



## MA Marine Fisheries Advisory Commission January 28, 2021 Meeting Summary

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This document serves as a brief summary of the January 28, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting. This MFAC meeting was held virtually. All meeting materials are available on the [MFAC's past meeting website](#). The full meeting can be viewed on [DMF's YouTube channel](#).

### Action Items

The MFAC reviewed and approved numerous final regulatory recommendations of the Division of Marine Fisheries (DMF) affecting fixed gear fishing and right whale conservation. The approved measures are described in the bullets below. DMF is also moving forward a final permitting action to restrict the number of seasonal lobster permits issued annually to 150. DMF anticipates the earliest these final rules will be implemented is March 5, 2021.

- The seasonal commercial trap gear closure will be expanded in both space and time. The existing closure occurs from February 1 – April 30 in Cape Cod Bay, Stellwagen Bank, and the Outer Cape Cod Lobster Management Area. The closure will now extend to the New Hampshire maritime border. The closure duration will also be extended through May 15. However, during the May 1 – May 15 period, the closure will occur on dynamic basis allowing DMF to lift the closure (or parts thereof) if whales no longer remain in state waters. The closure will not extend into certain southern state waters in Lobster Conservation Management Area 2 (Nantucket Sound, Vineyard Sound, Buzzards Bay).
- The January 1 – May 15 gillnet closure in Cape Cod Bay will be expanded geographically to include a discrete area along the South Shore between Plymouth and Scituate.
- Effective May 1, 2021, commercial trap fishermen will be required to fish buoy lines that break when exposed to 1,700 pounds of tension. This may be achieved by fishing buoy lines with a 1,700 pound breaking strength or by inserting NOAA Fisheries approved contrivances into the top 75% of the buoy line every 60'. At this time, the only approved contrivance is the so-called "South Shore Sleeve."
- Commercial trap fishermen will be required to fish buoy lines with a maximum diameter of 3/8".
- The recreational lobster and crab trap fishery will be subject to November 1 – May 15 haul-out period throughout all of state waters.
- Recreational lobster and crab trap fishermen will be required to fish buoy lines with a maximum diameter of 5/16".

The MFAC and DMF stayed a recommendation that would have prohibited lobster trap fishermen from fishing single traps if fishing from a vessel with an overall length of 29' or larger beginning in 2022. A MFAC sub-committee was formed to investigate the rule's potential impacts and consider alternative measures. The sub-committee will work to have a proposed rule included in DMF's draft sea turtle conservation regulations to be proposed later this year. The sub-committee is comprised of Raymond Kane (Chair), Arthur Sawyer, Shelley Edmundson, and Bill Amaru.

## **Discussion Items**

Future Rule Making on Commercial Striped Bass Management. The MFAC reviewed a DMF proposal to amend its commercial striped bass management measures for 2021. The proposed measures generally seek to increase access to the commercial quota. The first proposal is to adopt an earlier season start date. DMF has received a petition to open the season in late May and it was the preference of the MFAC's Commercial Striped Bass Sub-Committee to open the season a week earlier on June 16. The second proposal is to increase the number of fishing days per week. The proposal has the season opening with four consecutive open fishing days (Mondays – Thursday). Then, if the quota is unfilled, then the fishery would go to five consecutive open fishing days (Mondays – Fridays) on September 15 and seven open fishing days per week on October 1. Additionally, DMF will propose a November 15 season closure date if the quota is not taken beforehand. This will allow DMF to more promptly start its annual commercial striped bass tag accounting.

### Interstate and Federal Management Updates

DMF staff briefed the MFAC on hot topic issues being addressed by the Atlantic States Marine Fisheries Commission (ASMFC), Mid-Atlantic Fishery Management Fishery Management Council (MAFMC), and the New England Fishery Management Council.

The discussion focused on terminal tackle rules affecting the recreational striped bass fishery. In October 2020, the ASMFC voted down any exemptions to the circle hook mandate for recreational anglers fishing for striped bass with bait. DMF is now seeking to define bait to exclude pork rind attached to a lure as pork rinds fished in this manner are neither natural nor a bait. Additionally, DMF in partnership with Maine Dept of Marine Resources is requesting that the ASMFC exempt tube rigs from the circle hook mandate for a period of two years during which the states will conduct a study on the incidence of deep hooking associated with this tackle to better inform a final decision on the subject.

Regarding black sea bass, there would be two decisions at the February ASMFC meeting affecting MA's recreational and commercial fisheries. Status quo recreational measures for 2021 had previously been voted for, with the potential for minor season adjustments that are conservationally equivalent in terms of projected harvest. DMF had submitted a proposal to start the fishery on either May 15 or May 22 (both Saturdays) rather than the current May 18 start date (a Tuesday in 2021). Assuming ASMFC approval, DMF would be seeking public input on the two options immediately thereafter, and look for MFAC support of the Division's decision at the February 18 meeting. On the commercial side, the ASMFC, meeting jointly with MAFMC, was scheduled to take final action on possible adjustments to the state-by-state allocations in response to stock redistribution. Any changes would not affect the quotas until at least 2022.

There was also some discussion regarding the NEFMC's decision to retain status quo recreational cod and haddock limit for 2021.

Port Profile Project. DMF is finalizing its multi-year project to profile the state's fishing ports. Each port is described in terms of its physical and geographic boundaries, commercial fishing infrastructure, and commercial fishing activities. Additionally, various infrastructure related needs were identified for each port. DMF presented the draft profiles of Gloucester and Chatham. The full report will contain a characterization of statewide landings trends, common infrastructure challenges, as well as resources and recommendations to address some of these challenges.

Shellfish Update. DMF 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, 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. Additionally, at the MFAC's request, DMF committed to develop a stakeholder working group to address the Plymouth wastewater treatment plant reclassification issue. DMF and the MFAC are working to have this working group include state and federal regulators, state legislators, industry members, and municipal authorities.

### **Other Business**

Commission members requested DMF begin to address to fisheries management issues. First, to discuss the performance of the channeled whelk fishery in recent years at the February 2021 meeting. Second, to review the performance of the state-waters groundfish fishery and consider potential increases to the yellowtail flounder trip limit.

Public comments were provided by John McCluskey and Greg Morris on the Plymouth wastewater treatment plant issue. Beth Casoni, Attorney Olaf Aprans, and Ed Barrett provided comment on DMF's protected species regulations. Drew Kolek asked about the status of DMF's policy to allow the transfer of certain limited entry rod and reel permit endorsements, which the agency is finalizing.

### **Upcoming Meetings**

The next MFAC business meeting is scheduled for February 18, 2021. The meeting will be held virtually via Zoom. Information regarding the meeting will be published on the [MFAC's website](#). If you would like to obtain any materials regarding past or upcoming MFAC business meetings, please contact Jared Silva at DMF (617-634-9573 or [jared.silva@state.ma.us](mailto:jared.silva@state.ma.us)).