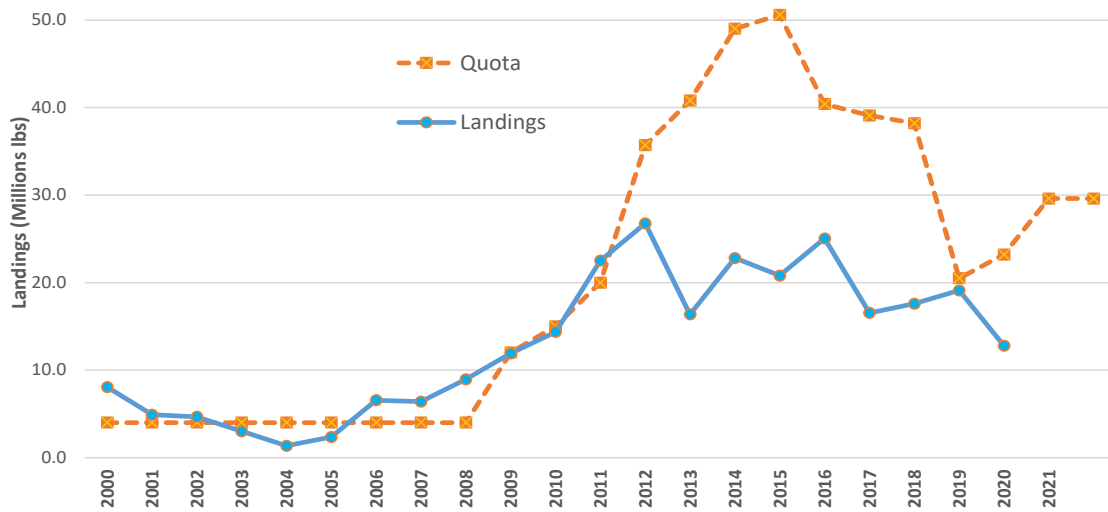


Figure 1. Coastwide commercial spiny dogfish FY landings and quotas since 2000
 Courtesy of MAFMC staff presentation on October 6 (www.mafmc.org/briefing/october-2021)

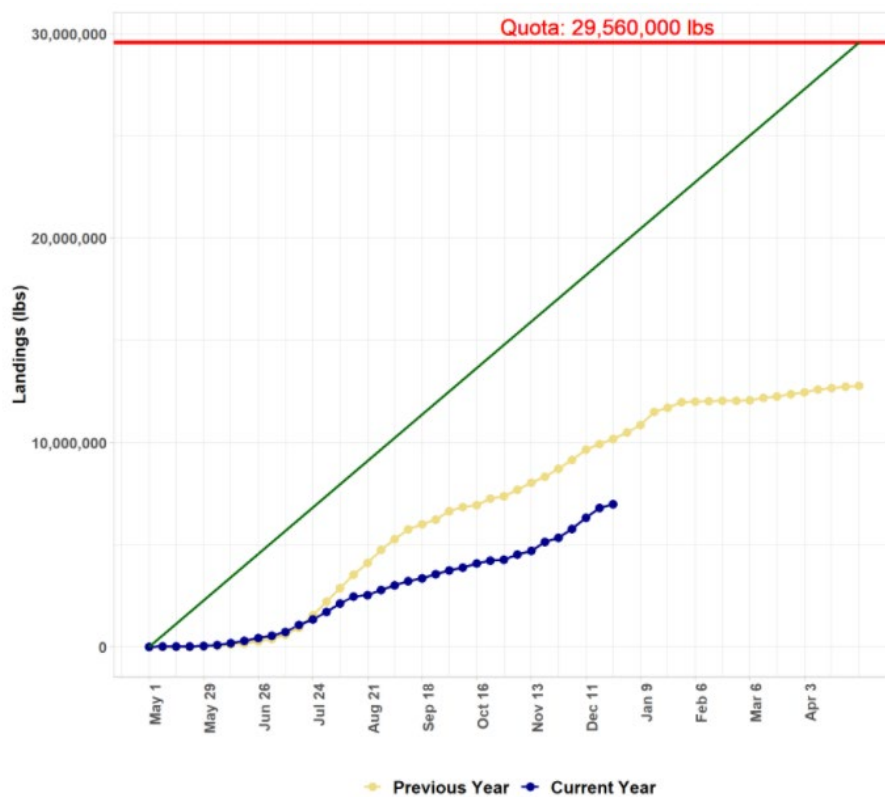


Figure 2. NOAA Fisheries' quota monitoring display for FY2021 spiny dogfish landings coastwide
 Available at: www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/dog/dog_coast_qm.html

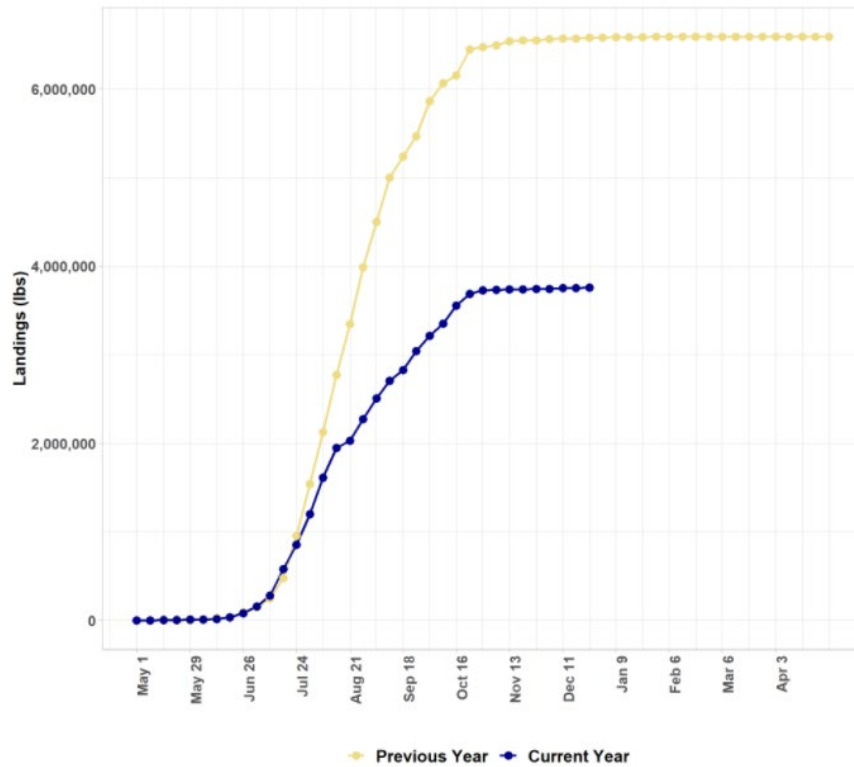


Figure 3. NOAA Fisheries' quota monitoring display for FY2021 Massachusetts spiny dogfish landings
 Available at: https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/dog/dog_ma_qm.html

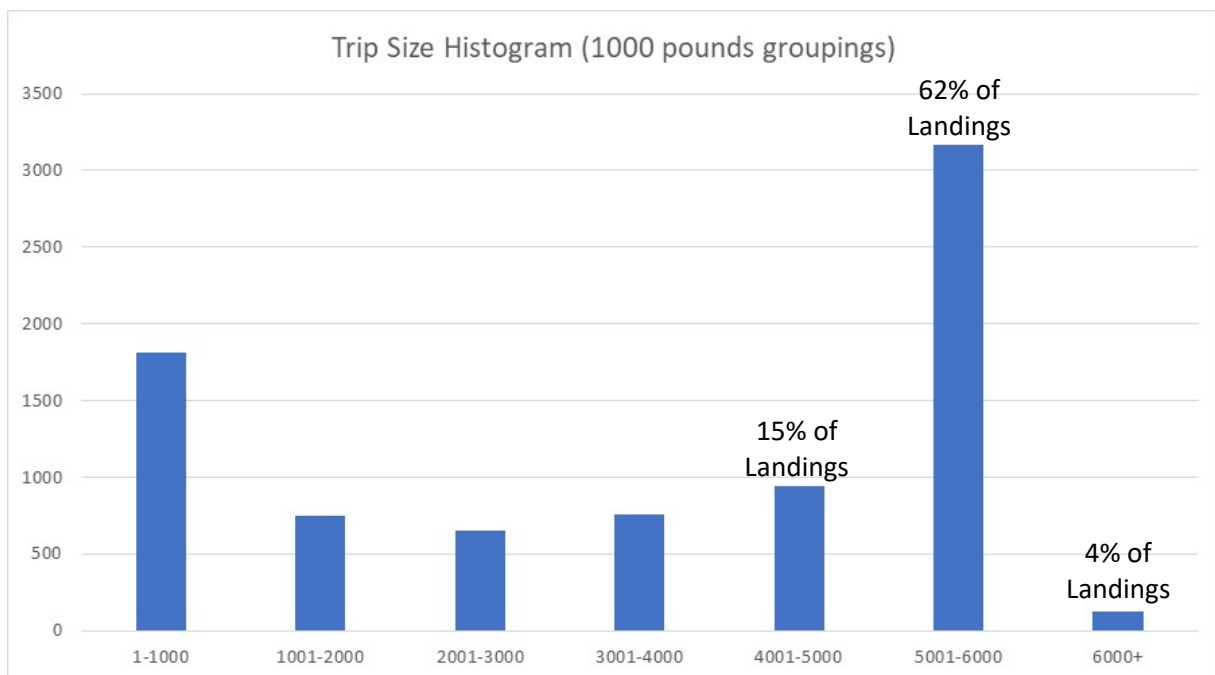


Figure 4. Distribution of dogfish landings by trip size as collected from 8,215 trips with a federal permit, FY2019-2020

Courtesy of MAFMC staff presentation on October 6 (www.mafmc.org/briefing/october-2021)



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor


KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel McKiernan, Director 
DATE: January 14, 2022
SUBJECT: **Proposal to Adopt a Bluefish Commercial Minimum Size Limit**

Proposal

DMF intends to go to public hearing this winter with a proposal to adopt an 18" commercial minimum size limit for bluefish. This is intended to discourage recreational anglers from obtaining a commercial permit in order to retain bluefish in excess of the recreational possession limit. If adopted, this rule change would most likely go into effect on or around May 1, 2022.

Background

The state's commercial and recreational bluefish fisheries are subject to the requirements of the interstate management plan. This includes commercial and for-hire vessel permitting requirements, an annual commercial quota¹, and recreational possession limits. DMF has in place a 5,000-lb commercial trip limit to manage the quota, but no other restrictions other than limited entry permits for certain gear types (i.e., bluefish gillnet, trawl, and sink gillnet). Commercial landings are predominantly by bluefish gillnet and hook and line, with some trawl and sink gillnet bycatch. The recreational possession limits include a 5-fish bag limit for anglers aboard for-hire vessels and a 3-fish bag limit for all other anglers. Both the commercial and recreational fisheries are open year-round (subject to commercial quota closure) with no minimum size limit.

The current recreational bag limits were adopted in 2020 in response to ASMFC and MAFMC action to avoid a recreational harvest limit overage. Prior to this, a 10-fish limit was in place across all recreational modes. Harvest in the recreational fishery falls into two general categories: harvest of smaller "snapper" blues or larger sized fish (Figure 1). The reduced bag limits primarily impacted harvest of snapper bluefish, which tended to be taken in larger quantities than larger bluefish.

¹ The state-by-state shares of the coastwide commercial quota are established through the joint interstate and federal management plans. Under the Bluefish Allocation and Rebuilding Amendment adopted in 2021, Massachusetts's share is increasing from its original value of 6.72% in 2021 to a final value of 10.12% in 2028, in 0.49% increments per year. MA's 2022 share is hence 7.20%

DMF has heard numerous reports of recreational anglers obtaining a commercial fishing permit in order to continue harvesting bluefish at higher limits than the recreational regulations now allow and these reports were confirmed by the Massachusetts Environmental Police. Rod & reel permits are open entry and very affordable (\$35 for resident; \$100 for non-resident), and the 5,000-pound commercial limit more than covers harvest for personal consumption or bait use. This makes obtaining the commercial permit an easy and attractive loophole to the recreational bag limit. This “commercial fishing” activity likely runs afoul of other DMF regulations, particularly the “mixing trips” prohibition if this “commercial” bluefish catch is being retained on the same trip when recreational fishing occurs. Additionally, as the fish is not being sold it is not being counted against the commercial quota and it is likely the harvest is not being reported as commercial harvest for personal use on Trip Level Reports or accounted for in MRIP sampling. This activity is recreational in everything but name and thus subverts the intention of the recreational regulations to avoid overfishing.

DMF is thus proposing to adopt a commercial bluefish minimum size to discourage recreational anglers from obtaining a commercial fishing permit in order to retain bluefish in excess of the recreational possession limit. This option is less onerous than other possible avenues to prevent this activity (such as a limited entry bluefish permit endorsement). Specifically, we are proposing an 18” commercial minimum size limit. I anticipate this will have a negligible impact on the commercial fishery, given the available (albeit limited) port sampling data for MA bluefish gillnet landings and our understanding of the market’s size preference. Rhode Island also has an 18” commercial minimum size limit, while several states farther south have 8-12” minimum size limits for the commercial fishery (some complimenting a recreational minimum size limit).

Anticipated Rule Making Timeline

I anticipate this regulatory adjustment will go out to public hearing in early March. I will then provide the MFAC a final recommendation at their March 10 business meeting. Approved measures would then be promulgated for implementation in late-April or early-May 2022.

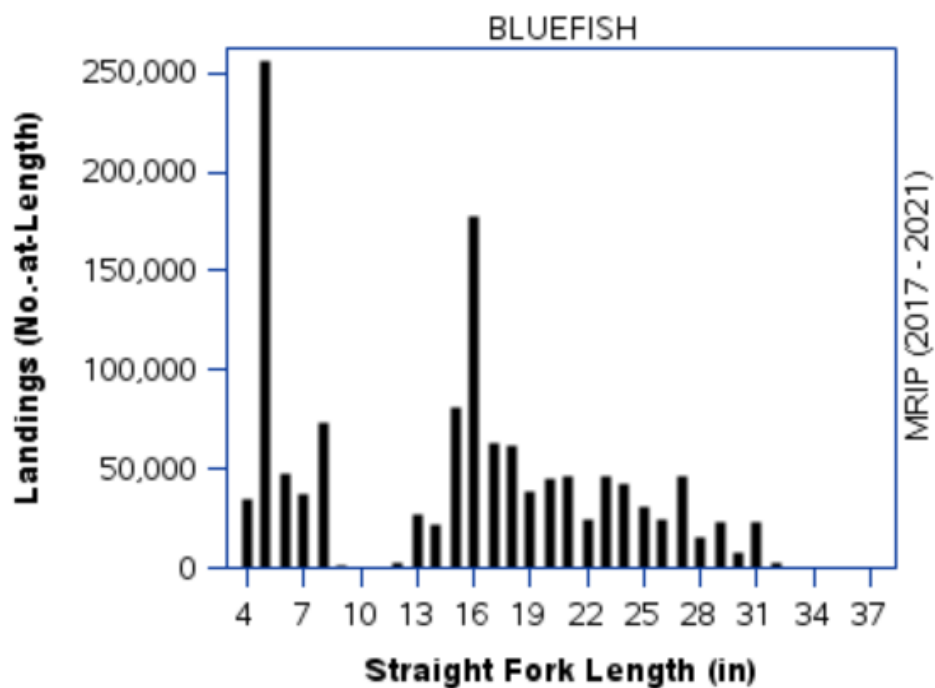


Figure 1. MRIP length frequency of Massachusetts recreational bluefish harvest, 2017-2021 combined, in centerline length, all modes and areas. Source: Personal communication, NMFS Fisheries Statistics Division, January 13, 2022.



