



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9AM

May 21, 2024

Via Zoom

Login: <https://us02web.zoom.us/j/81482113864>

Call In: 1-309-205-3325

Webinar ID: 814 8211 3864

1. Call to Order and Routine Business (9:00 - 9:15)
 - a. Introductions and Announcements
 - b. Review of May 2024 Business Meeting Agenda
 - c. Review and Approval of April 2024 Draft Business Meeting Minutes
2. Comments (9:15 – 9:45)
 - a. Chairman
 - b. Law Enforcement
 - c. Commissioner
 - d. Director
3. Action Items (9:45 – 10:30)
 - a. Recreational Fishing Limits for Black Sea Bass, Scup, and Summer Flounder
 - b. Recreational Filleting of Striped Bass
 - c. Matching Federal Recreational Fishing Limits for Gulf of Maine Cod and Haddock
4. Future Public Hearings (10:30 – 10:45)
 - a. Prohibit Retention of Oceanic Whitetip Sharks
5. Discussion Items and Program Updates (10:45 – 11:30)
 - a. Interstate Fisheries Management
 - b. Recent Adjudicatory Hearings
 - c. Recent Horseshoe Crab Stock Assessment
6. Other Business (12:00 – 12:15)
 - a. Commission Member Comments
 - b. Public Comment
7. Adjourn (12:15)

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.

Future Meeting Dates

11:30 AM

June 18, 2024

Cat Cove Marine Lab

92 Fort Avenue

Salem, MA 01970

MARINE FISHERIES ADVISORY COMMISSION

Tuesday, April 23, 2024

Via Zoom

In attendance:

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

Department of Fish and Game: Commissioner Tom O’Shea

Division of Marine Fisheries: Daniel McKiernan, Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Nichola Meserve; Melanie Griffin; Anna Webb; Kelly Whitmore; Stephanie Cunningham; Erich Druskat; Scott Schaffer; Nicholas Buchan; and Kristen Thiebault.

Massachusetts Environmental Police: Lt. Col. Patrick Moran and Lt. Matt Bass

Members of the Public: Stephen Smith; Phil Coates; Jon Brown; Jason Harper; Emerson Hasbrouck; Glen.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane thanked everyone for their attendance and called the April 23, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF APRIL 23, 2024 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the April 23, 2024 MFAC business meeting agenda. No amendments were proposed.

REVIEW AND APPROVAL OF MARCH 19, 2024 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any amendments to the March 19, 2024 draft business meeting minutes. No amendments were sought.

The Chairman then requested a motion be made to approve the minutes. **Bill Amaru made the motion to approve the March 19, 2024 business meeting minutes. Shelley Edmundson seconded the motion. A roll call vote was taken and the motion passed unanimously 6-0-1 with Chairman Kane abstaining.**

CHAIRMAN’S COMMENTS

Chairman Ray Kane welcomed the MFAC to the April 23, 2024 business meeting and stated his interest to hold several in-person business meetings during the spring,

summer, and fall.

LAW ENFORCEMENT

Lt. Bass handled the comments for the Massachusetts Environmental Police (MEP). MEP's efforts over the winter had been focused on removing fixed gear abandoned in the right whale closure and the Northern Gulf of Maine sea scallop fishery. In many years illegal elver harvest is an important wintertime enforcement issue but there were little reports of poaching this year, perhaps driven by a depressed market value. Now as we enter spring, MEP's attentions have turned to herring and striped bass.

COMMISSIONER'S COMMENTS

Commissioner Tom O'Shea reported on several events and initiatives. Secretary Tepper hosted a meeting with fishing industry representatives to discuss challenges facing the commercial fishing industry. Commissioner O'Shea also met with Congressman Keating to discuss federal support for recreational fishing access projects, including fishing piers at the Cape Cod Canal. On April 24, the New England Aquarium will host an event to celebrate the second annual Massachusetts Right Whale Day with DFG, DMF, and EEA staff attending in support support. DFG continues to work to finalize its strategic plan, which Tom was hopeful would be complete by June. In doing this, there has been a lot of focus on the Governor's Biodiversity Executive Order. DFG has been hosting workshops to develop the Biodiversity Strategic Plan, which Chris McGuire participates in. Lastly, DFG is investigating developing a program—modeled after Hunters Share the Harvest—to get seafood into our food pantries and bolster food security.

DIRECTOR'S COMMENTS

Director Dan McKiernan provided his monthly update to the MFAC.

He started by discussing the recent Massachusetts Lobstermen's Association Annual Weekend and Tradeshow. DMF hosted a public hearing on regulations to implement Addendum XXVII to the American Lobster Fishery Management Plan (FMP) and its annual roundtable.

One of the items that came up at the roundtable was the targeting of lobsters by dragnets during the wintertime in federal waters. Trap fishers were concerned that effort had spiked this year and it would impact their catches in the spring and were aggrieved because they cannot trap fish at this time of year because of the right whale closures. Additionally, there were some reports of high-grading to maximize the poundage retained under the FMP's existing bycatch allowance (100 lobsters per day 24-hour day not to exceed 500 for trips lasting 96-hours or longer). While there were some calls to prohibit the landing of lobsters by dragnets in Massachusetts, Director McKiernan indicated he was not interested in taking this approach. This would likely force boats to either lose income or land their catch in other states, which would negatively impact Massachusetts waterfront economy. Rather, DMF will review the fishing activity in consultation with NOAA Fisheries and consider potential alternative

management strategies, if appropriate. Dan will update the MFAC on the subject at a future meeting.

Director McKiernan noted the state's spring trawl survey would begin in early May. He welcomed MFAC members to join DMF during the survey.

On personnel, Governor Healey recently enacted a hiring freeze through the end of this fiscal year. Prior to the freeze, DMF was able to backfill an opening on our Resource Assessment Project. Additionally, there is an exemption to the freeze for positions related to public health, which lets DMF continue to staff its Shellfish Program. Julia Kaplan resigned her position at DMF which leaves a whole in the Policy Program particularly as it relates to the administration of the agency's various public bodies.

DMF continues to work to meet federal mandates to reclassify shellfish growing areas and develop larger spatial buffer zones around wastewater treatment plant outfalls. Dr. Chen at SMAST has created hydrographic models that DMF has used to minimize the spatial extent of potential along the South Shore. At present, DMF is addressing the reclassification of waters around New Bedford and Fairhaven outfalls. This reclassification has also been complicated by the discharge from New Bedford's combined sewage overflows during rain events.

There are several outside sections to the budget being considered that could effect DMF. This includes: (1) funding to conduct viral sampling to bolster DMF's efforts to reclassify the waters of western Buzzards Bay; (2) funding to SMAST for a student to conduct an management strategy evaluation for channeled whelk; and (3) exempting commercial fishing gear from the Wetlands Protection act.

Lastly, Mike Pollisson—a Rockport resident and commercial lobster permit holder—petitioned DMF to rescind its trap gear closure to protect right whales and not enact regulations to comply with Addendum XXVII to the American Lobster FMP. Dan opined that the petition was likely inspired by the Congressional Appropriations Act, which limited NOAA Fisheries rule making under the Atlantic Large Whale Take Reduction Plan until 2029, and the fishing industry's success in recent federal court cases (e.g., Massachusetts Restricted Area Wedge Closure). However, DMF would not be bringing the petition out to public hearing. On right whale conservation, Dan argued that Massachusetts needs to pursue Incidental Take Permit (ITP) for its trap fisheries and its protected species management program sets the framework for a successful ITP application. Moreover, the trap gear closure would still apply to the lobster fishery from February 1 – April 30 under existing federal rules. Lastly, implementing Addendum XXVII is necessary to comply with federal law.

ACTION ITEMS

Lobster Gauge, V-Notch, Trap Tag, and Escape Vent Rules

Director Dan McKiernan provided some background context to his recommendations regarding implementing the requirements related to Addendum XXVII to the American

Lobster FMP and adopting complementary rules for the recreational fishery and seafood dealers (Table 1). The primary purpose of Addendum XXVII is to respond to declines in lobster settlement and recruitment by increasing spawning stock biomass protections to increase egg production. These conservation measures are to be implemented over a period five-years beginning on January 1, 2025 and concluding on January 1, 2029. These actions were triggered by a 35% decline in recruitment abundance indices in 2024 as compared to the three-year average from 2016 – 2018. Additionally, the addendum contains standardization measures to bring the V-notch and maximum size standards for state-waters only fishers in the Outer Cape Cod Lobster Conservation Management Area (OCCLCMA) into phase with the same standards for federal OCCLCMA permit holders and to eliminate the 10% surplus of trap tags issued to permit holders in Lobster Conservation Management Area 1 (LCMA1) and in Lobster Conservation Management Area 3 (LCMA3).

Table 1. Recommended Actions and Implementation Schedule

Effective	LCMA1 and Recreational Gulf of Maine	LCMA 3	OCCLCMA and Recreational Outer Cape	Seafood Dealers
Jan 1, 2025	Limit trap tag issuance to trap allocation with no extra trap tags awarded. Minimum carapace size increase from 3 1/4" to 3 5/16".	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters. V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters.	Minimum carapace size increase from 3 1/4" to 3 5/16". Establish 6 3/4" maximum carapace size for state waters. V-notch standard changes from 1/4" sharp v-notch without setal hairs to 1/8" v-notch with or without setal hairs for state waters.
Jan 1, 2026	No Changes	No Changes	No Changes	No Changes
Jan 1, 2027	Minimum carapace size increase from 3 5/16" to 3 3/8".	N/A	N/A	Minimum carapace size increase from 3 5/16" to 3 3/8".
Jan 1, 2028	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" circular diameter to 2" by 5 3/4" rectangular or 2 5/8" circular diameter.	N/A	N/A	
Jan 1, 2029	N/A	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".	Maximum carapace size decrease from 6 3/4" to 6 1/2".

Director McKiernan conceded that there was a lot of opposition from the fishing industry to this action both in Massachusetts and elsewhere in New England. He opined that part of this was prompted by the fact that managers and fishers did not anticipate that the recruitment abundance indices would decline by 35% as rapidly as they did. Additionally, there is substantial economic anxiety among lobster fishers given this decline in lobster abundance coupled with uncertainties regarding the market, environment, and right whale conservation.

Chairman Kane moved for a motion. **Kalil Boghdan made a motion to approve the recommendation as presented and consistent with Addendum XXVII. Shelley Edmundson seconded the motion.**

Chair Kane opened the motion up for questions.

Sooky Sawyer stated industry views the recommendation to increase the escape vent size in 2028 as a de facto minimum size increase. He noted that in the inshore summertime fishery much of the catch includes soft shell lobsters and nearly all softshell lobsters with a $3 \frac{3}{8}$ carapace length can escape from a 2-inch by $5 \frac{3}{4}$ -inch rectangular or $2 \frac{5}{8}$ -inch diameter circular vent. Director McKiernan responded in two ways. First, he noted that while fishers may fish multiple vents in their traps to allow for the escape of undersized lobsters, they need not replace all these vents with compliant sized vents. Rather, they only need to install a single compliant vent to adhere to the rule. Second, the 2-inch by $5 \frac{3}{4}$ -inch rectangular or $2 \frac{5}{8}$ -inch diameter circular escape vents are the same size used in other LCMA's that have a $3 \frac{3}{8}$ " minimum carapace size. With regards to the later point, Sooky argued that catch composition—particularly the catch frequency of near legal-sized lobsters and softshell lobsters—in the inshore parts of LCMA1 may be different from these other LCMA's. Dan responded that if there was agreement on this throughout LCMA1, industry had until January 1, 2028 to pursue an addendum through the ASMFC process to modify this requirement.

Kalil Boghdan stated his support for the recommendation. He then asked two questions. First, he sought further clarification on the configuration of escape vents on lobster traps. Director McKiernan stated that lobster traps must have one unobstructed escape vent in their parlor. However, many fishers will fish multiple vents to reduce their catch of undersized lobsters. Dan added that the recommendation increases the escape vent size for LCMA 1 in 2028. Second, he asked DMF to further explain the trigger index used in this addendum. Dan explained that the Technical Committee developed an index that blended ventless trap and trawl survey results for the Gulf of Maine/Georges Bank Stock to create a relative abundance index. The Lobster Board then determined management action would be prompted if this index declines by 35% compared to the 2016-2018 reference period.

Bill Amaru asked if the recommendation could be parsed or if the Director was set on it being reviewed and approved as a single action. Chris McGuire, Shelley Edmundson, and Mike Pierdinock also raised an interest in this subject. Dan stated he could modify the recommendation to parse it by implementation deadline, but this would require DMF proceed to rule making every year prior to a deadline. He questioned the benefit of this approach because absent a new addendum process to modify Addendum XXVII these rules are still mandatory compliance measures.

