



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AMENDED AGENDA**

9:00AM

Thursday, May 29, 2025

SMAST East

836 South Rodney French Boulevard

New Bedford, MA

Listen-In via Zoom:

<https://us02web.zoom.us/j/84423148302>

1-929-436-2866

1. Call to Order and Routine Business (9:00 – 9:15)
 - a. Introductions and Announcements
 - b. Review of May 2025 Business Meeting Agenda
 - c. Review and Approval of April 2025 Draft Business Meeting Minutes
2. Agency Updates (9:15 – 10:00AM)
 - a. Office of Law Enforcement: Personnel, Recent Operations & Marine Fishery Incidents
 - b. Department of Fish and Game: Recent Meetings and Events and Department-wide Activities and Projects
 - c. Division of Marine Fisheries: Personnel, Recent Meetings and Events, and Agency Activities and Projects
3. Action Item (10:00 – 10:15)
 - a. Approval of Regulations Implementing Addendum XXXII to Lobster FMP
4. Future Public Hearing Items (10:15 – 11:00)
 - a. Modernization of Surf Clam Management Rules
 - b. Framework for Managing Derelict Gear
5. Discussion Items and Updates (11:00 – 11:30)
 - a. Interstate Fishery Management and May ASMFC Meeting
6. DMF Presentation Protected Species and Passive Acoustic Monitoring (11:30 – 12:15)
7. Other Business and Public Comment (12:15 – 12:30)
8. Adjourn (12:30)

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

TBD

MARINE FISHERIES ADVISORY COMMISSION
Draft Business Meeting Minutes
April 24, 2025
Kingston Town Hall

In attendance:

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

Division of Marine Fisheries: Dan McKiernan, Director; Kevin Creighton, Assistant Director; Melanie Griffin; Bradlie Morgan; Jared Silva; Kelly Whitmore; Anna Webb; and Dr. Forest Schenck.

Massachusetts Environmental Police: Captain Robert Forsythe

Members of the Public: Beth Casoni and Sharl Heller

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Raymond Kane called the April 24, 2025, MFAC business meeting to order. The Chairman noted that he had encouraged DMF—to the extent practicable—to work to schedule virtual MFAC meetings only during the winter months and avoid marathon meetings with many action items.

REVIEW OF JANUARY 23, 2025 BUSINESS MEETING AGENDA

Chairman Kane asked if the April 2025 MFAC business meeting agenda needed to be adjusted. Jared Silva asked to remove ‘updates from Law Enforcement’ and ‘updates from Fish and Game’ since the Commissioner and Law Enforcement were not present at today’s meeting. The Chairman agreed. Massachusetts Environmental Police (MEP) Captain Robert Forsythe later arrived and provided the Massachusetts Environmental Police update.

REVIEW AND APPROVAL OF DECEMBER 17, 2024 DRAFT MEETING MINUTES

Chairman Kane asked for edits to the March 2025 business meeting minutes. No requests were made. **The Chair called for a motion. Tim Brady moved to approve the draft March 2025 business meeting minutes. Bill Amaru seconded the motion. Motion was approved unanimously (5-0-1) with the Chairman abstaining.**

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

Director Dan McKiernan anticipated that the regulatory amendments approved by the MFAC at their March 2025 business meeting will go into effect on May 9.

With the upcoming horseshoe crab spawning season, Director McKiernan wrote to the Town of Wareham to ask them to refrain from grooming Swifts Beach during May and June when spawning is occurring given concerns that grooming machinery may disrupt spawning and harm eggs. Swifts Beach is an area where DMF's spawning surveys continue to show poor trends despite there being limited harvest. McKiernan anticipated Wareham would oblige, but described a misunderstanding whereby the town's website mistakenly portrayed DMF's ask as a mandate, which necessitated a follow-up clarifying call with town officials.

Bill Amaru remarked on healthy horseshoe crab spawning near Nauset Marsh and noted that the fishing restrictions during spawning have been a success. Chairman Kane noted that the enhanced presence of adult crabs on beaches now is likely attributable to the historic lunar spawning closures (implemented in 2010). Bill Amaru emphasized the importance of long-term monitoring, and the Director noted that DMF collaborates with NGOs to conduct surveys across the state. Chairman Ray Kane expressed interest in participating in a survey.

The Director stated that Commissioner Tom O'Shea drafted a letter to the US Secretary of Commerce urging NOAA Fisheries to finalize rule-making to open the commercial groundfish fishery on May 1 to prevent adverse impacts to the states groundfish fleet and seafood industry. The Director noted that DMF recently met with industry members and state representatives in Gloucester to discuss allowable catch limits, particularly the anticipated haddock quotas for Georges Bank. Chairman Kane, Bill Amaru, Melanie Griffin, and the Director discussed haddock size of maturity on Georges Bank and how the recent strong year classes may have contributed to stunted growth of individual fish and fish reaching maturity at a smaller than normal length. Griffin indicated she would provide Kane with the size-at-maturity information for Georges Bank haddock after the meeting.

Director McKiernan updated the MFAC on the seasonal presence of North Atlantic right whales around Massachusetts waters. The most recent aerial survey observed 97 whales in Cape Cod Bay. A disentanglement team was able to identify and partially remove large mesh gillnet gear from a four-year old male right whale—this whale was first observed entangled in December 2024 in federal waters south of Nantucket. This young male and several other whales were also observed around the eastern entrance to the Cape Cod Canal, which caused the waterway to be temporarily closed. The Director noted that today (April 24) is Right Whale Day in Massachusetts and the New England Aquarium and New Bedford Whaling Museum were hosting events which DMF staff were attending. Lastly, DMF's Protected Species Team is scheduled to present on the development of a passive acoustic monitoring network at the May MFAC business meeting.

McKiernan discussed the Boston Seafood Expo, highlighting an encounter with a representative from a Massachusetts processor of Jonah crabs. The American lobster and Jonah crab fishery was "red listed" by the Monterey Bay Aquarium's Seafood Watch Program largely due to right whale entanglement concerns. This listing negatively impacted the firm's market access. DMF views this red listing as inappropriate given the extent to which industry has taken action to minimize entanglement risk and provided a letter to the firm regarding the strict management of this fishery and its interactions with

large whales. The representative indicated that this letter helped the firm regain markets. Dan intended to have a follow-up phone call with the Monterey Bay Aquarium about the factual basis for this listing.

DMF is scheduled to host its first-ever “Marine Quest” event on Saturday, June 14 at its Cat Cove facility in Salem. This is an outdoor public facing and family-oriented happening allowing for DMF staff and interested partners to engage with the public on marine science and fishing. The effort is being spearheaded by DMF Senior Biologist Gary Nelson. Gary previously worked for the marine fisheries agency in Florida where they would host similar annual events.

Chairman Ray Kane asked about the upcoming MFAC meeting schedule. Jared Silva stated the MFAC would meet again on May 29, but did not anticipate the need for a June or July meeting. Unless NOAA Fisheries finalizes the FY25 recreational cod and haddock limits, in which case DMF may need to schedule short virtual MFAC meeting to adopt complementary state rules.

Lastly, the Director introduced Bradlie Morgan. Bradlie recently started with DMF as a Policy Administration and Communications Specialist.

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

Captain Robert Forsythe provided comments for MEP. He began by providing a personnel update indicated that MEP currently has 103 officers and just made three recent hires to backfill positions vacated through retirements. Forsythe then discussed operations. MEP has fulfilled around 500 hours of right whale patrol since the beginning of 2025. Secretary Tepper joined a patrol on April 23rd. MEP is also in the process of obtaining new patrol vehicles. On marine fishery violations, a concerted effort has been made to look into lobster violations by draggers operating out of Provincetown. This resulted in a recent seizure of a large number of non-compliant lobsters. Forsythe then highlighted MEP’s appreciation for the recent horseshoe crab training that Jared Silva coordinated. He and Jared noted that DMF would work with MEP to develop similar trainings for a variety of fishery management topics.

McKiernan expressed his appreciation for the MEP taking action to address lobster violations in the mobile gear fishery noting this has been a “hot button” issue in recent years. However, Dan also recognized there are serious enforcement and compliance challenges related to this fishery given the various LCMA-specific size and v-notch standards. DMF recently met with the mobile gear fleet to discuss how best to simplify regulations without negatively impacting the fleet and intends to raise potential solutions with ASMFC, as it likely requires an addendum to the FMP.

Bill Amaru emphasized that most of the fleet is willing to and has worked within these regulations. He argued that the draggers are already restricted by the 100 lobsters per day limit, and with groundfish square mesh, they generally catch larger lobster. McKiernan noted that he was seeking to simplify the gauge and v-notch rules across LCMAs for the mobile gear fleet. Amaru expressed his support for such an initiative. Captain Forsythe noted that MEP would also appreciate more straightforward rules.

Chairman Kane, Kalil Boghdan, and Captain Forsythe discussed MEP personnel and the need for additional capacity. Director McKiernan noted that MEP was currently in the process of hiring a new Colonel and suggested the MFAC and DMF reach out to the new Colonel once they are onboard, invite them to an MFAC business meeting, and discuss how best for the MFAC to advocate for MEP to increase their capacity.

ACTION ITEMS

Refinement to Mechanized Bait Deployment Restriction Recommendation

At its March 2025 business meeting, the MFAC approved a DMF recommendation to prohibit the mechanized deployment of bait in rod and reel fisheries. Director McKiernan explained that DMF was now returning to the MFAC to refine this recommendation because it was insufficiently clear in two regards. First, the rule should apply to shore-based rod and reel fishing only. Second, mechanized deployment should have been better defined to clearly include motorized, remote-controlled, and compression propulsion devices. The recommended prohibition would continue to exclude other bait deployment means such as kites and kayaks, as well as the use of power reels given these retrieve baits.

Kalil Boghdan made a motion to adopt the Director's recommendation. Chris McGuire seconded the motion.

Jared Silva explained that he felt the March recommendation approved by the MFAC was too nebulous to be enacted as approved. First, it would apply to any rod and reel fishing activity, which was overbroad, as the proposal was designed to more narrowly address shore-based fishing. Additionally, vessels can just be moved closer to aggregations of fish diminishing the need for mechanized bait deployment devices in this mode of fishing. Moreover, the recommendation was unclear as to whether compression propulsion devices (e.g., bait cannons) would be included. Prohibiting the use of bait cannons was consistent with the intention of the recommendation and DMF did not want vague language to encourage fishers to move from using one method (e.g., remote-controlled devices) to another (e.g., bait cannons) and instead preferred a stronger worded regulation.

Bill Amaru noted that he supported the recommendation at the March meeting, largely because it was coupled with shore-based shark fishing restrictions but felt the bait deployment restrictions were overregulating shore-based fishing.

For reasons similar to Amaru's, Tim Brady did not support the recommendation. Tim was also unfamiliar with bait cannons and was uncertain what DMF was aiming to regulate. Tim asked Captain Forsythe if MEP could speak to the issue from an enforcement perspective. Captain Forsythe stated he was similarly unfamiliar with these devices. However, Forsythe acknowledged that Jared Silva had reviewed this refinement with Lt. Bass who did not raise any concerns to MEP.

There was some discussion about the process to move this recommendation forward. It was determined that there should be an action to move the motion if there was no further

deliberation. **Kalil moved the motion on board. Bill Doyle seconded moving the motion.** There was no further deliberation. **The Chair called the vote, and the motion passed (3-2-1) with the Chair abstaining.**

EMERGENCY REGULATORY ACTIONS

Implementing Addendum 32 to the American Lobster Fishery Management Plan

In preparation for today's business meeting, DMF provided the MFAC with an extensive memorandum on Addendum XXXII. Director McKiernan noted that the ASMFC will vote on Addendum XXXII at their May meeting, and if approved, the gauge and escape vent rules in Addendum XXVII will be repealed from the FMP. Addendum XXXII would not repeal trap tag standardization rules for LCMA 1 and 3 and v-notch standardization rules among federal and state permit holders in the Outer Cape Cod LCMA (OCCLCMA).

While states can maintain stricter regulations than required by the FMP, DMF initiated emergency rule making to implement Addendum XXXII and rescind relevant state regulations prior to their scheduled implementation date to ensure Massachusetts fishers are not subject to more restrictive regulations than others fishing in the same LCMA. DMF will host a virtual public hearing at 6PM on May 19th and will return to the MFAC with a final recommendation at their May 29th business meeting.

The Director then described the history of how the OCCLCMA diverged from LCMA 1 and why there were disparate v-notch standards in the OCCLCMA between state-only and federal permit holders.

