

MARINE FISHERIES ADVISORY COMMISSION
Final Business Meeting Minutes
July 1, 2025
Zoom

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

Division of Marine Fisheries: Dan McKiernan, Director; Story Reed, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Anna Webb, Assistant Deputy Director; Nichola Meserve; Melanie Griffin; Erin Burke; Brad Schondelmeier; Nick Buchan; Luke Putaansuu; Steve Wilcox; Kiera Lawlor; Kelly Whitmore; Kerry Allard; Wayne Castonguay; Tracy Pugh; Kim Lundy; Elise Koob; Ben Gahagan; George Davis; Maren Budrow; and Erich Druskat.

Department of Fish and Game: Tom O’Shea, Commissioner; Sefatia Romeo-Theken, Deputy Commissioner; Bob Greco; Julia Hopkins.

Executive Office of Energy and Environmental Affairs: Danielle Burney and Hollie Emery

Massachusetts Environmental Police: Lieutenant Matt Bass

Members of the Public: Beth Casoni; Glen Fernandes; Riley McKenna; Julia Logan; Kathleen Reardon; Sam Pickard; Lane Johnston; Kate McGoldrick; Mike; Stephen Smith

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Raymond Kane called the July 1, 2025, Marine Fisheries Advisory Commission (MFAC) business meeting to order. Ray noted that this meeting was scheduled as a Zoom meeting to avoid holiday traffic.

REVIEW OF JULY 2025 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any requests to edit the July 2025 MFAC business meeting agenda. No requests for amendments were made.

REVIEW AND APPROVAL OF MAY 2025 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked for edits to the May 29, 2025, business meeting minutes. No requests for edits were made. **The Chair then sought a motion to approve the minutes as drafted. Kalil Boghdan moved to approve the draft minutes. Shelley Edmundson seconded the motion. The motion passed unanimously with Chris McGuire and Eric Nelson abstaining (5-0-2).**

OFFICE OF LAW ENFORCEMENT: PERSONNEL, RECENT OPERATIONS & MARINE FISHERY INCIDENTS

Lieutenant Matt Bass provided updates for the Massachusetts Environmental Police (MEP). MEP’s search for a new Colonel was coming to an end and a formal announcement would be made shortly. The incoming Colonel will likely be introduced to the MFAC at their August 2025 business meeting. Officials from MEP, DMF, the Department of Conservation, Department of Transportation, and the City of Boston met to discuss striped bass fishing issues at the Bill Russel Bridge in Boston. At issue was concerns about

poaching and the practice of discarding fish from the height of the bridge back into the water and the interface of state fishery regulations with local controls. Lastly, Lt. Bass discussed two recent incidents. First, MEP was awarded \$12,000 in a libel case resulting from lobster violations onboard a dragger in Provincetown. Second, in Westport, out-of-state fishers were issued a \$51,700 fine for violating various regulations governing black sea bass, scup, and tautog.

DEPARTMENT OF FISH AND GAME: RECENT MEETINGS AND EVENTS AND DEPARTMENT-WIDE ACTIVITIES AND PROJECTS

Commissioner Tom O'Shea provided updates on the Department of Fish and Game (DFG). Tom welcomed the newest MFAC member, Eric Nelson. Eric runs Essex River Fishing Charters and fishes commercially for striped bass. He also has 40 years of experience in environmental consulting as a coastal geologist. Eric replaces Tim Brady, whose term ended in August 2024 and did not seek reappointment. Commissioner O'Shea thanked Tim for his time serving on the MFAC. Eric greeted the group and voiced excitement to work with the MFAC.