Chris McGuire asked about the process and penalties associated with non-compliance. Dan stated the ASMFC Lobster Board annually reviews the state's rules for compliance. If we were found to be out-of-compliance, the ASMFC could then vote on a non-compliance ruling. If approved, that ruling would be sent to the US Secretary of Commerce who is instructed by law to intercede and close harvest of that species (both recreational and

commercial) in the state until compliant regulations are implemented.

Shelley Edmundson asked if the same implementation schedule applies in the other states. Dan confirmed this. The Chairman then asked what Massachusetts would do should the other states opt for non-compliance. Dan stated he would encourage them to implement the compliant measures and resolve issues through the ASMFC process. However, he would not rule out the use of his emergency authority to rescind these rules if it appears Massachusetts is the only state should that implements them and the others opt for non-compliance.

Mike Pierdinock, Bill Amaru, and Shelley Edmundson questioned what would happen if stock conditions improved prior to the conclusion of the implementation schedule. Dan stated that this is highly unlikely based on existing survey trends and over the next few years he would expect continued declines in lobster abundance. With this in mind, the ASMFC's Lobster Board designed the addendum to extend these changes out into the near future to minimize impacts to industry.

Bill Amaru asked if there was the potential for Massachusetts to pursue a conservation equivalency on any of these measures. Dan noted that this would require the state adopt some alternative management approach that would similarly increase egg production and he was not sure how this would be quantified or accomplished, particularly given the multiple impacted LCMAs.

Chairman Kane asks about the interplay between this addendum and the importation of lobsters into the United States. Director McKiernan explains that the addendum applies only to lobster producing states. However, there is a national minimum size standards ("Mitchell Provision") and the ASMFC has initiated draft Addendum XXX to determine whether or not to request NOAA Fisheries pursue changes to this federal rule to amend to increase the national minimum size limit consistent with Addendum XXVII. No action is being proposed to adopt a standard national maximum size limit. Dan noted the Mitchell Provision applies only to whole live in-shell lobsters and not processed product.

Sooky Sawyer voiced his opposition to the Director's recommendation, a position supported by the Massachusetts Lobstermen's Association. He felt the implementation schedule was too much to fast noting that prior gauge increases were accomplished at $\frac{1}{32}$ -inch intervals. Additionally, he was uncertain to what extent increasing egg production would improve recruitment given the issue appears to be survival at the larval stage. Sooky added that commercial fishers are already observing an unprecedented number of egg-bearing lobsters in their catch.

Bill Amaru was in agreement with Sooky and reiterated that the stock declines are being driven by environmental factors affecting larval survival. Bill then read into the record a prepared statement explaining his opposition to the Director's recommendations and shared the perspectives of Cape Cod lobster trap fishers. Bill opined the addendum perused standardization of the management of the lobster fishery at the expense of longstanding regional management approaches that recognized local differences in how the lobster fishery is conducted. Additionally, Bill stated he felt the addendum process was

driven by Maine interests who wanted to try and maintain the heyday the Gulf of Maine lobster fishery experienced over the past decade of peak abundance. He felt that managing for this outcome was short-sighted given and unlikely achievable.

Director McKiernan challenged Bill's assertion regarding standardization. He argued that the regional management approach remained intact and the primary standardization measure was to create uniform rules between state and federal permit holders in the OCCLCMA.

Bob Glenn noted the suction survey results generally signaled this decline in abundance because over the past decade we were not seeing high levels of young of the year despite record high abundance of adult lobsters. Bob agreed with Sooky and Bill that this decline is being driven by larval survival and that is likely being influenced by environmental factors. However, Bob argued that absent a means of managing for larval survival, increasing egg production is the best strategy.

Commissioner O'Shea asked if there was any evidence to support the view that increasing egg production will improve stock conditions given the influence of environment on survivability. Dan noted that environment is a leading factor, but should the right conditions persist then having an abundance of egg producing females will allow for improved productivity. Dan noted that over the past 20-years v-notching greatly enhanced spawning stock biomass protections and this, coupled with favorable environmental conditions, contributed to the high levels of abundance we are now coming off of.

Commissioner O'Shea asked if DMF expected a lag time between the implementation of conservation measures and improving abundance. Dan stated that it takes about five to eight years for lobster to begin to show up in the ventless trap survey.

Bob Glenn noted that the abundance of adult lobsters is going to decline over the next few years irrespective of whether or not Addendum XXVII is passed. Accordingly, the commercial industry is going to see a decline in the number of lobsters caught. In addition to creating more egg production, Bob opined that this addendum results in fishers harvesting these lobsters at a higher weight which should yield a better value per animal.

No further comments or questions were raised. The Chairman moved the motion for a roll call vote. **The motion passed 5-2-1 with Sooky Sawyer and Bill Amaru voting in opposition and Ray Kane abstaining. Bill Doyle was not present for this vote.**

Use of MA Tracer Rope

Bob Glenn stated that as part of the Habitat Conservation Plan for its ITP, DMF mandated the use of buoy lines with a breaking strength of less than 1,700-pounds and $\frac{3}{8}$ " diameter ("weak rope") and unique marking scheme for its commercial trap fisheries. This helps to ensure that Massachusetts commercial trap gear can readily break should an entanglement occur and that it is distinguishable from gear fished in other jurisdictions. This created a substantial gear marking and modification burden for industry. In response, MLA worked with rope manufacturers to create a fishable fully formed weak rope that has a "MASS LOBSTER" tracer throughout that makes it identifiable to Massachusetts. This

was a great advancement that allows industry to more efficiently comply with the state's right whale conservation regulations and at least three rope manufacturers are now producing it. Accordingly, DMF was now moving to amend its regulations to formally allow the use of this rope to comply with the state's buoy line marking and breaking strength rules.

Chairman Kane moved for a motion. **Sooky Sawyer made a motion to approve the recommendation as presented. Bill Amaru seconded the motion.**

Kalil Boghdan asked if the recreational lobster trap fishery was subject to the same buoy line requirements. Jared Silva explained that they were not; DMF did not want recreational trap gear to be potentially misidentified as commercial gear.

Sooky Sawyer asked how this rule interfaced with federal rules and if marking requirements for the surface system would still apply. Jared Silva and Bob Glenn spoke with NOAA Fisheries on this subject. For state waters, the use of the tracer rope was sufficient to meet all buoy line marking requirements. For the federal zone, Massachusetts fishers would still need to add green marks to their buoy lines in both the surface system and the body of the buoy line.

Kalil was concerned about the various pressures facing the lobster industry and was curious if the acquisition of this gear was being subsidized. Bob Glenn stated that DMF received a grant from the ASMFC and a federal appropriation to purchase and distribute this gear to industry and has been helping commercial fishers supplement their gear needs over the past few years.

No further comments or questions were raised. The Chairman moved the motion for a roll call vote. **The motion passed 7-1 with Ray Kane abstaining.**

Housekeeping Recommendations

Jared Silva described the two housekeeping recommendations being set forth by DMF. The first eliminated the outdated reference to the black sea bass pot closed season ending on July 6 in favor of adopting more broad language that lifts the closed season two-days prior to the start of the directed black sea bass fishery. The second, eliminates references to the federal Massachusetts Restricted Area in DMF's protected species regulations.

Chairman Kane moved for a motion. **Kalil Boghdan made a motion to approve the recommendation as presented. Shelley Edmundson seconded the motion.** No comments or questions were raised. The Chairman moved the motion for a roll call vote. **The motion passed 7-1 with Ray Kane abstaining.**

DISCUSSION ITEMS

Federal Fisheries Management Update

Melanie Griffin provided the MFAC with an update on the recent April 2024 New England Fishery Management Council (NEFMC) meeting. The update started by reviewing efforts

to reduce Atlantic sturgeon bycatch in monkfish and spiny dogfish gillnet fisheries, including low profile gear requirements off New Jersey and overnight soak bans off DelMarVa. Melanie expected the Councils will continue to address this matter pending the findings from the forthcoming 2025 Biological Opinion. Next, she reviewed proposals being considered by the NEFMC to potentially open areas of the Northern Edge of Georges Bank and highlighted the challenge of balancing sea scallop access against concerns regarding impacts to essential fish habitat, as well as lobster and groundfish resources. Melanie then highlighted the NEFMC's two-phased plan to integrate the cod stock structure work into management and the perspective timeline for implementation. Lastly, Melanie reviewed the NEFMC's evaluation of its risk calculation and tolerance policy. Factors being considered include stock status, climate impacts, trophic considerations, economic importance, community dependence, assessment uncertainty, fishery performance, and time since last assessment.

Kalil noted the confounding effects of climate change on the environment and rebuilding efforts. Melanie anticipated that climate impacts will factor into the risk calculation but noted it is difficult to isolate climate impacts from other environmental factors included in the risk calculation that it may influence.

Bill Amaru discussed the history of the Northern Edge closure. He noted the scallop resource in the area is likely very robust. As a result, the tow times are likely to be short and this should be factored into analyses on potential habitat impacts.

Chairman Kane noted the lobster industry is concerned about opening the Northern Edge to sea scallops and was curious about the specific areas of concern. Melanie noted that this analysis was ongoing.

Protected Species Update

Deputy Director Bob Glenn provided this briefing. The briefing began with an update on the North Atlantic right whale (NARW) population. The population is currently around 356 animals. While the rate by which the population is declining has slowed, deaths are still above the Potential Biological Removal rate and the NARW are still experiencing an Unusual Mortality Event (UME). This UME designation has been in place since 2017 and is driven by ship strikes and entanglements.

Bob highlighted that we are no longer observing the high levels of mortality seen from 2017 – 2019 when these whales first started migrating into the Gulf of Saint Lawrence. The Atlantic Large Whale Take Reduction Plan rule making process uses the most recent five-year population trends to develop management strategies. With the Consolidated Appropriates Act putting rule making on hold until 2029, Bob was hopeful that when the Take Reduction Team starts meeting again it will be responding to a stanza of lower mortality rates, rather than the stanza that included the high levels of mortality observed at the end of the last decade.

Bob then reviewed NARW detections between February 1 and May 15 during the period of 2021 – 2023. He layered these detections over the state and federal time area closures to trap gear to demonstrate how critical these management measures are to preventing

entanglements. Bob then reviewed the results of the most recent (April 21) aerial survey that observed 53 NARW in northeast Cape Cod Bay. DMF will continue to use available surveillance tools to monitor the presence and absence of NARW in state waters and will lift the speed limit and fixed gear closures once it is detected that the whales have dispersed. Bob noted that the NARW population in Massachusetts waters usually peaks in late-April or early-May before the whales disperse and migrate out around the second week of May.

Deputy Director Glenn then discussed on-demand (“ropeless”) gear testing work being conducted by the Northeast Fisheries Science Center and their industry partners. This gear testing is occurring both in state and adjacent federal waters. However, DMF does not allow the work to occur in Cape Cod Bay. In total, in March 2024, there were 14 vessels that deployed 81 units and conducted 247 hauls. Four of these vessels are fishing in state waters north of Cape Cod and one of these vessels fishes the western edge of state waters at the mouth of Buzzards Bay down south towards Noman’s. DMF has been placing state observers on some of these state waters trips to collect information on gear efficiency to improve the throughput data used in our economic modeling.

A progress report was provided on DMF’s Incidental Take Permit application. Bob reminded the MFAC that this is an iterative process with NOAA Fisheries. Most recently, DMF received feedback from NOAA on its Habitat Conservation Plan in January 2024. Staff were currently working to update the document and hope to submit a final version this summer. Bob expects the review and NEPA analysis process to take 1-2 years depending on the type of environmental review needed—the more concise Environmental Assessment or the more significant Environmental Impact Statement.

To help commercial trap fishers comply with buoy line rules, DMF continues to conduct compliance assistance outreach. Most recently, staff attended the MLA’s Annual Weekend and Tradeshow and handed out coils of weak rope, green and red marking twine, breakaway inserts, South Shore sleeves, and heat shrink tubing. DMF has also ordered 113 coils of weak rope with the MA Lobster Tracer and will continue to distribute gear throughout the season.

DMF and MEP continued to conduct gear retrieval work at the start of the 2024 seasonal fixed gear closures. Compliance with the closure has improved over the last few years. In 2024, approximately 324 traps and 170 buoy lines were hauled. Around 80% of the gear was identified as commercial traps and 75% of the gear complied with the buoy line marking and breaking strength rules. MEP issued citations in certain instances and DMF is reviewing the gear to determine whether it is appropriate to pursue administrative actions on any permits.

