



## MA Marine Fisheries Advisory Commission May 29, 2025 Meeting Summary

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This document serves as a brief summary of the May 29, 2025 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held at SMAST East in New Bedford. A recording is available for viewing on [DMF's YouTube Channel](#). All meeting materials are available on the [MFAC's past meeting website](#).

### Action Item

*Approval of Regulations Implementing Addendum XXXII to Lobster FMP.* Earlier this spring, DMF filed emergency regulations to repeal scheduled carapace size and escape vent changes affecting Massachusetts recreational and commercial lobster fishers who fish on the Gulf of Maine/Georges Bank (GOM/GBK) and seafood dealers. This action was taken consistent with Addendum XXXII to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (FMP) for American Lobster to ensure management promotes stability in markets and equity among fishers within the same Lobster Conservation Management Area (LCMA). The MFAC voted down this recommendation 2-3-1. (Note: The Commission is normally comprised of nine seats but one is vacant and two members were not in attendance.)

Given the discussion, the MFAC's vote was not driven by their opposition to finalizing the emergency regulations, but instead by complaints of unfairness that Addendum XXXII and implementing state regulations did not include a repeal of the standardization of the v-notched lobster possession rule affecting about 30 active state-only Outer Cape Cod (OCC) LCMA permit holders. This rejection of the proposed rule will not bring the state-only OCCLMCA permit holders reprieve from the v-notched lobster standardization measure at issue, as this rule was unaffected by the emergency regulations, was not part of this regulatory exercise, and remains scheduled to go into effect on July 1, 2025 (as promulgated on January 3, 2025).

By way of background, the ASMFC previously approved Addendum XXVII to the FMP to adopt lobster conservation measures to bolster the spawning stock biomass for the GOM/GBK lobster stock and standardize rules among fishers fishing on the GOM/GBK stock to enhance enforcement, compliance, stock assessment science, and commerce. This included phased-in increases to the minimum carapace size and escape vent rules for LCMA1 and maximum carapace size changes for the OCCLCMA and LCMA3; stopping the issuance of additional trap tags (10%) above the trap allocation for LCMA1 and LCMA3; and creating a standard v-notch lobster possession rule across OCCLCMA and LCMA3 (requiring the release of any lobsters caught with a 1/8" or greater v-notch, with or without setal hairs). DMF promulgated conforming regulations on January 3, 2025 following MFAC approval at their [April 2024](#) business meeting (5-2-1) for implementation on January 1, 2025 and then again at their [October 2024](#) business meeting (6-0-1) to delay implementation of all measures except the trap tag standardization requirement until July 1, 2025.

However, in late-January 2025, Maine's Commissioner informed the ASMFC that the state would be unable to move forward with final rulemaking to implement Addendum XXVII due to

strong push back from their industry who cited economic impacts and equity issues related to interactions with the Canadian industry. Subsequently, New Hampshire committed to rescinding its already implemented regulations if Maine did not complete rule making.

At its February 2025 meeting, the ASMFC initiated draft Addendum XXXII to repeal aspects of Addendum XXVII rather than pursue a non-compliance determination for both states through the US Secretary of Commerce. Addendum XXXII repealed the carapace size and escape vent rules in Addendum XXVII, but not the trap tag and v-notch standardization rules. The Massachusetts delegation to the ASMFC sought the inclusion of a v-notch standardization repeal in Addendum XXXII, but the ASMFC did not support this request. Discussion indicated that all other delegations view the 1/4-inch v-notch standard for state-only OCC LCMA permit holders as undermining the conservation benefits to the GOM/GBK stock derived from mandatory v-notching in LCMA1 and stricter v-notched lobster possession standards among federal permit holders in OCCLCMA and all permit holders LMCA1 and LCMA 3 (where the preponderance of lobster catch and landings occur).

The ASMFC approved Addendum XXXII in May 2025. DMF then used its emergency regulatory authority to enact temporary regulations to implement the repeal of the pending carapace size and escape vent rules, consistent with Addendum XXXII to promote stability in markets and equity among fishers within the same management area. If unresolved, these emergency regulations are set to expire on July 24, 2025 thereby reverting back to the rules promulgated on January 3, 2025 to implement Addendum XXVII. DMF signaled its intention to continue to address this issue at a future meeting.