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor


KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: January 14, 2022
SUBJECT: Proposal for Rule Making to Adjust Recreational Georges Bank Cod Limits

Proposal Overview

Recreational measures for Georges Bank (GB) cod are set to become more restrictive for Fishing Year (FY) 2022 & FY 2023 (May 1, 2022 – April 30, 2024). Proposed rule changes are a consequence of the overall decline in the GB cod resource, catch limits and specifically the recreational catch target. Previously, the recreational catch target for GB cod had been set at 304,238 pounds (138 mt) and this has been cut nearly in half to 164,347 pounds (75mt) for FYs 2022 and 2023.

In December 2021, the New England Fishery Management Council approved recreational GB cod measures and a reduced catch target as part of [Northeast Multispecies Framework 63](#), as follows:

- A slot limit from 22 inches to 28 inches, meaning the recreational fishery will not be able to keep fish smaller than 22 inches or larger than 28 inches;
- A five-fish per-angler per-day limit; and
- A closed season from May 1 through July 31, which covers Wave 3 and the first half of Wave 4 under the Marine Recreational Information Program (MRIP) data collection system.

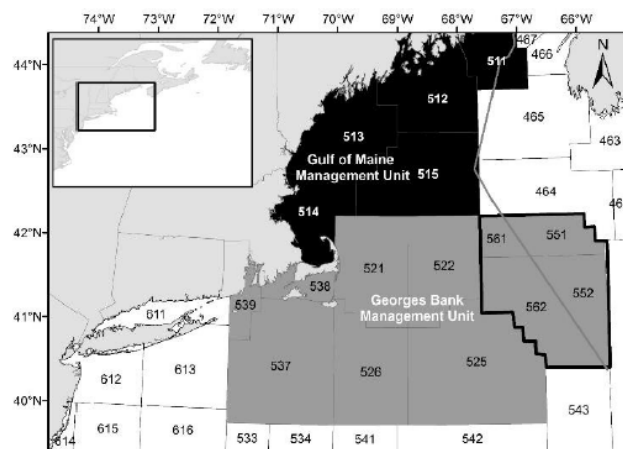
NOAA Fisheries is now reviewing that action for eventual implementation. Given the expected timing of the federal final rule – not likely until late Spring, early Summer – I plan to implement complementary rules changes via emergency action upon notification of federal approval. DMF will then take public comment before enacting these rules as final. This will likely be moved forward with adjustments to recreational fishing limits anticipated for other species (e.g., scup and black sea bass).

Additional Background

A 2021 management track assessment

concluded that the stock status for GB cod remains overfished (last assessed in 2019) with overfishing status being unknown. While the stock continues to show a truncated age structure, there are several scientific uncertainties and assessment shortcomings that have raised concern with the ensuing catch reductions. The current (full) Georges Bank stock assessment is utilizing a “Plan B Smooth” approach because low fishery and survey catch currently make the data model resistant to statistical catch at age modeling approaches. The Plan B Smooth approach relies heavily on a survey index, that remains below the mean of the time series. As noted in the recent management track assessment, the GB cod assessment could be improved with additional studies on natural mortality, the potential for missing catch, and other possible sources of retrospective patterns in analytical assessments. An additional area of concern is the differences in modeling approaches between the full Georges Bank cod assessment (reported here) and the Transboundary Resource Assessment Committee (TRAC) cod assessment of eastern Georges Bank (a portion of the whole bank).

Figure 1. Existing cod stock structure comprised of two stocks: Gulf of Maine and Georges Bank.



After extensive discussion of the assessment, the NEFMC’s Science & Statistical Committee “recommended a 1.7 mlb (754 mt) Georges Bank cod Acceptable Biological Catch (ABC) for each of the 2022, 2023, and 2024 fishing years. The SSC: (1) accepted “the continued use of the Plan B smooth approach for setting the ABC for Georges Bank cod”; (2) recognized that application of this approach resulted in a large reduction in the ABC; but (3) anticipated that this would likely “increase the probability of stock rebuilding.” The SSC’s report included a minority opinion by three of the 15 members who supported a different approach that resulted in ABCs of 2.3 mlb (1,053 mt), 2 mlb (904 mt), and 1.7 mlb (754 mt) respectively for 2022, 2023, and 2024. Here is the SSC’s [full report](#) containing recommendations for all reviewed stocks” (12/10/2021 NEFMC Press Release).

All this is to say that GB cod catch limits (ABCs) remain an immediate topic before the New England Fishery Management Council. The Council approved only an FY2022 ABC for GB cod, leaving the SSC to revisit ABCs for FY2023 and FY2024 and any newly available information. The FY2022 ABC of 1.7 mlb (754 mt) is a 57% reduction from the 3.9 mlb (1,752mt)ABC for FY2021.

Total FY2020 catch utilized nearly 60% of the total ACL for GB cod. Click link for further [FY2020 catch details](#).

Striped Bass License Plate



January 25, 2022

Division of Marine Fisheries

Slide 1



Background:

Prior Buoy Line Marking Rule

- DMF currently in process of applying for an Incidental Take Permit from NOAA Fisheries to cover commercial trap fisheries interactions with endangered right whales and sea turtles.
- Successful ITP application distinguishes state-waters fisheries from similar fisheries in other jurisdictions and mitigates for all potential sources of risk to endangered species.
- In June 2021, DMF adopted new buoy line marking regulations, effective February 1, 2022. These new regulations established distinct marking requirements for MA commercial lobster and crab trap gear being fished in state waters and complemented anticipated ALWTRP rules for federal waters.
- These rules, along with the expanded trap gear closure area and weak buoy line regulations, were adopted to provide additional conservation to endangered right whales when compared to other jurisdictions.
- DMF requested to have its commercial trap fisheries listed separately from broader fisheries on NOAA's 2022 List of Fisheries. This is a necessary step for MA to receive an ITP.



Background:

Current Buoy Line Marking Rule

State Waters (LCMA 1, 2 and OCC):

- One 3' solid red mark in surface system (first 12' from buoy)
- At least four 2' solid or non-solid red marks in body of buoy line. White marks if red rope used.
- Two marks to occur in top half and two in bottom half.
- No more than 60' between red marks.
- Buoy line inserts (e.g., red rope) may serve dual purpose of weak contrivance and buoy line marking.

Federal Waters (LCMA 1, 2 and OCC)

- One 3' solid red mark followed by a 1' solid green mark in surface system (first 12' from buoy).
- At least three 2' solid or non-solid marks in body of buoy line.
- Marks are to be comprised of a 1' red mark and 1' green mark.
- Marks to occur in top third, middle third, and bottom third.
- *Green marks do not need to be adjacent to red marks but must be within 6" consistent with anticipated federal rule.*

Federal Waters (LCMA 3)

- One 3' solid black mark followed by a 1' solid green mark in surface system (first 12' from buoy).
- At least three 2' solid or non-solid black marks in body of buoy line.
- Marks to occur in top third, middle third, and bottom third.

Federal Waters
OCCLMA, LMA 1
and LMA 2



State Waters
OCCLMA, LMA 1
and LMA 2





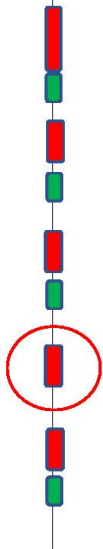
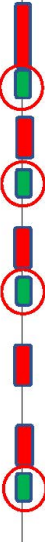
Federal Waters
LCMA 3



Inconsistencies Between State & Federal Rules

Overview

- Following adoption of 2021 ALWTRP rules, DMF and NOAA identified two inconsistencies.
- Inconsistencies deal with dual federal/state permit holders and the movement of gear across the boundary if same buoy line is used.
- State requires more red marks (at least five) than NOAA (four) rule. However, not all red (state) marks are required to have a corresponding green (federal) mark.
- No requirement green marks be removed from gear being fished in state waters.
- Typical for only remnants of buoy line to remain on right whale following entanglement. Current rules may result in misattribution of buoy lines to a certain jurisdiction.
- Entanglements attributed to state waters fishery may have significant impact on ITP and future of fishery.
- Critical to avoid misattributions.

State Gear Marking	Federal Gear Marking	Concern- State Gear Moved into Federal Waters	Concern Federal Gear Moved into State Waters
			



2022 List of Fisheries

- August 2021: NOAA Fisheries proposed a new fishery in 2022 Draft List of Fisheries published in the federal register
 - MA Mixed Species Pot/Trap Fishery
 - Includes all trap/pot fisheries – lobster pot, whelk pot, fish pot.
 - Separates our pot fisheries from all other state and federal pot fisheries.
 - Sets MA up for a successful ITP application.
 - Requires that all gear in the fishery is distinguishable from other pot/trap gear.
- Final 2022 List of Fisheries publication imminent.
 - Public comment - DMF has not implemented a unique gear marking scheme for its conch pot or fish pot fisheries.
 - Since all MA pot/trap fisheries are listed as one fishery we need to have the same gear marking requirements for all components – lobster, whelk, fish pot



Recommended Motion

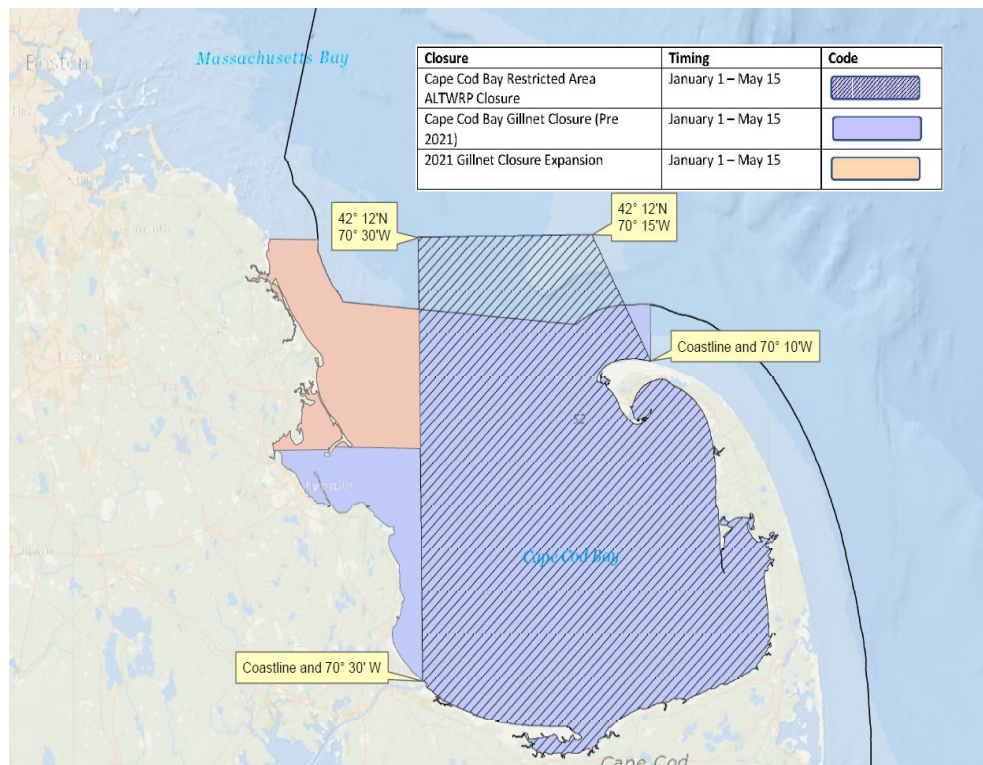
DMF is recommending the MFAC vote to:

1. Require the state's buoy line marking requirements apply to all commercial trap fishermen – lobster/crab, fish pot, and conch pot.
2. Require all Massachusetts lobster and crab trap fishermen fishing in federal waters to have a green mark measuring at least 1' within 1' of all red marks in the buoy line.
3. Prohibit all Massachusetts commercial trap fishermen from fishing buoy lines with marks other than the prescribed red marks, or white marks should the buoy line be red. This requires all federal green marks be removed from buoy line if set in state waters.



History of Gillnet Closure to Protect Right Whales




- 1997 – Cape Cod Bay Critical Habitat is closed by DMF to gillnet fishing activity January 1 – May 15.
- Critical Habitat closure was later adopted as Cape Cod Bay Restricted Area under the federal Atlantic Large Whale Take Reduction Plan (ALWTRP).
- ALWTRP is promulgated under Marine Mammal Protection Act (MMPA) and applies to all commercial fishing, whether state or federally permitted.
- Early 2000s – DMF closes waters to the west of the Critical Habitat (70°30'W) in Cape Cod Bay south of Plymouth (42°00'N).
- 2021 – DMF closes waters to the west of the Critical Habitat (70°30'W) in Cape Cod Bay between Plymouth (42°00'N) and Scituate (42°08'N).

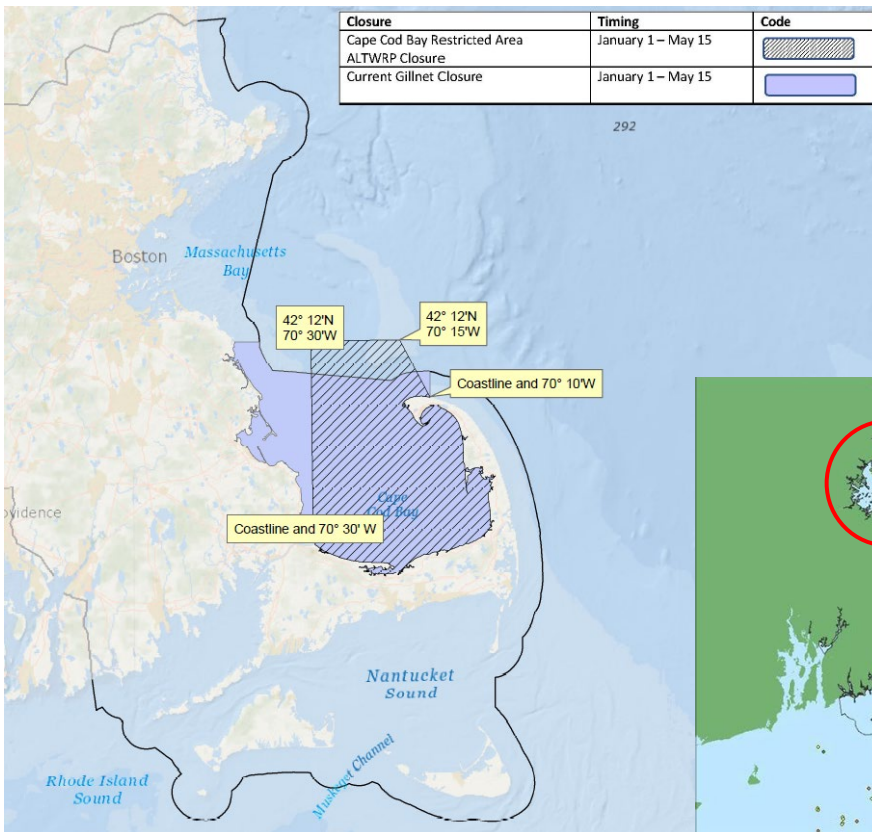


Recommendation to Expand Gillnet Closure

Recommended Motion:

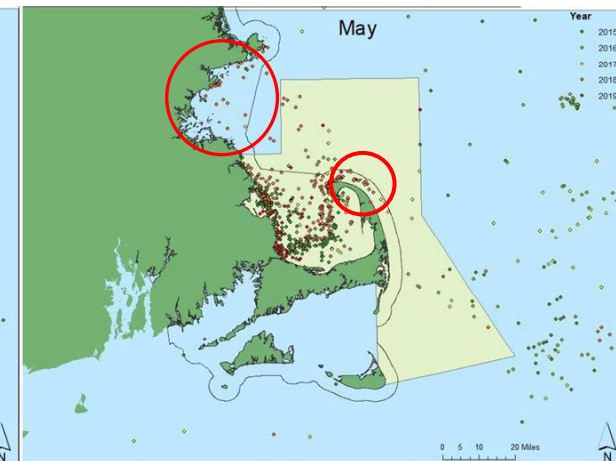
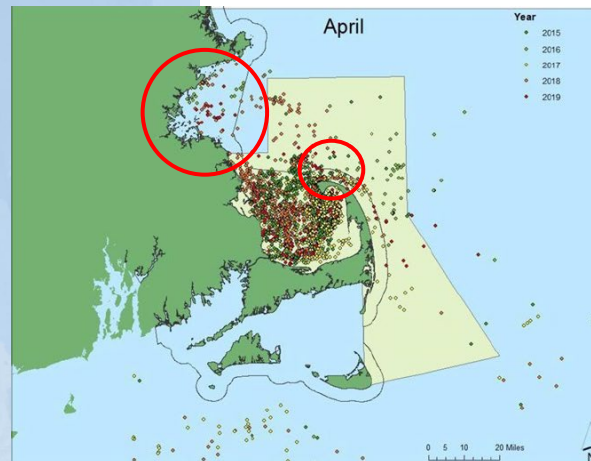
DMF recommends the MFAC vote to expand the existing January 1 – May 15 closure to all state waters and allow for closure outside ALWTRP closure to be dynamically lifted (after May 1) or extend (past May 15) based on the observed presence and absence of NARW.

