



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9:00 AM

Monday, July 11, 2023

Via Zoom

Login: <https://us02web.zoom.us/j/84317314148>

Call In: 1-929-436-2866

Webinar ID: 843 1713 4148

1. Introductions, Announcements and Review of July 2023 Agenda (9:00 – 9:05)
2. Review and Approval of June 2023 Draft Business Meeting Minutes (9:05 – 9:15)
3. Comments (9:15 – 9:30)
 - a. Chairman
 - b. Law Enforcement
 - c. Director
4. Action Items (9:30 – 10:45)
 - a. Recreational Striped Bass Slot Limit
 - b. In-Season Adjustment
 - i. Horseshoe Crab Trip Limits
 - ii. Smooth Dogfish Trip Limits
 - iii. Summer Flounder Trip Limits
 - c. 2023 Belding Award
 - d. MFAC Letter to Secretary Tepper on Law Enforcement
5. Other Business (10:45-11:00)
 - a. Commission Member Comments
 - b. Public Comment
6. Adjourn (11:00)

All times provided are approximate and the meeting agenda is subject to change. The MFAC may amend the agenda at the start of the business meeting.

Future Meeting Dates

9AM
August 16, 2023
Via Zoom

9AM
September 19, 2023
Location TBD

MARINE FISHERIES ADVISORY COMMISSION

June 13, 2023

Via Zoom

In attendance:

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

Department of Fish and Game: Commissioner Thomas O’Shea; Deputy Commissioner Sefatia Romeo Theken

Division of Marine Fisheries: Daniel McKiernan, Director; Mike Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Julia Kaplan; Nichola Meserve; Melanie Griffin; Anna Webb; Nick Buchan; Gary Nelson; Tracy Pugh; David Chosid; Steve Wilcox; and Derek Perry.

Massachusetts Environmental Police: Lt. Matt Bass

Members of the Public: Phil Coates, Emerson Hasbrouck, Jamie Bassett, Matthew Belson, and Theodore.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane thanked everyone for their attendance and called the June 13, 2023 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF JUNE 13, 2023 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the June 13, 2023 MFAC business meeting agenda. No amendments were proposed.

REVIEW AND APPROVAL OF MAY 16, 2023 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any amendments to the May 16, 2023 MFAC draft business meeting minutes. No amendments were sought. The Chairman then requested a motion be made to approve the minutes.

Bill Amaru made a motion to approve the May 16, 2023 business meeting minutes as provided. Shelley Edmundson seconded the motion. A roll-call vote was taken and the motion passed unanimously 8-0-1 with Chairman Kane abstaining.

CHAIRMAN'S COMMENTS

Chairman Ray Kane welcomed everyone to the meeting and turned the floor over to Commissioner O'Shea.

COMMISSIONER'S COMMENTS

Commissioner O'Shea stated he was happy to be onboard as the new Commissioner for the Department of Fish and Game (DFG). He provided the MFAC with a brief summary of his professional background and goals as Commissioner. Director McKiernan has provided him with tours of some of DMF's facilities and arranged meetings with senior staff. Tom looked forward to meeting MFAC members and working with DMF and the MFAC on marine fishery conservation and management issues.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). With the start of the recreational fishing season, MEP had observed various routine recreational fishery violations. Responding back to the comments he made at the May MFAC business meeting, Lt. Bass clarified the MEP Trust Fund is used to bridge the gap at the end of the fiscal year to cover operational duties.

Sooky Sawyer expressed his disappointment with a district court's ruling in a matter involving lobster violations and several Beverly-area homeported commercial fishers.

Chairman Kane asked about MEP's staffing levels. Lt. Bass stated one officer recently graduated from the police academy and entered field training. Additionally, MEP was looking to enroll 14 new the new hires into the police academy in August. Chairman Kane indicated the MFAC would draft a letter to the Healey Administration expressing the need for continued budgetary support for MEP so that they can expand their ranks back to adequate levels.

DIRECTOR'S COMMENTS

Director Dan McKiernan commended DMF staff for their work in drafting the May 2023 MFAC business meeting minutes. He noted the minutes did a good job clearly summarizing the complex and contentious issues discussed. He then moved on to congratulate Commissioner O'Shea on his appointment. DMF was working closely with the Commissioner's office to bring him up to speed on various marine fisheries conservation and management issues.

Dan discussed the federal grant programs DMF was working on. This included funding for state and federally permitted lobster fishers to comply with buoy line and vessel tracking requirements, as well as sea herring disaster relief funding.

Dan suggested the MFAC consider issuing the Belding Award in 2023. He expressed interest in potentially recommending former DMF biologist and shellfish program chief,

Mike Hickey, who passed away this spring. However, he noted MFAC members should submit other potential nominees to him for potential consideration.

On the subject of DMF's shellfish program, Dan stated the current program chief, Jeff Kennedy, would be retiring in July.

DMF's Derelict Gear Task Force just published a white paper on how to enhance efforts to remove and clean up abandoned, lost, and derelict fishing gear. Director McKiernan commended the Task Force for their important work on this issue. The Task Force included Bob Glenn, Jared Silva, David Chosid and Julia Kaplan from DMF; Deputy General Counsel, Tori LaBate from DFG; Major Chris Baker from MEP; Ray Kane and Sooky Sawyer from the MFAC; Beth Casoni the Executive Director of the Massachusetts Lobstermen's Association; and Laura Ludwig from the Provincetown Center for Coastal Studies. Dan noted Bob Glenn would present on the white paper in greater detail later in the meeting.

Kalil Boghdan asked for an update on the horseshoe crab fishery. The regulations approved by the MFAC were submitted to the administration for their review and would go into effect shortly. Director McKiernan and Bob Glenn explained that horseshoe crab landings were elevated compared to this time last year and discussed reports of dead horseshoe crabs along Harding's Beach in Chatham.

Bill Amaru opined that the threat of the closure in the month of May could have contributed to the increase in effort. He expressed concern over the large number of dead horseshoe crabs found on Harding's Beach.

Ray Kane commended Derek Perry for pushing the ASMFC to complete the track stock assessment in 2024.

MFAC ANNUAL ELECTIONS

Jared Silva stated there are three MFAC positions up for annual election: Chair, Vice Chair, and Clerk. He instructed MFAC members to make motion to appoint (or re-appoint) a member to each of these positions and then vote the motion up or down.

Bill Amaru made a motion to elect Ray Kane as Chairman. Bill Doyle seconded the motion. A roll call vote was taken, and the motion passed unanimously 8-0-1 with Chairman Kane abstaining.

Bill Doyle made a motion to elect Mike Pierdinock as Vice Chairman. Lou Williams seconded the motion to elect Mike Pierdinock. A roll call vote was taken, and the motion passed unanimously 7-0-2 with Chairman Kane and Mike Pierdinock abstaining.

Kalil Boghdan made a motion to elect Bill Doyle as Clerk. Bill Amaru seconded the motion to elect Bill Doyle. A roll call vote was taken, and the motion passed unanimously 7-0-2 with Chairman Kane and Bill Doyle abstaining.

ACTION ITEMS

Recreational Scup and Black Sea Bass Limits

Nichola Meserve discussed DMF's recommendation to finalize the 2023 recreational scup and sea bass limits (Table 1), which were initially enacted on an emergency basis in late-April. If approved today, the rules would remain in effect for the rest of the season allowing Massachusetts to remain compliant with federal law.

Table 1. Recommended 2023 Recreational Black Sea Bass and Scup Limits

Species	Mode	Season	Bag	Minimum Size
Scup	Private Vessels	May 1 – Dec 31	30 fish (vessel cap of 150 fish)	10.5"
	Shore	May 1 – Dec 31	30 fish	9.5"
	For-hire Vessels	May 1 – Jun 30	40 fish	10.5"
		Jul 1 – Dec 31	30 fish	
Black Sea Bass	All Modes	May 20 – Sep 7	4 fish	16.5"

Nichola then explained the 10% reduction in harvest was needed for both species compared to 2022. She also noted how the changes from the 2022 rules achieved this. Ray Kane sought comments or questions regarding DMF's recommendation.

Mike Pierdinock reported the for-hire fleet experienced a reduction in bookings and cancellations due to these changes coupled with poor spring weather and restrictive limits on other recreational fisheries. However, he stated we would reluctantly support DMF's recommendation because it was necessary to ensure compliance with federal law.

Bill Amaru expressed a desire to see a longer recreational fishing season for black sea bass. Kalil Boghdan asked for the reasoning behind the season length from May 20 through September 7. Nichola stated season length is balanced against the bag limit and the minimum size to achieve a recreational harvest that does not exceed the annual harvest limit. To extend the season later into the fall, Massachusetts would likely need to further reduce the bag limit and increase the minimum size. DMF presented options that would achieve a longer season during this year's public scoping, but they were not supported, as anglers preferred maintaining a bag limit of at least 4-fish.

Director McKiernan and Nichola also discussed the management approaches other coastal states took to achieve the 10% reduction in harvest in 2023 for black sea bass.

Mike Pierdinock and Nichola Meserve discussed the timeline for the MAFMC and ASMFC to review potential actions regarding scup management and allocations.

Chairman Kane sought a motion to approve the recommendation. **Kalil Boghdan made a motion to approve the recommendation. Sooky Sawyer seconded the motion. A roll call vote was taken, and the motion was passed unanimously 8-0-1, with Chairman Kane abstaining.**

Letter to Former DFG Commissioner Amidon

Jared Silva asked the MFAC if they had any questions, comments, or amendments to the draft letter thanking former DFG Commissioner Amidon for his work and support on marine fisheries issues.

