



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AMENDED AGENDA**

10:00AM

Tuesday, July 1, 2025

Via Zoom

Link: <https://tinyurl.com/5edb56bs>

Call In: 1-305-224-1968

Webinar ID: 878 5961 0808

Passcode: 133589

1. Call to Order and Routine Business (10:00 – 10:15)
 - a. Introductions and Announcements
 - b. Review of July 2025 Business Meeting Agenda
 - c. Review and Approval of May 2025 Draft Business Meeting Minutes
2. Agency Updates (10:15 – 11:00)
 - a. Office of Law Enforcement: Personnel, Recent Operations & Marine Fishery Incidents
 - b. Department of Fish and Game: Recent Meetings and Events and Department-wide Activities and Projects
 - c. Division of Marine Fisheries: Personnel, Recent Meetings and Events, and Agency Activities and Projects
3. Action Item (11:00 – 11:30)
 - a. Renewal of Recommendation on Regulations to Implement Addendum XXXII to Lobster FMP
4. Discussion Items and Updates (11:30 – 12:30)
 - a. Interstate Striped Bass Management and Reconvening MFAC Focus Group
 - b. Federal Fisheries Management
 - c. Offshore Wind Energy
5. Other Business and Public Comment (12:30 – 1:00)
6. Adjourn (1:00)

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

TBD

MARINE FISHERIES ADVISORY COMMISSION
Draft Business Meeting Minutes
May 29, 2025
SMAST East

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Shelley Edmundson, Clerk; Arthur “Sooky” Sawyer; Bill Amaru; Tim Brady; and Kalil Boghdan. Absent: Bill Doyle and Chris McGuire.

Division of Marine Fisheries: Daniel McKiernan, Director; Bob Glenn, Deputy Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Nichola Meserve; Melanie Griffin; Bradlie Morgan; Jared Silva; Tracy Pugh; Kelly Whitmore; Erin Burke; Anna Webb; Leah Crowe; Emma Fowler; and Manali Rege-Colt.

Massachusetts Environmental Police: Colonel Christopher Mason; Captain Jack Chapin; and Lieutenant Matt Bass.

Members of the Public: Beth Casoni, Julia Logan, Sam Blatchley, Jamie Bassett, Matt Belson, Brendan Adams, Nick Kowaleski, and Sophia Weinstock.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Raymond Kane called the May 29, 2025 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

Ray noted that the MFAC generally holds its annual elections at a May or June meeting, corresponding with the end of the state’s fiscal calendar. In advance of the May meeting, and in anticipation of there being no June meeting, Jared Silva circulated an e-mail among MFAC members to gauge interest in holding annual elections and there was little interest in changing officers. Ray sought the MFAC confirm this.

Bill Amaru moved for discussion a motion to retain current officers, and Shelley Edmundson seconded the motion.

Kalil Boghdan supported maintaining the current officers given the likely turnover of the MFAC in the coming months given his pending retirement from the MFAC at the end of his term in August and the existing vacant seat. Tim Brady indicated that he was currently serving on an expired term and was not seeking reappointment.

The Chairman then asked about the status of appointments and reappointments. Director McKiernan indicated that Commissioner Tom O’Shea was working on several appointments and reappointments, and Dan expected a full Commission to be appointed by the fall. Kalil and Ray spoke to the urgency of completing these appointments as soon as possible given Mike Pierdinock’s seat has been vacant since October 2024, and two current members were not seeking reappointment.

There were no further comments and there was unanimous consent to maintain the existing MFAC officers for the time being.

REVIEW OF MAY 29, 2025 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any requests to edit the May 2025 MFAC business meeting agenda. No requests for amendments were made. **Tim Brady made a motion to approve the agenda and Shelley Edmundson seconded. The motion was approved by unanimous consent.**

REVIEW AND APPROVAL OF APRIL 23, 2025 DRAFT MEETING MINUTES

Chairman Kane asked for edits to the April 24, 2025, business meeting minutes. Shelley Edmundson noted that Sooky Sawyer is listed as both present and absent. Additionally, she requested a spelling change on page six, changing “warning waters” to “warming waters”. No further edits were made.

The Chair called for a motion. Tim Brady moved to approve the draft minutes as amended. Bill Amaru seconded the motion. The motion passed unanimously with Chairman Kane and Shelley Edmundson abstaining (4-0-2).

OFFICE OF LAW ENFORCEMENT: PERSONNEL, RECENT OPERATIONS, AND MARINE FISHERY VIOLATIONS

Captain Jack Chapin began his comments by acknowledging the joint DMF and MEP effort to remove abandoned trap gear from the wintertime fixed gear closure. Chapin then provided an update on recent marine fishery violations stemming from the recent Northern Gulf of Maine scallop season, as well as rod and reel fishing activity for scup, striped bass, and tautog. He also anticipated enforcement and compliance issues related to this year’s expected recreational Atlantic bluefin tuna rules.

Chapin then discussed operations. MEP’s new offshore patrol boat is operational, allowing for an expanded patrol radius and additional patrols in Nantucket Sound. On personnel, they are looking to bring on one additional field officer before the end of this fiscal year and bring on seven additional officers by the end of the calendar year. He noted MEP is exempt from the current hiring freeze when hiring officers, but not administrative staff.

Chairman Kane, Bill Amaru, and Kalil Boghdan asked about the recent striped bass violations. Captain Chapin noted the violations involved both recreational harvest and size limits. Lt. Matt Bass and Captain Chapin discussed how social media drives fishing activity to certain discrete locations which results in certain areas becoming hot spots for poaching.

Chairman Kane, Jared Silva, Tim Brady, and Lt. Bass then discussed the administrative, non-criminal, and criminal actions that can be taken in response to fishery violations. Jared noted that while DMF has taken actions on recreational fishing permits, it is not the most effective tool given individuals who are willing to break fishing limits are also likely

willing to fish without a permit. He contrasted this with the commercial fishery where the permit is needed to sell fish, and many permits and appurtenant endorsements are limited entry. Lt. Bass explained the fine structure for criminal and non-criminal fishery violations.