A deceased NARW washed ashore on Martha’s Vineyard this winter. The animal was a juvenile female first observed entangled in the Gulf of Saint Lawrence in August 2022. Disentanglement efforts in Cape Cod Bay in 2023 were unsuccessful. The animal was observed again in the Gulf of Saint Lawrence in the summer of 2023 and its physical condition had deteriorated. In January 2024, the carcass washed ashore locally. The initial gear analysis determined the buoy lines were from the Maine state waters lobster and

crab trap fishery. A final determination of cause of death is pending, but it is anticipated it was entanglement related.

Lastly, Bob reviewed NOAA Fisheries' action to close the Massachusetts Restricted Area Wedge ("Wedge") this season and the federal courts ruling that the Consolidated Appropriations Act barred such an action until 2029. DMF supported NOAA's action to close the Wedge because it is an area with a high-risk profile that primarily serves as a seasonal gear storage area. Given the Wedge will remain open moving forward, DMF intends to work with MEP and NOAA Fisheries to conduct gear inspections to ensure the gear is properly marked and attributable to the federal waters fishery.

Bill Amaru asked Bob Glenn several questions. First, he asked about the success rate for on-demand gear retrieval. Bob did not have the exact figures available to him but recalled it has been around 90%. A report is produced annually to document this research and DMF will share this with the MFAC once it is available. Bill then asked what happens when the on-demand buoys do not pop. Bob indicated that the fishers then grapple for the gear. DMF had observers on several trips this year when gear was successfully grappled. Lastly, Bill asked if we were seeing trends overtime regarding the number of right whales seasonally using Massachusetts waters. Bob stated that an increasing percentage of known NARW are seasonally aggregating in Massachusetts waters, particularly Cape Cod Bay.

Commissioner O'Shea asked about how the state and industry can work together to mitigate the risk associated with gear storage in the Wedge. Bob stated there are two issues at play. First, there is a lack of shoreside infrastructure available to industry in the urban Boston region to store gear onshore. Second, the gear is hauled—albeit infrequently—and the price of lobsters is high during the winter so there is an economic impact as well. To address the first issue, Bob suggested consulting other state agencies who have land holdings in the Boston-area about making some space available to commercial fishers for gear storage. If we can solve this first problem, then it becomes a risk-reward trade off and Bob argued the risk far outweighed the reward.

Tom then asked if the gear in the Wedge presented a concern to any of the MFAC members. No MFAC members volunteered a response. Chairman Kane suggested the Commissioner reach out to MFAC members offline.

Boston Harbor Menhaden Meeting.

Director McKiernan discussed the persistent user group conflict between recreational fishers and menhaden seiners in Boston Harbor. DMF held a meeting recently in Salem with a number of representatives from both user groups to begin to ameliorate this conflict and build functional on-the-water relationships.

2023 Fisheries Performance Review.

Assistant Director Story Reed provided the MFAC with a brief presentation on 2023 commercial fishery landings. This looked at broad permit issuance trends; ex-vessel value by species; quota use; total landings and values; and a comparative look at landings and value by species for certain commercially important species.

OTHER BUSINESS

Chris McGuire provided some brief comments on DFG's recent biodiversity working group meetings and a wind energy development presentation by Dr. Justin Bopp from DMF.

Mike Pierdinock noted he will be attending the upcoming International Commission for the Conservation of Atlantic Tuna (ICCAT) meeting in Miami and encouraged MFAC members to reach out to him should they have any issues related to the management of pelagic fish.

Chairman Kane thanked Jared Silva for the timely distribution of meeting materials and the MFAC members for the attendance and engagement.

PUBLIC COMMENTS

Stephen Smith raised concerns regarding the implementation of Addendum XXVII. In response, he urged DMF and the MFAC to adopt an effort control plan to limit the ability for currently latent traps to become active and cited the latency in LCMA1. Second, he advocated for the v-notch and maximum size rules affecting the OCCLCMA to be stayed until an independent peer reviewed analysis can be conducted quantifying the benefits of these actions on egg production.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the April 23, 2024 MFAC business meeting. **Kalil Boghdan made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- April 23, 2024 MFAC Agenda
- March 19, 2024 Draft MFAC Minutes
- Recommendations to Implement Adjustments to Carapace Size, V-Notch, and Trap Tag Rules to Comply with Addendum XXVII
- Recommendation to Allow Use of New Fully Formed Weak Rope with Tracer
- Housekeeping Recommendations Affecting Trap Gear
- Memo Describing Boston Harbor Menhaden User Group Conflict and Efforts to De-Escalate
- April 2024 NEFMC Summary and Presentation
- Protected Species Presentation
- 2023 Fisheries Performance Review Presentation
- Petition from Mike Pollison on Lobster Fishery

UPCOMING MEETINGS

9AM May 21, 2024 TBD	9AM June 18, 2024 TBD
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The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

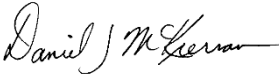
REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission

FROM: Daniel J. McKiernan, Director 

DATE: May 16, 2024

SUBJECT: Final Rulemaking Recommendation for 2024 Recreational Summer Flounder, Scup, and Black Sea Bass Measures

Recommendation

I recommend that the Marine Fisheries Advisory Commission approve final 2024 recreational measures for summer flounder, scup, and black sea bass consistent with the emergency regulations enacted on May 1, as described in the table below.

	Mode	Open Season	Bag Limit	Minimum Size
Summer Flounder	Private Vessel & For-hire Vessel	May 21 – September 29 May 24 – Sept 23	5 fish	16.5" 17.5"
	Shore			16.5"
Scup	Shore	May 1 – Dec 31	30 fish	9.5"
	Private Vessel			10.5" 11"
	For-hire Vessel	May 1 – June 30	40 fish	10.5" 11"
		July 1 – Dec 31	30 fish	
Black Sea Bass	All Modes	May 20 – September 7 May 18 – September 3	4 fish	16.5"

Background

The necessity and rationale for these measures was explained in detail in my March 14, 2024 memo to the MFAC.¹ In short, the interstate management plan requires that Massachusetts take a state-specific 28% reduction in projected summer flounder harvest, a regional (MA–NY) 10% reduction in projected scup harvest, and maintain status quo black sea bass measures, except for an allowance for small seasonal shifts not expected to increase harvest. The regulatory changes occurring coastwide are needed to align projected 2024 recreational harvest with each species' harvest target, taking into consideration a confidence interval around the harvest estimate as well as the stock's biomass status. DMF developed a range of options that went through a scoping period in late winter, prior to DMF's

¹ Available in the MFAC's March 19, 2024 meeting materials: <https://www.mass.gov/doc/march-19-2024-mfac-materials>

selection of preferred measures which represented the majority public opinion and were endorsed by the MFAC for emergency rulemaking at the March 19, 2024 business meeting. The measures for summer flounder and scup are intended to remain in place for two years, whereas the black sea bass measures are subject to change in 2025.

Public Comment

On April 26, DMF announced a public comment period through May 20, including a virtual public hearing on May 20. As of today, the only written comment received was from a predominantly for-hire vessel angler who supported the opportunity for fall black sea bass fishing at the expense of a lower summertime bag limit, with a focus on enhancing for-hire businesses' economic viability. Any additional written comment received during the comment period or received at the hearing will be orally summarized for the MFAC at your May 21 meeting. However, because the selection of the emergency regulations was informed by public scoping and subsequently well-received, I anticipate minimal if any additional comment. At this time, we cannot deviate from the emergency regulations given our interstate plan requirements; stakeholder input is informative for future years' rulemaking nonetheless.

Attached

Written public comment (as of May 16)

From: [william tomasian](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Black Sea Bass Bonus Season Would Be Great for the Cape
Date: Saturday, May 4, 2024 7:28:18 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.

Hi, my name is Will Tomasian and I do a lot of saltwater fishing on Party and occasionally charter vessels. When I'm in Belmont, I drive north to the boats in Gloucester, Newburyport and New Hampshire. When I'm on Cape Cod, I fish out of Yarmouth and Hyannis. I used to live in Eastern Connecticut and would travel to Galilee in Rhode Island. While they limit fisherman to just two black sea bass in the middle of the summer, they offer a bonus season from september 1 - december 31 where anglers can take six bsb. I was wondering if you might consider that in future years. Because I've noticed that nobody really fishes in the mid cape after labor day. If you had a six sea bass limit plus someone trying to catch a few tautog you would probably be able to draw in some fisherman for a 4-6 hour trip in September and October. If you ever wanted to contact me about my party boat fishing, you could reach me at 339-223-7313. I'm concerned about what's happened on Cape Cod. These fishing boats were a positive influence on me and got me into this great sport. I want younger kids on the Cape to share with some of those experiences. But it seems like many boats are going out of business or are restricting the amount of trips they take. Will Tomasian.



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MAURA T. HEALEY
Governor

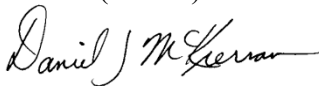
KIMBERLEY DRISCOLL
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Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: May 16, 2024
SUBJECT: Recommendation on Recreational Cod and Haddock Regulations

Recommendation

I recommend the MFAC approve me to file recreational measures for Gulf of Maine (GOM) cod and haddock consistent with the final federal rules for the 2024 Fishing Year¹ (FY24), upon their publication.

Background and Rationale

At their February 2024 meeting, the New England Fishery Management Council (NEFMC) approved recommendations to NOAA Fisheries regarding FY24 recreational GOM cod and haddock limits (Table 1). Annual adjustments are made with input from a bioeconomic model designed to achieve but not exceed the recreational fishery's annual catch limits.

For GOM cod, the NEFMC recommended a one-inch increase to the minimum size limit creating a consistent size standard with the Georges Bank cod stock.²

For GOM haddock, the NEFMC recommended eliminating the split mode approach adopted last year in favor of creating uniform standards across the for-hire and private angler modes. The previous year's for-hire mode limits will be applied across the recreational fishery.

Table 1. NEFMC Recommendation for FY24 Gulf of Maine Cod and Haddock Rules

Stock	Mode	Open Season	Bag Limit	Size Limit
GOM Cod	All Anglers	September 1 – October 31	1-fish	22" 23"
GOM Haddock	All Anglers For-Hire	May 1 – February 28 April 1 – April 30	15-fish	18"
	Private-Anglers	May 1 – February 28 April 1 – April 30	10-fish	17"

NOAA Fisheries is currently reviewing the NEFMC recommendation. While NOAA Fisheries has some discretion over whether or not to adopt Council recommendations, DMF anticipates they will imminently commence their rule making process and are likely to embrace the NEFMC's recommendation. Once a draft federal rule is published, a final rule will be expected in approximately 30 days.

¹ The federal fishing year occurs from May 1 – April 30.

² GB Cod rules will remain status quo with a 5 fish bag limit, 23" minimum size, and open season of May 1-31 and September 1 - April 30.

Should NOAA proceed with a final rule that is different than the NEFMC recommendation, DMF would still move to adopt complementary measures. This is because the fishery is predominantly conducted in federal waters and having consistent rules across jurisdiction aids enforcement and compliance and avoids potentially confounding MRIP data analyses. Accordingly, I am providing you the open-ended recommendation above to simply approve DMF to file final regulations to complement federal rules³. This is consistent with the approach described in the public hearing notice and traditionally applied by DMF.

Public Comment

On April 26, DMF announced a public comment period through May 20, including a virtual public meeting on May 20. As of today, no public comment has been received. Limited public comment was expected given DMF is seeking to adopt rules to complement federal rules and DMF generally does not deviate from this management approach.

³ To ensure complementary state rules are enacted as expediently as possible, I will use my authority to file emergency regulations upon NOAA's publication of their final rules. Then I will file final rules at a subsequent filing deadline, so the rules remain in effect for the remainder of FY24 and do not expire after the 90-day emergency period.



The Commonwealth of Massachusetts

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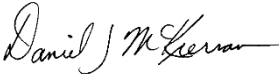
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Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel J. McKiernan, Director 
DATE: May 16, 2024
SUBJECT: Oceanic Whitetip Shark Prohibition for Future Rulemaking

Overview

I plan to take to public hearing a proposal to move oceanic whitetip shark (*Carcharhinus longimanus*) to the Prohibited shark species group, thereby banning all harvest of oceanic whitetip caught in state waters, for compliance with the Interstate Fishery Management Plan.

Background

On May 2, the Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission approved a zero retention limit in state waters for oceanic whitetip shark for both commercial and recreational fisheries.¹ This action was taken to complement NOAA Fisheries' final rule (effective February 2) prohibiting the retention and possession of this species by federal permit holders and from federal waters by moving it to the Prohibited species group.²

By using the specification process to set the state possession limit at zero, the Management Board was able to align the rules for state-only permit holders immediately and with minimal administrative burden.³ However, the Board also pledged that it would revise the Interstate FMP to move oceanic whitetip to the Prohibited species group during the next amendment or addendum to more fully complement the federal rule.