Kalil Boghdan stated he thought the letter was well written. There were no requested amendments.

Chairman Kane sought a motion to approve the letter. **Kalil Boghdan made a motion to approve the recommendation. Shelley Edmundson seconded the motion. There were no objections and the MFAC consented to send the letter to former Commissioner Amidon.**

DISCUSSION ITEMS

Federal Fisheries Management Update

Melanie Griffin provided the MFAC with a briefing on happenings at the New England Fishery Management Council (NEFMC). This included a review of the April meeting and a preview of the June meeting. The NEFMC's Habitat Committee was working on northern edge scallop access and Atlantic salmon aquaculture. The Groundfish Committee dealt with a request for emergency rules to address the utilization of the FY 2023 Gulf of Maine haddock annual catch limit and worked on the development of transition plan for the management of cod from the current two management unit approach to up to five management units. The Herring Committee explored ways to address user group conflicts, ecosystem-based management, and inshore spatio-temporal closures in the Atlantic herring fishery. There was a research set-aside work group for monkfish and the Joint Monkfish and Dogfish Committee grappled with Atlantic sturgeon bycatch in gillnet gear fisheries. The NEFMC also established a working group to assess and address conflicts related to the development on-demand ("ropeless") trap fishing gear; continued their risk policy development; and issued a white paper on thorny skate rebuilding. Lastly, former DMF employee, Dr. Cate O'Keefe was hired as the NEFMC's Executive Director and will replace Tom Nies who is retiring later this summer after the June NEFMC meeting.

Melanie also discussed several other items relevant to federal fisheries management. This included the Loper Bright Enterprises v Raimondo case going in front of the US Supreme Court. This case challenges NOAA Fisheries' authority to require industry pay for increased monitoring coverage in the Atlantic herring fishery and brings into question

the deference historically provided to administrative agencies with regards to interpreting their statutory authority. NOAA Fisheries also faced significant challenges regarding its ability to continue and complete long-standing federal surveys and there was an interest in developing more industry-based surveys. Lastly, Melanie briefed the MFAC on the Biden Administration's American the Beautiful initiative. This initiative seeks to conserve 30% of US lands and oceans by 2030 and the evaluation of potential conservation areas in the EEZ began in May 2023.

Bill Amaru thanked Melanie for her report. Bill expressed concern over the federal survey program. Lou Williams agreed and expressed frustration over how this may have contributed to the dead scallops found in the Del-Mar-Va closed area.

Mike Pierdinock asked if privatizing the NOAA vessels and having NOAA staff work on the vessels for surveys was under consideration. Melanie stated she doesn't have any insight on this issue currently.

Permitting Focus Group Update

Story Reed provided a summary of the April 11 meeting of the MFAC's focus group on permitting. Story then highlighted four items that were discussed at the meeting.

First, DMF discussed expanding its permit bundling policy to accommodate the transfer of certain latent permits if transferred with an active permit. Second, DMF discussed allowing the transfer of latent endorsements to immediate family. Third, DMF discussed developing a process whereby the agency would routinely review endorsement-specific activity standards for transfers. Lastly, DMF wanted to clean up its regulatory language on Coastal Lobster Permit transfers to improve its clarity and have it better conform to existing practices.

Shelley Edmundson thought these items were a good start and they would help new create more robust opportunities for new entrants.

Bill Amaru wanted the focus group to review potential means of encouraging new entrants into commercial fishing, including apprenticeship programs.

Bill Doyle shared Bill Amaru's sentiments and also wanted DMF to consider age-restricted permits to encourage young people to enter commercial fisheries.

Ray Kane supported the comments made by Bill Amaru and Bill Doyle and expressed his concerns that the current system created significant barriers to entry, particularly related to the cost associated with permit to obtain a permit. Ray then asked when the focus group will meet next, Story intended to convene the group over the summer.

Update on Ongoing Rule Making and Future Public Hearings

Jared Silva stated there will be a public hearing on the emergency action to amend the recreational striped bass slot limit on June 21. DMF would then convene a mid-July MFAC business meeting focused on finalizing the slot limit rule. Jared also stated he is

anticipating that NOAA Fisheries will adopt recreational cod and haddock limits by the end of the month necessitating another round of state rule making.

PRESENTATION ON DMF'S DERELICT GEAR REMOVAL WHITE PAPER

Bob Glenn provided the MFAC with a presentation on the Derelict Gear Removal Task Force and its white paper titled "Managing Derelict Fishing Gear in Massachusetts". The Task Force was formed in July of 2022 to study the issue of abandoned, lost, and derelict fishing gear (ALDFG) in Massachusetts and to develop solutions to enhance the removal of such gear.

The scale of the fixed gear fishing has increased over the years creating more gear in the water. Additionally, traps are no longer made of biodegradable materials (e.g., wood), but rather synthetic materials that persist longer in the environment. The accumulation of ALDFG in marine waters presents a number of problems and these problems are cumulative given the persistent design of modern fishing gear. Issues related to ALDFG include entanglement risk to protected species, ecosystem impacts, ghost fishing, navigation hazards, and gear conflicts. It also becomes a public nuisance and safety issue when it washes ashore.

There are two statutes in Massachusetts that govern the handling of ALDFG (MGL Chapter 130, Sections 31 and 32). These statutes were developed in the mid-20th century, when there was less gear, ALDFG found was more suitable for rehab, and the gear that persisted was more readily degradable. Accordingly, the laws focus on property rights afforded to fishers to retrieve ALDFG, rather than on the removal and clean up of ALDFG.

The Task Force recommended legislative and regulatory amendments to develop a comprehensive strategy for ALDFG that balances property rights with the need to efficiently remove it from our waters and shoreline. Specifically, the Task Force proposed amending G.L. c. 130, §31 to maintain property rights for fishing gear but allow DMF and the MFAC to regulate how ALDFG is handled and rescinding G.L. c. 130, §32 in its entirety. Bob then discussed the benefits of managing ALDFG through a regulatory framework and how it can be used to develop suitable standards for the various types of ALDFG that may be encountered.

Dan McKiernan stated the proposed statutes are well refined given input from industry and DFG legal counsel. He also noted DMF was working to provide this presentation to the Legislature's Coastal Caucus.

Kalil Boghdan commended the Task Force for their thorough work on the subject. He then asked who currently incurs the cost of the cleanup. Bob stated that at-sea clean-ups efforts are state funded, but when gear washes ashore, the landowner may remove the gear and has to incur the cost. Frequently, public beach clean-up efforts are facilitated by municipalities or NGOs.

Sooky Sawyer stated the disposal of ALDFG will remain problematic, even under a new legal framework. Bob stated the Task Force will likely need to research how other states manage the issue and advocate to implement or enhance mechanisms for disposal. Bill Amaru mentioned Net Your Problem as a potential partner for disposal of gear. Chairman Kane suggested the disposal issue be brought to the attention of the Coastal Caucus when DMF presents on the white paper.

OTHER BUSINESS

Commission Member Comments

Lou Williams asked if a rule prohibiting the use of spotter planes before 8AM in the menhaden fishery was new this year. Director McKiernan stated this was historical permit condition and is not new for 2023.

Sooky Sawyer provided an anecdote of a porbeagle biting off striped bass from lines and stated that people should be aware of sharks in the area sooner than expected.

Bill Doyle suggested reviewing the shark data retrieved from receivers at a future MFAC meeting. Bill Doyle also asked for DMF to present on what work is being done on how climate is affecting fisheries.

Kalil Boghdan requested DMF to provide the MFAC with a primer on how trawl fishing is conducted in state waters.

Tim Brady appreciates the work being done on the derelict gear.

Chairman Kane thanked everyone for their attendance and DMF staff for their continued work.

PUBLIC COMMENTS

Emerson Hasbrouck, of the Cornell Marine Program, commended DMF for their work on addressing the issue of derelict gear. He stated the pots retrieved by the Cornell Marine Program go to an incinerator and they utilize a modified grappling system to help retrieve gear. He stated they would be happy to share those details with DMF staff.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the June MFAC business meeting. **Bill Amaru made a motion to adjourn the meeting. The motion was seconded by Lou Williams. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- June 13, 2023 MFAC Business Meeting Agenda
- May 16, 2023 Draft MFAC Business Meeting Minutes
- Recreational Black Sea Bass and Scup Recommendations
- Letter to Former Commissioner Amidon
- Permitting Sub-Committee Memorandum and Presentation
- Derelict Gear Task Force White Paper and Presentation
- DMF Comment to NOAA Fisheries on Amendment 23 to Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

UPCOMING MEETINGS

9AM
July 10, 2023
Via Zoom

9AM
August 16, 2023
Via Zoom

9AM
September 19, 2023
Location TBD



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MAURA T. HEALEY
Governor

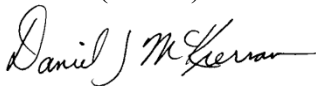
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: July 5, 2023
SUBJECT: **Recommendation Affecting Recreational Striped Bass Slot Limit**

Recommendation

I recommend the MFAC vote in favor of reducing the striped bass recreational maximum size limit from less than 35" to less than 35", resulting in a recreational slot limit of 28" to less than 31".