Tom expressed concern about the MFAC's decision in May 2025 to vote down DMF's recommendation to finalize regulations to repeal scheduled carapace size and escape vent size rules consistent with Addendum XXXII to the Interstate Fishery Management Plan for American Lobster (FMP). The Lobster Management Board on the Atlantic States Marine Fisheries Commission (ASMFC) voted to repeal carapace size and escape vent size rules in Addendum XXVII in February, with substantial support from Massachusetts constituents. The Commissioner was surprised when this vote then failed at the May MFAC meeting. He recognized that some MFAC members voted against the adoption of these rules due to the perceived unfairness that the v-notch standardization rules, which affect state-only Outer Cape Cod (OCC) Lobster Conservation Management Area (LCMA) permit holders, were not similarly repealed. However, this action did not provide these permit holders with reprieve from the v-notch rules and instead placed the Commonwealth on track to have the existing emergency rules expire, which would result in carapace size and escape vent size changes that would negatively impact the broader lobster fishery and seafood dealer sector, placing them at a competitive disadvantage compared to similar entities in Maine and New Hampshire. Accordingly, DMF has requested the MFAC to reconsider this recommendation and renew the prior motion to adopt the emergency regulations as final rules. If not approved, the emergency regulations will expire July 24, 2025. Tom urged the MFAC's consideration and adoption of the emergency regulations outlined in the memo from himself and Director McKiernan.

Commissioner O'Shea noted DFG's Biodiversity Strategic Plan is under review by the Governor's Office. He anticipated the document would be released in September 2025. He added that the Mass Ready Act was recently announced and will contribute to marine habitat restoration and was hopeful it would include \$1.5 million in capital investment for such projects over the next two fiscal years.

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

Director Dan McKiernan provided updates from DMF. He welcomed the MFAC's newest member, Eric Nelson. Dan then remarked on DMF's recent Marine Quest event—an outdoor festival held at Cat Cove Marine Lab in Salem in June. Dan thanked Dr. Gary Nelson, DMF's Fish Biology Program Manager, and his team for organizing the event. The event was a significant success, allowing DMF staff to interface with the public, particularly young audiences, about the agency's marine research and policy work.

More than 500 people attended. Attractions included touch tanks with live specimens (e.g., horseshoe crabs, eels, and shellfish); lectures from senior DMF biologists (Derek Perry, Tracy Pugh, Ben Gahagan, Chrissy Petitpas, and Greg Skomal); and interactive activities such as green crab racing (inspired by the Martha's Vineyard Fishermen's Preservation Trust's Meet the Fleet event). Dan was hopeful DMF would be able to hold similar events in the future. Tom remarked on the special event and the meaningful collaborations with Salem Sound Coast Watch, Stellwagen Bank National Marine Sanctuary, UMass Boston, and the Massachusetts Lobstermen's Association. Dan applauded Neil McCoy's efforts to publicize the event beforehand.

Dan then noted the Commonwealth was facing litigation over recent changes to the v-notch possession rule affecting state-only OCCLCMA permit holders in both Barnstable District Court and in the Federal District Court in Boston.

Finally, Dan described a survey by the State of Maine of its lobster permit holders to assess their views on the stock status and preferred management strategies moving forward. Dan anticipated Massachusetts and New Hampshire would conduct similar surveys. These surveys follow ASMFC recommendations after Maine and New Hampshire rolled back their adoption of regulations to implement Addendum XXVII. DMF would keep the MFAC apprised of any Massachusetts survey.

ACTION ITEM

Renewal of Recommendation on Regulations to Implement Addendum XXXII to Lobster FMP
The Chair asked for a motion to adopt the recommendation as presented. Kalil Boghdan made a motion and Chris McGuire seconded. The recommendation was open for discussion.