Closure	Timing	Code
Cape Cod Bay Restricted Area	January 1 – May 15	
ALWTRP Closure		
Current Gillnet Closure	January 1 – May 15	



Rationale:

- Spatially expands gillnet closure into areas right whales are known to seasonally use.
- Reduces risk of entanglement in April and May, particularly in MA Bay.
- Addresses federal mandate under ALWTRP to reduce entanglement risk to right whales by gillnet gear.



January 25, 2022

Division of Marine Fisheries

Slide 7



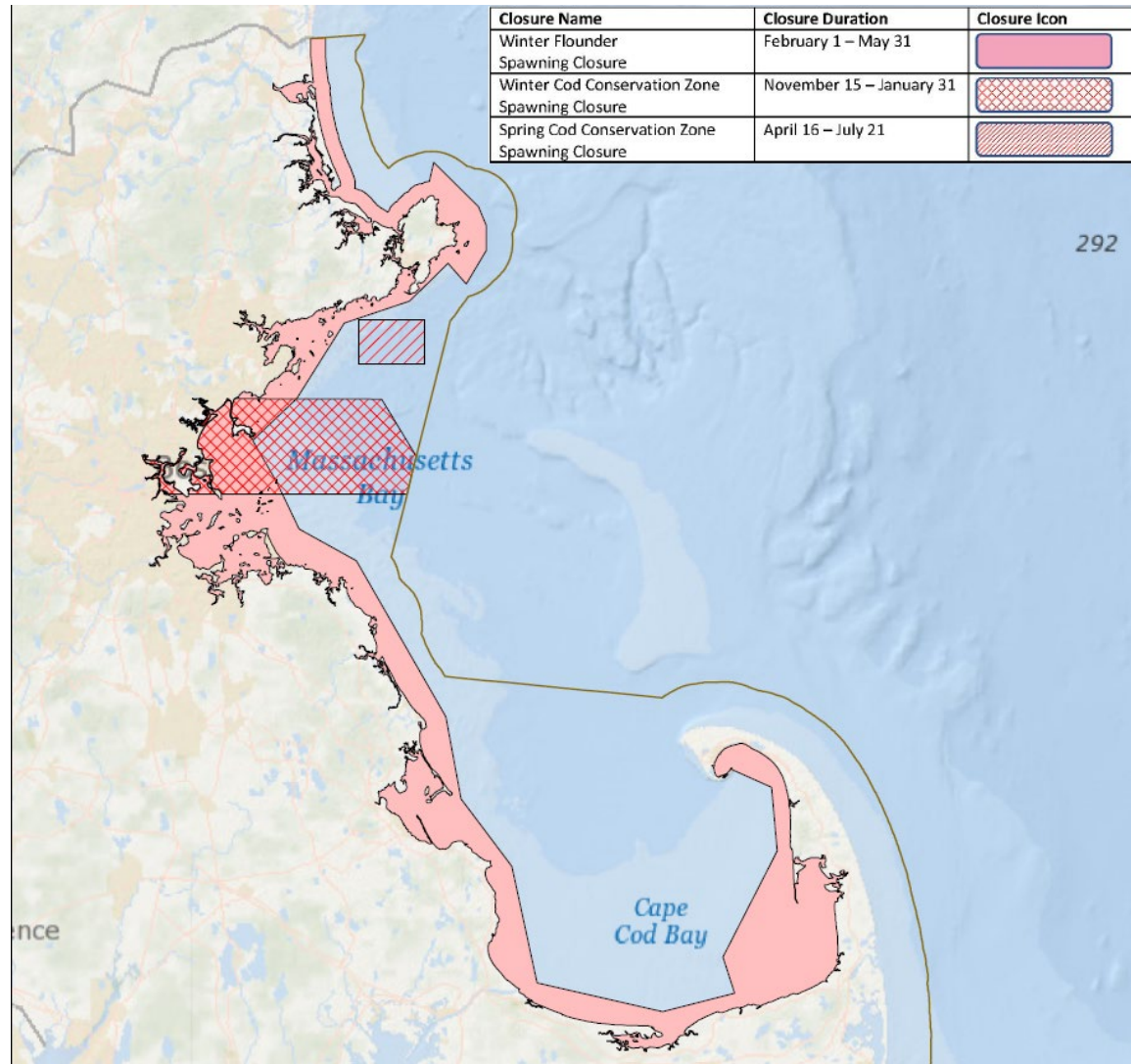
Existing Groundfish Spawning Closures in State Waters

Winter Flounder Spawning Closure

- 1986 – Adopted February 1 – April 30 closure.
- 1990 – Month of May added to closure.
- Winter flounder spawn in nearshore waters during late winter and spring. Closure prohibits commercial groundfish fishing in nearshore waters of GOM during the spawning period.
- Exempts use of longlines for cod using j-hooks with a gape of $1\frac{1}{16}$ " or greater or circle hooks with a gape of $\frac{1}{2}$ " or greater.

Cod Conservation Zones (CCZ)

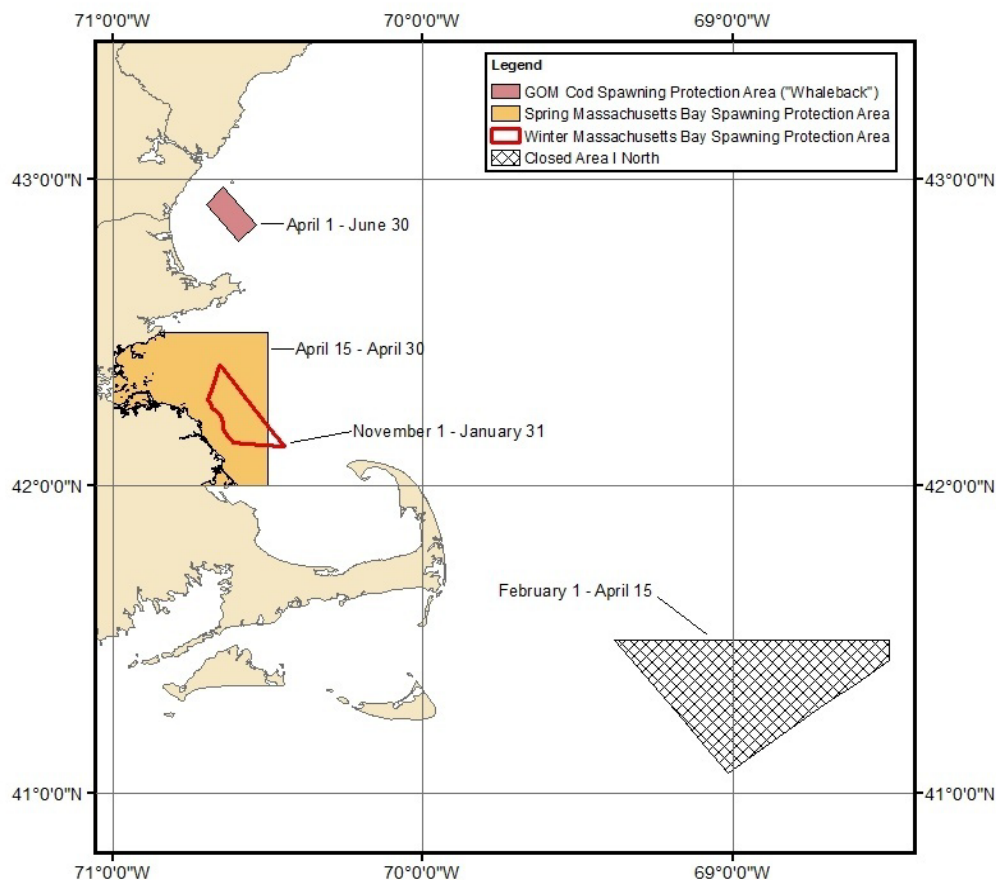
- 2005 – Winter CCZ established off Nahant. Closed to the retention of cod and the use of certain gears while fishing during November 15 – January 31. Northeastern boundary modified in 2011 to open some area to flounder fishing.
- 2009 – Spring CCZ established off Marblehead. Closure prohibits the retention of cod and the use of certain gears while fishing. Timing of closure was modified in early 2010s, but since 2011 it has been April 16 – July 21.



Federal Spring MA Bay Spawning Protection Area

Background

- In 2017 (OHA2), NOAA Fisheries adopted the Spring MA Bay Spawning Protection Area.
- Spring MA Bay Spawning Area is closed annually from April 15 – April 30.
- Closure is within federal Statistical Reporting Area 125.
- This 10-minute square includes those state waters between 42°00'N and 42°30' N and 71°00'W and 70°30'W.
- Purpose of closure is to “improve spawning protection for various groundfish species (including cod) in the Gulf of Maine.”
- DMF did not immediately move to match this closure.



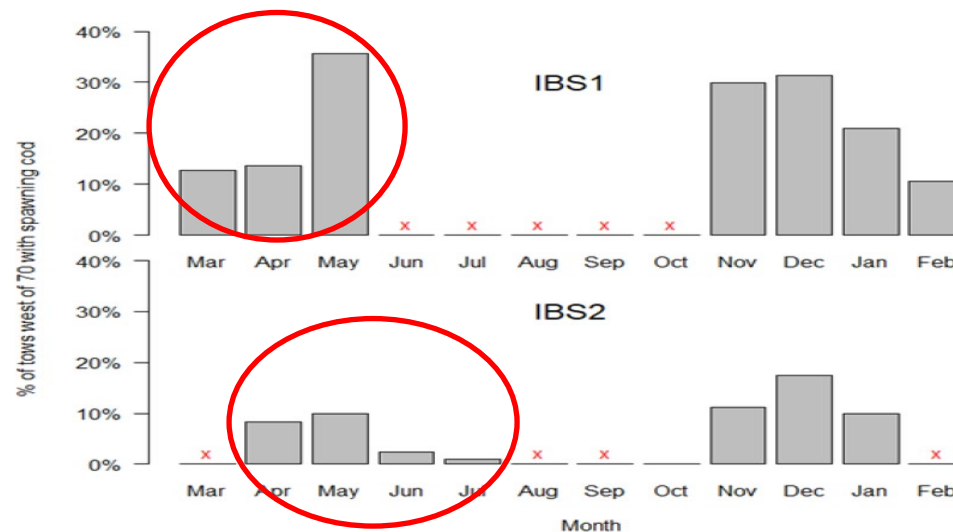
Findings from IBS2 Survey

Overview

- DMF conducted its second Cod Industry-Based Survey (IBS2) from October 2016 – January 2019.
- Expanded coverage of both winter and spring cod spawning seasons compared to IBS1.
- Enhanced DMF's understanding of cod spawning behavior.

Findings

- Presence of spring spawning cod has declined overall. Nearly all current recruitment comes from winter spawners
- Timing of spring spawning season has shifted. May is still peak spawning month, but April is now almost as important as May.
- Importance of two spawning cohorts has changed overtime. Ensuring both sub-populations continue to persist is critical for the recovery of GOM cod.



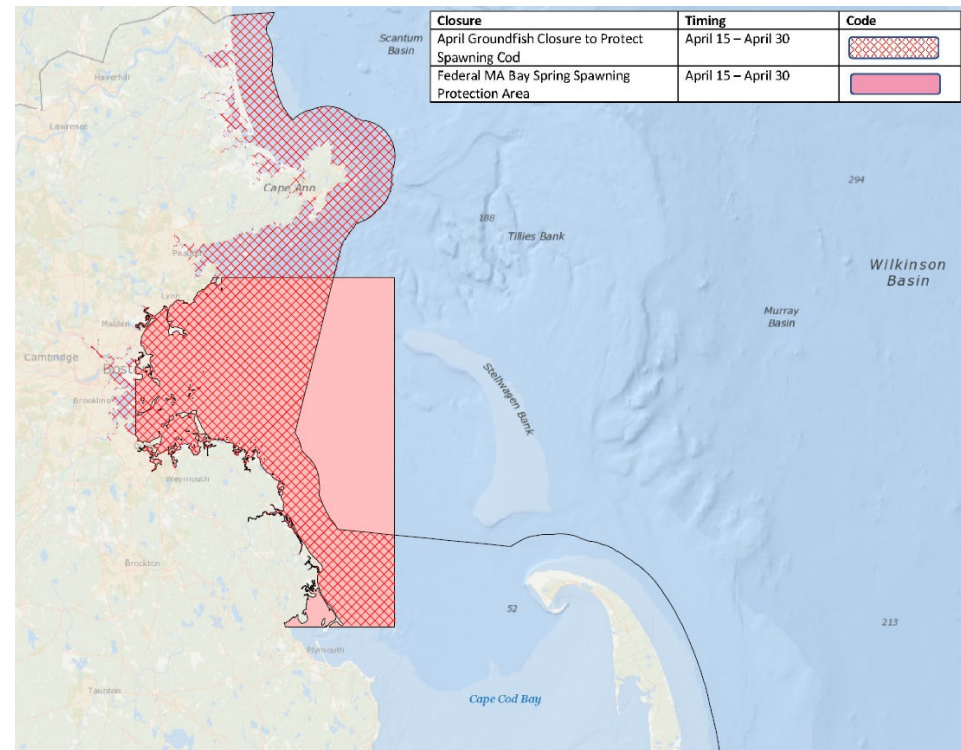
Recommendation to Adopt April 15 – April 30 Commercial Groundfish Closure

Recommended Motion:

DMF recommends the MFAC vote to prohibit the use of commercial fishing gears capable of catching groundfish and the commercial retention of groundfish within state waters from Plymouth (42°00'N) to the MA/NH border west of 70°30'W. Exempt from the use of shellfish dredge gear, including sea scallop dredges.