Rationale

The recommended slot limit was adopted on an emergency basis by the Division of Marine Fisheries (DMF) on May 26. Emergency rules expire after 90-days unless final rules are promulgated. The expiration date for this emergency action is August 25, 2023. Approving my recommendation here will ensure this slot limit remains in place for the remainder of the fishing year. This is necessary to maintain compliance with the Emergency Action taken by the Atlantic States Marine Fisheries Commission (ASMFC) on May 2, 2023. We will likely revisit the recreational size limit for 2024 pending the ASMFC's development of Addendum II to Amendment 7 of the Interstate Fishery Management Plan (FMP), which is currently being drafted.

Public Comment

DMF held a [virtual public hearing](#) on June 21 and no public comment was received at this hearing. DMF also accepted written public comment from May 26 through June 30. Written public comment varied, with some commentors strongly supporting the action; others expressing frustration regarding the impact on recreational anglers and for-hire operations; others were also angered by the lack of action to constrain the commercial fishery. This included an extensive comment from the Stellwagen Bank Charter Boat Association which, while ultimately supporting the action, raised concerns about the emergency process and advocated for Massachusetts and the ASMFC to consider certain accommodations to the for-hire fleet when developing Addendum II. In summary, all the public comment received was consistent with feedback DMF received regarding the ASMFC's Emergency Action and through informal channels such as e-mails and direct communications with DMF staff.

It is my view that there is broad support among the recreational community for this action. However, some recreational anglers were frustrated by the process, expressed anger over how this action limits their ability to take home fish for the plate and the freezer, and raised concerns about increased release mortality. Members of the for-hire industry are also concerned about how this impacts their business operations and they alleged a reduction in bookings, likely as a consequence of conservative limits on multiple species. Lastly, as this action only affected the recreational fishery, some recreational anglers expressed animosity towards the state's management of the commercial fishery (particularly the 35" minimum size) and some commentors advocated for eliminating commercial harvest.

As described in our [FAQ](#), this emergency action responded to an unexpected doubling in the recreational harvest from 2021 to 2022, which greatly reduced the probability of rebuilding the currently overfished striped bass stock by the 2029 rebuilding deadline. As the commercial harvest is hard capped by a quota it did not experience a similar increase in harvest, so action was not warranted. Changes to commercial fishery rules will be considered by the ASMFC as part of Addendum II and DMF will likely take action to amend its commercial fishing regulations for 2024.

Background

On May 2, 2023, the ASMFC's Striped Bass Management Board (Board) voted to take emergency action to require states implement a 31" recreational maximum size limit as soon as possible and no later than July 2, 2023. For the ocean fisheries, this meant replacing the current 28" to less than 35" slot limit with a 28" to less than 31" slot limit for all recreational anglers. As stated above, this responded to a near doubling of the recreational harvest from 2021 to 2022, which substantially reduced the probability of the Atlantic states meeting their 2029 rebuilding deadline.

This increased harvest was largely driven by the dominant 2015 year-class ageing into the harvestable size range, coupled with a nearshore abundance of forage attracting striped bass and the anglers who pursue them. DMF recreational sampling data from last year indicate that the 2015-year class made up 55% of harvested fish in Massachusetts. The narrowed slot limit is expected to reduce harvest in 2023 by protecting more than half of that dominant 2015 year-class, compared to limited protection afforded by a 28" to less than 35" slot limit (Figure 1). The 2015 year-class is important to the future of striped bass because it is one of the few large year-classes produced over the past 20 years. We have been in a period of mostly below average recruitment since 2005, with the past four years being among the lowest recorded (Figure 2). With diminished recruitment, it is important to protect this 2015 year-class and provide it as many opportunities to reproduce as possible, and hopefully create future strong year-classes should environmental conditions allow.

Attachments

Written Public Comment

Figure 1. Comparison of Recruitment of 2015 Year Class into Old Slot Versus New Slot Limit

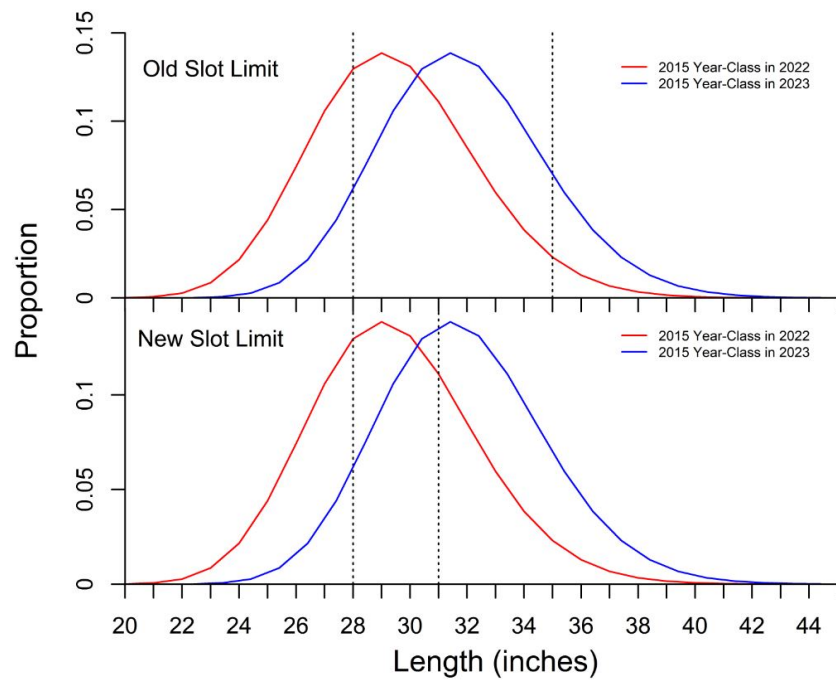
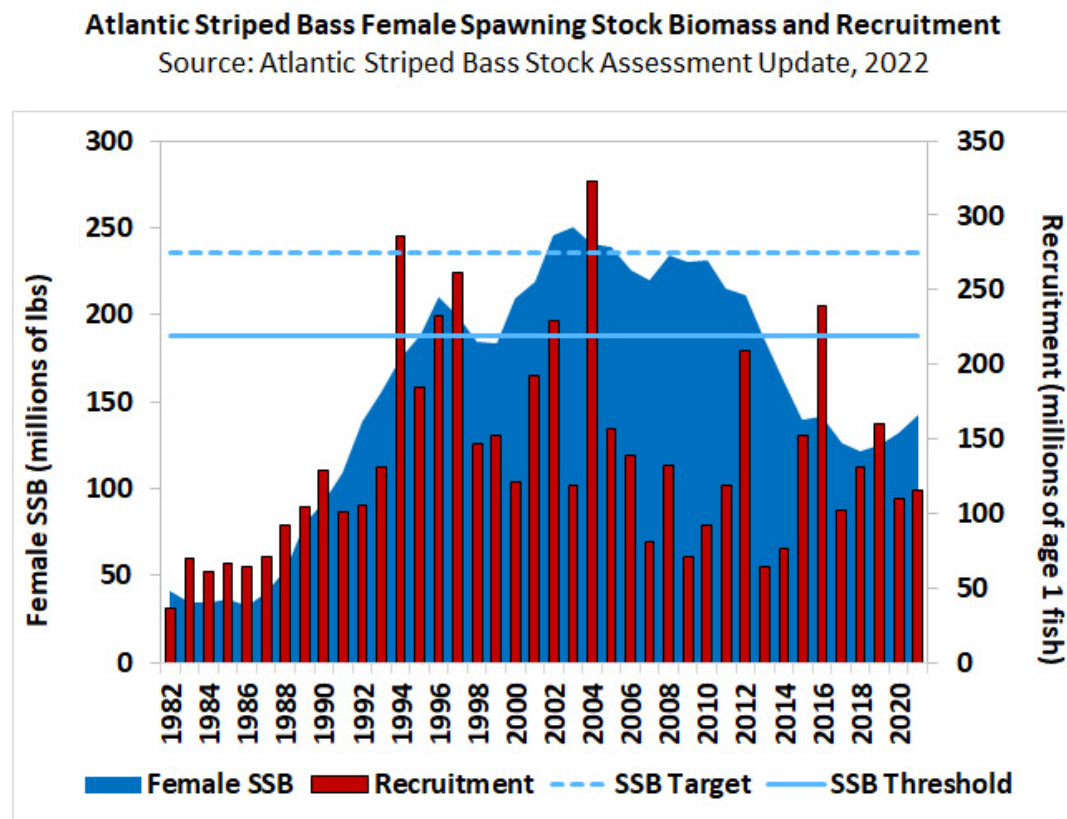


Figure 2. Atlantic Striped bass Female Spawning Stock Biomass and Recruitment





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June 23, 2023

Mr. Daniel J. McKiernan, Director
Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway St., Suite 400
Boston, Massachusetts 02114

RE: Recreational Slot Limit for Striped Bass & Draft Addendum II

Dear Mr. McKiernan:

On behalf of the Stellwagen Bank Charter Boat Association (SBCBA), representing charter/party boat captains and recreational anglers that fish state and federal waters of Massachusetts, comments concerning the recreational slot limit for striped bass and Draft Addendum II is set forth below.