Director McKiernan provided background on the recommendation. In late April 2025, DMF filed emergency regulations consistent with Addendum XXXII to the FMP to repeal the pending carapace size and escape vent size rules scheduled to go into effect on July 1, 2025, to implement aspects of Addendum XXVII to the FMP. DMF sought to adopt these emergency regulations as final regulations to prevent their expiration after 90 days. This recommendation was voted down at the May MFAC business meeting due to perceived unfairness that the v-notch possession rules in Addendum XXVII, which apply only to state-only permit holders in OCCLCMA, were not similarly repealed. However, the outcome of this vote did not relieve these fishers from the pending changes to the v-notch possession rules. Rather, it put the state on track to have the emergency regulations expire resulting in immediate changes to the carapace size rules (as well as future carapace size and escape vent changes). If this were to occur, Massachusetts fishers and seafood dealers would be placed at a competitive disadvantage compared to similar entities in Maine and New Hampshire. Accordingly, DMF has requested the MFAC reconsider its May 2025 recommendation to adopt the emergency regulations promulgated in April 2025 as final regulations thereby rescinding the pending carapace size and escape vent size rule changes.

Director McKiernan explained that the v-notch and trap tag standardization measures contained in Addendum XXVII and state regulations were not undone by Addendum XXXII and DMF's recent emergency regulations. These standardization measures were developed to create uniform rules among fishers across jurisdictions who fish within the same LCMA to enhance enforcement, compliance, and conservation. This included preventing New Hampshire and Massachusetts from automatically issuing an additional 10% of trap tags to LCMA 1 and LCMA 3 permit holders consistent with existing Maine rules and adopting a single 1/8" v-notched lobster possession standard for the OCCLCMA (consistent with what is also required in adjacent LCMA3 and all LCMAs south of Cape Cod that fish on the Southern

New England lobster stock).

The Chairman asked if there were any questions for the Director regarding the Recommendation. There were no questions. The Chairman welcomed discussion.

Bill Amaru read a text message he received from an Outer Cape Cod lobsterman the previous weekend expressing concern about how the v-notched standardization rule is expected to negatively impact state-only OCCLCMA permit holders. Amaru acknowledged the Director's remarks and the potential hardship facing fishermen if the recommendation is not passed. However, he supported defeating the proposed motion and resisted changing the state-only v-notched lobster possession regulations that have been in place for decades.

Sooky Sawyer added he was frustrated with the management process. Sooky felt it was unfair that Addendum XXXII repealed the conservation measures affecting LCMA 1 fishers — who represent a large portion of the Gulf of Maine/Georges Bank fishery — but retained a v-notch standardization rule that would adversely impact about 30 state-only OCCLCMA fishers and added that DMF should have more aggressively pursued this repeal. However, Sooky indicated he would vote in favor of the motion because the expiration of the existing emergency regulations would negatively impact the Massachusetts lobster fishery at large.

Kalil Boghdan and Dan discussed state compliance with the interstate FMP. Dan noted that the ASMFC may find a state out of compliance with the FMP if a state retains or adopts regulations that are less restrictive than FMP provisions. This non-compliance finding elevates the issues from the ASMFC to the Secretary of Commerce. However, nothing restricts a state from adopting regulations that are more conservative than FMP provisions. If the MFAC fails to pass the recommended motion and the emergency regulations expire, Massachusetts would have more restrictive measures in place and would not face a potential non-compliance finding.

Kalil then asked about the reasoning behind different lobster management regulations across the state. The Director explained that when the ASMFC adopted Amendment III in 1998 it established seven regional LCMA's that allowed for the retention of disparate management practices across LCMA's based on how each fishery operates through conservation equivalency. These discrepancies have persisted over time and should generally be maintained. What was at issue in Addendum XXVII was disparate rules among fishers who fish the same LCMA within different jurisdictions and DMF and DFG supported the adoption of uniform standards across different states and across federal and state permit holders within the same LCMA.

Kalil then asked why the motion to repeal the v-notch possession rule in OCCLCMA did not receive a second to the motion at the February ASMFC meeting. Dan clarified a correction to his previous statements, noting that New Hampshire's director seconded the motion for "discussion purposes". However, the motion failed to pass by vote (1-8-2).

Chris McGuire asked to clarify how the result of today's vote would impact the v-notch possession rule in OCCLCMA and gauge increases. Director McKiernan noted that today's vote only affects the finalization of the recently adopted emergency regulations affecting carapace size and escape vent rules consistent with Addendum XXXII. The 1/8" v-notch possession rule in OCCLCMA will be in place regardless of the result of this vote, as this rule was not affected by these emergency regulations.

