



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9:00 AM

June 3, 2021

Held Virtually Via Zoom

Webinar Link: <https://bit.ly/3usY9px>

Dial In: 1 929 436 2866

Webinar ID: 842 0075 8783

Webinar Passcode: 428444

1. Introductions and Announcements (9:00 – 9:10)
 - a. Review and Approval of the June 3, 2021 Business Meeting Agenda
 - b. Review and Approval of the April 15, 2021 Draft Business Meeting Minutes
2. Comments (9:10 – 9:30)
 - a. Chairman
 - b. Commissioner
 - c. Director
 - d. Law Enforcement
3. Action Items (9:30 – 10:00)
 - a. Buoy Line Marking Rules for Commercial Lobster and Crab Traps
4. Discussion Items (10:00 – 11:30)
 - a. Incidental Take Permit Application Update
 - b. CARES Act Relief Update
 - c. Report on ASMFC and Council Meetings
 - d. Allowing Menhaden Seining on Fridays in Boston Harbor
 - e. Renewing Period II Summer Flounder Pilot Program
 - f. Shellfish Program Updates
5. Other Business (11:30 – 12:00)
 - a. Status of Sub-Committees
 - b. MFAC Meeting Dates and Format for Remainder of 2021
 - c. Commission Member Comments
 - d. Public Comment
6. Adjourn (12:00)

Future Meeting Dates

TBD

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.

MARINE FISHERIES ADVISORY COMMISSION

April 15, 2021

Held Virtually via Zoom

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Kevin Creighton, CFO; Michael Armstrong, Assistant Director; Story Reed; Jared Silva; Nichola Meserve; Jeff Kennedy; Bob Glenn; Erin Burke; Anna Webb; Nick Buchan; Derek Perry; Tracy Pugh; and Steve Wilcox.

Department of Fish and Game: Ron Amidon, Commissioner

Massachusetts Environmental Police: Col. Santos; Lt. Col. Moran; Lt. Matt Bass; and Capt. Kevin Clayton

Members of the Public: Allen Rencurrel; Drew Kolek; Peter Fallon; Sarah Beth Menck; Genevieve McCloy; Rebekah Panaro; Emerson Hasbrouck; and Lizzie Roche.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the April 15, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF APRIL 15, 2021 BUSINESS MEETING AGENDA

No amendments were proposed to the April 15, 2021 MFAC business meeting agenda.

Chairman Kane asked for a motion to approve the draft agenda. Mike Pierdinock made a motion to approve the draft agenda. The motion was seconded by Shelley Edmundson. The April 15, 2021 MFAC business meeting agenda was approved by unanimous consent.

REVIEW AND APPROVAL OF MARCH 18, 2021 DRAFT BUSINESS MEETING MINUTES

There were no amendments to the Draft Business Meeting Minutes.

Chairman Kane asked for a motion to approve the March 18, 2021 meeting minutes. Mike Pierdinock made motion to approve the March business meeting minutes. Bill Amaru seconded the motion. The motion was approved by unanimous consent.

CHAIRMAN'S COMMENTS

Chairman Kane thanked everyone for their attendance and asked Commissioner Amidon to take the floor.

COMMISSIONER'S COMMENTS

Commissioner Amidon commented positively on meeting attendance by MFAC members. He then reported on the budget process. With Earth Day on April 22, DFG was hosting a variety of events throughout the week.

DIRECTOR'S COMMENTS

Among the Earth Day events scheduled was an event at the Back River in Weymouth to highlight the newly renovated herring run. The Director stated staff would forward the event invite to Commission members.

Dan stated MA was allocated about \$23 million for a second round of CARES funding for COVID-related fishing industry relief. The federal requirements regarding needing to demonstrate a 35% COVID related loss in revenue and not being able to be made more than whole by COVID relief funding sources remained in place. The sector specific industry working groups utilized during the first round of CARES funding are convening again to assist the agency in the development of its spending plans. Dan was hopefully DMF would submit a final spend plan to NOAA Fisheries in late May.

Dan announced the Massachusetts Shellfish Initiative recently approved and finalized a Strategic Plan. A press event was scheduled for May 4. Part of the final plan was to introduce legislation to formalize the makeup of the Shellfish Advisory Panel and require the body meet biannually.

Sooky Sawyer asked if fishing businesses would be allocated a percentage of CARES money if the full allotted amount would make the recipient more than whole. Dan indicated this is how he expected the spend plan would be organized.

Chairman Kane asked if ASMFC will be distributing the checks for the second round of CARES. Dan stated this will be the case for round two as well.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). Lt. Bass stated their focus has been on the new endangered species regulations and clearing the trap gear closure of any lost or abandoned gear. He also added there has been a multitude of minor enforcement issues as well. Lt. Bass welcomed any questions from the commission.

Sooky Sawyer asked if there is anything being done about speeding vessels in Cape Cod Bay. Lt. Bass stated they are monitoring AIS, and MEP will be following up.

Ray Kane asked if they have seen poaching of glass eels. Lt. Bass stated they were investigating potential poaching activity.

ACTION ITEMS

Commercial Striped Bass Season and Open Fishing Days

Director McKiernan provided a brief background on the commercial striped bass fishery. The Director then recommended the MFAC vote to open the commercial striped bass fishery on June 16, start the commercial fishing season with three consecutive open fishing days (Mondays - Wednesdays), and add Thursdays and Fridays as open fishing days effective October 1. The Director welcomed any comments or questions from the Commission.

Kalil Boghdan stated the memo is well thought out. He spoke about how the recreational and commercial fisheries share the resource, but how each fishery is managed differently to achieve the conservation objectives of the ASMFC's FMP. He thought the Director's recommendation attempted to reconcile some of the adversarial positions held by recreational and commercial fishing interests, and in that way, provided a good compromise. He opined there could be difficult decisions down the road for ASMFC regarding the management of the striped bass resource.

Lt. Bass and Lt. Col. Moran had no objections, but wanted DMF's advisory announcing these rules to clarify how limits would apply if fishing overnight on consecutive open fishing days. Jared Silva stated that if approved, DMF's advisory would address this issue.

Mike Pierdinock stated commercial striped bass management is a contentious public matter. MFAC needs to consider everyone's interests when making these management decisions. He expressed the importance of attempting to use the quota allocated by ASMFC and added decisions affecting access to the state's quota should not be viewed as conservation measures as the quotas are set in accordance with the FMP and the stock assessment. Mike P. He expressed concerns about opening the season earlier and adding Fridays in the fall. Specifically, he was concerned about the ability to market fish in mid-June and get fish to markets on Fridays, and he also felt these two issues could potentially create user group conflicts between recreational and commercial fishermen.

The Director stated that based on the historical amount of fish that were caught in October is very low, and those fish could be sold locally rather than being shipped.

Chairman Kane asked for a motion to adopt the DMF's recommendation on the commercial striped bass fishery. Sooky Sawyer made motion to approve the recommendation as provided by the Director. Bill Amaru seconded the motion. A

roll call vote was taken and the motion was approved 6-2, with Tim Brady and Mike Pierdinock voting in opposition.

Menhaden Limits and Reporting Requirements for Small Scale Fishery

The Director provided background on the state's menhaden fishery management system. There were longstanding concerns from the waterfront regarding non-compliance in the open access fishery. Additionally, after opting into the Episodic Event Set-Aside (EESA) fishery in 2020, DMF felt it necessary to clarify certain rules to ensure the state regulations adhered to the ASMFC's FMP. Accordingly, to address these issues, DMF recommended the following regulations be adopted for 2021:

1. Establish a maximum purse seine size of 450' x 48' (75 fathom x 8 fathom) for open access fishermen at all times and limited access fishermen during the small scale/incidental fishery. This restriction thus applies to all harvesters operating under a 6,000-pound trip limit, and it excludes only limited access fishermen during the quota managed fishery and episodic event set-aside (EESA) fishery when larger trip limits apply.
2. Require the immediate (at-sea) storage of harvested menhaden into 55-gallon barrels or standard fish totes by all open access fishermen at all time and limited access fishermen during the small-scale/incidental fishery. Similar to above, this requirement thus applies to all harvesters operating under a 6,000-pound trip limit, and it excludes only limited access fishermen during the quota managed fishery and EESA fishery when larger trip limits apply.
3. Establish a volumetric equivalency of 350 pounds of menhaden per level, filled 55-gallon barrel and 117 pounds of menhaden per level, filled standard fish tote (measuring 28 inches long x 16 inches wide x 11 inches deep). This results in an allowance for 17 barrels or 51 totes for the 6,000 pound trip limit.
4. Require any commercial permit holder participating in the EESA fishery to hold a bait dealer permit and report their harvest nightly into SAFIS as a bait dealer.
5. Establish a 6,000-pound trip limit for open access participants during the EESA fishery.

The Director welcomed any comments or questions.

Bill Amaru expressed concern over fishermen safety and the stacking of fish totes on small vessels, particularly as the open access fishery is often occurring in open waters. Accordingly, he asked about the characteristics of the vessels that participate in this fishery. Story Reed indicated the average vessel length was about 38' and the median vessel length was 40'. Nichola Meserve added through informal discussions with industry there was little concern about requiring vessels 40' and larger to stack totes. She added that Maine had similar requirements.

Bill Amaru then asked about at-sea enforcement. Nichola stated the motivation behind these regulations would be to more readily determine compliance during at-sea boardings. Lt. Col. Moran stated he did not have a summary of menhaden boarding incidents on hand, but could get back to Amaru later.

Sooky Sawyer recommended adding how many barrels and totes this would equate to in the regulations. Jared Silva stated this information was in the text of the regulation. Three fish totes would be the equivalent of one barrel and fishermen would be allowed to store fish in both totes and barrels.

Mike Pierdinock asked if the increase in maximum purse seine size was developed to accommodate the larger vessels in the fishery and if the smaller vessels will be required to convert over to the larger net size. Nichola stated the recommended purse seine size rule would apply only to vessels fishing at the 6,000-pound limit. Vessels fishing at higher limits in the limited access fishery are not subject to a maximum purse seine size. Nichola then explained this recommended maximum purse seine size was larger than the size proposed at public hearing, and that rule was developed in response to public comment.

Mike P. then asked if the larger net size will make the larger boats come further inshore. Based on public comment, Nichola expected this maximum net size would keep the open access purse seiners out of more near-shore shallow waters where the recreational fishery is conducted. She was uncertain of how a maximum net size restriction on the open access fleet would impact interactions with larger vessels. The larger seining operations hold inshore net permits allowing them to fish in the highly productive inshore net areas subject to a strict set of permit conditions, whereas the open access participants don't hold inshore net permits.

Chairman Kane asked for a motion to adopt the DMF's commercial menhaden recommendations. Bill Amaru made motion to approve the recommendation as provided by the Director. Sooky Sawyer seconded the motion. A roll call vote was taken, and the motion was approved unanimously.

Prohibition on Purse Seining for Atlantic Bluefin Tuna; Black Sea Bass Pot Ghost Panel Requirement; and Correction to Mobile Gear Rules

Jared stated he would like to have one sweeping motion to cover the three regulatory housekeeping recommendations. Jared provided a brief summary of each recommendation. Then he asked for a motion to: 1) require all black sea bass pots be configured with an escape panel that measures at least 3" by 6"; 2) prohibit purse seining for Atlantic bluefin tuna in the waters under the jurisdiction of the Commonwealth and rescind all historic regulations previously governing this regulated fishery as all permits to conduct this fishing activity have been retired; and 3) correct a typographical error in the state's mobile gear fishing regulations to clarify that certain ground gear may be used when fishing trawls in North Shore Exemption Areas 1A (Gloucester/Rockport) and 1B (Ipswich Bay).

Chairman Kane asked for a motion to adopt DMF's regulatory housekeeping recommendations. Sooky Sawyer made motion to approve the recommendation as provided by the Director. Shelley Edmundson seconded the motion. A roll call vote was taken, and the motion was approved unanimously.

DISCUSSION ITEMS

Updates on Protected Species Issues

DMF Senior Biologist Bob Glenn stated NOAA Fisheries and the Provincetown Center for Coastal Studies were conducted surveillance flights for right whales. Based on this surveillance, he provided an update regarding the presence of right whales in Massachusetts waters. These flights would continue into mid-May and inform DMF's decision making regarding the status of seasonal fixed gear closures and the small vessel speed limit.

Buoy Line Marking Proposal for Public Hearing

Bob Glenn gave a presentation on NOAA's Buoy Line Marking Proposal. He discussed the different aspects of DMF's proposal regarding buoy line markings in state and federal waters and explained the importance of using the markers as a way to differentiate Massachusetts' gear from other fisheries in the case of an entanglement. Bob then discussed the rule making process, timeline, and rationale of buoy line marking requirements.

Sooky Sawyer asked for clarification on which parties are named in the ongoing lawsuit and if that included federal permit holders. Bob Glenn clarified that the lawsuit is specifically against the Secretary of Environmental Affairs and DMF. Sooky then asked about the requirements for additional gear marking for federal permit holders. Bob Glenn explained NOAA Fisheries draft rules require a green mark in the surface section to demonstrate the gear is federally permitted and the state-specific colors in the body of the buoy line based on homeport. DMF was working with NOAA Fisheries to add the green federal mark throughout the body of the buoy line for gear set in federal waters to help differentiate it from state-waters gear.

Sooky Sawyer asked about whale sightings on the North Shore. Bob stated there were several sightings off Cape Ann in April, most recently on April 13. Bob and Sooky then discussed how to best get this information to industry and agreed DMF could send out regular advisories relaying surveillance information.

Chairman Kane commended Bob Glenn and his staff for all their work. Ray asked if the buoy line marking timeline included the conch and fish pot fishermen. Jared Silva stated that this new proposal would apply to commercial lobster trap gear only, recreational lobster gear and fish and conch pot gear would continue to be subject to the existing buoy line marking requirements.

Gear Distribution

Bob Glenn discussed the weak rope gear roll out. He thanked Erin Burke and Justin Wilson for their work on organizing the events. Erin Burke further discussed weak rope distribution. With funds from Governor Baker and an ASMFC grant, DMF purchased 2,500 coils of weak rope and 7,000 South Shore Sleeves. DMF sought to provide each fisherman with two weak coils of rope and 20 south shore sleeves to help them comply

with the new weak rope requirements. The expectation was that most fishermen would not fish fully formed weak rope, but would instead use the sleeves and segments of weak rope to insert weak contrivances into existing buoy lines. Then overtime, the fishery may turn over to fishing fully formed weak rope as they routinely replace gear. Erin then discussed the DMF Buoy Line Trap Gear Modifications Webpage, as well as the main email that has been setup for lobstermen to contact DMF.

Sooky Sawyer stated the initial batch of candy cane weak rope did not fish well and the manufacturer was working to develop a second batch based on feedback from industry. He was curious if DMF had received this improved candy cane rope. Bob Glenn stated DMF was waiting on a shipment. However, he did not intend to distribute the rope directly to industry, but to work with select fishermen to test this version of the rope.

Ray Kane asked if there is any way to utilize CARES money to subsidize the harvesters for the cost of the weak rope and contrivances. The Director stated CARES funding was to be distributed to those businesses affected by COVID. However, fishermen who are eligible for CARES money could spend it on purchasing gear.

Shelley Edmundson thanked DMF for distributing rope on Martha's Vineyard.

Updates from ASMFC

Nichola Meserve stated the ASMFC and MAFMC delayed the final action on the commercial/recreational allocation amendment for fluke, scup, and sea bass until December. The Council and Commission supported this delay to advance the Recreational Reform Initiative before allocation decisions are made. Additionally, more options within the range of alternatives may be developed in the interim based on concerns expressed during the public comment, which Nichola opined may help broker compromise between commercial and recreational interests. The implementation date has been flagged in the motion for 2023. The implications for the 2022 recreational fisheries are unknown, but all three species will go through a stock assessment this summer with the results factored into the fishery specification setting for 2022.

Nichola stated the agenda for the spring ASMFC meeting was posted online and the meeting was scheduled to occur virtually during the first week of May. Nichola made note of some high interest board actions, including: the identification of issues to be addressed in Amendment 7 to the Striped Bass FMP; a potential management action being initiated to reallocate commercial menhaden quotas among the states; a Policy Board review of an appeal by New York regarding state-by-state commercial black sea bass quota reallocations; and the development of an ASMFC Working Group to address the challenges associated with reallocation.

PRESENTATION ON MA OCEAN ACIDIFICATION COMMISSION REPORT

Director McKiernan gave a brief overview of the MA Ocean Acidification Commission. Mark Rousseau then provided a summary of this Commission and its report on ocean acidification. Mark welcomed any questions from the Commission at the conclusion of his presentation.

Kalil asked if the oceans have reached the tipping point to sustain CO₂ absorption. Mark did not know the exact answer to Kalil's question, but stated there was a need for more sampling to occur in order to have more robust baseline data. He added that some local ocean acidification can be resolved by addressing local eutrophication that is occurring.

Bill Amaru commended Mark for his work and thanked him for making it understandable. Bill asked if acidification is standard throughout the entire water column. Mark stated pH levels were not likely equal throughout the water column. Moving forward, some technology needs to be developed to better sample this.

Mike Pierdinock asked if there is any connection between ocean acidification and recent dissolved oxygen levels in Cape Cod Bay. Mark stated this was yet to be determined.

Chairman Kane suggested Commission Members can reach out to Jared with any concerns or questions for Mark. Chairman Kane thanked Mark for his presentation.

OTHER BUSINESS

Director McKiernan brought up two areas of other business from DMF. He suggested moving the May Business Meeting two weeks out. The May meeting was moved to June 3rd. The June MFAC meeting was cancelled.

Director McKiernan stated he received a request from a Hull purse seiner to allow menhaden seining in Boston Harbor on Friday. This request was made at the recent March 29 public hearing and was subsequently supported in writing by the Massachusetts Striped Bass Association. Dan and staff were preparing a memorandum for the MFAC that explains this request and Dan's likely decision to allow it for 2021.

Commission Member Comments

Kalil Boghdan stated he really enjoys listening to the weekly seminars put on by DMF, and urged his fellow Commission members to listen in.

Bill Doyle would like an update on the Three Bay reclassification, as well as DMF's recent meeting with FDA. Director McKiernan provided an update regarding a recent meeting with the FDA, and added DMF was working to minimize the spatial extent to which it would reclassify and downgrade "Approved" shellfish growing areas to "Conditionally Approved". DMF would follow up with Bill Doyle with additional information.

Shelley Edmundson thanked DMF for all their hard work, particularly getting trap fishermen weak rope and weak contrivances.

Mike Pierdinock stated he got an email from NOAA Fisheires regarding a 90-day petition to place shortfin mako sharks on the Endangered Species List, and noted comments on this action are due June 14. He added that he has been participating in civilian science workshops through ACCSP to develop mobile applications as a means for reporting recreational and for-hire catch and effort data.

Ray Kane thanked the Commission for their continued attendance. Ray then asked Shelley Edmundson for an update on the whelk research fleet. Shelley stated the grant would begin in 2022.

Ray and Dan discussed a recent petition from the Massachusetts Conch Association to stall whelk gauge increases pending additional scientific review. The association hired Dr. James Sulikowski to review the agency's size-at-maturity work and management. DMF had received some comments from Dr. Sulikowski and was reviewing it with SMAST staff and preparing a response.

Bill Amaru asked Shelley to speak to a new seafood marketing program she promoted on NPR. Shelley discussed a new wholesale seafood marketing program focused at making local seafood more accessible on the island and better marketing locally caught seafood throughout the state.

