

## **MARINE FISHERIES ADVISORY COMMISSION**

### **Draft Business Meeting Minutes**

**March 27, 2025**

**Via Zoom**

#### **In attendance:**

*Marine Fisheries Advisory Commission:* Raymond Kane, Chairman; Bill Doyle, Vice Chair; Shelley Edmundson, Clerk; Arthur “Sooky” Sawyer; Bill Amaru; Tim Brady; and Chris McGuire. Absent: Kalil Boghdan.

*Division of Marine Fisheries:* Daniel McKiernan, Director; Bob Glenn, Deputy Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Nichola Meserve; Melanie Griffin; Bradlie Morgan; Jared Silva; Derek Perry; Tracy Pugh; Kelly Whitmore; Steve Wilcox; Ben Gahagan; Brad Schondelmeier; Erin Burke; Ashley Peach Bueche; Nick Buchan; Kristen Thiebault; George Davis; Kim Lundy; Greg Skomal; Cara Litos; Anna Webb; Matt Ayer; Matt Duggan

*Department of Fish and Game:* Tom O'Shea, Commissioner; Sefatia Romeo Theken, Deputy Commissioner

*Massachusetts Environmental Police:* Lt. Col. Chris Baker; Lt. Matt Bass

*Members of the Public:* Alvin; Andrew Danikas; Anthony Friedrich; Patrick; Beth Casoni; Bill; Bill Fiora; Blane Chocklett; Brendan; Brett Stone; Brian; Brian Denker; Brian Kelly; Chris Killenberg; Craig Cantelmo; Cynthia Wigren; Dana; Daniel Murphy; David; Doherty; Eric Holet; Erich; Franky; George; Jeff; Joe; Kieth Santorelli; Kevin; Kurt; Luke Putaansuu; Manuela Barrett; Michael; Michael Pierdinock; Michael Waine; Mike Abdow; Mike Hogan; Nick Jones; Megan Hopwood; Parker Mauck; Paul Gerard Caruso; Paul Woodard; Peter Jenkins; Rick; Ray; Robert Porter; Sam Pickard; Scott Schaffer; Stephen Smith; Steve Volpe; Todd Boothroyd; Todd MacGregor; Tyler; Willy Hatch

### **INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Raymond Kane called the March 27, 2025 Marine Fisheries Advisory Commission (MFAC) business meeting to order. Jared Silva conducted roll call attendance. Kalil Boghdan was absent, all other Commission members were present.

### **REVIEW OF MARCH 2025 BUSINESS MEETING AGENDA**

Chairman Kane asked if the March 2025 MFAC business meeting agenda needed to be adjusted. No requests were made.

### **REVIEW AND APPROVAL OF JANUARY 2025 DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked for edits to the January 23, 2025 business meeting minutes. Bill Amaru requested the attendance be adjusted to show that he was present. Jared Silva noted he would make this edit.

**The Chair called for a motion. Bill Amaru moved to approve the draft minutes as amended. Bill Doyle seconded the motion. The motion passed unanimously with Chairman Kane abstaining (6-0-1).**

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

Lt. Matt Bass provided a personnel update for the Massachusetts Environmental Police (MEP). There were three recent new hires, and with several pending retirements, Colonel Mason requested 12 additional new hires for this upcoming fall. Lt. Bass then pivoted to discuss right whale management. Recent aerial surveys observed 45 whales in Cape Cod Bay and Massachusetts Bay the week prior. MEP's joint effort with DMF to seasonally remove gear from the Large Whale Closure was progressing smoothly. Lastly, Lt. Bass discussed a recent lobster violation involving an offshore dragger landing in Provincetown where \$11,000 worth of product was seized, and a \$7,000 citation was issued.

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

Department of Fish and Game (DFG) Commissioner Tom O'Shea thanked MEP for their work to address right whale conservation. The Environmental Bond Bill, which is moving forward this spring, should include provisions for marine habitat restoration and improved access to shore-based fishing. The Commissioner was also hopeful that the Commonwealth's Capital Investment Plan will expand funding opportunities for marine habitat restoration and access over the next two years.

Commissioner O'Shea attended the Seafood Expo with EOEEA Secretary Tepper, Director McKiernan, and DMF staff. Tom and Secretary Tepper met with a Norwegian delegate and the conversation revealed similar challenges abroad to those faced locally concerning offshore wind development and groundfish stocks.