Bill Amaru asked to clarify Dan's response to Chris McGuire's question on v-notch possession in OCCLCMA. Director McKiernan explained that today's vote will not impact the v-notch possession rule. Amaru noted it should be clear that the v-notch standard in OCCLCMA will be different than it was previously. Dan explained that the v-notch possession rule in OCCLCMA was approved by the MFAC in 2024 and promulgated by DMF in January 2025 for implementation on July 1, 2025, and was unaffected by the recent emergency regulations at issue in today's recommendation.

Commissioner O'Shea reiterated Dan's statements and emphasized the importance of MFAC members understanding the nuance of this vote. Director McKiernan acknowledged there may be some potential confusion given the effective date of final v-notch regulations was approved by the MFAC in 2024 and promulgated by DMF in January 2025 is July 1, 2025.

Sooky Sawyer argued the issues facing the MFAC in this recommendation were preventable had the MFAC not supported DMF's recommendation to adopt the provisions of Addendum XXVII in 2024. Sooky noted that he did not support these actions in 2024 because Maine had not yet finalized their rules. He thought it was unwise for Massachusetts to adopt any regulations until Maine had because he did not trust Maine to follow through with the process. As it turns out, Maine failed to adopt regulations and subsequently forced the initiation of Addendum XXXII. Sooky argued that had Massachusetts waited for Maine to adopt their rules, the state would have had more leverage to get the OCCLMCA v-notch standardization provision repealed. Dan disagreed with Sooky's sentiment noting that it is difficult to anticipate how certain decisions would have played out at the Board.

No further comments were made. **The Chairman asked for a roll call vote. The motion passed (5-1-1) with Bill Amaru voting against and Chairman Kane abstaining.**

DISCUSSION ITEMS AND UPDATES

Interstate Striped Bass Management and Reconvening MFAC Focus Group

Nichola Meserve provided an update on striped bass management. The ASMFC is in the process of developing Draft Addendum III. Nichola anticipated the Striped Bass Board would finalize the draft addendum for public hearing at their August 2025 meeting. The ASMFC would then hold public hearings this fall with the goal of having the Board approve a final addendum later this year for implementation in 2026. The draft addendum will include various options to reduce removals by 12% to achieve a 50% probability of rebuilding the stock by 2029 and 18% to achieve a 60% probability of rebuilding the stock by 2029.

Nichola noted that DMF will convene the MFAC's Striped Bass Focus Group and an ad hoc commercial fishery advisory panel later this summer to discuss the potential implications of Draft Addendum III on the state's commercial and recreational management programs and future access to the commercial fishery. These meetings will then inform DMF's potential positions regarding Addendum III and regulatory proposals DMF may submit to the MFAC for their consideration later this year.

Kalil Boghdan and Nichola discussed the data used to determine the reduction in removals necessary to meet rebuilding targets. Nichola also confirmed that there are several potential approaches to applying these removal reductions, which would include quota reductions to the commercial fishery and potential no-harvest seasons or size limit changes for the recreational fishery. Moreover, given the

recreational fishery is responsible for more than 90% of fishing mortality, the Board may consider options that would place more of the conservation mandate on the recreational fishery.

Bill Amaru explained how invasive blue catfish and snakehead fish have severely impacted the Chesapeake Bay ecosystem and are likely influencing striped bass recruitment and argued that environmental stressors need to be considered in management. Nichola noted that the benchmark stock assessment in 2027 will include a review of natural mortality. Amaru was encouraged by this and hoped it would prompt a shift in how this fishery was managed. Kalil agreed with Amaru's assessment of environmental factors affecting the future health of the striped bass resource.

Nichola and Ray discussed potential options the Board may consider to reduce removals to achieve rebuilding targets by 2029.