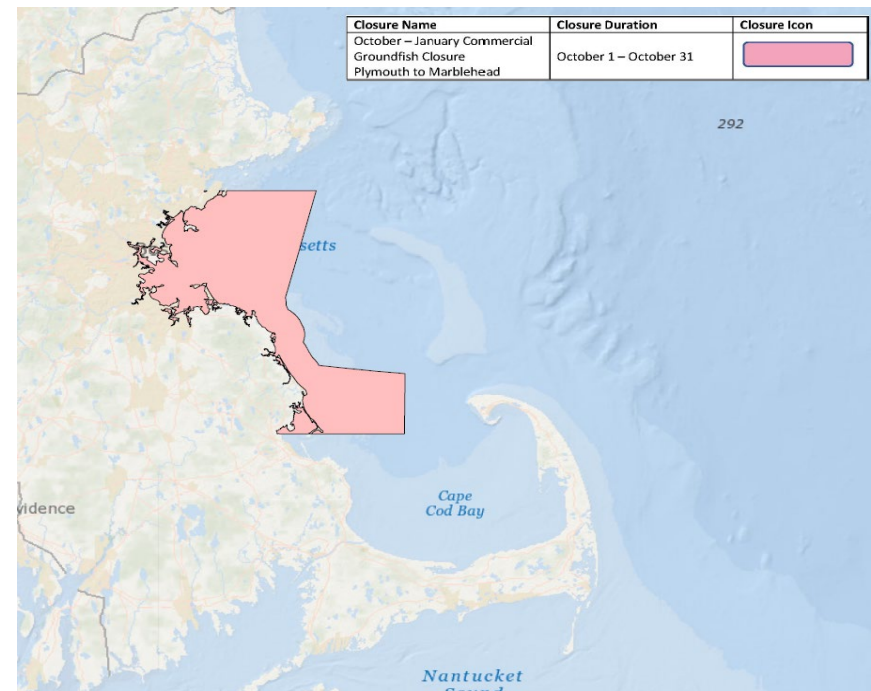
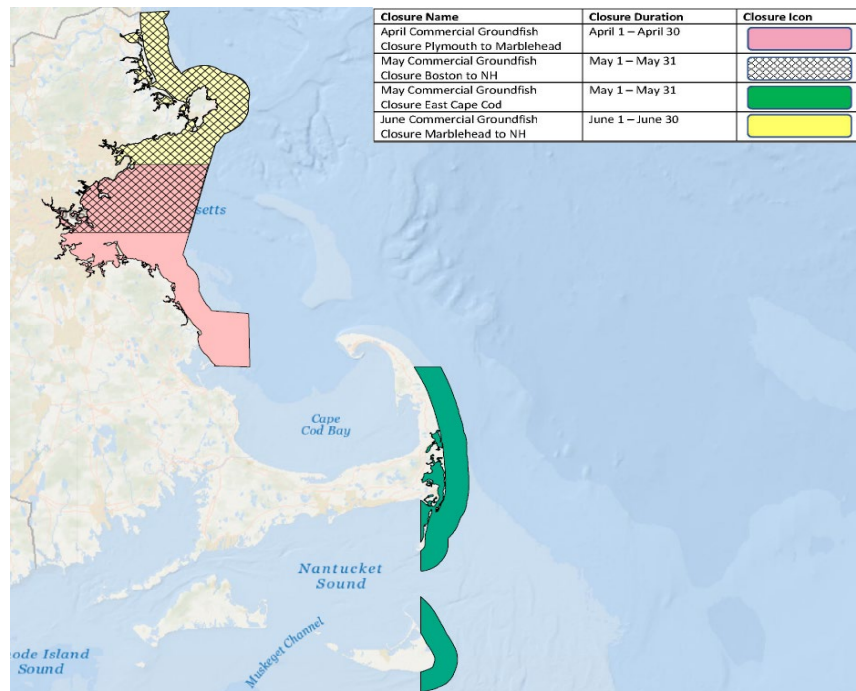
Rationale:

- Addresses evolving knowledge of spring cod spawning activity and importance of seasonal cohorts.
- Provides more broad scale seasonal spawning cod protection in GOM, including areas where spawning cod were observed during IBS1 when sub-population was more robust (e.g., Cape Ann, Ipswich Bay).
- Compliments federal Spring MA Bay Spawning Protection Area



Spring Commercial Groundfish Mortality Closures

- Late-1990s: DMF matched federal rolling closures for commercial groundfish. Designed to control mortality and landings. Given seasonality, also provide broad-scale spawning protections.
- 2016: Most recent modification to seasonal closures occurred, resulting in shifts in the area boundaries.
 - May 1 – May 31 between Boston (42°20'N) and MA/NH Border and East of Cape Cod south of 42°00'N.
 - June 1 – June 30 between Marblehead (42°30'N) and MA/NH Border
 - October 1 – January 31 between Plymouth (42°00'N) and Marblehead (42°30'N) west of 70°24'W.
- 2019: Adopted the April conditional closure between Plymouth (42°00'N) and Marblehead (42°30'N) west of 70°30'W.
 - Fail-safe to prevent GE fleet from causing overages of the ACLs set by NOAA and triggering AMs affecting federal permit holders.
 - Closure has been lifted each of the 3 years since its implementation.



January 25, 2022

Division of Marine Fisheries

Slide 12



Recommendation to Rescind April Conditional Closure

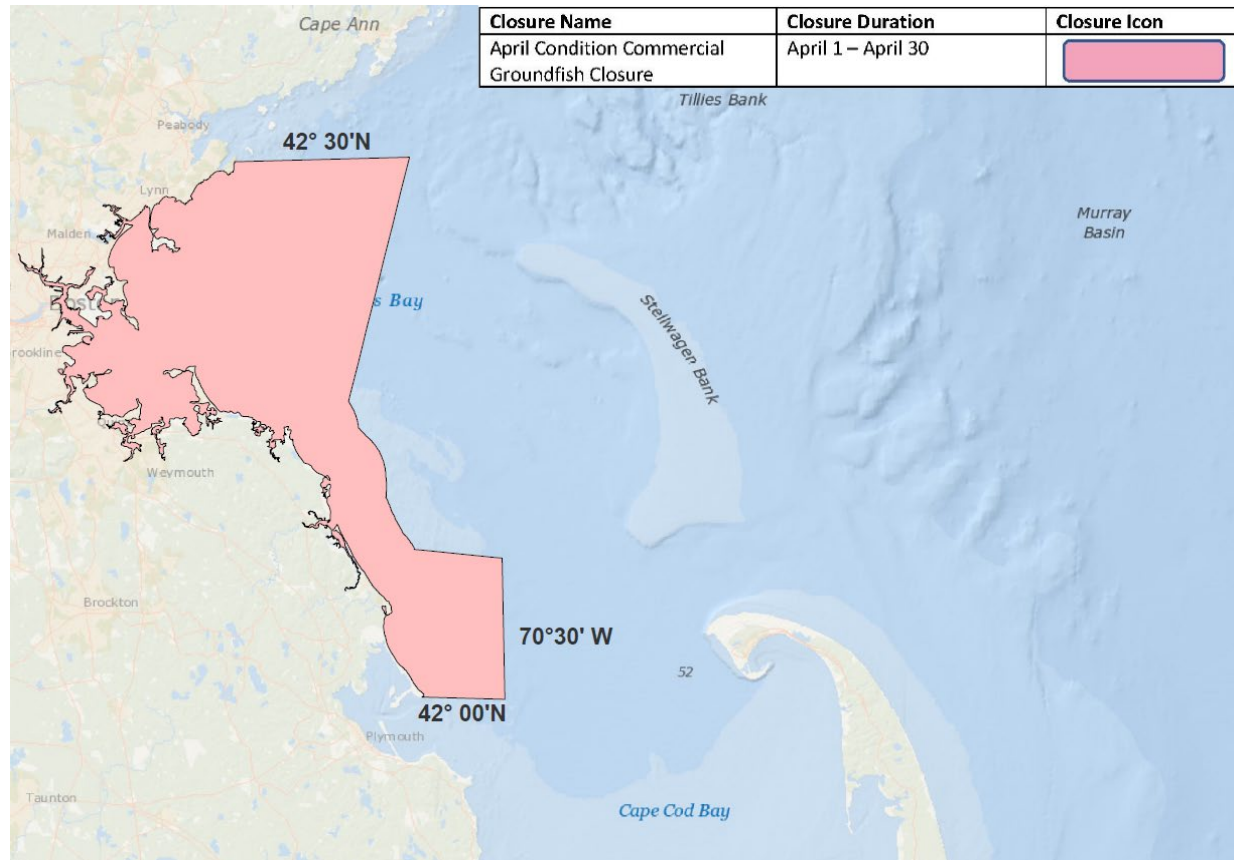
Recommended Motion:

DMF recommends the MFAC vote to rescind the conditional April 1 – April 30 commercial groundfish closure from Plymouth to Marblehead west of 70°30'

Rationale

- Will be mostly redundant if implement new gillnet closure to protect right whales and commercial groundfish closures to protect spawning cod.
- Less need for a fail-safe with new closures, continued attrition in fishery and underutilization.

Conditional April Mortality Closure



Proposal to Increase Commercial Groundfish Trip Limits

Recommended Motion:

DMF recommends the MFAC vote to increase the GOM cod trip limit from 200 to 400 pounds and increase the GOM yellowtail flounder trip limit from 250 to 350 pounds.

Rationale

- With expanded spatio-temporal closures, increased trip limits at times and in areas where right whales and spawning groundfish are less of a concern may help ameliorate reduction in commercial landings for state waters fleet.
- State waters fleet not achieving set-asides for cod and yellowtail flounder at present.
- Cannot increase trip limit for GOM winter flounder because backstopped by Interstate FMP.
- Haddock currently not subject to a limit; grey sole limit (750 pounds) is sufficient as species is not typically caught within state waters in large quantities.
- May reduce regulatory discarding.

Background

- Under federal FMP, catch of groundfish stocks by non-federal permits holders in state waters is assigned to a "state waters sub-component".
- Sub-components cover commercial and recreational state waters fisheries for all New England states, except where a specific recreational sub-ACL has been allocated (e.g., GOM cod and haddock).
- MA is principal participant for GOM stocks, as other GOM states (ME and NH) do not have substantial groundfish fisheries in their state waters.
- DMF establishes trip limits to control groundfish catch consistent with recent participation and the state-waters subcomponent.
- Trip limits also apply to federal vessels fishing in state waters.



Recommended Motion

Recommended Motion:

DMF recommends the MFAC vote to increase the GOM cod trip limit from 200 to 400 pounds and increase the GOM yellowtail flounder trip limit from 250 to 350 pounds.

Rescind April conditional closure between Plymouth and Marblehead west of 70 30'



January MFAC Meeting is Paused until 9:50AM



January 25, 2022

Division of Marine Fisheries

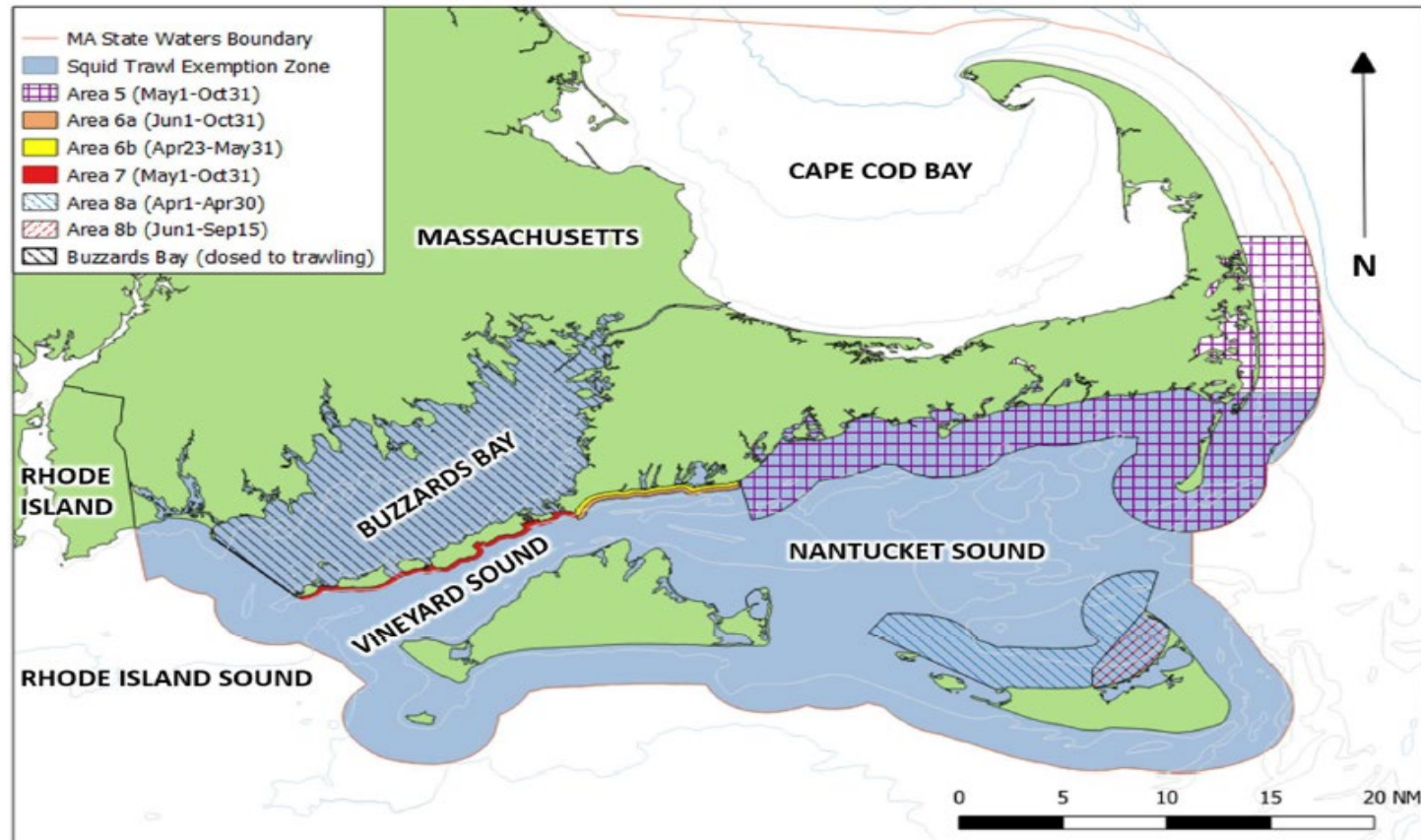
Slide 16



Current State Waters Small Mesh Squid Fishery Season

Existing Rule:

Small mesh trawls may be used in Squid Trawl Exemption Zone from April 23 – June 9. Director has discretion to extend the season beyond June 9. Access to Squid Trawl Exemption Zone spatially limited by seasonal mobile gear closures (Area 5 – 8B) and Buzzards Bay year-round net fishing closure.



January 25, 2022

Division of Marine Fisheries

Slide 17



Proposal to Adjust Timing of State Waters Squid Trawl Season

Background

- State waters squid season was adopted in early 1990s. In early years, closure dates were frequently amended moving the season backwards and forwards in June.
- Season end date tried to find balance between commercial access to the resource; bycatch and discarding of scup, black sea bass and summer flounder – FMPs had just been developed for these species to rebuild them; and address forage concerns from recreational anglers.
- Initially, season would be extended based on sea sampling data. By early 2010s, state observer program was nominal and DMF became reliant on federal observer data which is not available in real-time. DMF became increasingly reliant on anecdotal evidence to inform decision.
- Scup, black sea bass, and summer flounder currently rebuilt and in good condition.

