

MARINE FISHERIES ADVISORY COMMISSION

January 28, 2021

Held Virtually via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Kevin Creighton, CFO; Michael Armstrong, Assistant Director; Story Reed; Jared Silva; Nichola Meserve; Julia Kaplan; Bob Glenn; Anna Webb; Kathryn Ford; Jeff Kennedy; Kelly Whitmore; Kerry Allard; Kaley Towns; Chrissy Petitpas; Tom Shields; Greg Sawyer; Nick Buchan; Stephanie Cunningham; Sue Boehler; Steve Wilcox; Derek Perry; George Davis; Tracy Pugh; Brianne Shanks; Vinny Manfredi; Gabe Lundgren; and Maren Budrow.

Department of Fish and Game: Ron Amidon, Commissioner; and Mark Reil, Director of Legislative Affairs.

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

Members of the Public: Philip Coates; Beth Casoni; Hannah Brennan; John Moleti; Tom Falasca; Sean Horgan; J Mahoney; Anastasia Lennon; Scott Swicker; Caitlin Rowley (Senator Michael Rodrigues); Emerson Hasbrouck; Maryanne Reynolds; Max Strahan; Noah Oppenheim; Stephanie Baima; Tara Cox; Tom Mikus; Olaf Aprans; Gib Brogran; Doug Sibbald; James Moleti; Gregg Morris; John Donahue; William McCormick; John McCluskey; Melissa Campbell; Chad Hunter; Rachel Downey; Ed Barrett; Peter Fallon; Joe Grady; Gail Waitt; Sara Bolduc; Ryan Joyce; Harry Korslund; Leah Baumwell; Emerson Hasbrouck; Diane Regan; Tom Falasca; Terry O’ Neil; Eric Lorentzen; Ben Lloyd; Dan Sirignano; Peter Fallon; Nancy Downes; Sean Horgan; Indi Khera; Mike Lane; Laura Hayes; Barry Clifford; Jack Skammels; Drew Kolek; Noah Asimow, Jeff S; Ken Preston; John Weble; Skylar Cowley; Steven Abdow; Russell Cleary; Rob Martin; and Lori Caron.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the January 28, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order. He stated the January business meeting agenda was busy. To keep the meeting on schedule, the Chairman requested Jared Silva provide time management updates and added that some agenda items may need to be pushed to the February meeting. He then reminded the public that comment would only be accepted at the end of the business meeting—if time permitted. All votes on action items would be taken via roll call vote facilitated by Jared Silva.

REVIEW AND APPROVAL OF JANUARY 28, 2021 BUSINESS MEETING AGENDA

In the interest of time, Lt. Bass stated that he would forgo law enforcement comments. No further proposed changes to the January 28, 2021 MFAC business meeting agenda were made.

Chairman Kane asked for a motion to approve the amended draft agenda. Bill Doyle made a motion to approve the January 28, 2021 MFAC business meeting agenda. The motion was seconded by Tim Brady. The motion was unanimously approved by roll call vote (8-0).

REVIEW AND APPROVAL OF DECEMBER 10, 2020 DRAFT BUSINESS MEETING MINUTES

There were no proposed changes to the draft December 10, 2020 business meeting minutes.

Ray Kane asked for a motion to approve the December 10, 2020 MFAC business meeting minutes. Bill Amaru made motion to approve the December 10, 2020 MFAC business meeting minutes. Sooky Sawyer seconded the motion. Motion was approved unanimously by roll call vote (8-0).

CHAIRMAN'S COMMENTS

Chairman Kane thanked the MFAC for their attendance. He turned the floor over to Commissioner Amidon.

COMMISSIONER'S COMMENTS

Commissioner Amidon acknowledged the DMF CARES Act Team and noted they were scheduled to receive the Manuel Carbello Award for Excellence in Public Service from Governor Baker this afternoon.

DIRECTOR'S COMMENTS

Director Dan McKiernan thanked the MFAC for their attendance, as well as their dedication to reading all the documents prior to this meeting.