Kalil praised Nichola for her work in these efforts. He noted that reducing fishing mortality will be crucial to protect the resource moving forward given the environmental issues that are likely affecting productivity in the spawning grounds. Nichola explained how the upcoming stock assessment may consider changes to biological reference points to account for the likelihood of an environmental-driven regime shift towards lower productivity and recruitment.

The Chairman asked about the composition of MFAC's Striped Bass Focus Group. Dan noted that Eric Nelson will be invited given his involvement in the commercial striped bass fishery. The focus group would then include Eric Nelson, Bill Doyle, and Chaiman Kane. An additional member is welcome to join. Eric expressed interest in being involved in the Striped Bass Focus Group.

Federal Fisheries Management

Melanie Griffin provided an update on federal fisheries management focused on happenings at the June 2025 New England Fishery Management Council (NEFMC) meeting and expected agenda items for the September 2025 NEFMC business meeting.

Melanie discussed budgetary issues facing the NEFMC. Budget shortfalls may result in reducing the frequency of in-person meetings and the issuance of technical assistance grants. Additionally, the Trump Administration has signed several Executive Orders to address fishing that require the NEFMC's attention and consideration.

The US Secretary of Commerce has received two industry-driven petitions. The first, submitted by the Fishery Survival Fund, seeks to create a rotational limited access scallop area in the Northern Edge of Georges Bank. The second petition is from Intershell Seafood to allow surf clam and mussel dredging in the Great South Channel Habitat Area. There are concerns that both petitions seek to circumvent the Council process. Melanie then outlined the schedules and timelines for 2025 Management Track Assessments.

The NEFMC is conducting a strategic planning exercise to be completed by April 2026 focused on addressing management uncertainty and ecosystem changes. NEFMC has adjusted its 2025 management priorities to undertake omnibus management flexibility action and more consistently address specification frequencies, rollovers and defaults, in-season adjustments, and specification setting processes, with final action scheduled in December 2025. Additionally, efforts continue to implement the NEFMC's revised Risk Policy. A new social science subgroup has also been developed

through NEFMC's Science and Statistics Committee to better utilize socioeconomic information in management decision-making. These efforts include receiving input during assessment phases and proactively engaging with existing research. Finally, the pilot Northeast Trawl Advisory Panel Industry Based Survey is in its first phase. This effort will help NEFMC understand what types of survey data can be collected on commercial vessels in wind areas and how survey trawl gear performs across different depths to inform a coast-wide industry-based survey. Following this first phase, the second phase will incorporate more vessels and increase the spatial and temporal footprint.

On groundfish management, Melanie discussed the Secretary's rejection of Amendment XXV and Framework LXIX on process grounds. These FMP adjustments moved Atlantic cod management from a two-stock structure to a four-stock structure based on recent genetic work. The Amendment XXV with Framework LXIX will be reconsidered by the NEFMC at the September 2025 meeting.

With regards to sea scallop management, the NEFMC approved specifications for 2026 and 2027 default measures. Melanie discussed some of the nuanced challenges facing the survey and assessment processes.

On spiny dogfish, Melanie noted that the federal quota may end up being set at a lower level than the interstate quota because of how ASMFC accommodates quota rollover, and as a result, the federal quota may be closed before the interstate quota. The ASMFC will consider this issue at their August 2025 meeting.

The NEFMC continued to work on an Omnibus Gear Marking Framework to address surface marking requirements to accommodate on-demand fixed gear. Some concerns include required investment by the mobile gear fleet into gear to track on-demand gear, limitations of letters of authorization to federal permit holders, and dissatisfaction with relying on NEFMC's process to properly engage with lobster fishermen.

Melanie anticipated the September 2025 NEFMC meeting would include final actions on: monkfish and skate specifications; groundfish Amendment XXV; Management Flexibility Omnibus; On-Demand Gear Marking Omnibus; and deregulation initiatives required through the Restoring American Seafood Competitiveness Executive Order. In December, final actions include groundfish, scallop, and dogfish specification, revised Essential Fish Habitat, and finalizing 2026 council priorities.