- As a result of the recent change to the striped bass slot limit there are many SBCBA members and clientele that are disturbed by the recent emergency measure ("EM") as a result of lack of transparency, details and public participation the date it was approved by ASMFC. This is unfortunately part of an EM process that has resulted in many disappointed SBCBA members and members from the public specifically those that catch and retain a fish for food on the table. Ultimately after all the dust has settled and additional public outreach was conducted after the EM, SBCBA understands why the EM was necessary and why such needs to be implemented.
- What added to disappointment in the process is that the for hire bag limit was not considered as part of the EM and was not approved the day of the EM. SBCBA recommends that for hire seasons and bag limits be assessed by the PDT as part of Addendum II, especially since the for hire striped bass catch was down last year while the private angler catch more than doubled that resulted in a significant increase to the catch and/or mortality.



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- SBCBA assumes that for hire measures as well as shore side angler and private boater measures will be evaluated by the PDT as part of Addendum II that are fair and equitable to all three user types. Each user type have different goals and objectives (catch & release, catch & eat), financial constraints and access limitations to the fishery resulting from increased temperatures and/or climate change. For example the shore side angler may not have access to the fishery during certain times of the year as a result of climate change/increased temperatures moving the fish to deeper and cooler waters, cannot afford buying a private vessel and as a result look to the for hire fleet for access to the fishery to put food on the table. Seasons and bag limits need to correspond to charter booking cost in order for it to make economic sense for clientele to book a trip. Seasons and bag limits need to consider equity and environmental justice (EEJ) to the different user types that is fair and equitable and not one sided to benefit one user type over another.
- We are sad to report that bookings are down 50 percent by SBCBA Captains especially those that rely on multi species trips that include striped bass, black sea bass and scup May 20 to June 30. Clientele are cancelling trips and indicating they are booking charters in New Jersey that have a favorable black sea bass bag limit of 10 per person (May 17 to June 19) in comparison to the Massachusetts, 4 fish black sea bass bag limit. Our typical clientele catch and eat the fish.
- There are for hire seasons and bag limits in other states for black sea bass but not Massachusetts, as well as for hire measures for bluefish, scup (all three modes), bluefin (6 pack and party boat), etc. The historical and recent reductions and cumulative cuts to black sea bass, scup, cod, haddock striper slot, and other species seasons and bag limits and zero retention of wolffish and mako impacting Massachusetts anglers and Captains north and south of Cape Cod and/or the latitude 42 line has caught up to the Massachusetts for hire fleet with clientele that retain fish for food on the plate, resulting in cancellations and reduction in bookings. The for hire seasons and bag limits in Massachusetts in comparison to other states speaks for itself of the need for a change with seasons and bag limits for the for hire fleet and all user types that are fair and equitable, consider climate change and EEJ that



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considers the need for seasons and bag limits necessary for the for hire fleet to operate a viable business.

- Our for hire members are typically targeting multiple species and hook into striped bass quickly then move on to target other species. As a result of the slot change, in general they are catching and releasing more fish over a longer period of time until they catch the slot fish. In the past “quick catch” and move on to the next species. Naturally light tackle catch and release captains that fish for striped bass only, do this all day but that’s not the operating model of our typical SBCBA member targeting multiple species as well as clientele that retain fish to put food on the plate.

As detailed above, the SBCBA request that Addendum II assess seasons and bag limits for the for hire fleet and other modes detailed above in order to operate a viable business that provides the public fair and equitable access to the fishery. Such is long overdue in Massachusetts for other species such as black sea bass noted above that are not part of Addendum II.

The cumulative historical and recent cuts to multiple species noted above is to the detriment of the for hire fleet as well as the public that relies on the for hire fleet to provide cost effective and reasonable access to the fishery. Reasonable seasons and bag limits to provide the public access the fishery to put food on the plate for those anglers that cannot afford a private vessel nor have access to the fishery due increased temperatures and climate change that are subject to financial constraints and EEJ factors need to be considered in the decision making process.

Thank you for your consideration and attention to this matter. If you have any questions, please reach out to the emails below.

Very truly yours,

Capt Timothy Brady

Capt. Timothy Brady
SBCBA, Vice President
tcbship874@gmail.com

Capt Rick Golden

Capt. Rick Golden
SBCBA, Secretary
captrick@1620anglers.com



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Cc: Mr. Robert Beal, ASMFC
Mr. Michael Pentony, GARFO
Ms. Nichola Miserve, MassDMF Striped Bass PDT
Mr. Ben Gahagen, MassDMF

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Capt Paul Diggins

Capt. Paul Diggins
SBCBA, Trustee
captain_paul@bostonfishing.com

From: Spiegelman, Bruce
To: Fish, Marine (FWE)
Subject: Commercial striped bass
Date: Wednesday, May 31, 2023 4:39:46 PM

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Hi folks-If you really cared about the stripers you would close or restrict commercial bass fishing . As you must know they kill many many fish looking for 35" bigger. Their recorded catch is a fraction of what they kill. Best, Bruce

Bruce M. Spiegelman, Ph.D.

Stanley J. Korsmeyer Professor of Cell Biology and Medicine
Dana-Farber Cancer Institute and Harvard Medical School

Sent from my iPhone, please excuse typos.

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<[https://urldefense.com/v3/https://www.massgeneralbrigham.org/complianceline_!!CPANwP4y!WE-NWZe1zDSp1HU-N5-bKzqN96kdf1E8OgDBSv8s1g92ShJ4V9uXIUJBHhQ1OY4cV-hnPY0Xmk8oORGukq1BV9loqroKUXAE5drtDg\\$](https://urldefense.com/v3/https://www.massgeneralbrigham.org/complianceline_!!CPANwP4y!WE-NWZe1zDSp1HU-N5-bKzqN96kdf1E8OgDBSv8s1g92ShJ4V9uXIUJBHhQ1OY4cV-hnPY0Xmk8oORGukq1BV9loqroKUXAE5drtDg$)> .

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From: [Ragalevsky, Stanley V.](#)
To: [Fish, Marine \(FWE\)](#)
Subject: I appreciate your good work on this!
Date: Wednesday, May 31, 2023 9:17:46 PM

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From: [Jim](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Lack of confidence in the administration of the striped bass reduction in size
Date: Tuesday, June 27, 2023 7:56:20 PM

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From: [David Bildeau](#)
To: [Fish, Marine \(FWE\)](#)
Date: Wednesday, May 31, 2023 4:41:36 PM

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Good evening, I am very aware of the new laws for strippers in mass but they should be a United state law. Then I see people in Texas taking 10 or more fish a day without a size limit. I am kind of confused if we are trying to save the fish.

From: [Joseph Gomes](#)
To: [Fish, Marine \(FWE\)](#)
Date: Thursday, June 1, 2023 10:21:10 AM

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Good day,

I see that you've recorded the recreational take of Striped Bass has increased. I'm curious about the commercial catch rate as you have raised the quota for commercial catches despite the poor recruitment numbers.

What is the cause of the poor recruitment? In the 80's we had trouble with aluminum and other metals in the Choptank and other breeder tributaries. I'd bet the pollution levels aren't LOWER....

Is research being done on the causes of poor recruitment?

Why does Chesapeake Bay have a TROPHY FISHERY, given that it's the cows that are the trophies?

Thanks for your time, Joe Gomes

From: [Matt Burkett](#)
To: [Fish, Marine \(FWE\)](#)
Subject: New slot limit
Date: Thursday, June 1, 2023 10:20:53 PM

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Hi there,

First off I'm all about the new slot limit for stripers. What I don't understand is how we can allow commercial fishing for them still when most fish are breeders?

Thanks

Matt burkett

Jackson, nh

Sent from my iPhone

From: [Tom Bolinder](#)
To: [Fish, Marine \(FWE\)](#)
Subject: New Slot limit for Striped Bass
Date: Wednesday, May 31, 2023 11:15:43 PM

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Sir/ Madam

I applaud the decision to make the upper slot limit under 31" what I can't understand is why the commercial Limits have not changed. These fish over 35" ate the breeders and the future of recreation fishing for the amazing creatures.

Thank You

Tom Bolinder
241 Shore Rd
Bourne, Ma 02532
617-448-1888

Sent from my iPhone

From: [Rob Ehlers](#)
To: [Fish, Marine \(FWE\)](#)
Subject: New Striper slot size
Date: Wednesday, May 31, 2023 5:49:15 PM

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This is a great step but meaningless if not enforced. I live next to Demarest Lloyd state park in South Dartmouth. Most spring Friday and Saturday nights there are many vehicles parked out side the gates for most of the evening. Each Saturday and Sunday morning the shallows are littered with the filleted carcasses of out of size stripers, both shorts and large. I'm sure many are fishing legally but there is a critical mass at this location that are not. From my observation and discussion with several of the fishermen, there has been no presence of a game warden or enforcement official.

Sent from my iPhone

From: [Adam H. Stankiewicz](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Re: Striped Bass Recreational Regulation Change
Date: Thursday, June 1, 2023 9:50:30 AM

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Then get rid of commercial fishing!

On Wed, May 31, 2023 at 4:30 PM MA Division of Marine Fisheries
<marine.fish@public.govdelivery.com> wrote:

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FINAL DMF General Advisory template image



May 31, 2023

REMINDER: Striped Bass Recreational Regulation Change

On May 26, 2023 the Massachusetts Division of Marine Fisheries (DMF) enacted emergency recreational regulations to change the maximum length limit for keeping striped bass in Massachusetts. **The new recreational slot size is 28" to less than 31"**, and anglers are permitted to keep one fish per day. DMF will host a virtual public hearing on this action on June 21, 2023 at 6PM (see [Notice](#)). The regulation reflects changes to the coastwide management of striped bass. DMF has published a [Frequently Asked Questions](#) document to help anglers understand what the new regulations are, why action was taken, and what can be expected for striped bass in the coming years.