Bob Glenn thanked MEP for their collaboration with gear haul out this winter. Chairman Kane asked if the frequency of incidents of abandoned gear was decreasing. Bass and Chapin concurred that it was.

Colonel Chris Mason and Kane then discussed MEP personnel and the need for additional capacity. Mason remarked on the loss of a few anticipated hires late in the hiring process and hoped that MEP would eventually be able to increase their capacity to 160 officers.

DIVISION OF MARINE FISHERIES: PERSONNEL, RECENT MEETINGS AND EVENTS, AND AGENCY ACTIVITIES AND PROJECTS

Director Dan McKiernan began his comments by outlining the recent meetings he attended. The Council Coordinating Committee met in New Bedford and brought together leadership from all eight fishery management Councils, three fishery Commissions, and various state and federal fishery managers to discuss common issues. The Northeast Region Coordinating Council also met, which brought together leadership from the Atlantic States Marine Fisheries Commission (ASMFC), Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC), and NOAA Fisheries. With NOAA's significant staffing losses and anticipated future cuts, federal capacity is limited and may prioritize fishery-independent surveys and opening fisheries on-time over protected species and habitat programs.

Dan then described two recent federal executive orders: (1) Unleashing Prosperity Through Deregulation, and (2) Restoring American Seafood Competitiveness. The latter has sparked some concern that the regional Council process will be bypassed in favor of fast-tracking rules through the Secretary of Commerce. However, it may also encourage NOAA Fisheries to find creative ways to improve efficiency in the fishing industry (e.g., fluke mesh size changes, allowing retention of surf clams and ocean quahogs on the same trip, modernizing vessel upgrade rules, and shifting the start of the fishing year for certain species).

The Chairman and Nichola Meserve remarked on how shifting the start of the fishing year could allow for more clearly informed regulations for species like black sea bass.

The Director then discussed the reallocation of Interjurisdictional Fisheries Grant Funds from Conservation Engineering to a Fisheries Monitoring Program. This has been part of DMF's effort to improve portside sampling in collaboration with the Northeast Fisheries Science Center (NEFSC).

Dan noted DMF was currently in the process of reviewing the petition the Southeastern Massachusetts Pine Barrens Alliance provided DMF and the MFAC at the April business

meeting to close horseshoe crab harvest in Duxbury, Kingston, and Plymouth. DMF will review its analysis with the MFAC at a summertime meeting and debate whether or not it should be brought to public hearing. Kalil agreed with this process and urged Commissioners to read the document thoroughly.

Chairman Kane asked Shelley Edmundson about conch sex and aging research. Shelley noted that the Martha's Vineyard Fishermen's Preservation Trust is not actively pursuing conch research.

Director McKiernan added that DMF paused the scheduled size-at-harvest increases for three-years (2024-2026). This was done to accommodate the development of a Management Strategy Evaluation (MSE) for the channeled whelk fishery by SMAST. However, this work was never funded. Accordingly, over the next two-years the MFAC and DMF will have to decide how to move forward with managing the channeled whelk fishery absent this MSE.

Chairman Kane asked if DMF had updated its channeled whelk stock assessment. Bob Glenn stated that DMF assessed the channeled whelk stock in 2019 and has not revisited the information. However, fishery dependent data suggests the stock remains depleted.

Kalil, Ray, and Dan then discussed issues facing the market for whelks over the past few years.

Lastly, Dan shared that DMF would host its first ever "Marine Quest" event on Saturday, June 14th at the Cat Cove facility in Salem. Shelley added that Martha's Vineyard Fishermen's Preservation Trust "Meet the Fleet" event will be held on August 7th.

ACTION ITEMS

Approval of Regulations Implementing Addendum XXXII to Lobster FMP

Director McKiernan outlined the history of Addenda XXVII, XXXI, and XXXII to the Interstate Fishery Management Plan (FMP) for American Lobster and implementing state regulations.

In 2023, the ASMFC approved Addendum XXVII to the Fisheries Management Plan (FMP) to adopt lobster conservation measures to bolster the spawning stock biomass and standardize rules across the Lobster Conservation Management Areas (LCMAs) that fish on the Gulf of Maine/Georges Bank (GOM/GBK) stock. In 2024, the MFAC approved complementary state regulations which DMF promulgated in early 2025 to be effective for July 1, 2025. However, immediately follow the promulgation of state regulations in 2025, Maine announced it would be unable to enact a final rule given significant pushback from its industry and New Hampshire indicated it would follow Maine's lead and act to repeal its pending rules implementing Addendum XXVII.

Consequently, at its February 2025 meeting, the ASMFC's Lobster Board ("Board") initiated draft Addendum XXXII to repeal aspects of Addendum XXVII. The Board preferred this course of action as opposed to pursuing a potential non-compliance determination. Addendum XXXII repealed the carapace size and escape vent rules in Addendum XXVII, but not the trap tag rules for Lobster Conservation Management Area

(LCMA) 1 and LCMA3, and v-notch standardization rules for Outer Cape Cod LCMA (OCCLCMA) and LCMA3.

In response, DMF filed emergency regulations to implement Addendum XXXII to maintain a state regulatory program that promotes stability in markets and equity among fishers within the same LCMA. DMF's proposed recommendation sought to finalize these regulations beyond the 90-day emergency period. Should final rules not be approved, the emergency rules would expire later this summer (July 24), and state rules would revert to those adopted under Addendum XXVII.

Kalil asked to clarify the administrative process for and feasibility of adopting second emergency action if today's proposed motion is not approved. Dan responded that DMF could potentially pursue such an action, but it would require legal review and sign off from the administration.

Chairman Kane, Kalil Boghdan, and Bill Amaru asked to clarify the impact and purpose of today's proposal. Jared Silva and Director McKiernan noted that if approved the emergency regulations would be codified as final rules. However, if rejected, all regulations made through Addendum XXVII, codified in January 2025, would go into effect upon the expiration of the emergency rules later this summer.