Chairman Kane and Bill Amaru both expected that the state-only OCCLCMA fishers would oppose this action. These fishers feel singled out by this process given Addendum XXXII repeals other aspects of the addendum that would affect the lion's share of the commercial harvesters. Additionally, they have argued the v-notch standardization rule will have a substantial negative economic impact on them, many state-only permit holders gave up their federal permit to keep oversized and v-notched lobsters, the OCCLCMA fishery is subject to tight effort control rules that do not exist in LCMAs 1 and 3, and that there is a historic legal settlement addressing mandatory v-notch in OCCLCMA which is not being honored by the ASMFC in their development of Addenda XXVII and XXXII.

The Chairman then asked DMF to clarify two issues. First, there is a claim being made by OCCLCMA fishers that the v-notch standardization rule would decrease landings by 35%. Second, there are varying figures being used to describe the number of participants in the OCCLCMA fishery.

McKiernan stated that DMF sea sampling data shows that only 2-4% of the catch by the state-only OCCLCMA fishers is between the current $\frac{1}{4}$ " v-notch standard and the pending $\frac{1}{8}$ " v-notch standard and the 35% figure exaggerated the likely impact on landings. Anna Webb, DMF's Statistic Project Lead, noted that DMF issues 65 OCCLCMA permits. One-third of these permit holders hold a federal lobster trap permit and the other two-thirds are state-only. Of the state-only permit holders, only about 30 have been active. McKiernan added that there is a geographic divide among where these permit holders are homeported, with state-only permit holders primarily fishing out of Provincetown and

Nauset and federal permit holders fishing out of Chatham and Harwich.

Kane suggested that DMF conduct additional sea sampling of large lobsters in the OCCLCMA before moving forward with these regulations. McKiernan noted DMF increased its sea sampling in the OCCLCMA in response to concerns raised by these fishers during the development of Addendum XXVII. Additionally, he did not intend to go out of compliance with the FMP.

Kane noted that many state-only permit holders surrendered their federal permits about 25-years ago so that they could retain v-notched and oversized lobsters. To this point, he questioned whether Massachusetts should request NOAA Fisheries consider giving these affected fishers federal permits. Amaru supported this noting how warming waters around Cape Cod may force fishermen to fish deeper offshore waters. However, this may require vessel upgrades for some permit holders and the ability to fish larger vessels out of Nauset is challenging. McKiernan indicated this is something that could be raised to NOAA Fisheries.

Chairman Kane and Director McKiernan discussed the upcoming stock assessment for American lobster and how this may influence the conservation management strategies being developed in Maine and New Hampshire in response to their decisions to push non-compliance with Addendum XXVII.

Kalil Boghdan asked about the consequences if Addendum XXXII does not pass at the ASMFC. Director McKiernan indicated with certainty that the addendum would pass. However, if this were not to occur, then the ASMFC would likely find Maine and New Hampshire out-of-compliance with Addendum XXVII at the August meeting, as they would not have met the July 1 implementation deadline. The non-compliance finding would then be submitted to the US Secretary of Commerce for review and further action.

DISCUSSION ITEMS

Decision on Commercial Striped Bass Management Proposal

Director McKiernan explained that DMF was not moving forward final recommendations on a commercial striped bass maximum size limit and gaffing prohibition, as taken out to public hearing this past winter. This decision was influenced by three factors. Under the FMP the adoption of a maximum size in Massachusetts would trigger quota adjustments and Board approval to ensure it the action was conservationally equivalent. The confounded rule-making, as the ASMFC process could not play out on a timeline that would allow DMF to adequately describe the likely change in quota for each of the various size limit options proposed. For this reason alone, Dan opined that he could not move forward a recommendation. Additionally, the public comment received highlighted that DMF needed to further consider and document the conservation benefit of adopting a maximum size limit. Lastly, any changes to commercial striped bass management measures should be considered within the framework of the pending ASMFC addendum to the FMP.

The Director highlighted current management strategies and noted several concerns regarding the commercial striped bass fishery. McKiernan noted that while Bill Doyle and

Bill Amaru have expressed reservations about the cost of permit acquisitions, others are concerned over the discrepancy between the number of commercial striped bass endorsement holders (~5,000) and the number of active fishers (~800) in this fishery. A common argument is that many obtain the permit to circumvent strict recreational fishing limits, and this catch goes unreported. Rhode Island and Massachusetts are also the only two states on the coast with a commercial fishery and a point-of-sale tagging program. All other states have point-of-harvest tagging programs which are perceived as producing greater accountability. For Massachusetts to administer a point-of-harvest tagging program, DMF would have to substantially reduce the number of potential fishers, noting those states with these programs have limited entry fisheries with Individual Fishing Quotas. Lastly, some worry that suboptimal year classes could heavily impact the fishery moving forward and may result in substantial quota reductions in coming years and increased pressure to curtail commercial fishing for this species.

Bill Doyle raised the issue of permit fees, noting the low cost of the striped bass endorsement may enable high levels of issuance. He suggested DMF consider the potential to raise the cost of the permit to deter folks who are not going to fish it from obtaining it and potentially offering rebates based on final participation in the fishery. He added this is a strategy some municipalities use with boat ramp access permits.

McKiernan noted that he was interested in reviewing permit fees adding that — except for a \$50 surcharge on lobster permits to support research — commercial permit fees have not changed since the 1990s. DMF also does not have the authority to unilaterally adjust fees, this is done through the Governor's Executive Office of Administration and Finance (ANF) and the current administration has an averse posture towards fee increases. Therefore, any increase would likely have to have broad support from the regulated community. Kevin Creighton, Assistant Director for DMF, added that fee changes could just narrowly recategorize and reprice the striped bass endorsement or could represent a restructuring of DMF's fee schedule at large.

Kalil asked for clarification on page two of the memorandum and what was meant by 'commercial discard length'. Director McKiernan noted that this refers to the release of all fish in the commercial fishery (e.g., undersized fish), not just dead discards.

Chairman Kane added that commercial fishermen are concerned that a daily catch limit of 15 with a 32 – 40-inch slot limit would harm their livelihoods because it would substantially reduce the weight of fish they would get paid on commercial fishing day. Kane opined that if DMF were to consider a maximum size limit in the future it should also consider a responsive trip limit adjustment to balance the ledger. The Director appreciated this comment and noted that Jared Silva had also heard from commercial anglers who preferred a straight quota cut in the name of additional conservation rather than a more complicated management program.

In conclusion, the Director thought it would be beneficial to convene the MFAC's Striped Bass Focus Group, as well as an ad-hoc industry advisory panel, to help navigate the various permitting and management questions moving forward. At present, the MFAC's Striped Bass focus group consisted of Bill Doyle, Kalil Boghdan, and Ray Kane, but as

MFAC membership changes this may need to evolve.

Federal Fishery Management

Melanie Griffin provided an overview of the January and April 2025 New England Fishery Management Council (NEFMC) meetings and an outline of the June NEFMC business meeting agenda.

On groundfish management, Melanie discussed (1) NEFMC-approved changes to recreational cod and haddock limits informed by NOAA Fisheries' bioeconomic model; and (2) the development and pending implementation of Amendment 25 and Framework 69 of the Multi-Species Groundfish FMP and Phase 2 of the Cod Transition Plan. Given concerns about low cod limits, DMF has initiated a federal Exempted Fishery Permit proposal that would allow closely monitored access to certain areas within spawning cod closures to target non-cod species.

Melanie discussed Atlantic sea herring management. The NEFMC approved specifications in September 2024, but implementation was delayed to resolve some uncertainty issues. This resulted in a coordinated review process between the NEFMC and the ASMFC to assist in finalizing catch limits for Fishing Year 2025 and 2026. The ASMFC will be able to use these finalized limits to develop effort controls for the inshore Gulf of Maine fishery (Area 1A) during this upcoming season.

Other on-going NEFMC priorities were discussed. In an effort to manage species and habitat more effectively, the Essential Habitat Review—a joint five-year review at the England and Mid-Atlantic Council—will be updated to include revised life history information for a variety of FMPs. Similarly, the NEFMC's revised Risk Policy will consider seven weighted and scored factors to determine risk for a given stock. The NEFMC is also interested in developing more management flexibility across various FMPs, but there is substantial uncertainty as to how this will play out. The On-Demand Working Group continued to meet and discuss challenges relevant to on-demand gear and a joint NEMFC and MAFMC omnibus framework was initiated to revise surface gear marking requirements across all FMPs to allow for potential use of on-demand gear. The NEFMC also discussed persistent concerns regarding how declining federal surveys and port sampling efforts are affecting fisheries science and how these issues may be more acute given expected cuts to NOAA Fisheries capacities. In response, NEFMC sent a letter to the Northeast Fisheries Science Center to voice these issues. Melanie expected these concerns will also be discussed in more depth at the upcoming Northeast Regional Coordinating Council meeting, which Director McKiernan will attend. Lastly, the NEMFC discussed the recent Executive Order on Restoring American Seafood Competitiveness, which directed the Secretary of Commerce to reduce regulatory burden on fisheries, modernize elements of the industry, and increase participation. The actual impacts of this Executive Order on the NEFMC, the Council process, and NOAA Fisheries are still largely unknown.

Chairman Kane, Bill Amaru, and Melanie Griffin discussed the potential for enhanced flexibility in federal fisheries management, how it may play out in practicality and process, and whether it would actually help address catch limit utilization issues.

Amaru questioned whether the recreational cod fishery in the Gulf of Maine would approach its sub-ACL and if improved management flexibility could result in more liberal limits for fishers. Melanie explained that the bioeconomic model used to develop recreational limits for this fishery indicated the recommended limits would result in the sub-ACL being achieved without being exceeded. Further, Melanie explained that it was unlikely that recreational limits could be manipulated in-season given the limitations of using MRIP data in real time. Tim Brady added that all federally permitted charter boats fishing for cod and haddock are required to fill out vessel trip reports and record what is caught and released by species. Kalil Boghdan noted that the bioeconomic model also considers cod caught and released incidental to targeting other species (e.g., haddock) and the release mortality associated with this catch.

Amaru noted the challenges fishermen had at gaining access to certain scallop beds in the past and was hopeful that improved federal management processes could eliminate some of this red tape. He also recognized there are unique challenges related to accessing the Northern Edge. Bill thanked DMF advocating to NOAA Fisheries the importance of implementing final rules for the Northern Gulf of Maine (NGOM) sea scallop season to ensure the full quota for this fishery could be accessed. Bill also spoke to the success of the NGOM fishery this year.

McKiernan, McGuire, Griffin, and Kane discussed challenges related to the development of scientific information to inform fishery management plans and reductions in capacities at NOAA Fisheries. McKiernan noted that DMF has emphasized the importance of robust survey work and port sampling. While NOAA's port sampling efforts have been in decline, DMF is investigating ways to fill the data gaps created.

Massachusetts Commercial Fisheries Commission

Director McKiernan reminded the MFAC that the Commercial Fisheries Commission (CFC) is a public body created by legislation three years ago in response to concerns raised by the industry over the impacts of offshore energy development of fisheries. The public body is chaired by the Directors of DMF and the Office of Coastal Zone Management (CZM) and includes a representative from the Executive Office of Energy and Environmental Affairs, the New Bedford Port Authority, the University of Massachusetts School for Marine Science and Technology, and 12 different organizations representing commercial fishing interests. The enabling statute identifies two primary purposes for this public body: (1) develop and recommend strategies, methods, and tools to promote sustainability of the state's commercial fishing industry, and (2) to address the responsible development of offshore wind projects' impacts on fisheries.

Director McKiernan hoped this group will bridge communication from the commercial fishing industry to the Governor and Legislature without wading into the jurisdiction of various other public bodies, such as the MFAC. The Director then listed several different subjects he expects the CFC will be able to deliver on. This includes: (1) improved seafood marketing through advocacy for more funds to DMF's Seafood Marketing Program and fishing representation on the Food Policy Council; (2) industry training; (3) improved port infrastructure and working waterfronts; (4) improved port assessments; (5) developing positions on offshore wind (e.g., mitigation, boulder movement); and (6)

contributions to various state projects and plans (e.g., MA Ocean Plan, DFG's Biodiversity Plan).

The CFC met for the first time on April 8th and is scheduled to meet again on June 27 (a short, virtual meeting to review CZM's ResilientCoasts Plan is scheduled for June 4). McKiernan hoped the Legislature would provide funding for DMF to hire the Consensus Building Institute (CBI) to help administer this public body until it sunsets in 2028. Dan felt CBI was uniquely situated to monitor and administer this public body given their work to facilitate the Fisheries and Habitat Working Groups on Offshore Wind. Chris McGuire asked how often the group meets. McKiernan stated the body is required by law to meet four times annually and produce an annual report to the legislature.