The Director stated the CARES Act Team is being honored by Governor Baker for their work in distributing the CARES Relief funds. On the subject of CARES relief, Director McKiernan stated more funding is coming to the state and he anticipated learning more at the upcoming ASMFC Executive Committee meeting. Dan added that the requirement for a 35% loss still stands and the funds cannot make the recipient more than whole.

Director McKiernan then moved on to discuss the Massachusetts Shellfish Initiative (MSI). The MSI Task Force established a working group to develop a Strategic Plan;

this process was ongoing. Dan was optimistic that a draft strategic plan would be available for public comment in early February with the goal of finalizing the document by the end of March.

The Period I Winter Fluke Pilot Program began January 1. This allows vessels fishing offshore to possess multiple state limits. In Massachusetts, 20 vessels have enrolled in the program thus far.

DMF staff are analyzing the state waters groundfish landings and will be providing an overview at the next Commission meeting. This would help inform decision making on whether or not to take action to lift the conditional April closure.

Director McKiernan stated the Fisheries Workgroup Report for the MA Ocean Plan was submitted to CZM. Several members of the MFAC contributed to the recreational fishing advisory committee and assisted in identifying areas that are important for recreational fishing around the state.

The Director then discussed the suspensions of two conch pot permits for violations of the minimum size rule and the trap allocation rules. On the subject of the channeled whelk fishery, the Director noted the pending gauge increase the virtual symposium among the Atlantic coastal states organized by Virginia Sea Grant. The symposium was a helpful resource for fisheries regulators and scientists looking to better understand how that status of fisheries and management schemes along the coast.

The Director expected the recommended protected species regulations would generate substantial discussion at today's meeting. He appreciated that the MFAC were amendable to postponing the January meeting by several weeks to allow DMF ample time to consider public comment and generate a final recommendation. He then thanked Bob Glenn, Erin Burke; Jared Silva; Anna Webb; and DMF's Statistics Program for their contributions to this recommendation.

PRESENTATION ON RISK REDUCTION TOOL

Bob Glenn provided a presentation on the NMFS Decision Support Tool. This tool was developed to compare management measures and risk reduction to whales in the development of the Atlantic Large Whale Take Reduction Plan (ALWTRP). The current draft ALWTRP rules aim to reduce risk to right whales by 60%. DMF had NOAA model several potential regulatory proposals with the tool, as the state aimed to achieve greater risk reduction in order to support its Incidental Take Permit application. The various proposals achieved about a 75% risk reduction.

Sooky Sawyer, Bob Glenn, and Dan McKiernan discussed the anticipated risk reduction provided by the existing Massachusetts Restricted Area trap gear closure and the proposed closure of the North Shore.

Lou Williams asked if an ITP permit was guaranteed if the recommended regulations were enacted. Bob Glenn stated there was no such guarantee, but he felt these proposed regulations gave DMF a strong chance of obtaining the ITP. Lou expressed concern that these closures will have substantial impacts on the lobster fishermen without the desired management effect.

ACTION ITEMS

Recommendation on New Protected Species Regulations

Director McKiernan presented summary slides regarding the status of the Northern Atlantic right whale (right whale). He highlighted that DMF is responding to two challenges one being the Atlantic Large Whale Take Reduction Team initiative, and the other being the ongoing ITP permit application and the related Endangered Species Act litigation.

The Director then moved on to discuss the draft regulations and summarize the public comment received on them. A substantial component of the public comment addressed ropeless fishing; despite not being among the proposals, many requested that DMF immediately consider its implementation. The Director stated that DMF received a grant through the National Fish and Wildlife Foundation to investigate the questions surrounding ropeless fishing and has hired a consultant to conduct the analysis and produce a white paper on the subject.

Commercial Trap Closure

Director McKiernan recommended the MFAC adopt a February 1 – May 15 commercial trap gear closure north and east of Cape Cod. The closure would apply dynamically during the period of May 1 – May 15, allowing DMF to adjust the closure in response to the presence and absence of whales as they seasonally migrate out of our waters. The recommendation exempted those waters within LCMA 2 (south and west of Cape Cod) from the closure.