For the past several years, the recreational length limit has been 28" to less than 35". In 2022, the recreational harvest of striped bass nearly doubled, making it necessary for the Atlantic States Marine Fisheries Commission (ASMFC) to immediately change regulations to conserve striped bass and meet rebuilding goals. On May 2, 2023 the ASMFC Striped Bass Management Board voted to take an Emergency Action to change the regulations in the hopes of reducing harvest on an especially important group, or year-class, of striped bass that were born in 2015.

The 2015 year-class is critically important to the future of striped bass because it is one of the few large year-classes that has been produced in the past two decades. Striped bass are long-lived and can reproduce more than 20 times over their life span. This reproductive capability evolved to compensate for years when the weather or other factors would lead to low survival of their young. Since 2005, survival of newborn striped bass has been mostly below average, including the past four years which are among the lowest recorded. With fewer surviving striped bass born in the years before and after 2015, it is important for as many bass from the 2015 year-class to grow to spawning size and have as many opportunities to reproduce as possible.

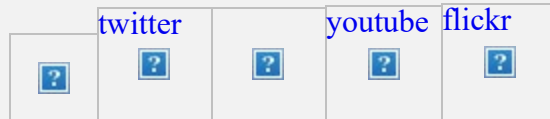
The reduced slot limit should help protect fish from the 2015 year-class. The increase in striped bass recreational harvest that prompted the rule change was a result of the 2015 year-class growing to a size where they could be harvested. Based on DMF sampling, this group of striped bass composed more than half of the recreationally harvested fish in Massachusetts in 2022. In 2023, striped bass born in 2015 should have an average size of about 31 ½" in length. Data suggests that the new 28" to less than 31" slot along the coast will protect more than half of the 2015 year-class from recreational harvest in 2023 (compared to zero protection with the 28" to less than 35" slot). This level of protection will increase in future years as these striped bass continue to grow.

The ASMFC Striped Bass Management Board also voted to initiate a new rule-making process that could bring more changes to recreational and commercial fishing for striped bass in 2024. For further information, please contact marine.fish@mass.gov.



Massachusetts Division of Marine Fisheries

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Massachusetts Division of Marine Fisheries · 251 Causeway Street, Suite 400 · Boston, MA 02114



From: [Mark](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Regulating wrong point source.
Date: Tuesday, May 30, 2023 1:49:39 AM

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What regulations are in place to prevent commercial nets from killing stripped bass that are larger than 31” and smaller than 28 ?

Nets can’t exercise discretion.

What is the commission doing about that?

Sincerely,

Mark Soares
508-264-3770

From: [Trent Gaffney](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass regulations
Date: Wednesday, May 31, 2023 4:39:12 PM

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I always practice catch and release and do my very best. This isn't enough in my opinion. This stuff is not rocket science; if the population is under pressure (which it clearly is) there is only one way to help it rebound ... quit killing them. The fairest way it seems to me is apportion the pain to both sides; the sportsman and the commercial guys each have to bear some form of restriction for some period of time until the population recovers. Never popular - always controversial - yet not complicated.

Trent

From: [Don Joseph Luciani](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped Bass size limits
Date: Wednesday, May 31, 2023 5:02:32 PM

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I understand that the size of the Striped Bass of 31 1/2" is the best size for the year 2015. Why not change the slot size to 26" to 30" whereby the year that you want is protected and the fish will be better for their reproduction cycle and less mercury for consumption.

Thank you

Don Luciani

[Sent from Yahoo Mail on Android](#)

From: [Edward Fabian](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass
Date: Wednesday, May 31, 2023 8:24:30 PM

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Either you are all incompetent or corrupt! Those are the only two possibilities! There is no way all of you are so stupid that someone there (and I imagine all of you know) that the 15 commercial bass taken y each commercial fisherman every day are all breeding females. One year with no commercial fishing would rebuild the stock. But I guess money talks. I am telling everyone to ignore any and all regulations from this pint on. It not just stripers but cod and anything else they want. This is the answer. I have followed the rules for 55 years but no more and I will teach all the kids I introduce to ignore all rules made. I'm not joking. It's funny because I have a friend that always broke the rules and he would keep many stripers of all sizes all the time. It infuriated me at the time and I now realize he was right all along. I look forward to eating striped bass all summer long and bringing fish to all my friends. Let's hope for a banner year!

Oh yeah and good luck with the new house, new car or college tuition. You earned it.

From: [peter.missick](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striped bass
Date: Thursday, June 1, 2023 8:37:25 AM

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It seems to me that the commercial fisheries have a strong hold in the positioning of how this emergency action was implemented. I don't think you can say that recreational fishing doubled when no records have been accurately kept. Your not being fair to the recreationals. I hope you at least read my complaint

From: [Ron Arruda](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striper bass
Date: Thursday, June 1, 2023 8:20:06 AM

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You say you want to help out stripe a bass stop the commercial fishing it's bullshit way overpriced and it doesn't taste that great there's sport fish that's it.

[Sent from Yahoo Mail on Android](#)

From: [Peter Martinez](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Striper Limits
Date: Thursday, June 8, 2023 10:23:21 AM

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Why don't you stop recreational fishing altogether? You have a one-fish limit per day of 28" to 31" for Rec fishing, but the commercial is different; WHY? In my opinion, that is where the problem is; fishing limits for commercial fishing are 35" and 15" per day. With all the taxes Mass residents have to pay, you would think you can hire more personnel to patrol the waters. I come from a state with strict fishing guidelines, with a 2-fish limit and 4 per day and one oversized fish per year on fish targeted daily by guided fishermen. We also fish year-round, and the fishery is stronger than ever. I would make a fishing trip up here yearly with a group of fishermen after discovering the new limits. All but one were interested in coming up here for a week to fish; the group said it was a waste of money to come up here to fish for one fish per day. I'm sure I'm not the only one that feels this way.

Best regards
Pete Martinez
Navy Veteran



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

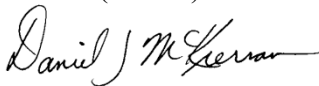
REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: July 5, 2023

SUBJECT: **In-Season Adjustment to Reduce Horseshoe Crab Trip Limit for Mobile Gear**

Recommendation

I recommend the MFAC vote in favor of making an in-season adjustment to reduce the horseshoe crab trip limit for the 2023 bait fishery using mobile gear. For permit holders with a limited entry endorsement, the trip limit will be reduced from 300 crabs to 200 crabs, while the trip limit for the open access bycatch fishery will be similarly reduced 75 crabs to 50 crabs. No action is being recommended to adjust the trip limits for hand harvesters, as the hand harvest season functionally concluded in late June as the crabs have moved off the beaches following the conclusion of spawning activity.

Rationale

On May 16, 2023, the Marine Fisheries Advisory Commission voted to reduce the bait quota from 165,000 horseshoe crabs to 140,000 horseshoe crabs for this season and this amendment is expected to be finalized imminently. As of July 5, Massachusetts has landed 116,612 horseshoe crabs against the bait quota. This leaves less than 23,388 horseshoe crabs available for harvest this summer. In recent years, the mobile gear fishery, has taken about 70,000 horseshoe crabs during the summertime period. Therefore, under current limits I anticipate an earlier than expected closure, perhaps as soon as the end of the month. Upon a quota closure, commercial fishers will be prohibited from retaining horseshoe crabs, and therefore any crabs incidentally caught must be discarded. The recommended action is intended to slow the consumption of the remaining quota so that it remains available during the summertime fisheries and prevents the regulatory discarding that may occur due to an early season closure.

It is noteworthy that landings during this winter and spring period (January 1 – June 30) were approximately 29% higher than the average of 5-year time period of 2017 – 2021 and 94% higher than 2022 which was the lowest year of the timeseries (Figure 1). Early indications are this was driven by three factors: (1) increased winter effort compared to recent years, (2) increased effort among hand harvesters in response to proposals set forth by DMF earlier this year; and (3) a front loading of the bait quota to make crabs available to the biomedical industry through the rent-a-crab program. Not only did this impact the availability of the bait quota to the summertime fishery resulting in a potential earlier than usual quota closure, it also likely increased our harvest of crabs during the spawning period and produced a market glut that likely attributed to the reported die off crabs observed on Harding's Beach in June¹. This raises

¹ After bait crabs are harvested or sold to a bait dealer, they are generally either resold fresh or frozen fresh for resale later in the season. Prior to resale or freezing, live crabs may be temporarily stored in pens, vats, or other holding containers. Some usually

serious issues regarding the conduct of the bait fishery and the rent-a-crab program and how the horseshoe crab fishery should be managed moving forward.