NOAA Fisheries' rule responds to the 2018 determination that oceanic whitetip sharks warrant listing as a threatened species under the Endangered Species Act throughout its range, and a 2020 Biological Opinion that encouraged the inclusion of the species on the Highly Migratory Species (HMS) list of prohibited sharks for recreational and commercial HMS fisheries.

To comply with the interstate plan (both the current and anticipated actions), DMF will propose to move oceanic whitetip to the Prohibited shark group at 322 CMR 6.37. Per current rules, an exemption would be granted for the possession and landing of oceanic whitetip caught legally in federal waters (should it be allowed in the future). Oceanic whitetip are primarily an offshore species with few if any caught in state waters.

¹ ASMFC News Release: <https://asmfc.org/uploads/file/6633baebpr15OceanicWhitetipAction.pdf>

² NOAA Fisheries' Final Rule: <https://www.govinfo.gov/content/pkg/FR-2024-01-03/pdf/2023-28900.pdf>

³ While the Board's action was effective immediately, it comes with the understanding that states have different regulatory timelines. States are expected to move ahead as quickly as reasonably possible.



Atlantic States Marine Fisheries Commission

ASMFC 2024 Spring Meeting

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

ASMFC Spring Meeting
April 29 – May 2, 2024

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

Meeting Summaries, Press Releases and Motions

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ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (APRIL 29, 2024)

Meeting Summary

The Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council met to review and approve the FY2025 RFP (Request for Proposals) and review project and program updates.

The Council voted to approve the FY2025 RFP as presented by the Operations Committee and Advisory Panel. The Council was presented an update of ACCSP program activities, including software development timelines and projects, major cross-team projects, recreational initiatives, new ACCSP Data Warehouse reports, updates to the recreational sections of the ACCSP website, and the status of ACCSP regional partner coordination.

The Council reviewed the SciFish project that launched April 1, 2024, as the result of a 3-year multi-partner project effort that was funded through the ACCSP RFP. SciFish projects will focus on data collection for marine and/or diadromous fisheries along the Atlantic coast that fill data gaps or data deficiencies, address identified research needs, and clearly articulate how collected data will be used in management and/or stock assessments. The Council received an update on the Atlantic Recreational Discards Pilot Project that has been designed by a subgroup of the Recreational Technical Committee to address counts and lengths of released catch. Eight states plan to participate in the pilot if funding is approved.

ACCSP announced that the public release of 2023 data is scheduled for May 7th. The data will be available in the Data Warehouse and shared with NOAA as the consolidated landings. Highlights include a new American Eel dataset contact/provider for Florida freshwater data, reflection of conversion factor changes in SAFIS in the historical dealer data in the Data Warehouse, and an update from Maine for 2022.

For more information, please contact Geoff White, ACCSP Director, at Geoff.White@accsp.org.

Motions

Move to approve the 2025 ACCSP RFP and funding documents as presented to the Coordinating Council.

Motion made by Mr. Carmichael and seconded by Mr. Gary, Motion passes by unanimous consent.

AMERICAN LOBSTER MANAGEMENT BOARD (APRIL 30, 2024)

Meeting Summary

The American Lobster Management Board met to receive a report from the Lobster Technical Committee (TC) on the lobster resource and fishery on the Northern Edge of Georges Bank, an update from the Plan Development Team (PDT) on its evaluation of the measures of Addendum XXI and XXII and changes in the Southern New England (SNE) fishery, and a progress update on the 2025 benchmark stock assessment.

The TC provided a report to the Board summarizing available information on the lobster population and fishery on the Northern Edge of Georges Bank. The Board tasked the TC with compiling information presence and abundance of lobsters, including ovigerous females, on a seasonal basis, as well as seasonal fishery effort in the area because the New England Fishery Management Council (NEFMC) is considering scallop fishery access on the Northern Edge. The report finds that lobsters are present on top of George's Bank year-round but numbers are much higher in the late summer into fall, especially for large females. Fishery-dependent data show consistently female-skewed sex ratios and catch that is comprised of large lobsters, mostly over 100 mm carapace length. Moderate levels of fishing activity occur from July through November in the area, overlapping with the proposed scallop access options.

The lobster PDT met in April to address the Board task to review the conservation measures originally set in Addenda XXI and XXII and make recommendations for alternate measures to achieve those reductions. Addenda XXI and XXII, approved in 2013, included aggregate ownership caps in Lobster Conservation Management Areas (LCMAs) 2 and 3 and maximum trap cap reductions in LCMA 3 intended to scale the southern new England fishery to the diminished size of the stock. NOAA fisheries has not implemented the measures from these addenda, but recently published an interim rule to do so on January 1, 2025. The Board and lobster industry have expressed concern that the fishery has changed significantly and therefore implementing the measures in the current context could have unintended impacts. The PDT report showed that there have been reductions since 2023 in allocations and maximum traps fished in LCMAs 2 and 3. The Board agreed the PDT should consider input from both Lobster Conservation Management Teams (LCMTs) for LCMAs 2 and 3 before providing recommendations to the Board for possible alternative management measures.

The Board also heard comments from the public regarding concerns about the implementation of the minimum gauge size increase under Addendum XXVII, which is scheduled to occur January 1, 2025. Industry is concerned that the increase will negatively impact catch and value in the lobster fishery, and put the US market at a disadvantage if Canada's minimum size does not change. The Board plans to send a letter to Canada Department of Fisheries and Oceans and relevant Canadian industry associations urging Canada to increase the minimum size for lobster in the Gulf of Maine on the same schedule established in Addendum XXVII. The public also expressed privacy concerns regarding the requirement of Addendum XXIX for 24/7 vessel monitoring of the federal lobster fleet. The Board tasked the vessel tracking workgroup with investigating possible modifications to allow the trackers to only collect data during lobster fishing trips.

A benchmark stock assessment for American lobster is ongoing and is expected for completion in 2025. The Stock Assessment Subcommittee will meet for the Assessment Methods Workshop in July. The Board also elected Renee Zobel as Vice Chair.

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

Motions

Move to elect Renee Zobel as Vice Chair.

Motion made by Mr. McKiernan and seconded by Mr. Reid. Motion passes by consent.

Move to task the Addendum XXIX vessel tracking implementation workgroup, with input from the LEC, to investigate modifications to the 24/7 vessel tracking requirement which still ensure monitoring of fishing activity while acknowledging that fishermen also use boats for personal/non-fishing reasons. This should include a review of existing processes for when VMS devices can be turned off.

Motion made by Mr. Train and seconded by Mr. Borden. Motion passes by consent.

Motion to draft a formal letter to Canada DFO and relevant Canadian industry associations as identified by the board chair and the executive director. This letter would request Canada increase the minimum size for lobster in the Gulf of Maine on the same schedule as ASMFC or as soon as possible as captured in Addendum XXVII.

Motion made by Mr. McKiernan and seconded by Mr. Borden. Motion passes by consent.

SCIAENIDS MANAGEMENT BOARD (APRIL 30, 2024)

Meeting Summary

The Sciaenids Management Board met to consider several items: the Spot Fishery Management Plan (FMP) Review and state compliance reports; an update on the ongoing benchmark stock assessments for red drum, spot, and Atlantic croaker; direction to the Spot and Atlantic Croaker Technical Committee on updating their respective traffic light analyses; and election of a Vice-Chair.

The Board reviewed and approved the Spot FMP Review and state compliance reports for the 2022 fishing year, as well as *de minimis* status for New Jersey, Delaware, and Georgia. Delaware has exceeded the 1% *de minimis* threshold for three years in a row, ranging between 1.05% and 1.20%. Under Addendum III, any state that exceeds the 1% threshold would be required to implement recreational and commercial regulations. Delaware requested and was granted *de minimis* status by the Board for the 2025 fishing year because landings minimally exceeded the threshold. Delaware will continue to monitor its fishery relative to the FMP's *de minimis* standards.

The Board received an update on the ongoing red drum, spot, and Atlantic croaker benchmark stock assessments. The red drum benchmark stock assessment is scheduled for peer review the week of August 12, 2024, and will be presented to the Board at the 2024 Annual Meeting. After the Board agreed to decouple the spot and Atlantic croaker benchmark stock assessments at its October 2023 meeting, the Spot and Atlantic Croaker Stock Assessment Subcommittee has been conducting modeler calls to develop the Atlantic croaker stock synthesis model. The second assessment workshop and subsequent meetings, including the Peer Review Workshop, will be scheduled once sufficient progress has been made in model development. The spot assessment will be completed approximately one year following the completion of the Atlantic croaker assessment.

Additionally, the Board discussed the potential for updating the spot and Atlantic croaker traffic light analyses this year, after forgoing an update last year. The Board directed the Spot and Atlantic Croaker Technical Committee to conduct abbreviated traffic light analyses for both species this year, focusing only on updating the harvest and abundance composite metrics used to make management decisions.

Finally, the Board approved Shanna Madsen of Virginia as the new Vice-Chair. For more information, please contact Tracey Bauer, FMP Coordinator, at tbauer@asmfc.org.

Motions

Move to approve the Spot FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Jersey and Georgia.

Motion made by Mr. Woodward and seconded by Mr. Cimino. Motion carries without opposition.

Move to approve *de minimis* status for Delaware.

Motion made by Mr. Woodward and seconded by Mr. Clark. Motion carries (8 in favor, 1 opposed).

Move to nominate Shanna Madsen as Vice-Chair of the Sciaenids Management Board.

Motion made by Mr. Clark and seconded by Mr. Batsavage. Motion passes by consent.

ATLANTIC MENHADEN MANAGEMENT BOARD (APRIL 30, 2024)

Meeting Summary

The Atlantic Menhaden Management Board met to review a report on an acoustic survey of overwintering Atlantic menhaden offshore of New Jersey; receive updates from Maryland and Virginia on work relating to the study and management of menhaden in Chesapeake Bay; and receive progress reports on the ecological reference point (ERP) benchmark stock assessment and single-species stock assessment update.

The Board reviewed the results of an acoustic survey ([Nesslage et al., 2024](#)) that aimed to generate estimates of biomass and characterize size, age, and sex, and maturity of the portion of the Atlantic menhaden stock that overwinters off the coast of New Jersey. In addition to confirming that a portion of the adult stock resides overwinter along the shelf in the Mid-Atlantic region, the study demonstrated alternative acoustic survey designs can effectively account for the patchy distribution of large schools across the landscape and may prove useful in future monitoring.

The Board received updates from Maryland and Virginia on recent developments in the study and management of Atlantic menhaden in Chesapeake Bay. Maryland representative Lynn Fegley updated the Board on an upcoming communications tool that synthesizes Maryland data to describe the status of predator-prey balance in the Bay. The communication tool is expected to be released in fall 2024. Virginia representative Pat Geer updated the Board on the proposed and enacted legislative and regulatory changes since 2022; more information can be found [here](#).

The Board received progress reports on the ERP benchmark stock assessment and the single-species stock assessment update. The ERP Workgroup met in October 2023 to conduct a Data and Methods Workshop to review new data sources; discuss high priority updates to the ecosystem models, including identifying potential new predators to add to the model; and discuss ongoing ecosystem indicator work in Maryland and Virginia. The Board also reviewed the needs and timeframes for potential spatial components to the ERP models. The ERP benchmark stock assessment and single-species stock assessment update are both scheduled to be presented to the Board at the 2025 Annual Meeting.

Under other business, the Board requested staff to coordinate a presentation by US Geological Survey staff for the Summer Meeting regarding osprey abundance, spatial and temporal distribution, dietary demands, and timing of fledge in the Chesapeake Bay region.

Additionally, the Board elected John Clark as Vice-Chair. For more information, please contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Move to nominate John Clark as Vice-Chair of the Atlantic Menhaden Board.

Motion made by Jeff Kaelin and seconded by Mr. Train. Motion approved by consent.

LAW ENFORCEMENT COMMITTEE (APRIL 30 & MAY 1, 2024)

Meeting Summary

The Law Enforcement Committee (LEC) conducted a hybrid meeting during the 2024 Spring meeting of the Atlantic States Marine Fisheries Commission (ASMFC) in Arlington, VA. The committee welcomed Captain Brian Scott of the NJ Fish and Wildlife as the new LEC representative from New Jersey. Captain Scott Pearce of the Florida Fish and Wildlife Conservation Commission transitioned into the role of the Chair of the LEC and Lt. Delayne Brown from the NH Fish and Game Department was elected to the position of Vice -Chair.

Species Discussion

Atlantic Striped Bass –Staff updated the LEC on the implementation of Addendum II of Amendment 7 of the Atlantic Striped Bass plan. Specific discussion was of the adopted compliance measures found in Section 3.0 of the plan. With special attention given to the public comments on the fillet requirement. The LEC appreciated the opportunity to participate in this addendum development.