Rationale

- Current system is imperfect and administratively burdensome.
- Commercial fishermen and dealers will be able to better structure their operations around a firm end date.
- Recreational fishing interests would be assured of a certain end date.
- Reduces user group conflicts and frustration related to annual decision.
- Provides a week of additional fishing opportunities should there be a strong run of squid that DMF would typically work to accommodate through a seasonal extension.
- Matches end date of seasonal 2,000-pound small mesh bycatch allowance for scup.
- Regulatory backstops are already in place to effectively mitigate bycatch and discard concerns.
- No evidence fishery is causing shifts in spatial availability of target predator species; broader environmental factors likely causing shifts in availability.
- Existing regulatory closures and untowable bottom provide substantial spatial refuge for egg mops.



Recent Small Mesh Squid Fishery Seasons and Activity

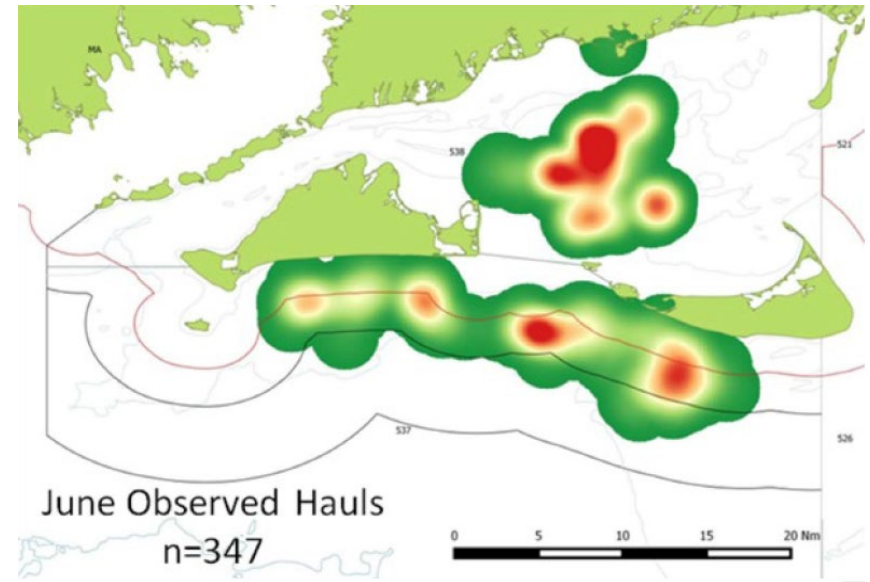
Recommended Motion

DMF recommends the MFAC vote to adopt a small mesh trawl squid season of April 23 through June 15 and rescind the regulatory provision allowing the Director to extend the season past this season closure date.

Seasonal Extensions 2015 – 2021

Year	Season	Extension Length
2015	April 23 – June 18	9 days
2016	April 23 – June 16	7 days
2017	April 23 – June 9	No extension
2018	April 23 – June 9	No extension
2019	April 23 – June 16	7 days
2020	April 23 – June 9	No extension
2021	April 23 – June 9	No extension

**June Heat Map of Starting Points
of Observed Hauls from 2013 - 2017**



Source: Unpublished NEFOP Data



Trap Tag Installation Deadline

Recommended Motion:

DMF recommends the MFAC vote to establish May 1 as the date certain to have current year trap tags installed in gear for all LCMAs.

Current Rule:

- For OCCLCMA, the current date for annual installation is March 16, consistent with end of historic Jan 15 – Mar 15 seasonal trap closure to control effort and harvest.
- For LCMA 1, LCMA 2, and LCMA 3 prior date was June 1, consistent with time of year that the trap fishery begins in earnest.

Rationale:

- With new seasonal trap gear closure affecting state-waters of LCMA 1 and OCCLCMA, makes sense to sequence trap tag installation with earliest likely date these areas will reopen.
- For LCMA 3, federal rule already requires a May 1 installation.
- For LCMA 2, will require installation of tags one month earlier, but will have consistent rule across all LCMAs.



Winter I and Winter II Scup Limits

Recommended Motion

DMF recommends the MFAC vote to adopt a 2,000-pound limit for scup caught and retained in state waters during Winter I and Winter II and allow vessels fishing lawfully in federal waters to possess and land non-conforming quantities in MA provided in adherence with federal limits.

Background

- Winter periods are predominantly an offshore fishery, managed with coastwide quota and federally-set trip limit.
- DMF sets complimentary state waters limit by Declaration, with MFAC approval, once federal rules established.
- Federal rules often not published until late December and late September.

Period	Quota	Trip Limits
Winter I (Jan–Apr)	45.11%	Coastwide (50,000-lb since 2012)
Summer (May–Sep)	38.95% (with state shares)	State-by-state
Winter II (Oct–Dec)	15.94% plus Winter I underage	Coastwide (12,000-lb* since 2014)

* Winter II trip limit increased by 1,500 lb for every 500,000 lb of Winter I quota rolled over.

Rationale

- Reduces administrative burden of declaratory action currently used to set Winter period scup trip limits. DMF typically compliments federal trip limits to allow vessels fishing in federal waters to land lawfully harvested quantities of scup in state ports.
- Interactions with scup in state waters during the Winter periods and with large mesh gear are limited; the large federal waters trip limits are not needed for state waters large mesh fishery.
- Scup caught in trawl nets <5" diamond mesh are subject to bycatch limits which vary by season. During the spring, scup may be caught as bycatch in the small-mesh squid fishery, and 2,000 pounds is the maximum amount of scup a small mesh trawler may retain in spring.



Upcoming Public Hearing

Commercial Quota Managed Species

- *Proposals*
 - Summer Flounder: Allocations; seasons; trip limits; & open fishing days.
 - Black Sea Bass: Season; trip limit; & open fishing days.
 - Menhaden: Season & annual inshore net permit conditions.
 - Bluefish: Minimum size.
 - Spiny Dogfish: Trip limit.
 - Striped Bass: Updated control date.
- *Anticipated Schedule*
 - Public hearing announcement in early February
 - Public hearings during first week of March.
 - Final recommendations for March 10 meeting.
 - Implementation by May 1.



Upcoming Public Hearing

Recreational Fishery Limits

- *Proposals*
 - Georges Bank Cod: Season, bag limit, and size limit.
 - Black Sea Bass: TBD – More details to come over next few months.
 - Scup: TBD – More details to come over next few months.
- *Anticipated Schedule*
 - Further discussion at early spring MFAC meetings.
 - Potential for public scoping if multiple options available.
 - Emergency regulations to be filed before May 1.
 - Public hearing in late spring.
 - Final recommendation at June MFAC meeting.



LOA Request to Fish On Demand Fishing Gear in the MRA

Proposal: Five coastal lobster permit holders request authorization to fish with and test on demand (“ropeless”) lobster fishing gear in two discrete areas within the MRA from Feb 1 through May 15

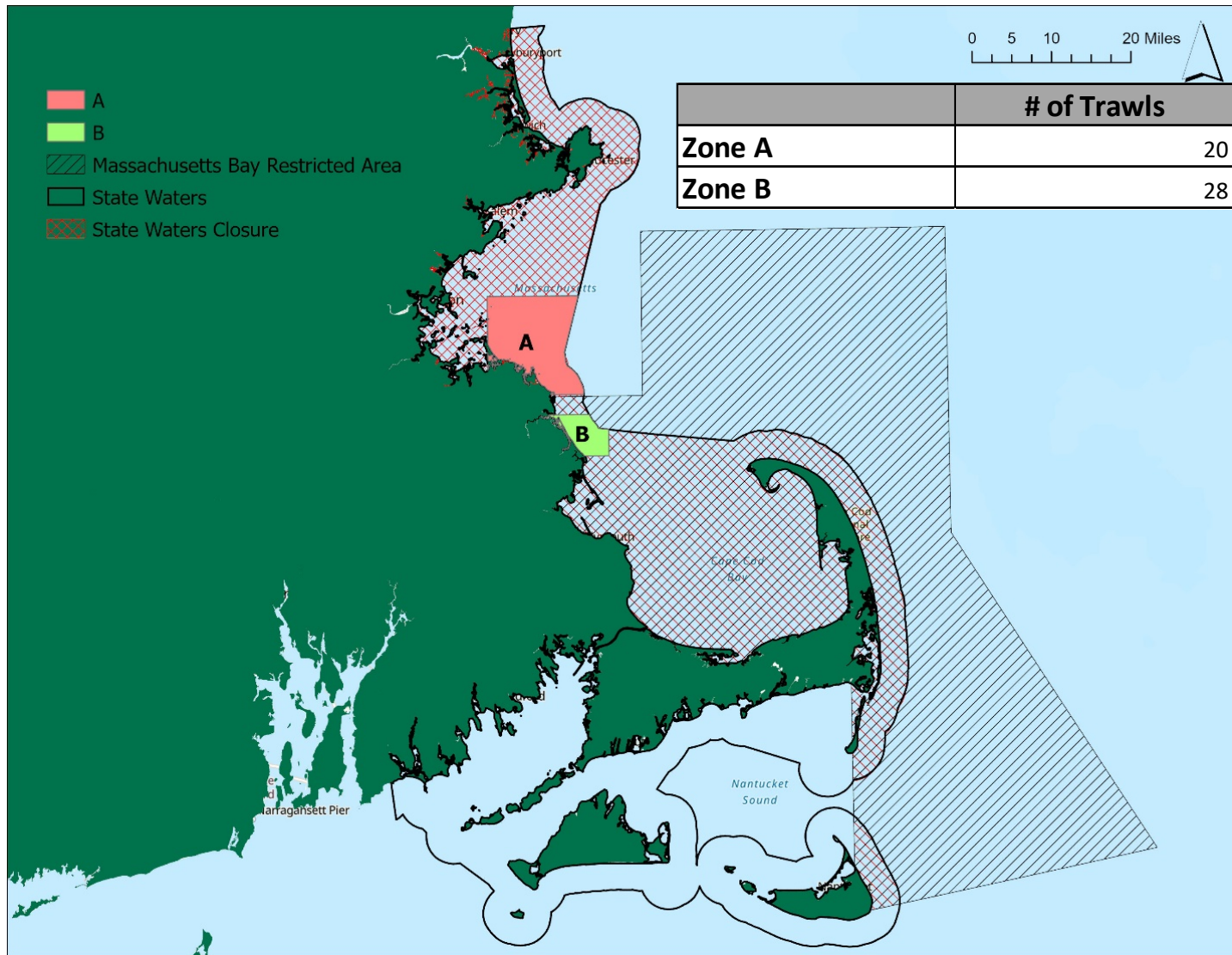
Participant	State Permit #	Federal Permit #	Homeport	Vessel Name
Rob Martin	039670	221342	Sandwich	Resolve
Michael Lane	000126	242613	Cohasset	Phyllis P
John Haviland	000598		Green Harbor	Emily Rose
Tim Krusell	001501		Green Harbor	Divergence
Joseph Barrow	002659	251110	Cohasset	Joseph Ryan

Rationale:

- Test the operational efficacy of on demand fishing systems
 - Collect data on efficiency of hauling and setting
 - Collect data on premature release/effectiveness of Blue Ocean Gear Smart Buoy
 - Collect data on successful acoustic trigger rate
 - Test the effectiveness and durability of on demand fishing systems in winter conditions
- Test the operational efficacy of electronic gear marking systems
 - Test the effectiveness of the EdgeTech Trap Tracker System
 - Collect data on gear conflict with other participants using on demand fishing gear
- Demonstrate the potential for fishing with on demand gear



Proposed Locations in State Waters



January 25, 2022

Division of Marine Fisheries

Slide 2



Fishing Practices and Gear

- Each fisher will fish up to a maximum of ten 20 trap trawls
- Each trawl will be outfitted with one acoustic release and pop-up buoy on one end manufactured by EdgeTech
- 5 of the trawls will also be outfitted with acoustic releases and inflatable pop-up systems manufactured by SMELTS on the opposite end
- With the exception of State and Federal vertical line requirements, all existing regulations will be adhered to.
- An estimated 117 hauls of on-demand fishing gear will be completed during the trial
- Projected monthly fishing activity is as follows;

Participant	February	March	April	May	Total	Estimated State Effort
Rob Martin	4	4	6	6	20	50%
Michael Lane	5	7	15	6	33	75%
John Haviland	0	3	10	5	18	100%
Tim Krusell	0	3	8	5	16	100%
Joseph Barrow	5	5	12	8	30	50%
Total:	14	22	51	30	117	



Best Practice/Risk Management

- **Best Practices**

- Ground line and on demand vertical lines will contain unique markings beyond the regional requirements. At a minimum, yellow/black strip marks as noted in regulation.
- A unique flag will be flown by each vessel for enforcement recognition.
- Stored vertical lines will be enhanced with the South Shore Sleeve every 40 feet to introduce a controlled break and accommodate current rope breaking strength requirements.
- Blue Ocean Gear; Smart Buoy Systems will be included to further illustrate the consistent track record of no intended releases of the stored vertical line. This technology introduces enhanced position tracking as well.
- Grappling is not intended to be used as an alternative fishing method but may be required as failures and or disruptions are experienced. Reasoning will be documented and explored to prevent re occurrence.

- **Risk Management**

- Project vessels will operate within a 10 knot speed limit (specific to project work) as an extended precaution.
- Any vessel finding itself within a 500 yard (1500 ft.) buffer zone created by a surfacing right whale must depart immediately at a safe and slow speed, in accordance with current right whale approach rules
- Trap Tracker application will be utilized for retrieval and set positioning details and made available to Federal, State and corresponding enforcement personnel.
- Gear will not be set or retrieved with known right whales in close proximity.