The expiration of the emergency regulations would significantly disrupt the seafood industry and lobster fishery in the Commonwealth. Specifically, the dealer sector would be unable to import and possess non-conforming sized lobsters (i.e., between 3 $\frac{1}{4}$ " and 3 $\frac{5}{16}$ ") lawfully caught in Maine and New Hampshire and would be required to liquidate previously purchased non-conforming product within 90-days; Massachusetts LCMA1 fishers would be subject to a more restrictive carapace size than their counterparts in Maine and New Hampshire, putting them at a competitive disadvantage; the recreational fishery in the Gulf of Maine would have their minimum size increase in-season; there would likely be a shortage of readily available 3 $\frac{5}{16}$ " gauges for fishers, dealers, and enforcement given this is a novel size limit for lobsters along the Atlantic coast; and state-only OCCLCMA fishers and recreational fishers in the Outer Cape would become subject to a 6 $\frac{3}{4}$ " maximum size standard. Additionally, the standardized v-notch rule for the OCCLCMA and LCMA3 would remain in effect regardless of the outcome of today's vote because a repeal of this rule was not included in Addendum XXXII nor implementing state regulations.

Dan acknowledged that this standardization affected about 30 state-only OCCLCMA permit holders who would see their v-notched lobster possession rule go from $\frac{1}{4}$ " deep sharp "v" shaped notch without setal hairs (" $\frac{1}{4}$ -inch standard") — the least restrictive rule along the coast — to $\frac{1}{8}$ deep v-shaped notch or indentation with or without setal hairs (" $\frac{1}{8}$ -inch standard") — the same as federal OCCLCMA permit holders and LCMA 3 permit holders (as well as all across all LCMAs in Southern New England and the Mid-Atlantic). The Director also reiterated his preference to adopt the $\frac{1}{8}$ -inch standard across the OCCLCMA as it would enhance enforcement and compliance at docks and in markets. Jared reiterated that if the recommendation were to fail, there is likely going to be a shortage of 3 $\frac{5}{16}$ " gauges available to fishers, dealers, and enforcement.

Amaru expressed frustration with the failure for the management process to include a repeal of the v-notched lobster standardization rule. He noted that Addendum XXXII repeals all the gauge and escape vent changes that were to effect, where the preponderance of lobster harvest occurs, but maintains a rule change that will impact only a small number of permit holders in Massachusetts. He argued the small Outer Cape fishery should not have to carry the conservation burden for the region, that this inaction was unfair, and DMF should not deviate from the longstanding management plan that the OCCLCMA fishers agreed to (that which was in place prior to Addendum XXVII).

McKiernan appreciated Amaru's frustration but noted that reinstating the 1/4-inch standard for state-only OCCLCMA fishers was outside the scope of the current regulatory process.

Sooky Sawyer agreed with Amaru. Sooky noted that he voted against the state implementation of Addendum XXVII. However, these rules impacted the entire GOM/GBK fishery and not just a small subset of Massachusetts fishers. He felt it was unfair and unacceptable that Addendum XXXII and implementing state rules maintained the v-notch standardization rule affecting only a small number of permit holders, while repealing the biological measures that effect LCMA1 where most of the country's lobster harvest occurs. With that said, Sooky acknowledged that if the MFAC did not approve DMF's recommendations the state's lobster and seafood industry would be negatively impacted once the emergency regulations expired. To balance these issues, Sooky argued that Massachusetts should move ahead to repeal the v-notch standardization rule and not concern itself with complying with the FMP given Maine and New Hampshire had already leveraged non-compliance to obtain the outcome they wanted for their industry.

the Director noted that Addendum XXXII merely paused the development of conservation measures for LCMA1. He anticipated the Lobster Board would review the stock assessment this fall and move ahead with a new addendum to implement new rules for 2027. Sooky countered that measures affecting the OCCLCMA should similarly be paused. Sooky also expressed frustrations with the ASMFC circumventing the LCMT processes in the development of Addenda XXVII and XXXII.

Kalil asked for the total number of active commercial lobstermen in the state, and Story Reed said there are around 650.

Kalil Boghdan made a motion to adopt the Director's recommendation. Shelley Edmundson seconded the motion.

Tim Brady voiced support for the management strategy that was in place prior to the adoption of Addendum XXVII and objected to maintaining state regulations that adopt the 1/8" standard in the OCCLMCA while moving to repeal the other measures contained in Addendum XXVII.

Amaru and Sawyer reiterated their previously stated concerns.

The Chairman remarked about the political nature of votes at ASMFC. Amaru expressed disappointment with the politics around this issue. The Director disagreed with the Chairman's views on the politics of this issue at the ASMFC. Dan argued that there are

longstanding concerns about the 1/4-inch standard for the state-only OCCLCMA fishers at the Board and these sentiments are heightened now that we are moving into a period of lower abundance.

Shelley asked to clarify the consequences of the proposed motion on Maine and New Hampshire. The Director responded that neither Maine nor New Hampshire have adopted Addendum XXXII, so approving this motion would make Massachusetts regulations equivalent to neighboring states in LCMA1.

Kalil asked if it would be possible to amend today's recommendation to include a repeal of the v-notch standardization measure. McKiernan and Silva explained that such an action outside the scope of the current rule making initiative. Accordingly, it would have to be adopted through a subsequent regulatory action and would result in Massachusetts not upholding the FMP. The Director reiterated his support for the interstate fishery management process and the v-notch standardization measure.

Sooky and Ray asked if it would be possible to delay the implementation of the v-notch standardization rule. Silva and McKiernan noted this rule was already in place and an amendment to its implementation would require a subsequent regulatory action.

Sooky reiterated his interest in preventing regulatory impacts to only a small number of OCCLCMA fishers when conservation measures were delayed for the preponderance of the industry that fishes on the GOM/GBK stock.