Atlantic Cobia – Staff updated the LEC on the Cobia draft Addendum II of Amendment 1 in consideration of Recreational Allocation, Harvest Target Evaluation, and Measures Setting. The LEC will monitor this addendum development and provide comments when appropriate.

Spiny Dogfish – Staff provided an update of actions taken by the MAFMC and NEFMC to reduce sturgeon bycatch in the Federal Large Mesh Gillnet fisheries. The LEC discussed the compliance measures considered by the councils and will support and advise the ASMFC in their deliberations on this issue.

American Lobster – The LEC discussed the status of Addendum XXX of Amendment 3 of the Lobster FMP with staff. Specifically, discussion centered around the “Mitchell Provision” and how this addendum will interface with Addendum XXVII. The LEC will continue to follow the development of Addendum XXX and offer comments as appropriate.

Business Discussion

The LEC members approved the final draft document of the *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures (July 2024)*. Over the past year a sub-committee of six LEC members reviewed this document and made recommendations to the LEC for consideration. With the always evolving strategies to address the development of fishery management plans, the LEC wished to keep this document relevant for the fishery managers of today. The document was updated with the following:

- A new section identifying regulatory language for “Enforcement Tools.”
- The addition of a new management measure addressing the tagging, labeling, or marking of marine species.
- An updated survey by committee members on enforceability ratings of defined management measures.
- Clarifying language updates to Section 5, Enforcement Strategies and Recommendations.

This document was presented to the ISFMP Policy Board for approval in the Spring of 2024.

North American Wildlife Law Enforcement Accreditation (NAWLEA) - Colonel John Cobb and Captain Rob Ham III of the Virginia Department of Wildlife Resources provided a presentation on the new wildlife law enforcement accreditation process being implemented through the Southeast Association of Fish and Wildlife Agencies (SEAFWA). Created in 2022 NAWLEA offers a comprehensive accreditation program for wildlife law enforcement agencies. Their team is composed of experts in the field who are dedicated to ensuring the highest standards of professionalism among member agencies. Assessors work with agencies to ensure that they meet rigorous standards for professionalism and effectiveness in protecting our natural resources. They are a credentialing entity that is recognized by the United States, Department of Justice for law enforcement accreditation.

Elver Fishery Enforcement – Representatives from the Maine Marine Patrol and the USFW Service, Office of Law Enforcement presented on the current state of the Elver fishery. Information was shared about the Canadian elver fishery closure and its impacts on our domestic fishery. Success stories were discussed as a deterrent to the illegal trade of this high values resource.

Interstate Wildlife Violators Compact (IWVC) - The committee continued discussions on how best to implement and use the Interstate Wildlife Violators Compact. Specifically, State agencies shared best practices among each state on how to model their respective state programs.

A closed session of our meeting was afforded to openly discuss new and emerging law enforcement issues. Respective agencies were provided with time to highlight their agencies and offer current enforcement efforts. For more information, please contact Kurt Blanchard, LEC Coordinator, kurt.blanchard@verizon.net.

Motions

Motion to approve the revised edition of the *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures* for approval by the ISFMP Board.

Motion made by Scott Pearce (FL) and seconded by Keith Williams (CT). Motion approved by consensus.

Motion to elect Lt. Delayne Brown of New Hampshire Fish and Game Department as Vice-Chair of the Law Enforcement Committee.

Motion made by Keith Williams (CT) and seconded by Rob Beal (ME). Motion approved by consensus.

HORSESHOE CRAB MANAGEMENT BOARD (APRIL 30, 2024)

Press Release

ASMFC Horseshoe Crab Board Approves Coastwide Stock Assessment for Management Use and Responds to Delaware Bay Management External Criticism

Arlington, VA – The Commission’s Horseshoe Crab Management Board reviewed the 2024 Horseshoe Crab Stock Assessment Update, which indicates improvements in stock status from the 2019 assessment. The Board also received a response by the Adaptive Resource Management (ARM) Subcommittee to an external review of the ARM Framework.

The 2024 Horseshoe Crab Stock Assessment Update evaluated the stock status of the resource by region, finding the coastwide population to be in a good condition. Regionally, the Delaware Bay and Southeast regions were also in good condition, the Northeast was considered neutral, and the New York region remains in poor condition. While the Southeast region stock status remains good, there are some indices that are trending down in recent years and trends in the Southeast should be monitored in addition to those in the New York region, which has not improved substantially since the last assessment.

The Board also received a report from the ARM Subcommittee responding to the critique of the revised ARM Framework produced by Earthjustice. After conducting a thorough review and technical evaluation of the specific issues raised in the critique, the ARM Subcommittee maintains the red knot and horseshoe crab population models used in the ARM Framework represent the best use of the available data. Further, the trawl surveys and egg density data all indicate an increase in horseshoe crab populations in the region, a result consistent with the stock assessment update. The Subcommittee concluded that the Earthjustice critique was largely unfounded and failed to offer any alternative management approaches. As science and modeling approaches evolve, the Subcommittee will continue to revise and improve the ARM Framework for managing the Delaware Bay horseshoe crab fishery.

A more detailed description of the stock assessment results, the 2024 Horseshoe Crab Stock Assessment Update Report, and the ARM Subcommittee's response to the critique by Earthjustice will be available on the Commission website, www.asmfc.org, on the Horseshoe Crab webpage next week. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR24-12

Meeting Summary

In addition to accepting the 2024 stock assessment update, and considering the technical response to critiques of the ARM Framework, the Horseshoe Crab Management Board also received a summary of the current demand for horseshoe crabs as bait in the American eel and whelk fisheries. With some states limiting the harvest of horseshoe crabs, the Board requested this information to understand potential impacts of bait harvest restrictions in these fisheries. States indicated that effort trends in the eel and whelk fisheries along the coast have varied, and information is not collected on trends in bait usage.

The Board also received an update on planning for the Delaware Bay stakeholder workshop. The workshop will convene a group of key stakeholders to identify potential management goals the horseshoe crab fishery in the Delaware Bay region to inform future management decisions. The workshop will be held in July near the coast of the Delaware Bay, and a report including recommendations developed during the workshop will be provided to the Board in October.

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

Motions

Move to accept the 2024 Horseshoe Crab Assessment Update for management use.

Motion made by Ms. Madsen and seconded by Mr. McManus. Motion passes by unanimous consent.

CAPTAIN DAVID H. HART AWARD AND ANNUAL AWARDS OF EXCELLENCE RECEPTION (APRIL 30, 2024)

Press Releases

Dr. Michael Armstrong Named 2024 Captain David H. Hart Award Recipient

Arlington, VA – At its 2024 Spring Meeting in Arlington, Virginia, the Atlantic States Marine Fisheries Commission presented Dr. Michael P. Armstrong, Deputy Director of the Massachusetts Division of Marine Fisheries (MA DMF), the Captain David H. Hart Award for 2024 for his many notable scientific and management contributions to the betterment of the fisheries of the Atlantic coast. The Commission instituted the Hart Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The Hart Award is named for one of the Commission's longest

serving members, who dedicated himself to the advancement and protection of marine fishery resources, Captain David H. Hart, from the State of New Jersey.

As Deputy Director at MA DMF, Mike is responsible for overseeing the Division's programs in fish biology, recreational and diadromous fisheries, and stock assessment and surveys, as well as supervising the Cat Cove Marine Laboratory. Over three decades at the Division, he has contributed to numerous Commission technical and stock assessment committees and later began serving on many management boards, including more than a few times as chair.



From Left: ASMFC Chair Joe Cimino, Executive Director Bob Beal, AAE Recipient Mike Armstrong and ASMFC Vice Chair Dan McKiernan

Mike is well-known for his commitment to scientifically justified management decisions, both at home in Massachusetts and around the Commission table. He draws upon his background in fish biology, marine ecology, data analysis, and stock assessments as a foundation for sound management. He's willing to make the hard, sometimes unpopular decisions to safeguard the health of the resource. Examples for northern shrimp, striped bass, and river herring come to mind. To support this philosophy of science-based decision making, he recently reorganized the Division's fisheries managers and stock assessment scientists to be under the same roof to ensure a constant flow of information.

Mike's passion for applied research to address fisheries management questions is evident in a long list of publications in fisheries science and his endless initiatives to tackle knowledge gaps. In recent years, he has set into motion plans to investigate cod stock structure and site fidelity, understand and assess striped bass release mortality, examine black sea bass spawning behavior, and research winter flounder maturity and habitat use, among others. Mike was personally responsible for the creation of the Division's Age & Growth Lab that provides state staff as well as state and federal partners fish ageing data that are critical to stock assessments. This lab has been a major contributor to standardizing and advancing ageing techniques to improve regional stock assessments.

By way of his leadership and encouraging other state staff to engage in research and publish, Mike has grown the Division's contribution to the scientific literature dramatically. He has helped attract and develop some of the best talent in fisheries science at the Division and created partnerships with numerous institutions to increase the Division's productivity and reach. He serves as mentor to fellow

researchers, committee members, and Commission staff, and continues to lecture to university classes to produce the next wave of fact-driven fisheries scientists and managers.

His mark on the management of recreational fisheries in Massachusetts is of particular note. He has elevated the Division's focus on recreational fisheries to equal that of commercial fisheries. Mike has focused attention on improving the quality of recreational data collection and catch estimation, and shaped the Division's use of recreational permit fees to address critical recreational fisheries needs and give back to anglers with public access improvements.

Mike has grown to be a leading voice around the management table in supporting scientific advice for sound, defensible decision-making. He's able to build consensus on actions with this as his beacon. In accepting the award, Mike humbly stated, "I just show up every day and do what I think is right."

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PR24-11

ASMFC Presents 2024 Annual Awards of Excellence

Arlington, VA – Last evening, the Atlantic States Marine Fisheries Commission presented its Annual Awards of Excellence to a number of individuals for their outstanding contributions to management, scientific, and law enforcement efforts along the Atlantic coast. Specifically, the 2024 award recipients are Phil Edwards for management and policy contributions; Nicole Lengyel Costa and Laura Lee for technical and scientific contributions; and Deputy Chief Jason Snellbaker for law enforcement contributions.



From left: ASMFC Executive Director Bob Beal, AAE Recipients Deputy Chief Jason Snellbaker, Laura Lee, Nicole Lengyel Costa and Phil Edwards, and ASMFC Chair Joe Cimino

"Every year a great many people contribute to the success of fisheries management along the Atlantic coast. The Commission's Annual Awards of Excellence recognize outstanding efforts by professionals who have made a difference in the way we manage and conserve our fisheries," said Awards Committee Chair Spud Woodward of Georgia. "I am humbled by the breadth and extent of accomplishments of the recipients and am grateful for their dedication to Atlantic coast fisheries."

Management and Policy Contributions

Phil Edwards of the Rhode Island Department of Environmental Management

Phil has been an active and integral member on several Commission species management boards over the years, including serving as Chair of the American Eel, and Shad and River Herring Boards. Management of

these diadromous resources is challenging due to data limitations and the various threats they face throughout their extensive range between freshwater and ocean ecosystems. Under his leadership, Phil has been able to deftly guide management of these species. As board chair and member on other boards, Phil has brought a wealth of knowledge and policy acumen to all his Commission endeavors, and the Commission at-large has benefitted from Phil's work ethic, leadership, and expertise.

Phil's strong policy and fisheries management skills are backed by over 20 years of participation on various technical committees and assessment work for Commission species. His extensive knowledge and years of work on fish passage has improved conservation of diadromous fish in Rhode Island, and by extension along the East Coast, and serves as an example of his dedication to these efforts.

Scientific and Technical Contributions

Nicole Lengyel Costa of the Rhode Island Department of Environmental Management

For many years, Nicole has been an engaged and important member of several Commission technical committees, fish ageing projects, and plan development teams, and has served as Chair of the Atlantic Striped Bass Technical Committee for the past few years.

Aside from her technical contributions, Nicole has helped the Commission develop several particularly tricky management actions for striped bass, including recent actions to stop overfishing and aid in stock rebuilding. These actions were structurally complex and Nicole, working closely with her colleagues at the Commission, put together well-crafted documents in order for the public to understand and comment on these complicated proposed measures.

In addition to her efforts with striped bass, Nicole is a long serving member of the ACCSP Operations Committee and has been involved with age and growth work used in stock assessments across Commission species. Nicole brings to all her endeavors a strong scientific skill set and a keen understanding of fisheries management policy. Her efforts not only benefit Rhode Island but fisheries science and management activities along the entire East Coast.