PUBLIC COMMENTS

No public comments were made.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the April MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- April MFAC Agenda
- March 2021 Draft MFAC Business Meeting Minutes
- Commercial Striped Bass Recommendation
- Commercial Menhaden Management
- Housekeeping Recommendation Memo
- Buoy Line Marking Proposal

UPCOMING MEETINGS

9AM

June 3, 2021

Via Zoom



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor


KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: May 28, 2021

SUBJECT: Recommendation on Buoy Line Marking Requirements for Lobster and Crab Trap Gear

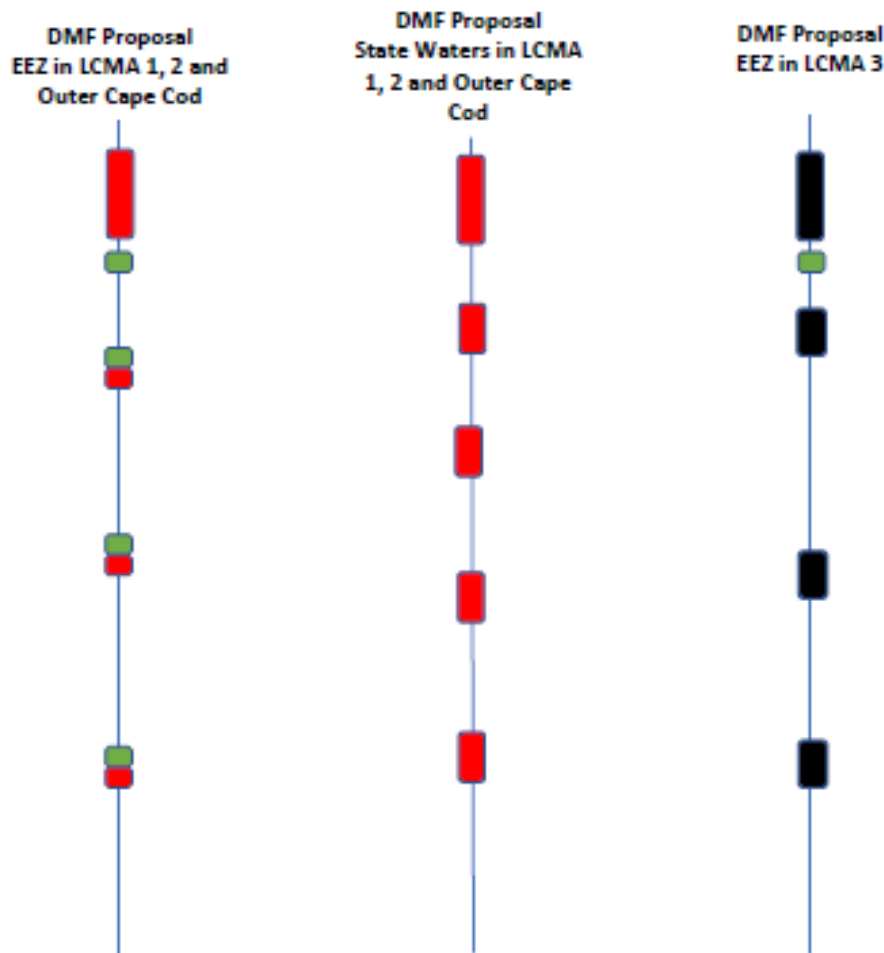
Recommendation

I recommend the MFAC vote in favor of the following regulatory amendments to 322 CMR 4.00 and 12.00 affecting buoy line marking in the commercial lobster and crab fishery. These amendments are described in the bullets below and depicted in Figure 1. If approved, these buoy line marking requirements will go into effect on February 1, 2022. The existing buoy line marking requirements for other commercial fixed gear fisheries and the recreational lobster fishery will remain unchanged.

1. Fishermen Homeported in MA and Authorized to Fish in EEZ in LCMA 1, 2 and Outer Cape Cod.
 - Require two distinct solid marks (e.g., paint, tape) in the surface system. Within 12' of the buoy require one solid red mark of at least 3' in length. Then within 1' below the 3' red mark there is to be an additional solid green mark of at least 1' in length.
 - Throughout the remainder of the buoy line require at least three additional solid or non-solid (e.g., tracer) marks with a mark located in the top, middle, and bottom third of the buoy line. Each mark shall be at least 2' in length and be comprised of 1' of red and 1' green. The red and green marks need not be adjacent but must be within at least 6" of each other.
 - If a fisherman is fishing with red-colored rope—including the fully formed red or red and white striped ("candy cane") weak rope—are to replace the red marks with white marks.
2. MA Fishermen in State Waters of LCMA 1, 2, and Outer Cape Cod.
 - Require one solid red mark measuring 3' in length within 12' of the buoy.
 - Throughout the remainder of the buoy line require at least four additional solid or non-solid red marks with two marks occurring in the top 50% of the buoy line and two marks occurring in the bottom 50% of the buoy line. Each mark shall be at least 2' in length. No segment of buoy line greater than 60' shall be unmarked.

- If a fisherman is fishing with red-colored rope—including the fully formed red or red and white striped (“candy cane”) weak rope—are to replace the red marks with white marks.
3. MA Fishermen in EEZ in LCMA 3.
 - Require two distinct solid marks in the surface system. Within 12’ of the buoy require one solid black mark of at least 3’ in length. Then within 1’ below the 3’ black mark there is to be an additional solid green mark of at least 1’ in length.
 - Throughout the remainder of the buoy line require at least three additional solid or non-solid (e.g., tracer) black marks with a mark located in the top, middle, and bottom third of the buoy line.
 4. Definitions.
 - Define the term buoy line as, “the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps on a trap trawl and extends no more than 12’ from the first trap trawl.

Figure 1. Image of DMF’s Proposed Gear Marking Proposal



Review of Public Comment

DMF took public comment on the draft rule from April 16 through May 20 and held a virtual public hearing on May 11. The written public comment record is extensive and was dominated by a write-in campaign sponsored by the conservation community requesting DMF expedite the authorization of so-called “ropeless technology”. Similar testimony was provided at the public hearing as well. Moreover, a comment letter signed by 42 members of the MA legislature similarly requested DMF pursue ropeless fishing technology.

For the purpose of this recommendation, I view comments regarding ropeless fishing as being outside the scope of this specific regulatory proposal. However, I recognize there is significant public interest in this subject and want to address the issue directly. In doing so, I would like to call your attention to a [January 22, 2021 memo](#) from DMF to the MFAC. This memo described the status of ropeless fishing technology in Massachusetts fixed gear fisheries. Since this memo was released, DMF has hired Noah Oppenheim and Homarus Strategies, LLC to conduct an in-depth study into the potential for ropeless fishing in Massachusetts. Additionally, the January 2021 amendments to the state’s protected species rules set aside a section of regulations at 322 CMR 12.07 that will allow DMF to eventually authorize the future use of alternative gears, such as ropeless fishing technology. DMF continues to work with NOAA Fisheries to resolve relevant legal, practical, and jurisdictional challenges related to the implementation of a ropeless fishing program at the state and federal level. Once these issues are resolved, DMF will be in a position build out a regulatory structure that could allow ropeless fishing to be permitted.

Some conservation organizations—notably the Conservation Law Foundation, Humane Society, and Whale and Dolphin Conservation—generally supported the proposal but advocated for the adoption and consideration of several alternative management approaches. This included more frequent markings in state waters—every 40’ rather than every 60’—and marking groundline.

With regards to more frequent marking, my recommendation requires at least four 2’ marks in the buoy line with no segment of buoy line greater than 60’ going unmarked. Given the vast majority of buoy lines fished within MA state waters are less than 200’, the rule as proposed will result in the majority of buoy lines being marked at intervals of 40’ or less. Moreover, the reason we chose a maximum of 60’ between marks was to accommodate the use of the weak rope inserts, as one such insert is required at least every 60’ in the buoy line. Accordingly, I think my recommended action is consistent with these comments and ensures state-waters buoy lines are marked with sufficient frequency to truly distinguish MA permitted lobster gear from all other jurisdictions.

These conservation groups also suggested DMF require fishermen to mark the groundlines for gear set as trawls. While I appreciate the need to clearly and unambiguously identify all lobster gear authorized by DMF, I do not believe there is sufficient evidence to support that marking groundlines will contribute to or achieve this standard. The entanglement record shows minimal observations of groundlines being involved in right whale entanglements. While most entanglements involve long segments of rope that cannot be attributed to a particular gear type or fishery, it is easy to rule out groundline in these instances because of the absence of gangions spliced into the rope at regular intervals. Requiring fishermen to mark long lengths of groundline with would place an inordinate burden on fishermen while not significantly contributing to

enhancing our ability to identify fishing gear involved in right whale entanglements. Given this, I do not believe requiring fishermen to mark groundlines is warranted.

These groups also commented on having the markings woven through the entire buoy line and have such markings include information regarding the permit holder and having the buoy line markings visible from the air. These are intriguing comments and would certainly improve gear identification when entanglements occur. However, as the commenters note, these technologies are not yet available.

Comment from the industry was limited. This typically indicates that industry either supports, accepts, or does not oppose the action. This is further evidenced by the Massachusetts Lobsterman Association's comment letter in support of the proposed regulations.

That said, there was some interest from two commercial fishermen to have additional buoy line marking requirements for the state-waters portion of LCMA2. The rationale for this is that these fishermen are not subject to a seasonal closure. If one of their buoy lines were to entangle a right whale during this closure period, the entanglement could be attributable to the state as a whole and likely have an adverse impact on those fishermen who are subject to the seasonal closure. Therefore, the commenters felt this gear should be uniquely identifiable.

While I understand the concern raised, I do not think an additional marking requirement is necessary for the state-waters portion of LCMA2. The risk posed by this fishery to right whales is minimal, if not negligible, based on historic data. The wintertime lobster fishery occurring in LCMA2 is small in scale and conducted around Vineyard Sound and Buzzards Bay. There is little evidence to suggest right whales use these waters with any frequency. This was the reason why this area was kept open during the wintertime, as the NOAA Fisheries' decision support tool demonstrated that exempting the area would increase risk by only 1.4% relative to the baseline of a state-wide seasonal trap gear closure. Ultimately, if the risk is sufficient to require a separate gear marking strategy for the area, then the risk is sufficient to require a seasonal trap closure. DMF will continue to monitor effort in this fishery and the potential risk posed by it.

It is also worth noting that the comment was premised on right whales being in or near state-waters within LCMA2. There is no data to support this. The right whale observations that occur south of Cape Cod during the winter are in federal waters around Coxes Ledge and the Great South Channel. These whales are not being found along Vineyard Sound and Buzzards Bay where the fishery is occurring. The gear set offshore in federal waters would be identifiable to federal waters and the state of origin.

Coordination with Federal Government

In December 2020, NOAA Fisheries released its draft regulations affecting the Atlantic Large Whale Take Reduction Plan (ALWTRP). This included new, more extensive buoy line marking requirements for the commercial lobster and crab trap fishery (Figure 2). As these rules are developed and promulgated under the Marine Mammal Protection Act (MMPA), they would apply to all commercial fishing activity in state and federal waters. DMF expects final federal

rules to be announced in the coming weeks. Once approved by the federal government, these rules will set the baseline regulations by which commercial fishermen must comply.

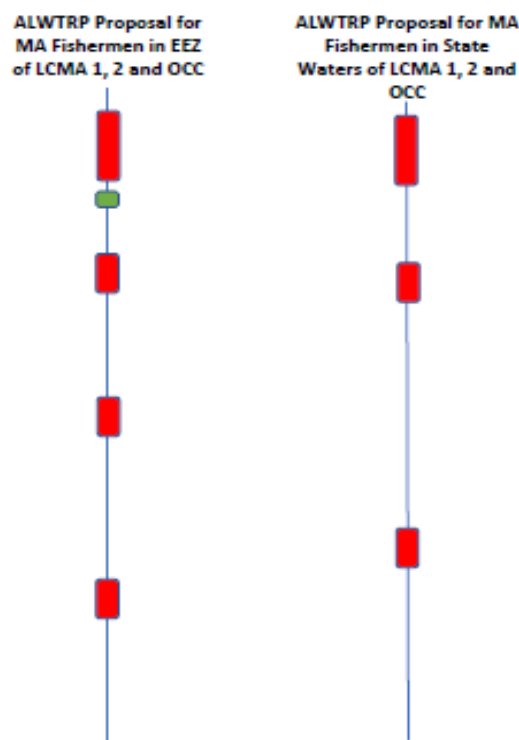
Figure 2. NOAA’s Proposed Draft Gear Marking Regulations Under ALTWRP
Table 4 from Federal Register Vol. 85 No. 251

TABLE 4—PROPOSED REGULATORY CHANGES TO GEAR MARKING ON NORTHEAST CRAB AND LOBSTER TRAP/POT BUOY LINES	
Area	Proposed gear marking measure
Entire Northeast Management Area (see figure 1) except Maine exemption area.	3-ft long state-specific mark (see color below) within 2 fathoms of the buoy. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark.
Maine Exemption Area	3-ft long mark within 2 fathoms of the buoy. One or two additional 1-ft marks (depth dependent) through state regulation only.
Maine Non-Exempt	Purple. Three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green buoy line mark within 2 fathoms of buoy.
New Hampshire	Yellow. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters, three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Massachusetts	Red. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks: At top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
Rhode Island	Silver/Gray. In state waters: Two 1-ft marks in the top half and bottom half of buoy line. Beyond state waters three 1-ft marks at top, middle and bottom of line. In Federal waters, an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.
LMA 3	Retain Black. In Federal waters add a 3-ft long mark within 2 fathoms of the buoy, and an additional 6-inch green mark within 1 ft. of 3-ft mark within 2 fathoms of buoy.

The proposed federal rules did not sufficiently differentiate gear set in the federal waters from gear set in state waters in these LCMA 1, 2, and Outer Cape Cod (Figure 3). Specifically, the only differentiating factors are a 6” green mark in the surface system (buoy and top portion of the line) and an additional 1’ red mark in the body of the buoy lines fished in the EEZ. Frequently, when gear is disentangled from a protected species the full buoy line often is not intact and the surface system is often missing. Accordingly, gear fished in federal waters by MA fishermen could be easily misidentified as state waters gear. This poses a legal risk to our state waters fishery and could jeopardize the state’s Incidental Take Permit (if approved).

DMF provided public comment on the draft rule which described these concerns. Additionally, in developing our proposed draft regulation, we worked to address our concerns about gear be misattributed to state waters in three ways. First, the length of all marks required by DMF will be at least 2’, rather than 6”. This helps to differentiate our gear from Canadian gear (6” markings) and MA gear from remnant buoy lines fished on trawls throughout LCMA 1 (1’ red

Figure 3. Draft ALWTRP Buoy Line Marking Rules for LCMAs 1, 2 and OCC



marks). Second, DMF will require a green mark to accompany all red marks in the body of buoy lines fished federal by Massachusetts fishermen in federal waters. This will better distinguish gear in the EEZ from state waters gear. Through these actions, state waters gear becomes more readily identifiable than gear set in other jurisdictions.

In finalizing this recommendation, DMF has continued to work with NOAA Fisheries. In doing so, we are confident that the pending federal rules will address the issues raised by DMF regarding federal gear marking requirements and DMF's rules will be consistent with what is being adopted at the federal level. This coordination is critical to ensuring that dually permitted fishermen are not subject to contradictory rules resulting in additional burden to industry. As a result of this coordination, DMF is also moving to enact a final rule that is slightly different than the proposed rule but will match the expected final federal rule and specify the red and green marks for federal waters gear need not be adjacent but cannot be greater than 6" apart.

Incidental Take Permit Application

In April 2020, the US District Court ordered the Commonwealth to seek an Incidental Take Permit (ITP) pursuant to Section 10 of the Endangered Species Act to cover the licensing and regulating of its fixed gear fisheries that deploy vertical buoy lines that may cause entanglements of endangered right whales and sea turtles. This is a lengthy and ongoing process that DMF remains engaged in.

In the development of an ITP permit application, the state is required specify the impacts that are likely to result from a taking and to develop a Habitat Conservation Plan (HCP). The HCP details the steps the applicant is taking to minimize and possibly mitigate (if warranted) impacts the permitted activity is having on an endangered species. Currently the MA lobster fishery is classified as part of the Northeast/Mid-Atlantic American Lobster Pot/Trap Fishery on NOAA's List of Fisheries (LOF)¹. This fishery includes the federal waters fishery, as well as all other state water lobster fisheries from New York to Maine. To be successful in its ITP application, DMF must first take steps to distinguish our lobster fishery from the rest of the Northeast Lobster Fishery, so that our fishery can be classified as its own separate fishery on NOAA's LOF.

Next, DMF must minimize or mitigate for all potential sources of risk to endangered species. For large whales this includes a National Environmental Protection Act ("NEPA") review and the requirement to receive a Negligible Impact Determination. Accordingly, DMF has adopted new regulations that allow the state to demonstrate that the state's lobster fishery is different and our management system as providing additional conservation when compared to the fishery in other jurisdictions. This proposal is consistent with this approach and a necessary next step for DMF to successfully obtain an ITP.

To potentially obtain an ITP for right whales in 2022, DMF must have our lobster trap fishery listed separately from the Northeast/Mid-Atlantic American Lobster Pot/Trap Fishery on NOAA's 2022 LOF. Accordingly, Massachusetts must continue to approach right whale conservation in a manner that distinguishes its lobster fishery from the broader lobster fishery. NOAA typically reviews each fishery in the summer and proposes the following year's LOF in Sept/Oct. Accordingly, while these buoy line marking rules will not go into effect until 2022, if

¹ <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries>

approved they will be promulgated in late June or early July. This will ensure NOAA will be able to consider these new management measures prior to making the 2022 LOF determinations.

Industry Outreach

DMF recognizes that these additional marking requirements pose a challenge to commercial lobster trap fishermen. Accordingly, we are taking several steps to address and alleviate some of these challenges. First, we are working to get the information out to industry well in advance of the 2022 implementation date. In fact, we publicly aired our strawman proposal prior to this more formal memorandum by presenting it at the March 18 and April 15 MFAC business meetings and held a question and answer session with commercial trap fishermen on March 23. We will continue pursuing an interactive process whereby fishermen can provide us with useful feedback as we move forward. Second, we are working to use color of the marks and the size of the marks to our favor. Recall that state waters trap fishermen are now required to fish weak rope and may comply with this by inserting one weak contrivances into their buoy line per every 60 feet of buoy line in the top 75% of the buoy line. Accordingly, fishermen may be able to have certain contrivances (e.g., red rope inserts) serve as both their weak contrivance and their gear marking modification. Lastly, fishermen who fish in both state and federal waters may be challenged to comply with this requirement and it may force them to fish different sets of ropes when they move gear from state waters to federal waters and vice versa. This may ultimately be an inevitable inconvenience. However, staff will work with lobstermen this summer to determine if there are solutions that may allow them to place removable green markers (e.g., weavable strands) on their buoy lines when they move gear into federal waters.

Attachments

[Written Public Comment on Buoy Line Marking](#)

[Written Comments on Ropeless Fishing](#)

Final Draft Strikethrough Language

4.13: Trap Gear Marking and Maximum Trawl Length

(1) Definitions.

Boston Harbor and its Approaches means those waters under the jurisdiction of the Commonwealth circumscribed by an imaginary line beginning at Point Allerton in Hull; thence in an easterly direction to the #1 buoy at Thieves Ledge; thence in a northerly direction to the BG buoy; thence in a westerly direction to Grovers Cliff in Winthrop.

Buoy Line means the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps on a trap trawl and extends no more than 12' from the first trap on the trawl.

Black Sea Bass Pot means any trap that has six sides and at least two unobstructed escape vents or openings in the parlor that are at least two and one-half inch in diameter, two inches square or one inch by five inches, and is set on the bottom of the ocean and designed to capture black sea bass.

Conch Pot means any trap without side heads or horizontal laths that is set on the bottom of the ocean and designed to capture whelks.