Best Practice/Risk Management

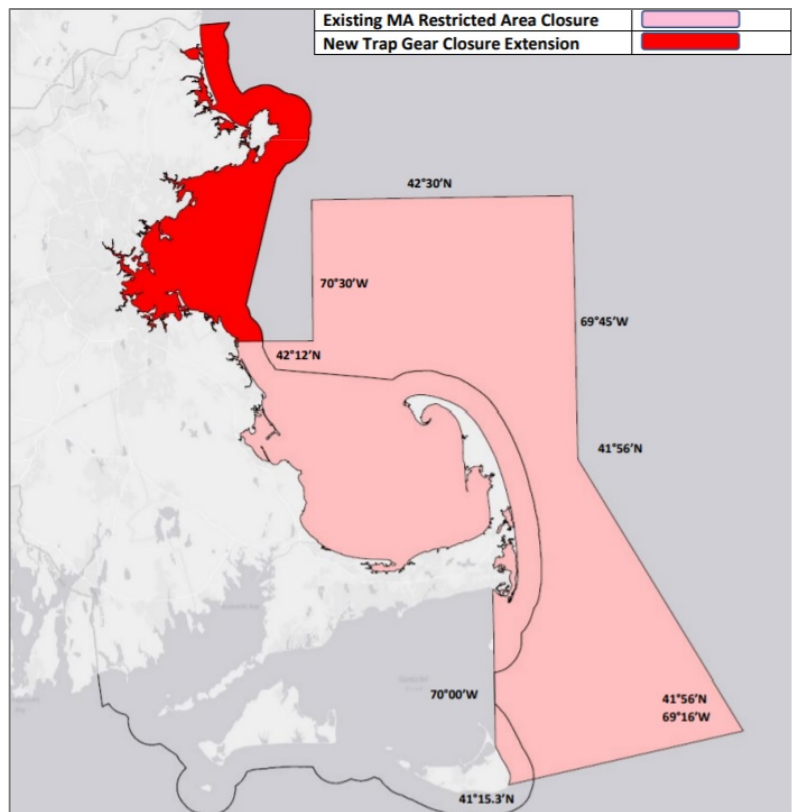
- **Communication/Coordination with DMF**

- Weekly communication and reporting to State and Federal personnel of current fishing activities within project work.
- Project monitoring, data collection, analysis and reporting continues in collaboration with NEFSC and under NEFSC protocols
- Weekly mandatory gear loss reporting.
- Willing to work with DMF/NMFS to use real time surveillance to avoid hauling gear when right whale aggregations are present

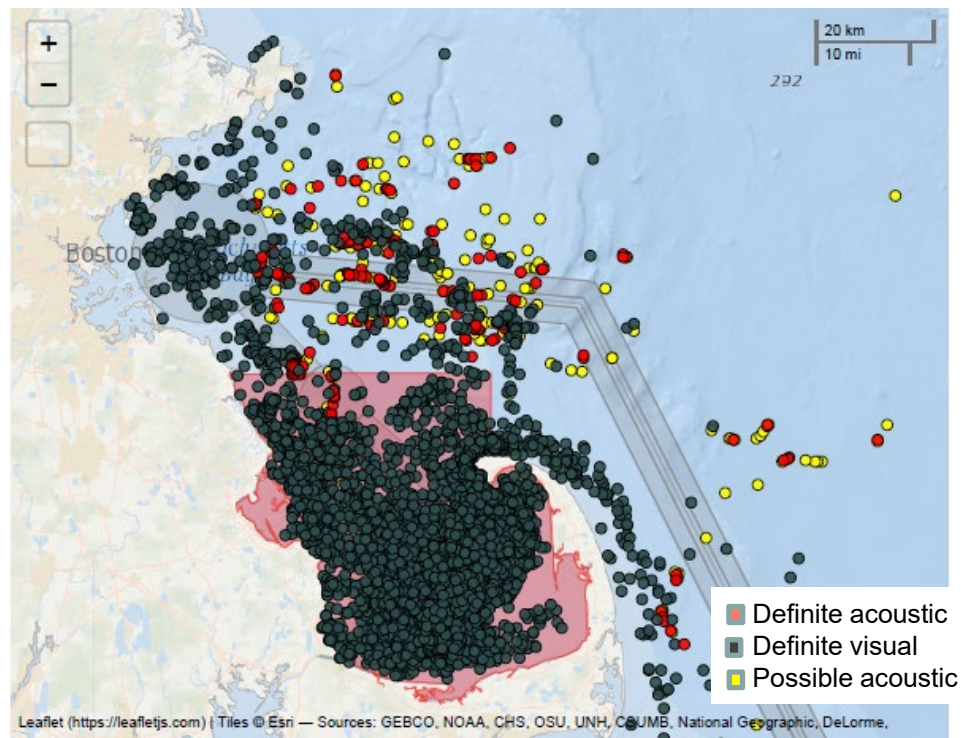


Background

MRA trap/gear closure, February 1 – May 15



NARW Detections
February 1 – May 15 for 2017 through 2021



January 25, 2022

Division of Marine Fisheries

Slide 6



Atlantic Mackerel Updates

- Background on Need for Rebuilding
- Input from New England
- Process Update
- Next Steps



Rebuilding Background

- 2021 Assessment
- Lack of Adequate Progress
- Federal Emergency/Interim Action
- Mid-Atlantic Amendment

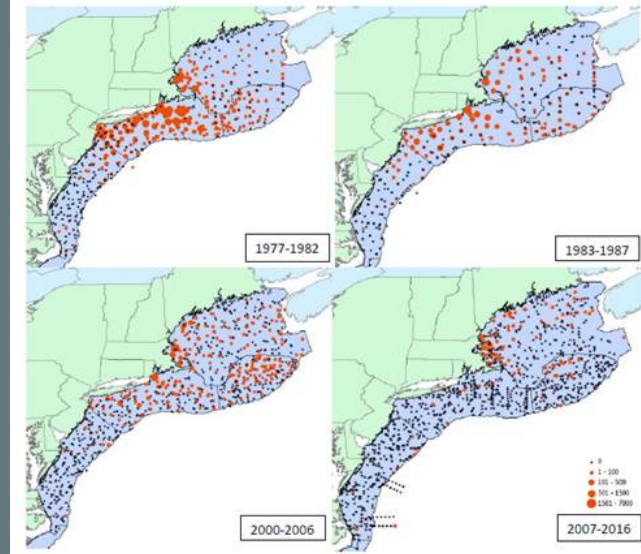
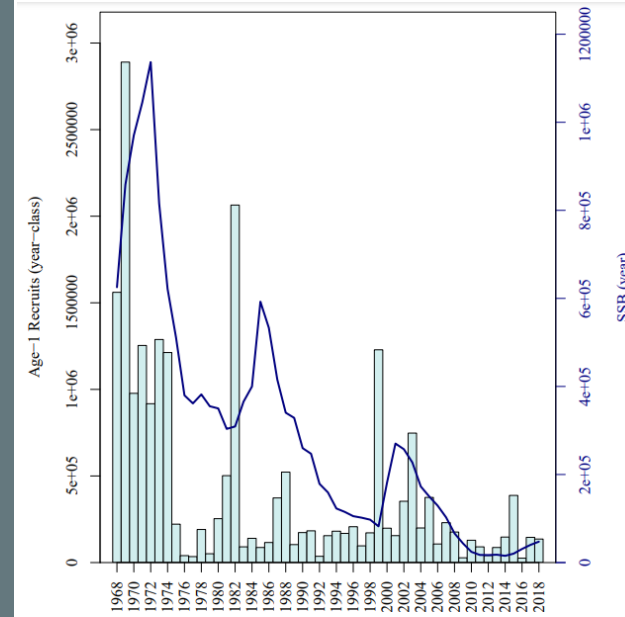


Figure A9: Distribution of Atlantic mackerel eggs from U.S. ecosystem surveys during 1977 to 2016.

Table 2: Comparison of reference points estimated in the previous assessment (2017) and from the current management track assessment. An $F_{40\%}$ proxy was used for the overfishing threshold and was based on long-term stochastic projections.

	2017	2021
$F_{40\%}$	0.26	0.22
SSB_{MSY} proxy (mt)	196894	181090 (102292 - 386653)
MSY proxy (mt)	41334	34103 (19404 - 70927)
Median recruits (age 1) (000s)	180,572	178,743
Overfishing	Yes	Yes
Overfished	Yes	Yes

Input from New England

- One letter from three New England states and two informational webinars
- Distributional Shift vs. Productivity Decline
- MRIP
- Mortality Assumption
- Equity
- Recreational Tools



December 8, 2021

Dr. Christopher M. Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Re: Atlantic mackerel rebuilding

Dear Dr. Moore:

The States of Maine, Massachusetts and New Hampshire are in receipt of your letter of November 3, 2021, requesting the three states reduce recreational Atlantic mackerel catch in their waters by half. Having no seat at the Mid-Atlantic Fishery Management Council (Mid-Atlantic), this is the first formal interaction on this topic. Like the Mid-Atlantic, the three states support the sustainable management of Atlantic coast fisheries and recognize the importance of rebuilding the Atlantic mackerel stock. That said, we'd like to share a few initial thoughts and concerns based on the letter we received.

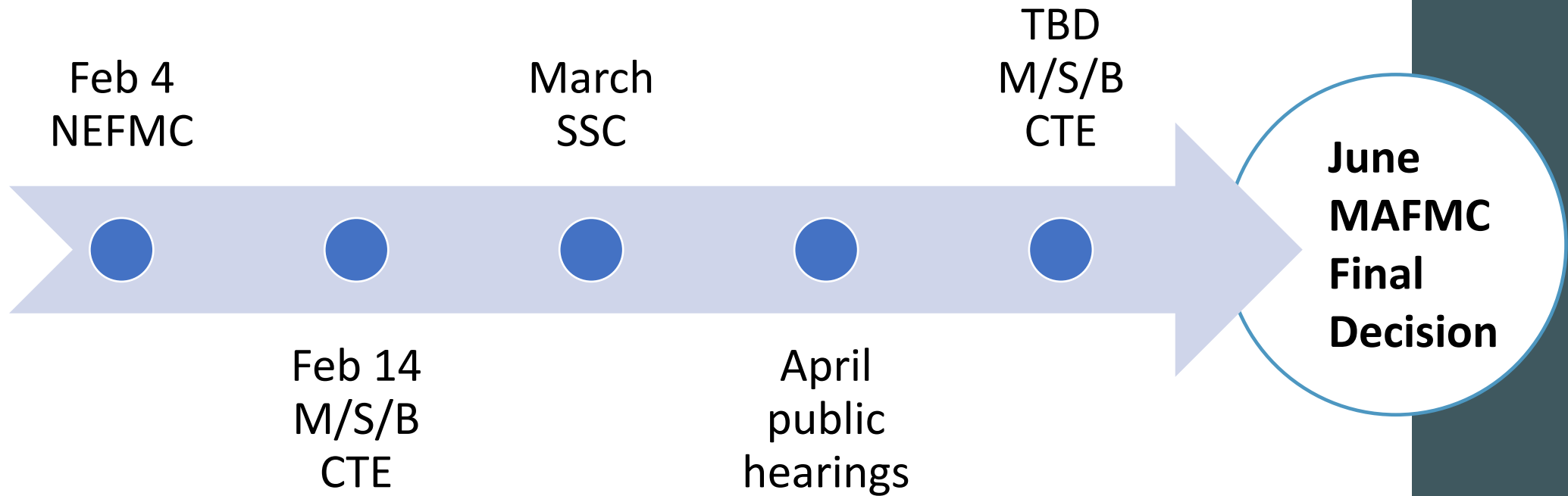
Basis for Reduction

First, it would be helpful to receive more quantitative analyses supporting the 50% reduction of recreational catch. State staff have informally discussed background information leading to the request with Mid-Atlantic staff; however, this is no replacement for Council-developed rationale grounded in the best available scientific information. It is our understanding that the Mid-Atlantic's Science and Statistical Committee will be meeting in March to provide ABC recommendations and peer-review of the potential rebuilding plans. To better understand the basis for a recreational reduction, we request that you provide more detailed information on mackerel stock condition, management, and fishery performance of commercial and recreational sectors. A deeper understanding of survey coverage, potential stock geographic shift, and uncertainties in available data would also assist in our interpretation and ability to respond. We also ask that you deliver frequent updates on the status of the rebuilding program to both the New England Fishery Management Council and Atlantic States Marine Fisheries Commission.

Massachusetts Division
of Marine Fisheries



Process & Timeline



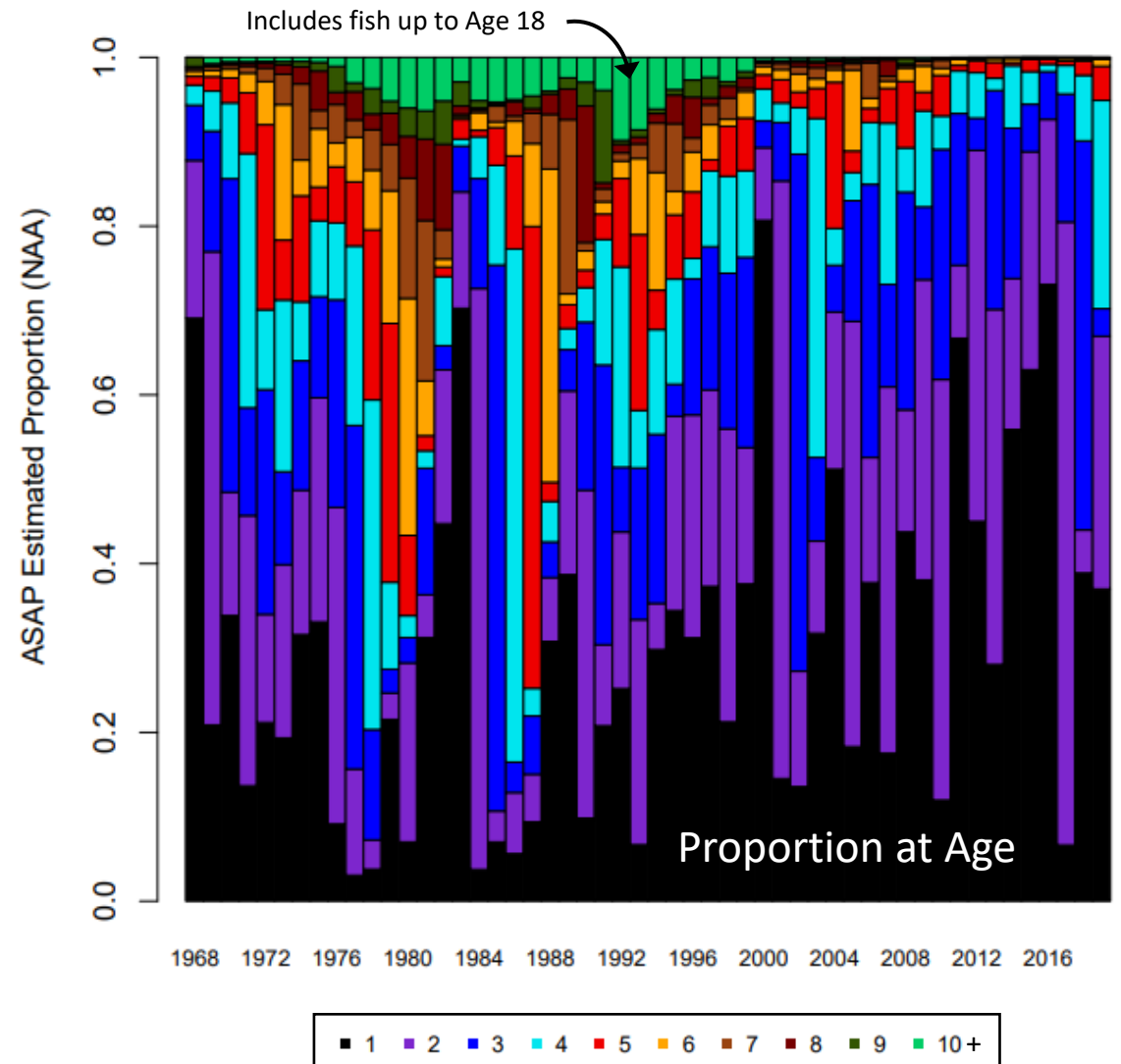
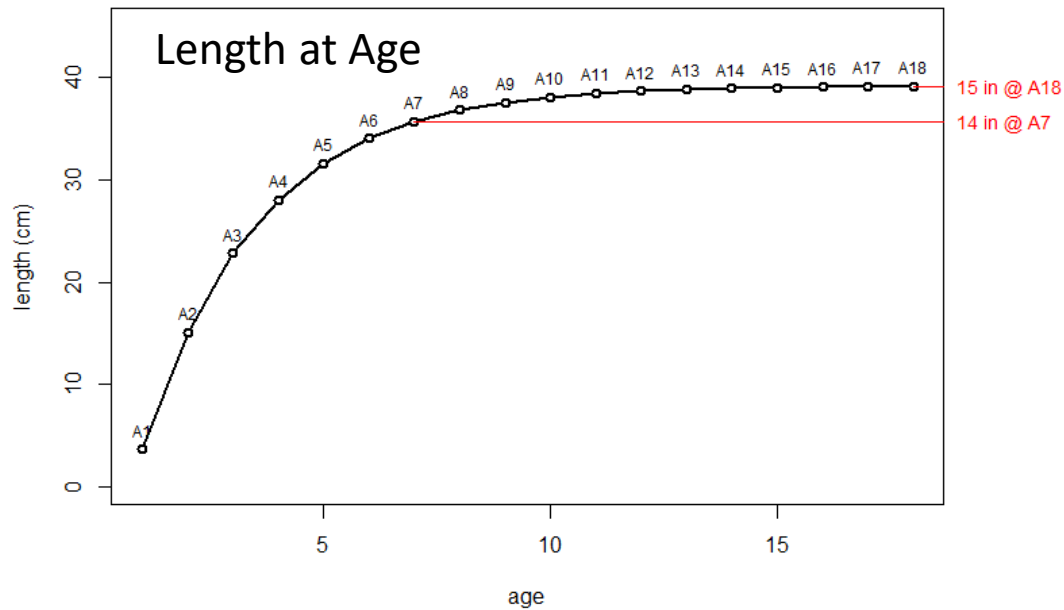
For Today

