



## MA Marine Fisheries Advisory Commission March 18, 2021 Meeting Summary

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This document serves as a brief summary of the March 18, 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 Item

2021 Conditional April Groundfish Closure. DMF regulations at 322 CMR 8.05 close state waters between Plymouth and Marblehead to commercial groundfish fishing during the month of April. However, this closure is conditional and serves as a fail-safe to prevent the state waters fishery from causing overages of the total annual catch limit (ACL) set by NOAA Fisheries. Accordingly, DMF may annually lift this closure—with approval of the MFAC—should a landings analysis demonstrate that the closure is not a necessary fail-safe.

For 2021, DMF's analysis demonstrated that landings were well below the federally allocated state-waters sub-components and that allowing commercial groundfish fishing in April would not likely cause an exceedance of groundfish ACLs. Accordingly, DMF recommended lifting this closure for this calendar year. This recommendation was complicated by protected species concerns related to potential entanglements of endangered right whales in fixed gear—specifically gillnets—should the closure be lifted. Sightings data demonstrate that right whales have been observed in this area of Massachusetts Bay during April in recent years. For this reason, DMF further recommended conditioning the lifting of the closure so that only trawl and hook gear may be fished in the area; gillnets and longlines set to soak overnight would remain prohibited.

The MFAC debated the recommendation with a focus on both protected species concerns, spawning closures for winter flounder and cod, and groundfish mortality management. DMF was asked to modify its recommendation to accommodate the use of longlines and gillnets. However, this position was not ultimately supported by a majority of the MFAC. As a result, the MFAC voted to approve the Director's recommendation to lift the conditional April groundfish closure in Massachusetts Bay between Plymouth and Marblehead for trawl and hook gear while maintaining the closure for gillnet gear and longlines that are set overnight. Given the variety of concerns raised throughout this debate, a sub-committee was formed to provide suggestions on how to better manage the state waters commercial groundfish fishery.

Recreational Gulf of Maine Cod and Haddock Limits. The MFAC unanimously approved DMF's recommendation to adopt recreational Gulf of Maine cod and haddock limits consistent with NOAA Fisheries. For haddock, this results in an open season that begins on April 1 and closes on the last day of February with a 15-fish bag limit and 17" minimum size. For cod, this results in an open season of April 1 through April 14 and September 15 – September 30 with a 1-fish bag limit and 21" minimum size. These rules will go into effect for April 1, 2021.

At a recent meeting, the NEFMC approved status quo measures for May 1, 2021 through April 30, 2020. This included the measures approved by the MFAC, as well as a for-hire bonus season for Gulf of Maine cod that would run from September 8 – October 7. This season was adopted via an interim measure in 2020 in response to the loss of access to the springtime fishery due to COVID related restrictions. Given that such restrictions are unlikely to be in place for this calendar year, there was uncertainty as to whether NOAA Fisheries would approve the bonus season. As part of DMF’s recommendation approved by the MFAC. DMF will file regulations to implement the September 8 – October 7 bonus season if so approved by NOAA Fisheries for this calendar year.

Circle Hooks in Recreational Striped Bass Fishery. The MFAC unanimously approved DMF’s recommendation to adopt new regulations governing the use of circle hooks in the recreational striped bass fishery. These regulations would: (1) define bait as “any marine or aquatic organism, live or dead, whole or parts thereof”; (2) require the use of circle hooks by all recreational anglers—including those fishing aboard for-hire vessels—when bait fishing for striped bass; (3) exempt from this circle hook requirement any artificial lure with bait attached; and (4) require any striped bass caught on any unapproved method of take to be returned to the water immediately without unnecessary injury. This recommendation was designed to comply with Addendum VI to the Interstate Fishery Management Plan for Striped Bass and was consistent with the motions approved by the ASMFC’s Striped Bass Board on March 17, 2021.

Prohibition on Fishing Traps for Blue Crabs. The MFAC unanimously approved DMF’s recommendation to prohibit the use of traps to take blue crabs. This prohibition is being implemented to prevent the incidental catch of diamondback terrapin turtles in blue crab traps. Diamondback terrapins are a threatened species under the Massachusetts Endangered Species Act, and they share the state’s southern marshland and estuarine habitat with blue crabs. Accordingly, when traps are set to catch blue crabs, diamondback terrapins may be captured and drowned in blue crab traps, as evidenced by Massachusetts Environmental Police reports.

Update on Protected Species Issues. DMF reviewed recent comments it submitted to NOAA Fisheries on their Biological Opinion on Ten Fishery Management Plans. Of particular interest for DMF was the information pertaining to Northern Right Whales and Leatherback Sea Turtles, as well as the draft Atlantic Large Whale Take Reduction Plan (ALWTRP) rule. DMF then discussed likely adjustments to buoy line marking rules for 2022 for the lobster trap fishery. These new buoy line marking rules will be proposed in the coming months in response to the agency’s ITP application and the forthcoming amendments to the ALWTRP. Lastly, DMF the reviewed its ongoing outreach to industry on the new weak rope rules and the distribution of weak rope and weak contrivances to the fleet.

New England Fishery Management Council Updates. DMF briefed the MFAC regarding recent happenings at the NEFMC. On groundfish, the NEFMC was focused on finalizing Framework 62 to set specifications for 2022 – 20224; the development of metrics for Amendment 23’s monitoring system review; considering the use of the Cod Stock Structure Working Group’s findings in management; and following on the report and peer review on revising ABC Control Rules. On scallops, the NEFMC was addressing the use of the 2021-2022 research set-aside to address surveys, bycatch reduction, and the incidental catch of sea turtles; developing Framework 34 to set specifications for 2022-2023; and addressing a petition for Secretarial Action on Limited Access quota leasing. For Atlantic sea herring, the NEFMC continued to work on rebuilding the herring resource and developing spawning protection measures for Georges Bank. DMF also reviewed the NEFMC’s ongoing work on Eco-System Based Management and climate resiliency. On the subject of climate resiliency, NOAA was engaging stakeholders regarding the Biden Administration’s Executive Order on climate change (see [website](#)).

Updates on Shellfish Growing Area Reclassification of Three Bays. DMF provided the MFAC with an update on the reclassification of shellfish growing areas in Kingston, Plymouth, and Duxbury Bay. In response to a 2018 dye study, FDA has found DMF's classification of these growing areas as deficient, specifically because of the need to establish "conditionally approved" areas adjacent to treatment plan outfalls. Depending on the size of the reclassified areas, the shift in classification from Approved to Conditionally Approved could limit emerging European Union market access for area oyster growers and many local aquaculturists found this to be unduly constraining and overly precautionary. DMF continued to work with ISSC, municipal officials, and FDA towards a resolution.

Presentation on Ocean Acidification Report. This presentation was delayed to a future meeting due to time constraints.

### **Upcoming Meetings**

The next MFAC business meeting is scheduled for April 16, 2021. The meeting will be held virtually via Zoom. Information regarding the meeting will be published on the [MFAC's website](#). 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](mailto:jared.silva@mass.gov)).