Bill Amaru thanked Dan for the presentation. Bill asked how risk mitigation would be impacted if DMF were to also exempt Massachusetts Bay and the North Shore. Bob Glenn stated that DMF did not have NOAA evaluate this specific option, but his professional judgement was that it would increase risk by about 12-14% compared to the recommended measures.

Mike Pierdinock and Director McKiernan discussed the timing of the closure and how the dynamic closure would apply.

Sooky Sawyer expressed frustration over the recommended North Shore closure. He noted that right whales do not frequently use this area and there have been no recorded right whale deaths attributable to Massachusetts' state waters lobster gear.

Lou Williams expressed concern that these measures would ultimately be deemed insufficient and the lobster fishery would be looking at further regulation in a few years time.

Kalil Boghdan asked about potential consequences if DMF were to not enact the recommended closure. The Director stated that it could influence the state's ITP application and the courts could potentially issue a temporary restraining order on the use of vertical lines in fixed gear fisheries.

Mike Pierdinock asked if DMF could further explain how a North Shore exemption may influence the state's ITP application. Bob Glenn stated that NOAA Fisheries does not disclose the exact criteria that the state must pursue to obtain an ITP. However, DMF viewed the recommended closure as the cornerstone of the ITP application. Bob was of the opinion that exempting the North Shore would likely negatively impact the state's ability to obtain the ITP.

Mike Pierdinock stated that as trap fisheries across the state may be fundamentally impacted if DMF were not to obtain an ITP, he would vote in favor of the Director's recommendation.

Bill Amaru expressed frustration over government asking the lobster industry to bear the burden of protecting the right whale when there were a number of other factors influencing their survival.

Lou Williams suggested allowing lobstermen to experiment with ropeless fishing within the closed area on the North Shore. Director McKiernan's memorandum on ropeless fishing noted that this would be possible.

Shelley Edmundson expressed her concerns regarding the recommendation. She asked if it would be possible for DMF to reassess this closure in the future if it were implemented. The Director stated that it was possible.

Kalil Boghdan urged the MFAC to view the recommendation in the context of DMF's ITP application and the ongoing litigation, and consider the potential impacts should DMF not obtain an ITP or a courts issue an order to halt the use of buoy lines.

Bill Doyle asked for clarification on whether the MFAC can amend the Director's recommendation or submit their own motions. Jared Silva stated that recommendations are made by Director and voted on by the MFAC. If a recommendation is not moved or is voted down, then the Director can offer an amended recommendation based on feedback from the MFAC. However, the MFAC may not make alternative or substitute recommendations.

The Chair called for a motion. Kalil Boghdan made a motion to adopt the Director's recommendation. Mike Pierdinock seconded the motion. Motion

passed by a 6-1-1 roll call vote with Sooky Sawyer voting in opposition and Bill Amaru abstaining.

Commercial Gillnet Closure Extension

The Director recommended extending the spatial boundaries of the existing January 1 – May 15 sink gillnet closure in Cape Cod Bay to include those waters west of 70° 30' west longitude between Gurnet Point at 42° 00' north latitude and Scituate Harbor at 42° 12' north latitude.

Ray Kane called for a discussion. There were no comments made.

Ray Kane called for a motion. Kalil Boghdan made a motion to adopt the Director's recommendation. Shelley Edmundson seconded the motion. The motion passed unanimously by a roll call voted (8-0).

Recreational Lobster Trap Haul-Out

The Director recommended a November 1 – May 15 buoyed recreational trap gear haul-out period for all waters under the jurisdiction of the Commonwealth. This would include those state waters within LCMA 2 where the commercial fishery is not subject to a seasonal trap gear closure. The haul-out period would not apply to the buoy-less gear that is typically fished along the banks of the Cape Cod Canal.

Ray Kane called for a discussion. Sooky Sawyer stated he would like to include buoy-less gear fished in the Cape Cod Canal within the closure. The Director stated that a seasonal closure on buoyless gear fished in the Canal would not address problems related to right whale entanglements or marine debris and was therefore not included.

The Chair called for a motion. Bill Doyle made a motion to adopt the Director's recommendation. Mike Pierdinock seconded the motion. The motion passed unanimously by roll call vote (8-0).