- No action needed by MFC
- Input welcome in general and specific to any possible recreational measures



Age Truncation

- Ages 6+ accounted for >50% of population in the past
- Currently no fish >6 years old in population
- Little difference in fish size over Age 6



ASMFC Updates

December 6 Lobster Management Board
December 13-14 Joint Meeting with MAFMC
December 17 Northern Shrimp Section

Marine Fisheries Advisory Commission

January 21, 2022

Massachusetts Division
of Marine Fisheries



Lobster Board

- Lobster Draft Addendum XXIX/Jonah Crab Addendum IV approved for public comment
- Electronic vessel tracking for federal permit holders
 - Goal: “to collect high resolution spatial and temporal data to characterize effort in the federal American lobster and Jonah crab fisheries for management and enforcement needs”
- Joint MA/RI hearing on January 20 at 6:30pm
- Written comment deadline: January 31
- Final action TBD (at special Board meeting after ASMFC Winter Meeting)
- Implementation TBD



Fluke, Scup, & Black Sea Bass Sector Allocation Amendment

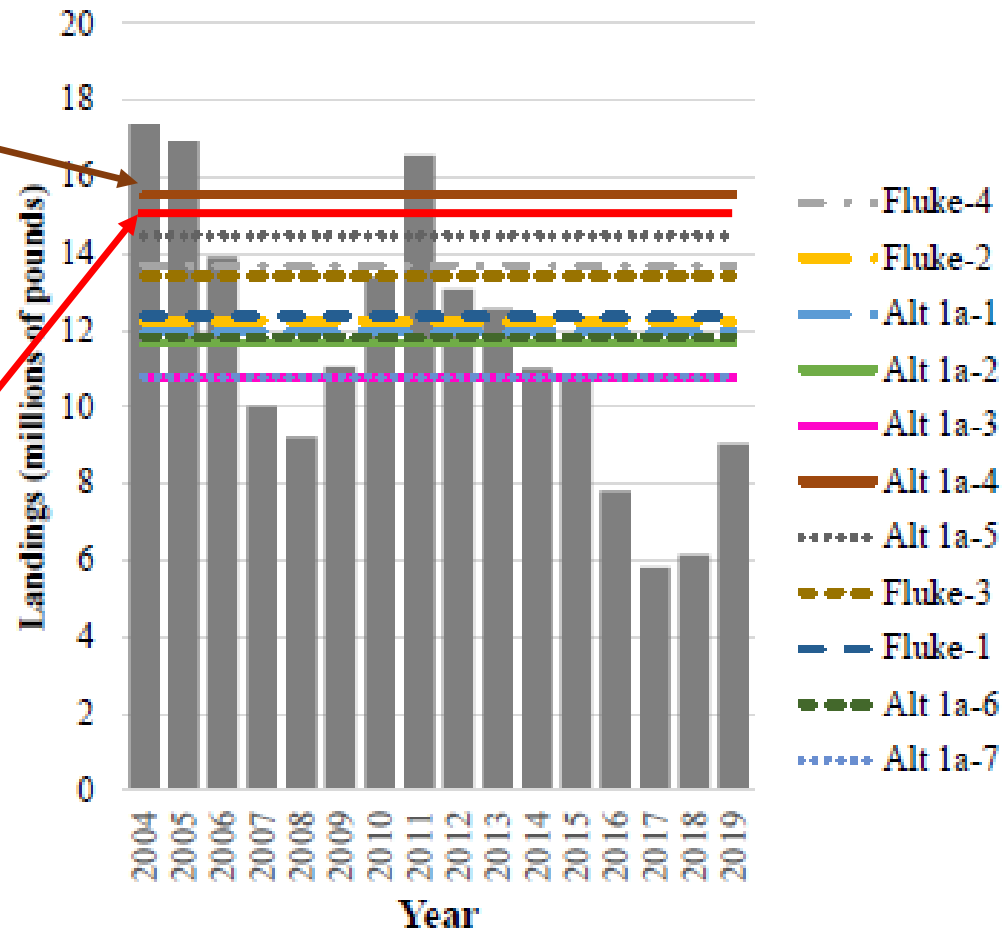
- Options considered historical years vs. more recent years (5, 10, 15)
- Maintained Historical Base Years but Updated the Data
 - Recalibrated MRIP recreational data (all 3 species)
 - Commercial discard data improvements (scup)
- Transition to Catch-based Allocations for all 3 species (change for fluke & BSB)
 - During specifications, allocation occurs at ABC level and each sector's discards applied at sector ACL level (rather than total discards coming off ABC and then TAL allocated).

	Current	Revised
Fluke (1981-1989)	60% Commercial, 40% Recreational Landings-based	55% Commercial, 45% Recreational Catch-based
Scup (1988-1992)	78% Commercial, 22% Recreational Catch-based	65% Commercial, 35% Recreational Catch-based
Black Sea Bass (1983-1992)	49% Commercial, 51% Recreational Landings-based	45% Commercial, 55% Recreational Catch-based



Summer Flounder

Commercial Fishery

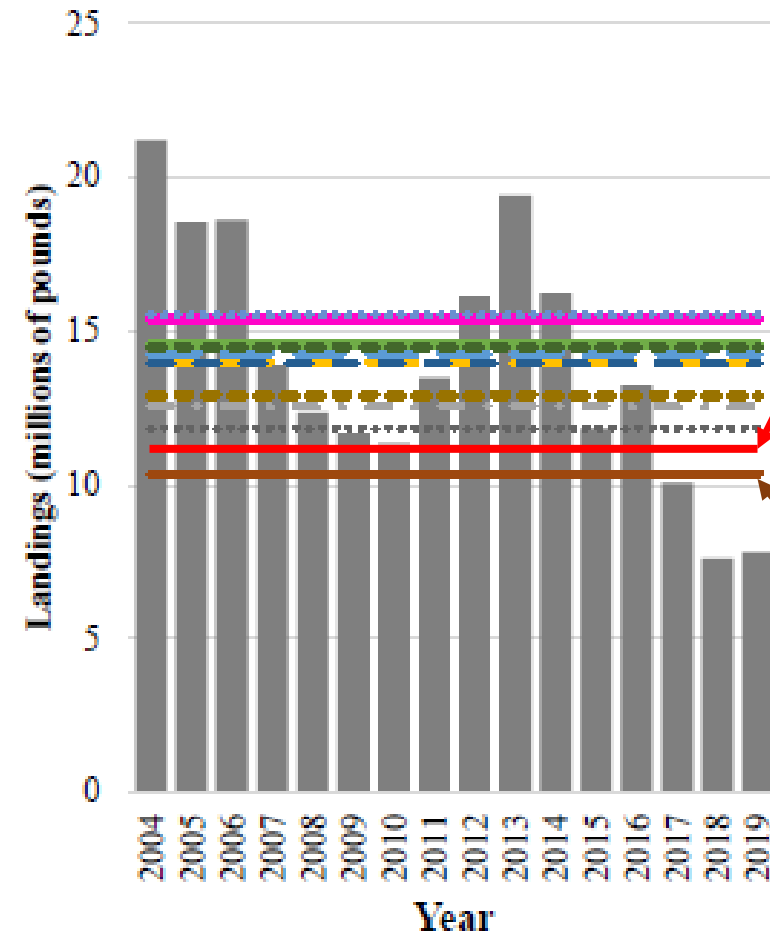


Status Quo
2023 Com
Quota
(15.53 mlb)

Example**
2023 Com
Quota via
Amendment
(15.14 mlb)
-3%

Landings
(mlb)
2020: 9.11
2021*: 9.88

Recreational Fishery



Example**
2023 RHL via
Amendment
(11.12 mlb)
+7%

Status Quo
2023 RHL
(10.36 mlb)

Landings
(mlb)
2020: 10.06
2021*: 5.7

Figure 1: 2004-2019 commercial and recreational summer flounder landings with comparison to example commercial quotas and RHLs developed using the 2023 ABC (see Appendix C for methodology).

* 2021 com landings are preliminary; 2021 rec landings are projections using Wave 1-4 data
**Example future limits based on discards regression analysis; actual limits will vary

Massachusetts Division
of Marine Fisheries

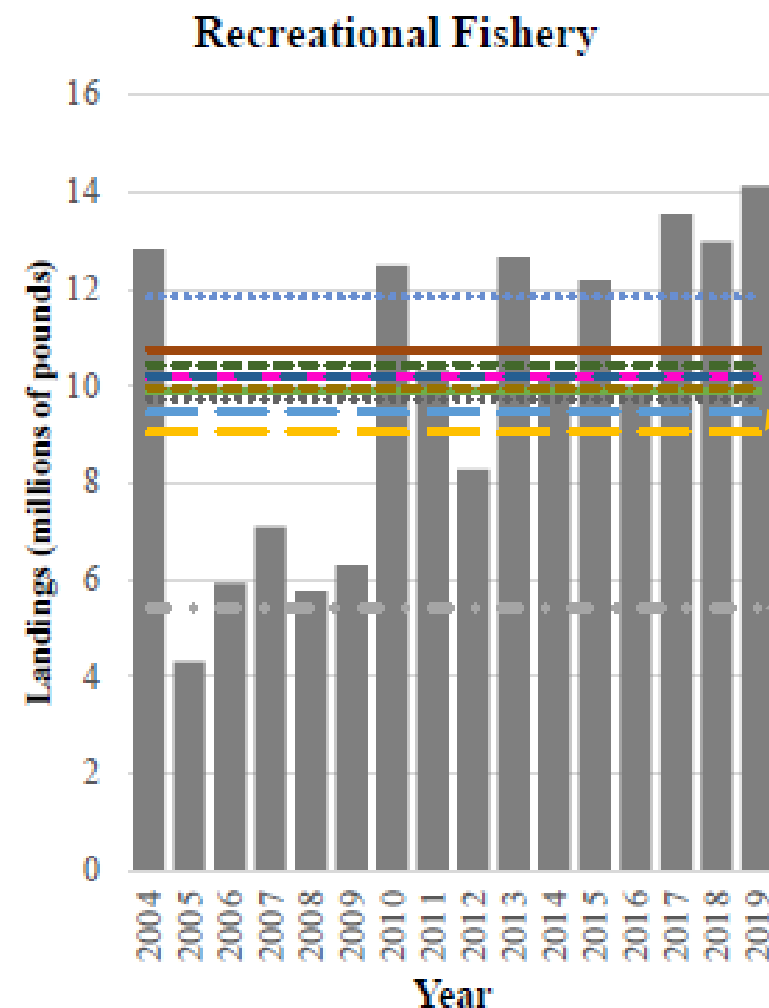
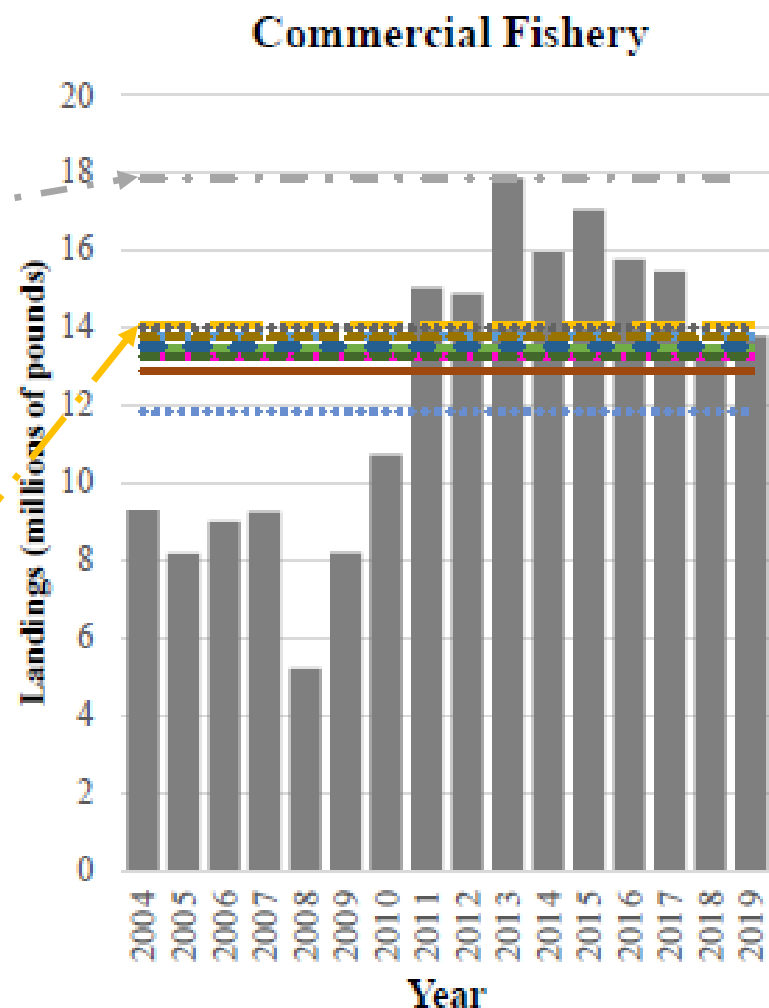


Scup

Status Quo
2023 Com
Quota
(17.87 mlb)

Example**
2023 Com
Quota via
Amendment
(14.10 mlb)
-21%

Landings
(mlb)
2020: 13.58
2021*: 12.32



Example**
2023 RHL via
Amendment
(9.06 mlb)
+67%

Status Quo
2023 RHL
(5.41 mlb)

Landings
(mlb)
2020: 12.91
2021*: 14.5

Figure 3: 2004-2019 commercial and recreational scup landings with comparison to example commercial quotas and RHLs developed using the 2023 ABC (see Appendix C for methodology).