East End means that part of the trawl extending from 01° through 180° magnetic.

Fish Pot means inclusively any black sea bass pot or scup pot.

Groundline means lines connecting traps on a trap trawl.

Homeport means the location assigned as vessel's home on its commercial American Lobster Permit issued by NOAA Fisheries, or if a federal commercial American Lobster Permit is not held, then the Homeport shall mean the location assigned as the vessel's home on its Coastal Lobster Permit issued by the Division of Marine Fisheries pursuant to 322 CMR 7.01(2).

Parlor means that compartment of a pot that does not contain bait.

Recreational Fishing means the non-commercial taking or attempted taking of lobsters and crabs for personal or family use, sport or pleasure, which are not to be sold, traded or bartered.

Registered Under the Laws of the Commonwealth means any individual or vessel which is licensed by the Division of Marine Fisheries as evidenced by the issuance and possession of a valid commercial Offshore Lobster Permit or Coastal Lobster Permit, issued pursuant to 322 CMR 7.01(2), which may be in addition to any federal registration of the vessel.

Scup Pot means any trap that has six sides and at least two unobstructed escape vents or openings in the parlor that are at least three and one-tenth inch in diameter or two and one-quarter inch square that is set on the bottom of the ocean and designed to catch scup.

Single means individually set and buoyed traps.

Trap means any lobster trap, modified lobster trap, fish pot, conch pot or any other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks lobsters or crabs.

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

West End means that part of a trawl extending from 181° through 00° magnetic.

Vessel means any waterborn craft.

(2) Traps. The following requirements apply to marking of traps set within the waters under the jurisdiction of the Commonwealth.

(a) Buoy and Trap Marking.

1. All buoys set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80, and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with the permit number assigned by the Director.
2. All traps or cars set by commercial fishermen permitted in accordance with M.G.L. c. 130, §§ 37, 38 or 80, and 322 CMR 7.01(2): *Commercial Fisherman Permits* or (4): *Special Permits*, shall be marked with trap tags in accordance with 322 CMR 6.31: *Trap Tags*.
3. All buoys set by non-commercial lobster and crab trap fishermen, permitted in accordance with M.G.L. c. 130, §§ 37 and 38, and 322 CMR 7.01(4): *Special Permits*, shall be marked with the letter "N" prior to the permit number assigned by the Director then a dash (-) with a single digit from 0 - 9 shall follow the permit number indicating the sequential trap number in the series up to ten traps. Said alpha numerical sequence shall be permanently secured to the inside of the trap through the use of a synthetic plate or by being burned or cut into a wooden lath.
4. The buoy markings required in 322 CMR 4.13(4) shall not be less than one inch in height nor less than ½ inch in thickness or width of line.

(b) Buoy Line Marking Requirements.

1. Single Traps in LCMA1. The buoy line on single traps fished or authorized to fish in LCMA 1, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of white. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
2. Single Traps in LCMA2. The buoy line on single traps fished or authorized to fish in LCMA 2, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of black. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
3. Single Traps in Outer Cape Cod LCMA. The buoy line on single traps fished or authorized to fish in Outer Cape Cod LCMA, as defined at 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three 12 inch marks located at the top, midway and bottom of the buoy line. Each mark shall be composed of at least six inches of red and at least six inches of yellow. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
4. Trawls in LCMA1, LCMA2 and Outer Cape Cod LCMA. The buoy line on trawls fished or authorized to fish in LCMA 1, LCMA 2 or the Outer Cape Cod LCMA, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three red marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line. **Effective February 1, 2022, this requirement shall apply only to fish pots and conch pots.**
5. Trawls in LCMA 3. The buoy line on trawls fished or authorized to fish in LCMA 3, as defined in 322 CMR 6.33: *Lobster Management Areas*, shall be marked with three black

marks of at least 12 inches. A mark shall be located at the top, midway and bottom of the buoy line. **This requirement shall expire on February 1, 2022.**

6. Non-commercial Lobster and Crab Traps. The buoy line on traps fished or authorized to be fished by recreational lobster and crab fishermen, permitted in accordance with 322 CMR 7.01(4): *Special Permits* shall be marked with a red mark midway on the buoy line of at least four inches.

7. Exception to Buoy Line Marking Requirements. **For the buoy line marking requirements at 322 CMR 4.13(2)(b)(1)-(6), if ~~if~~ the color of the buoy line is the same as or similar to the buoy line marking requirement color code, a similar sized white mark may be substituted for that color code at the appropriate location(s) on the buoy line.**

8. New Buoy Line Marking Requirements for the Commercial Lobster and Crab Trap Fisheries in 2022. Effective February 1, 2022 the following buoy line marking requirements shall apply to lobster trap and crab trap gear:

a. Commercial Lobster Gear Seaward of the Waters Under the Jurisdiction of the Commonwealth LCMA1, LCMA2, and Outer Cape Cod LCMA. Any vessel registered under the laws of the Commonwealth with a Homeport in Massachusetts fishing commercial lobster trap gear seaward of the waters under the jurisdiction of the Commonwealth, within LCMA1, LCMA2 and the Outer Cape Cod LCMA, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color coded marks in the following configuration:

- i. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.
- ii. No more than one foot below the three foot solid red mark, which occurs in the first 12 feet of the buoy line extending through the water column from the buoy to the trap, there shall be one solid green mark that is at least one foot in length .
- iii. After the first 12 feet of the buoy line, there shall be at least one mark in each third of the remaining buoy line extending down to the trap. Each mark shall be at least two feet long and comprised of a solid or non-solid red mark measuring at least one foot in length and a solid or non-solid green mark measuring at least one foot in length. The red and the green marks do not need to be adjacent but shall not be more than six inches apart.
- iv. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

b. Commercial Lobster and Crab Trap Gear in the Waters Under the Jurisdiction of the Commonwealth within LCMA1, LCMA2, and Outer Cape Cod LCMA. Commercial fishermen who hold a Coastal Lobster Permit, issued pursuant to 322 CMR 7.01(2), and are fishing lobster and crab trap gear in the waters under the jurisdiction of the Commonwealth within LCMA1, LCMA2, and the Outer Cape Cod LCMA, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color coded marks in the following configuration:

- i. There shall be one solid red mark that is at least three feet in length within the first 12 feet of the buyo line extending through the water column from the buoy to the trap.
- ii. After the first 12 feet of the buoy line, there shall be at least four two foot solid

or non-solid red marks in the remaining buoy line extending down to the trap with two of the red marks occurring in the top 50% of the buoy line and the other two red marks occurring in the bottom 50% of the buoy line.

iii. There shall be no length of buoy line greater than 60 feet without a red mark.

iv. If the color of the buoy line is red or red and white striped, then a solid white mark of the same size shall be substituted for the red mark.

c. Commercial Lobster Trap Gear in within LCMA3. Any vessel registered under the laws of the state and with a Homeport in Massachusetts fishing lobster trap gear in in LCMA3, as defined at 322 CMR 6.33, shall mark their buoy lines with at least five color-coded marks in the following configuration:

i. There shall be one solid black mark that is at least three feet in length within the first 12 feet of the buoy line extending through the water column from the buoy to the trap.

ii. No more than one foot below the three foot solid black mark, which occurs in the first 12 feet of the buoy line extending through the water column from the buoy to the trap, there shall be one solid green mark that is at least one foot in length.

ii. After the first 12 feet of the buoy line, there shall be at least one sold or non-solid black that is at least one foot long in each third of the remaining buoy line extending down to the trap.

(c) Surface Identification of Traps.

1. Single Traps. Single traps shall each be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches. Sticks are optional, but if used, shall not have a flag attached.

2. Trawls. The east end of a trawl shall be marked with a double buoy, consisting of any combination of two buoys measuring at least seven inches by seven inches or five inches by 11 inches and one or more three foot sticks. The west end of a trawl shall be marked with a single buoy measuring at least seven inches by seven inches or five inches by 11 inches buoy with a three foot stick and a flag.

3. Exemption for Boston Harbor and its Approaches. It shall be lawful to fish with trawls marked on one end with a plastic bottle attached by at least ten feet of ½ inch cotton line or similar light material, provided that said substitute buoy shall be painted with the buoy colors and permit number of the owner. A single seven inches by seven inches or five inches by 11 inches shall mark the other end of the trawl. Sticks need not be used.

(d) Trawl Maximum Length. The total length of trawls set in waters under the jurisdiction of the Commonwealth shall not exceed 2,500 feet from end to end.

12.02: Definitions

For the purposes of 322 CMR 12.00 the following terms shall have the following meanings:

1,700 pound buoy line means any buoy line with a breaking strength of 1,700 pounds or less or any buoy line that is rigged with no less than one 1,700 contrivance per every 60 feet of buoy line in the top 75% of the buoy line. Only contrivances be approved by NOAA Fisheries pursuant to the Atlantic Large Whale Take Reduction Plan shall be lawful.

Abandon means to leave any fixed gear in the waters for a period of at least 30-days without hauling the gear or to leave any fixed gear in any fixed gear seasonal closure.

Bottom or Sink Gillnet means a gillnet, anchored or otherwise, that is designed to be, capable of being, or is fished on or near the bottom in the lower third of the water column.

Buoy Line means the line that extends through the water column from the buoy at the surface to a single trap on the ocean floor or to a groundline that connects multiple traps in a trawl and extends no more than 12' from the first trap in the trawl.

Buffer Zone means an area outward from a right whale a distance of 500 yards in all directions.

Cape Cod Bay Vessel Speed Restriction Area. The Cape Cod Bay Vessel Speed Restriction Area shall consist of all waters of Cape Cod Bay south of 42° 08' north latitude and those waters north and east of Cape Cod west of 70° 10' west longitude.

Commercial Fisherman means any person who may set gear or catch, possess or land fish for the purpose of sale, barter, or exchange or keeps for personal use any fish taken under the authority of a commercial fisherman permit issued in accordance with M.G.L. c. 130, §§ 2, 37, 38 or 80, and 322 CMR 7.01(2).

Double means two traps connected together by a groundline with a single vertical line buoy attached.

Fixed Fishing Gear means any bottom or sink gillnets or traps that are set on the ocean bottom or in the water column and are usually connected to lines that extend to the water's surface.

Gillnet means anchored, or surface or drifting vertical walls of webbing, buoyed on top and weighted at the bottom, designed to capture fish by entanglement, gilling, or wedging.

Groundlines means the lines connecting traps on a trap trawl and lines connecting gillnets to anchors.

Harass means to approach, pursue, chase, follow, interfere with, observe, threaten, harm in any fashion, turn in any manner to intercept or attempt to engage in any such conduct.

Massachusetts Restricted Area means those waters described in the federal Atlantic Large Whale Take Reduction Plan and bounded by the following coordinates: beginning at the shoreline at 42° 12' N latitude; thence heading due east to where 42° 12' N latitude intersects

with 70° 30' W longitude; thence due north to where 70° 30' W longitude intersects with 42° 30' N latitude; thence due east to where 42° 30' N latitude intersects with 69° 45' W longitude; thence due south to where 69° 45' W longitude intersects with 41° 56.5' N latitude; thence in a straight line in a southeasterly direction to where it intersects with 41° 21.5' N latitude and 69° 16' W longitude; thence in a straight line in a west southwesterly direction to where it intersects with 41° 15.3' N latitude and 69° 57.9' W longitude at the shoreline of Nantucket; thence following the eastern shoreline of Nantucket to where it intersects with 70° 00' W longitude; thence due north to where 70° 00' W longitude intersects with the shoreline of Cape Cod at 41° 40.2' N latitude; thence following the shore line of Cape Cod back to the original point.

Negatively Buoyant Line means line that has a specific gravity equal to or greater than that of seawater, 1.03, and does not float up in the water column.

Positively Buoyant Line means line that has a specific gravity less than that of seawater, 1.03, and floats up in the water column.

Recreational Fisherman means any person permitted in accordance with G.L. c. 130, § 38 and 322 CMR 7.01(4)(b) to catch, possess and land lobster or crabs for family use, sport, or pleasure, which are not to be sold, traded, or bartered.

Right Whale means that species of marine mammal known as *Eubalaena (Balaena) glacialis*.

Single Trap means individual set and buoyed traps.

To Abandon or To Store means to leave fixed gear in the water without hauling it at least every 30 days or in prohibited areas during prohibited periods.

To Fish means to use, set, maintain, leave in the water or haul gillnets or traps to harvest, catch, or take any species of fish or lobster.

Trap means any lobster trap, modified lobster trap, fish pot, fish trap, conch pot, or other contrivance, other than nets, that is placed on the ocean bottom and designed to catch finfish, whelks, lobsters or crabs.

Trawls means a series of single traps that are tied together and buoyed at one or both ends.

Vessel means any waterborn craft.

Weak Link means a breakable section or device that will part when subjected to specified poundage of pull pressure and after parting, will result in a knot-less end, no thicker than the diameter of the line, the so-called "bitter end" to prevent lodging in whale baleen. Lawful weak links are those devices approved by the National Marine Fisheries Service pursuant to the Atlantic Large Whale Take Reduction Plan and published in the Atlantic Large Whale Take Reduction Plan's Supplemental Gear Guide.

DMF Recommendation

State Waters (LCMA 1, 2 and OCC):

- One 3' solid red mark in surface system (first 12' from buoy)
- At least four 2' solid or non-solid red marks in body of buoy line. White marks if red rope used.
- Two marks to occur in top half and two in bottom half.
- No more than 60' between red marks.
- Buoy line inserts (e.g., red rope) may serve dual purpose of weak contrivance and buoy line marking.

Federal Waters (LCMA 1, 2 and OCC)

- One 3' solid red mark followed by a 1' solid green mark in surface system (first 12' from buoy).
- At least three 2' solid or non-solid marks in body of buoy line.
- Marks are to be comprised of a 1' red mark and 1' green mark.
- Marks to occur in top third, middle third, and bottom third.
- *Green marks do not need to be adjacent to red marks but must be within 6" consistent with anticipated federal rule.*

Federal Waters (LCMA 3)

- One 3' solid black mark followed by a 1' solid green mark in surface system (first 12' from buoy).
- At least three 2' solid or non-solid black marks in body of buoy line.
- Marks to occur in top third, middle third, and bottom third.

DMF Proposal
EEZ in LCMA 1, 2 and
Outer Cape Cod



DMF Proposal
State Waters in LCMA
1, 2 and Outer Cape
Cod



DMF Proposal
EEZ in LCMA 3



June 3, 2021

Division of Marine Fisheries

Slide 1



Round 2 CARES Act Fisheries Relief Working Group Meeting Dates

Aquaculture Working Group

- April 15, 2021

For-Hire Fishing Working Group

- April 15, 2021

Seafood Processor Working Group

- April 16, 2021

Commercial Fishing Working Group

- April 26, 2021
- May 10, 2021

Industry Advisory Panel (Inclusive of all Sectors)

- May 25, 2021

Meeting summaries and presentations from all working groups can be found at the DMF CARES Act webpage: www.mass.gov/service-details/mass-cares-act-fisheries-relief



Round 2 CARES Act Fisheries Relief Sector Allocations

Round 2 CARES Allocations

Round 2 CARES

- \$255 Million for U.S. fishermen & seafood industry through the Consolidated Appropriations Act of 2021.
- Same federal eligibility requirements as the CARES Act (Round 1).
- Massachusetts to receive \$23,314,378.

Sector	Approved Round 1	Round 2 Proposal	Basis for Round 2
Seafood Processors	\$13,779,789	\$10,334,842	75% of Round 1
Commercial Fishing	\$11,828,404	\$8,871,303	
Aquaculturists	\$1,152,652	\$864,489	
For-Hire Vessels	\$1,000,000	\$750,000	
Set Aside for sector(s)	N/A	\$2,439,378	~ 10% of state allocation
Tribal Participants	\$5,000	\$5,000	Round 1 actuals
Administrative, Supplies & Indirect/Fringe Costs	\$14,661	\$49,366	Round 1 actuals
Total Budget	\$27,780,506	\$23,314,378	

Massachusetts Division
of Marine Fisheries



Round 2 CARES Act Fisheries Relief Administrative Budget

Round 2 CARES Administrative/Other Budget

Item	Rate/Quantity	Budgeted Amount
Personnel – Program Coordinator	20 weeks	\$23,215.00
Fringe Benefits	36.38% of personnel	\$8,445.61
Payroll Tax	1.94% of personnel	\$450.37
Mailing Materials		\$3,000.00
Postage	\$0.55/each	\$8,500.00
Indirect Costs	24.79% of personnel	\$5,755.00
Total Administrative, Supplies & Indirect/Fringe Costs		\$49,365.98



Round 2 CARES Act Fisheries Relief Set-Aside for Sectors Allocations

\$2,439,378 Set-Aside for Sectors

- DMF proposes to hold roughly 10% of Massachusetts' allocation as set-aside funds.
- To gauge 2020 losses, DMF will gather data from each applicant on their 2015-2019 average revenue and their 2020 revenue (includes traditional revenue and other COVID-related aid).
- DMF will compare relative losses among sectors and review expected Round 2 payments to determine an overall average percentage loss for each sector.
- Set-aside funds will be distributed to sector(s) based on greatest average percentage loss.
- DMF will inform the Industry Advisory Panel of its sector need analysis and recommendations before finalizing payments.

This requires that the application periods for all four sectors be run simultaneously. Payments for any one sector will not be distributed earlier than those for any other sector.

Round 2 CARES Allocations

Sector	Round 2 Proposal
Seafood Processors	\$10,334,842
Commercial Fishing	\$8,871,303
Aquaculturists	\$864,489
For-Hire Vessels	\$750,000
Set Aside for sector(s)	\$2,439,378



Round 2 CARES Act Relief

Revenue Loss Calculation

Under each permit, qualified applicants must have experienced a 35% or greater loss in gross revenue during a set timeframe in 2020 as compared to an average of revenues from the past five years during the same timeframe.

DMF will merge Round 1 revenue loss data to pre-qualify applicants that met the revenue loss threshold data in Round 1. For Round 2, those that did not qualify or did not apply under Round 1 can use either the original timeframe or a second one, as determined with working group input, as follows.

To determine 35% loss, Applicants can select original or new timeframe for comparison		
Sector	Original Timeframe	Optional Timeframe (new)
Seafood Processor	March 10 to June 30	March 10 to May 31
Commercial Fishing	March 10 to July 31	March 10 to May 31
Aquaculture	March 15 to June 30	March 15 to October 31
For-Hire	March 1 to June 30	March 1 to December 31



Round 2 CARES Act Relief

Exceptions for Revenue Loss Calculation

In line with the approved Round 1 CARES spending plans of neighboring states such as New York and Connecticut, DMF plans to allow applicants to exclude up to one year from the five-year average used for the revenue loss calculation if they experienced the following:

- Medical hardships
- Significant vessel repairs beyond the scope of routine maintenance

DMF will also let applicants that provide documentation of COVID-19 infection to select a different timeframe of at least one month, inclusive of the period of illness, for the revenue loss calculation. For example, DMF would consider allowing a commercial fisherman who had a documented case of COVID-19 in November 2020 to use November 1-November 30 as their timeframe for the revenue loss, even though that is not the set period of revenue loss comparison for the commercial fishing sector.



Round 2 CARES Act Program

Seafood Processor Sector

General Eligibility Criteria

- Must have held a 2020 Wholesale Dealer permit and must have held a 2019 Wholesale Dealer permit.
- Must have suffered 35% revenue loss during March 10 to June 30, 2020, **OR** March 10 to May 31, 2020, compared to the prior 5-year average during the same period due to the effects of COVID-19.
- For active years between 2015 and 2019, must have made average annual wholesale seafood sales of at least \$100,000.
- Must have received at least 70% of total wholesale business revenue from wholesale seafood sales. Only seafood wholesale and processing activities counted toward the eligibility criteria.
- Must be 18 years of age or older at time of application.
- Must be in good standing with the State and Federal Government.
- Must be a Massachusetts resident.
- Assistance from this and other COVID-related federal relief must not make the applicant “more than whole”.