DMF PRESENTATION ON EELGRASS RESTORATION EFFORTS

Dr. Forest Schenck presented on eelgrass trends and restoration in Massachusetts. Current restoration strategies in Massachusetts include vegetative transplants, seeding, and conservation moorings. Vegetative transplanting is the status quo in the state but is up to 24% successful long-term. Forest then explained that seed-based restoration can be a potential way to scale up effort and cover significantly greater area; however, addressing underlying issues harming eelgrass is crucial to truly restore habitat.

Kalil asked about what was driving the low rate of success for restoration. Forest responded that the primary stressors on eel grass are environmental (e.g., water quality and climate change) and this also impacts restoration success.

Chairman Kane wondered if failed restoration near Boston could be impacted by the MWRA outfall pipe. Forest responded that the outfall pipe is likely too far from the restoration sites to have an impact.

Bill Amaru and Ray Kane asked about potential collaborations with the Center for Coastal Studies and SMAST. Forest noted that DMF has collaborated with the Center for Coastal Studies but added that enhanced collaboration is a priority in the restoration community.

Amaru and Kane then asked about differences in success across short distances and the state. Forest responded that the state's dynamic shoreline creates significant differences in water quality and temperature across short distances, and there is still much uncertainty about where restoration will be most successful.

Chris McGuire agreed that seed-based restoration can be an effective way to expand operations. Schneck and McGuire then discussed seed-based restoration efforts along Virginia's Eastern Shore.

McGuire posed whether aquaculture can positively impact eelgrass by improving water quality and how DMF's work with shellfish restoration may intersect with eelgrass restoration. Director McKiernan noted that this work is all housed within DMF's Habitat Program allowing for internal collaboration. Forest noted that ecological dynamics are nuanced.

Bill Doyle added that WHOI Sea Grant and DMF work on projects on his farm to examine how eelgrass and aquaculture can coexist, noting that storm velocity is important to understand sediment impacts.

OTHER BUSINESS AND PUBLIC COMMENT

Sharl Heller of the Southeastern Massachusetts Pine Barrens Alliance in Plymouth petitioned DMF and the MFAC to close Duxbury, Kingston, and Plymouth Bays to all horseshoe crab harvest thereby creating a refuge for the local population. She provided printed materials to the MFAC and DMF in support of the petition. DMF will review the petition and respond at an upcoming MFAC business meeting.

Beth Casoni, Executive Director of the Massachusetts Lobstermen's Association, thanked Bob Glenn and Jared Silva for attending a recent delegates meeting to discuss gear marking rules and other management issues. She expressed concern about Addendum XXXII and the likelihood that New Hampshire and Maine are able to develop management strategies moving forward and urged the MFAC to not support a trap reduction if it is proposed through the interstate process. She also thanked the MFAC and Chairman Kane for advocating that state-only OCCLCMA permit holders. She also thanked law enforcement for their efforts addressing non-compliance with lobster management rules among mobile gear fishers landing in Provincetown and Bill Doyle for suggesting increased permit fees. Lastly, Beth discussed ongoing gear conflicts between scallopers and fixed gear fishers in Massachusetts Bay and sought a means to address this, including a potential notice regarding where highfliers are mandated and where no such mandate exists.

ADJOURNMENT

There were no further questions or comments. **The Chairman asked for a motion to adjourn. Tim Brady moved to adjourn the meeting. The motion was seconded by Bill Doyle.** The meeting was adjourned.

MEETING DOCUMENTS

- April 24, 2025 MFAC Business Meeting Agenda
- March 27, 2025 MFAC Draft Business Meeting Minutes
- Refined Recommendation on Mechanized Bait Deployment
- Emergency Regulations to Implement Addendum XXXII to the American Lobster Fishery Management Plan
- Decision on Commercial Striped Bass Regulations for 2025
- Materials for May 2025 ASMFC Business Meeting
- DMF's Summary of the April 2025 NEFMC Meeting
- DMF's Federal Fisheries Management Update Presentation
- DMF's Eelgrass Restoration Presentation

UPCOMING MEETINGS

9AM
Thursday, May 29, 2025
SMAST East



The Commonwealth of Massachusetts

Division of Marine Fisheries

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



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

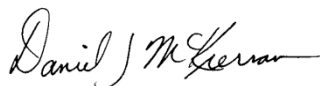
REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: May 27, 2025

SUBJECT: **Final Rule Making to Implement Addendum XXXII to the American Lobster Management Plan**

Final Recommendation

I recommend the MFAC vote to approve the following rules affecting the harvest of American lobster (FMP) in the Gulf of Maine/Georges Bank (GOM/GBK) stock area (Figure 1):

1. For Lobster Conservation Management Area 1 (LCMA1) permit holders, maintain a 3 ¼" minimum carapace size and an escape vent size of either 1 15/16" by 5 ¾" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
2. For LCMA 3 permit holders, maintain a 6 ¾" maximum carapace size and rescind all pending maximum carapace size changes.
3. For federal permit holders in the Outer Cape Cod (OCC) LCMA, maintain a 6 ¾" maximum carapace size and rescind all pending maximum carapace size changes.
4. For state-only commercial permit holders in the OCCLCMA, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.
5. For seafood dealers, rescind all pending minimum and maximum carapace size changes, which correspond with the recommendations for commercial harvest size limits above.
6. For recreational fishers in the Gulf of Maine Management Area, maintain a 3 ¼" minimum carapace size and an escape vent size of either 1 15/16" by 5 ¾" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
7. For recreational fishers in the Outer Cape Management Area, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.

This recommended regulatory action serves to complement Addendum XXXII to the American Lobster Fishery Management Plan (FMP), which rescinds the carapace size and escape vent rules scheduled to begin to go into effect on July 1, 2025 under Addendum XXVII to the FMP. DMF adopted the above changes (items #1 through #7) on an emergency basis in early-May 2025 which by law expire after 90-days (early-August 2025). If approved, this recommendation will

codify those emergency regulations filed by DMF in early May 2025 beyond the 90-day emergency period. If this recommendation fails, then the emergency regulations will remain in effect through the 90-day period and once they expire the regulatory program will revert back to implementing the carapace size and escape vent rules adopted in December 2024 to complement Addendum XXVII. This means that the minimum carapace size for LCMA1 permit holders and recreational fishers in the Gulf of Maine Management Area will increase to 3 5/16”; there will be a maximum carapace size of 6 3/4” for state-only OCCLCMA permit holders and recreational fishers in the Outer Cape Management Area; and all scheduled carapace size and escape vent changes for 2027 – 2029 will remain on the books.

See Table 1 to review all of the measures contained in Addendum XXVII and Table 2 to review those aspects of Addendum XXVII that Addendum XXXII repeals.

Background

I provided the MFAC with an extensive memorandum on Addendum XXXII for their April 2025 MFAC business meeting¹. In summary, this memorandum detailed the adoption of Addendum XXVII and its subsequent unravelling in January when Maine and New Hampshire state officials announced their respective states were reneging their support for the carapace size and trap vent increases; the resulting February 2025 action by the Atlantic States Marine Fisheries Commission’s (ASMFC) Lobster Board to initiate Addendum XXXII to repeal the carapace size and escape vent changes contained in Addendum XXVII; the ASMFC’s public hearing process; the anticipated approval of Addendum XXXII by the ASMFC’s Lobster Board at their May meeting; and the need for DMF to pursue emergency rule making.

As anticipated, the ASMFC’s Lobster Board approved Addendum XXXII at the May meeting and DMF promulgated responsive emergency regulations. DMF then held a public hearing² on May 19, 2025 and accepted written public comment through May 23. Now, I am moving forward with the above-described recommendation to codify the emergency regulations beyond the 90-day period, to ensure that Massachusetts fishers are not subject to more restrictive regulations than other fishers fishing in the same management area.

It is noteworthy that Addendum XXXII did not unravel all of Addendum XXVII. Rather, it rescinded only the: (1) conservation-driven carapace size and escape vent rules that were initiated due to a decline in the recruitment-based index developed by the ASMFC’s Technical Committee for American Lobster (“trigger index”) demonstrating 35% decline in 2024 compared to the 2016 – 2018 baseline; and (2) the maximum carapace size standardization measure for OCCLCMA that was to be adopted irrespective of the trigger index being reached or exceeded.

As a result, none of those rules are moving forward at this time and the states of Maine and New Hampshire have been tasked with developing new conservation proposals that are acceptable to their industry, and then submit these proposals to the ASMFC for consideration by the Lobster Board. Additionally, state-only OCCLMCA permit holders get a reprieve from the standardization measure that would have adopted a 6 3/4” maximum carapace size consistent with

¹ Refer to page 20 of the April 2025 MFAC business [meeting materials](#).

² The May 19, 2025 public hearing was recorded and published to [DMF’s YouTube channel](#) and relevant materials can be found on DMF’s [proposed regulations website](#).

federal permit holders in the OCCLMCA (and LCMA3) and eliminated their ability to retain so-called “oversized lobsters”.

What Addendum XXXII retained from Addendum XXVII were two measures to create standardization among commercial fishers within the same LCMA. This includes preventing New Hampshire and Massachusetts from automatically issuing additional (10%) trap tags to LCMA1 and LCMA 3 permit holders consistent with existing Maine rules, and adopting a standard v-notched lobster possession standard for the OCCLCMA. With regards to the latter, the new OCCLMCA v-notched lobster possession standard is any v-shaped notch or indentation with a depth not to exceed $\frac{1}{8}$ ” with or without setal hairs. Effectively, this adopts the existing standard for federal OCCLMCA permit holders across the management area thereby eliminating the less restrictive allowance for state-only OCCLMCA permit holders to retain any female lobsters with a v-shaped notch or other indentation that is less than $\frac{1}{4}$ ” deep and tapering to a sharp point without setal hairs.

DMF received limited public comment relevant to its proposal to adopt as final regulations the current emergency regulations that repeal all the gauge and escape vent changes to complement Addendum XXXII. No public hearing testimony was received that spoke to this action. The small amount of written public comment received was favorable, including a letter in support from the Massachusetts Lobstermen’s Association. Rather, much of the written public comment and all of the public hearing testimony came from state-only OCCLCMA permit holders or their representatives expressing frustration that the v-notch standardization measure contained in Addendum XXVII was not repealed in Addendum XXXII and subsequently part of this state rule making package. These interests advocated for DMF to rescind the July 1, 2025 implementation of a standardized v-notched lobster possession rule for the OCCLCMA (“any v-shaped notch or indentation with a depth not to exceed $\frac{1}{8}$ ” with or without setal hairs”) whether by expediting the development of an addendum to the FMP to achieve this goal or through non-compliance with the FMP.

To reiterate my April 18, 2025 memorandum, I do not intend to provide an extensive response to the arguments made by these state-only OCCLCMA permit holders given their repeated threats of litigation. However, I will remind the MFAC of several positions I have previously made on the record. First, I have no intention of pursuing non-compliance at ASMFC as a means of leveraging any particular outcome. At the February meeting of the ASMFC’s Lobster Board, I was an outspoken critic of Maine and New Hampshire for taking that course of action to unravel Addendum XXVII. Moreover, I am a champion of the interstate fisheries management process and do not support any action that undermines it. If the ASMFC were to initiate an addendum to rescind the v-notch standardization measures contained in Addendum XXVII, I would take public comment and debate with the MFAC whether Massachusetts should adopt a complementary measure³. However, at this time, no such addendum has been initiated at the ASFMC. Further, I am doubtful that any such action would be supported by the ASMFC’s Lobster Board. Recall, at the February 2025 Lobster Board meeting, the Massachusetts delegation moved a motion to include repealing the v-notch standardization measure for the OCCLMCA in Addendum XXXII and it failed to receive a second. In my view, this speaks to the lack of support for such an action coastwide and highlights the longstanding perception that

³ A state can always be more restrictive than required by the FMP, non-compliance only applies to less restrictive rules

the state-only OCCLCMA v-notch allowance undermines—to some degree—the conservation benefits to the GOM/GBK lobster stock derived from mandatory v-notching in LCMA1 and the stricter v-notched lobster possession standards among LCMA1, LMCA3, and federal OCCLCMA permit holders and by making it more difficult to enforce stricter v-notched lobster possession standards in commerce once the initial sale to the primary buyer occurs.