Single Trap Prohibition

The Director recommended prohibiting commercial fishermen using vessels larger than 29' from fishing single lobster traps. The effective date of this regulation would be January 1, 2022, giving affected fishermen one year to transition to fishing trawls. Vessels with an overall length under 29' would be allowed to continue fishing single traps within the existing single trap exemption area. If approved, the rule would not apply in the waters of Gosnold, where single trap fishing is mandated by statute. However, DMF intended to work with the legislature to amend this law to allow fishing trawls in these waters.

Chairman Kane called for discussion.

Bill Amaru and Shelley Edmundson both raised concerns related to fisherman safety and economics. The lobster fishery in both LCMA2 and the OCCLCMA are subject to individual trap allocations. These trap allocations constrained an individual's ability to

scale up their businesses and they fished single traps to increase their catch efficiency. This then also resulted in many fishermen fishing singlehandedly. Bill and Shelley both stated that if the state were to force them to fish trawls many would have to choose between being less profitable (e.g., hiring a sternman) or fish more dangerously (e.g., fishing from a smaller vessel or fishing trawls singlehandedly).

Kalil supported allowing good cause exemptions for those who are disabled, or having appeals submitted on an individual basis and allowing the Director to give good cause exemptions.

Tim Brady asked if this motion applied to recreational or commercial fishermen. Jared Silva stated that the recommendation applied to only commercial fishermen.

Shelley Edmundson, Mike Pierdinock, and Bill Amaru advocated for the recommendation to be tabled and a sub-committee formed to review alternative measures to reduce the number of buoy lines.

Dan and Bob discussed how tabling the measure may impact DMF's ITP application. Dan concluded that—given rule-making timelines and DMF's pending sea turtle regulations—there was sufficient leeway to convene a working group on this subject. The Director then withdrew his recommendation and asked the Chair to form a sub-committee. The Chairman stated he would serve on the sub-committee with Shelley Edmundson, Bill Amaru, and Sooky Sawyer.

1700 Pound Breaking Strength Buoy Line

The Director recommended mandating that all commercial trap fishermen deploy buoy lines that have a breaking strength of 1,700-pounds or less. This can be accomplished in two ways. First, by fishing with 1,700-pound breaking strength buoy line. Second, weak contrivances that have been approved by NOAA Fisheries may be inserted into the buoy lines no less than every 60' in the top 75% of the buoy line. If approved, this rule will become effective on May 1, 2021, allowing for the rule to be in effect by at the earliest time when commercial trap gear may be set north of Cape Cod (if the dynamic closure is lifted) while also providing fishermen fishing south and west of Cape Cod two-to-three months to rig over their gear.

Ray Kane noted that a prototype of a weak line was delivered to lobstermen this past fall and it received good reviews. Ray then asked where lobstermen could obtain this weak rope. Bob Glenn noted that the rope is currently available through marine supply stores. Additionally, a second prototype has been approved that addressed some of the feedback regarding diameter and stretchiness. DMF also received a grant and will be working with industry to provide them with weak rope and sleeves.

Sooky Sawyer stated that there are some manufacturer's that are hesitant to start producing the rope until the regulation goes into effect.

Bill Amaru asked about the breaking strength of the normal 3/8" line used by the fleet. Bob Glenn stated that this line typically breaks around 3,000lbs of tension. If fishermen wanted to continue to use this line, they would have to insert weak contrivances into it.

Lou Williams suggested the May 1 deadline be pushed back as the fishermen will need time to adjust their lines. Ray Kane asked Sooky how quickly the manufacturer would be able to have the rope available. Sooky stated that the line will be produced within 3-4 weeks of the state announcing its rules. Dan committed to announcing the approved measures immediately following the meeting.

Bob Glenn and Ray Kane then discussed NOAA Fisheries' buoy line marking requirements. Bob stated that DMF will have to go back out to public hearing to adopt complementary rules once NOAA publishes their final regulations this spring.

No further comments were made.

The Chair called for a motion to approve the recommendation. Bill Doyle made a motion to approve the recommendation. The motion was seconded by Tim Brady. The motion passed unanimously 8-0.