Round 2 CARES Act Program

Commercial Fishing Sector

General Eligibility Criteria

- Must have held a 2020 Massachusetts Commercial Fishing permit.
- Must have suffered 35% revenue loss during March 10 to July 31, 2020, **OR** during March 10 to May 31, 2020, compared to the prior 5-year average during the same period due to the effects of COVID-19.
- Must have had landings during the period of March 10 to July 31 **OR** March 10 to May 31 (depends on period selected for loss calculation) in any year from 2017 to 2019.
- Must have made \$15,000 minimum in wild harvest ex-vessel income in any calendar year from 2017 to 2019.
- Must be 18 years of age or older at time of application.
- Must be in good standing with the State and Federal Government.
- Must be a Massachusetts resident and not receiving CARES Act fisheries relief from another state. Non-residents who do not hold commercial fishing permits in other states will be considered for eligibility.
- Assistance from this and other COVID-related federal relief must not make the applicant “more than whole”.

Massachusetts Division
of Marine Fisheries



Round 2 CARES Act Program Aquaculture Sector

General Eligibility Criteria

- Must have held a 2020 Massachusetts Propagation or Aquaculture permit.
- Must have suffered 35% revenue loss during March 15 to June 30, 2020, **OR** March 15 to October 31, 2020, compared to the prior 5-year average during the same period due to the effects of COVID-19.
- Must be 18 years of age or older at time of application.
- Must be in good standing with the State and Federal Government.
- Must be a Massachusetts resident.
- Assistance from this and other COVID-related federal relief must not make the applicant “more than whole”.



Round 2 CARES Act Program For-Hire Sector

General Eligibility Criteria

- Must have held 2019 and 2020 Massachusetts Charter Boat or Head Boat permits.
- Must meet a threshold of for-hire fishing trips in either 2017, 2018, or 2019.
 - 10 (limited)/41 (active) for head boats; 50 for charter boats (also tiered by vessel size).
- Must have suffered 35% revenue loss during March 1 to June 30, 2020, **OR** March 1 to December 31, 2020, compared to the prior 5-year average during the same period due to the effects of COVID-19.
- Must be 18 years of age or older at time of application.
- Must be in good standing with the State and Federal Government.
- Must be a Massachusetts resident and not receiving CARES Act Sec. 12005 for-hire fishing aid from another state. A non-resident who does not hold a for-hire permit from another state may qualify.
- Assistance from this and other COVID-related federal relief must not make the applicant “more than whole”.



Round 2 CARES Act Relief

“More than Whole”

Made “more than whole”: 2020 traditional revenue under the permit plus any COVID-19 related relief (PPP or EIDL grants, supplemental COVID-19 unemployment relief (i.e., \$600/week), or other COVID-19 fisheries relief) cannot be greater than your traditional annual revenue. Qualified applicants will receive their eligible bin share or their MAX payment value, whichever is lower.

How to Calculate MAX under Permit

Formula: $MAX = AVG - (R + C + U + G + Ot)$

AVG: AVERAGE of 2015-2019 Traditional Annual Revenue

R: Relevant REVENUE as reported on 2020 Tax Return

C: CARES 1.0 Payment under permit

U: Supplemental COVID-19 unemployment relief (i.e., \$600/week X number of weeks).

G: Sum of COVID related grants (PPP or EIDL)

Ot: Other COVID related relief

MAX: Maximum CARES 2.0 payment

Applicants will
receive a
worksheet to help
them calculate
their MAX value



Round 2 CARES Act Relief

“More than Whole” example

How to Calculate MAX

Formula: $MAX = AVG - (R+C+U+G+Ot)$

Scenario for a sample commercial fisherman:

- 5-year average annual revenue was \$109,000.
- For Round 1 was assigned Tier 3 (average annual revenue of >\$69,997 - \$116,326) and received a payment of \$19,078.75.
- Traditional commercial fishing revenue for 2020 was \$72,000.
- Also received a PPP Grant for \$10,500.

Calculating MAX Payment for Round 2 CARES		
1	AVG: Average Revenue 2015-2019	\$109,000.00
2a	R: Traditional Revenue for 2020	\$72,000.00
2b	C: CARES Round 1 Payment	\$19,078.75
2c	U: Supplemental COVID-19 Unemployment	\$0.00
2d	G: COVID-19 PPP/EIDL Grant(s)	\$10,500.00
2e	Ot: Other COVID related relief	\$0.00
2f	Sum of 2a through 2e	\$101,578.75
3	MAX payment (subtract 2f from 1)	\$7,421.25

Round 2 CARES Act Relief Applicant Workshops

As most COVID-19 restrictions were rescinded in Massachusetts by May 29, 2021, DMF plans on holding applicant workshops at several coastal locations to assist applicants by answering questions and in completing the application paperwork.

Area(s) under consideration for workshops include:

- Gloucester (DMF Field Station)
- Scituate-Plymouth
- Chatham
- New Bedford (DMF Field Station)

Workshops will likely be held during the first two weeks of August.



Round 2 CARES Act Program Schedule

Round 2 CARES Draft Schedule

Assumes ~July 1, 2021, Spending Plan Approval from NOAA Fisheries

Milestone	Deadline	Notes
Submit Spending Plan	June 3, 2021	
Mail Applications	July 9, 2021	
Hold Application Workshops	August 13, 2021	Minimum of four workshops in coastal communities
Application Deadline	August 20, 2021	Six-week application period
Complete Appeals Review	September 10, 2021	Two-week appeal review period
Submit Set-aside Proposal to Panel	September 17, 2021	
Submit Payment Lists to ASMFC	September 22, 2021	

Massachusetts Division
of Marine Fisheries





Atlantic States Marine Fisheries Commission

2021 Spring Meeting Webinar Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Spring Meeting Webinar
May 3-6, 2021

Toni Kerns, ISFMP, or
Tina Berger, Communications
For more information, please contact
the identified individual at
703.842.0740

Meeting Summaries, Press Releases and Motions

TABLE OF CONTENTS

AMERICAN LOBSTER MANAGEMENT BOARD (MAY 3, 2021)	3
<i>Meeting Summary</i>	3
<i>Motions</i>	4
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (MAY 4, 2021)	4
<i>Meeting Summary</i>	4
<i>Motions</i>	4
AMERICAN EEL MANAGEMENT BOARD (MAY 4, 2021)	5
<i>Meeting Summary</i>	5
<i>Motions</i>	5
DISCUSSION SESSION ON PRESIDENT BIDEN’S EXECUTIVE ORDER: TACKLING THE CLIMATE CRISIS AT HOME AND ABROAD (MAY 4, 2021)	5
<i>Meeting Summary</i>	5
<i>Motions</i>	6
ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 4, 2021)	6
<i>Meeting Summary</i>	6
<i>Motions</i>	7
EXECUTIVE COMMITTEE (MAY 5, 2021)	8
<i>Meeting Summary</i>	8
<i>Motions</i>	8

SHAD & RIVER HERRING MANAGEMENT BOARD (MAY 5, 2021).....	9
<i>Meeting Summary</i>	9
<i>Motions</i>	9
ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 5, 2021)	10
<i>Press Release</i>	10
<i>Meeting Summary</i>	11
<i>Motions</i>	12
INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (MAY 6, 2021)	13
<i>Meeting Summary</i>	13
<i>Motions</i>	16

AMERICAN LOBSTER MANAGEMENT BOARD (MAY 3, 2021)

Meeting Summary

The American Lobster Management Board met to consider three items: Technical Committee (TC) recommendations on pursuing a management strategy evaluation (MSE) for the lobster fishery, an update on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank (GOM/GBK) resiliency, and electronic vessel tracking for the lobster fishery.

The Board reviewed recommendations from the TC on an MSE for the lobster fishery. The TC recommended the Board pursue a two-phase MSE focused on the GOM/GBK stock, with the goal of providing short-term management guidance at the stock-wide scale while concurrently building the framework to expand the MSE to provide long-term, spatially-explicit management advice. While MSE has the potential to support a management framework for the Southern New England (SNE) stock, the TC recommended that the SNE stock should remain the lower priority due to the relatively small size and mixed-crustacean nature of the fishery, as well as the need for reactive tools to address current stock conditions as opposed to proactive tools like MSE. As next steps, the TC recommended a formal process to develop management goals and objectives for the future of the lobster fishery, and forming a steering committee for additional scoping and work plan development. The Board expressed interest in pursuing an MSE, however, it agreed to postpone development of an MSE until the August meeting in order to prioritize work on Draft Addendum XXVII.

Staff updated the Board on the development of the Draft Addendum XXVII, which aims to proactively increase biological resiliency of the GOM/GBK stock. Per the Board's direction, the Plan Development Team (PDT) presented draft management options and considerations for developing a trigger mechanism that would automatically require the implementation of management measures to improve the biological resiliency of the GOM/GBK stock if the trigger is reached. The TC also provided guidance on indices of abundance that could be used to develop triggers, how triggers could be defined, and the types of management measures that would be expected to increase resiliency of the stock. After reviewing the PDT and TC recommendations, the Board provided direction on the goals and objectives for the development of draft management options. Specifically, it indicated the addendum should prioritize resiliency over standardization of measures across management areas, include relatively conservative trigger levels to maintain the current abundance regime, and consider a tiered approach with multiple trigger levels. The Board agreed to form a subcommittee to provide further guidance on the document's development, and will consider Draft Addendum XXVII for public comment in August 2021.

Next, the Board discussed electronic vessel tracking in the lobster fishery. The Board received presentations from state partners on recent work to test additional tracking devices, integrate cell-based tracking with ACCSP's SAFIS eTRIPS mobile trip reporting application, and to create trip viewers within SAFIS eTRIPS online. This work expanded upon the Commission's 2020 pilot project to continue laying the foundation for timely implementation of electronic tracking in the fishery. As in previous discussions on this topic, the Board emphasized the urgent need for high-resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fleet in order to address a number of challenges facing the fisheries. These data are critical for informing Atlantic right whale risk reduction models and marine spatial planning discussions, as well as improving offshore enforcement. Therefore, the Board agreed to create a technical work group including representatives from NOAA Fisheries, state and federal law enforcement, and members of the Board to develop objectives, technological solutions, and system

characteristics for vessel tracking devices in the federal lobster and Jonah crab fisheries. The work group will provide a report and recommended next steps to the Board at the August 2021 meeting.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to postpone the development of a management strategy evaluation until the August 2021 meeting.

Motion made by Mr. Keliher and seconded by Mr. Cimino. Motion is approved by unanimous consent.

Main Motion

Move to initiate an addendum to develop objectives for collecting high resolution spatial data, identify technological solutions, and develop system requirements.

Motion made by Ms. Murphy and seconded by Ms. Patterson. Motion withdrawn.

Motion to Substitute

Move to substitute to recommend to the Policy Board that a letter be written to NOAA Fisheries recommending the prioritization of federal rulemaking to require the use of cellular-based or satellite-based vessel tracking devices in the federal lobster and Jonah crab fishery. Include in the letter the Lobster Board's willingness to establish a technical workgroup to support NOAA's efforts on vessel tracking.

Motion made by Mr. Keliher and seconded by Mr. Borden. Motion withdrawn.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (MAY 4, 2021)

Meeting Summary

The ACCSP Coordinating Council met to review and take action on the FY2022 ACCSP Funding Decision Document and Request for Proposals package. The Council was provided an overview of changes to the ACCSP Funding Decision Document and draft FY2022 RFP. Clarifications were made indicating that the proposals listed in Appendix A have the opportunity to submit proposals for one additional year of funding with a justification of need statement. All proposals will be evaluated and ranked on merit according to the schedule in the RFP.

The Council was also provided an ACCSP Program update that included metrics on the ACCSP Committee newsletter, a summary of activities involving information systems and software development, recreational data, the One Stop Reporting project, the Data Warehouse, and FY21 funding and staffing. The Council had informative discussion on upcoming Atlantic Recreational Priorities and future changes to the MRIP catch estimate presentations. Comments on those items should be emailed to the Geoff White, ACCSP Director, at geoff.white@accsp.org.

Motions

Move to approve the FY22 Funding Decision Document and RFP as presented and modified to the ACCSP Coordinating Council.

Motion made by Ms. Fegley and seconded by Dr. McNamee. Motion stands approved.

AMERICAN EEL MANAGEMENT BOARD (MAY 4, 2021)

Meeting Summary

The American Eel Management Board met to review recent yellow eel landings as part of annual monitoring the coastwide cap (cap) established in 2018 to limit coastwide yellow eel landings to 916,473 pounds. If landings exceed the cap by 10% for two consecutive years, management action is initiated to reduce harvest. To prevent the cap from being exceeded, Addendum V outlines a process for the Board to review preliminary landings and convene a workgroup if the cap is exceeded by 5% or more in one year to determine how voluntary action can be taken based on the magnitude of the overage and the trend in landings. Preliminary 2020 landings are 225,122 pounds, the lowest in the time series since the Fishery Management Plan was initiated in 1998. In fact, landings have been on a consistent decline since 2016 and, in 2020, all states saw their landings decline from the previous year. Maryland which annually comprises more than 60% of the coastwide total from 2016-2020, saw a 60% decline from 2019 to 2020.

The Advisory Panel (AP) met and provided feedback that the decline in landings is primarily market demand; demand for wild-caught eels from the U.S. for European food markets has decreased in recent years due to increased aquaculture in Europe. Additionally, demand for domestic bait decreased from 2019 to 2020 due in part to COVID-19 restrictions. A smaller proportion of landings traditionally goes to the domestic bait market, and the AP indicated that it does not anticipate landings to increase significantly from current levels in the near future.

The Board also received a progress update on the current benchmark stock assessment scheduled to be completed in 2022. The Stock Assessment Subcommittee (SAS) was formed last year and a Data Workshop was held in November 2020. While there were several new data sets that were submitted, such as fishery-independent surveys, there were not many new types of data available that would support different modeling approaches than the 2012 assessment. The SAS has met several times to explore modeling approaches and develop indices of abundance. Given the species unique life history, range, and data limitations, the SAS has encountered challenges in applying the available data to analytical models to develop reference points and stock status. The SAS will meet with the Commission's Assessment Science Committee later in May to discuss the challenges of this assessment and will update the Board again at the Annual Meeting in October.

Last, Phil Edwards (RI) was elected Vice-Chair of the American Eel Board. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to elect Phil Edwards as Vice-Chair of the American Eel Management Board.

Motion made by Mr. Reid and seconded by Ms. Patterson. Motion passes.

DISCUSSION SESSION ON PRESIDENT BIDEN'S EXECUTIVE ORDER: TACKLING THE CLIMATE CRISIS AT HOME AND ABROAD (MAY 4, 2021)

Meeting Summary

Sam Rauch, NOAA's Deputy Assistant Administrator for Regulatory Programs, met with the Commission to present the Administration's Executive Order on Tackling the Climate Crisis at Home and Abroad.

Specifically, the Executive Order directs NOAA to collect recommendations on how to make fisheries, including aquaculture, and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperating research. The effects of climate change on marine fishery resources and coastal communities are important issues to the Commission and the states, and there was general agreement that the Commission would work with its federal partners to develop strategies to respond to climate change impacts on fisheries.

For more information, please contact Bob Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

No motions made.

ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 4, 2021)

Meeting Summary

The Atlantic Menhaden Board met to review the Fishery Management Plan (FMP) Review for the 2020 fishing year and consider making changes to current allocations. In 2020, total commercial landings decreased by 12% from 2019 with non-incidental catch landings (directed landings that count towards the total allowable catch or TAC) estimated at 177,830 mt, 82% of the 2020 TAC of 216,000 mt. Landings from incidental catch and small-scale fisheries, which are not accounted for under the TAC, increased in 2020 to approximately 6,330 mt, the highest level since the provision was implemented in 2013. Additionally, the Plan Review Team (PRT) highlighted recommendations for the Board's consideration regarding (1) the current 10-fish biological sample requirement to categorize the impact of the commercial gear types on the menhaden population, (2) required catch and effort data from North Carolina's pound net fishery to develop a catch per unit effort index, and (3) whether jurisdictions that harvest under the incidental catch provision prior to their quota being met are consistent with the incidental catch and small scale fishery measures in Amendment 3. In considering the FMP Review, the Board provided guidance to the PRT that biological sampling and catch and effort data from pound net fisheries should be evaluated during the next benchmark stock assessment and that the incidental catch and small scale fisheries provision in the FMP should be addressed in the next management document. The Board approved the FMP Review, state compliance, and de *minimis* requests from Pennsylvania, South Carolina, Georgia, and Florida.

The Board also considered revisiting the current commercial quota allocations. Landings data through 2020, as well as relinquished quota and quota transfers were presented to highlight trends in the distribution of landings along the Atlantic coast in recent years (for details see [memorandum 21-50](#); pdf pg. 35). In addition to commercial quota allocations, the Board discussed whether other provisions of the FMP, such as the incidental catch and small scale fisheries provision and Episodic Event Set-Aside Program, should also be re-evaluated through a new management document given recent changes in fish availability and use. After reviewing the data and extensive discussion, the Board formed a work group to develop allocation options to better align jurisdictions' commercial quotas with current landings and availability of the resource while providing access to the fishery to all jurisdictions. Additionally, the work group will review the incidental catch and small scale fisheries measures and consider how to reduce the need for quota transfers. The work group will provide a report to the Board at the Commission's Summer Meeting with the intent of the Board initiating an addendum at that time.

Due to the meeting running late, the Board postponed a review of data needs for a spatially-explicit model for menhaden until the Summer Meeting. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to approve the FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* requests from Pennsylvania, South Carolina, Georgia, and Florida.

Motion made by Mr. Hasbrouck and seconded by Dr. Rhodes. Motion accepted unanimously.

Main Motion

Move to initiate an Addendum to consider changes to the allocation of the commercial TAC. The goals of this action are to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, and reduce the need for quota transfers. In addition to status quo, explore and analyze:

- **Changes to the allocation timeframe, including options based on more recent years of landings data (e.g., average or best over the last 3 or 4 years) and an option with 50% based on these more recent years of landings data and 50% based on the status quo 2009-2011 landings basis.**
- **Also consider in these new timeframes option(s) to reduce the fixed minimum (e.g. 0.25%) in addition to the status quo of 0.5% fixed min.**
- **Changes to the episodic set aside up to 5%.**

Motion made by Ms. Ware and seconded by Mr. White. Motion substituted.

Motion to Substitute

Move to substitute to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility.

Motion made by Mr. Cimino and seconded by Ms. Fegley. Motion carries (Roll Call: In Favor – RI, CT, PA, NJ, DE, VA, PRFC, NC; Opposed – ME, NH, MA, NY, SC, GA; Abstentions – NOAA Fisheries, USFWS).

Main Motion as Substituted

Move to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility.

Motion to Substitute

Move to substitute to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time.

Motion made by Mr. Cimino and seconded by Mr. Abbott. Motion carries (15 in favor, 2 abstentions).

Main Motion as Substituted

Move to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all

Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time.

Motion passes with 2 abstentions.