Enclosed: Written public comment

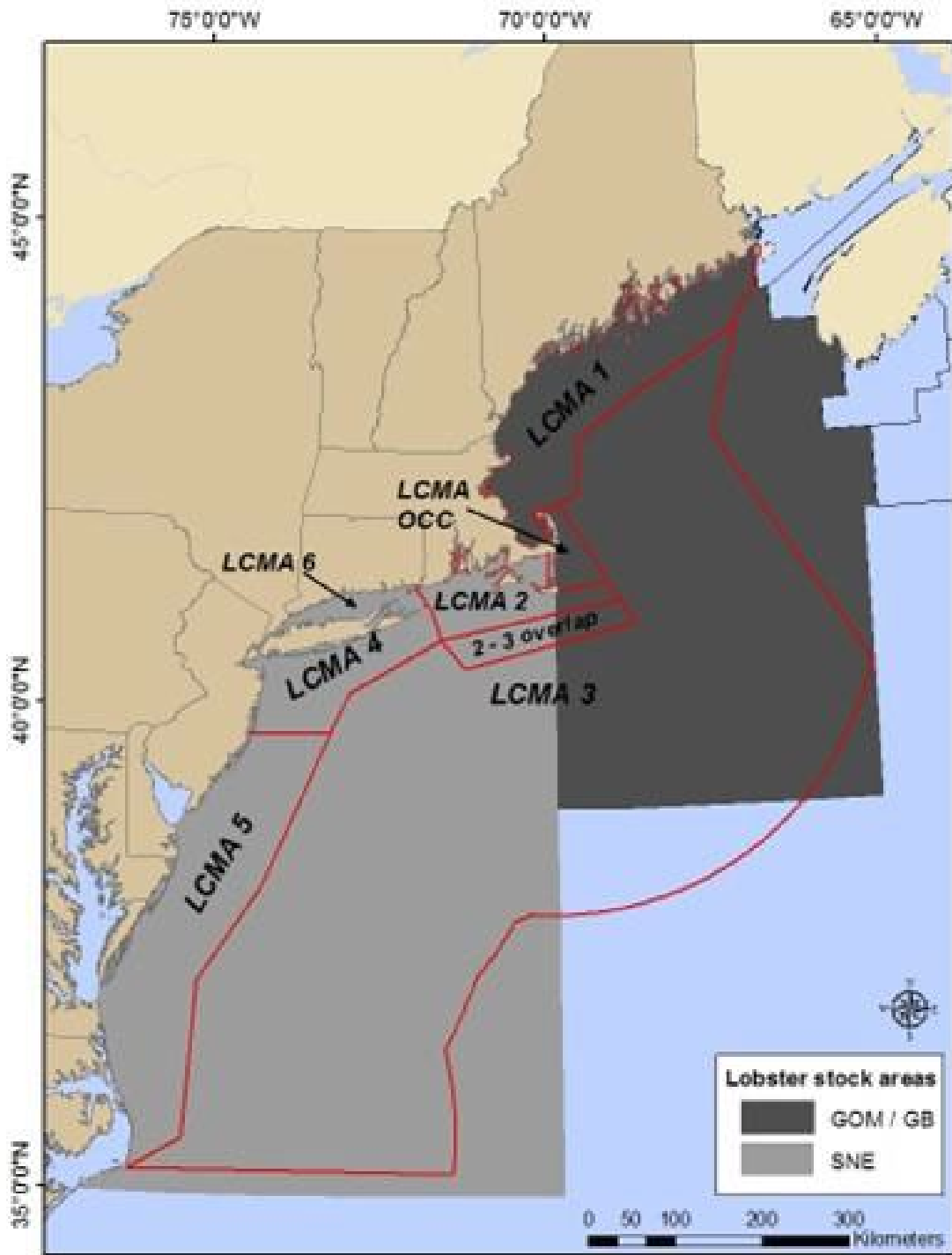
Table 1. Implementation Schedule for Commercial Fishing Gauge Size, Escape Vent, and V-Notch Rules Adopted in Addendum XXVII by LCMA

Implementation	LCMA 1	LCMA 3	OCCLCMA
July 1, 2025 (Regardless of trigger index)	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Limit trap tag issuance to trap allocation with no extra trap tags awarded.	Establish 6 3/4" maximum carapace size for state waters OCCLCMA. 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 only OCCLCMA permit holders
July 1, 2025 (Year 1 following 35% decline in trigger index)	Minimum carapace size increase from 3 1/4" to 3 5/16"	N/A	N/A
July 1, 2026 (Year 2 following 35% decline in trigger index)	N/A	N/A	N/A
July 1, 2027 (Year 3 following 35% decline in trigger index)	Minimum carapace size increase from 3 5/16" to 3 3/8"	N/A	N/A
July 1, 2028 (Year 4 following 35% decline in trigger index)	Trap escape vent size change from 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter to 2" by 5 3/4" rectangular to 2 5/8" diameter.	N/A	N/A
July 1, 2029 (Year 5 following 35% decline in trigger index)	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".

Table 2. Changes to Addendum XXVII Commercial Gauge Size and Escape Vent Rules Resulting from Implementation of Addendum XXXII

Implementation	LCMA 1	LCMA 3	OCCLCMA
July 1, 2025	<p>Minimum gauge size increase from 3 1/4" to 3 5/16"</p> <p>Maintains existing 3 1/4" minimum gauge size.</p>	<p>Maintains existing 6 3/4" maximum gauge size.</p>	<p>Establish 6 3/4" standard maximum gauge size for OCCLCMA.</p> <p>Maintains existing 6 3/4" maximum gauge size for OCCLCMA federal permit holders and no maximum gauge size for state-only OCCLCMA.</p>
July 1, 2027	<p>Minimum gauge size increase from 3 5/16" to 3 3/8"</p>	N/A	N/A
2028	<p>Trap escape vent size increase to 2" by 5 3/4" rectangular to 2 5/8" diameter.</p> <p>Maintains escape vent size of 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter</p>	N/A	N/A
2029	N/A	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p> <p>Maintains existing 6 3/4" maximum gauge size.</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p>

Figure 1. Map of Lobster Management Areas Overlaid on Lobster Stock Areas



May 23, 2025

VIA EMAIL

Mr. Daniel McKiernan
Director
Massachusetts Division of Marine Fisheries
Email: marine.fish@mass.gov

**Re: Public Comment re American Lobster Draft Addendum XXXII and
Amendment to 322 CMR 6.02**

To Whom It May Concern:

My name is Samuel P. Blatchley, Esq. and I am citizen of the Commonwealth of Massachusetts. I, along with Eckland & Blando LLP, serve as counsel to the Outer Cape Lobstermen's Association (the "OCLA").

The OCLA, composed of in excess of thirty (30) permit holders legally harvesting lobster in the Outer Cape Lobster Conservation Management Area of Massachusetts (the "OCC"), along with other concerned groups and individuals, is primarily organized to protect and promote sustainability and conservation in the OCC. The OCLA fosters responsible fisheries management, environmental stewardship, and the preservation of the lobster resource to ensure a sustainable future for the OCC.

This correspondence constitutes the OCLA's formal and unequivocal opposition to certain provisions of the pending emergency regulations to amend 322 CMR 6.02. Specifically, OCLA objects to the proposed standardization of the v-notch possession definition for all permit holders in the OCC to 1/8 inch, regardless of the presence of setal hairs (the "Proposal"), as well as to the implementation of Addendum XXXII to the Interstate Fishery Management Plan for American Lobster.¹

The OCLA expresses its profound concern that this Proposal is being advanced in an apparently biased and illegal manner. This situation regrettably mirrors past instances where Maine has resisted implementing minimum size augmentations absent demonstrable and equivalent conservation measures. Instead of acting against Maine, the Atlantic States Marine Fisheries

¹ Which was improperly adopted because of, among other reasons, a failure to convene Lobster Conservation Management Teams as required by Amendment 3 to the Lobster Fishery Management Plan.

Commission (the “ASMFC”) and the Massachusetts Division of Marine Fisheries (the “DMF”), harm small lobstermen instead.

It is imperative to recall that the OCC, demonstrating a proactive and commendable commitment to resource sustainability, voluntarily adopted a minimum size increase in conjunction with a comprehensive trap reduction plan as a conservation equivalency measure in the year 2000. This prior action underscores the OCC's longstanding dedication to responsible fisheries management.

The present matter must be evaluated within the critical historical context of the Federal Action, *Outer Cape Lobstermen’s Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY, adjudicated in the United States District Court for the District of Massachusetts before The Honorable William G. Young. This consequential litigation, initiated by the OCLA in January 1998 against the ASMFC and the Director of DMF, culminated in a judicially facilitated Settlement Agreement (the “Settlement Agreement”) following extensive motion practice and hearings before the court.

A fundamental and legally binding tenet of the Settlement Agreement, presented by the DMF and formally approved by the ASMFC in April 2000, was the explicit recognition that a full 3 5/16” minimum size gauge increase was a permissible and valid conservation equivalency measure in lieu v-notching. This was not a random result. Rather this came after careful consideration and research by the DMF.

That research was led by then-Senior Marine Fisheries Biologist Bruce Estrella and Marine Fisheries Biologist Robert Glenn—now DMF’s Deputy Director—who conducted a “Management Measure Conservation Equivalency” review. Deputy Director Glenn’s review highlighted **eight biological concerns** with mandatory v-notching, three of which I emphasize here:

1. *Increased risk of disease transmission due to breaches in the integument caused by v-notching;*
2. *Potential egg loss due to increased handling from v-notching;*
3. *V-notched, egg-bearing females receive double credit—protection both for being v-notched and for being berried.*

Using the Egg Per Recruit Model developed by Josef Idoine of NMFS and utilized by the ASMFC across U.S. lobster stocks, Deputy Director Glenn concluded in 2000 that the OCC plan yielded a **1.338% increase in egg production—more than 2.5 times** the 0.502% increase under then-existing ASMFC measures of a 3 1/4” gauge and mandatory v-notching. This was a scientifically validated win for both conservation and the fishing community. Furthermore, following the increase in the minimum gauge size to 3 3/8”, the egg production benefits, per Director Glenn’s analysis, have increased tenfold.

That soundness was not merely theoretical. Former DMF Director Philip Coates, i.e., the *named plaintiff in the litigation against DMF*, declared in a March 2000 *Cape Cod Times* statement:

“Lobsters: our most important coastal species. And we’re not going to save the lobster resource with v-notching and a maximum gauge. *In my heart, I know the Outer Cape lobstermen are correct. There should be real trap reductions and an increase in the minimum size.*”

Nothing has changed that would make Philip Coates’ poignant words void. Indeed, Philip Coates’ successor, Paul Diodati, recognized the success of this model and sought to expand it statewide.

In the twenty-five (25) years since the Settlement Agreement’s inception, OCC permit holders have diligently and consistently adhered to its terms, rigorously implementing the stipulated trap reduction measures and achieved demonstrable success in tangible conservation outcomes. Today, the OCC fishery stands as a testament to that success and the efficacy of the Settlement Agreement: the OCC remains vibrant, resilient, and notably younger in demographics than other Lobster Management Areas—an indicator that it attracts and retains new entrants. **This is sustainability in action.**

Regrettably, the current Proposal represents a clear and unwarranted abrogation of the legally binding Settlement Agreement. The ASMFC now seeks to unilaterally impose a v-notch definition specifically and exclusively targeting the OCC, while conspicuously failing to mandate any corresponding conservation equivalency for Maine. This selective imposition of regulatory burdens raises serious concerns regarding equitable treatment and adherence to established legal obligations.

In marked contrast to the Settlement Agreement, which was meticulously grounded in scientific consultation, established conservation principles, and demonstrably equivalent conservation outcomes, the purported rationale advanced for the Proposal is ostensibly limited to mere administrative convenience.

The stated objective – which, upon information and belief, was conceived without the requisite and essential consultation with the OCC Lobster Conservation Management Team – is purportedly to achieve uniform regulations to enhance law enforcement monitoring and prosecution efficacy. This justification is patently and demonstrably not a conservation measure.

In a recent Memorandum, DMF Director Daniel McKiernan candidly confirmed:

“The purpose of the v-notch rule is standardization within the LCMA, and the v-notch standardization measure (as well as the maximum gauge size

measure for which they will get reprieved) were scheduled to go into effect for 2025 irrespective of the trigger-index-based conservation measures.”

He continued: “Given my respect for the ASMFC process, I also have no intention to pursue non-compliance (like Maine and New Hampshire threatened) so the state-waters-only OCCLCMA fishers can maintain a ¼” v-notch standard.”