The Director noted that DMF sea sampling data for the OCCLCMA indicates the likely loss of landings attributable to v-notch standardization is projected to be between 2-4%. He felt the 25% loss figure being stated by industry was not supported by the available data.

Dan then explained the history as to why there are two disparate v-notched lobster standards among OCCLCMA fishers and why there is such little support at the ASMFC for the state-only OCCLCMA fishers to maintain the 1/4-inch standard.

Sooky and Dan discussed the history of conservation equivalency strategies in the lobster fishery and diverging rules across LCMAs. Dan explained that in the early 2000s, the lobster fishery was managed under a so-called "F10 approach" — the rate at which fishing reduces the estimated egg production per harvestable lobster to 10% or less of a non-fished population. In the development of conservation strategies at that time, LMCA1 fishers wanted to pursue mandatory v-notching and a zero-tolerance v-notched lobster possession rule stock-wide. The OCCLCMA fishers did not support this program and developed a conservation equivalency which achieved a similar projected egg production by moving to a larger minimum carapace size. Then in 2010, the federal government adopted the 1/8-inch standard for OCCLCMA fishers with a federal permit, but a commensurate change was not adopted for state permit holders through the FMP or unilaterally by DMF until Addendum XXVII.

Then the Director stated his support for v-notch standardization. He argued this would enhance enforcement and compliance and thusly benefit conservation over the long term.

The Chair called the vote, and the motion failed (2-3-1) with Kalil and Shelley voting for, Bill Amaru, Tim Brady, and Ray voting against, and Sooky abstaining.

The Director remarked on the likely complications created by this vote.

Shelley asked how this would impact the regulations affecting the OCCLCMA fishery. Jared and Dan explained that the state-only OCCLCMA fishers would not get reprieve from the v-notch standardization by this vote and will be subject to a maximum carapace size of 6 $\frac{3}{4}$ " once the current emergency rules expire.

Brady sought to explain his no vote. He stated he votes first for the resource and then for the fisherman. He viewed the regulatory action as being unfair claiming it overturned the conservation measures for the majority of the fishers while retaining measures affecting only a small group of Massachusetts fishers. Accordingly, he could not support this action.

FUTURE PUBLIC HEARING ITEMS

Modernization of Surf Clam Management Rules

Jared Silva provided background context and history on the surf clam fishery. He explained that surf clam management has been based primarily on 12 and 20 ft depth contours, as well as management areas to avoid user-group conflicts. Following a recent statutory change that gave DMF sole authority over permitting and managing the commercial ocean quahog and surf clam dredge fishery, DMF is proposing to bring an updated surf clam management plan to public hearing later this year for potential implementation in 2026.

The initial proposal includes: (1) requiring active vessels to install and maintain an operable real-time electronic tracking device (like those required of federal lobster and Jonah crab trap permit holders); (2) eliminating the use of seasonal depth contours and discrete management area closures in favor of creating polygons using GPS coordinates to establish closed fishing areas that are inclusive of the 12' depth contour and existing management closures while also protecting sensitive marine habitats (e.g., eel grass); (3) expanding seasonal closures in lower Cape Cod Bay to protect aggregations of egg bearing and new shell lobsters; (4) lifting the night closure for surf clamming from February 1 – April 30; and (5) maintaining the prohibition on surf clam and ocean quahog dredging north of Point Allerton in Hull pending additional review and subsequent rulemaking. Jared explained that DMF has collaborated with the fleet and the Department of Environmental Protection (DEP) in developing these management plans.

A pilot program found that the electronic tracking devices worked effectively to track vessels in real time, differentiate fishing behavior, and notify vessel operators when they have entered or exited a regulated area. Jared then clarified that the proposed vessel tracker requirement would apply to permit holders who intended to participate in the fishery and would not apply to those who merely held the permit.

The Director provided additional context on the history of surf clam management and how

lawsuits involving Provincetown ConCom regulations gave DMF and DEP joint authority to manage this fishery, which created various complexities and ultimately resulted in DMF seeking and obtaining a legislative amendment to regain sole management authority over this fishing activity. Dan noted that public comment will contribute helpful perspective on potential gear conflicts and closures, particularly around Herring Cove.

Kalil asked about the feedback DMF received from municipalities, particularly Shellfish Constables. Dan stated that there was general support for DMF's proposal, but Provincetown officials remain concerned about the impact of this fishing activity on the benthic habitat around Herring Cove.

McKiernan, Silva, and Bass discussed how this would greatly enhance the enforceability of the state's spatial management program for this fishery but would require DMF to codify the complete set of coordinates that establish the closure boundary in the Code of Massachusetts Regulations.

Ray and Jared remarked on the fleet's desire to avoid eel grass to prevent gear fouling and the additional habitat protection benefits.

There were no further questions or comments.

Framework for Managing Derelict Gear

Bob Glenn introduced DMF's proposal to establish a framework to permit and manage the cleanup of fishing gear debris. Legislative amendments were made in 2024 to eliminate the property rights previously granted to fishing gear debris, and instead provided DMF, DFG, and the MFAC with the authority to permit and regulate the removal of fishing gear debris from Commonwealth waters and shores.

A key aspect of this regulatory framework will be the ability for DMF to adequately define what is and what is not "intact" pot and trap gear. To do this, DMF reviewed the frameworks established in other states (e.g., Florida, Washington, and California). Based on this review, DMF is proposing to define intact trap or pot gear as having at least three of the following requirements: a buoy; a complaint buoy line; identifiable to the permit holder; and configured with appropriate escape vents and ghost panels. This definition ensures that the owner is identifiable, the trap is functional, and the buoy line is identifiable and also allows for a gear to be considered non-compliant without becoming fishing gear debris and losing its property rights.