EXECUTIVE COMMITTEE (MAY 5, 2021)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including the proposed FY22 Budget, the revised Statement of Investment Policy Guidelines, an Update on the Allocation Subcommittee, the second round of CARES assistance, and an annual meetings update. The following action items resulted from the Committee's discussions:

- FY22 Budget – The Budget was reviewed by the Administrative Oversight Committee (AOC) and forwarded to the EC with a recommendation for approval. The motion to approve passed unanimously.
- Statement of Investment Policy Guidelines (IPG) – The IPG was reviewed by the AOC and forwarded to the EC with a recommendation for approval. The Committee discussed the revised IPG and received questions about the intent of the IPG. The Chair suggested the AOC further discuss the IPG and report back to the EC at the Summer Meeting. With the possibility of further revisions to the IPG, the Vice-Chair proposed tabling the motion to approve until the Summer Meeting.
- Update on Allocation Work Group (AWG) – Mr. Beal provided a brief overview of the Allocation Work Group. Eleven members have been appointed and the first AWG meeting will be held on May 13th. It is anticipated there will be several additional meetings of the AWG to work through the issues raised during previous EC meetings.
- Mr. Beal provided a brief overview of the second round of CARES assistance, technically known as the Consolidated Appropriations Act of 2021, or The ACT. Clarification was provided by NOAA Staff Karen Abrams and Dan Namur regarding the September 30, 2021 date. According to The ACT, the funds must be obligated by this date, and Congress prefers the funds are disbursed by this date, but the funds will not revert if not spent by the states by 9/30/21. NOAA will provide a list of projects, other than direct payments to individuals or businesses, that can be undertaken with The ACT funds, but the list will not be exhaustive, so states are encouraged to develop their spend plans as they deem appropriate.
- Mrs. Leach provided an update on future Annual Meetings, with plans to hold the 80th Annual Meeting in Long Branch, NJ October 18-21, 2021. Future Annual Meetings will be conducted in North Carolina (2022), Maryland (2023), and Delaware (2024).

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

On behalf of the Administrative Oversight Committee, move to approve FY 2022 Budget.

Motion made by Mr. Woodward. Motion carries.

SHAD & RIVER HERRING MANAGEMENT BOARD (MAY 5, 2021)

Meeting Summary

The Shad and River Herring Management Board met to consider Technical Committee (TC) progress on recent Board tasks, as well as six American shad habitat plan updates.

The TC Chair presented updates on three tasks assigned by the Board. First, the Board approved a Technical Guidance Document for Implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan (FMP). The document provides guidance to states and jurisdictions related to the FMP provisions for developing and evaluating sustainable fishery management plans (SFMPs) and alternative management plans, such as appropriate time series for sustainability metrics, management responses to falling below sustainability thresholds, clarification on the use of SFMPs versus alternative management plans, and interjurisdictional management guidance. The TC Chair also updated the Board on the TC's progress on the Board task to develop methods to evaluate bycatch in mixed-stock fisheries in state waters; the TC has collected data from all states and jurisdictions pertaining to mixed-stock fisheries and bycatch, and will meet later this month to discuss potential methods and recommendations.

The Board considered TC recommendations to address fish passage performance for American shad. Results of the 2020 benchmark stock assessment for American shad indicated that barriers to fish passage completely or partly block nearly 40% of the total historical habitat and significantly limit the recovery of American shad stocks along the coast. Therefore, the TC recommended that dam removal and the use of fish passage performance criteria be prioritized by state and federal agencies with fish passage prescription authority. The Board recognized improving fish passage is already a priority for the U.S. Fish and Wildlife Service and NOAA Fisheries, and agreed to recommend the Commission send letters to the agencies to support their activities to review dam passage. Additionally, the Board tasked the TC with prioritizing systems for shad recovery and developing an inventory of available data that would support development of fish passage criteria.

The Board also considered updates to the American shad habitat plans for Massachusetts, Rhode Island, Connecticut, Delaware River, South Carolina, and Florida. Amendment 3 to the FMP requires habitat plans for American shad for all states and jurisdictions, and updates were requested on a five year schedule to include recent information and restoration programs. The Board approved the presented shad habitat plans and will review remaining updates at its next meeting.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to approve the Technical Guidance Document for Implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan

Motion made by Mr. Clark and seconded by Dr. Rhodes. Motion approved by unanimous consent.

Move to recommend to the ISFMP Policy Board that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities in dam passage review to provide increased opportunities for population recovery for American shad:

- **Dam/barrier removals as the preferred approach to restore fish species habitat access for population restoration and for habitat restoration benefits. When dam removal is not an option,**
- **The development and use of fish passage performance standards in river systems based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards are not available, support their development for such purposes and applications.**

Motion made by Dr. Colden and seconded by Ms. Patterson. Motion approved by consent with abstentions from NOAA Fisheries and USFWS.

Move to task the Technical Committee with prioritizing systems for shad recovery and developing an inventory of available data that would support development of fish passage criteria.

Motion made by Mr. Appelman and seconded by Mr. Millard. Motion approved by unanimous consent.

Move to approve the Shad Habitat Plan Updates from MA, RI, CT, Delaware River, SC and FL as presented today.

Motion made by Dr. Armstrong and seconded by Ms. Fegley. Motion approved by unanimous consent.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 5, 2021)

Press Release

ASMFC Atlantic Striped Bass Board Continues to Move Forward on the Development of Draft Amendment 7

The Commission's Atlantic Striped Bass Management Board met to review public comments and Advisory Panel (AP) recommendations on the Public Information Document for Draft Amendment 7 to the Interstate Fishery Management Plan (FMP), and provide guidance on which issues to include in the Draft Amendment. The purpose of the amendment is to update the management program in order to reflect current fishery needs and priorities given the status and understanding of the resource and fishery has changed considerably since implementation of Amendment 6 in 2003. The Board intends for the amendment to build upon the Addendum VI (2019) action to end overfishing and initiate rebuilding.

Prior to the Board's deliberations, Commission Chair Patrick Keliher provided opening remarks urging the Board to take action to address the downward trend of the Commission's flagship species. He stated, "While we are not at the point we were in 1984, the downward trend of this stock is evident in the assessment. For many of the Commission's species, we are no longer in a position to hold hope that things will revert to what they have previously been if we just hold static. The change is happening too fast and action needs to be taken." He further requested the Board to consider "what is best for this species, and also what is best for the future of the Commission."

After its review of the AP report, input received at the 11 virtual public hearings (targeting stakeholders from Maine to Virginia), and the more than 3,000 submitted comments, the Board

approved the following issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class. These issues were identified during the public comment period as critically important to help rebuild the stock and update the management program. In its deliberations, the Board emphasized the need to take focused and meaningful actions to address the declining stock and allow for the expedient development and implementation of the amendment.

While the coastal commercial quota allocation issue will not be included for further consideration in the Draft Amendment, the Board requested staff from the Commission and the State of Delaware prepare background information, options, and timelines for possible inclusion in a separate management document. The remaining issues that will not be developed as part of the amendment will remain unchanged from current management measures. However, they can be included in the adaptive management section of Draft Amendment 7 and addressed in a separate management document following approval of the final amendment.

As the next step in the amendment process, the Plan Development Team (PDT) will develop options for the four issues approved by the Board for inclusion in Draft Amendment 7. The Board will meet again during the Commission's Summer Meeting in August to review the PDT's progress on the Draft Amendment and recommend any further changes to the document. Based on progress made on the Draft Amendment, the Board's next opportunity to meet and consider possible approval of the document for public comment will be in October during the Commission's Annual Meeting.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

###

PR21-10

Meeting Summary

The Atlantic Striped Bass Management Board met to consider accepting the North Carolina Albemarle Sound-Roanoke River Stock Assessment Report and Peer Review Report for management use; receive the public comment summary and Advisory Panel report on the Draft Amendment 7 Public Information Document (PID) and consider providing guidance to the Plan Development Team on which issues to include in Draft Amendment 7 (for more details see above press release); and consider a nomination to the Striped Bass Advisory Panel.

Under Addendum IV of the Atlantic Striped Bass Fishery Management Plan, the Albemarle Sound-Roanoke River (A-R) striped bass stock is managed by the State of North Carolina using reference points from the latest A-R stock assessment which is reviewed by the Striped Bass Technical Committee and approved for management use by the Board. The Board reviewed the 2020 A-R stock assessment and peer review report and also received an update from the North Carolina Division of Marine Fisheries (NCDMF) on North Carolina's management response to the assessment results. The A-R stock is managed using reference points for female spawning stock biomass (SSB) and fishing mortality (F). The A-R assessment estimated female SSB in 2017 (terminal year) was 78,576 pounds, which is below the SSB threshold of 267,390 pounds. The assessment estimated F in 2017 was 0.27, which is above the F threshold of 0.18. These results show that the stock is overfished and overfishing is occurring. An independent, external peer review panel approved the 2020 A-R assessment for

management use for at least the next five years. Based on the assessment results, the total allowable landings (TAL) was lowered for Albemarle Sound and Roanoke River management areas for 2021 and 2022 in order to reduce *F* to the target level. The new TAL is 51,216 pounds, which is a 57% reduction from 2017 landings.

The Board received a report from the Striped Bass Technical Committee (TC) on their review of the 2020 A-R stock assessment. The TC recommended the Board approve the 2020 A-R striped bass stock assessment for management use. The TC provided recommendations to NCDMF to consider for future A-R stock assessments, including continuing to explore factors impacting recruitment. The Board accepted the 2020 Albemarle Sound-Roanoke River Stock Assessment and Peer Review Report for management use.

There was one new nomination to the Atlantic Striped Bass Advisory Panel. The Board approved Jon Worthington representing North Carolina to the Striped Bass Advisory Panel.

For more information, please contact Emilie Franke efranke@asmfc.org, Fishery Management Plan Coordinator at 703.842.0740.

Motions

Move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Stock Assessment and Peer Review Report for management use.

Motion made by Mr. Batsavage and seconded by Mr. Hasbrouck. Motion stands approved by unanimous consent.

Move to remove issue 1 from the PID and maintain existing goals and objectives.

Motion made by Mr. White and seconded by Mr. Clark. Motion carries (10 in favor, 6 opposed).

Move to remove issue 2, biological reference points, from consideration for Draft Amendment 7.

Motion made by Mr. Sikorski and seconded by Ms. Ware. Motion passes (10 in favor, 6 opposed).

Move to maintain issue 7, recreational release mortality in the development of Amendment 7.

Motion made by Mr. Gary and seconded by Mr. Cimino. Motion carries (16 in favor).

Main Motion

Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7.

Motion made by Dr. Davis and seconded by Mr. McMurray. Motion amended.

Motion to Amend

Move to amend to include the following text: add options for measures to protect the 2015 year class in the development of Draft Amendment 7.

Motion made by Ms. Ware and seconded by Mr. Sikorski. Motion passes (9 in favor, 4 opposed, 2 abstentions).

Main Motion as Amended

Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 and add options for measures to protect the 2015 year class in the development of Draft Amendment 7.
Motion carries (12 in favor, 1 opposed, 2 abstentions).

Move that issue 5, regional management, be removed from consideration in Draft Amendment 7.
Motion made by Mr. McMurray and seconded by Mr. Armstrong. Motion stands approved by consensus.

Move to include issue 6, conservation equivalency in Amendment 7.
Motion made by Mr. White and seconded by Ms. Ware. Motion is approved by consensus with 1 objection.

Move to include issue 9, coastal commercial quota allocation in Draft Amendment 7.
Motion made by Mr. Clark and seconded by Dr. Davis. Motion fails for lack of a majority (6 in favor, 6 opposed, 2 abstentions, 1 null).

Main Motion

Move that the female SSB and fishing mortality triggers be removed from consideration from Draft Amendment 7 and to task the Technical Committee with developing options for a more effective standard for recruitment based triggers.
Motion made by Mr. McMurray and seconded by Mr. Miller. Motion substituted.

Motion to Substitute

Move to substitute to keep management triggers in Amendment 7 for analysis and consideration by the Board.
Motion made by Mr. Luisi and seconded by Mr. Armstrong. Motion passes (13 in favor, 2 opposed).

Main Motion as Substituted

Move to keep management triggers in Amendment 7 for analysis and consideration by the Board.
Motion passes by consensus.

Motion to remove issue 8, recreational accountability from further consideration in Amendment 7.
Motion made by Mr. Armstrong and seconded by Mr. White. Motion passes (10 in favor, 5 opposed).

Move to approve Jon Worthington, representing North Carolina, to the Striped Bass Advisory Panel.
Motion made by Mr. Gilmore and seconded by Mr. Gorham. Motion stands approved without objection.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (MAY 6, 2021)

Meeting Summary

The ISFMP Policy Board met to consider an appeal of Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) from the State of New York; discuss *de minimis* qualification and measures within Commission FMPs; discuss the East Coast Climate Change Scenario Planning Initiative; review the process for considering plan review team (PRT) recommendations in

annual FMP reviews; review an update on the Mid-Atlantic Fishery Management Council's (MAFMC) Research Steering Committee's evaluation to restart the research set-aside (RSA) program; review an update on the SEAMAP program; and consider a request from the Shad and River Herring Management Board.

The Commission Chair Pat Keliher presented the Executive Committee Report to the Board (see Executive Committee meeting summary earlier in this document).

The Board considered an appeal of Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) from the State of New York under criterion one: the decision was not consistent with the statement of the problem. The Chair noted the decision before the Board was to determine if the appeal is justified under criterion one and if so what remedy should be forwarded to the Summer Flounder, Scup and Black Sea Bass Board.

Staff presented an overview of the Commission's [appeal process](#) and [Addendum XXXIII](#). The Addendum addressed significant changes in the distribution of black sea bass that have occurred since the original allocations were implemented under Amendment 13 in 2003 while accounting for the historical dependence of the states on the black sea bass fishery. The Addendum changes Connecticut's baseline allocation from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters of Long Island Sound. The Board determined the other options in the Addendum would not increase Connecticut's allocation enough to address a directed fishery, therefore, the state's baseline quota was increased. State allocations are then calculated by allocating 75% of the coastwide quota according to the new baseline allocations (historical allocations modified to account for Connecticut's increase to 3%) and 25% to three regions based on the most recent regional biomass distribution information from the stock assessment. The three regions are: 1) Maine-New York, 2) New Jersey, and 3) Delaware-North Carolina. The regional allocations will be distributed among states within a region in proportion to their baseline allocations, except Maine and New Hampshire will each receive 1% of the northern region quota. Because the allocations are based in part on the regional biomass distribution from the stock assessment, they will be adjusted if a new assessment indicates a change to the biomass distribution. In the appeal, New York argued its baseline quota should have been increased similarly to that of Connecticut because it too had experienced a significant disparity between allocation and abundance/availability of black sea bass in Long Island Sound. During the years used for the historical allocation, adult black sea bass were rare in Long Island Sound and there was a minimal fishery by both states. Also, during this same time period, New York's fishery was primarily in the waters of the Atlantic Ocean. The state presented data to show a dramatic increase in the black sea bass abundance beginning in 2010 in Long Island Sound. New York argued it was this new abundance of fish that justified the baseline increase to Connecticut's quota. If both states share Long Island Sound, New York argued its baseline should also have been increased.

Members of the Policy Board acknowledged with the approval of the Addendum, the Summer Flounder, Scup and Black Sea Bass Board made significant progress in its approach to allocation by moving to regional allocation based on current distribution of the species, allowing for increased equity and directly incorporating science into the process. Board members recognized states made difficult decisions for the sake of the greater good and to advance allocation decisions. Members of the Policy Board stated New York presented a compelling case that the Addendum has not provided adequate

relief for the substantial increase of black sea bass in New York state waters of Long Island Sound. The established ocean fishery operating under the existing allocation has created problems where the relief provided by the Addendum was not enough.

Based on this information, the Board found New York's appeal was justified and remanded Section 3.1.1. Baseline Quota Allocations, back to the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board should not result in a decrease in Connecticut's baseline allocation to less than 3% or decrease the percentage of quota redistributed according to regional biomass. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board will address the August 2021 meeting.

The Board discussed how *de minimis* is used within Commission FMPs. As defined in the ISFMP Charter, *de minimis* is a situation in which, under existing conditions of the stock and the scope of the fishery, conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment. *De minimis* provisions in FMPs reduce the management burden for states that have a negligible effect on the conservation of a species. The *de minimis* provisions in the FMPs vary by species and include a range of requirements for management measures, reporting requirements, and *de minimis* qualification periods. The Policy Board discussion focused on the balance between standardization across FMPs for consistent application of the provisions and the flexibility for the species management boards in developing *de minimis* provisions to address data collection needs (fishery-independent and -dependent), commerce issues, and management loopholes. The Board formed a small work group to provide a recommendation for addressing *de minimis* that addresses the concerns raised by the Board. The work group will report back to the Board in August.

The Board received an update on the East Coast Climate Change Scenario Planning Initiative, which was initiated by the Northeast Region Coordinating Council (NRCC) in 2020. Scenario planning is a tool that managers can use to test decisions or develop strategies in the context of uncontrollable and uncertain environmental, social, political, economic, or technical factors. It is a structured process for managers to explore and describe multiple plausible futures, termed "scenarios," and consider how to best adapt and respond to them. The NRCC, which consists of leadership from the Commission, MAFMC, New England Fishery Management Council, Greater Atlantic Regional Fisheries Office, and Northeast Fisheries Science Center, will serve as the primary decision-making body for this initiative, with the addition of South Atlantic Fishery Management Council representatives. The NRCC has appointed a Core Team of staff from each participating organization to serve as the technical team for this initiative, in conjunction with a contracted facilitator. The Commission reviewed a tentative plan and timeline for this process, which will be reviewed by the NRCC at its May meeting. Pending NRCC approval, a public scoping process is expected to occur this summer. Additional information can be found at the [webpage](#) for this initiative.

Each year management boards review and approve FMP Reviews and state compliance reports which have been drafted by PRTs. The PRTs include a recommendations section in the document that focuses on important issues related to management and science. Unless a board specifically takes action to address a recommendation, it is not addressed by the approval of the FMP Review. To maximize the

effectiveness of the PRT recommendations, the Board agreed PRT recommendations should be prioritized; limited to a reasonable number that can be addressed at one meeting; and focus on management/policy issues (research and science based recommendations should be in a separate section). Prior to the approval of the FMP Review, species boards will review and identify which recommendations require further tasking or action.

The Board reviewed a summary of the progress made by the MAFMC's Research Steering Committee on redevelopment of the RSA program. MAFMC will hold three workshops via webinar during the summer and early fall focusing on research, funding, and enforcement, followed by an in-person 1-day workshop in the fall to report all findings and recommendations to the participants. The Committee Chair Adam Nowalsky invited Commissioners to attend the workshops as the states have played important roles (e.g. issuing permits and enforcement) in the previous RSA program. The results of the workshops will be presented to the MAFMC in December with a recommendation on whether/how to re-initiate the RSA program.

Sarah Murray provided an update on the Southeast Area Monitoring and Assessment Program (SEAMAP) and reviewed the [2021-2025 SEAMAP Management Plan](#) and the [2021-2025 SEAMAP Strategic Plan](#). The Management Plan summarizes current goals, management policies and procedures, SEAMAP history, and program accomplishments. The Strategic Plan includes a prioritized list of potential activities to maintain and expand SEAMAP efforts. The top priorities for funding are maintaining the baseline program activities and returning the programs to full utilization. Secondary priorities are collecting additional data on existing surveys, for example, increasing life history and diet sampling or collecting oceanographic data. Finally, the plan lists priorities for developing new fishery-independent data collection programs; examples from the South Atlantic include developing a survey for pelagic species and developing a cobia survey.

The Board agreed to send letters to NOAA Fisheries and U.S. Fish and Wildlife Service to address fish passage performance for American shad (see relevant Shad and River Herring Management Board section earlier in this document for details on the letters). For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

Move to find that NY's appeal of Addendum XXXIII, based upon Criterion 1, Addendum is inconsistent with the Statement of the Problem, is justified.

Motion made by Dr. Davis and seconded by Mr. Bell. Motion passes (13 in favor, 4 opposed, 1 abstention).

Main Motion

Move to remand Addendum XXXIII, specifically Section 3.1.1. *Baseline Quota Allocations*, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the summer flounder, scup, and black sea bass Board should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass.