Laura Lee of the US Fish and Wildlife Service and formerly with the North Carolina Division of Marine Fisheries (NC DMF)

Laura has been involved in Commission stock assessments for nearly 25 years, including some of the first stock assessments for species such as Atlantic croaker, American eel, and spot. She has advanced fisheries science through the development of innovative approaches to common issues faced by stock assessments and the contribution of years of expertise and mentorship to numerous stock assessment subcommittees and scientists along the Atlantic coast. There is hardly a coastal Atlantic species Laura has not worked on, having been involved with or serving as chair on technical committees or stock assessment subcommittees for a multitude of species. During her time as a stock assessment scientist

with NC DMF, she developed numerous codes for routine analyses used by the majority of Commission stock assessments today. With her new position as an ecologist at the US Fish and Wildlife Service, Laura will continue her productive fisheries career.

Aside from these professional accomplishments, Laura is an invaluable resource on Atlantic coast fish species and stock assessment methods. She is generous with her time and has mentored several fisheries scientists through complex analyses and approaches. Laura provided advanced statistical analysis and guidance to DMF staff for virtually every FMP adopted during her tenure. Some of these scientists have

gone on serve on Commission technical committees and to further their careers at other state agencies, NOAA Fisheries, and in academia. Despite her formal transition off Commission and Division committees due to her new role, she has continued to show her dedication to Atlantic species by regularly participating in committee meetings and providing valuable feedback to keep science projects moving forward.

Law Enforcement Contributions

Deputy Chief Jason Snellbaker of the New Jersey Department of Environmental Protection's Bureau of Law Enforcement

Since becoming a member of the Commission's Law Enforcement Committee (LEC) in 2014, Jason has promoted the role of law enforcement in fisheries management. He has represented the Committee on a number of species management boards, including tautog; summer flounder, scup, and black sea bass; Atlantic sturgeon; and bluefish. He has been the voice of the LEC on critical topics such as commercial tautog tagging and the summer flounder research set aside program.

During Jason's time with the LEC, he was selected by his peers to serve in a leadership role as Vice-chair and Chair. He accepted these roles during the pandemic, a particularly challenging time for the LEC as members were drawn to other responsibilities in their home states. Jason kept the flow of communication open and provided steady leadership by staying on as Chair for an extended period. At the state level, Jason's exceptional leadership has been recognized by both NOAA's Office of Law Enforcement for his efforts in support of the Cooperative Enforcement Program, and by the Commission for his work as part of a team of officers working in the New Jersey Fish and Wildlife marine region. He has also promoted marine fisheries law enforcement in forums such as the National Association of Conservation Law Enforcement Chiefs where he took on an advisory role and participated in an exchange program with an agency in Belize.

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PR24-10

EXECUTIVE COMMITTEE (MAY 1, 2024)

Meeting Summary

The Executive Committee (Committee) met to discuss several issues, including the proposed FY25 Budget; a Legislative Committee update and the Executive Director's Performance review. The following action items resulted from the Committee's discussions:

- ASMFC Vice-Chair Dan McKiernan presented the proposed FY25 Commission budget which was reviewed by the Administrative Oversight Committee (AOC).
- Staff reported on the recent activities of Congress, upcoming budget hearings, the appropriations process, and proposed cuts to essential programs within the President's FY25 budget for NOAA. Within the appropriations update, staff discussed three new requests from the Commission to Congress for funding for FY25; 1) An industry-based trawl survey pilot program (\$3 million); 2) funding to complete all research outlined in the Virginia Institute of Marine Science Menhaden Report (\$2.7 million); and 3) one-time Congressionally-directed spending to retrofit the R/V Lady Lisa (\$1 million).
- Staff provided an update on upcoming Annual Meetings, with the 2024 meeting to be held in Annapolis, Maryland. The 2025 meeting will be held in Delaware and the 2026 meeting will be held in South Carolina
- The Executive Committee convened a closed session to discuss the Executive Director's Performance Review.

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

Motions

On behalf of the Administrative Oversight Committee, move to approve the FY25 budget.

Motion made by Mr. McKiernan. Motion approved by consent.

COASTAL PELAGICS MANAGEMENT BOARD (MAY 1, 2024)

Press Release

Coastal Pelagics Board Approves Atlantic Cobia Draft Addendum II for Public Comment to Consider Recreational Allocation and Management Process

Arlington, VA – The Commission's Coastal Pelagics Management Board approved for public comment Draft Addendum II to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Cobia. The Draft Addendum considers recreational allocation, harvest target evaluation, and the timeline for setting management specifications.

The Board initiated the Draft Addendum to consider updating recreational allocations using harvest data, which reflects increased cobia landings in some Mid-Atlantic states in recent years. Draft Addendum II presents options for Atlantic cobia management, including a framework for recreational allocation, ways

to account for data uncertainty and respond to quota overages, and an extended multi-year specification setting. For the recreational allocation framework, Draft Addendum II considers options for the data timeframe to form the basis for allocations, and options for the geographic scope of allocations (state-by-state, regional, or coastwide).

Public hearings on Draft Addendum II will be conducted in the coming months; the details of which will be released in a subsequent press release. The Draft Addendum will be available on the Commission's website under Public Input at <https://asmfc.org/about-us/public-input> in late May.

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

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PR24-14

Meeting Summary

In addition to approving Atlantic Cobia Draft Addendum II for public comment, the Coastal Pelagics Board received two updates regarding Spanish mackerel.

First, the Board received a presentation on the white paper prepared by the Spanish Mackerel Technical Committee (TC) summarizing state Spanish mackerel fisheries. The TC developed the paper in response to the Board's task to better understand current state Spanish mackerel fisheries to inform potential future Board action on Spanish mackerel.

Finally, the Board received an update from the South Atlantic Fishery Management Council (SAFMC) on the ongoing Spanish and king mackerel [port meetings](#) along the coast to gather input from mackerel stakeholders on the fishery. The next set of port meetings are webinar meetings for New England states schedule for mid-May.

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

Motions

Move to postpone Draft Addendum II to Amendment I until such time the final MRIP FES Report has been presented to the Commission.

Motion made by Mr. Haymans and seconded by Mr. Clark. Motion fails (2 in favor, 8 opposed, 3 abstentions).

Move to remove the timeframes for the weighted 10-year/3-year averages from Draft Addendum II Section 3.1 (Option B3, C3, C6, C9, and C12).

Motion made by Ms. Madsen and seconded by Ms. Fegley. Motion approved without opposition.

Move to remove any of the options considering 3 regions from section 3.1 C4, C5, C10, C11.

Motion made by Ms. Madsen and seconded by Mr. Hornstein. Motion approved without opposition.

Move to approve Atlantic Cobia Draft Addendum II for public comment as modified today.

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion carries with one objection.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 1, 2024)

Meeting Summary

The Atlantic Striped Bass Management Board met to consider revisions to Addendum II state implementation plans; receive an update on recreational release mortality study results; consider tasks for a Board Work Group on recreational release mortality; consider an Advisory Panel nomination; and elect a Vice Chair.

Three jurisdictions, Pennsylvania, Maryland, and Potomac River Fisheries Commission (PRFC) submitted revised state implementation plans for Addendum II. States are required to implement Addendum II measures by May 1, 2024. In March 2024, the Board approved Addendum II state implementation plans with the following exceptions: 1) Pennsylvania's proposed timeline for implementing its new spring slot and bag limit; 2) Maryland and PRFC's proposed timeline for paying back any potential 2024 commercial quota overage. Pennsylvania's revised implementation plan specifies that it has implemented its new spring slot and bag limit as of May 1, 2024. Maryland and PRFC's revised implementation plans specify that they will monitor 2024 commercial landings and develop projections as needed to estimate whether landings will exceed the 2024 quota to inform 2025 commercial tag and permit distribution. The Board approved the revised implementation plans for all three jurisdictions.

The Board received an overview of a Massachusetts Division of Marine Fisheries (MA DMF) study to characterize striped bass recreational release mortality. The first phase of the study focused on the efficacy of circle hooks and comparing release mortality from J-hooks vs. circle hooks. The second phase of the study focused on comparison of release injury and mortality across various terminal tackle using citizen science data collected by striped bass anglers. Data collection for this phase will continue into 2024 with recruitment of citizen participants from other states. The third phase of the study will focus on a survey of striped bass anglers on terminal tackle use over the next few years. MA DMF noted that additional analysis of collected data and future publication will be pursued in the coming years. Visit <https://madmf.shinyapps.io/striper/> for more information.

The Board discussed the establishment of a Board Work Group to discuss release mortality. The Board approved four tasks for the Work Group with an expected progress update from the Work Group at the 2024 Summer Meeting, and a report to the Board at the 2024 Annual Meeting. The first Work Group task is to review existing no-targeting closures (state and federal waters), including any information on impacts to striped bass catch, effort, enforceability, and how anglers may respond to no-targeting closures (i.e., shifting effort). The second task is to review the MA DMF release mortality study and other relevant reports to evaluate the efficacy of potential gear modifications. The third task is to identify stock assessment sensitivity runs to potentially inform Board discussion of release mortality as well as tradeoffs of reducing the release mortality rate vs. reducing the number of releases overall. The fourth task is to consider public scoping (e.g., survey) on potential measures to address release mortality.

The Board approved the nomination of Peter Jenkins, a recreational angler from Rhode Island, to the Atlantic Striped Bass Advisory Panel. Finally, the Board elected Chris Batsavage from North Carolina as Vice Chair.

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

Motions

Move to approve the revised Addendum II implementation plans for Pennsylvania, Potomac River Fisheries Commission, and Maryland.

Motion made by Mr. Armstrong and seconded by Mr. Luisi. Motion passes by unanimous consent.

Move to approve the tasks for the Board Work Group on recreational release mortality as discussed today.

Motion made by Mr. Hasbrouck and seconded by Mr. Luisi. Motion passes by unanimous consent.

Move to approve Peter Jenkins of Rhode Island to the Atlantic Striped Bass Advisory Panel.

Motion made by Dr. McNamee and seconded by Dr. Davis. Motion passes by unanimous consent.

Move to elect Chris Batsavage as Vice-Chair of the Atlantic Striped Bass Management Board.

Motion made by Mr. Gary and seconded by Mr. Geer. Motion passes by unanimous consent.

AMERICAN EEL MANAGEMENT BOARD (MAY 1, 2024)

Press Release

American Eel Board Approves Addenda VI and VII Addenda Maintain Maine's Glass Eel Quota and Modify Yellow Eel Management

Arlington, VA – The Commission's American Eel Management Board has approved Addenda VI and VII to the Interstate Fishery Management Plan for American Eel. Addendum VI maintains Maine's quota at the current level of 9,688 pounds for three years. Addendum VII reduces the coastwide cap for yellow eel commercial landings to 518,281 pounds, modifies annual young-of-year (YOY) monitoring requirements, and changes the policy for evaluating de minimis status.

Addendum VI

Maine's glass/elver eel quota of 9,688 pounds was established by Addendum IV starting in 2015 and maintained under Addendum V through 2024. The Board initiated Addendum VI to establish a quota for 2025 and beyond. The Board will review the quota before the 2028 fishing year and can extend it via Board action.

Maine commercial glass eel landings have not exceeded the quota since its implementation. The Maine Department of Marine Resources (ME DMR) manages the quota using a program that requires dealers to enter daily landings data and enables ME DMR to analyze those data within 24 hours of

receipt. The quota management program allows ME DMR to track the glass eels from initial purchase to export out of the state.

Maine will continue to maintain daily trip level reporting and require a pound-for-pound payback in the event of quota overages in its glass eel fishery. Additionally, the state will continue to conduct the fishery-independent life cycle survey covering glass, yellow, and silver eels as required by Addendum V.

Addendum VII

Addendum VII responds to the findings of the 2023 Benchmark Stock Assessment and Peer Review Report, which indicated the stock is at or near historically low levels due to a multitude of factors, including historical overfishing, habitat loss, food web alterations, turbine mortality, environmental

changes, contaminants, and disease. The assessment and peer review recommended reducing harvest levels of the yellow eel life stage, while also recognizing that stock status is affected by other factors. The assessment proposed a new index-based tool, called *I_{TARGET}*, for setting the yellow eel coastwide cap, since there is not a statistical model for estimating the population size of American eel. Addendum VII adopts the use of *I_{TARGET}* to provide catch limit recommendations based on fishery-independent indices of abundance and catch data with the goal of increasing abundance levels. The new coastwide cap of 518,281 pounds, a reduction from 916,473 pounds, can be updated after three years using the additional years of abundance and catch data.

“In approving Addendum VII and its reduced landings cap, the Board sought to balance responding to the recommendations of the benchmark stock assessment to aid in the recovery of American eel while also allowing for a commercial fishery,” stated Board Chair Kris Kuhn of Pennsylvania. “*I_{TARGET}* provides the Board a much-needed tool for setting the coastwide cap.”