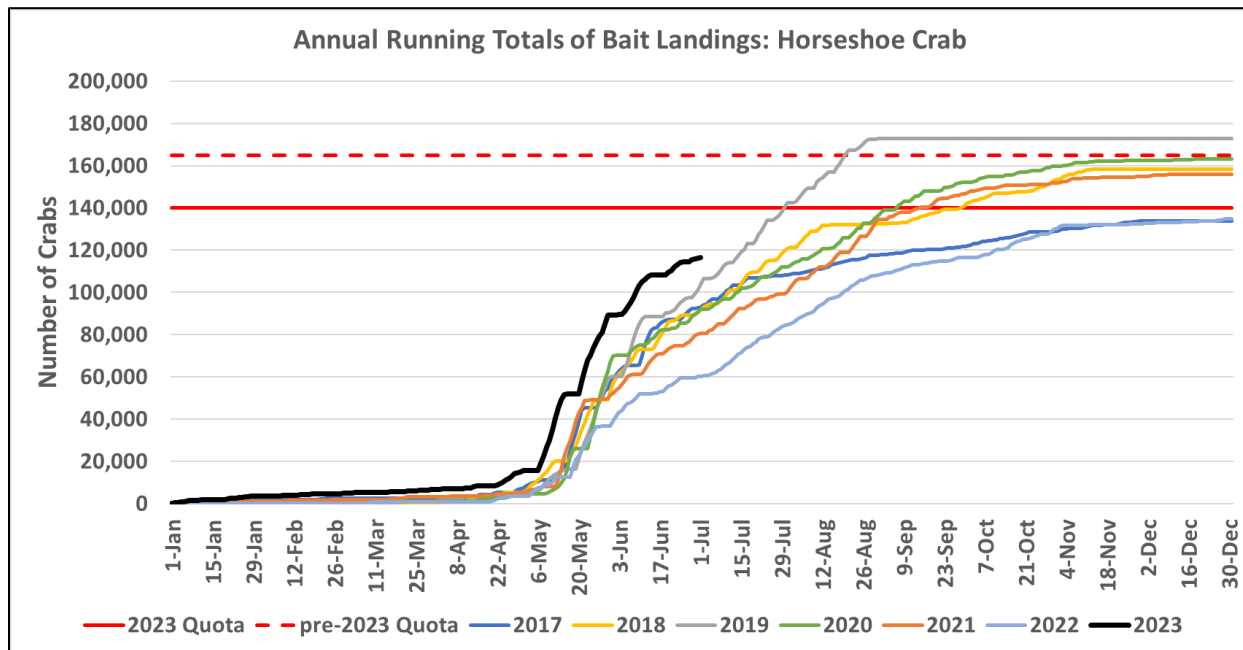


Figure 1. Daily running horseshoe crab landings from January 1, 2017 - July 1, 2023. Data Source: SAFIS eDR as of 7/5/23

Public Comment

This in-season adjustment is being recommended pursuant to 322 CMR 6.41(2)(d). This regulation allows DMF to adjust regulatorily set trip limits by a declaration during the season to prevent quota overages or ensure available quota is taken. Such an action requires a two-week comment period and approval by the MFAC. DMF accepted written public comment on this action from June 16 – June 30.

Written comment was dominated by the conservation community, which supported DMF's actions to reduce the trip limits for the bait fishery. These commentators also advocated for DMF to take additional action to further constrain or eliminate bait harvest and criticized the conduct of the bait fishery this year.

DMF received one comment from a commercial trawl fisher favoring status quo. He argued a reduced daily limit would be counterproductive to making horseshoe crabs available to the rent-a-crab program. While DMF strongly supports the rent-a-crab program, we do not support front loading the harvest of the bait quota to make horseshoe crabs available to the biomedical industry in a manner that results in an early season quota closure and forces industry to discard incidentally caught crabs throughout the rest of the fishing season. Moreover, this comment is inconsistent with informal advice provided to DMF through normal outreach to the fleet. In advance of announcing this in-season adjustment, DMF staff

nominal level of die off is known to occur during this temporary holding. If the animals begin to decompose they will become too degraded to use as bait. Consequentially, the bait dealer will need to dispose of the decaying animal, including the return of dead crabs to the sea. The unique market conditions this year likely contributed to more live holding, and consequently, substantial die offs. Moreover, the ability to freeze crabs was limited by onsite storage space and the cost of cold storage rentals, which was reportedly exceptionally high this year. As a result, horseshoe crabs were likely being held live in higher-than-normal densities and for longer than normal durations, enhancing the likelihood of a die off event. If decomposing crabs, buoyant from gases trapped under their shell, are released too close to shore it increases the likelihood that they float back ashore, which was likely the cause of the die off observed on Harding's Beach.

contacted a number of permit holders who were active in the summertime trawl fishery south of Cape Cod and there was a consensus preference in favor of reducing daily trip limits to extend the season rather than maintaining existing limits and closing the fishery early.

Lastly, DMF received a public comment from Shellfish Broker LCC, who serve as a both a bait dealer and a biomedical dealer. While their comment is not specific to the proposed trip limit adjustment, they request DMF and the MFAC discuss the biomedical quota at the MFAC's August 2023 business meeting. It is my opinion that it is premature to accommodate this request. The biomedical quota was approved by the MFAC at their May meeting for 2023 and DMF has moved forward to implement it for this year. DMF intends to continue to discuss the management of the horseshoe crab fishery with the MFAC, and in light of how the fishery performed this season, DMF is likely to consider potential regulatory amendments for the 2024 fishery. I encourage Shellfish Broker LLC. to engage in the management process this coming fall and winter, which will likely include discussion at MFAC business meetings, public scoping meetings, and public comment periods on formal proposals.

Attached

Written Public Comment

To: Director Dan McKiernan

From: Barbara Brennessel , Ph.D., and Horseshoe Crab Spawning Survey Volunteer (Wellfleet, MA)

Re: Bait Harvest Reduction

June 16, 2023

In response to the announcement that on May 16, 2023, 66% of the horseshoe crab bait harvest limit has already been achieved, and the news that many dead horseshoe crabs have been seen on Cape Cod beaches (cause to be determined but I can think of a few possible reasons). it is clear to me that the bait harvest is "out of control." I encourage you to use any measures possible to reduce the current horseshoe crab mortality so that the species can survive in our Commonwealth. I am not sure that reducing trip limits is the answer but it might help temporarily in preventing discard of bycatch from an early season closure.

From: [Kathleen Johnson Miller](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Deeply disappointed
Date: Tuesday, June 27, 2023 2:18:43 PM

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To the group of deciders of such a crucial decision,

I must say I am deeply disappointed in the recent decision to NOT protect female horseshoe crabs during spawning season. I guess there is little concern for their sustainability as long as we can exploit them for bait harvesting. I would hope the biomedical people might want to sustain this inexpensive way to obtain LAL. I guess you have decided that the other coastal states, New Jersey, South Carolina, Delaware, Virginia, Maryland and Georgia and even now Connecticut are foolish or wrong in the regulations. Perhaps too much money is involved. I do not understand.

Kathleen Miller
39 Pond St
Brewster, MA 860-483-1426

From: [fred schrafft](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Fw: Public Comment Sought on In-Season Adjustment to Commercial Horseshoe Crab Bait Harvest Limits for 2023
Date: Saturday, June 17, 2023 10:05:09 AM

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Fred Schrafft
Bayview Associates, Inc.
Worcester, Massachusetts
USA
1-508-400-5239

----- Forwarded Message -----

From: fred schrafft <schrafftie@yahoo.com>
To: MA Division of Marine Fisheries <marine.fish@public.govdelivery.com>
Sent: Saturday, June 17, 2023 at 09:40:12 AM EDT
Subject: Re: Public Comment Sought on In-Season Adjustment to Commercial Horseshoe Crab Bait Harvest Limits for 2023

Please approve the in-season adjustments to go into effect for July 11 thus be in effect for the remainder of 2023 fishing season, unless otherwise amended to a further reduction in the allowable catch limit.

Fred Schrafft
Bayview Associates, Inc.
Worcester, Massachusetts
USA
1-508-400-5239

On Friday, June 16, 2023 at 03:16:53 PM EDT, MA Division of Marine Fisheries <marine.fish@public.govdelivery.com> wrote:

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June 16, 2023

Public Comment Sought on In-Season Adjustment to Commercial Horseshoe Crab Bait Harvest Limits for 2023

In response to fishery performance and quota utilization so far in 2023, DMF is proposing in-season adjustments to reduce the 2023 commercial horseshoe crab limits for mobile gear fishers. The proposal will reduce the trip limit from 300 crabs to 200 crabs for permit holders and 75 crabs to 50 crabs for the open entry bycatch limit.

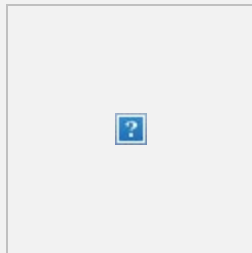
On May 16, 2023, the Marine Fisheries Advisory Commission voted to reduce the bait quota from 165,000 horseshoe crabs to 140,000 horseshoe crabs for this season and this amendment is expected to be finalized in the coming weeks. As of today, Massachusetts has landed 92,648 horseshoe crabs against the bait quota. This leaves less than 50,000

horseshoe crabs available for harvest this summer. The summertime harvest of horseshoe crabs is primarily conducted by mobile gear fishery, specifically the mixed species trawl fishery in Nantucket Sound and state and municipal shellfish dredge fisheries. In recent years, this fishery has taken about 75,000 horseshoe crabs. Therefore, under current limits we anticipate an earlier than expected closure. The proposed action to reduce the trip limits should slow the consumption of the remaining quota so that it remains available during these summertime fisheries and thereby prevents the regulatory discarding of bycatch that may result from an early season closure.

Instructions for Public Comment

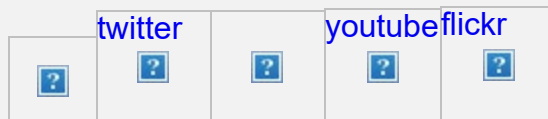
DMF will accept written public comment through Friday, June 30, 2023. Please address all written comments to Director Dan McKiernan and submit them by e-mail to marine.fish@mass.gov.

