

MARINE FISHERIES ADVISORY COMMISSION

**Tuesday, June 19, 2024
DMF's Cat Cove Marine Lab
92 Fort Street
Salem, MA 01970**

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Kalil Boghdan; Shelley Edmundson; Chris McGuire; Bill Doyle; Tim Brady Arthur "Sooky" Sawyer. Absent: Bill Amaru.

Division of Marine Fisheries: Daniel McKiernan, Director; Michael Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Nichola Meserve; Anna Webb; Mark Rousseau; Stephanie Cunningham; Ben Gahagan; Gary Nelson; Tracy Pugh; Derek Perry; Nick Buchan; Dave Martins; Erich Druskat; Chrissy Petitpas; Lynne Besse; Vicki Oliveira; Kim Trotto; Ross Kessler; and Wendy Mainardi.

Department of Fish and Game: Tom O'Shea, Commissioner; Sefatia Romeo-Theken, Deputy Commissioner; Julia Hopkins, Communications Director.

Members of the Public: Martin Gary; Shanna Madsen; Phil Coates; Elizabeth Stroymeyer; Paul Caruso; Adrian Jordan; Elizabeth Fairchild; Nick King; Hunt Howell; Allison Roy; Allison Bowden.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the June 19, 2024 business meeting to order and introduced Marty Gary, the Director of Marine Resources in New York, and Shanna Madsen, the Deputy Chief of Fisheries in Virginia. Ray noted that Marty and Shanna serve their states at the Atlantic States Marine Fisheries Commission (ASMFC).

REVIEW OF JUNE 19, 2024 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the June 19, 2024 agenda. Kalil Boghdan indicated he wanted to bring up an item for the MFAC's consideration during other business.

REVIEW AND APPROVAL OF MAY 21, 2024 DRAFT MEETING MINUTES

Chairman Kane asked if there were any amendments to the May 21, 2024 draft business meeting minutes. Tim Brady indicated he did not abstain from certain votes but rather he was at sea and his satellite connection dropped out and he was unable to rejoin the meeting. Jared Silva indicated he would update the minutes accordingly.

There was no further discussion. The Chairman requested a motion to approve the minutes. **Shelley Edmundson made the motion to approve the May 21, 2024**

business meeting minutes. Sooky Sawyer seconded the motion. The motion was approved 7-0-1 with Chairman Kane abstaining.

CHAIRMAN'S COMMENTS

Chairman Kane did not provide any comments.

COMMISSIONER'S COMMENTS

Commissioner O'Shea provided some brief comments noting that he would provide the MFAC with an update on DFG's Strategic Plan and the Governor's Executive Order on Biodiversity later in the meeting.

Eve Zuckoff from the WCAI recently joined Commissioner O'Shea, Director McKiernan, and DMF biologist Derek Perry on a spawning beach survey for horseshoe crabs along Stage Harbor. This provided DMF and DFG with an opportunity to highlight the spawning survey work and discuss horseshoe crab management, including the recently adopted spawning closure. Commissioner O'Shea felt Eve's resulting article was well written and balanced. He also praised the volunteers who coordinate and conduct many of the spawning beach surveys.

DMF's Recreational Development Panel also met recently in Westborough. This Panel oversees DMF's use of its recreational fishing license funds. He noted there was a robust discussion about potentially increasing the annual fee for a recreational fishing license from \$10.

DIRECTOR'S COMMENTS

Director McKiernan welcomed the MFAC and the public to DMF's Cat Cove facility. This facility was recently re-acquired from Salem State with updates being made to the marine lab and the building being rehabbed to enhance office space. Dan thanked Mike Armstrong, Kevin Creighton, Brian Castonguay, and Luke Cuning for their work to update this facility. Dan then thanked the DMF staff that worked to put on the day's events, which included the MFAC's business meeting, as well as a retirement party for Dr. Mike Armstrong.