Bob then explained how DMF would authorize the clean-up of fishing gear debris. This includes: (1) providing a blanket year-round authorization to remove and dispose of fishing gear debris from the shoreline; (2) allowing DMF and MEP to remove and dispose of gear debris in the water year-round; (3) requiring proponents to apply for a special project permits to remove fishing gear during a closed fishing season with each application being reviewed by DMF and permitted based on its merits and the requisite capabilities of the applicant; and (4) enabling mobile gear vessels to bring ashore fishing gear debris incidentally caught during routine fishing operations while maintaining strict prohibitions on molesting fixed fishing gear.

Bob explained that DMF is also seeking public comment on best practices for handling fishing gear debris. This includes encouraging fishermen to attempt to return gear to the owner, ensuring gear is disposed of lawfully, and developing a more substantial network of disposal infrastructure. Lastly, Bob discussed derelict aquaculture gear, which will be addressed primarily through the municipality but with the potential for a state-wide requirement to label aquaculture gear with permit holder information.

Kalil asked about the legality of collecting buoys and displaying them, and Bob noted this is not currently legal.

Chairman Kane asked about the infrastructure available for disposing of fishing gear debris, particularly dumpsters at ports. Bob, Story, and Jared discussed approaches to effectively manage dumpster infrastructure, noting that DMF's trap crusher could be used to help this effort. Kane and Brady noted the challenges of dumpster location and monitoring. Bob Glenn wondered about incentives for this process, and a discussion followed about how to incentivize fishermen to dispose gear, such as financial support.

Amaru expressed strong support for this effort.

DISCUSSION ITEMS AND UPDATES

Interstate Fishery Management and May ASMFC Meeting

Nichola Meserve provided interstate fishery management updates.

With regards to spiny dogfish, Addendum VII to the Spiny Dogfish FMP was finalized to prohibit overnight soaks of gillnets in sturgeon bycatch hotspots. While this action does not directly impact Massachusetts state waters, it could affect spiny dogfish landings in New Bedford, which is a principal port for landing and processing these fish. Additionally, the spiny dogfish quota was reduced by about 1.5 million pounds for 2025 but this 2025 quota is still larger than what was landed in 2024.

Nichola moved on to discuss joint ASMFC-MAFMC efforts to finalize a new methodology to set recreational fishing measures for summer flounder, scup, black sea bass, and bluefish and the development of an amendment to consider sector separation in these recreational fisheries.

Nichola also briefed the MFAC on meetings of the ASMFC's Sea Herring and Northern Shrimp Sections. For sea herring, specifications for the upcoming fishing year were finalized and effort controls for Area 1A (Inshore Gulf of Maine) were set. Regarding northern shrimp, Amendment 4 to the FMP was finalized to allow for multi-year harvest moratoria to be set while establishing temperature- and recruitment-based "wake-up triggers" to evaluate the potential for reopening. Nichola also noted that the ASMFC Lobster Board approved Addendum XXXII, which was discussed at length earlier in the meeting.

Kalil asked about the status of northern shrimp stock. Bob Glenn explained that warming conditions in the Gulf of Maine have contributed to declines in abundance in this region. However, the Gulf of Maine is the southern extent of these shrimps' range, and the population remains strong in more northern waters. Kalil asked if there is a recreational

fishery for the species. Glenn indicated that there is not a recreational fishery for these shrimp species.

Bill Amaru asked for an update on the experimental shrimp fishery this past winter in the Gulf of Maine. Bob Glenn reported that there were very few landings, and in turn, this engendered support for moratoria and wake up trigger approach in Amendment 4.

Nichola then presented on striped bass management and the ASMFC's pending development of Addendum III to support stock rebuilding strategies starting in 2026. At present, there is some uncertainty as to what extent management may be necessary to rebuild the striped bass stock by the 2029 deadline as the Striped Bass Board awaited final 2024 harvest data.

Chairman Kane asked Nichola discussed expectations as to when the catch and harvest of striped bass will begin to decrease as the strong 2015- and 2018-year classes begin to age out of the fishery. The conversation then transitioned to discussing the 2025 young-of-the-year survey in the Chesapeake Bay. Nichola stated these data will be available in the fall and there is some tepid optimism about this year given environmental conditions this past winter and spring were favorable for a good young-of-the-year production. Boghdan asked how the recent stanza of poor recruitment may affect the population moving forward. Nichola noted that the impacts of this will really begin to be felt around 2030.

With regards to Addendum III, the Striped Bass board was developing various measures to reduce fishing mortality (e.g., commercial quota cuts, first-ever recreational seasons, and modified recreational size limits) and enhance regulatory accountability (e.g., standardized total length measurement, mandatory commercial harvester tagging). Nichola noted the various challenges Massachusetts would face if it were to move forward with a point-of-harvest tagging program. Silva asked about the specific parameters that would define a no-targeting closure. Nichola indicated that these were still being developed, and the Striped Bass Board was grappling with distinguishing between a no harvest closure and a no targeting closure.

Nichola noted that DMF will use the striped bass FAQ page to keep fishers up to date with the state of striped bass management.

Director McKiernan noted that DMF will likely reconvene the MFAC's Striped Bass Focus Group to help the agency navigate the various complicated striped bass management challenges.

DMF PRESENTATION ON PROTECTED SPECIES MANAGEMENT

DMF staff provided a two-part presentation regarding protected species management and science. The first aspect of the presentation focused on ongoing efforts to develop a passive acoustic monitoring program to detect right whales along the Atlantic coast and the recent deployment of real-time and archival monitoring units around Massachusetts coast. The goals of this project include understanding spatial and temporal presence of

NARW in state waters, increasing effectiveness of dynamic management, and informing the development of future conservation strategies. The second aspect of the presentation focused on experimental fisheries to explore the use of on-demand (“ropeless”) fishing gear, including a state reimbursement program that allows commercial trap fishers to purchase up to \$25,000 in on-demand gear.