Maximum Buoy Line Diameters

The Director recommended establishing a maximum buoy line diameter of 3/8" for all commercial trap fisheries and 5/16" for the recreational lobster/crab trap fishery.

No comments were made, nor objections raised.

The Chair called for a motion to approve the recommendation. Bill Doyle made a motion to approve the recommendation. Shelley Edmundson seconded the motion. The motion passed unanimously 8-0.

Housekeeping

The Director recommended the MFAC approve the proposed housekeeping measures that would: (1) revise and update the purpose of the state's protected species regulations to better reflect the current approach to managing protected species; (2) consolidate regulations that govern vessel interactions with right whales into one section; (3) establish a consolidated section of maps relevant to these protected species regulations; and (4) refine all regulatory language as necessary to improve the clarity and readability of the existing regulations. In addition to this, DMF recommended the MFAC vote to approve the adoption of a new section of regulation to eventually address authorizing the experimental use of alternative gears.

No comments were made, nor objections raised.

The Chair called for a motion to approve the recommendation. Kalil Boghdan made a motion to approve the recommendation. Bill Amaru seconded the motion. The motion passed unanimously 8-0.

Seasonal Lobster Permit Cap

The Director stated his intention is to annually cap the issuance of seasonal lobster permits at 150. As this is a permitting regulation, it does not require a formal MFAC vote. However, he sought consensus from the MFAC and wanted to allow them to voice any opposition to his intended action. No comments were made, nor objections raised.

DISCUSSION ITEMS

Commercial Striped Bass Management

The MFAC Commercial Striped Bass Subcommittee convened on December 21, 2020 to discuss short and long-term management options for the commercial striped bass fishery. In the short-term (2021), there was consensus support to consider providing additional access to the commercial quota through increasing the season length and the number of open fishing days per week.

Currently, the season starts on June 23. DMF received a petition to start the season in late-May and the sub-committee supported opening the fishery a week earlier on June 15. Accordingly, DMF was moving forward a strawman of June 1. Sooky Sawyer stated that North Shore fishermen did not support the June 1 opening date, because large commercial sized fish are typically not available north of Boston at that point. Chairman Kane requested that June 15 be stated as the preferred option in the public hearing notice, as it was the date supported by the sub-committee.

As for open fishing days, the current schedule affords two open fishing days per week on Mondays and Wednesdays. The sub-committee supported allowing as many as four consecutive days per week to start the season, provided the open days were Monday – Thursday. The also supported increasing access later in the fall to account for poor seasonal weather by going to five-days per week (Mondays – Fridays) on September 15 and seven days per week on October 1.

DMF was also proposing to close the fishery on November 1, if the quota was not taken. This would allow DMF to more expediently begin its commercial striped bass tag accounting. Bill Amaru suggested the closure date be moved back to November 15 in case the fish remained later into the fall. Director McKiernan supported this change.

No further comments were made. The sub-committee meeting summary was not addressed due to time constraints.

Recent and Upcoming ASMFC Meetings

Nichola Meserve discussed some highlights of the upcoming ASMFC Winter Meeting Week (February 1-4). In regards to recreational black sea bass, Massachusetts had put in a conservation equivalency proposal to start the season on either Saturday, May 15 or Saturday, May 23. Public comment would be taken following approval of the proposal.

Massachusetts also submitted a revised implementation plan for the circle hook mandate for recreational fishing for striped bass with bait. The state's existing exemptions for for-hire vessels and all artificial lures would be rescinded per prior ASMFC action, while the new plan would exempt only tube rigs for a period of two years if the ASMFC approved a joint proposal from MA and ME to study the occurrence of deep hooking with this terminal tackle in the interim. State regulations would also exclude pork rind attached to an artificial lure from the definition of natural bait.

A final decision is pending on the commercial black sea bass allocation amendment. Massachusetts is working to advance a favorable option that would follow a principle of reallocation in response to species redistribution caused by climatic shifts.

Mike Pierdinock asked if the black sea bass for-hire season extension from 2020 would be carried forward into 2021 under status quo management. Nichola stated the season extension occurred only because the for-hire fishery was entirely prohibited in the beginning of the 2020 season due to the pandemic, and status quo means reverting to the original season ending in early September. Mike indicated that he had heard support for the May 15 start for black sea bass. Nichola noted that the 2021 season dates will come to the Commission at the February business meeting after the public input period.