This is a pivotal admission: the proposal is **not about conservation**—it is about **standardization** and avoiding a perceived lack of uniformity. That is not a lawful basis to promulgate this regulation and it certainly is not an “emergency” justifying emergency rulemaking.

Instead, it constitutes a breach of a legally binding Settlement Agreement with the OCLA’s membership, who have consistently and commendably demonstrated an unwavering commitment to robust conservation practices and significant effort reduction since 2000. Simultaneously, it appears to represent an unwarranted and inequitable concession to others that have not undertaken comparable conservation efforts, thereby fundamentally undermining the principles of sound resource management and equitable regulatory application.

Furthermore, the Proposal exhibits a critical deficiency in its apparent failure to adequately consider the fundamentally distinct ecological characteristics of the Outer Cape Lobster Conservation Management Area. The OCC is not merely another lobstering zone; it is a unique and discrete ecosystem with specific environmental conditions, lobster populations, and growth patterns that differ significantly from other areas where a standardized v-notch definition might be considered. A one-size-fits-all approach, such as the Proposal, disregards these crucial ecological distinctions and the potential for unintended and detrimental consequences within the OCC’s sensitive environment. The imposition of a standardized v-notch definition, without due consideration of the OCC’s unique ecosystem, lacks a sound scientific basis and undermines the principles of tailored and effective conservation management.

Adding to these substantial concerns, the OCLA has determined that the practical effect of the Proposal will be a devastating 25% reduction in catch by its members. This significant decrease in harvesting capacity will inflict severe economic hardship on the OCC permit holders, threatening their livelihoods and the viability of their long-standing fishing operations. This drastic economic consequence, resulting from a measure ostensibly aimed at administrative uniformity rather than demonstrable conservation benefit, further underscores the arbitrary and capricious nature of the Proposal and its disproportionately negative impact on the OCC community. The failure to adequately consider and mitigate this substantial economic impact on the OCC further demonstrates the Proposal’s lack of reasoned analysis and equitable application.

This action also appears to violate Executive Order 87, which requires agencies to file an economic impact statement with proposed regulations unless explicitly exempted. The OCLA is

not aware of any such statement having been prepared, nor of any exemption having been granted to the Commonwealth in this instance.

In essence, the Proposal effectively abrogates a duly negotiated, judicially facilitated, and legally binding agreement and lacks any discernible or justifiable conservation purpose. It appears to be an arbitrary and capricious action, driven by considerations of administrative expediency and uniformity at the direct expense of established legal commitments and demonstrably successful conservation practices. It is being undertaken without the required economic impact analysis nor a valid environmental impact analysis.

The Proposal is not only legally infirm but also fundamentally undermines the principles of sound resource management, equitable treatment under the law, and the integrity of negotiated settlements. The failure to consider the binding Settlement Agreement and the OCC's successful conservation efforts constitutes such a failure.

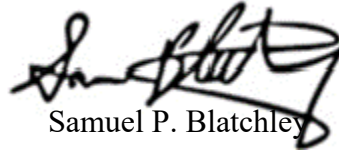
Subsequent to the Settlement Agreement, Judge Young ordered the Federal Action closed without entry of judgment, explicitly tolling all applicable statutes of limitation and stipulating that "[the Federal Action] may be reopened upon motion by any party" and that the closure was "without prejudice to either party moving to restore [the Federal Action] to the docket, if any further action is required." [Docket No. 54.] This explicit judicial retention of jurisdiction underscores the ongoing legal significance of the Settlement Agreement and the Court's ability to enforce its terms.

While the OCLA remains firmly committed to constructive dialogue and the avoidance of litigation, it must be unequivocally stated that should the ASMFC and DMF proceed with the adoption of the Proposal, the OCLA will be compelled to reopen the Federal Action to, *inter alia*, vigorously enforce the Settlement Agreement and challenge the legality of the Proposal under applicable law standards and potentially constitutional principles. The Proposal raises serious concerns regarding the abrogation of contractual obligations and the potential for arbitrary and capricious action.

This correspondence, while outlining key and critical concerns, is not exhaustive of all issues presented by the Proposal and is explicitly without prejudice to the rights, claims, and defenses of the OCLA and its members. None of these should be deemed waived or limited by this communication. All rights are expressly reserved.

We respectfully and strongly urge a thorough and good-faith reconsideration of the Proposal in light of the foregoing legal and conservation concerns. We remain available to discuss this matter further at your earliest convenience and encourage open communication to resolve this issue amicably and in a manner consistent with established legal obligations and sound resource management principles.

Respectfully submitted,



Samuel P. Blatchley

From: [CHERYL ANN SOUZA](#)
To: [Fish, Marine \(FWE\)](#)
Subject: addendum 32
Date: Friday, May 23, 2025 7:35:20 PM

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Director Daniel McKiernan,

As you know at the MLA weekend we were told that doing away with addendum 32 was all or nothing. We were pretty sure that the Outer Cape would get the shaft and we were right.

We have already given up enough with the larger gauge and the traps that we have lost with the 10 percent on transfers. And now with the new v notch on us and the 0 tolerance on the dealers we will loose 20 to 30 percent of our catch.

It is time to admit that the v notch is a failed experiment. Since the majority of the areas have been v notching for about 20 odd years if it was doing its job then they would not be looking at other things for the industry to do.

Our plan was approved by ASMFC and the courts and we have the plan that allows the young a chance to reproduce before they are taken. We do not think that another area (Maine) should be able to force their plan on us.

Bill Souza

From: [Sam Pickard](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); crashseafood22@yahoo.com; [Brendan Adams](#); [Sam Blatchley](#); [Romeo-Theken, Sefatja \(FWE\)](#)
Subject: Public comment for Ammendum 32
Date: Friday, May 23, 2025 4:57:12 PM

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To whom it may concern.

My name is Samuel Pickard, and I am the Vice President of the Outer Cape Lobstermen's Association. I am writing to you today in disgust of the finalization of the changes to proposed Addendum XXXII. Both Addendum XXXII and XXVII were created not only to promote conservation for the lobsters caught in the Commonwealth of Massachusetts but in all of the states where lobster is caught on the east coast of the U.S. This finalized plan does not promote this, but instead targets and discriminates against 44 state lobstermen who currently make their living in the Outer Cape Cod Lobster Management Area. We few are once again being forced to save the entire lobster industry in the northeast.

Massachusetts has the second highest cost of living in the United States, just falling short of Hawaii which comes in as number one. We do not have the luxury of moving away from the coast to find more affordable housing, as states such as Maine and New Hampshire do, which makes not only living here difficult, but keeping year round help next to impossible. From an economic perspective, the proposed changes in Addendum XXXII will only affect a few, as Maine and New Hampshire will once again remain unaffected, but for us in the outer cape it will be costly. We already have a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%, and when this was brought before him, he stated it was preposterous, we were conjuring numbers out of thin air.

I ask why is our management plan being affected? As it is already more strict due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% trap reduction everytime allocation is bought or sold? Our average trap allocation is only 393 in state waters, compared to Area 1's 800. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY*. Also, for the creation of both 27 and 32, the dmf and ASMFC are required to meet with all of the LCMTs, however the Outer Cape LCMT was never convened or even notified. Why are new regulations being pushed forwards before meeting with the stakeholders to get the correct data for each zone? Are we no longer concerned about protecting the resource, or are we just trying to unify with Area 1 and Maine? As each meeting drags onward I am filled with more disgust and distrust by the MADMF as well as the ASMFC for not upholding their legally binding agreement from 24 years ago.

Sam Pickard

Vice President of the Outer Cape Lobstermen's Association
#010354
508-332-9251

From: [Faye Anderson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Outer Cape Lobsterman
Date: Friday, May 23, 2025 2:20:02 PM

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To whom it may concern

My name is Faye Anderson co owner with Brock Bobisink I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY .

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you
Faye Anderson
508 945-8046
Fishingfaye50@gmail.com

From: [Brendan Adams](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Cc: [Glenn, Robert \(FWE\)](#); [Reed, Story \(FWE\)](#); [Toni Kerns](#); [Sam P. Blatchley](#); [Sam Pickard](#); [Ben Piccard](#); [Dana Pazolt](#); [Jeff Souza](#); [Beth Casoni](#); sooky55@aol.com; Jennifer.Armini@mahouse.gov; [John Granlund](#); [Silva, Jared \(FWE\)](#); [DFG.info \(FWE\)](mailto:DFG.info (FWE)); [Edward Lambert](#); [Romeo-Theken, Sefatia \(FWE\)](#); [Tepper, Rebecca L \(EEA\)](#); [Brendan Adams](#); [STEPHEN SMITH](#)
Subject: Public Comment for the Unraveling of ASMFC Addendum 32
Date: Friday, May 23, 2025 2:10:25 PM
Attachments: [2000 Apr American Lobster Board VA.pdf](#)

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To the MFAC:

I am submitting this public comment in the capacity of president of the Outer Cape Lobstermen's Association. This is possibly the final public comment we will make, written or verbally, to either the Commonwealth of Massachusetts or the ASMFC regarding ASMFC's addendum 32, which unravels all of addendum 27, except for a change to the 44 Outer Cape Cod state only lobster fishermen. Not curiously, you have not seen or heard much in the way of comments from the (24 or so) federal Outer Cape permit holders, because when you unravel the rules in accordance with addendum 32, it makes no changes for their rules that they previously abided by to before the passing of addendum 27, making them back to status quo. That said we have support from many of them. We urge you to unravel the regulations per addendum 32, but also include unraveling the v-notch definition being forced upon the Outer Cape state only permit holders. Many of us have submitted public comments verbally and in writing to the Commonwealth and ASMFC regarding our extreme disagreement with addendum 27 and addendum 32 regarding the fact that out of the many thousands of lobster permits, 6000 or more in Maine alone, only the 44 of us will be effected on the whole US Atlantic coast. At this point we feel that our voices are not only going unheard, they are being purposefully ignored. That has forced us to lawyer up. If anyone receiving this comment thinks we are bluffing in pursuing legal action, I would refer to the comments made by our legal counsel. We feel that the Commonwealth of Massachusetts and ASMFC (feds) are violating the federal ruling from 2000 decided in Outer Cape Lobstermen's Association VS. Mass DMF and ASMFC. We also believe that what being done is highly discriminatory and prejudiced, most likely stemming from political pressure from another state(s) with a larger influences in lobstering. Some other legal terms that could be related to our plight are: arbitrary and capricious, and commandeering. Our Outer Cape State management plan implemented fully in 2000 is working as well or better than designed. This is easily explained in the fact that our average age of participants is the youngest of any fishery in the United States. New participants got involved in this particular fishery because they believe that our strong conservation management plan would produce a modest income year after year, which it has. In contrast to some other lobster areas our management plan has limited the number of traps we fish. While all area one lobstermen may be issued 800 trap tags, we average less then 400 tags per fisherman. Also we have a short window to make a living between whale closures, weather, and lobster migration patterns. We believe that our area has an effective and successful management plan, which now spans two and a half decades. We have bent over backwards for conservation, but this new regulation being forced on us is for ease of enforcement and has absolutely nothing to do with conservation. We do not want to be forced into any other area's management plan. From an economic aspect we believe we will conservatively have our landings reduced by 25%. By not repealing the new v-notch definition being forced upon us July 1, 2025, you will force us to take legal action. The Commonwealth could ignore the ASMFC's ruling and do the right thing by us. No state has ever been punished for ignoring or disregarding something voted in by ASMFC. An example to that is New Jersey ignoring a decision by ASMFC in recent years regarding striped bass. The bigger picture is most of the decisions made at ASMFC are made behind closed doors, in the hallways, on the phone, and all before a vote. It is using being used as a private trading organization that often takes little or no input from the public. We were told by both ASMFC and Massachusetts employees that LCMT meetings did not have to be held to pass new regulations in our area. We have definitive proof that was at the very least false. To look at discussion of our 2000 lawsuit see page 12, and item 12 on page 86 of the attachment to this email. Please repeal our new, soon to be implemented notch regulation when you repeal the rest of Addendum 32.