Leah described the main threats facing North Atlantic right whales (NARW), including vessel strikes and fishing gear entanglements. Current monitoring strategies include visual surveys and passive and active acoustic monitoring. Visual surveys provide substantial data on individual whales but are limited to monitoring whales at the surface. Passive acoustic monitoring (PAM) allows for continuous monitoring and substantial data collection, and requires active vocalization, accurate target signals, and correct detection. DMF has deployed both near-real time monitoring buoys and archival monitoring loggers in state waters. In determining PAM locations, DMF considered current monitoring efforts, NARW sightings, space use conflicts, regulatory needs, and commercial fishermen insight.

The Chairman asked about the condition of humpback whale populations, and Leah and Bob responded that although they are endangered in Massachusetts, the Gulf of Maine population is no longer considered federally endangered.

Kalil asked about other PAM devices near Massachusetts waters. Leah noted that NOAA has used similar monitors near wind farms to understand construction constraints. The Chairman and Leah discussed the 5-10 km range of detection of PAM devices. Bob Glenn, Kevin Creighton, Erin Burke, and Director McKiernan then discussed funding requirements and sources for future monitors and data storage. The Chairman and Leah discussed the range of NARW on the east coast and potential impacts of wind energy.

Erin Burke then presented on DMF’s on-demand gear grant program. On-demand gear is experimental and currently requires special authorization with the use of gear from a gear library.

Jared Silva, Erin Burke, Kalil Boghdan, and the Chairman discussed the use of a phone application like the Buoy app as a virtual gear marking system. Erin noted that fishermen would be required to update their trap locations when they haul gear. There is some uncertainty concerning how environmental factors, such as tide, impact virtual gear marking.

Director McKiernan noted that the nature of on-demand gear may not allow for co-existence of buoyed and non-buoyed gear in one area, but more research is required. Erin, Bob Glenn, and Bill Amaru then discussed the importance of conducting more studies in complex systems, like Provincetown, to better understand how to minimize gear conflict. Lt. Matt Bass suggested using regular trap gear to test the virtual gear marking instead of on-demand gear to work in high density areas.

Ray asked about the timing of new regulations, and Erin and Bob discussed how on-demand gear would not be a required change through regulation in 2029.

Kalil asked about the costs of using on-demand gear for lobstermen. Erin responded that on-demand gear systems may cost up to \$4,000. This raises more questions about scaling up on-demand gear in the future.

Beth Casoni then asked about the number of lobster traps fished by on-demand gear and the permitted areas. Erin and Bob responded that this is determined on a case-by-case basis. Dan noted the impact of the new administration on the program's implementation.

OTHER BUSINESS AND PUBLIC COMMENT

The Chairman asked if there is anything to be added to the next meeting's agenda. Dan noted there will likely be an additional meeting before the anticipated August meeting to follow up on lobster management.

Sam Blatchley spoke on behalf of the Outer Cape Lobstermen's Association. He thanked DMF and staff for today's meeting and presentations. He urged DMF to bring forward new lobster management regulations that would adopt the provisions of Addendum XXXII but also include a repeal of the v-notch standardization measure.

There were no further comments.

ADJOURNMENT

There were no further questions or comments. **The Chairman asked for a motion to adjourn. Bill Amaru made the motion to adjourn meeting. The motion was seconded by Kalil Boghdan.**

MEETING DOCUMENTS

- May 29, 2025 MFAC Business Meeting Agenda
- April 24, 2025 MFAC Draft Business Meeting Minutes
- March 27, 2025 MFAC Final Business Meeting Minutes
- Memorandum on the Final Rule Making to Implement Addendum XXXII to the American Lobster Management Plan
- Public Comment on the Emergency Regulations to Implement Addendum XXXII to the American Lobster Fishery Management Plan
- Proposed Future Public Hearing Item to Modernize Surf Clam Management
- Proposal to Establish Framework to Permit and Manage the Clean-Up of Fishing Gear Debris
- Summary of the May 2025 ASMFC Meeting
- DMF's Passive Acoustic Monitoring Presentation
- DMF's On-Demand Gear Grant Program Presentation

UPCOMING MEETINGS

10AM
Tuesday, July 1, 2025
Via Zoom



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: Thomas O'Shea, Commissioner 
Daniel J. McKiernan, Director 

DATE: June 20, 2025

SUBJECT: Request to Renew Prior Recommendation to Adopt Emergency Carapace Size and Escape Vent Regulations Implementing Addendum XXXII as Final

Recommendation to Renew Prior Motion

We are requesting that when the MFAC meets again on July 1, 2025 that you renew a motion to adopt the emergency regulations implementing Addendum XXXII to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for American Lobster (FMP) as final rules. This includes:

1. For Lobster Conservation Management Area 1 (LCMA1) permit holders, maintain a 3 1/4" minimum carapace size and an escape vent size of either 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
2. For LCMA 3 permit holders, maintain a 6 3/4" maximum carapace size and rescind all pending maximum carapace size changes.
3. For federal permit holders in the Outer Cape Cod (OCC) LCMA, maintain a 6 3/4" maximum carapace size and rescind all pending maximum carapace size changes.
4. For state-only commercial permit holders in the OCCLCMA, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.
5. For seafood dealers, rescind all pending minimum and maximum carapace size changes, which correspond with the recommendations for commercial harvest size limits above.
6. For recreational fishers in the Gulf of Maine Management Area, maintain a 3 1/4" minimum carapace size and an escape vent size of either 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
7. For recreational fishers in the Outer Cape Management Area, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.

Follow Up on May 2025 MFAC Meeting

Since the unravelling of portions of Addendum XXVII to the FMP — precipitated by Maine and New Hampshire’s reneging on the carapace and vent size changes for LCMA1 previously approved in Addendum XXVII — and the consequent development and approval of Addendum XXXII to FMP, the Healey-Driscoll administration has prioritized ensuring that Massachusetts fishers are not subject to stricter standards than fishers who fish the same LCMA but under rules of another jurisdiction. This position was shared at the Annual Massachusetts Lobstermen’s Association meeting and was met with broad support by the many members in attendance. In response, DMF adopted emergency regulations to implement Addendum XXXII on April 25, 2025¹ with a May 27, 2025 recommendation to the MFAC to adopt these emergency rules as final regulation.