The Board slightly modified the requirements of the annual YOY survey by making the biological sampling requirement for YOY surveys optional, as recommended by the assessment and peer review. In addition, Addendum VII establishes use of a three-year average of landings to determine if a state qualifies for de minimis status and can be exempt from implementing fishery regulations and monitoring requirements.

Addenda VI and Addendum VII will be available on the Commission website on the American Eel webpage by mid-May. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

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PR24-13

Motions

For Draft Addendum VI, move to select under 3.1 Maine Glass Eel Quota, Option 1: Status Quo (9,688 lbs. quota) and under 3.2 Timeframe for Maine Glass Eel Quota, Option 3 (Three years, with the ability to extend via Board action).

Motion made by Ms. Ware and seconded by Mr. Grout. Motion passes by consent.

Move to approve Addendum VI to the American Eel FMP, as modified today.

Motion made by Ms. Ware and seconded by Mr. Clark. Motion approved by consent.

Main Motion

Move to approve under 3.1 Issue 1 Option 1 status quo.

Motion made by Mr. Clark and seconded by Mr. Dize.

Motion to Substitute

Motion to substitute to replace “under 3.1 Issue 1 Option 1 status quo” with “under 3.1 Issue 1 Option 2 (202,453 lbs.).

Motion made by Dr. Davis and seconded by Mr. Jacobson. Motion fails (3 in favor, 16 opposed).

Motion to Substitute

Motion to substitute to approve under 3.1 Issue 1 Option 3 to set the coastwide cap at 518,281 pounds.

Motion made by Ms. Madsen and seconded by Mr. McKiernan. Motion passes (12 in favor, 6 opposed).

Main Motion as Substituted

Move to approve under 3.1 Issue 1 Option 3 to set the coastwide cap at 518,281 pounds.

Motion to Substitute

Move to substitute to approve under 3.1 Issue 1 Option 5 to set the coastwide cap at 716,497 pounds.

Motion made by Ms. Fegley and seconded by Mr. Train. Motion fails (7 in favor, 12 opposed).

Main Motion as Substituted

Move to approve under 3.1 Issue 1 Option 3 to set the coastwide cap at 518,281 pounds.

Motion passes (15 in favor, 4 opposed).

Move to approve:

- **For Section 3.1, Issue 2, Option 1 [Status Quo, >1% coastwide landings]**
- **For section 3.5, Option 2 (3-year landings average for *de minimis*)**

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion passes (15 in favor, 2 opposed, 2 abstentions).

Move to approve for Section 3.2, Option 1 (three years coastwide cap duration)

Motion made by Ms. Madsen and seconded by Mr. Clark. Motion passes 18 in favor, 1 abstention).

Main Motion

Move to approve:

- **For Section 3.3, Option 1 (Status Quo);**
- **For Section 3.4, Option 1 (mandatory CPUE data collection)**

Motion by made Mr. Kaelin and seconded by Ms. Fegley.

Motion to Amend

Move to amend to replace Option 1 with Option 2 for section 3.3.

Motion made by Mr. Clark and seconded by Mr. Grout. Motion passes (16 in favor, 2 opposed, 1 abstention).

Main Motion as Amended

Move to approve:

- **For Section 3.3, Option 1 (Status Quo);**
- **For Section 3.4, Option 1 (mandatory CPUE data collection)**

Motion passes (18 in favor, 1 opposed).

Move to approve Addendum VII to the American Eel FMP, as modified today.

Motion made by Mr. Hasbrouck and seconded by Mr. Miller. Motion passes by consent.

Move to approve an implementation date of January 1, 2025.

Motion made by Mr. Clark and seconded by Mr. Cimino. Motion passes (18 in favor, 1 opposed).

Move to elect Jesse Hornstein as Vice-Chair.

Motion made by Mr. Cimino and seconded by Ms. Fegley. Motion passes by consent.

COASTAL SHARKS MANAGEMENT BOARD (MAY 2, 2024)

Press Release

Coastal Sharks Board Sets Possession Limits to Zero for Oceanic Whitetip Sharks

Arlington, VA – The Commission’s Coastal Sharks Management Board established a zero possession limit for oceanic whitetip sharks for recreational and commercial fisheries. States will begin rulemaking to implement the new possession limit, effective immediately.

NOAA Fisheries issued a final rule in January prohibiting the retention and possession of oceanic whitetip sharks in US waters of the Atlantic Ocean, which became effective February 2, 2024. This rule responds to the 2018 determination that oceanic whitetip sharks warranted listing as a threatened species under the Endangered Species Act throughout its range, and a 2020 Biological Opinion that encouraged the inclusion of the species on the Highly Migratory Species (HMS) list of prohibited sharks for recreational and commercial HMS fisheries.

The Board action closes a potential loophole allowing take of oceanic whitetip in state waters. The Board also indicated it will consider moving oceanic whitetip sharks from the pelagic species group to the

prohibited species group as part of the next addendum or amendment action, as a complementary measure to the NOAA final rule.

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

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PR24-15

Meeting Summary

In addition to taking action on oceanic whitetip possession limits, the Board received updates on several ongoing and future actions for NOAA Fisheries Division of Highly Migratory Species (HMS). A final rule on Amendment 15 the 2006 Consolidated HMS FMP is expected in the summer of 2024. Amendment 15 extends the boundary of the Mid-Atlantic shark closed area and shifts the timing of the closed seasons to November 1 - May 31. Last year, NOAA accepted public comments on an advance notice of proposed rulemaking to modify or expand electronic reporting requirements for HMS, and a proposed rule on this action is expected later this year. In May 2023, NOAA released a scoping document for Amendment 16. Amendment 16 could result in substantial changes to the entire commercial and recreational shark fishery, and is necessary to implement the revised framework for establishing quotas and related management measures for Atlantic shark fisheries, as set forth in Amendment 14. Comments were received through mid-August 2023, and the development of Draft Amendment 16 is dependent upon the completion of the SEDAR 77 hammerhead stock assessment, expected end of 2024.

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

Motions

Move to set the state waters commercial and recreational possession limit for oceanic whitetip sharks to zero, effective immediately.

Motion made by Mr. Miller and seconded by Mr. Batsavage. Motion approved by unanimous consent.

Main Motion

Move to initiate an addendum to change the species group for oceanic whitetip sharks to the prohibited species group.

Motion made by Mr. Batsavage and seconded by Dr. McNamee.

Motion to Substitute

Move to substitute to move to include oceanic whitetip on the prohibited species group in the next addendum or amendment action.

Motion made by Mr. Clark and seconded by Ms. Meserve. Motion carries by unanimous consent.

Main Motion as Substituted

Move to include oceanic whitetip on the prohibited species group in the next addendum or amendment action.

Motion carries by unanimous consent.

SPINY DOGFISH MANAGEMENT BOARD (MAY 2, 2024)

Meeting Summary

The Spiny Dogfish Management Board met to review the preferred alternatives recommended to NOAA Fisheries by the Mid-Atlantic and New England Fishery Management Councils in Spiny Dogfish Framework 6 to reduce sturgeon bycatch in the spiny dogfish fishery and consider complementary action.

The Board reviewed the recommended alternatives and discussed the inconsistency between the Interstate Fishery Management Plan for Spiny Dogfish and Spiny Dogfish Framework 6 if it is implemented by NOAA Fisheries. Framework 6 proposes prohibiting overnight soaks for federal spiny dogfish permit holders on gillnets with 5"-10" mesh in November and May for a certain area of state and federal waters off of New Jersey, as well as for gillnets of 5.25"-10" mesh in November through March in specified areas off of Delaware, Maryland, and Virginia.

The Board discussed initiating an addendum to consider maintaining consistency by establishing matching restrictions in state waters for harvesters that possess state spiny dogfish permits but do not have a federal spiny dogfish permit. However, the Board postponed the decision to initiate an addendum until the Commission Summer Meeting after staff can compile more information on the potential impacts on state fisheries, particularly states that issue multispecies gillnet permits vs. a directed dogfish permit similar to the federal permit.

For more information, please contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Main Motion

Move to initiate an addendum to maintain consistency between the Spiny Dogfish FMP and the recommended alternatives of Spiny Dogfish Framework Adjustment 6.

Motion made by Ms. Meserve and seconded by Mr. Hasbrouck.

Motion to Postpone

Move to postpone until the next meeting of the Spiny Dogfish Board.

Motion made by Mr. Clark and seconded by Dr. Davis. Motion carries by consent.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (MAY 2, 2024)

Meeting Summary

The ISFMP Policy Board met to review the 2024 State of the Ecosystem Reports; receive an update from the Northeast Trawl Advisory Panel on an industry-based survey pilot project; consider approval of the revised *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures*; receive a summary of the Law Enforcement Committee activities (see LEC meeting summary); receive an update on the sturgeon and river herring benchmark stock assessments; and consider two letters from the American Lobster Board.

Dr. Sarah Gaichas (Northeast Fisheries Science Center) presented key findings from the 2024 Mid-Atlantic and New England State of the Ecosystem reports. The reports provide information on the status and trends of relevant ecological, environmental, economic, and social components of the Mid-Atlantic and New England ecosystems. The reports evaluate the performance of different ecosystem indicators relative to management objectives and the potential climate and ecosystem risks to meeting those management objectives.

Highlights from the 2024 reports include:

- Commercial seafood landings and total revenue in the Mid-Atlantic were near historic lows driven by declining landings and price of ocean quahog, Atlantic surf clam, and scallops. Commercial landings within New England show no long-term trend for Georges Bank, and a long-term decline in the Gulf of Maine.
- Recreational harvest remains below the long-term average, but recreational effort (in number of trips) is above the long-term average. Overall, recreational harvest has also declined in New England; however, harvest has rebounded somewhat from the historical low level in 2020.
- Many fish stocks and protected species distributions are changing in the Mid-Atlantic due to increasing temperature, changing oceanographic features, the spatial distribution of suitable habitat, and the availability of prey. In New England, adult fish diversity indices are stable while zooplankton diversity is increasing, indicating potential instability. Several climate and oceanography metrics are changing and should be monitored as warning signs for a potential regime shift or ecosystem restructuring.
- 2023 sea surface temperatures in the North Atlantic were the warmest on record and were linked, along with low oxygen and acidification, to fish and shellfish die-offs off New Jersey and the Elephant Trunk region. However, Northeast US continental shelf temperatures were more variable, with near record highs in winter and near average in other seasons. Northward shifts of the Gulf Stream, including a prolonged shift in the fall, resulted in unusually warm and salty surface waters in the southern Mid-Atlantic. This shift severely constricted the waters between the shelf break and Gulf Stream and inhibited warm core rings.

The Policy Board received an update on the development of an industry-based survey pilot project by the Northeast Trawl Advisory Panel. The goal of the project is to test the viability of an industry-based survey as described in the white paper titled “Draft Proposed Plan for a Novel Industry Based Multispecies Bottom Trawl Survey on the Northeast U.S. Continental Shelf.” The Northeast Trawl Advisory Panel (NTAP) met on February 8, 2024, and the NTAP Bigelow Contingency Plan Working Group met on February 29, 2024, to continue their discussions of the pilot project and develop recommendations for Council consideration. Although the NTAP and NTAP Working Group have made substantial progress, there are still a number of details that need to be further developed at future meetings. The Policy Board continued to emphasize the importance of this project and its continued development.

The Law Enforcement Committee (LEC) presented the updated the *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures* document. The document covers a variety of management strategies that are employed in Commission FMPs. It is intended to help managers to

take into account the enforceability of all management regulations that are developed. The Guidelines are intended to support and strengthen the effectiveness of Commission efforts to conserve fisheries resources.

The Board approved two letters recommended by the American Lobster Management Board (see American Lobster Board meeting summary). The first letter is to the New England Fishery Management Council highlighting key points of the Lobster Technical Committee report on the conduct of the lobster fishery on the Northern Edge of Georges Bank. The second letter is to Fisheries and Oceans Canada and Canadian industry associations, encouraging Canada to raise its lobster minimum size limit to match the upcoming changes in the United States to address potential trade concerns.

Lastly, under other business, the Board approved a letter to the US Ambassador in Canada to encourage Canada to swiftly implement rules and laws to ensure the protection of the American eel resource. The Board was presented with information indicating Canada is becoming a center for the illegal, unregulated, and unreported trafficking of glass eel. This illegal activity could potentially have negative impacts to the resource which is depleted. In addition, there are possible negative impact on eel value in the US, thus causing a loss of revenue to the highly regulated US fishing industry.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Move to approve the Revised Guidelines for Resource Managers on the Enforceability of Fishery Management Measures.