Motion made by Dr. Davis and seconded by Mr. Borden.

Motion to Amend

Move to amend this motion to remove the last sentence.

Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion fails (6 in favor, 10 opposed, 2 abstentions).

Main Motion

Move to remand Addendum XXXIII, specifically Section 3.1.1. *Baseline Quota Allocations*, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the summer flounder, scup, and black sea bass Board should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass.

Motion made by Dr. Davis and seconded by Mr. Borden. Motion passes (12 in favor, 4 opposed, 2 abstentions).

Move that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities in dam passage review to provide increased opportunities for population recovery for American shad:

- **Dam/barrier removals as the preferred approach to restore fish species habitat access for population restoration and for habitat restoration benefits. When dam removal is not an option,**
- **The development and use of fish passage performance standards in river systems based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards are not available, support their development for such purposes and applications.**

Motion by Dr. Davis on behalf of the Shad and River Herring Management Board. Motion passes by consensus with 1 abstention from NOAA Fisheries.

Updates from ASMFC Spring Meeting

Striped Bass Amendment 7

- Issues from PID selected for continued development
 - Kept: Management triggers, conservation equivalency, recreational release mortality
 - Removed: goals & objectives, BRPs, stock rebuilding schedule, regional management, recreational accountability, coastal commercial quota allocation
 - New: Measures to protect the 2015 year class
- Schedule: approve draft amendment for PC in October; 2023 implementation

Menhaden Commercial Allocation Review

- Attempt to initiate allocation addendum postponed until August for a working group to examine range of issues (allocation basis, default minimum, EESA, incidental/small-scale fishery provision)



Updates from ASMFC Spring Meeting

Commercial Black Sea Bass Reallocation

- Winter Meeting Final Action:
 - Initial 2% increase to CT
 - 25% based on regional biomass distribution
 - January 1, 2022 implementation date
 - Allocations also added to Federal FMP
- Spring Meeting Update
 - NY Appeal for not also receiving initial 2% increase for stock expansion into LIS supported by Policy Board; remanded for corrective action to species board (August)
 - MAFMC will discuss on June 10

Bluefish Allocation & Rebuilding Amendment

- Joint ASMFC/MAFMC Meeting on June 8 for Final Action
- Com/Rec allocation, commercial state allocations, rebuilding timeline, etc.



Updates from ASMFC Spring Meeting

Lobster Management Board

- Development of MSE postponed until August meeting to prioritize work on Draft Addendum XXVII
- Subcommittee formed to help guide development of Draft Addendum XXVII: trigger mechanism for measures to improve biological resiliency of GOM/GBK stock
 - Schedule: Approve for public comment in August
- Technical working group formed re: electronic vessel tracking



NEFMC Updates

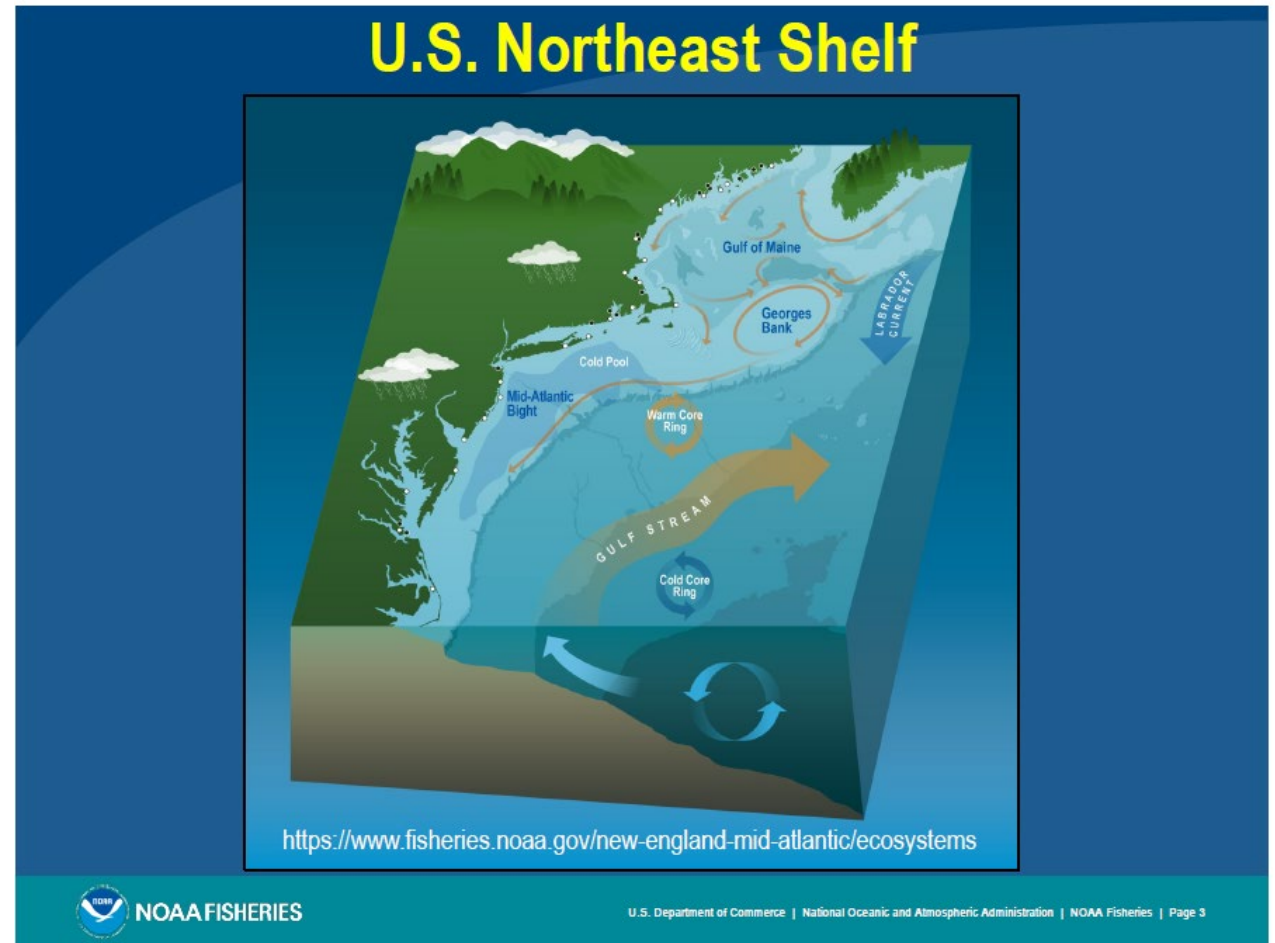
April Council Meeting:

- No final actions
- Ongoing Use of Remote Technology
- Federal Climate Science, Strategy and Action Plan



Federal Climate Science

- Warming waters
- Intensifying heatwaves
- Shifting Gulf Stream
- More warm slope water
- Acidification
- Shifting fish assemblages



NEFMC Updates - Climate Strategy

- National Climate Science Strategy
- Northeast Regional Action Plan
- Scenario Planning by Northeast Region Coordinating Council (NRCC)

OneNOAA Science Seminars:

<https://www.star.nesdis.noaa.gov/star/OneNOAASeminars.php>



NEFMC Upcoming

June Council (22nd – 24th):

- Finalize research priorities, EBFM workshop plans and comments on SE eVTR and HMS Amendment 13.
- Ongoing development specifications and other priorities.

Groundfish – stock structure, ABC control rule, A23 monitoring metrics

Scallops – leasing petition, rotation mgmt. review, survey working group

Herring – rebuilding & Ams (FW9), GB spawning (FW7)

Skates – control dates, intermediate trip limits, monitoring (Am5)





The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor


KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: May 28, 2021
SUBJECT: Inshore Net Permit Conditions for 2021 – Seining in Boston Harbor

Beginning in 2021, DMF has amended its inshore net permit conditions for purse seines to allow fishing in the Boston Harbor inshore net area¹ on Fridays. This action is being taken in response to a petition from a Hull seiner. This is a conditional allowance that may be amended in-season for cause or adjusted for future years.

DMF issues Inshore Net Permits on a limited basis. These permits allow the use of certain net gears in the so-called inshore net areas set forth at 322 CMR 4.02. These inshore net areas are inclusive of the state's inshore harbors and embayments. Over time, this has become the permit required to fish purse seines for menhaden in highly productive areas like Boston Harbor, Beverly Harbor, and Salem Harbor.

On an annual basis, DMF issues inshore net permit conditions governing the inshore purse seine fishery. This includes certain time, area, and gear restrictions. This allows DMF to manage the fishery on an embayment specific basis and respond to emerging challenges and realities. The conditions are reflective of more than 20-years of cooperative management among purse seiners, recreational fishermen, and harbormasters to ensure this fishery is conducted in a manner that does not cause conflicts among various competing user groups.

At the March 29, 2021 public hearing on commercial menhaden fishing regulations for 2021, DMF received a public comment from a Hull purse seiner requesting access to the fishery in Boston Harbor on Fridays. Boston Harbor has been closed to purse seine fishing for about a decade on Fridays, Saturdays, and Sundays to reduce user group conflicts with the recreational fishery in the area.

This particular seiner has developed a strong working relationship with recreational fishing interests and I believe allowing access on Fridays will not result in emerging conflicts. This

¹ At 322 CMR 4.02(2)(a)(12), the Boston Harbor inshore net area is described in regulation as those "waters inside imaginary straight lines drawn from the tower on Telegraph Hill in the town of Hull to the southernmost point of Lovells Island thence from the northernmost point of Lovells Island to the southeasternmost tip of Deer Island."

sentiment is similarly reflected in the attached April 2 letter from the Massachusetts Striped Bass Association supporting the seiner's request.

It is worth noting that this allowance would be for all Inshore Net Permit holders, not just the petitioner. However, it is likely he will be the only participant. There are only a handful of Inshore Net Permit holders who may fish purse seines for menhaden and among these permit holders effort in the Boston Harbor fishery will be limited. With the abundance of menhaden north of Cape Cod in recent years, there has been little interest among the other seiners to incur the additional overhead associated with fishing out of Boston or steaming to Boston to fish. Moreover, the Boston harbor fishery is subject to numerous spatial closures and spatial restrictions governing purse seine size and the use of mechanically hauled nets.

Attachments

April 2, 2021 Letter from MA Striped Bass Association
2021 Inshore Net Purse Seine Permit Conditions



**Massachusetts
Striped Bass Association**

Since 1950

April 2, 2021

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

Dear Director McKiernan,

I am writing in response to learning of a request by Eric Lorentzen, owner of the commercial fishing vessel McCaffery to be allowed to harvest menhaden within Boston Harbor on Fridays. The MSBA Executive Board discussed this request at our April 1, 2021 Executive Board meeting and we ask you to consider the following comments in your decision-making process.

All involved are aware this issue involves decades of user group conflict and other controversy. Over the past three years the problems have almost completely disappeared. MSBA has identified two major reasons for this improvement.

1) Abundance and availability of menhaden is completely different today than it was for much of the past 20 years. The past three years have seen such an increase of menhaden in local waters that “enough” menhaden are regularly present for stakeholders to “usually” not be attempting to harvest from the exact same school of fish.

2) The departure from the fishery by the former owner of the McCaffery operation.

When Mr. Lorentzen purchased the operation, he reached out directly to the entire Boston Harbor fishing community seeking to understand past problems and show his commitment to being a “good neighbor.” MSBA can say with complete confidence that Mr. Lorentzen is the “good neighbor” he said he would be.

The MSBA Executive Board is in support of Mr. Lorentzen’s request, however; with far more years of problems in this fishery than not we request the following:

- 1) MSBA requests that the only part of the permit conditions document to change is the allowance of fishing on Fridays by only small boat seiners.
- 2) MSBA requests that the Friday opening be limited to 2021 and viewed as a test or pilot program with the acknowledgement that there is a possibility for a return of user conflicts due to the normal increased recreational fishing presence on Fridays.
- 3) MSBA requests this test or pilot program be reviewed after the season and input from all stakeholders be considered prior to making this a permanent change to the permit conditions

Thanks for your consideration.

Mike Jones
President
MA Striped Bass Association

Patrick Paquette
Govt Affairs Officer



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

May 24, 2021

2021 Statement of Permit Conditions

Use of Purse Seines in Inshore Net Areas

You are receiving this letter because you hold an Inshore Net regulated fishery permit endorsement with the Commonwealth of Massachusetts and have indicated purse seine as a gear type. In accordance with 322 CMR §§4.02(6) and (7), this **Statement of Conditions** allows the use of purse seine gear in the inshore restricted waters established at 322 CMR §4.02(2). Additionally, it sets forth restrictions necessary for the conservation and management of inshore bait fisheries.

Pursuant to the authority of G.L. c. 130 § 80 and 322 CMR §§4.02(6) and 7.01(7), the Director of the Division of Marine Fisheries has determined that the **Statement of Conditions** enumerated below shall apply to all 2021 Inshore Net regulated fishery permit endorsements.

General Provisions

1. In accordance with G.L. c. 130 §31, fixed gear shall be avoided.
2. Only species named on the permit may be taken and retained by the permit holder. All other species shall be immediately released alive. Dead fish shall not be discarded.
3. In accordance with G.L. c. 130 §§4A and 9, and 322 CMR 7.01(13), the Director or his agent may board a vessel for the purpose of administrative inspection or sea sampling.
4. The Harbormasters of any of the towns or cities bordering the regulated fishing areas listed on the permit shall have the right to board and inspect purse seiners in the listed areas after consultation with the Director, and may with his approval, suspend fishing operation if warranted.
5. This statement of permit conditions shall be onboard the named vessel when any purse seine fishing activity is occurring.

Reporting Requirements

1. Notwithstanding any other requirements set forth by the Director, in accordance with G.L. c. 130 §21, permit holder shall report all catch at a trip level on monthly reports provided by the Division of Marine Fisheries. These reports shall be submitted to the Division of Marine Fisheries by the 15th of the following month.
2. Permit holders participating in the limited entry menhaden fishery or the Episodic Event Fishery:
 - a. Shall report their menhaden landings in accordance with the menhaden daily catch reporting requirements for dealers set forth at 322 CMR §6.43(5).
 - b. Shall maintain a daily logbook onboard the vessel. This logbook shall detail the daily harvest; any and all daily sales, including those made at sea; and any and all menhaden kept for personal use.
 - c. Are authorized to offload at sea to a carrier vessel that holds a bait dealer permit from the Division of Marine Fisheries and appurtenant carrier vessel bait dealer permit conditions. If a carrier vessel is utilized, the carrier vessel shall report menhaden landings in

accordance with menhaden daily catch dealer reporting requirements set forth at 322 CMR §6.43(5). In this case, the harvest vessel does not need to report the catch to DMF through their bait dealer permit daily reporting requirement.

Conditions Affecting Fishing Activity

1. The use of purse seine gear shall not occur within areas where recreational fishing activity is concentrated.
2. The use of purse seine gear shall not occur from ½ hour after sunset until ½ hour before sunrise.
3. The use of spotter planes shall occur only after 8 a.m. and away from residential areas.
4. The use of purse seines larger than 600 feet (100 fathoms) shall be prohibited, and in specific areas, the maximum purse seine size is further restricted. See restricted areas below
5. The use of purse seines shall be prohibited on Saturdays and Sundays inside any inshore net area, as defined as 322 CMR §4.02(2).
6. The use of purse seines shall be prohibited on Memorial Day, the 4th of July and Labor Day inside any inshore net area, as defined as 322 CMR §4.02(2).
7. The use of purse seines shall be prohibited on Fridays Beverly Harbor, as defined at 322 CMR §4.02(2).
8. Vessels intending to fish with purse seine gear in Salem Harbor, as defined at 322 CMR §4.02(2), shall contact the Salem Harbormaster's office at (978) 741-0098, prior to setting nets for the first time each year, in order to establish communication with the Harbormaster and receive guidance on restricted fishing areas due to vessel traffic.
9. If a carrier vessel is utilized in the menhaden fishery, the permit holder shall not offload to that carrier vessel more than one trip limit per day, as set forth at 322 CMR §6.43(4)(a).

Restricted Areas. The use of purse seine gear is subject to the following restrictions within the following areas:

1. Hingham Bay. Vessels may fish with a hand hauled purse seine net up to 400' x 60' within those waters inside Hull Gut and West Gut. The use of spotter planes, purse seine nets larger than 400' x 60' and mechanically hauled purse seine nets are prohibited.
2. Quincy Bay. Vessels may fish with a hand hauled purse seine net up to 400' x 60' within those waters west of a line drawn from the point of rocks on the east side of Squantum Neck to the easternmost end of the Merrymount designated "A Anchorage Area" in Quincy, including that anchorage area.
3. Winthrop. Vessels may fish with a hand hauled purse seine net up to 400' x 60' within those waters inside Winthrop Harbor bounded to the east by an imaginary straight line beginning at the southern end of Cottage Park Yacht Club, Winthrop, thence south to the "1" day marker, thence west to the easternmost end of Logan Airport Runway 27, excluding those waters within Winthrop designated "A Anchorage Area". This fishing activity shall only occur from one-half hour before sunrise to 8AM. The use of purse seine nets larger than 400' x 60' and mechanically hauled purse seine nets are prohibited.

Prohibited Areas

1. Charles River. It shall be unlawful to fish with purse seine gear inside an imaginary straight line drawn from Pier 4 in Charlestown to the easternmost Coast Guard Pier in Boston.
2. Mystic River. It shall be unlawful to fish with purse seine gear upstream of a line drawn from the end of the Massport concrete pier to the white storage tanks at the Exxon Terminal. Fishing may only be conducted above the Mystic River Bridge from ½ hour before sunrise to 8 a.m. Each purse seine operation is allowed to make one successful set when fishing above the Mystic River Bridge between ½ hour before sunrise until 8 a.m.
3. The Chelsea River. It shall be unlawful to fish with purse seine gear upstream of the Andrew McCardle Bridge.
4. Dorchester. It shall be unlawful to fish with purse seine gear inside an imaginary straight line drawn from UMASS to the "Corita" Gas Tank.

5. Neponset River. It shall be unlawful to fish with purse seine gear inside the southeast express way.
6. Marina Bay. It shall be unlawful to fish with purse seine gear inside the break water. .
7. Weir River. It shall be unlawful to fish with purse seine gear inside red nun "8".
8. Quincy Bay. It shall be unlawful to fish with purse seine gear inside the waters west of a line drawn from the point of rocks on the east side of Squantum Neck to the easternmost end of the Merrymount designated "A Anchorage Area" in Quincy, including that anchorage area.
9. Winthrop Harbor. It shall be unlawful to fish with purse seine gear within the area bounded by an imaginary straight line beginning at the southern end of Cottage Park Yacht Club, Winthrop, thence south to the "1" day marker, thence east to Coughlin Park, Winthrop.
10. Designated A Anchorage Areas. It shall be unlawful to fish with purse seine gear within any designated "A Anchorage Area" as described on NOAA Chart #13270.

The Statement of Permit Condition enforceable by law, pursuant to G.L. c. 130 §80 and 322 CMR §7.01(7). Violations of any condition or restriction herein, or any provision of 322 CMR or G.L. 130 may result in the suspension or revocation of the commercial fisherman permit and any other applicable fines and penalties. The Director may revise or discontinue the provisions set forth in this Statement of Permit Conditions any time.

This Statement of Permit Condition is valid through December 31, 2021, unless sooner revoked for cause.