The May 27 recommendation sought to finalize the repeal of the carapace size and escape vent rules so they would not go back into effect once the emergency rules expire. However, the MFAC voted this recommendation down (2-3-1) at their May 29, 2025 business meeting. Notably, the debate surrounding DMF’s recommendation was not focused on the proposed action to repeal the pending carapace size and escape vent size changes, but rather the perceived unfairness of Addendum XXXII — and implementing state regulations — in not also repealing the pending uniform v-notched lobster possession standard for the OCCLCMA.

Recall that draft Addendum XXVII proposed a coastwide v-notched lobster possession standard of $\frac{1}{8}$ ” depth with or without setal hairs (“ $\frac{1}{8}$ -inch standard”) for the Gulf of Maine/Georges Bank lobster stock affecting all commercial fishers in LCMA1, LCMA3, and OCCLCMA. However, during the public process for the addendum, LCMA1 fishers across the range expressed a clear preference to maintain their more conservative v-notched lobster possession standard of any v-shaped notch with or without setal hairs (“zero tolerance”). As a result of this preference, standardization measure adopted in the final addendum did not extend to LCMA 1 and focused instead on making the $\frac{1}{8}$ -inch standard uniform across OCCLCMA and LCMA3. Effectively, this ended the allowance for about 30 active state-only OCCLCMA permit holders to maintain the least restrictive v-notched lobster standard along the coast — $\frac{1}{4}$ ” deep sharp “v” without setal hairs (“ $\frac{1}{4}$ -inch standard”) — by applying the $\frac{1}{8}$ -inch standard to these fishers and bringing them into line with the existing rule for federal OCCLCMA permit holders and LCMA 3 permit holders. DMF implemented this change back on January 3, 2025² alongside the other requirements of Addendum XXVII and the $\frac{1}{8}$ -inch standard is scheduled to go into effect for state-only OCCLCMA permit holders July 1, 2025.

While we understand the perspective of those MFAC members who voted against the recommendation in May, we are worried about the potential impacts of this vote on Massachusetts broader seafood industry. The emergency regulations are scheduled to expire on July 24, 2024 and should this occur, state regulations will revert back to those adopted on

¹ Emergency regulations are effective when filed, remain in effect for a 90-day period, and may be renewed for additional 90-day periods if warranted.

² This regulatory action was first approved by the MFAC at the April 23, 2024 business meeting by a vote of 5-2-1 with an implementation date of January 1, 2025. It was then approved again by the MFAC, with a modified implementation deadline of July 1, 2025, at the October 29, 2024 business meeting by a vote of 6-0-2.

January 3, 2025 (conforming to Addendum XXVII)³. As a result, the Massachusetts seafood dealer sector will be unable to import and possess non-conforming lobsters between 3 ¼” and 3 ⅝” that were lawfully caught in Maine or New Hampshire; nearly 600 active Massachusetts LCMA1 permit holders and more than 80% of our near 5,500 non-commercial lobster permit holders will face an abrupt and unexpected increase in their minimum carapace size; and there will be a shortage of gauges readily available for fishers, dealers, and enforcement to determine compliance with the 3 ⅝” minimum carapace size — a unique size limit coastwide. Based on DMF sea sampling data from 2019 – 2023, it is anticipated that the increase in the minimum carapace from 3 ¼” to 3 ⅝” for Massachusetts LCMA1 fishers will result in a 10% loss of catch and this will also put our fishers at competitive disadvantage compared to Maine and New Hampshire LCMA1 permit holders who will continue to be able to retain lobsters at a 3 ¼” minimum carapace size.

Moreover, the May 29 vote does not provide the state-only OCCLCMA permit holders with any reprieve from the pending implementation of the ⅛-inch standard on July 1, 2025. This rule is unaffected by the recently enacted emergency regulations as well as DMF’s recommendation to adopt these emergency rules as final regulations⁴. Therefore, the “no” vote taken by the MFAC does not accomplish the desired repeal; such a repeal is beyond the purview of the current rule making initiative. DMF cannot pursue such a repeal taking a separate state regulatory action which in turn would bring the state regulations out of compliance with the FMP. Further, an expiration of the emergency rules will result in the implementation of a maximum carapace size of 6 ¾” for state-only OCCLCMA permit holders, which is repealed under the current emergency regulations.

While it may not have been the MFAC’s intent, the May 29 vote suggests it is the MFAC’s position that DMF either needs to pursue a separate regulatory action to repeal the ⅛-inch standard for the state-only OCCLCMA fishery and go out of compliance with the FMP⁵ or let the emergency rules expire and revert back to the Addendum XXVII management program. Both of these actions would be counter to DMF’s longstanding positions that DMF strongly supports the interstate fishery management process and is unwilling to put the Commonwealth into non-compliance with the FMP and that we are committed to maintaining a management program that promotes stability in markets and equity among fishers within the same management area.

³ This includes immediately eliminating the so-called oversized lobster allowance and adopting a 6 ¾” maximum carapace size for state-only OCCLCMA permit holders and recreational fishers in the Outer Cape Cod Management Area, consistent with federal OCCLMA permit holders; increasing the minimum carapace size from 3 ¼” to 3 ⅝” for LCMA1 permit holders and recreational fishers in the Gulf of Maine Management Area; and adopting a state-wide minimum carapace size of 3 ⅝” and a maximum carapace size of 6 ¾” for seafood dealers and providing them 90-days to liquidate any existing inventory of previously purchased non-conforming product. It will also place back onto books the scheduled carapace size and escape vent changes to go into effect in subsequent years affecting LCMA1, LCMA3, and OCCLCMA.