The Director then discussed personnel, noting that Justin Bopp (Wind Energy Specialist) and Julia Kaplan (Communications Specialist) recently left DMF. These departures have left substantial holes in DMF's Policy Program. Dan was hopeful he would be able to readily backfill these positions, despite new hiring controls, given the administration emphasis on wind energy and communications.

On the subject of wind energy, Director McKiernan stated that the Bureau of Offshore Energy Management (BOEM) recently issued a proposed sale notice for wind energy lease sites in the Gulf of Maine. Wind energy development in the Gulf of Maine is particularly thorny given that it will use floating arrays and there are questions about

the viability of this technology and how it may displace fishing effort given challenges of fishing between platforms.

The Martha's Vineyard Fishermen's Preservation Trust would be hosting their annual Meet the Fleet event in Menemsha on August 1. Shelley Edmundson provided additional details regarding the festivities. Chairman Kane encouraged MFAC members to attend and Dan noted MFAC members should coordinate their attendance with DMF.

The Director will be attending a meeting in New Brunswick whereby New England fishery managers will meet with Canadian Department of Fishery and Oceans staff and members of the lobster industry to discuss having Canada complement the gauge size rules in Addendum XXVII within the Gulf of Maine. Dan was hopeful some consensus could be reached given how these upcoming gauge adjustments in New England may impact international commerce.

Lastly, DMF hosted a meeting in Gloucester with members of the local commercial lobster fleet and trawler fleet to discuss an informal agreement for lobster trap fishers to accommodate whiting trawling in federal waters north of Cape Ann. There was support for revising the historic informal agreement and educating new entrants about how to accommodate this activity. Additionally, DMF has reached out to New Hampshire Fish and Game to involve their commercial fishers who also fish in this area.

ACTION ITEMS

Letter to Secretary Tepper Regarding MEP Resources and Funding

Chairman Kane and Jared Silva drafted a letter from the MFAC to EOEEA Secretary Tepper advocating that MEP receive more funding and resources for coastal enforcement. The letter was strongly supported by the MFAC. However, the MFAC requested two additional points be made. First, Chris McGuire argued the historic peak of MEP officers be stated to provide a point of reference as to what rebuilding MEP ranks should look like. Additionally, Shelley Edmundson requested the letter advocate for dedicated officers on Martha's Vineyard and Nantucket and providing state-supported housing for these officers.

Jared Silva and Chairman Kane indicated the letter would be updated accordingly. Chairman Kane asked if the MFAC wanted to see the revised letter or if it was sufficient to commit to including these points in the final letter. The consensus position was to issue the letter as expediently as possible and vote on the letter today, rather than requiring a review and vote on the updated letter at a future meeting.

The Chairman requested a motion be made. **Kalil Boghdan made a motion to approve the letter as amended by Chris McGuire and Shelley Edmundson. Tim Brady seconded the motion. The motion passed 7-0-1 with Chairman Kane abstaining.**

DISCUSSION ITEMS

2024 Commercial Fishery Performance Update

Director McKiernan indicated that staff would present on the performance of certain fisheries to-date. Story Reed, Anna Webb, and Jared Silva presented this agenda item and introduced themselves to the public.

Anna Webb noted the presentation provided by DMF included data through June 8, 2024. She then presented on aggregate landings and value trends across all commercial fisheries. She noted that both landings and values in 2024 are down compared to recent years (except 2020) and this was largely due to a decline in sea scallop landings. Anna noted that sea scallop value remains high and stable despite these decreased landings. However, oyster and lobster landings and value were higher than in previous years and offset some of the scallop related declines.

Kalil Boghdan asked why sea scallop landings are declining. Director McKiernan indicated it was a decline in abundance. Dan added that while Melanie Griffin could not attend today's meeting, he would have her follow up on this later this summer.

Chris McGuire asked why lobster and oyster landings were not included in today's update. Jared Silva indicated today's update was focused primarily on the performance of those fisheries that were subject to rule changes this year. Anna Webb stated DMF will provide more robust performance reviews at upcoming summer and fall meetings.

Kalil then asked if DMF could update its tables of commercial fisheries by value and landings. Anna stated that this can be produced for the next meeting.