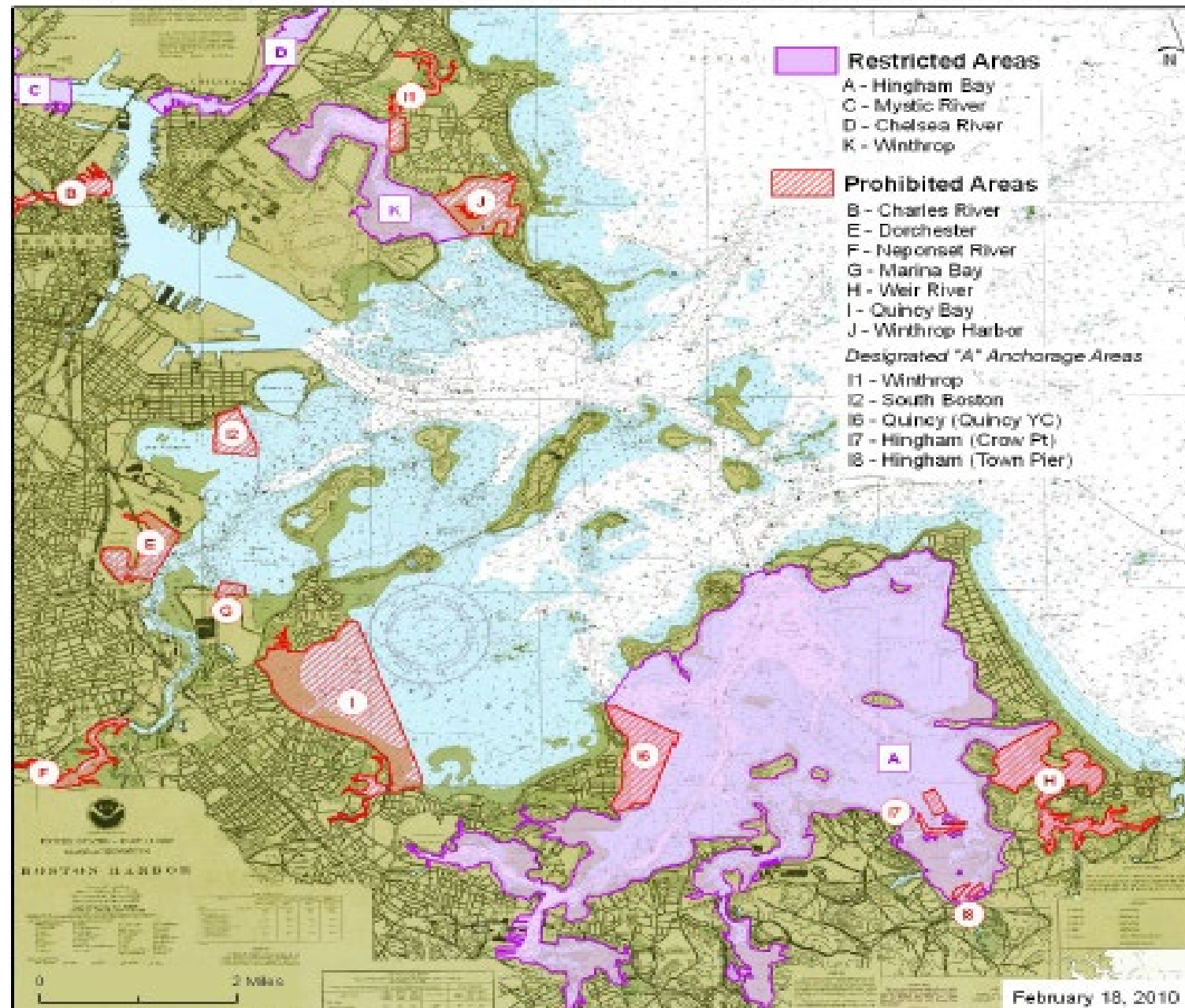


Daniel J. McKiernan
Director

May XX, 2021

Effective Date

Menhaden Purse Seine Restricted Areas for Boston Harbor



From: [Will Pinkus](#)
To: [McKiernan, Dan \(FWE\)](#)
Subject: Commercial menhaden amendment
Date: Wednesday, June 2, 2021 3:53:19 PM

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

Once again Massachusetts is putting a select few commercial fishermen above the conservation of any native species in Massachusetts. As a Massachusetts citizen and avid angler, I am disgusted and dissatisfied with the leadership provided by the dmf. The continued ignorance of important conservation of many native species in the area leads me to request that you step down from your position immediately as you have displayed that you are not fit to protect any marine fishes from the public.

Tight lines,
Will Pinkus

From: [McKiernan, Dan \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: New Bunker Proposal UNACCEPTABLE
Date: Wednesday, June 2, 2021 4:21:14 PM

From: conor mitchell <conormitchell3@gmail.com>
Sent: Wednesday, June 2, 2021 4:17 PM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>
Subject: New Bunker Proposal UNACCEPTABLE

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

Dear Dan,

I was recently made aware of the new proposed regulations involving bunker harvesting by a post that captain Brian Coombs posted. He's an extremely experienced striper fisherman, and believes this new rule change could be extremely detrimental to the fishery. They've come such a long way from the dark days of the 90's and with the current slot limit. We must protect these fish and not repeat our past mistakes - why would we do something that could potentially harm the fishery after all of this progress we've made?!?!? Please shut down this proposal. I'm a young angler who preaches conservation, and I'd hate to see our recovering fishery take a step back.

Thank you,

Conor Mitchell

From: [Mike Bousaleh](#)
To: [McKiernan, Dan \(FWE\)](#); ray@capecodfishermen.org
Subject: Inshore menhaden sein net special Permit Conditions for 2021 – Seining in Boston Harbor
Date: Wednesday, June 2, 2021 10:20:18 AM

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

Mr. Dan McKiernan, Mr. Raymond Kane and all members of the Massachusetts DMF advisory panel:

In regards to the DMF's recent decision to amend purse sein netting restrictions on Friday's inside Boston harbor for 2021, I whole heartedly disapprove of this decision and request the DMF immediately rescind this amendment and DO NOT allow sein fishing on Fridays inside Boston Harbor!

Allowing purse seining inside Boston harbor on Friday's will bring back the conflicts of user groups the recreational fishermen and local charter boat fleet have fought for years to avoid. The Sein boats and the local fishermen are most certainly fishing the exact same schools of menhaden. The tightly bunched up pods of bait, easy to net, deep inside the harbor. The reason they are so tightly schooled up is because the striped bass and bluefish are pushing them to ball up.

The menhaden inside Boston harbor have just recently started to make a comeback and allowing another day of netting is not a wise decision on the part of the DMF and against the wishes of ALL of my local charter boat constituents, except those with direct personal ties to Eric Lorentzen.

The purse sein boat is relentless and very good at what they do. They will systematically and methodically remove one menhaden school at a time, each and every day they are fishing. They do not go home until they have an entire school of fish dead on deck, and many times more than one school.

In the lean days of the season, or when the wind & weather dictate, other sein boats would also be allowed to sein inside our protected harbor, creating even more pressure on our local fishery.

These bait fish are far more valuable to our local striped bass and bluefish populations and the recreational fishermen, than as lobster bait or to be sold for less than 18 cents a pound.

The sein boat can fish on Monday, Tuesday, Wednesday and Thursday. Please do not allow Fridays.

Let the local menhaden populations and striped bass and bluefish that feed on them have a day of rest after four continuous days of harvest.

Respectfully,
Captain Mike Bousaleh
Boston Fishing Charters LLC

Thank You!
Captain Mike Bousaleh

From: [Mike Delzingo](#)
To: [McKiernan, Dan \(FWE\)](#); ray@capecodfishermen.org
Cc: ironbill70@gmail.com; bill@proysters.com; downrivercharters@comcast.net; lwill582@aol.com; shelley.edmundson@gmail.com; sooky55@aol.com; tcbship874@gmail.com; [Michael Pierdinock](#); basicpatrick@aol.com; [Ayer, Matt \(FWE\)](#)
Subject: Inshore Net Permit Conditions for 2021 – Seining in Boston Harbor
Date: Wednesday, June 2, 2021 8:42:14 AM

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

Mr. Dan McKiernan, Mr. Raymond Kane and all members of the Massachusetts DMF advisory panel:

In regards to the DMF's recent decision to amend purse sein netting restrictions on Friday's inside Boston harbor for 2021, I whole heartedly disapprove of this decision and request the DMF immediately rescind this amendment and DO NOT allow sein fishing on Fridays inside Boston Harbor!

Allowing purse seining inside Boston harbor on Friday's will bring back the conflicts of user groups the recreational fishermen and local charter boat fleet have fought for years to avoid. The Sein boats and the local fishermen are most certainly fishing the exact same schools of menhaden. The tightly bunched up pods of bait, easy to net, deep inside the harbor. The reason they are so tightly schooled up is because the striped bass and bluefish are pushing them to ball up.

The menhaden inside Boston harbor have just recently started to make a comeback and allowing another day of netting is not a wise decision on the part of the DMF and against the wishes of ALL of my local charter boat constituents, except those with direct personal ties to Eric Lorentzen.

The purse sein boat is relentless and very good at what they do. They will systematically and methodically remove one menhaden school at a time, each and every day they are fishing. They do not go home until they have an entire school of fish dead on deck, and many times more than one school.

In the lean days of the season, or when the wind & weather dictate, other sein boats would also be allowed to sein inside our protected harbor, creating even more pressure on our local fishery.

These bait fish are far more valuable to our local striped bass and bluefish populations and the recreational fishermen, than as lobster bait or to be sold for less than 18 cents a pound.

The sein boat can fish on Monday, Tuesday, Wednesday and Thursday. Please do not allow Fridays.

Let the local menhaden populations and striped bass and bluefish that feed on them have a day of rest after four continuous days of harvest.

Respectfully,
Captain Mike Delzingo
Fishbucket Sportfishing
Boston

From: [Jay Ponte](#)
To: [McKiernan, Dan \(FWE\)](#); ray@capecodfishermen.org
Cc: ironbill70@gmail.com; bill@provsters.com; downrivercharters@comcast.net; lwill582@aol.com; shelley.edmundson@gmail.com; sooky55@aol.com; tcbship874@gmail.com
Subject: Inshore Net Permit Conditions for 2021 – Seining in Boston Harbor
Date: Wednesday, June 2, 2021 2:01:06 PM

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

Mr. Dan McKiernan, Mr. Raymond Kane and all members of the Massachusetts DMF advisory panel:

In regards to the DMF's recent decision to amend purse sein netting restrictions on Friday's inside Boston harbor for 2021, I whole heartedly disapprove of this decision and request the DMF immediately rescind this amendment and DO NOT allow sein fishing on Fridays inside Boston Harbor!

Allowing purse seining inside Boston harbor on Friday's will bring back the conflicts of user groups the recreational fishermen and local charter boat fleet have fought for years to avoid. The Sein boats and the local fishermen are most certainly fishing the exact same schools of menhaden. The tightly bunched up pods of bait, easy to net, deep inside the harbor. The reason they are so tightly schooled up is because the striped bass and bluefish are pushing them to ball up.

The menhaden inside Boston harbor have just recently started to make a comeback and allowing another day of netting is not a wise decision on the part of the DMF and against the wishes of ALL of my local charter boat constituents, except those with direct personal ties to Eric Lorentzen.

The purse sein boat is relentless and very good at what they do. They will systematically and methodically remove one menhaden school at a time, each and every day they are fishing. They do not go home until they have an entire school of fish dead on deck, and many times more than one school.

In the lean days of the season, or when the wind & weather dictate, other sein boats would also be allowed to sein inside our protected harbor, creating even more pressure on our local fishery.

These bait fish are far more valuable to our local striped bass and bluefish populations and the recreational fishermen, than as lobster bait or to be sold for less than 18 cents a pound.

The sein boat can fish on Monday, Tuesday, Wednesday and Thursday. Please do not allow Fridays.

Let the local menhaden populations and striped bass and bluefish that feed on them have a day of rest after four continuous days of harvest.

Sincerely,
Jason Ponte
Boston Harbor

From: [Capt. Dave Waldrip](#)
To: [McKiernan, Dan \(FWE\)](#)
Cc: ["Michael Pierdinock"](#); tcbship874@gmail.com; ray@capecodfishermen.org; ["Paul Diggins"](#); ["Mike Delzingo"](#)
Subject: Inshore Net Permit Conditions for 2021
Date: Wednesday, June 2, 2021 3:18:51 PM

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

Dear Dan,

I recently received the word MA DMF is looking towards allowing seining in Boston Harbor on Fridays which has been prohibited for several years. I am adamantly opposed to this idea due to the fact the charter and recreational fishery biggest days are Friday through Sunday. The seiners can take a large portion of the biomass out of an area which holds both striped bass and bluefish. Once a set is made, the fish disappear and do not return for a few days. I understand the small boat commercial seining fleet are trying to profit but so isn't the charter industry and if there are no fish to catch, the clientel will not return again. I am concerned by allowing a single vessel to conduct seining inside both Boston Inner and Outer Harbor of Fridays it will lead to many more vessels doing the same. I am requesting you keep the regulations status quo and continue to restrict this fishery to the days allowed the past few years. This will allow all user groups to harvest their targeted species without conflict. Thank you for your time.

Respectfully,

Captain Dave Waldrip
Relentless Charters

From: [Paul](#)
To: [McKiernan, Dan \(FWE\)](#)
Subject: Inshore Net Permit For 2021 Seining in Boston Harbor
Date: Wednesday, June 2, 2021 11:04:44 AM

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

Daniel McKiernan,

As a charter boat operator I'm against opening Boston Harbor on Friday's for purse seining. Originally seining was closed on Friday, Saturday and Sunday to avoid conflicts with recreational and charter boat fishing. When they set their nets they deplete all the bait fish the stripers and blues feed on, forcing the stripers and blues to move on. It then takes days before the menhaden(bait fish) to return and even longer for the stripers and blues to return.

Allowing fishing on Friday's will allow other seine boats to fish in the harbor impacting fishing in the harbor.

Respectfully,

Captain Paul Diggins
O/O Reel Pursuit Charters
Boston
Sent from my iPad

From: [petesantini](#)
To: [McKiernan, Dan \(FWE\)](#)
Date: Wednesday, June 2, 2021 10:21:34 AM

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

The Advisory panel council and the director are meeting TOMOROW and this is on their agenda.

Send emails opposing this "special permit condition" ASAP!

This is not a regulation change, it's done as a "permit condition" and therefore NOT going out to public comment and will all done behind the scenes. We need opposition to this immediately!

Also see the attached support from the MSBA . You should let the MSBA and Patrick Paquette know that you do not support this and they have no rights or reasons to write this special support letter in favor of it.

Also see below the photo taken today 6/02/2021 of a sein boat in front of the short pier downtown Boston, with a net full school of pogies.

From: [Rob Savino](#)
To: [McKiernan, Dan \(FWE\)](#)
Cc: [Armstrong, Michael \(FWE\)](#)
Subject: Menhaden inner harbor.
Date: Wednesday, June 2, 2021 11:48:09 AM

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

Dan,

This seems very out of character for the Mass Striped bass association to want this.

There has to be an ulterior motive for their support to open menhaden in the inner harbor. I'm sure we can all guess.
\$.

I think it's a mistake to open the inner harbor to the fishery.

It is very easy to harvest the menhaden inside the harbor. There will be more boats harvesting than just one. It will be open to the fleet, and surely have a negative effect on the menhaden. Harvesting too many inside will cripple the fish and affect fish like Striped Bass and Bluefish.

Giving a person special privileges is not good management practices.

I want my special regulations.

This change will also bring back the conflict between recreational fishermen and the seiners. Both should have access to the fish. This was addressed years ago with success.

So please reject this push to open the inner harbor to menhaden.

Thank you,

Rob Savino (617) 283-5801

From: [Brian Coombs](#)
To: [McKiernan, Dan \(FWE\)](#)
Subject: Menhaden Expansion
Date: Wednesday, June 2, 2021 3:33:10 PM

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

Hello Dan.

I'm writing this letter to oppose any expansion of the Menhaden harvest. I believe and additional days, quota or zone expansion will only hurt the fisherie.

Thanks!
Captain Brian Coombs
Get Tight Sport Fishing

From: [Jonathan Foley](#)
To: [McKiernan, Dan \(FWE\)](#); ray@capecodfishermen.org
Cc: ironbill70@gmail.com; bill@proysters.com; downrivercharters@comcast.net; lwill582@aol.com; shelley.edmundson@gmail.com; sooky55@aol.com; tcbship874@gmail.com
Subject: (UPDATED) Inshore menhaden
Date: Wednesday, June 2, 2021 12:53:04 PM

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

To whom this concerns,

My name is Captain Jonathan Foley for Boston Fishing Charters, I absolutely do not support the new conditions to the inshore menhaden sien. There should be far more restrictions than what they already have. As a charter captain for the past 8 years I have seen the destruction they are bringing to our ecosystem and the ripple effect it has with the fishery. If I had my way they would be abolished. I have grown up in the South Shore and fished Boston harbor my whole life and it's truly sad what we have done to **OUR** home. I blame myself for not staying active but also hold my elders accountable for the over fishing and being so passive on restrictions. When it comes down to it, money is the motivator and with the new conditions we are only hurting ourselves in the long run. What would your 13 year old self think or say about this? I am COMPLETELY for conservation and understand people have to make a living but at what point do we say enough is enough. Make more restrictions on ALL FISHING.

From a truly concerned mariner,

Captain Jonathan Foley of Boston Fishing Charter

From: [liam sage](#)
To: [McKiernan, Dan \(FWE\)](#)
Subject: Please do not expand bunker harvest
Date: Wednesday, June 2, 2021 3:34:45 PM

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

Dan,

Bunker are key forage species for striped bass, blue fish and bluefin tuna. They are a major piece of the food chain and more pressure on them could be brutal for the fishery. Please do not expand the bunker harvest in Massachusetts.

Sent from my iPhone

From: [Dan Hermann](#)
To: [McKiernan, Dan \(FWE\)](#); ray@capecodfishermen.org
Subject: Seining in Boston Harbor
Date: Wednesday, June 2, 2021 11:06:24 AM

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

In regards to the DMF's recent decision to amend purse sein netting restrictions on Friday's inside Boston harbor for 2021,

I could not disagree more with this decision. The Menhaden are critical to a healthy fishery for people who love Boston harbor, being on the water, seeing abundant life and fishing recreationally.

The sein boat can fish on Monday, Tuesday, Wednesday and Thursday. Please do not allow Fridays. Let the local menhaden populations and striped bass and bluefish that feed on them have a day of rest after four continuous days of harvest.

Sincerely,

Dan Hermann
617.966.5299



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor


KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: May 28, 2021
SUBJECT: DMF Renews Period II Summer Flounder Program in 2021

I have renewed the Period II summer flounder pilot program for 2021. This pilot program was initiated in late-August 2019. It allowed commercial trawlers participating in summertime trawl fishery for summer flounder to possess and land two daily limits of lawfully caught and retained over consecutive open commercial fishing days.

This program was developed with input from a number of small-scale trawlers who have traditionally participated in this inshore summertime fishery. Moreover, it considered the impacts of a number of factors negatively affecting these fishery participants. This included the eastward movement of summer flounder during the summertime from out of Vineyard and Nantucket Sound to the cooler waters along Nantucket Shoals; rising overhead costs for small inshore trawlers, including fuel and dockage; nighttime prohibitions on mobile gear fishing; and the lack of a buy-boat that in previous years may have offloaded trawlers and transported fish from Nantucket or Martha's Vineyard to the mainland. By allowing vessels to lay up overnight closer to the fishing grounds without having to offload and authorizing them to then land consecutive daily limits, the fleet would be more efficient able to target the available quota and be able to operate with greater safety.

To ensure compliance with daily catch limits, the program contained provisions that require fishermen segregate the first day's catch into sealed containers then document each day's catch in a DMF issued logbook. These requirements would also prevent this program from becoming an aggregate catch limit program, which may lead to increased inshore fishing effort on summer flounder and alter the "day boat" composition of the summer-time fishery.