⁴ The emergency regulations sought to repeal the July 1, 2025 implementation of the pending Addendum XXVII carapace size and escape vent regulations consistent with Addendum XXXII. Addendum XXXII did not include a similar repeal of the v-notch and trap tag standardization measures contained in Addendum XXVII. Massachusetts’ delegation to the ASMFC’s Lobster Board made a motion at its February 2025 Board Meeting to include a repeal of the v-notch standardization measure in Addendum XXXII. However, according to the published business meeting minutes, the motion failed 1-8-1 and was therefore not moved forward into Addendum XXXII. Note that in DMF’s April and May memoranda to the MFAC, it was stated that the Massachusetts delegation’s motion failed to obtain a second and was therefore not included in Addendum XXXII.

⁵ The non-compliance process is procedurally complicated. However, under federal law at 16 USC 5100 et seq., if a state does not implement a coastal fishery management plan, the ASMFC may find the state out of compliance and notify the US Secretary of Commerce of this determination. The Secretary of Commerce may then take action to intercede and place a moratorium on fishing in the fishery in question.

With this in consideration, we have convened a meeting of the full Commission on July 1, 2025 to renew DMF's May 27, 2025 recommendation. As a matter of procedure, the Director may make a recommendation to renew a previously failed (as we have set forth here), any Commission member may make a motion to renew the recommendation. If that motion receives a second by another Commission member, this will reopen the motion for further deliberation and a vote. If a renewed motion is made and approved, then DMF will be able to adopt final regulations before the July 24 expiration of the current emergency rules.



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THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

June 16, 2025

Richard Sargeant
38 Lakeman's Lane
Ipswich, MA 01938

Dear Mr. Sargeant,

I am in receipt of your June 9 letter expressing concern about the future of the striped bass resource and the Division of Marine Fisheries' management of it, particularly with relation to the state's commercial fishery for striped bass. While warranting careful monitoring and attentive management, the status of the striped bass resource at this time does not merit a commercial harvest moratorium nor a complete harvest moratorium, such as you have recommended.

Although the stock was declared overfished in 2019, the latest coastwide assessment indicates that spawning stock biomass is rebuilding under the measures implemented in 2020, 2023, and 2024. Through highly restrictive commercial and recreational fishing measures, fishing mortality is being constrained to a precautionary level due to recent below average recruitment of young-of-the-year striped bass. Importantly, the preponderance of evidence indicates that it is not the level of reproductively mature females in the population that is causing this below average recruitment, but rather environmental conditions in the spawning areas (e.g., warmer, dryer winters). Spawning stock biomass remains well above the level seen in the 1980s when the stock collapsed and capable of producing strong year-classes should the right environmental conditions present.

Nonetheless, fishery managers coastwide remain highly focused on achieving a rebuilt striped bass stock by the 2029 deadline. In fact, additional proactive measures are being considered through the interstate management process for 2026 to increase the probability of success. Options for commercial quota cuts and first-ever recreational fishing seasons are being developed and expected to be released for public comment later this summer. Stakeholder engagement at that time will be very important to the outcomes. I encourage you to continue to follow our Advisories for important news and to visit our Striped Bass Frequently Asked Questions webpage for more information and to stay up to date with management progress (mass.gov/stripped-bass-faq).

Due to the migratory nature of striped bass, it takes the collective effort of all the Atlantic coast states between Maine and North Carolina to manage the resource, and the interstate management plan is critical to this objective. It is through the interstate plan that the states are allocated commercial quotas of striped bass deemed sustainable based on the best available science. Massachusetts' quota (currently 683,773 pounds or about 30,000 fish measuring 35" or greater) provides fresh, locally caught seafood to Massachusetts consumers (many of whom are unable to go fishing themselves), supports our coastal economy and heritage (commercial striped bass fishing

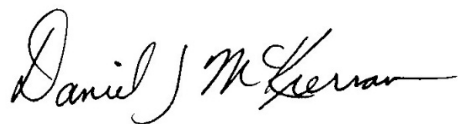
dates back to the arrival of the Pilgrims), and has not inhibited recreational anglers from catching millions of striped bass in Massachusetts each year and harvesting many times more fish than commercial harvesters.

You note particular concern with the commercial minimum size limit for striped bass in Massachusetts. The Commonwealth's commercial striped bass fishery has been managed with a minimum size limit between 34 and 36" since 1989. The mandatory transition to higher size limits fishery-wide was a fundamental element of that era's successful rebuilding plan. Once rebuilt and regulations were allowed to be relaxed however, Massachusetts opted to maintain a higher size limit in the commercial fishery for conservation and market-driven reasons, while the recreational minimum size was reduced to 28" to afford anglers greater harvesting access to the resource. Although the higher commercial size limit does mean that the commercial fishery takes predominantly mature, female fish, the commercial quota has capped this harvest at a level below that taken by the recreational fishery (which is unconstrained by quota).

Consider that in 2023, the Massachusetts commercial fishery harvested an estimated 29,899 striped bass, the youngest of which were 6 years old. (Due to differences in growth, a 35" fish—the current legal minimum size in the commercial fishery—can be anywhere from roughly 6 to 11 years old according to length-at-age data collected in 2023.) Meanwhile, the Massachusetts recreationally fishery is estimated to have harvested 306,159 striped bass age 6+ (10-fold more) and another 172,994 striped bass age 6+ are estimated to have died from being caught and released in the recreational fishery. Even at the older ages where recreational harvest ends due to the recreational slot limit, the recreational fishery's opportunity to practice catch and release results in more dead fish than commercial harvest.

Please know that the Division of Marine Fisheries is heavily invested in the stewardship of striped bass. We undertake research to fill critical knowledge gaps, engage wholeheartedly in interstate management in a conservation-forward manner, partner with enforcement agencies to uphold the regulations, and place an emphasis on education and outreach. These actions serve to support our goal for long-term sustainable commercial and recreational fisheries.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. McKiernan". The signature is fluid and cursive, with a long horizontal line extending from the end.

Daniel J. McKiernan, Director

CC: Massachusetts Marine Fisheries Advisory Commission