Director McKiernan stated that Mike Armstrong, Nichola Meserve, and himself met with the Stellwagen Charter Bank Association. He commended Mike Pierdinock and the Association on the submittal of a letter that grabbed the attention of other states which did not approve of using tube and worm measures.

Dan added that since the data collection was not sufficient last year management bodies are more likely to be hesitant to liberalize bag-limits. Nichola concurred and stated that the most recent estimates from 2019 harvest levels for all species through the re-calibrated MRIP limits are higher in the recreational harvest limits for 2021. All four species will incorporate the stock assessments and not having 2020 data was a big factor in status-quo measures.

Ray Kane asked for updates on NEFMC in future meetings.

Update on Port Profile Project

Story Reed made a brief presentation about the ongoing Port Profile Project. This effort was a collaboration between DMF, Urban Harbors Institute, and the Cape Cod Commercial Fishermen's Alliance. The final report will look at trends in commercial landings as well as infrastructure needs on a port-by-port basis. Story showed the draft port profiles for Chatham and Gloucester. He was hopeful the complete report would be finalized and published this winter.

Mike Pierdinock asked Story to confirm that finfish landings were inclusive of all species and not just groundfish specific; Story confirmed this. Shelley Edmundson stated that this will be very informative and commended DMF and the collaborators for their work.

Shellfish Program Updates

Jeff Kennedy provided an overview of two ongoing challenges related to public health and shellfish growing area classifications. First, a change in the National Shellfish Sanitation Program's (NSSP) Model Ordinance requiring identification, delineation, of all mooring areas in state waters followed by a pollution assessment and dilution analysis to gauge the impact on shellfish growing areas issuing closures were indicated. The second on-going issue, is that FDA—as part of their NSSP program evaluation—is requiring DMF work to reclassify shellfish growing areas around Plymouth's wastewater treatment plant outfall pipe in response to the findings of a 2018 dye study. Both matters are contentious given the potential economic impacts on the state's commercial shellfish fisheries. DMF is working with municipalities on the mooring field reclassification issue. Jeff wrapped up his Shellfish Program Update by discussing the Duxbury-Kingston-Plymouth Three-Bay System and the recommendations that came from the dye-study as well as some potential options for the future.

Bill Doyle raised his concerns regarding how the reclassification of the Three-Bay system may impact market access, marketing, and economic activity of local aquacultures. He discussed the 2018 dye-study that prompted this reclassification effort and opined that the results may no longer be accurate given dredging activity in Plymouth Harbor. In response, he advocated for the dye study to be redone. Bill then made a motion that DMF not make any change in shellfish growing area classifications in the Three-Bay system until a resolution on this issue was reached. To facilitate such a resolution, Bill also made a motion that a working group be formed comprised of state and federal regulators, state legislators, industry members, and municipal authorities. Kalil Boghdan expressed interest in seconding the motion.

The Director questioned the appropriateness of the motion given the statutory authority governing the MFAC and the statutory authority governing shellfish growing area classifications. However, Dan supported the idea of a working group.

Ray Kane asked when Dan would like to form this sub-committee. Dan stated that this would not be a MFAC sub-committee, but a working group comprised of specific state, local, federal, and industry representatives. Dan stated that the Shellfish Program would work with Bill Doyle on the issue.

The Chairman asked Bill Doyle if the agency's commitment to form a working group met his needs. Bill stated it did. However, he also wanted assurances that re-classification would not occur prior to the February 18, 2021 MFAC business meeting, but preferably until a resolution was reached.

The Director and Jeff Kennedy were both skeptical about the extent to which they could stall reclassification and avoid non-compliance findings from FDA. However, DMF would likely be able to delay reclassification until after the February 18, 2021 MFAC business meeting.

Bill also requested that FDA be included in the working group. Dan and Jeff stated that they would look into involving FDA.