The program was renewed in 2020. Initially, it only accommodated summer flounder. However, on July 22, the program was modified to also include black sea bass and horseshoe crabs. In total we issued 32 Letters of Authorization (LOA) to participate. Considering the obvious caveats regarding fishing effort in 2020 due to the COVID-19 pandemic, SAFIS dealer data demonstrates 14 permit holders participated, which resulted in a total of 53 trips occurring where more than one limit was landed.

Staff spoke with members of the inshore trawl fleet in anticipation of this upcoming fishing season and there was strong interest to renew this program. Accordingly—on May 20—DMF issued an advisory to notify fishery participants the agency would be accepting applications for LOAs for 2021. This year's program will allow for Coastal Access Permit holders to land two daily limits of lawfully caught and retained summer flounder and black sea bass retained over consecutive open commercial fishing days.

I do not intend to include horseshoe crabs or whelks in this program. The inclusion of horseshoe crabs will be re-evaluated in-season in response to quota utilization and demand for crabs from the bait and biomedical sectors. I am excluding whelks from this program due to concerns about the overall status of the state's channeled and knobbed whelk fisheries, particularly given the overfished status and the current minimum size fails to adequately protect sexually mature females of either species.

Attachments

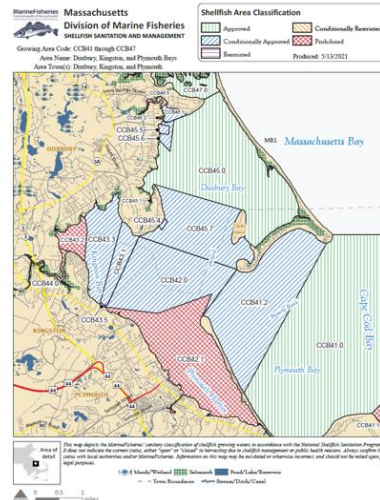
[May 19, 2021 Advisory](#)

WWTP Buffer Zone & Conditional Areas

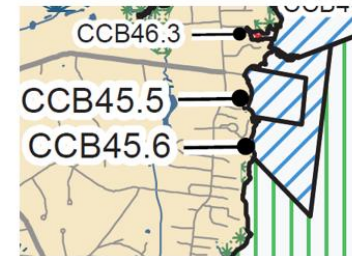
Moorings Area Designations

MSI Wrap-up

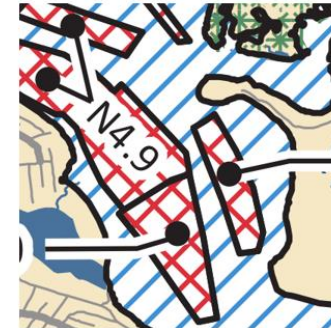
May 2021



Closed - during boating season
Open - during boating season



Closed – Year Round



Massachusetts Shellfish Initiative

2021-2025 STRATEGIC PLAN



Finalized March 30, 2021

http://www.massshellfishinitiative.org/uploads/1/0/4/9/104987295/msi_strategic_plan.pdf



Massachusetts
Division of Marine Fisheries
SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: CCB41 through CCB47

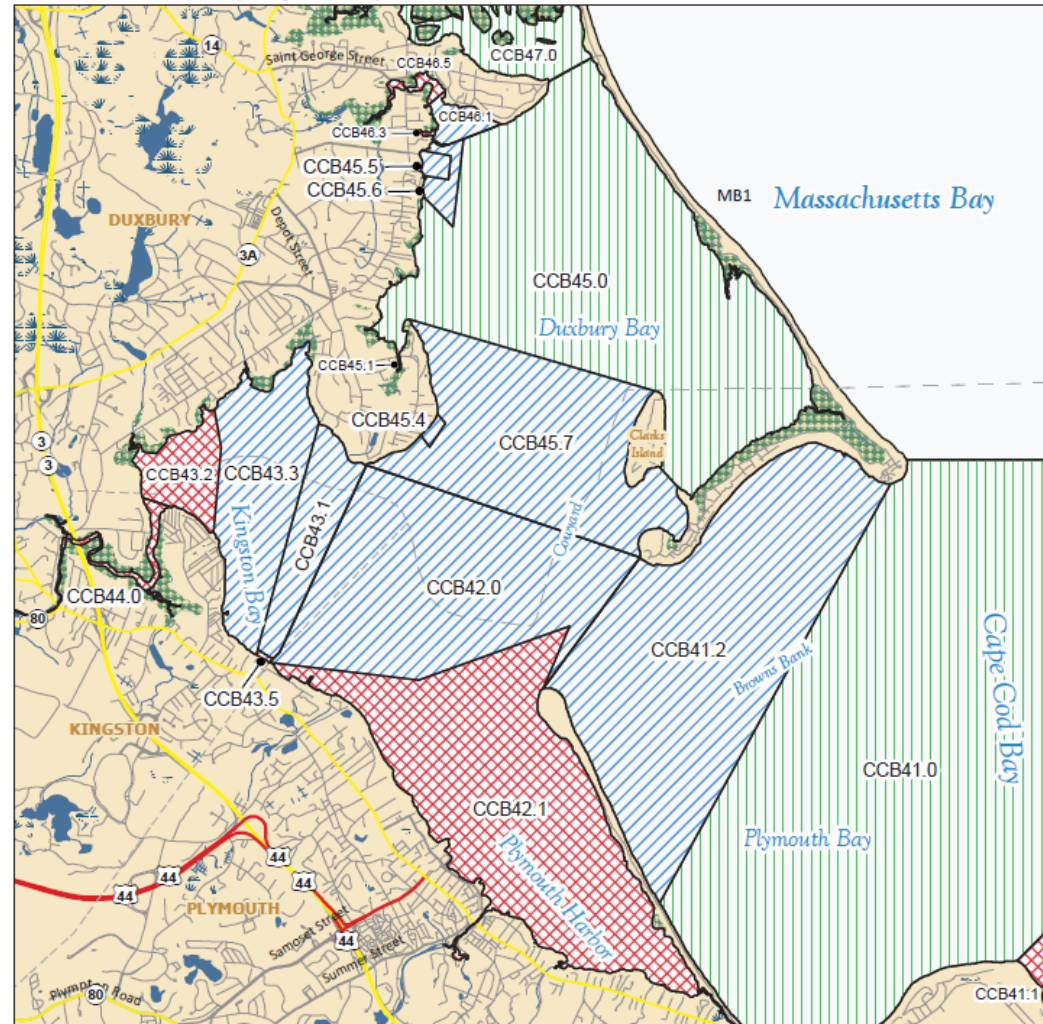
Area Name: Duxbury, Kingston, and Plymouth Bays

Area Town(s): Duxbury, Kingston, and Plymouth

Shellfish Area Classification

Approved	Conditionally Restricted
Conditionally Approved	Prohibited
Restricted	Produced: 5/13/2021

May 2021

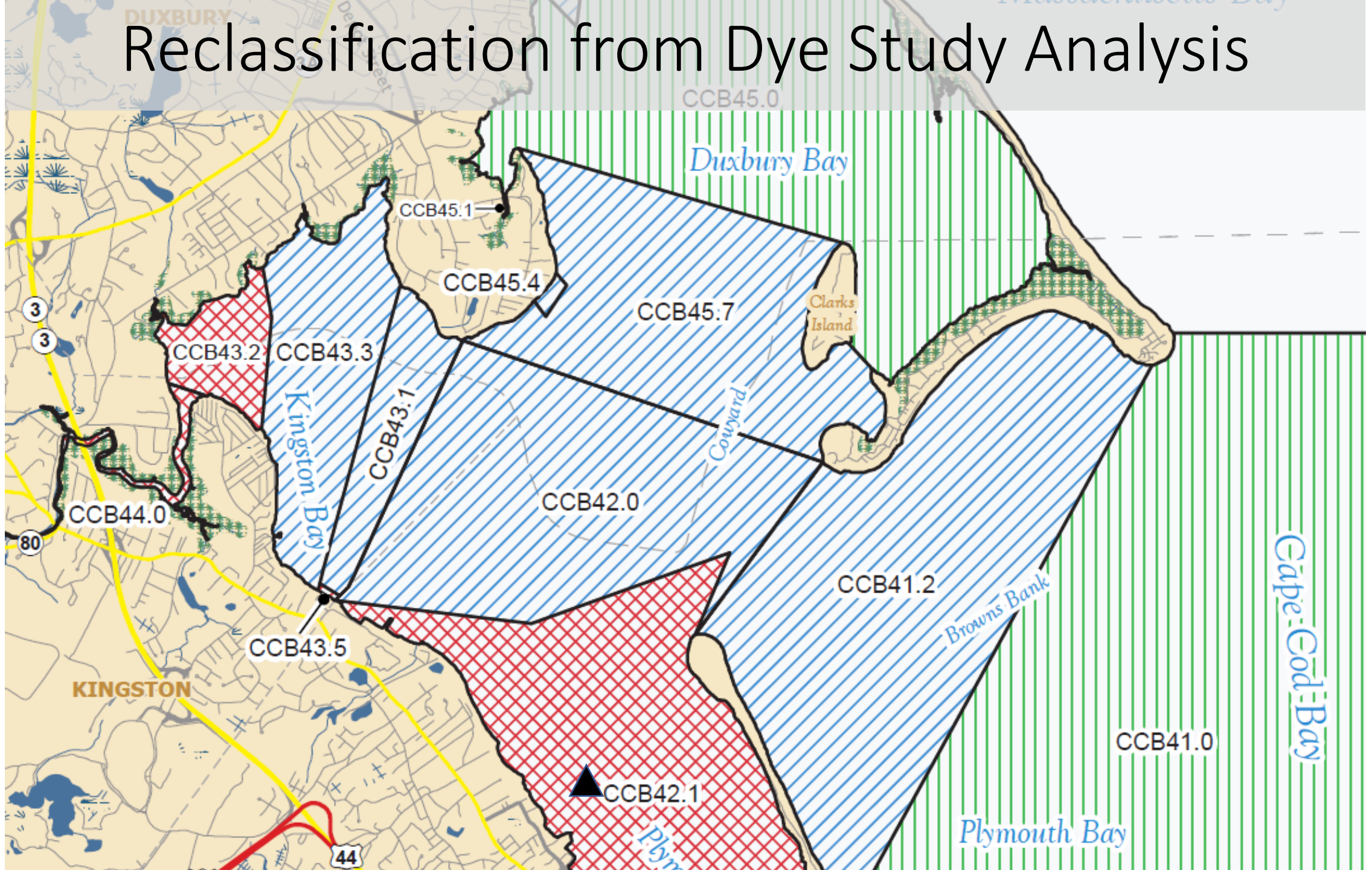


This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.


Marsh/Wetland Saltmarsh Pond/Lake/Reservoir
 Town Boundaries Stream/Ditch/Canal

0 0.5 1 miles
NORTH


Reclassification from Dye Study Analysis




Modeling with UMassD - SMAST

FVCOM Wiki | Support | Site Map

HOMEFVCOMRESEARCHNECOFSOUTREACHPUBLICATIONSABOUT US

**User Login**

User ID:
Password:
[Sign In](#) [Register](#)
[Forgot your password?](#)

**Misc**

[# Model Validation](#)
[# FVCOM Improvement](#)
[# FVCOM Help](#)
[# FVCOM Forum](#)
[# FVCOM Users List](#)
[# FVCOM Source Code](#)
[# How to download Source Code](#)
[# FVCOM Publications](#)
[# Visualization Tool - VisIt](#)
[# Copyright](#)

Home » The Unstructured Grid Finite Volume Community Ocean Model (FVCOM)

The Unstructured Grid Finite Volume Community Ocean Model (FVCOM)

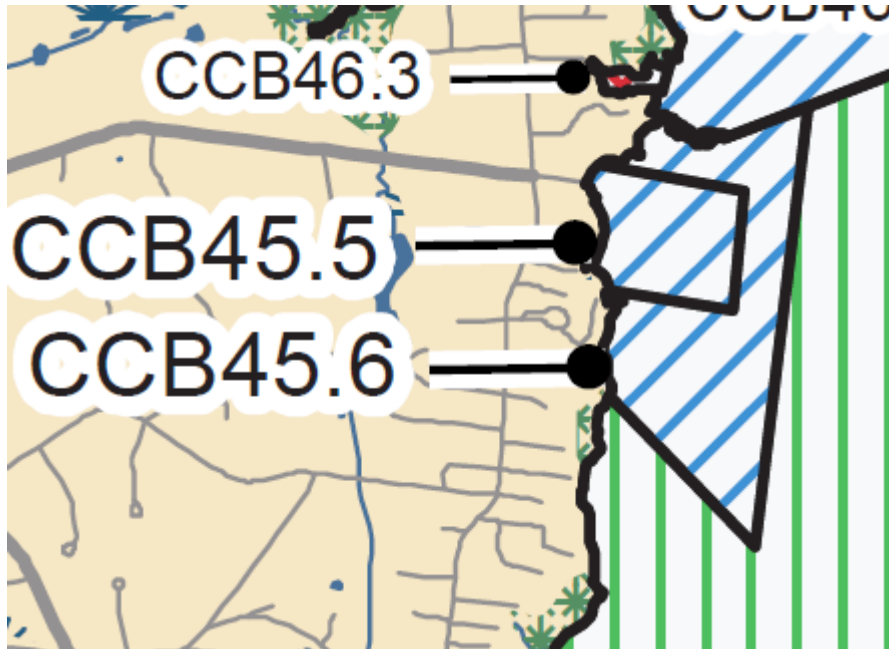


Chen's Lab @ UMassD

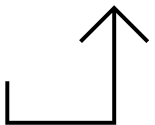
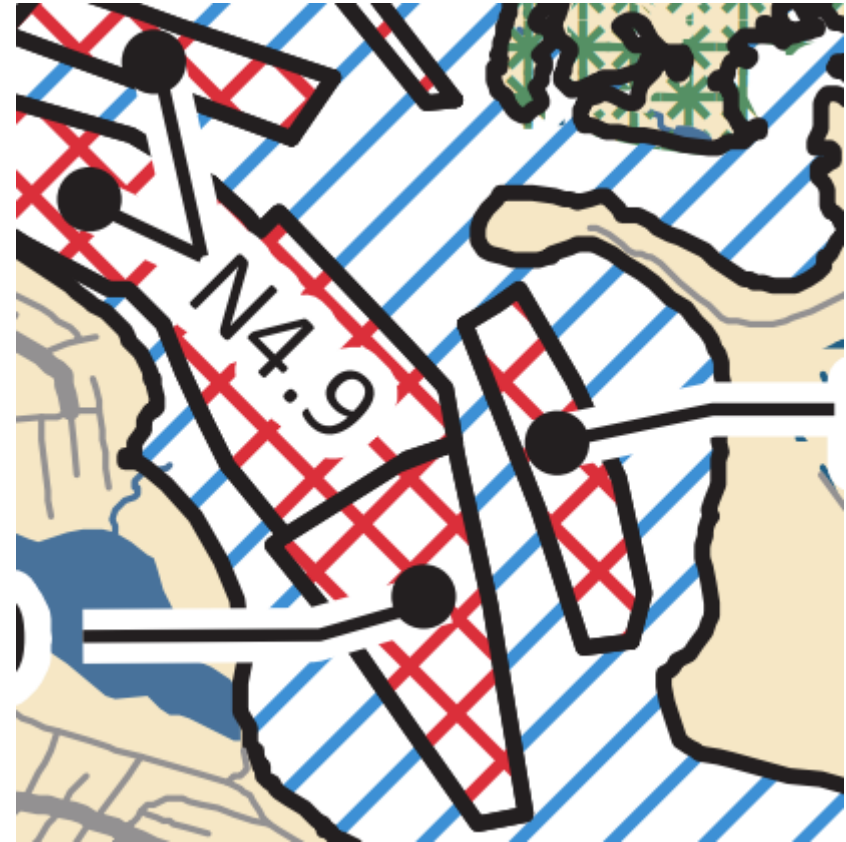
0:00 / 0:55

FVCOM is a prognostic, unstructured-grid, finite-volume, free-surface, 3-D primitive equation coastal ocean circulation model developed by UMASSD-WHOI joint efforts. The model consists of momentum, continuity, temperature, salinity and density equations and is closed physically and mathematically using turbulence closure submodels. The horizontal grid is comprised of unstructured triangular cells and the irregular bottom is represented using generalized terrain following coordinates. The

Closed - during boating season
Open - during boating season



Closed – Year Round



An aerial photograph of a coastal area. A red-shaded region is located near the top left, adjacent to a residential area. A blue-shaded region extends from the coastline into the water, forming a large, irregular shape. The rest of the water area is green. Two yellow text boxes are overlaid on the image.

Closed - during boating season

Open - during boating season



Prohibited & Closed – Year Round

Massachusetts Shellfish Initiative

2021-2025 STRATEGIC PLAN



Finalized March 30, 2021

http://www.massshellfishinitiative.org/uploads/1/0/4/9/104987295/msi_strategic_plan.pdf

Executive Summary

The Massachusetts Shellfish Initiative (MSI) Strategic Plan was developed by The MSI Task Force and is the product of an iterative and collaborative public process initiated with the goal of enhancing the economic, environmental, and social benefits of shellfish resources to the Commonwealth of Massachusetts and its residents.

The MSI was modeled after the NOAA Fisheries National Shellfish Initiative (NSI) and the Task Force's objective categories are in line with the NSI's goals to: (1) improve marine planning and permitting; (2) conduct and support environmental research on shellfish populations; (3) support restoration and farming techniques; and (4) prioritize coordinated and innovative financing for conservation, commercial, and research activities. Additionally, the MSI Strategic Plan has been crafted to be reflective of the Commonwealth's unique characteristics and the dynamic nature of our near shore shellfish resources.

The goals, objectives, and recommended actions have not been prioritized and the numbering does not reflect importance.

Vision: Massachusetts state and municipalities manage sustainable, healthy and robust populations of shellfish accessible to a diverse group of commercial and public stakeholders who actively participate in the management process, with the widespread support of the broader public for shellfish resources, improved water quality and coastal ecosystems.

The mission of the MSI includes:

- (1) Identify, coordinate and provide greater resources for sustainable shellfish production in the Commonwealth;
- (2) Increase access to shellfish populations and increase shellfish biomass through sustainable commercial production and restoration;
- (3) Raise the visibility and 'status' of shellfish for the broad benefits they contribute to the economy and environment;
- (4) Increase cooperation, communication and coordination among shellfish stakeholders; and
- (5) Leverage support for shellfish resources from other sectors.

Upcoming Sub-Committee Meetings

- State-Waters Groundfish
 - DMF expects to convene sub-committee this fall for rule changes for 2022.
 - Purpose is to consider how to increase access to set-asides while addressing protected species and spawning concerns.
- Commercial Striped Bass
 - DMF expects to convene sub-committee this fall.
 - Purpose will be to consider larger scale changes to the fishery to address access, permitting, and tagging.
- Law Enforcement
 - Annual meeting will be scheduled for late fall/early winter.
- Permitting
 - DMF will speak to members individually to better understand scope of interest and then will convene.



Pandemic and Open Meeting Law

- Current “emergency” provisions for virtual public meetings and public hearings extended through summer.
- This allows DMF to host August MFAC meeting virtually.
- In person public meetings and hearings will commence again in fall.
- Legislation being considered to adjust OML to allow for some continuation of virtual meeting and hearing model. More information to come.



June 3, 2021

Division of Marine Fisheries

Slide 2



Upcoming MFAC Meeting Dates

- August 19, 2021 (Virtual via Zoom)
- September 23, 2021 (Location TBD)
- October 28, 2021 (Location TBD)
- December 2, 2021 (Location TBD)