The Commissioner discussed the Department's efforts to stand up the Commercial Fisheries Commission (CFC). The CFC was established by the legislature to serve as a forum to address high-level issues affecting commercial fisheries and to develop strategies to advocate on behalf of the commercial fishing and seafood industry. DMF Director McKiernan and Alison Brizius, the Director of Office of Coastal Zone Management are the co-chairs of the CFC.

The Department was in the process of finalizing its report on the biodiversity conservation goals for the Commonwealth. This report has been presented to EOEEA

and the Governor's Office of Climate Innovation and Resilience. EOEAA Secretary Tepper will be forwarding the report along to the Governor's office for their review.

Lastly, the Commissioner acknowledged that changes in the administration of the federal government had created substantial uncertainty and effects the state and federal management of the Commonwealth's fisheries. He was working with Director McKiernan to address these issues. Additionally, there are concerns about how the loss of federal funds may impact the state budget and state programs moving forward.

Chairman Kane requested DMF provide a future presentation on its eelgrass restoration. Deputy Director Bob Glenn indicated he would reach out to Habitat Program Lead Mark Rousseau and Dr. Forrest Schneck.

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

Director Dan McKiernan echoed Commissioner Tom O'Shea's concerns about the operational capacity of the federal government and noted his frustration with FDA's inability to engage and attend the upcoming regional meeting of the Northeast Shellfish Sanitation Association.

McKiernan also discussed efforts to stand up the Commercial Fisheries Commission and outlined the membership and purpose of the public body as set forth in its enabling legislation. He noted that the interests of the CFC would likely intersect with a variety of existing public bodies, including the MFAC, and as co-chair he will work to limit overlaps and redundancies. The CFC's inaugural meeting is scheduled for Tuesday, April 8 in Boston.

The Director then moved on to discuss personnel. He introduced Bradlie Morgan, the agency's new Communications and Policy Administration specialist. Bradlie will be working under Jared Silva and assisting in the administration of public body meetings, including the MFAC. Additionally, DMF has hired Sean Terrill, as a shellfish restoration specialist, and Ashley (Peach) Buke, as a Dive Safety Instructor.

McKiernan briefed the MFAC on two DMF video projects. The first is a series by DMF's Recreational Fishing Program to educate anglers on striped bass handling techniques. The second, is a series by DMF's Seafood Marketing Program to promote flatfish. On the subject of seafood marketing, Dan briefly discussed the recent Seafood Expo highlighting the promotion of local fish products.

With the horseshoe crab spawning season on the horizon, DMF wrote to the Town of Wareham to address their beach grooming practices. Specifically, DMF noted poor survey trends on Wareham's Swifts Beach and requested the town delay grooming activities until after the spawning season to eliminate disruption that may negatively impact spawning.

Director McKiernan finally thanked the MFAC members for taking the time to review and consider the extensive documents provided for the March business meeting. He recognized the burden the current regulatory process places on the MFAC particularly as it relates to making important regulatory decisions for the upcoming fishing year immediately on the heels of the public input process.

Bill Amaru raised issues regarding the depressed ex-vessel value for flatfish, particularly yellowtail flounder. Bill Doyle argued that improved labeling standards for seafood could enhance the value of local caught product. Commissioner O'Shea noted that an electronic seafood auctioning company in New Bedford and Gloucester may generate more competitive pricing for fish. McKiernan referred this issue to Deputy Director Story Reed who oversees the Seafood Marketing Program.

Sooky Sawyer raised concerns among the lobster industry that PETA would again be placing advertisements on Steamship Authority vessels targeting the fishery and alleging they are responsible for killing whales. McKiernan reminded the MFAC that PETA placed such an advertisement on a ferry last year. DMF brought concerns about the advertisement to the Steamship Authority's attention and bought advertising space in the form of QR codes on tables that linked to a DMF video promoting the Massachusetts' lobster industry. The Steamship Authority eventually moved forward with a temporary advertisement suspension, which was lifted in December 2024. Dan was uncertain if PETA, or other organizations, would seek to place similar advertisements in the future. Sooky argued the Commonwealth should preemptively address the lobster industry's concerns with the Steamship Authority to avoid finding itself in a responsive posture. He also noted that the Governor commented in opposition to a federal speed limit rule that would have negatively impacted the ferry industry along the South Cape. Shelley Edmundson noted that the Steamship Authority advertising decision will allow for 25% of their advertisements to be dedicated to non-profit organizations using a lottery system. Commissioner O'Shea and Director McKiernan committed to working with the lobster industry to address concerns should they arise but were skeptical about the state's ability to act preemptively.