Motion made by Mr. Keliher and seconded by Mr. Clark. Motion passes by consent

On behalf of the American Lobster Management Board move the Commission to send a letter to Canada DFO and relevant Canadian industry associations as identified by the board chair and the executive director. This letter would request Canada increase the minimum size for lobster on the same schedule as ASMFC or soon as possible as captured in Addendum XXVII.

Motion made by Mr. Keliher. Motion approved by consent.

Move to send a letter to the US Ambassador in Canada encouraging Canada to implement rules and laws as quickly as possible to ensure the protection of the American eel resource.

Motion made by Mr. Keliher and seconded by Ms. Patterson. Motion approved by consent.



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Tracey Bauer, ASMFC Winter Flounder FMP Coordinator

FROM: Daniel McKiernan, MA DMF Director 

DATE: May 6, 2024

SUBJECT: Conservation Equivalency Proposal for Gulf of Maine Winter Flounder Trip Limit
Applicable to DMF's Consecutive Daily Trip Limit Pilot Program

Overview

The Massachusetts Division of Marine Fisheries (DMF) is submitting this conservation equivalency proposal to allow the commercial possession and landing of two consecutive days' trip limits of Gulf of Maine (GOM) winter flounder by state waters commercial harvesters under a DMF-issued Letter of Authorization.

Background

A 500-lb state waters commercial possession limit for Gulf of Maine (GOM) winter flounder is in effect under the interstate management plan; this possession limit is specified in the plan (and Massachusetts' regulations) as being *per trip or per day*. Most other commercial possession limits in Massachusetts are also established as per trip or per day, which is a reflection of the historical day-boat nature of the state waters fishery. However, the economic viability of our day-boat fisheries is under pressure from environmental changes increasing the travel distance to fishing grounds plus rapidly escalating operating costs. These compounding factors have led DMF to introduce into its management approach a Consecutive Daily Trip Limit Pilot Program in certain state waters fisheries, notably the trawl fisheries.

Under the pilot program, participants may possess and land two consecutive days' catch limits provided no more than one limit is taken in a single day, catch from the first day is stored in a container sealed shut with a DMF-issued tag, and a DMF-issued logbook of trip-level catch is completed. This enables vessels to fish consecutive daily limits but lay up overnight closer to the fishing grounds (either at-sea or nearer ports) before having to land their retained catch, which increases their efficiency and safety by reducing steaming time and associated overhead while also lowering greenhouse gas emissions. (Note that Massachusetts prohibits night-time trawl fishing in state waters.) The program elements (i.e., container tagging and daily logbook) were developed in consultation with the Massachusetts Environmental Police (MEP). Participation is granted by an annually issued Letter of Authorization (LOA), which applicants must be in good standing with DMF and MEP to receive and may be revoked at any time for cause.

This pilot program began in 2019 with trawl-caught summer flounder during the summertime fishery south of Cape Cod in response to: a) redistribution of the species from the more inshore areas of Vineyard and Nantucket Sounds eastward to the cooler waters along Nantucket Shoals, and b) a

substantial increase in the presence of filamentous algae in these Sounds making it more difficult to fish with trawl gear there. This increased the distance trawlers needed to travel from the fishing grounds to offload fish with buyers at mainland ports. (Whereas mainland dealers would formerly send a “buy boat” to the Islands, this hasn’t occurred in years, likely due to reduced effort in the fishery.) After the successful run of the pilot program in 2019 and due to the mixed-species nature of the inshore trawl fishery, DMF added black sea bass and horseshoe crab (which are often fished to their daily limit) to the species allowed to be retained and possessed under the pilot program conditions in 2020. This pilot program is continuing into its sixth year in 2024. DMF has issued 20–40 LOAs per year for vessels to participate in the Consecutive Daily Trip Limit Pilot Program for the state waters multi-species trawl fishery south of the Cape.

DMF offered a similar pilot program for the black sea bass pot fishery in 2022 when the state’s fishery extending into the fall due to the increased quota afforded to the state under the interstate plan’s new allocation formula recognizing changes in regional stock distribution. With quota lasting into the fall but the local market demand falling off as is typical after summer tourism wanes, the consecutive days’ allowance provided participants (n=7) the ability to more efficiently target the remaining quota amidst lower price per pound. This pilot program was not needed in 2023 due to the quota being taken in early September, but DMF may revive it in future years if conditions similar to 2022 recur.

Proposal

DMF is interested to expand the Consecutive Daily Trip Limit Pilot Program to the state waters multi-species groundfish fishery north of Cape Cod. This fishery retains catches of Gulf of Maine winter flounder, as well as other non-ASMFC management groundfish species (e.g., yellowtail flounder, cod, haddock, plaice, witch flounder). This stems from a request from participants of the pilot program south of Cape Cod, who noted that the same escalating operating costs are also risking the economic viability of the state waters groundfish fishery north of Cape Cod. The number of active state waters only groundfish vessels is low and continues to decline as a consequence of raising costs and limited fishing opportunities. Given the chance, fishers homeported further away from the primary state waters groundfishing grounds would be interested to lay up overnight between two consecutive fishing days before landing their catch. This would reduce steam time, fuel consumption, and greenhouse gas emissions of vessels taking multi-species groundfish trips north of the Cape who will otherwise travel twice as far over two days to land the same amount of fish.

Expanding the pilot program to the inshore Gulf of Maine groundfish fishery would allow program participants to possess and land up to 1,000 pounds of GOM winter flounder caught over two consecutive fishing days with each day subject to the 500 pounds *per day* limit; this would be a variance from the state’s existing regulation (and interstate plan requirement) for the 500-lb limit to also apply *per trip*. All other conditions of the pilot program as reported above (e.g., participation granted by LOA, catch segregation, daily logbook) would apply. Accordingly, DMF is requesting Winter Flounder Management Board approval for DMF to create a waiver by permit condition for authorized vessels to possess GOM winter flounder in excess of the commercial possession limit subject to the conditions of the Consecutive Daily Trip Limit Pilot Program.

DMF is making this request as a Conservation Equivalency proposal on socio-economic and fleet greening grounds. The intent of the pilot program is not to increase landings, such as a trip limit increase would achieve, but to allow the fleet to achieve the current level of landings more efficiently, both from a cost and emissions standpoint. DMF acknowledges and continues to support the Management Board’s most recently set specifications for the 2024–2025 fishing years, which maintained the 500-lb trip limit

based on the results of the 2023 Stock Assessment Update and Technical Committee advice against liberalizing the trip limit at this time. This specific trip limit, which has been in place since 2014, is the primary management tool for constraining state waters catch to the federally-established state waters subcomponent of the Annual Catch Limit. While the pilot program is not intended or anticipated to increase GOM winter flounder landings, should an increase occur as an indirect effect of making the fishery more efficient, it should be noted that the most recently available state waters catch estimate for GOM winter flounder (FY2022 at 143,300 lb, as provided by GARFO) is only 42% of the FY2024–2025 state waters subcomponent (337,307 lb). Participation in the program would be restricted to holders of the limited entry state waters groundfish permit, which has waning issuance and activity levels.

Timeline

DMF is requesting Management Board review of this proposal at the ASMFC Summer Meeting. If approved, DMF would establish a Consecutive Daily Trip Limit Pilot Program for the state waters multi-species trawl fishery north of Cape Cod to include GOM winter flounder and yellowtail flounder (the trip limits for other species retained in this fishery are believed to be sufficient for two days' worth of fishing). DMF will provide a review of the pilot program within its annual compliance reports.



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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Caitlin Starks, ASMFC Coastal Sharks FMP Coordinator

FROM: Daniel McKiernan, MA DMF Director

DATE: May 6, 2024

SUBJECT: Smooth Dogfish Trip Limit Revision Request

Overview

The Massachusetts Division of Marine Fisheries (DMF) is requesting approval to waive the *per trip* language of the state's smooth dogfish commercial possession limit for participants of the state's Consecutive Daily Trip Limit Pilot Program, subject to all other conditions of the program.

Background

The Interstate Fishery Management Plan for Coastal Sharks assigns state-by-state quotas but no commercial possession limit; however, it requires states to obtain Management Board approval for any possession limit modification. In 2023, DMF requested and received approval to increase Massachusetts' smooth dogfish commercial possession limit from 100 lb to 300 lb to reduce discards and increase utilization of the state's quota; this possession limit is specified in state regulations as being *per trip or per day*.

Most other commercial possession limits in Massachusetts are also established as per trip or per day, which is a reflection of the historical day-boat nature of the state waters fishery. However, the economic viability of our day-boat fisheries is under pressure from environmental changes increasing the travel distance to fishing grounds plus rapidly escalating operating costs. These compounding factors have led DMF to introduce into its management approach a Consecutive Daily Trip Limit Pilot Program in certain state waters fisheries, notably the trawl fisheries. Under the program, participants may possess and land two consecutive days' catch limits provided no more than one limit is taken in a single day, catch from the first day is stored in a container sealed shut with a DMF-issued tag, and a DMF-issued logbook of trip-level catch is completed. This enables vessels to fish consecutive daily limits but lay up overnight closer to the fishing grounds (either at-sea or nearer ports) before having to land their retained catch, which increases their efficiency and safety by reducing steaming time and associated overhead while also lowering greenhouse gas emissions. (Note that Massachusetts prohibits night-time trawl fishing in state waters.) The program elements (i.e., container tagging and daily logbook) were developed in consultation with the Massachusetts Environmental Police (MEP). Participation is granted by an annually issued Letter of Authorization (LOA), which applicants must be in good standing with DMF and MEP to receive and may be revoked at any time for cause.

This pilot program began in 2019 with trawl-caught summer flounder during the summertime fishery south of Cape Cod in response to: a) redistribution of the species from the more inshore areas of

Vineyard and Nantucket Sounds eastward to the cooler waters along Nantucket Shoals, and b) a substantial increase in the presence of filamentous algae in these Sounds making it more difficult to fish with trawl gear there. This increased the distance trawlers needed to travel from the fishing grounds to offload fish with buyers at mainland ports. (Whereas mainland dealers would formerly send a “buy boat” to the Islands, this hasn’t occurred in years, likely due to reduced effort in the fishery.) After the successful run of the pilot program in 2019 and due to the mixed-species nature of the inshore trawl fishery, DMF added black sea bass and horseshoe crab (which are often fished to their daily limit) to the species allowed to be retained and possessed under the pilot program conditions in 2020. This pilot program is continuing into its sixth year in 2024. DMF has issued 20–40 LOAs per year for vessels to participate in the Consecutive Daily Trip Limit Pilot Program for the state waters multi-species trawl fishery south of the Cape.

DMF offered a similar pilot program for the black sea bass pot fishery in 2022 when the state’s fishery extending into the fall due to the increased quota afforded to the state under the interstate plan’s new allocation formula recognizing changes in regional stock distribution. With quota lasting into the fall but the local market demand falling off as is typical after summer tourism wanes, the consecutive days’ allowance provided participants (n=7) the ability to more efficiently target the remaining quota amidst lower price per pound. This pilot program was not needed in 2023 due to the quota being taken in early September, but DMF may revive it in future years if conditions similar to 2022 recur.

Proposal

DMF is interested to add smooth dogfish to the species that may be possessed and landed under the Consecutive Daily Trip Limit Pilot Program for the state waters multi-species trawl fishery. This stems from a request from a participant in the Program. If added, this would allow program participants to possess and land up to 600 pounds of smooth dogfish caught over two consecutive fishing days with each day subject to the state’s limit of 300 pounds *per day*; this would be a variance from the state’s existing regulation for the 300-lb limit to also apply *per trip*. All other conditions of the pilot program as reported above (e.g., participation granted by LOA, catch segregation, daily logbook) would apply. All smooth dogfish landings would continue to be counted against the quota and the fishery closed at 100% utilization.

Accordingly, DMF is requesting Coastal Sharks Management Board approval for DMF to create a waiver by permit condition for authorized vessels to possess smooth dogfish in excess of the state’s commercial possession limit subject to the conditions of the Consecutive Daily Trip Limit Pilot Program. DMF is not proposing to rescind the *per trip* language from the state’s smooth dogfish regulations (which would apply more broadly than participants of the pilot program) nor to take an alternative approach of increasing the limit (such as to 600 lb per day or trip). Such actions could spur more targeted smooth dogfish effort, with possible implications for an early quota closure and/or contributing to regulatory discarding of other species in this mixed-species trawl fishery.

Timeline

DMF is requesting Management Board review of this proposal at the ASMFC Summer Meeting. If approved, DMF would make a mid-season modification to the 2024 Consecutive Daily Trip Limit Pilot Program for the state waters multi-species trawl fishery to include smooth dogfish.