Sincerely,

Brendan Adams

Outer Cape Lobstermen's Association President

From: [Brendan Adams](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#)
Cc: [Glenn, Robert \(FWE\)](#); [Reed, Story \(FWE\)](#); [Toni Kerns](#); [Sam P. Blatchley](#); [Sam Pickard](#); [Ben Piccard](#); [Dana Pazolt](#); [Jeff Souza](#); [Beth Casoni](#); [sooky55@aol.com](#); [Jennifer.Armini@mahouse.gov](#); [John Granlund](#); [Silva, Jared \(FWE\)](#); [DFG.info \(FWE\)](#); [Edward Lambert](#); [Romeo-Theken, Sefatia \(FWE\)](#); [Tepper, Rebecca L \(EEA\)](#); [STEPHEN SMITH](#)
Subject: Re: Public Comment for the Unraveling of ASMFC Addendum 32
Date: Friday, May 23, 2025 2:17:52 PM
Attachments: [LCMT deliberations.pdf](#)

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Here are the LCMT deliberations. We were supposed to have them for addendum 27 at a minimum.

> On May 23, 2025, at 1:58 PM, Brendan Adams <FibFab25@yahoo.com> wrote:

>

> To the MFAC:

>

> I am submitting this public comment in the capacity of president of the Outers Cape Lobstermen's Association. This is possibly the final public comment we will make, written or verbally, to either the Commonwealth of Massachusetts or the ASMFC regarding ASMFC's addendum 32, which unravels all of addendum 27, except for a change to the 44 Outer Cape Cod state only lobster fishermen. Not curiously, you have not seen or heard much in the way of comments from the (24 or so) federal Outer Cape permit holders, because when you unravel the rules in accordance with addendum 32, it makes no changes for their rules that they previously abided by to before the passing of addendum 27, making them back to status quo. That said we have support from many of them. We urge you to unravel the regulations per addendum 32, but also include unraveling the v-notch definition being forced upon the Outer Cape state only permit holders. Many of us have submitted public comments verbally and in writing to the Commonwealth and ASMFC regarding our extreme disagreement with addendum 27 and addendum 32 regarding the fact that out of the many thousands of lobster permits, 6000 or more in Maine alone, only the 44 of us will be effected on the whole US Atlantic coast. At this point we feel that our voices are not only going unheard, they are being purposefully ignored. That has forced us to lawyer up. If anyone receiving this comment thinks we are bluffing in pursuing legal action, I would refer to the comments made by our legal counsel. We feel that the Commonwealth of Massachusetts and ASMFC (feds) are violating the federal ruling from 2000 decided in Outer Cape Lobstermen's Association VS. Mass DMF and ASMFC. We also believe that what being done is highly discriminatory and prejudiced, most likely stemming from political pressure from another state(s) with a larger influences in lobstering. Some other legal terms that could be related to our plight are: arbitrary and caprecious, and commandeering. Our Outer Cape State management plan implemented fully in 2000 is working as well or better than designed. This is easily explained in the fact that our average age of participants is the youngest of any fishery in the United States. New participants got involved in this particular fishery because they believe that our strong conservation management plan would produce a modest income year after year, which it has. In contrast to some other lobster areas our management plan has limited the number of traps we fish. While all area one lobstermen may be issued 800 trap tags, we average less then 400 tags per fisherman. Also we have a short window to make a living between whale closures, weather, and lobster migration patterns. We believe that our area has an effective and successful management plan, which now spans two and a half decades. We have bent over

backwards for conservation, but this new regulation being forced on us is for ease of enforcement and has absolutely nothing to do with conservation. We do not want to be forced into any other area's management plan. From an economic aspect we believe we will conservatively have our landings reduced by 25%. By not repealing the new v-notch definition being forced upon us July 1, 2025, you will force us to take legal action. The Commonwealth could ignore the ASMFC's ruling and do the right thing by us. No state has ever been punished for ignoring or disregarding something voted in by ASMFC. An example to that is New Jersey ignoring a decision by ASMFC in recent years regarding striped bass. The bigger picture is most of the decisions made at ASMFC are made behind closed doors, in the hallways, on the phone, and all before a vote. It is using being used as a private trading organization that often takes little or no input from the public. We were told by both ASMFC and Massachusetts employees that LCMT meetings did not have to be held to pass new regulations in our area. We have definitive proof that was at the very least false. To look at discussion of our 2000 lawsuit see page 12, and item 12 on page 86 of the attachment to this email. Please repeal our new, soon to be implemented notch regulation when you repeal the rest of Addendum 32.

>

> Sincerely,

>

> Brendan Adams

>

> Outer Cape Lobstermen's Association President

>

>

>

> <2000 Apr American Lobster Board VA.pdf>

From: [Brock Bobisink](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Outer Cape Lobstermen
Date: Friday, May 23, 2025 2:14:37 PM

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To whom it may concern

My name is Brock Bobisink I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY*.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is $3 \frac{3}{8}$ ths of an inch, while theirs is $3 \frac{1}{4}$. This $\frac{1}{8}$ of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you
Brock Bobisink
#003660
774 722 2494
Brockmamba@gmail.com

From: [Mike O'Brien](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Lobster public comment 5/23/25
Date: Friday, May 23, 2025 11:08:33 AM

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To Whom it may concern,

My name is Mike O'Brien and I am writing to you regarding the proposed changes being made with Addendum 32 of the Atlantic States Fisheries Commission. I am one of the 44 state permitted lobstermen fishing in the Outer Cape Management Area. While Addendum 32 seems to be a win for most lobstermen with many of the proposed changes from Addendum 27 being rescinded, it is discriminatory against the Outer Cape Lobstermen as it still upholds changes to the Outer Cape Management Plan. The OCCLMA has a healthy conservation plan which was supported by the MADMF in the 1990's and early 2000's and was later challenged in court and upheld in the case, *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

Why is our management plan being affected? The Outer Cape management plan is already stricter than others due to the smaller trap allocation, shorter fishing season, larger minimum gauge size, as well as a 10% allocation reduction on all transfers. Our average trap allocation per permit is only 393 in state water which is less than half of the 800 trap allocation in LCMA 1. Our larger minimum gauge of 3 3/8" compared to the 3 1/4" in area 1 allows for a much higher percentage of lobsters to reach reproduction size and thus increasing reproduction rates. It was stated by MADMF that the loss due to the V-notch change would be around 2% which is far less than what the actual impact will be. I did one day of sea sampling with the state biologist and saw what would have been 4-5% loss on V-notched lobsters alone, this also being on a low run of notched lobsters meaning the actual number day to day could be much higher. Those are not made up numbers I have the data to support it.

We lobstermen on the Outer Cape are also in a very tough position demographically as the state of Massachusetts is ranked number two for cost of living in the nation and Cape Cod alone has seen skyrocketing living cost. As I know all coastal communities experience a higher cost of living here on Cape Cod we can't escape it by moving inland a little ways to find cheaper living. We have the youngest average aged fishermen in the OCCLMA trying to survive and support young families here on Cape Cod is not easy. In an already financially tough fishery how does reducing our catch and thereby income make any sense?

Finally, any conservation measures or plan that were being implemented by Addendum 27 no longer exist with the creation of Addendum 32. Addendum 27 and 32 now discriminate against the Outer Cape State lobstermen and I think any regulatory changes MADMF are planning to make regarding addendum 27 or 32 should be scrapped.

Thank You,
Mike O'Brien

To whom it may concern,

My name is Ben Pickard I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I have been working on the deck of an Outer Cape lobster boat for as long as I can remember. From the elementary school years of wearing a life jacket on my Uncle's boat, to starting out on my own with a commercial student permit when I turned 12 and continuing with a regular commercial OCLMA permit before I ever had a driver's license, lobstering has shaped my life. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al., Civil Action No. 1:98-cv-10165-WGY*.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. My original OCLMA permit had a trap allocation of just 57 traps. Through many years and many hundreds of thousands of dollars, I have built my business and allocation to 511 traps (still far below Area 1's automatic 800). This rollback undermines the conservation plan of the Outer Cape as well as the time, effort, and capital that I have spent to be a part of a successful management area. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%. In addition, the OC area had a mandatory closure period PRIOR to the Right Whale closure, further showing our proactive protection of the resource.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it only discriminates against the 44 state-only Outer Cape Lobstermen. I support scrapping Addendum 27 and 32 entirely, as conservation is no longer being supported under either of these Addendums. The Outer Cape Lobstermen deserve some recognition for their proactive management plan crafted years before the other LMAs rather than continually being brought back every time another LMA needs to create or alter their management plans as ours has proved it to be successful.

Thank you,

Benjamin Pickard
F/V Dragon Lady
OCLMA permit 004592
Box 1404
Wellfleet, MA 02667
lobsterlife99@gmail.com

To whom it may concern

My name is Raymond Joseph. I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you,
Raymond Joseph

From: [Chris Costa](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment Outer Cape Cod LMA ATTN: Dan McKiernan
Date: Thursday, May 22, 2025 3:52:45 PM

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To whom it may concern

My name is Christopher Costa. I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you, Christopher Costa

From: [Xfinity Email](#)
To: [Fish, Marine \(FWE\)](#)
Subject: May MFAC meeting
Date: Thursday, May 22, 2025 12:21:06 PM
Attachments: [LCMT deliberations.pdf](#)

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To the MFAC

In regards to the upcoming decision on the newest v-notch definition for the Outer Cape Lobster Management Area I am submitting a 2008 document stating the requirements for future lobster regulations in the area. There first needed to be a meeting with the Lobster Conservation Management Team and MA staff including a technical representative (lobster biologist). No meeting ever occurred.

The lobstermen in this area were denied an ability to assess both biological inputs and economic impacts prior to MA DMF submitting new regulations to the ASMFC. I believe this disqualifies any new changes to lobster regulations. I hope the Director will look at his own document and withdraw his recommendation to MFAC. MFAC also should realize it cannot move forward on this issue.

Stephen Smith

Dan Mckiernan

My name is Dana Pazolt I am writing to you today in regard to the proposed rollback of Addendum 32 of the Atlantic States Marine Fisheries Commission. I am one of the 44 state lobstermen permitted to fish in the Outer Cape Lobster Management Area. The rollback, or emergency measures that are being put into place are not only discriminatory against us but are also arbitrary and capricious. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY.

I ask why is our management plan being affected? Our management plan is already stricter due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% reduction every time the allocation is bought or sold. We have the youngest age of fisherman by at least 20 years, showing that management plan is continuing to recruit young fishermen. Our average trap allocation is only 393 in state waters, which is less than half of LCMA 1's automatic 800. Also, our area has a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is $3 \frac{3}{8}$ ths of an inch, while theirs is $3 \frac{1}{4}$. This $\frac{1}{8}$ of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%.

Finally, the cost of living continues to rise in Massachusetts, being ranked the second highest state in the nation. Living on Cape Cod is no exception, we do not have the luxury of moving inland 20 minutes away from the water to find cheaper, more affordable housing like New Hampshire and Maine does. This makes it extremely difficult to live comfortably, not to mention have dependable housing for the crew.

I do not support the emergency plan being proposed by the MADMF, as it discriminates only the 44 state Outer Cape Lobstermen. I support scrapping Addendum 27 and 32, as conservation is no longer being supported under either of these Addendums.

Thank you

Dana Pazolt



Massachusetts Lobstermen's Association

8 Otis Place ~ Scituate, MA 02066
781.545.6984

May 15, 2025

Daniel McKiernan, Director
Massachusetts Division of Marine Fisheries
South Coast Field Station
836 S. Rodney French Blvd.
New Bedford, MA 02744

Sent via email: marine.fish@mass.gov

Dear Director McKiernan,

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of **SUPPORT** to repeal the Lobster Carapace Sizes and Escape Vent Rules (322 CMR). To have state regulations conform to Addendum XXXII to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster.

1. The **MLA SUPPORTS** the repeal of all pending minimum carapace size increases for commercial fishers in Lobster Conservation Management Area 1 (LCMA 1) and recreational fishers in the Gulf of Maine Recreational Area. This will maintain the existing 3 1/4" minimum carapace size.
2. The **MLA SUPPORTS** the repeal of all pending escape vent size changes for commercial fishers in LCMA 1 and recreational fishers in the Gulf of Maine Recreational Area. This will maintain existing minimum escape vent size of 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter.
3. The **MLA SUPPORTS** the repeal of all pending maximum carapace size changes for commercial fishers in Lobster Conservation Management Area 3 (LCMA3) and Outer Cape Cod (OCCLCMA) and recreational fishers in the Outer Cape Recreational Area. This will maintain the existing 6 3/4" maximum carapace size for LCMA 3 and federal permit holders in OCCLCMA. For state-waters-only OCCLCMA fishers and recreational fishers in the Outer Cape Recreational Area there will be no maximum carapace size.
4. The **MLA SUPPORTS** the repeal of all pending minimum and maximum carapace size standards for seafood dealers. State-wide dealers will have no maximum carapace size and a minimum carapace size of 3 1/4". Dealers buying directly from commercial fishers are restricted to only buying those lobsters that conform to the LCMA specific minimum and maximum size standards for the commercial fisher.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The membership is comprised of fishermen from Maine to Cape May and encompasses a wide variety of gear types from fixed gear and mobile gear alike. The MLA continues to work conscientiously through the management process with the Massachusetts Division of Marine Fisheries, Atlantic States Marine Fisheries, Atlantic Large Whale Take Reduction Team, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the resources in which our commercial fishermen are engaged in.

