



MA Marine Fisheries Advisory Commission June 3, 2021 Meeting Summary

This document serves as a brief summary of the June 3, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held virtually. All meeting materials are available on the [MFAC's past meeting website](#). The full meeting can be viewed on [DMF's YouTube channel](#).

Action Items

Buoy Line Marking Rules for Commercial Lobster and Crab Traps. The MFAC voted unanimously in favor of adopting the Director's recommendation to adjust the buoy line marking rules for commercial lobster and crab traps effective February 1, 2021. These final regulations were being recommended in response to anticipated final federal rules affecting the Atlantic Large Whale Take Reduction Plan, and serve as a cornerstone of DMF's Incidental Take Permit application to cover the licensing and regulating of fixed gear fisheries deploying vertical buoy lines that may cause entanglements of endangered right whales and sea turtles. The new rules are described in the bullets below.

- **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.
- **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.

Discussion Items

Incidental Take Permit Application Update

DMF provided the MFAC with an update on its Incidental Take Permit application, which focused on upcoming deadlines. DMF also briefed the MFAC on recent gear distribution events to provide commercial trap fishermen with weak rope and weak contrivances to meet new buoy line requirements.

CARES Act Relief Update

Massachusetts was awarded about \$23M in federal funds for the fishing industry as part of the second round of CARES Act relief. Similar to the first round, DMF met with industry advisory groups to build out sector specific qualification criteria to be incorporated into an overarching spend plan. DMF reviewed these sector specific programs and indicated the final spend plan should be submitted to NOAA Fisheries in late June. Accordingly, DMF anticipated mailing out applications in early July; holding application workshops throughout the state in July and August; establishing application deadlines in late August and appeal deadlines in early September; and providing the Atlantic States Marine Fisheries Commission (ASMFC) with a payout list by late September. Payments would then follow in late-September or October.

Report on ASMFC and Council Meetings

DMF briefed the MFAC on recent and upcoming ASMFC and Council meetings. Regarding the ASMFC, DMF and the MFAC discussed the recent May 2021 meeting. Conversation focused on the development of Amendment 7 to the Interstate Fishery Management Plan for Striped Bass; the ongoing review of menhaden commercial quota allocations; commercial black sea bass reallocation; the bluefish allocation and rebuilding amendment; managing for the biological resiliency of the Gulf of Maine/Georges Bank lobster stock; and electronic vessel tracking in the lobster fishery. Regarding the New England Fishery Management Council, DMF and the MFAC discussed the recent April meeting and the upcoming June meeting. On the recent April meeting, conversation focused on federal climate science, strategy, and action plan for fisheries management. As for the upcoming June meeting, DMF summarized expected management issue pertaining to groundfish, sea scallops, herring, skates, and eco-system based management. There was also some discussion on the ongoing public comment period Southeast Regional Management Council's eVTR program for the for-hire fleet and Amendment 13 to the Highly Migratory Species Fishery Management Plan.

Seining of Friday in Boston Harbor. DMF reviewed its decision to amend the state's Inshore Net Permit Conditions for 2021 to allow purse seining for menhaden in Boston Harbor on Friday's. DMF described the history of these permit conditions, the reason why the Friday closure was enacted in the 2000s, and why DMF felt it was appropriate to allow this activity for 2021. Since this action was taken, DMF has received a number of e-mails from constituents expressing their concerns and displeasure with the action. DMF indicated its intent to review user group conflicts and fishery performance in 2021 before implementing permit conditions for 2022 and noted that if user group conflicts escalate the agency has the authority to immediately rescind this allowance. Certain MFAC members disagreed with the Director's decision citing how it may impact the recreational fishery and were frustrated by the lack of public process in this decision. Other MFAC members supported the Director's action, particularly as it was being done on a trial basis.

Renewing Period II Summer Flounder Pilot Program. DMF renewed the Period II summer flounder pilot program for 2021. For 2021, the program will accommodate Coastal Access Permit holders landing two daily limits of lawfully caught summer flounder and black sea bass retained over consecutive open commercial fishing days; the inclusion of horseshoe crabs in this program will be re-evaluated in-season in response to demand and quota utilization. To ensure compliance with daily catch limits, the program

requires fishermen segregate the first day's catch into sealed containers then document each day's catch in a DMF issued logbook. This pilot program was initiated in 2019 in consideration of how the northward and eastward movement of summer flounder was affecting the inshore trawl fishery. Allowing these vessels to lay up overnight closer to the fishing grounds without having to offload nightly, and authorizing them to then land consecutive daily limits, allowed the fleet to more efficiently and safely take their seasonal quota allocation.

Shellfish Program Updates. DMF's shellfish program update focused on three specific issues. DMF reviewed the decision made in the re-classification of Three Bay system in response to a dye study to characterize potential contamination associated with a breakdown of the Plymouth wastewater treatment plant outfall. This resulted in expansion of the Prohibited area in CCB 42.1, the downgrading of other areas from Approved to Conditionally Approved, and the maintenance of CCB 45.0 and 47.0 as Approved. DMF also reviewed its ongoing work to reclassify mooring areas throughout the state. Lastly, the DMF noted the Massachusetts Shellfish Initiative's 2021-2025 Strategic Plan was finalized on March 30, 2021.

Upcoming Meetings

Meeting dates for the remainder of 2021 were set at the June MFAC business meeting. The MFAC will meet again on August 19, 2021 via Zoom. Information regarding the meeting will be published on the [MFAC's website](#). In person meetings are expected to begin again this fall, with meetings scheduled for September 23, October 28, and December 2. DMF also expects to hold several MFAC Sub-Committee meetings on commercial groundfish, striped bass, law enforcement, and permitting during the coming fall and winter. Dates for these sub-committee meetings have not yet been finalized.

If you would like to obtain any materials regarding past or upcoming MFAC business meetings, please contact Jared Silva at DMF (617-634-9573 or jared.silva@mass.gov).