Chris McGuire thanked DMF for recording the recent public hearings and distributing these recordings to MFAC members. He was unable to attend the hearings but was able to listen to the recordings and hear the public testimony received in Gloucester and Buzzards Bay. Jared Silva noted that these public hearings provided DMF with an opportunity to pilot new recording technology that may enable DMF to provide a real-time listen-in option for all future public hearings and public meetings.

### **ACTION ITEMS**

Jared Silva provided a statement on how the MFAC would proceed with the 11 regulatory recommendations on the agenda. In summary: (1) DMF will present on an a recommendation; (2) Commission members will be afforded an opportunity to ask

clarifying questions of DMF; (3) the Chairman will seek a motion and a second on DMF's recommendation; (4) MFAC members and DMF may debate and deliberate on the motion; and (5) the Chairman may conclude deliberation by calling for a roll call vote. If a motion is not made in support of a recommendation; the Director anticipates a recommended motion will fail; or the recommended motion is voted down, the Director may pull the recommendation or offer a substitute recommendation for the MFAC's consideration. If a substitute recommendation is provided by the Director, it will follow the same process. Consistent with the MFAC's typical protocol, public comment would not be accommodated until the conclusion of the meeting so as not to bias the deliberative process.

### Striped Bass Total Length Management

Director McKiernan presented DMF's recommendation to require commercial and recreational anglers squeeze the tail of a striped bass when conducting a total length measurement. At present, DMF regulations allow for either squeezing or fanning the tail. This issue came to light during a fishing tournament this summer. DMF's Recreational Fishing Program investigated various measurement techniques and found that pinching the tail can add approximately 0.3" to a fish's total length while forcibly fanning the tail can reduce a fish's total length by 1.4". Therefore, the manipulation of the tail can turn a 3-inch slot limit into a near 5" slot limit, primarily by reducing fish length by tail fanning. This impedes the effectiveness of the slot limit, and given the public interest in protecting larger fish from harvest, DMF recommended requiring the upper and lower tail forks be squeezed when measuring for total length. DMF also intended to recommend the ASMFC's Striped Bass Board make this a coastwide requirement.

There were no clarifying questions. **The Chair called for a motion. Shelley Edmundson made a motion to adopt the Director's recommendation on striped bass total length measurement as provided. Sooky Sawyer seconded the motion.**

There was no deliberation. **The Chair called the vote, and the motion passed unanimously with the Chair abstaining (6-0-1).**

### Commercial Menhaden Management

Nichola Meserve introduced the menhaden trip limit recommendation to revise the quota-use trigger that reduces the limited entry fishery's trip limit from 25,000 lbs to 6,000 lbs. Currently, this occurs if 90% of the quota is taken before September 1; the recommendation would have it occur should 98% of the quota be taken before September 1. Nichola provided some background information on the current trigger and noted that 10% of the existing quota resulted in a set aside that is too large for the small-scale fishery to utilize and could prevent Massachusetts from taking the full quota and potentially participating in the Episodic Event Set Aside (EESA). DMF's recommendation responded to industry's interest in accessing the EESA while also

allowing for a small-scale fishery to provide bait to the local lobster industry later in the season. Nichola added that DMF could also continue to seek quota transfers from other states, if appropriate.

DMF was also moving forward two permitting actions that did not require MFAC approval. Nichola explained the first action would limit renewals of the Menhaden Endorsement in 2026 to only those who had at least one landing of at least 6,000 pounds from January 1, 2014 through the August 1, 2023 control date or hold the Menhaden Endorsement in conjunction with a Fish Weir Endorsement. DMF projected this action will reduce the number of Menhaden Endorsements issued from 51 in 2024 to as few as 13 in 2026. This responded to industry concerns that regional demand for bait could result in the activation of latent effort in the limited entry fishery that would negatively impact season length, market price, profitability, and increase user group conflicts. The second permitting action was to amend the control date language for the Coastal Access Permit – Purse Seine Endorsement, which effectively authorizes participation in the small-scale open access menhaden fishery. The revised control date language will allow DMF to limit entry in the future based on certain activity criteria, not just date of permit issuance. DMF was not moving forward on the proposal to limit access to this endorsement given public comment supporting maintaining an open access small-scale fishery to provide entry level opportunities and meet local bait demand.

Lastly, Nichola explained that DMF would initiate a Pilot Program in 2025 to allow similarly permitted vessels rigged for seining to share their catch should a set exceed the trip limit (“slippage”). Nichola explained that the industry requested a program like that of Maine, which is meant to reduce the release of dead fish, user conflict, and time on the water.