Story Reed then provided an update on the menhaden fishery. He began by reminding the MFAC that the directed fishery opened on May 15 rather than June 15, except within the inshore net areas that do not open on June 1. This was done to provide the larger capacity boats with access to menhaden when they migrate into our waters and are available in the deeper waters outside the harbors and embayments.

To date, the fishery has been concentrated around Cape Ann with some landings coming from Boston Harbor. The fishery took 50% of the annual quota on June 6 and the trip limit was reduced from 120,000 pounds to 25,000 pounds. The fishery continues to operate at the 25,000-pound limit.

Dan and Story noted that some bait dealers and large-scale vessels have complained about the automatic reduction in the trip limit to 25,000 pounds once 50% of the quota is taken and have advocated for the trip limit to stay elevated to ensure the quota is taken. The quota-based trip limit reduction is baked into the regulation to slow down landings, maintain a small-scale local fishery throughout the summer, and provide bait to local lobster fishers. Accordingly, DMF was not going to pursue an in-season adjustment to maintain a higher trip limit. This concern can be debated at the annual end-of-season meeting with menhaden interests.

Mike P. asked if there were any reported user group conflicts this year. Story stated that with most of the early season landings coming from outside the harbors and embayments, user group conflicts were likely minimized. Additionally, with fish off Cape Ann this spring, effort has been limited in Boston Harbor and this has likely helped mitigate the ongoing user group conflict in Boston.

Commissioner O'Shea stated that he went out with a striped bass charter on Boston Harbor and heard complaints from these users regarding the local menhaden fishery. Story and Dan recognized that such policy disagreements exist and are likely to persist. However, DMF's concern is when these disagreements bubble up into on the water conflicts that create boating safety issues.

Jared Silva presented on squid, whelk, summer flounder, and horseshoe crabs. The squid fishery started off slow but at a high ex-vessel value. As the prevailing winds shifted around to southwest, catch increased but this was met with a reduced ex-vessel value given market demand and there being more small squid in the catch. Squid fishing tailed off by the end of May. This was evidenced in the landings trends and the fact that many trawlers sought the authorization participate in multi-day program for summer flounder. Summer flounder landings just started to trickle in during June. However, there are reports of low ex-vessel value driven by substantial landings from the Mid-Atlantic. Jared indicated the dip in price was not evident in SAFIS landings data yet but would likely show up in the reports due this week. These market conditions have created a cause for concern among the trawl fleet as it is substantially affecting their profitability. Accordingly, there has been some interest in among trawlers for DMF to take an in-season adjustment to increase the horseshoe crab trip limit. DMF does not support taking such an action at this time, given concerns about quota utilization and an early season bait quota closure and market demand for horseshoe crabs given uncertainty in the whelk fishery. The spring whelk fishery has been active, and value is hovering around \$3 per pound, but there are fewer active dealers and there are concerns about export market remaining weak particularly if landings and effort increase (as they typically do during the fall). Accordingly, there is little interest beyond the trawl fleet to raise the horseshoe crab trip limits because of uncertainty regarding the viability of the fall whelk fishery.

Kalil and Jared further discussed the horseshoe crab fishery, the bait market, the spawning closure, and the rent-a-crab program.

Update on Legislation Potentially Impacting DMF and Marine Fisheries

Director McKiernan highlighted several pieces of draft legislation that may affect DMF and marine fisheries management. The Senate budget was approved and included an amendment to G.L. c. 130 to exempt fisheries from the Wetlands Protection Act, similar to what is accommodated for other food production activities. The House and Senate budgets now go to Conference Committee for reconciliation. Dan was hopeful the amendment would be approved as it would resolve issues related to municipalities using the Wetlands Protection Act to manage fishing gear. The House and Senate budgets also include funding to SMAST for a PhD student to conduct a Management Strategy Evaluation for the whelk fishery. There is also continued funding for SMAST to conduct oceanographic modeling that DMF is using to assess buffer zone closures around

wastewater treatment plants. Lastly, Senator Tarr has sponsored a stand-alone bill to pursue the statutory amendments recommended by DMF's Derelict Gear Task Force. This bill delineates the difference between active fishing gear that should be treated as private property and abandoned, lost, or derelict fishing gear that DMF and the MFAC will be able to regulate and permit how to remove and clean up. This bill reportedly favorably from committee and has been referred to the Senate Committee on Ways and Means.