### **Future Public Hearing Items**

*Modernization of Surf Clam Rules.* DMF presented a proposal to go out to public hearing later in 2025 affecting the management of the surf clam and ocean quahog dredge fishery. The initial proposal includes: (1) requiring active vessels to install and maintain an operable real-time electronic tracking device (like those required of federal lobster and Jonah crab trap permit holders); (2) eliminating the use of seasonal depth contours and discrete management area closures in favor of creating polygons using GPS coordinates to establish closed fishing areas that are inclusive of the 12' depth contour and existing management closures while also protecting sensitive marine habitats (e.g., eel grass); (3) expanding seasonal closures in lower Cape Cod Bay to protect aggregations of egg bearing and new shell lobsters; (4) lifting the night closure for surf clamming from February 1 – April 30; and (5) maintaining the prohibition on surf clam and ocean quahog dredging north of Point Allerton in Hull pending additional review and subsequent rulemaking. This product is the culmination of a multi-year effort by DMF, industry, and municipalities to enhance and modernize the spatial management of this fishery and address concerns related to the impact of this gear on sensitive marine habitats.

*Framework for Managing Derelict Gear.* State law was recently amended to differentiate between fishing gear and fishing gear debris affording property rights to fishing gear and allowing DMF and the MFAC to regulate the removal of fishing gear debris from our waters and coastlines. This was done to modernize state law so as to better accommodate clean up efforts to remove fishing gear debris from our waters and coasts. DMF has now developed a draft framework for permitting and managing this activity to go out to public hearing later in 2025. This proposed framework would: (1) provide a blanket authorization to any person or entity to remove or dispose of fishing gear debris on the shoreline; (2) authorize DMF and MEP to remove and dispose of fishing gear debris found in Commonwealth waters; (3) allow proponents to apply for permits to authorize the removal and disposal of fishing gear debris found in Commonwealth waters with proposals being evaluated and permitted by DMF based expertise of the applicant, likelihood of success, and ability to avoid gear and user group conflicts; and (4)

enable mobile gear fishers operating in Commonwealth waters to bring ashore and dispose of fishing gear debris obtained incidental to their fishing while maintaining a strict prohibition on the molestation of fixed fishing gear. Additionally, to facilitate this activity, DMF intends to develop best practices for the handling of fishing gear debris. Lastly, while aquaculture gear is not managed within this regulatory framework and DMF intends to defer to local management on addressing aquaculture gear debris, DMF is proposing that all aquaculture gear be tagged or marked with permit holder information consistent with municipal requirements and will encourage any person who encounters aquaculture gear debris to contact municipal shellfish officers.

### **Discussion Item**

*Interstate Fishery Management.* DMF provided the MFAC with an update on interstate fishery management and recent happenings at the ASMFC. This presentation reviewed the development of Draft Addendum III to the FMP for Atlantic Striped Bass and some of the uncertainty as to what extent management may be necessary to rebuild the striped bass stock by the 2029 deadline, and the various measure that are being considered to reduce fishing mortality (e.g., commercial quota cuts, first-ever recreational seasons, and modified recreational size limits) and enhance regulatory accountability (e.g., standardized total length measurement, mandatory commercial harvester tagging). The presentation also briefed on Addendum XXXII to the American Lobster FMP (discussed above); Amendment 4 to the Northern Shrimp FMP to allow for multi-year harvest moratoria to be set while establishing temperature- and recruitment-based “wake-up triggers” to evaluate the potential for reopening; the setting of Atlantic herring specifications and effort controls for Area 1A (Inshore Gulf of Maine); and revisions to the spiny dogfish quota and Addendum VII to the Spiny Dogfish FMP to reduce sturgeon bycatch. DMF also discussed joint ASMFC-MAFMC efforts to finalize a new methodology to set recreational fishing measures for summer flounder, scup, black sea bass, and bluefish and the development of an amendment to consider sector separation in these recreational fisheries.

### **Presentation**

*Protected Species Management and Science.* DMF staff provided a two-part presentation regarding protected species management and science. The first aspect of the presentation focused on ongoing efforts to develop a passive acoustic monitoring program to detect right whales along the Atlantic coast and the recent deployment of real-time and archival monitoring units around Massachusetts coast. The second aspect of the presentation focused on experimental fisheries to explore the use of on-demand (“ropeless”) fishing gear, including a state reimbursement program that allows commercial trap fishers to purchase up to \$25,000 in on-demand gear.

### **Upcoming Meetings**

The MFAC will meet next on July 1, 2025 via [Zoom](#).