Thank you for your thoughtful deliberation and continued support for the commercial lobster industry here in the Commonwealth.

Sincerely, *Beth Casoni*, Executive Director

From: [Dake Henderson](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Lobster gauge size and escape vent rules
Date: Saturday, April 26, 2025 10:00:03 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.

Hello,

Lobster gauge size and escape vent rules as scheduled under Addendum XXVII for 2025 - 2029 should be implemented without delay. The recruit abundance index declined by 39% from the 2016-2018 average, surpassing the threshold of a 35% decline established by Addendum XXVII. This is precisely the unfortunate scenario for which the Addendum was designed, and other "alternative" conservation strategies are completely inadequate. Please protect our fishery!

Thanks You
Dake Henderson
Cotuit, MA

From: [Sam Pickard](#)
To: comments@asmfc.org
Cc: [Brendan Adams](#); [Sam Blatchley](#); [Fish, Marine \(FWE\)](#); [Bill Souza](#); crashseafood22@yahoo.com; [Romeo-Theken, Sefatia \(FWE\)](#); [Xfinity Email](#); [McKiernan, Dan \(FWE\)](#)
Subject: Lobster Draft Addendum XXXII
Date: Friday, April 25, 2025 10:35:18 PM

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.

To whom it may concern.

My name is Samuel Pickard, and I am the Vice President of the Outer Cape Lobstermen's Association. I am writing to you today in disgust of the finalization of the proposed Addendum XXXII. Both Addendum XXXII and XXVII were created not only to promote conservation for the lobsters caught in the Commonwealth of Massachusetts but in all of the states where lobster is caught on the east coast of the U.S. This finalized plan does not promote this, but instead targets and discriminates against 44 state lobstermen who currently make their living in the Outer Cape Cod Lobster Management Area.

Massachusetts has the second highest cost of living in the United States, just falling short of Hawaii which comes in as number one. We do not have the luxury of moving away from the coast to find more affordable housing, as states such as Maine and New Hampshire do, which makes not only living here difficult, but keeping year round help next to impossible. From an economic perspective, the proposed changes in Addendum XXXII will only affect a few, as Maine and New Hampshire will once again remain unaffected, but for us in the outer cape it will be costly. We already have a larger minimum gauge than the rest of Massachusetts, New Hampshire and Maine Area 1 lobster fishery, ours is 3 3/8ths of an inch, while theirs is 3 1/4. This 1/8 of an inch might not seem like much, but the young of the year reproduction rate goes from 40% to almost 80%. Also, the 2% v-notches that MADMF Director Dan McKiernan states we will lose is far far less than the actual poundage that will be lost. Instead of 2%, we stand to lose up to 25%, and when this was brought before him, he stated it was preposterous, we were conjuring numbers out of thin air.

I ask why is our management plan being affected? As it is already more strict due to the smaller trap allocations, shorter fishing season, larger minimum size and an ongoing 10% trap reduction everytime allocation is bought or sold? Our average trap allocation is only 393 in state waters, compared to Area 1's 800. We have a healthy conservationist plan for our area, which was championed by the MADMF in the late 1990's and the early 2000's and then later challenged in court in *Outer Cape Lobstermen's Association v. Atlantic States Marine Fisheries Commission, et al.*, Civil Action No. 1:98-cv-10165-WGY only to find out that just last week the Massachusetts Division of Marine Fisheries can not locate any files or paperwork associated with our agreement.

Moving forward we have now regrouped the Outer Cape Lobstermen's Association, and have begun the paperwork to once again sue MADMF as well as the ASMFC for the right to continue to sustainably fish here on Cape Cod as we all agreed upon over 24 years ago. I hope my comment does not fall of deaf ears, as unfortunately public comments usually do.

Respectfully,
Samuel Pickard

Vice President of the Outer Cape Lobstermen's Association

From: [Jeff Souza](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [CHERYL ANN SOUZA](#); [Brendan Adams](#); [Samuel P. Blatchley](#); [Sam Pickard](#)
Subject: Addendum XXXII
Date: Friday, April 25, 2025 2:37:26 PM

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Addendum XXXII to remove partial measures put forth from addendum XXVI should remove all measures put forth from XXVI not just partial. These addendums started as a "conservation" measure but now it is clear that conservation is not the priority. Outer cape is the only one getting any changes to the management plan. It doesn't make sense to change a rule for the smallest area in all of Massachusetts and all of the lobster zones that ASMFC advises on. To make a change to 44 licenses instead of the 6000 in other areas does not make any sense. Outer cape fishery is a unique fishery and has picked a different management plan compared to Area 1 years ago and took gauge increases and trap reductions. Outer cape's fishery plan is to allow the smaller lobsters to breed before they hit our minimum size. Other areas take lobsters that are smaller than the average size needed to breed.

Area 1 v-notch definition states "V-shaped notch of any size with or without setal hairs", Outer capes new definition will be "1/8 with or without setal hairs". This definition needs to say a V- shaped notch such as area 1 wording. Without a wording of v shaped notch it will be very subjective interpretation. A v shaped notch is clearly defined and easy to recognize and would be a definite wording that could be used in enforcement. This new wording for Outer cape will put us more of a zero tolerance than area 1.

Back when ASMFC was working on XXVII they discussed v-notching and a male only fishery. It was stated by ASMFC at the time that these strategies raised concern for the reproductive dynamics and could throw the sex ratio off and be detrimental to the future growth of the population. There were also concern over the possible impacts of elevated water temperature on v-notched lobster and the potential for bacterial infections is also noted. In addition, either measure would increase the level of regulatory discards in the fishery and the potential for accelerated environmental stress from more frequent trap hauls. Yet Maine's whole management plan hinges on V-notching even with ASMFC's concerns about these management measures. If Maine wants to always say that they catch 90% of the lobsters then obviously what they are doing for management is the tool that is not working.

Addendum XXXII should repeal all changes brought forth from Addendum XXVI not just partial changes. And if ASMFC wants to have conservation measures it should be the change that will increase the YOY the most not the smallest area just because they are an easy target. During the ASMFC meeting to discuss XXXII it was stated in the beginning of the meeting for public comments as long as it is not a topic that was on the agenda. After the board discussed XXXII they never then allowed for public comment before they voted so there was no way to discuss outer cape changes.

-Jeff Souza
Outer Cape lobstermen.

History of Addendum XXVII and State Implementation

- August 2017: Board initiated Draft Addendum XXVII to enhance spawning stock biomass of GOM/GBK lobster stock and standardize management measures across and within LCMAs.
- Following 2020 benchmark assessment, Board reinitiated work on Addendum XXVII to increase overall protection of spawning stock biomass of the GOM/GBK stock
 - Settlement surveys over the past five years have consistently been below the 75th percentile of time series
 - Declines in recruit abundance in ventless trap and trawl surveys for the GOM/GBK stock since 2020 assessment
 - Could indicate future declines in recruitment and landings.
- May 2023: Board approved Addendum XXVII for implementation for June 1, 2024.
 - Standardization measures for OCCLCMA (1/8" v-notch and 6 3/4" max size) and LCMA 1 and 3 (trap tag issuance) to be implemented immediately.
 - Schedule to implement additional gauge adjustments and escape vent rules based on recruitment abundance trigger.
- October 2023: Implementation deadline moved back until January 1, 2025.
 - Recruitment abundance trigger reached requiring additional measures be implemented for June 1, 2024.
 - Delay responded to concerns about international commerce, Canadian lobster importation, and gauge availability.
- April 2024: MFAC approved (5-2-1) state regulations to implement all aspects of Addendum XXVII and complementary rules for seafood dealers and recreational fishers for January 1, 2025.
- October 2024: ASMFC approved Addendum XXXI to delay implementation of all aspects until July 1, 2025.
 - Provided additional time for Canada to consider adopting complementary measures to reduce potential trade barriers and cross-jurisdiction impacts.
- October 2024: MFAC approved delaying implementation to July 1, 2025 consistent with Addendum XXXI
- December 2024: DMF promulgated final regulations implementing all aspects of Addendum XXVII and complementary rules for seafood dealers and recreational fishers.



State Rules Under Addendum XXVII

Effective	LCMA1 and Recreational Gulf of Maine	LCMA 3	OCCLCMA and Recreational Outer Cape	Seafood Dealers
July 1, 2025	<p>Limit trap tag issuance to trap allocation with no extra trap tags awarded.</p> <p>Minimum carapace size increase from 3 1/4" to 3 5/16".</p>	<p>Limit trap tag issuance to trap allocation with no extra trap tags awarded.</p>	<p>Establish 6 3/4" maximum carapace size for state waters.</p> <p>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.</p>	<p>Minimum carapace size increase from 3 1/4" to 3 5/16".</p> <p>Establish 6 3/4" maximum carapace size for state waters.</p> <p>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.</p>
July 1, 2026	No Changes	No Changes	No Changes	No Changes
July 1, 2027	<p>Minimum carapace size increase from 3 5/16" to 3 3/8".</p>	No Changes	No Changes	<p>Minimum carapace size increase from 3 5/16" to 3 3/8".</p>
July 1, 2028	<p>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.</p>	No Changes	No Changes	
July 1, 2029	No Changes	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2".</p>



Development of Addendum XXXII

- January 2025: Implementation of Addendum XXVII unraveled as Maine indicated it would not be able to implement rules. Soon thereafter New Hampshire backed out.
 - Driven by economic concerns related to trade with Canada, market access, and issues of equity in the disputed “grey zone” in the EEZ along Canada border.
 - DMF indicated that should states (i.e. Maine) back away from implementing addendum that DMF would not hold its industry to stricter standards than fishers in same LCMA.
- February 2025: ASMFC Lobster Board initiated and approved Addendum XXXII to repeal certain aspects of Addendum XXVII and letter to New Hampshire and Maine.
 - Draft Addendum sought to repeal all pending gauge and escape vent changes to be implemented through Addendum XXVII prior to July 1, 2025.
 - Standardization of OCCLCMA v-notch rules and LCMA 1 and LCMA 3 trap tag rules were not included in the repeal.
 - MA delegation to Lobster Board made a motion to include OCCLCMA v-notch standardization rules in Addendum XXXII, but motion did not receive a second.
 - Letter expressed disappointment in outcome, negative impact on process, and need for both states to lead and work with their industries to develop future conservation measures.
- May 2025: ASMFC Lobster Board approved draft Addendum XXXII.



State Implementation of Addendum XXXII

- DMF committed to ensure our industry is not held to stricter standards than fishers in same LCMA.
- April 2025: DMF initiated emergency rule making to rescind relevant gauge size and escape vent changes for commercial fishery, seafood dealers, and recreational fishery in anticipation of Addendum XXXII passing.
- May 2025: Emergency rules went into effect and will remain in effect for a period of 90-days.
- May 2025: DMF initiated final rule making to maintain emergency rules beyond the 90-day period.
- Public hearing held on May 19, 2025 and public comment accepted from April 23, 2025 to May 23, 2025.
- Hearing testimony and written public comment dominated by state-only OCCLCMA fishers objecting to v-notch standardization.
 - V-Notch standardization was approved by MFAC in April 2024 and was promulgated in December 2024.
 - Emergency rules did not affect v-notch standardization because repeal was not included in Addendum XXXII.
 - DMF cannot repeal v-notch standardization without going out of compliance with FMP.
 - ASMFC could initiate new addendum to address issue, but likely little support from other states.
- DMF is making recommendation to MFAC today to adopt as final regulations the recently enacted emergency regulations.
- If recommendation is not approved, emergency regulations will expire in August 2025.
 - Regulations promulgated under Addendum XXVII will go back into effect. Immediately triggers a minimum size increase for LCMA 1 ($3 \frac{5}{16}$ "") and maximum size ($6 \frac{3}{4}$ "") for state-only OCCLCMA fishery and gauge and escape vent changes scheduled for 2027-2029 will remain on the books.
 - Non-compliance does not apply to states that adopt stricter measures than required by FMP.