Public comment will be considered in DMF's final recommendation to the Marine Fisheries Advisory Commission (MFAC). The MFAC will review the public comments and vote on DMF's final recommendation at their July 10, 2023 business meeting. If approved by the MFAC, the in-season adjustments will go into effect for July 11 and will be in effect for the remainder of 2023 fishing season, unless otherwise amended.



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From: [Cynthia Bloomquist](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe Crab conservation
Date: Sunday, June 18, 2023 2:38:17 AM

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Dear Chair,

Please do all you can to limit catching horseshoe crabs. The entire fishery should be cut drastically or eliminated—these ancient creatures are vital to seabirds and for medical use; threatening their existence for a bait fishery is a terrible waste.

Thank you.

Cynthia Bloomquist

From: [Chuck Sampson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crab harvest
Date: Sunday, June 18, 2023 10:12:36 AM

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To Director Dan McKiernan,

I think it's great that the Mass DMF is reducing the quota of horseshoe crab harvest for bait. If anything, I would like to see the horseshoe crab bait industry banned. In addition to the animal being such a unique ancient creature, it is a very important tool for the medical industry. I am against any harvest of the horseshoe crab for bait purposes. Maybe alternate harvesting of the invasive green crab and Asian shore crabs should be used as a replacement bait.

Thank you for the opportunity to provide my input.

Regards,

Chuck Sampson

From: [Arthur Warren](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe Crab Harvesting
Date: Saturday, June 17, 2023 7:52:34 AM

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

Director Dan McKierman,

Please prohibit horseshoe crab taking while the creatures are spawning. The spawning crab is Easy Pickens while nesting/spawning along the high tide beach line. Harvesting during spawning destroys future generations.

The horseshoe crab is one of the oldest creatures on earth and deserves some common sense protection.

Sent from iPad
Arthur Warren
2 Shore Road
West Yarmouth, MA 02673
Cell: 508.380.0355

From: [Bud Johnson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crab
Date: Friday, June 16, 2023 3:22:25 PM

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I am in favor of reducing the number of horseshoe crabs taken for any commercial use and would like to see a complete ban .

From: captainbob1250@verizon.net
To: [Fish, Marine \(FWE\)](#)
Subject: horseshoe crabharvest adjustment
Date: Saturday, June 17, 2023 4:16:13 PM

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Attention Dan McKierman

Adjust crab harvest to 200 per day and reduce moon tide harvest to 3 days centered around full and new moons.

From: [carolyn.parker](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crabs
Date: Saturday, June 17, 2023 4:47:26 PM

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Hello

I am writing once again to express my concern with the horseshoe crab harvest operations in Pleasant Bay and the lower Cape. As I stated before, there seems to be no regulation or oversight of the supposed release of crabs that have been bled. You may have read that roughly 1000 dead crabs were dumped near Stage Harbor. This is unacceptable and quite disgusting. The huge quotas have wiped out the females in Pleasant Bay. I have volunteered to help release crabs, I have written to you and to the head of the Save the Horseshoe Crab ngo but no one gets back to me. It is appalling. I appreciate the lower crab quotas but the system of buying bait crabs for bleeding and making the quotas too big has got to stop. No one is supervising the crab takers.

How can I help?

Carolyn Parker
208-481-0785

From: [william brotherton](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crabs
Date: Friday, June 16, 2023 10:18:35 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.

The harvesting of horseshoe crabs is unconscionable. All harvesting should be illegal. You are the worst stewards of the environment. When there are no horseshoe crabs left, will you be willing to take the blame?

Sent from my iPad

From: [Nelson Sigelman](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crabs
Date: Friday, June 16, 2023 6:01:11 PM

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Director Dan McKiernan:

I favor any reduction in the harvest of horseshoe crabs. These animals are too valuable to the environment and have survived too long to have their numbers diminished solely for use as bait.

Thanks,

Nelson Sigelman

Vineyard Haven

--

[Martha's Vineyard Fish Tales](#): *How to catch fish, rake clams, and jig squid, with entertaining tales about the sometimes crazy pursuit of fish*

Martha's Vineyard Outdoors, Fishing, Hunting and Avoiding Divorce on a Small Island

MV Times Review, Jan. 2, 2018, ["Good Sports"](#)

Vineyard Gazette, May 25, 2018, ["Front Row Seat to the Natural World"](#)

marthasvineyardoutdoors.com

From: [Michael Ambrose](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe Crabs
Date: Monday, June 26, 2023 9:54:23 AM

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Director Dan McKiernan

If thousands of crabs can wash up dead on the beaches of the Cape, then maybe commercial fishermen don't need them in the first place.

This fishery should be closed.

Sincerely

Michael Ambrose

Middleboro, MA

From: [Zaid Mongelli](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Horseshoe crabs
Date: Sunday, June 18, 2023 11:33:05 AM

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Hello Director Dan McKiernan--

The bait quota is too high for this species; they are too threatened to be thrown away as just bait. Please reduce the bait quota.

Zaid

--

I check this email rarely. Please forgive any tardy replies.

From: [Domenic Santoro](#)
To: [Fish, Marine \(FWE\)](#)
Subject: HSC
Date: Sunday, June 18, 2023 5:50:38 AM

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No change needed to daily HSC limits! If DMF decides to reduce the daily limit to 200 crabs the result will be counter productive to the goal of having each bait crab bled before it's used for bait. Let things play out this year and make any adjustments necessary in the off season.

Regards,

Domenic Santoro

Shellfish Broker LLC
95 Commerce Park, Unit 5
South Chatham, MA 02659
License # MA-12576-SP

June 30, 2023

Dear Director McKiernan,

Thank you for your continued and diligent work regarding the Massachusetts horseshoe crab fishery.

Please accept this letter for submission containing our comments specific to the proposed in-season adjustments to reduce the 2023 commercial horseshoe crab limits for mobile gear fishers by the MA Division of Marine Fisheries (DMF) scheduled to be voted on at the upcoming July 10 meeting of the Massachusetts Marine Fisheries Advisory Council (MFAC).

Although unintended, the decision to lower the horseshoe crab bait quota, its unanticipated outcome, and now the impending possibility of in-season adjustments have and will negatively impact our business and the business of the fleet of fishermen that we work with.

We would like to remind the DMF that we were reluctant to participate in the horseshoe crab bait harvest and rent-a-crab program from the outset, preferring rather, to fully operate in the sustainable and live release horseshoe crab fishery.

In light of the recent outcome of the proposals that have been adopted in regard to the Bait quota, which has now had a negative ripple effect through the industry, we feel that the Bio Medical Quota warrants further discussion and deliberation.

Therefore, we wish to formally request, and if the Chairman would allow, that the subject of Bio Medical Quota be placed as a topic on the MFAC's August 2023 agenda.

At that time, we would like to also put forth and present to the DMF and MFAC our own horseshoe crab conservation ideas, private industry proposals, that we believe will contribute to the protection of the species.

Sincerely,

Jamie Bassett
Matt Belson
Shellfish Broker, LLC



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

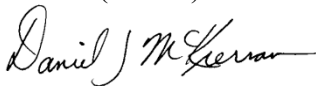
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: July 5, 2023
SUBJECT: **In-Season Adjustment to Smooth Dogfish Trip Limit**

Recommendation

I recommend the MFAC vote in favor of making an in-season adjustment to increase the smooth dogfish trip limit from 100 pounds to 300 pounds.

Background and Rationale

In 2014, Addendum II to the Interstate Fishery Management Plan for Coastal Sharks (FMP) implemented state-by-state quota allocations for smooth dogfish. These quota allocations were based on landings during 1998–2010, with Massachusetts receiving 0.433% of the coastwide quota. The addendum did not establish trip limits, but instead authorized states to do so in a manner that best meets their needs contingent on approval by the Atlantic States Marine Fisheries Commission's Coastal Sharks Management Board.

Massachusetts has had a 100-pound trip limit for smooth dogfish since 2007, predating the adoption of Addendum II. Landings data indicate smooth dogfish are not targeted in Massachusetts, but may sometimes be retained as bycatch, particularly in the summertime mixed-species trawl fishery south of Cape Cod. In fact, few harvesters report landings on an annual basis, so in many years the data are held confidential under G.L. c. 130, §21. Since 2017, Massachusetts' smooth dogfish quota has been 17,195 pounds, and during the 2017–2022 period, less than 25% of the state's quota has been landed, and as low as 4%.

At a public hearing earlier this spring, DMF received a request to increase the smooth dogfish trip limit. This request came from a trawl fisherman who stated he occasionally catches more than the 100-pound limit. Increasing the trip limit would allow our commercial fishery to better access this underutilized quota while reducing regulatory discarding on trips when the current 100-pound limit is exceeded. Based on discussions with this fisherman, DMF sent a proposal to ASMFC to increase the state's trip limit to 300 pounds. This action was endorsed by the ASMFC's Coastal Sharks Technical Committee and Management Board.

For 2023, DMF is seeking to implement this trip limit increase through the in-season adjustment process set forth at 322 CMR 6.41(2)(d). This regulation allows DMF to adjust regulatorily set trip limits by a declaration during the season to prevent quota overages or ensure available quota is taken. Such an action requires a two-week comment period and approval by the MFAC. Using the in-season adjustment process ensures we can affect a change for this year, whereas amending the regulatorily set trip limit could take

six or more months. DMF will review fishery performance this year and will consider initiating rule making this fall to adopt the 300-pound trip limit as a regulation for 2024.