Director McKiernan noted DMF met with the menhaden fishery in the fall to discuss fishery performance this past year, which led to the development of this recommendation. Dan also praised the policy team, specifically Nichola, for their efforts.

There were no clarifying questions. **The Chair called for a motion. Sooky Sawyer made a motion to adopt the Director’s recommendation on menhaden trip limit triggers as provided. Bill Amaru seconded the motion.** The Chairman allowed for MFAC discussion.

Sooky expressed support for the recommendation, particularly the Pilot Program. He noted that it would reduce time on the water and the potential for slippage.

The Chair asked to clarify whether the Pilot Program applied to both the open entry and limited entry fleets. Nichola responded that open entry vessels can partner with other open entry vessels and limited entry vessels may partner with other limited entry vessels provided all vessels involved are rigged for seining.

There were no further comments. **The Chair called the motion to a vote and the motion passed unanimously with the Chair abstaining (6-0-1).**

### Commercial Summer Flounder Management

Jared Silva provided an overview of commercial summer flounder management. He noted that the management program has been frequently amended in recent years in response to substantial changes in quota availability and varying fishery performance. In 2024, the fishery closed in late August, which prevented the inshore fishery from continuing into the early fall. In response, DMF took actions to constrain the Period I (January 1 – April 22) fishery for 2025, including an in-season adjustment to reduce the trip limit from 5,000 pounds to 2,000 pounds and the suspension of the multi-state program. In response, the wintertime fishery had only taken about 4% of the annual quota and DMF anticipated about 120,000 pounds would rollover to the Period II (April 22 – December 31) fishery. Jared expected this quota rollover would buffer against an early quota closure again this year.

Jared then detailed the six recommendations. There were two recommendations focused on the Period I fishery that were focused on slowing quota consumption and making additional quota available to the inshore summertime fishery when the fish is more valuable to more permit holders. The first action was to adopt a 2,000-pound trip limit in regulation, thereby codifying the in-season adjustment taken for 2025. The second action was to reduce the Period I quota allocation from 30% to 15% overall. Jared noted that should these actions be approved, the Director may renew the Multi-State Program for 2026 to provide offshore vessels with greater opportunity to utilize their Period I quota allocation. For Period II, DMF was recommending to reduce the trip limits for net fishers from 600 pounds to 500 pounds and for hook fishers from 400 pounds to 325 pounds; eliminate Saturday as an open fishing day; amend the trigger to automatically reduce trip limits in-season so that it occurs if 75% of the annual quota is taken by August 15 rather than August 1; and adopt a subsequent trigger to reduce trip limits to 200 pounds for all gear types if 90% of the quota is taken before September 1.

Jared explained that these amendments were designed to keep the fishery profitable for a variety of participants; allow for quota utilization during the summer period when the ex-vessel value tends to be stronger; buffer against increasing effort in the fishery, particularly given concerns about the groundfish fishery; and preserve some quota into the early fall to allow continued directed hook fishing and a bycatch in the trawl fishery when other species are may be targeted.

Lastly, Jared spoke to DMF's renewal of the Consecutive Daily Trip Limit Program for 2025, which does not require an MFAC action. Jared explained that this program will allow trawlers to fish two consecutive calendar days, taking a day's limit on each day, and returning to port to land a double limit on the second day. This program was initiated in 2019 to allow the fleet to more efficiently pursue the quota and for dealers to

service a variety of Cape Cod ports, which was in part driven by the loss of the buy boat that historically serviced Nantucket. Despite these benefits, the program is not universally supported given it attracts effort from larger-capacity offshore vessels resulting in more rapid quota use. Additionally, there are concerns that these vessels are high-grading and violating daily trip limit rules. Jared explained that DMF ultimately felt the benefits of the program outweigh the concerns raised. However, to address some of these concerns DMF would mandate participating vessels cannot offload within 24-hours of the start of the trip, and beginning in 2026, may require vessels install cellular-based electronic tracking devices. Additionally, the requirement that the first day's catch be stored in a discrete container sealed with a plastic single-use tag would be eliminated in favor of more simply segregating and labeling catch from day one from catch from day two.

There were no clarifying questions. **The Chair called for a motion. Bill Doyle made a motion to adopt the Director's recommendation for commercial summer flounder management. Bill Amaru seconded the motion.**

Bill Amaru voiced his support for the recommendations. However, he did not support DMF's continuation of the Multi-Day Program and was concerned about the potential influx of offshore groundfish draggers into the summer flounder fishery given anticipated low catch limits for codfish. He expected these factors would result in another late-summer quota closure and encouraged DMF to consider a more conservative approach. Jared stated that while Bill's concerns are shared, DMF opted not to take a more conservative approach given that this could constrain the fishery too much during the summertime period when the fish are more valuable and negatively impact the profitability of the inshore fleet.