OTHER BUSINESS

Commission Member Comments

Kalil Boghdan commended Ray Kane for running a fluid meeting. Kalil thanked the Director for spending time addressing Commission member's questions on concerns.

Sooky Sawyer stated he would like to see an extension of the February 1 effective date of the trap gear closure to allow fishermen to remove their gear from the waters along Cape Ann. The Director clarified that the rules would go into effect two weeks after the filing deadline, which would be March 5 at the earliest.

Lou Williams stated that gillnetters and dragnets are seeing an increase in their catch of yellowtail flounders. He asked DMF to review the state-waters set-asides and determine if the current trip limit of 250 pounds could be relaxed.

Bill Amaru thanked Dan and Ray, as well as the whole Division for all their hard work and dedication.

Shelley Edmundson expressed concern over the channeled whelk fishery, specifically how it was impacted by COVID and the pending gauge increase. She asked if DMF could provide an overview of the 2020 fishery at the February meeting. Mike Pierdinock and Chairman Kane concurred. The Director would work with his staff to see if this is possible.

PUBLIC COMMENTS

John McCluskey expressed concern over the impacts the reclassification of the Three-Bay system. He also questioned the reliability of the dye-study due to recent dredging projects in Plymouth Harbor.

Ed Barrett expressed concern regarding the interest of the public in pursuing ropeless fishing technologies without understanding how this may impact a multitude of inshore fisheries.

Drew Kolek asked about status of a policy allowing the transfer of rod and reel permits for fluke and sea bass permits. Jared Silva stated that the policy was being finalized and should be published soon.

Beth Casoni thanked the commission for their work and expressed concern over the closure on the North Shore. Beth advocated that area lobstermen be given some leniency to get their gear out of the water, so they are not forced to undertake unsafe working conditions. Beth concluded her comments by congratulating DMF on being the first state in the country to disperse CARES relief money.

Olaf Aprans appreciated Bob Glenn's presentation, and expressed concern over the North Shore closure. He also expressed these concerns in a written letter to the MFAC on January 27, 2021.

Gregg Morris thanked the Commission and DMF for their work during the pandemic. He raised similar concerns to John McCluskey and Bill Doyle regarding the reclassification of the Three Bays. Greg noted that if effluent were to spill out from the Plymouth wastewater treatment plant, then the adjacent growing areas would be closed to harvest. Therefore, he felt it was onerous to downgrade adjacent growing areas to conditionally approved in response to concerns about this occurring. Instead, he advocated for limiting the scope of reclassification to 300 yard buffer zones around the current prohibited area in Plymouth Harbor, as the dye study showed water movement through that specific area. Additionally, he argued that it would be appropriate to conduct a follow up dye study to account for dredging in Plymouth Harbor and with the use of a dye that better mimics sewage treatment plant effluent.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the January MFAC business meeting. **Tim Brady made a motion to adjourn the meeting. The motion was seconded by Kalil Boghdan. The motion was approved by unanimously 8-0.**

MEETING DOCUMENTS

- January 28, 2021 MFAC Business Meeting Agenda
- December 10, 2020 Draft MFAC Business Meeting Minutes
- Presentation on NOAA's Risk Decision Tool
- Recommendation on Protected Species Regulations Affecting Fixed Gear and Right Whales
- Supplemental Memo on Ropeless Fishing
- Commercial Striped Bass Limit Adjustment Proposal
- Commercial Striped Bass Sub-Committee Meeting Summary
- ASMFC Winter 2021 Meeting Agenda
- Recreational Striped Bass Circle Hook ASMFC Implementation Plan
- Request to ASMFC on Tube and Worm Study and Exemption
- Conservation Equivalency Proposal on 2021 Recreational Black Sea Bass Season
- NEFMC Summary for December 2020 to February 2021
- Memo on Shellfish Sales at Farmer's Markets
- Three Bays Letter from Plymouth-Duxbury-Kingston Shellfish Growers Association

MEETING DOCUMENTS

9AM
February 18, 2021
Via Zoom

9AM
March 18, 2021
Via Zoom

9AM
April 15, 2021
Via Zoom

9AM
May 13, 2021
Via Zoom

9AM
June 17, 2021
Via Zoom