Public Comment

As stated above, DMF is required to hold a two-week public comment period on in-season adjustments. This public comment period may be run concurrent with the declaration process, meaning it may be ongoing when a recommendation is made to the MFAC, the MFAC votes on the recommendation, and the declaration is issued and enacted.

DMF initiated a public comment period on June 26, 2023. The public comment period is scheduled to run through July 9, 2023. At present, we have not received any substantial comment on the action. One comment advocated DMF take similar procedures to help cod and pollock, which is not relevant here. Another comment requested DMF increase the trip limit to 500 pounds, which is not possible based on what the TC and Management Board approved. Given the nominal scale of this fishery and the underutilized quota, I do not anticipate we will receive substantial comment on this matter. Therefore, I am comfortable making this recommendation to the MFAC in advance of the public comment period closing. Should any additional comments be received prior to our July 10 business meeting, staff will forward them along for your consideration.

Attachments

Written Public Comment as of July 5, 2023

From: [Michael Polisson](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [McKiernan, Dan \(FWE\)](#)
Subject: smooth dogfish
Date: Tuesday, June 27, 2023 12:58:17 PM

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I would suggest raising the daily limit to 500.... Let try to use up our quota before ASMFC reduces it.....

From: cpq1chg1@aol.com
To: [Fish, Marine \(FWE\)](#)
Subject: smooth dogfish
Date: Monday, June 26, 2023 10:43:34 AM

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I would favor procedures that help favored species such as cod and pollock.



The Commonwealth of Massachusetts

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Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: July 5, 2023

SUBJECT: **Belding Award Nomination**

At the June 2023 MFAC business meeting, I stated an interest in giving out the Belding Award in 2023 and suggested MFAC members provide me with potential nominees in advance of the next business meeting. To date, I have not received any such nominations from the MFAC. If you wish to move forward a name, please do so at the July meeting. I will then review the candidate(s) and present a final nomination for the MFAC's consideration at the August business meeting. However, should no names be moved forward at the July MFAC business meeting, I intend to nominate John Michael Hickey ("Mike").

Recently passed, Mike was the long-time Shellfish Program Manager for DMF. He retired in 2020 after a near 52-year career, during which he was integral in the development of DMF's Shellfish Program and the founding of the national Interstate Shellfish Sanitation Conference. Mike followed in Dr. Belding's legacy as a prominent authority on the Commonwealth's shellfish fisheries and is worthy of the award issued in Dr. Belding's name. Please see the attached memorandum from current DMF Shellfish Program Manager, Jeff Kennedy, nominating Mike Hickey for the award.

Attachment

2023 Belding Award Nomination from Jeff Kennedy



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

Memorandum

To: Dan McKiernan, Director
From: Jeff Kennedy, Shellfish Program Lead
Date: Thursday June 8, 2023
Subject: 2023 Nomination for Belding Award

Introduction

In 1989 the David L. Belding Award was created to honor individuals who have done the most to promote the conservation and sustainable use of the Commonwealth's marine resources.

Dr. David L. Belding, was both a medical doctor as well as the Commonwealth's Marine Biologist for the first half of the 20th century, conducting two distinguished careers simultaneously in medicine and marine biology. Dr. Belding was extremely prolific, authoring dozens of papers on marine biology over half a century. His wide array of research in marine biology, and particularly local shellfish populations, is continually referenced having become a cornerstone of the Massachusetts Division of Marine Fisheries (DMF).

Initially conducted on an annual basis, the granting of the award has transitioned at the discretion of the Marine Fisheries Advisory Commission (MFAC) upon an individual's nomination. Candidates may be nominated at any time by a member of the MFAC or DMF, although no more than one award will be given per calendar year. In 2022 the award was presented to Mark Amorello for his 25-year tenure and leadership on the MFAC and his contributions to river herring conservation.

DMF Nominee

I would like to nominate DMF's own John Michael Hickey posthumously for the David L. Belding Award. Recently passed, "Mike" was the long time Shellfish Program Manager for the Division retiring in 2020 after a nearly 52-year career.

Mike began his career with DMF in June 1968 as an Assistant Marine Fisheries Biologist, promoted to Marine Fisheries Biologist in 1972 as the new Shellfish Technical Assistance Project Leader. Mike's directive was to provide science-based shellfish management and shellfish propagation assistance to coastal municipalities. It was at this time he was first tasked with promoting private shellfish aquaculture under newly passed state legislation, and by 1980 was promoted to Senior Marine Fisheries Biologist. Then in 1988, Mike assumed leadership of newly acquired shellfish growing area classification responsibilities from the Massachusetts DEQE, now the Department of Environmental Protection. At that time, he was promoted to Chief Biologist and led the combined projects known as the Shellfish Sanitation and Management Program until retirement.

Mike is considered a founder of the Interstate Shellfish Sanitation Conference (ISSC), attending the ISSC conference on twenty-six (26) occasions, his last in 2019. He was first elected and served as the Region 1 regulatory representative to the ISSC Executive Board in 1983, serving uninterrupted until 2020 making him the longest serving board member. During his tenure on the Executive Board, he was elected Chair twice, from 1997 to 2001 and then again from 2008 to 2013, also making him the longest serving Board Chair. Always active in ISSC he was a member and participated on countless workgroups, committees, sub-committees, and the various Task Forces often as the chair, his advice and counsel was always in demand. At ISSC and in state, he worked on shellfish issues concerning marine biotoxins, Harmful Algal Bloom's, depuration, aquaculture, water quality, harvest techniques, shellfish disease, seafood safety, and local and state management policy.

Mike authored and co-authored numerous papers and reports on Massachusetts shellfish and was regarded by many as the foremost shellfish expert in the Commonwealth during his career. He was an active member of the Northeast Shellfish Sanitation Association (NESSA) for 40 years, elected President twice, and was an advisor to the Massachusetts Shellfish Officers Association (MSOA) for over 40 years.

Mike has long been a cheerleader for David Belding's work, championing Belding's studies in Massachusetts shellfisheries. He was always the first to reach for Dr. Belding's seminal papers from the early 20th century. In fact, I believe in large part it was Mike's frequent references to these works that has helped continue Belding's hold as an authority on our state shellfish industries.

In 2004 the Cape Cod Cooperative Extension re-published three of David Belding's works on the *Quahog and Oyster Fisheries of Massachusetts*, the *Scallop Fishery of Massachusetts*, and the *Soft-Shell Clam Fishery of Massachusetts*. In the forward to this edition, Mike noted that "shellfish culture methods, also experimented with by Belding in the early 1900's, have developed into a major industry for the coastal region with more than 300 growers now licensed by local towns...." Since Mike wrote this in September 2004, the industry has continued its' meteoric rise with today approximately 450 permitted growers producing more than \$30M annual oyster landings, which is currently the third most valuable state waters fishery. Certainly, as Shellfish Program Manager Mike had an oversized impact in fostering the growth of this important state fishery. I would encourage everyone to read Mike's forward, and David Belding's works-it's a very interesting and educational read.

Mike was known to his colleagues, co-workers, and throughout the industry for his straight talk, incisive mind, and ready laugh being always willing to work hard and lend a hand. I certainly appreciate your support of Mike's nomination for the David L. Belding Award and hope the Commission will support this posthumous nomination and award to honor his career and commitment to Massachusetts shellfish.

cc: R. Glenn, S. Reed, C. Petitpas, DMF

List of Past Recipients

- Elizabeth Stromeyer (1990), Longtime MFAC Chairman and tackle shop owner Lester Smith (1991), Recreational fisheries advocate
- Henry Lyman (1992), Founder of Saltwater Sportsman Magazine and recreational fisheries advocate
- Frank Grice (1993), Former DMF director and NOAA fisheries official
- Frank Mirarchi (1994), Commercial fisherman, former MFAC chairman, and former New England fishery Management Council member, participant in many cooperative research studies
- Jack Crowley (1995), Marine educator
- Henry Souza (1996), Commercial fishermen who participated in extensive conservation engineering gear trials to reduce bycatch in trawl fisheries
- Bob Pond (1997), Striped bass conservation advocate
- Stormy Mayo (1998), Right whale researcher and founder of the Provincetown Center for Coastal Studies
- Steve Clark (1999), NOAA fisheries scientist
- Tony Verga (2000), Former MFAC member, ASMFC delegate, and state legislator Bruce Tarr (2001), State legislator and fisheries advocate
- Arnold Howe (2002), Founder of DMF's trawl survey, longtime DMF employee Steve Murawski (2003), NOAA fisheries stock assessment specialist
- Kevin Stokesbury (2004), UMass Dartmouth fisheries researcher, scallop fishery expert Donald Anderson (2005), WHOI biological oceanographer and red tide specialist Richard Quinn (2007), US Fish and Wildlife service expert on fish passage
- John Hughes (2012), Former DMF employee who founded the state lobster hatchery on Martha's Vineyard
- Paul Diodati (2015), Former DMF director, former striped bass and northern shrimp fisheries expert
- Bill Adler (2016), Commercial fisherman and longtime member of the marine fisheries advisory Commission
- Arthur DeCosta (2017) commercial fisherman and participant in numerous collaborative scientific studies on lobster and whelk fisheries
- Mark Amorello (2022) Former MFAC member and Chair, and for contributions to river herring conservation