There were no further comments. **The Chair called the motion to a vote and the motion passed unanimously with the Chair abstaining (6-0-1).**

#### Commercial Groundfish Management

Jared Silva first outlined the commercial non-cod groundfish management recommendations. DMF sought to increase the yellowtail flounder from 350 pounds to 500 pounds and monkfish trip limit and from 536 pounds tail weight to 1000 pounds tail weight. This would provide the state water fleet with greater access to underutilized stocks given the reduced availability of cod. Jared explained that yellowtail flounder landings have trended downwards in recent years due to reduced participation which created room to increase the trip limit. The monkfish proposal was brought about after gillnetter Chris Chadwick argued the few remaining gillnet fishers could move away from cod to target monkfish in deeper areas of state waters.

Jared then introduced cod management recommendations. The first recommendation was to adopt the definitions for the Western Gulf of Maine (WGOM) and Southern New



England (SNE) Cod Management Areas consistent with the boundaries set forth in Amendment 25 to the federal fishery management for multi-species groundfish. This will shift the boundary along the eastern facing shore of Cape Cod from Truro to the southern extent of Cape Cod and Nantucket at the 70<sup>th</sup> meridian. The second recommendation was to establish a moratorium on the retention and possession of SNE cod by all fishers and was meant to prevent any loopholes where a federally regulated vessel could land non-conforming fish. If there are delays between the state and federal regulations, federal permit holders could continue fishing under federal rules. Jared clarified that no changes would be made to the WGOM cod trip limit, which had initially been proposed due to fear of sub-component exceedance. However, DMF felt this was unlikely to occur due to attrition-driven declines in state waters WGOM cod landings and reduced inshore cod availability.

Lastly, DMF was moving to update the control date for the Groundfish Endorsement from December 31, 2018, to December 31, 2024. This would provide DMF would a more current control date should a future action be necessary to control the activation of latent effort.

There were no clarifying questions. **The Chair called for a motion. Bill Doyle made a motion to adopt the Director's recommendations as provided. Shelley Edmundson seconded the motion.**

Bill Amaru expressed his support for the recommendations but noted that the whole approach to managing groundfish needed to be overhauled as it had failed the resource and the fishery for 40-years.

There were no further comments. **The Chair called the motion for a vote. The motion passed unanimously with the Chair abstaining (6-0-1).**

#### Controls on Use of Conch Pots in Federal Zone

Dan McKiernan introduced DMF's recommendation to extend the state's conch pot management program into the federal zone. If approved, this would: (1) require any Massachusetts permit holder fishing conch pots in the federal waters and landing whelks in Massachusetts to hold a Conch Pot Endorsement from DMF; (2) require all conch pots fished by Massachusetts permit holders be tagged with a DMF-issued conch pot tag when on the water; (3) extend the 200 conch pot limit and April 15 – December 14 conch pot season to Massachusetts permit holders fishing conch pots in federal waters and landing whelks in Massachusetts. Dan explained that this is similar to how Maine manages its lobster fishery out into the federal zone and added this would ameliorate concerns about conch pot effort expanding into federal waters south and east of Nantucket, which presents a right whale entanglement risk.

The Chair asked how trap limits would be enforced in the EEZ. McKiernan responded that MEP would be able to enforce the trap limit through DMF-issued trap tags.

There were no further clarifying questions. **The Chair called for a motion. Shelley Edmundson made a motion to adopt the Director's recommendation as provided. Tim Brady seconded the motion.**

There was no deliberation. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

#### False Albacore and Atlantic Bonito Catch Limits and Size Limits

Director McKiernan introduced the recommendation to adopt a 16" minimum size for false albacore and Atlantic bonito and a 5-fish per person possession limit for both species combined. These rules would apply to all harvest modes in state waters, except that fishers using mechanized mackerel jigs and fish weirs are exempt.

Dan explained that these fish are becoming increasingly available in our southern waters and are an important seasonal recreational fishery, particularly given reduced abundance and local availability of striped bass and bluefish. As a result, MRIP data has shown that recreational catch and harvest are increasing. Given there is no stock assessment for either species to inform appropriate fishing mortality rates and harvest limits, DMF was seeking to adopt some precautionary measures to constrain the development of a directed commercial fishery in Massachusetts and lock the recreational fishery into current retention practices.

Although these species are not managed at the interstate level through ASMFC, Dan anticipated that the other southern New England states would likely follow Massachusetts' lead and adopt similar limits.