Mike Pierdinock, Bill Doyle, and Director McKiernan spoke about the extent to which fishing activity (e.g., commercial, recreational, aquaculture) may be exempt from the Wetlands Protection Act should this budget amendment pass.

Commissioner O'Shea noted his support for this amendment. However, he raised DEP's likely concerns, and highlighted that should it pass, DMF will have to coordinate with DEP about efforts being made to manage fishing gear impacts on benthic habitat within wetlands resource areas.

Chris McGuire noted that The Nature Conservancy submitted written testimony in favor of the Derelict Gear Bill.

Presentation on DFG's Strategic Plan

Commissioner O'Shea provided a high-level overview of the Department's five-year strategic plan. He views the plan as a way to focus work and bring in resources to priority areas. The plan boasts three themes: (1) biodiversity and climate; (2) environmental justice; and (3) relevancy, visibility, and capacity. Additionally, it sets five leadership priorities to achieve goals relevant to these themes: (1) protect and conserve landscapes; (2) restore habitat and habitat connectivity; (3) decarbonize and enhance carbon sequestration; (4) create equitable access to nature; and (5) increase food security. In the marine environment, this may include finding resources and partnerships to protect and increase eel grass and saltmarsh habitat, improve fish passage, improve public access and public outreach, and to develop food security programs with the seafood industry.

Additionally, the Department was working to execute the Governor Healey's Executive Order on Biodiversity. This executive order requires DFG to review existing biodiversity and conservation efforts and establish goals and strategies for 2030, 2040, and 2050. The Department intends to host two public listening sessions in July and Tom encouraged MFAC members and other DMF constituents to attend.

Kalil Boghdan asked how the execution of the Department's Strategic Plan would be funded. Tom noted it would have to come from a diversity of sources including Environmental Bond Bills, earmarks, dedicated funding, growth in the operational budget, federal grants, and public-private partnership.

Director McKiernan praised Tom's leadership and forward-thinking with regards to how DFG may provide more robust professional services to its agencies.

Chris McGuire noted his support for the Department's work on both the Strategic Plan and the Governor's Biodiversity Executive Order. Chris and Tom then discussed the roll out

process for each item.

OTHER BUSINESS

Kalil Boghdan stated his intention to nominate Dr. Michael Armstrong for the 2024 Belding Award. Kalil cited Mike's substantial contributions to marine fisheries science and management and his leadership at the ASMFC on striped bass conservation and management.

Chairman Kane requested a motion be made in support of Kalil's nomination of Mike Armstrong for the 2024 Belding Award. **Kalil Boghdan made a motion to move his nomination. The motion was seconded by Tim Brady. The motion as approved 7-0-1 with Chairman Kane abstaining.**

Upon the conclusion of the June 19, 2024 MFAC business meeting, the 2024 Belding Award was presented to Dr. Michael Armstrong.

PUBLIC COMMENTS

Phil Coates advocated for DMF to obtain resources to enhance its public outreach and communications program. Phil added that he thought DMF should do more to draw attention to the outcomes of its adjudicatory proceedings.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the June 19, 2024 MFAC business meeting. **Tim Brady made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion as approved 7-0-1 with Chairman Kane abstaining.**

MEETING DOCUMENTS

- June 19, 2024 MFAC Agenda
- May 21, 2024 Draft MFAC Minutes
- Draft Letter to Secretary Tepper to Enhance MEP Funding and Resources
- 2024 Fishery Performance Update through June 8, 2024

UPCOMING MEETINGS

11AM
June 18, 2024
Cat Cove Marine Lab
92 Fort Street
Salem, MA