* 2021 com landings are preliminary; 2021 rec landings are projections using Wave 1-4 data

**Example future limits based on discards regression analysis; actual limits will vary

Massachusetts Division
of Marine Fisheries



Black Sea Bass

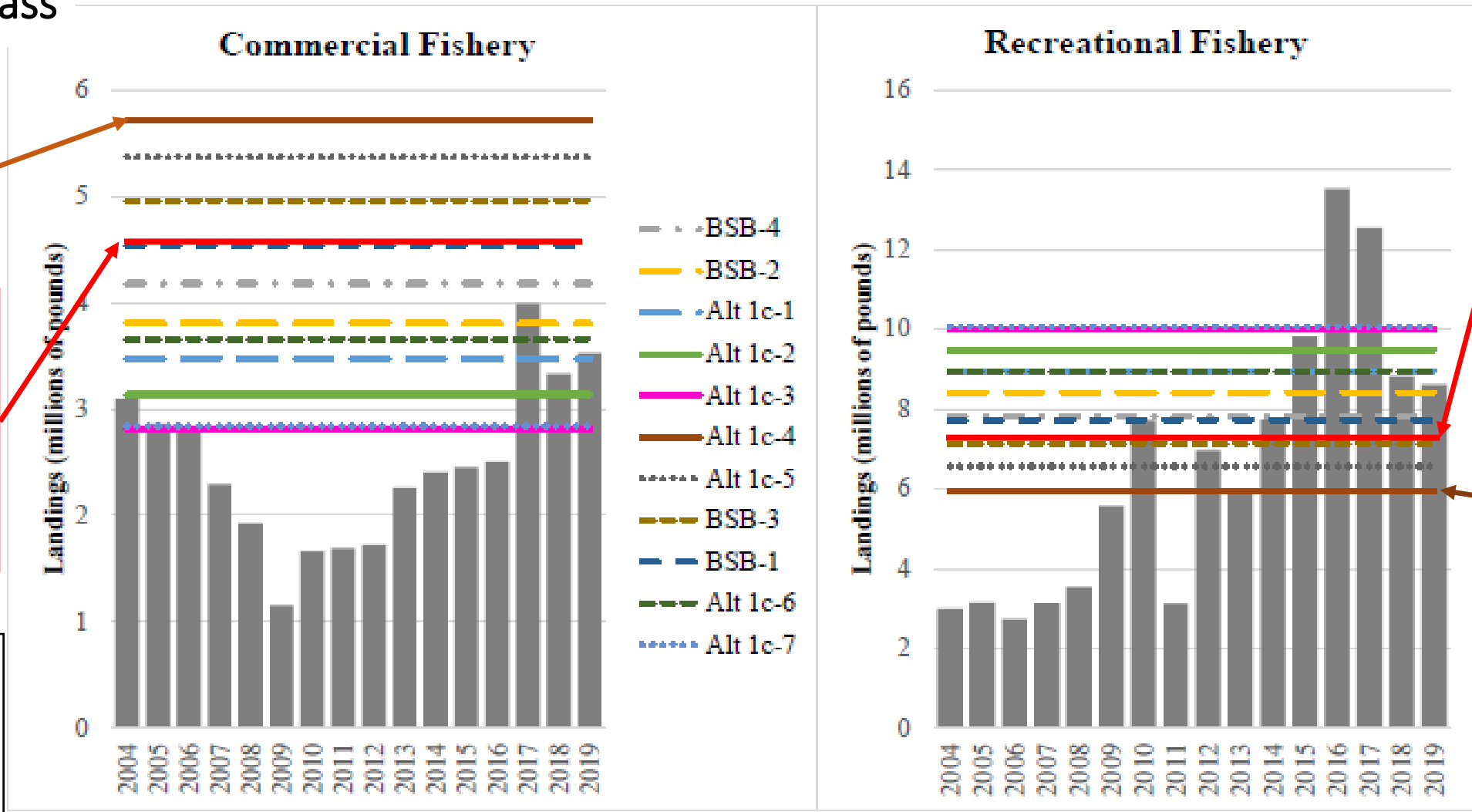


Figure 5: 2004-2019 commercial and recreational black sea bass landings with comparison to example commercial quotas and RHLs developed using the 2023 ABC (see Appendix C for methodology).

Status Quo
2023 Com
Quota
(5.71 mlb)

Example**
2023 Com
Quota via
Amendment
(4.56 mlb)
-20%

Landings
(mlb)
2020: 4.21
2021*: 4.41

Example**
2023 RHL via
Amendment
(7.23 mlb)
+21%

Status Quo
2023 RHL
(5.95 mlb)

Landings
(mlb)
2020: 9.06
2021*: 11.98

* 2021 com landings are preliminary; 2021 rec landings are projections using Wave 1-4 data
**Example future limits based on discards regression analysis; actual limits will vary



Recreational Measures

	Bluefish	Fluke	Scup	Black Sea Bass
2022 RHL (mlb)	13.89 (+67%)	10.36 (+25%)	6.08 (+.1%)	6.74 (+6%)
2021 Landings*	13.7	5.7	14.5	11.98
Avg landings under static regs	13.64 (2020-2021)	7.79 (2018-2021)	13.9 (2019-2021)	9.40 (2018-2021)
Action for 2022	Status quo coastwide measures	16.5% regional liberalizations, half of maximum allowance. (MA is own region)	1" increase coastwide for estimated 33% reduction, less than the needed 56% reduction. May result in NMFS closing federal waters.	28% coastwide reduction; how shared among regions and within regions TBD. (MA-NY region)
MA 2021 Regs	All Year 3 fish private 5 fish for-hire No min size	May 23-Oct 9 5 fish 17" min size	All year 30 fish except 50 fish for-hire during May/June 9" min size	May 18-Sep 8 5 fish 15" min size

* 2021 recreational landings are projections using Wave 1-4 data and will change.

Massachusetts Division
of Marine Fisheries



Recreational Measures – Harvest Control Rule Addendum

Table 1: Metrics considered when setting recreational measures under each option in this Draft Addendum/Framework. Primary metrics determine which harvest control rule bin a stock is in; secondary metrics are only used if, through the evaluation of the primary metrics, the stock stays in the current bin. Metrics considered through accountability measures may differ from those shown below. See section 3.1 for more details on the options.

Option	Metrics used to set measures					Measures are pre-determined	Expected number of sets pre-determined measures	Measures specified for 1 or 2 years
	Expected harvest*	Biomass compared to target level (B/B _{MSY})	Fishing mortality compared to threshold level (F/F _{MSY})	Recent recruitment	Biomass trend			
No action	Primary					No	N/A	1
Percent change	Primary	Primary				No	N/A	2
Fishery score	Primary**	Primary**	Primary**	Primary**		Yes	4	2
Biological reference point	Only when F>F _{MSY}	Primary	Primary	Secondary	Secondary	Yes	13	2
Biomass based matrix		Primary			Primary	Yes	6	2

Source: October 2021 draft addendum presented to the Board & Council
(<https://www.mafmc.org/briefing/oct-21-2021-joint-meeting>)

Massachusetts Division
of Marine Fisheries



Recreational Measures – Harvest Control Rule Addendum

Table 1. Approach to enacting changes in measures under the percent change approach. ¹

Future RHL vs MRIP Estimate		B/B _{MSY}	Change in Measures	
Row A	Future 2-YR avg. RHL greater than upper bound of 2-YR MRIP estimate CI	> 1.5	40% Liberalization ³	
		1 - 1.5	20% Liberalization ³	
		< 1	0% (Status Quo)	
Row B	Future 2-YR avg. RHL within CI of 2-YR MRIP estimate	> 1.5	10% Liberalization	
		1-1.5	0% (Status Quo)	
		< 1	10% Reduction	
Row C	Future 2-YR avg. RHL less than lower bound of 2-YR MRIP estimate CI	> 1.5	0% (Status Quo) ²	10% Reduction ²
		1-1.5	20% Reduction ³	
		< 1	40% Reduction ³	

Fluke

Scup &
Black Sea Bass

¹The proposed B/B_{MSY} inflection points are based on the Council's Risk Policy. Future changes to the Council risk policy may warrant reconsideration of this proposed process.

²The PDT/FMAT has not yet reached consensus on a recommendation for assigning the appropriate management response when the RHL is lower than the CI and biomass is higher than 150% of the target. Two options discussed by the FMAT/PDT are listed here.

³The PDT/FMAT is still in the process of determining whether the change in measures be capped such that the percentage change in measures does not exceed the percentage difference between the two-year average RHL and the two-year average MRIP point estimate.

Source: October 2021 draft addendum presented to the Board & Council
(<https://www.mafmc.org/briefing/oct-21-2021-joint-meeting>)

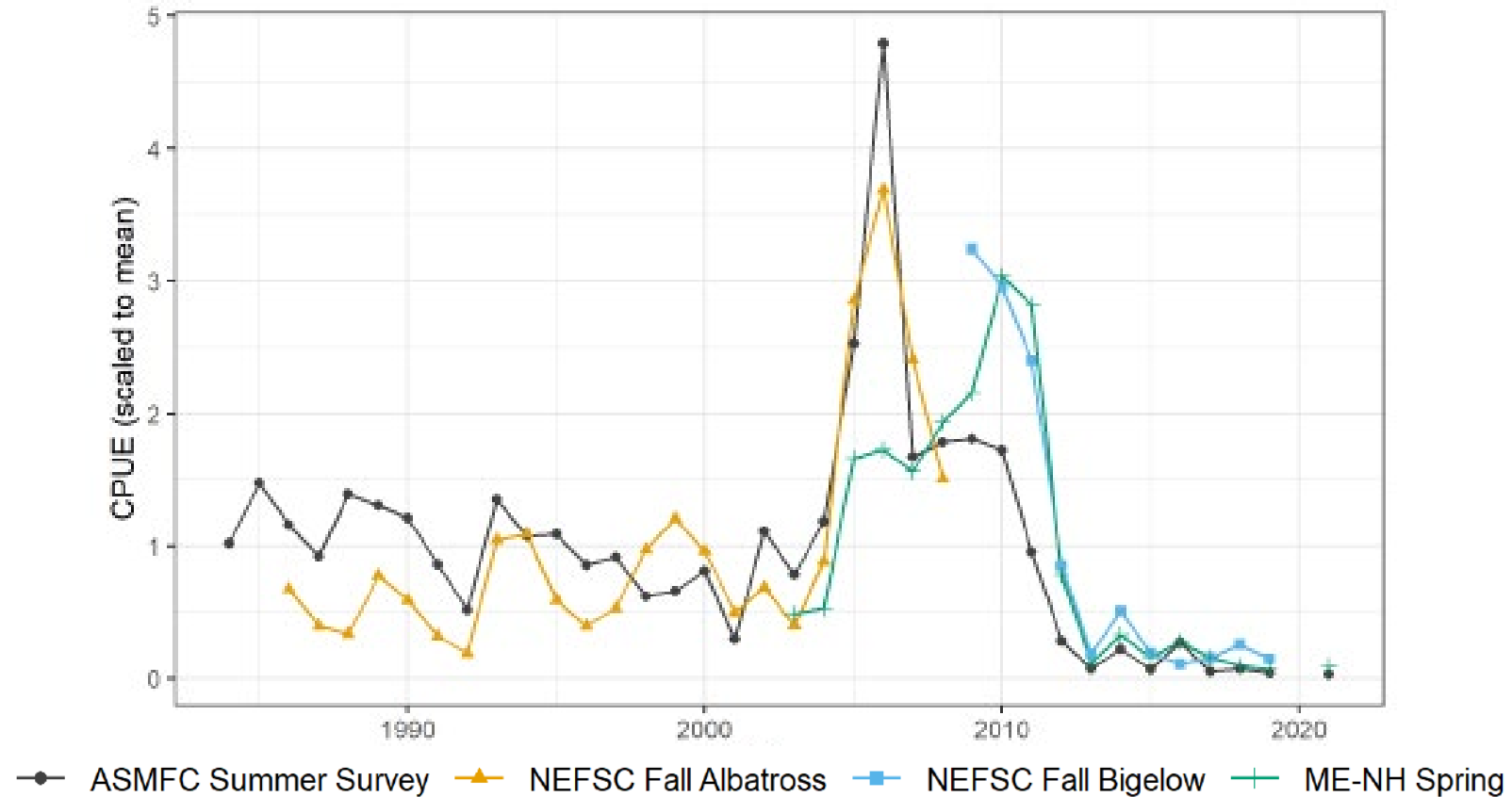
Massachusetts Division
of Marine Fisheries



Northern Shrimp

- Continuation of Harvest Moratorium through 2024

Standardized indices
of abundance,
1984-2021



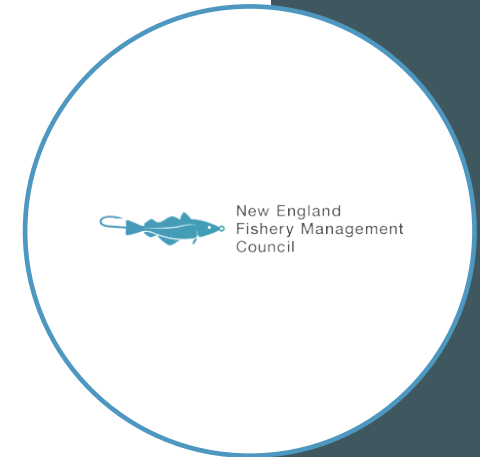
ASMFC Winter Meeting (Jan 25-27)

- Expected public hearing documents coming out of meeting
 - Lobster Draft Addendum XXVII: increasing protection of spawning stock in GOM/GBK
 - Striped Bass Draft Amendment 7: management triggers, rebuilding plan, CE, recreational release mortality, year class protection
 - Menhaden Draft Addendum I: commercial allocations, incidental catch/small-scale fishery provision, episodic event set-aside program
- Expected final actions: spiny dogfish Northern Region trip limit



New England Regional Fishery Updates

- **December Outcomes**
- **February Outlook**
- **Additional Updates**



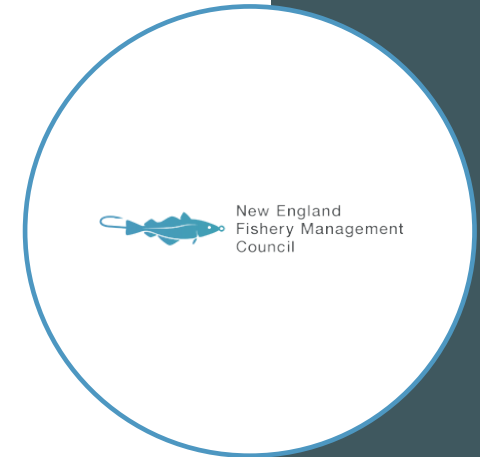
December Outcomes

Spiny Dogfish – Increased trip limit of 7,500-lb

Groundfish – Approved Framework 63

Scallops – Approved Framework 34

Management Priorities



February Outlook

Final Action on:

- Skates FW 9
- Rec GOM cod/haddock recommendations

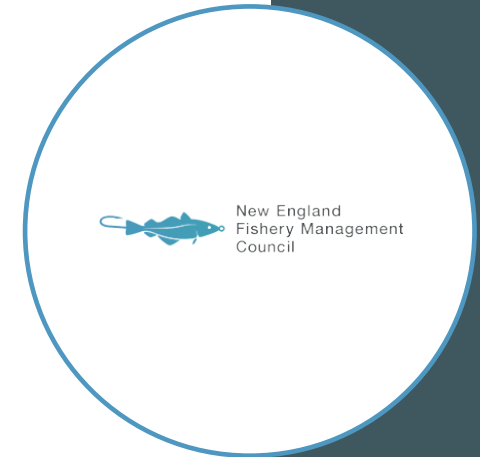
	Current Measures	Proposed Measures
GOM cod	1 fish @ 21" during Sep 15- Sep 30, Apr 1-14 (private) Sep 8 – Oct 7, Apr 1-14 (for-hire)	1 fish @ 22"-28" during Sep 1 – Oct 7, Apr 1-14
GOM haddock	15 fish @ 17" during May – Feb 28, Apr 1-30	20 fish @ 17" during May – Feb 28, Apr 1-30



February Outlook

Discussion/Updates

- Cod stock structure
- Evaluation scallop rotational management & scoping for leasing
- SNE HAPC



Additional Updates

- Atlantic mackerel
- East Coast Climate Scenario Planning Initiative