There were no clarifying questions. **The Chair called for a motion. Chris McGuire made a motion to adopt the Director's recommendation as provided. Shelley Edmundson seconded the motion.**

Tim Brady objected to the recommendation as being arbitrary because there were no stock assessments available to inform catch limits. Additionally, DMF was moving to adopt limits outside of the HMS and ICCAT management framework for these species.

Chris McGuire supported the recommendation. Referring back to Amaru's earlier comments about persistent challenges plaguing rebuilding groundfish, McGuire argued that adopting a precautionary management approach here could prevent a similar situation from developing with these species without any real economic consequences at present.

Shelley Edmundson and Bill Amaru also expressed their support for the recommendation.

Bill Doyle and Sooky Sawyer suggested DMF could consider a higher possession limit to accommodate the use of these species as bait in the bluefin tuna fishery. McKiernan

did not support amending his recommendation to accommodate this noting MRIP data trends and the fact that this rule would only apply in state waters.

Amaru questioned if DMF would consider hurdy gurdies and other similar devices as mechanized jigs. Silva noted that these gears would be included in the exemption, but rod and reel jigging would not.

The Chair asked to clarify if the five-fish limit is for each angler or vessel, and Dan confirmed it applied to each angler.

Chairman Kane asked Dan to bring this item to the attention of the ASMFC policy board and use his position as ASMFC Vice-Chair to encourage other states to adopt similar rules as soon as possible.

There were no further comments. **The Chair called the motion for a vote. The motion was approved 4-2-1 with Sooky Sawyer and Tim Brady opposing and the Chair abstaining.** Restrictions Affecting Shore-Based Shark Fishing and Bait Deployment

Jared Silva first summarized the public comment received, noting that it influenced DMF to refine the final recommendation to better address activities to target white sharks and the resulting public safety challenges associated with targeting white sharks from shore.

DMF's resulting recommendation was multi-faceted. First, it sought to define shore-based shark fishing as the use of rod and reel gear from the shoreline, including wade fishing or any structure protruding from the shoreline, with a metal or wire leader that exceeds 18" in length attached to a hook with a gape greater than 5/8". Jared added that the hook gape rule created a clearer standard than the hook gauge rule proposed at public hearing. Then, "shore-based shark fishing" as defined would be prohibited along the coast of Cape Cod Bay beginning at the northernmost tip of Plymouth Point around Provincetown and down the backside of the Cape including Chatham Harbor and Monomoy Island. If approved, this prohibition would not extend to the coastline north of Plymouth Point, nor the state's southern coastline. Additionally, shore-based fishers could continue to use light gear (i.e., metal or wire leaders 18" or less or hooks with a gape 5/8" or less) when fishing along the shores of Cape Cod Bay and the Outer Cape. DMF also recommended prohibiting chumming while "shore-based shark fishing" from sunrise to sunset throughout the Commonwealth. This would continue to allow anglers to use bait to attract other species when shore fishing, as is common when mackerel and pollock fishing from piers. Lastly, DMF recommended prohibiting the use of mechanized or remote-controlled devices to deploy bait with rod and reel gear. This targeted the use of devices, like drones and remote-controlled boats, and does not target kites or kayaks. Jared added that this was also meant to address the application of mechanized devices to target striped bass or other recreational fish, which could increase fight time and mortality.

Tim Brady asked if this recommendation sought to address beach safety. Jared Silva responded that the recommendation in part aimed to ameliorate emerging user group conflicts between beachgoers and a burgeoning constituency of anglers driven by social media who want to target white sharks. Silva relayed that DMF felt that growth of this shore-based white shark fishery was incompatible with other public uses of beaches and presented a significant public safety risk.

**The Chair called for a motion. Bill Amaru made a motion to adopt the Director's recommendation as provided. Shelley Edmundson seconded the motion.**

Tim Brady expressed concern about this recommendation restricting beach fishing access to target other large shark species. Silva responded that the recommendation was designed to limit its effect on other shore-based fishing activities by being gear specific and he expected MEP would use discretion when determining if a violation were occurring. Lt. Bass stated that he has fished for sharks from shore and shared Brady's concerns, particularly as it related to DMF's initial public hearing proposal, but felt this final recommendation sufficiently addressed the issue. Senior DMF biologists Dr. Greg Skomal and Ben Gahagan added that DMF refined the final recommendation to better tailor the definition of shore-based shark fishing, the spatial extent of the prohibition, and framework around the chumming prohibition to more explicitly address concerns around targeting white sharks while working to limit constraints on other shore-based fishing activities.