Kalil Boghdan asked about potential NEFMC budget cuts besides minimizing in-person meetings. Melanie responded that Executive Director O'Keefe is considering several potential avenues. A discussion followed on the causes of budget limitations and potential impacts on the NEFMC's work.

Offshore Wind Energy

Brad Schondelmeier presented on a study tour on floating offshore wind (FOSW) in the United Kingdom. The presentation highlighted objectives of the study tour, including establishing an understanding of FOSW technology and exchanging best practices for assessing and mitigating impacts of FOSW on fishing industries. Study tour participants included fishing industry members and marine resource management staff. Brad outlined the status of FOSW in the US, with the realistic commercial-scale build timeline around 2030 - 2035. In contrast, Scotland has nine operating OSW sites, including two FOSW sites, with several projects in progress. He then explained structural variation across FOSW turbines, including foundation types, mooring types, and dynamic cable arrangements. The team visit to the Kincardine

wind farm was especially impactful, allowing them to witness the scale and stability of the wind turbines firsthand. Brad also highlighted key takeaways from the study tour, including an evident disconnect between fishery needs and the FOSW industry due to minimal government engagement, lack of ecological and fishing data, a need for significant port and vessel infrastructure, and the importance of public buy-in.

Kalil noted that the MFAC received a comprehensive memo through the Governor's office around two years prior that outlined the environmental conditions necessary for FOSW in the Gulf of Maine. He asked if this could be reshared with commission members. Brad and Dan noted this would be recirculated. Brad added that concerns on scour and mooring design could be discussed through the Fisheries Working Group on Offshore Wind.

Brad then explained that the Massachusetts Fisheries Innovation Fund Request for Proposal for Solicitation 1 funded by Vineyard Wind was recently approved and would soon be released to the public. This would fund up to \$750,000 worth of projects related to fishing innovation, community, and safety. Further, Empire Wind has opened their fisheries compensation claims period until October 13th. Lastly, the Regional Fund Administrator is designing a process for offshore wind fisheries and shoreside claims but is struggling to reach fisheries engagement. They will be in New Bedford to meet with fishermen in late July.

OTHER BUSINESS AND PUBLIC COMMENT

Chairman Kane asked if any MFAC members wanted to raise issues for consideration at a future meeting. There were no requests.

The Chairman moved onto public comment. Sam Pickard, Vice-President of the Outer Cape Lobstermen's Association, noted that the v-notch possession rule was not included in the emergency rules because Maine and New Hampshire did not vote to repeal the rule. He asked why no one with the MFAC made a motion to include this issue to also be repealed through Addendum XXXII. Director McKiernan explained that the ASMFC considered a motion to include a v-notch repeal in Addendum XXXII, but it was voted down. In response, DMF did not include a v-notch repeal in its emergency regulations, and therefore, it was not an option the MFAC could consider as part of the final recommendation approved today.

ADJOURNMENT

There were no further questions or comments. **The Chairman called for a motion to adjourn the meeting. Shelley Edmundson moved to adjourn the meeting. The motion was seconded by Kalil Boghdan. There was no opposition. The meeting was adjourned.**

MEETING DOCUMENTS

- July 1, 2025 MFAC Business Meeting Agenda
- May 29, 2025 MFAC Draft Business Meeting Minutes
- April 24, 2025 MFAC Final Business Meeting Minutes
- Memorandum on the Request to Renew Prior Recommendation to Adopt Emergency Carapace Size and Escape Vent Regulations Implementing Addendum XXXII as Final
- Proposal to Approve as a Final Rule the Emergency Regulations That Were Enacted by DMF to Implement Addendum XXXII of the American Lobster Management Plan
- Striped Bass Management Update
- Letter from Director McKiernan on Striped Bass Management
- New England Regional Fishery Updates
- June 2025 New England Fishery Management Council (NEFMC) Meeting Summary
- DMF's Presentation on the Floating Offshore Wind UK Study Tour of May 2025