There were no further comments. **The Chair called the motion for a vote. The motion was approved 5-1-1 with Tim Brady opposing and the Chair abstaining.**

#### Prohibition on Retention of Oceanic White Tip Sharks

Dan explained that this recommendation would match federal and interstate fishery management plans that establish zero retention of oceanic white tip sharks.

There were no clarifying questions. **The Chair moved for a motion. Bill Doyle made a motion to approve the Director's recommendation as provided. Shelley Edmondson seconded the motion.**

There was no deliberation. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

#### Prohibition on the Use of Lugworms as Bait

McKiernan explained that DMF sought to prohibit the use and sale of Pacific lugworms as bait. The recommendation follows an action by Maine to similarly restrict this product due to biosecurity concerns, particularly related to the potential for disease transmission to crustaceans.

There were no clarifying questions. **Chairman Kane called for a motion. Sooky Sawyer made a motion to adopt the Director's recommendation as provided. Bill Amaru seconded the motion.** Chairman Kane suggested the Director pursue a coastwide framework for addressing biosecurity concerns related to non-native baits through the ASMFC.

There was no further discussion. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

#### Recreational Black Sea Bass Season

The Director explained that his recommendation would establish an open fishing season of May 17 – September 1, rather than May 18 – September 3 to maintain the Saturday opening, which is of importance to the for-hire fishery. By opening the fishery one calendar day earlier in May, the fishery will have to close two days earlier in September given lower harvest rates in the late summer and early fall as compared to the late spring and early summer.

There were no clarifying questions. **The Chair called for a motion. Shelley Edmundson made a motion to adopt the Director's recommendation as provided. Chris McGuire seconded the motion.**

Chairman Kane thanked DMF for their effort to open this fishery on the third Saturday of May each year.

There was no further discussion. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

#### Paperwork Requirements for the Possession and Sale of Dogfish Fins

Director McKiernan explained that this recommendation is designed to support the state law that prohibits the sale of shark fins. To accommodate the local seafood processing sector, the state law exempts fins taken from lawfully harvested and processed smooth and spiny dogfish. This in turn creates a potential loophole whereby shark fins may be marketed as smooth or spiny dogfish without any means of verification except expensive genetic testing. This rule would require fins marketed as smooth or spiny dogfish to be accompanied by paperwork documenting their lawful origin.

There were no clarifying questions. **The Chair called for a motion. Bill Amaru made a motion to adopt the Director's recommendation as provided. Bill Doyle seconded the motion.**

There was no deliberation. **The Chair called the motion for a vote. The motion was approved unanimously with the Chair abstaining (6-0-1).**

### **FINAL REGULATORY ACTIONS**

### Commercial Eel Permitting

The Director explained that while reported eel catch in the state has declined, the issuance of eel endorsements has increased. To address this discrepancy and potential under-reporting, the final action creates a control date of December 31, 2024 and limits permit renewals in 2026 to those with at least one pound of eel landed since January 1, 2015. DMF would also make the eel endorsement owner-operator for 2026. The action would not constrain the use of eels as bait, for which people can possess up to 25.

Bill Amaru voiced support for this action and expressed concern about the decline of eel populations locally.

Chairman Kane asked about the rationale to establish the activity threshold at one pound of eels reported. Dan noted that it would be more accurate to say, “any documented landings”.

There were no further questions or comments.

### Enhanced Mariner Reporting of Sea Turtle and Large Whale Entanglements

Deputy Director Bob Glenn stated that in DMF’s development of an Incidental Take Permit Application for right whales and sea turtles, NOAA Fisheries suggested adopting entanglement reporting requirements for all large whales and sea turtles. Current state rules only require the reporting of right whale entanglements. There was some public concern that this would lead to more entanglements being attributed to Massachusetts’ fishers and further harm our industry. However, Bob clarified that NOAA Fisheries does not attribute an entanglement to a specific fishery unless the source of the gear is verified. Accordingly, requiring entanglement reporting should not negatively impact our fisheries if entanglements with Massachusetts gear remain rare, and in fact, may reduce public scrutiny of our fisheries by encouraging disentanglement before the animals wash up onshore. Chris Maguire suggested increased outreach to help ensure mariners know where and how to report entanglements.

There were no further questions or comments.

## **DISCUSSION ITEMS**

### Federal Fisheries Management Update

In the interest of time, the Chair sought to delay this discussion until the April 2025 MFAC business meeting. **Bill Amaru made a motion to amend the March MFAC business meeting agenda to strike this time. Shelley Edmundson seconded the motion.** There was no discussion. **The Chair called the motion to a vote. The motion passed unanimously with the Chair abstaining (6-0-1).**

### ASMFC Draft Lobster Addendum XXXII

Director McKiernan provided some history on the development and approval of Addendum XXVII to the Interstate Fishery Management Plan for American Lobster. This addendum implemented various gauge and escape vent changes to enhance spawning stock biomass and other v-notch, gauge, and trap tag measures to achieve greater standardization among and within Lobster Conservation Management Areas. Under this addendum, state rules were to be implemented by July 1, 2025. However, in February 2025, the ASMFC initiated Addendum XXXII to repeal the gauge and vent size changes in Addendum XXVII due to economic concerns raised by commercial fishers, particularly in Maine. The ASMFC has scheduled a virtual public hearing on Addendum XXXII for April 2025 and Dan expected the Board would approve the Addendum at its May meeting. As Massachusetts already implemented regulations to comply with Addendum XXVII, DMF will now have to move forward a new emergency regulatory package to adjust these regulations consistent with what the ASMFC approves in Addendum XXXII to ensure Massachusetts fishers are not managed more conservatively than those in other states.

Dan noted that Maine is currently holding industry meetings to discuss lobster conservation, which the ASMFC may want to consider pending the results of the upcoming stock assessment, which should be finalized later this year.

Sooky Sawyer noted that he supported the actions in Addendum XXXII to repeal the gauge and escape vent changes and DMF's pending emergency rules to ensure Massachusetts fishers are not more conservatively managed. However, Addendum XXXII failed to repeal the 1/8" v-notch standardization requirement for the Outer Cape Cod LCMA. Sooky argued that this unfairly targeted a small number of state-only permit holders in Massachusetts and the state delegation to ASMFC should work to rescind this measure. McKiernan reminded the MFAC that the Massachusetts delegation to the Board sought a motion to include a repeal of the Outer Cape Cod LCMA v-notch standardization measure in draft Addendum XXXII, but the motion did not receive a second.

#### **OTHER BUSINESS AND PUBLIC COMMENT**

Chairman Kane asked if any MFAC members wanted to raise issues for consideration at a future meeting. Dan noted that DMF would schedule presentation on eelgrass restoration at an upcoming meeting.

Chairman Kane requested that the August meeting be held on a Tuesday to account for traffic issues around Cape Cod entering the weekend and that the May and June MFAC meeting dates be finalized as soon as possible.

Sooky Sawyer raised concerns about the lack of dumpsters available to address marine debris clean-up. Bob Glenn and Jared Silva noted DMF intends to take this issue up as it develops state regulations to manage derelict gear removal.

The Chair moved onto public comment.

Beth Casoni apologized to Director McKiernan for potentially misunderstanding a conversation with the Director around the advertising decision made by the Steamship Authority. She also echoed Sooky's earlier suggestion to preemptively counter negative and inaccurate portrayals of the industry. To this point, Beth expressed interest in having the Lobster Foundation of Massachusetts apply for advertising space on the Steamship Authority. Next, Beth noted that she would reach out to DMF with potential names for an industry working group to assist in guiding DMF's development of a permitting and regulatory framework for derelict gear removal. Beth also piggybacked on Sooky's comments regarding the need for dumpsters to handle marine debris clean up. Lastly, she thanked DMF for running the recent gear distribution event in Gloucester.

Brendan Adams and Sam Pickard, the President and Vice-President of the Outer Cape Lobstermen's Association, expressed their frustrations with the ASMFC process that resulted in a failure to include the repeal of the v-notch standardization requirement for the Outer Cape Cod LCMA in Addendum XXXII. They indicated the Outer Cape Lobstermen's Association was now considering legal action against both the ASMFC and DMF. Sam Pickard also expressed frustration that the Outer Cape Cod Lobster Conservation Management Team (LCMT) was not convened during the development of Addendum XXVII nor Addendum XXXII and took issue with the scientific information used to support Addendum XXVII.

Jeff Souza, an Outer Cape lobsterman, agreed with the concerns raised by Brendan and Sam. Jeff also asked if DMF would renew the multi-day program for yellowtail and winter flounder. Jared Silva indicated that DMF would soon announce the renewal of this program and send out authorizations to applicants for the May 1 start of the upcoming fishing year.

Ray Jarvis, a fishing guide in Westport, and Anthony Friedrich, from the American Saltwater Guides Association, expressed support and appreciation for the adoption of DMF's recommended limits for Atlantic bonito and false albacore.

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