Emergency Rules Under Addendum XXXII

Effective	LCMA1 and Recreational Gulf of Maine	LCMA 3	OCCLCMA and Recreational Outer Cape	Seafood Dealers
July 1, 2025	<p>Minimum carapace size increase from 3 1/4" to 3 5/16". Maintain 3 1/4" minimum carapace size.</p>		<p>Establish 6 3/4" maximum carapace size for state waters. Maintain no maximum carapace size for state-only OCCLCMA and recreational fishers and 6 3/4" maximum size for federal OCCLCMA.</p>	<p>Minimum carapace size increase from 3 1/4" to 3 5/16". Establish 6 3/4" maximum carapace size for state waters. Maintain 3 1/4" minimum carapace size and no maximum size.</p>
July 1, 2027	<p>Minimum carapace size increase from 3 5/16" to 3 3/8". Maintain 3 1/4" minimum carapace size.</p>		<p>No Changes</p>	<p>Minimum carapace size increase from 3 5/16" to 3 3/8". Maintain 3 1/4" minimum carapace size and no maximum size.</p>
July 1, 2028	<p>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. Maintain 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter escape vent.</p>			
July 1, 2029		<p>Maximum carapace size decrease from 6 3/4" to 6 1/2". Maintain 6 3/4" maximum size</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2". Maintain no maximum carapace size for state-only OCCLCMA and recreational fishers and 6 3/4" maximum size for federal OCCLCMA.</p>	<p>Maximum carapace size decrease from 6 3/4" to 6 1/2". Maintain 3 1/4" minimum carapace size and no maximum size.</p>



V-Notch Definitions

- LMCA1: - “Zero-Tolerance” – Unlawful to possess any female lobster that bears a v-shaped notch of any size with or without setal hairs.
- All Other LCMAs – 1/8” Standard - Unlawful to possess any female lobster that bears a v-shaped notch or other indentation in the base of the tail flipper that is at least as deep as 1/8” with or without setal hairs.
- Old State Waters OCCLCMA - 1/4” Standard - Unlawful to possess any female lobster that bears a v-shaped notch or other indentation that is at least as deep as 1/4” and tapering to a sharp point with or without setal hairs.



DMF's Recommendation

Proposed Motion:

1. For Lobster Conservation Management Area 1 (LCMA1) permit holders, maintain a 3 ¼" minimum carapace size and an escape vent size of either 1 15/16" by 5 ¾" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
2. For LCMA 3 permit holders, maintain a 6 ¾" maximum carapace size and rescind all pending maximum carapace size changes.
3. For federal permit holders in the Outer Cape Cod (OCC) LCMA, maintain a 6 ¾" maximum carapace size and rescind all pending maximum carapace size changes.
4. For state-only commercial permit holders in the OCCLCMA, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.
5. For seafood dealers, rescind all pending minimum and maximum carapace size changes, which correspond with the recommendations for commercial harvest size limits above.
6. For recreational fishers in the Gulf of Maine Management Area, maintain a 3 ¼" minimum carapace size and an escape vent size of either 1 15/16" by 5 ¾" rectangular or 2 7/16" diameter circular and rescind all pending minimum carapace size and escape vent size changes.
7. For recreational fishers in the Outer Cape Management Area, maintain having no maximum carapace size and rescind all pending maximum carapace size changes.





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 O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

CC: Shellfish Advisory Panel (SAP)

FROM: Daniel J. McKiernan, Director 

DATE: May 23, 2025

SUBJECT: **Future Public Hearing Item – Improving Surf Clam Management**

Proposal

I am proposing to go out to public hearing later this year to make several adjustments to DMF's state waters surf clam management program. These proposals are as follows:

1. Require any vessel that participates in the dredge fishery for surf clams and ocean quahogs to obtain, install, and maintain an operable electronic tracking device onboard their permitted vessel. The required device would be the same as those currently required in the federal lobster trap fishery; VMS would not be sufficient to meet this requirement. Note this would not be required of all 32 commercial permit holders with a regulated fishery permit endorsement for Surf Clam/Ocean Quahog Dredge, but that subset of permit holders who intend to fish with dredge gear for surf clams and ocean quahogs in state waters.
2. Modernize the spatial management program for surf clam and ocean quahog dredge gear (see attached maps). Note that for the time being and pending additional rule making, DMF intends to maintain the historic dredge gear closure north of Point Allerton in Hull. To accomplish this modernization, DMF will eliminate the seasonal 12' and 20' depth contour closures and these closures will be replaced by a single year-round closure line bounded by a polygon created by a series of straight lines between corner point coordinates. This boundary will:
 - a. Approximate the 12' depth contour as described on NOAA charts;
 - b. Provide a 200' buffer around all eel grass beds mapped by the Department of Environmental Protection;
 - c. Be inclusive of discrete existing management area closures (e.g., Provincetown Harbor, Jeffery's Point to the Spire in Cape Cod Bay) and historic exemption areas (e.g., Aquinnah, Madaket Beach to Muskeget Island);

- d. Expand the spatial extent of closed waters in areas where there is little surf clam dredge fishing activity current occurring (e.g., Buzzards Bay, Vineyard Sound, Nantucket Sound) by drawing the boundary line as straight as possible.
3. Maintain the existing May 15 – October 15 seasonal closure off Manomet in Plymouth to protect new shell lobsters and consider the adoption of a similar seasonal closure from the Canal eastward to entrance to Barnstable Harbor at the end of Sandy Neck Beach.
4. Lift the night closure for surf clam and ocean quahog dredge fishing seasonally during February 1 – April 30.
5. Maintain the existing closure to all waters north of Pt. Allerton in Hull pending additional review and subsequent rule making should it be determined that some areas could be opened to surf clam dredging.

Background

The state budget for Fiscal Year 2025 ([Section 136 of the Acts of 2024](#)) amended G.L. c. 130, §1A to exempt DMF permitted fishing activities from the Notice of Intent requirements set forth in the [Wetlands Protection Act](#) and implementing local Conservation Commission regulations, as well as waterways licensing ([Chapter 91](#)) and water quality certification requirements ([Chapter 21](#)). This resolved the question of regulatory authority that was created following the 2017 appeals court decision in *Aqua King Fishery, LLC v. Conservation Commission of Provincetown* (“Aqua King”) whereby it was determined that under existing state laws hydraulic shellfish dredging could be regulated by the Division of Marine Fisheries, as well as the Department of Environmental (DEP) Protection and municipal Conservation Commissions (CONCOM) under the Wetlands Protection Act (WPA).

Following these court cases, DMF had significant concerns about how such a management program could unduly complicate how this fishery was managed and reduce its economic viability. In fact, it was reminiscent of the period prior to 1982 when the surf clam and ocean quahog dredge fishery was subject to “home rule” (i.e., municipal control). This produced a Balkanized patchwork of local permitting requirements and fishery controls that had a stifling impact on this state-wide mobile gear fishery. This tenuous situation ultimately led the legislature to amend G.L. c. 130, §52 and give DMF sole fishery authority over permitting and managing the commercial ocean quahog and surf clam fishery. In DMF’s view, the 2025 statutory change re-affirms the logic in this historic decision and DMF and the MFAC’s regulatory authority over the rules governing methods, times, places, and quantities of fish and shellfish.

In the wake of the Aqua King case, it also became apparent that DMF needed to modernize its spatial management. The use of depth contour lines as closure boundaries was established in 1982 and never re-analyzed. These rules are outdated and difficult to comply with and enforce and there have been substantial concerns (especially among some local residents and municipal officials) about the ability of this management program to protect sensitive and important inshore marine habitats (e.g., eelgrass).

Accordingly, DMF has worked to develop a spatial management program that would use well-defined management area closures that can be readily complied with, monitored, and enforced using cellular-based geospatial vessel monitoring technology. Since September 2023, DMF has

run a voluntary industry-supported pilot program involving four vessels that has demonstrated the efficacy of this technology to track vessels. These results contributed to DMF's above-stated proposals to manage this fishery through well-defined spatial closures and vessel monitoring technology.

Revisiting the spatial management program for the surf clam and ocean quahog dredge fishery provides DMF and the industry with an opportunity to revisit the management of this fishery at large. Two additional items that have come up during these initial scoping efforts that I am proposing to address as part of this rule making package include expanding protections afforded to seasonal aggregations of new shell lobsters in lower Cape Cod Bay and allowing night fishing by the dredge fleet from February 1 – April 30 during the seasonal fixed gear closure to protect right whales.

Modernizing Spatial Management Program

DMF began discussing modernizing the spatial management program for the surf clam and ocean quahog dredge fishery back in the 1990s, as even then, the depth contour regulations were viewed as challenging to comply with and enforce. However, global positioning systems were just becoming available and used onboard commercial fishing vessels. The interest in this initiative then waned until the mid-2010s when it was reignited by both the Aqua King litigation and concerns raised by the Town of Provincetown, the Center for Coastal Studies, and the National Park Service over how the use of hydraulic dredge fishing gear along Herring Cove may be altering the benthic habitat and contributing to coastal erosion.

Concurrently, the Atlantic States Marine Fisheries Commission was developing Addendum XXIX to the American Lobster Fishery Management Plan to require use of low-cost¹ electronic cellular tracking devices in the federal lobster fishery to develop a higher resolution understanding of where lobster trap fishing relative to right whale entanglement risk and conflicts with other ocean use initiatives (e.g., offshore wind energy development and aquaculture). As such, DMF had these devices on hand and could investigate other practical fishery management uses for these devices.

DMF met with the surf clam fleet to discuss how these devices may be used to modernize the spatial management of the surf clam fishery and protect important nearshore habitat (e.g., eel grass) from disruption by hydraulic dredge gear. DMF also met with DEP to discuss their concerns about the impacts of this gear on habitat and the application of various DEP laws and regulations—particularly the Wetlands Protection Act—to the use of this gear. In response, DMF developed a voluntary pilot program to determine if these cellular-based electronic vessel tracking systems could be used to develop enforceable, well-defined management, and easy to comply with management area closures.

Ultimately four vessels volunteered to participate in this pilot program, which accounts for about one-third to one-half of the active fleet in any given year. Through this program, DMF found that these devices could be used to track vessels in real time, differentiate fishing behavior from other vessel activities (e.g., transiting), determine when vessels have intersected an established spatial boundary and entered into discrete polygons. This will also trigger a notification to the vessel

¹ A device can be purchased with seven years of service included for less than \$1,500.

operator that they have entered into a regulated area. Moreover, spatial data can be integrated into chart plotters on vessels allowing for the real-time interpretation of regulatory boundaries relative to vessel position. In conclusion, the pilot program demonstrated that DMF could use these devices to develop a high-compliance modern spatial management program for the surf clam and ocean quahog dredge fishery.

DMF again met with industry to discuss requiring the use of these devices in the state waters fishery, describe how this could simplify the spatial management program, improve enforcement and compliance, and protect habitats of concern. Specifically, DMF focused on how boundaries could be modified or established to provide buffer zones around mapped eelgrass beds to ameliorate potentially harmful interactions between the hydraulic dredge gear and these habitats. There was strong support among industry for evolving the spatial management program in this direction.

From here, DMF developed new spatial boundaries lines for this fishery that incorporated a proxy for 12' contour line using a straight lines between GPS coordinates and navigational beacons; created a buffer of at least 200' around all DEP mapped eelgrass beds (1995-2024); and included all existing management area closures. During the late fall of 2024 into the early winter of 2025, DMF held a series of meetings with industry and local constables to discuss this potential management strategy and obtain feedback on how to potentially refine the polygons. The approach was broadly supported. Notably, local authorities did not raise concerns about moving on from the concept of managing to the 20' depth contour line during the summertime and instead using a proxy for the 12' depth contour year-round. The 20' depth contour restriction was historically adopted to prevent interactions between hand harvesters and beach goers with this industrial fishery. DMF was also able to confirm that this approach would also not impact sub-tidal aquaculture grants. Industry provided some requests to modify some corner points of the polygon to provide additional access, particularly along Billingsgate Shoal. There was also some discussion about drawing broader closures with less complicated boundaries in areas like Buzzards Bay, Vineyard Sound, and Nantucket Sound where there is little resource. These concepts were incorporated into the development of new spatial boundary lines being presented in the maps attached to this memorandum.

It should be noted that DMF held its first public meeting on this modernization effort in Provincetown given the municipality was at the center of the Aqua King litigation and fishing in Herring Cove has an area of some significant interest. DMF received feedback from both conservation interests in the town who favored protecting this area given its unique habitat, whereas industry noted it was an important seasonal fishing ground because it is a well-protected area close to port that generally holds large amount of exploitable surf clam resource. Additionally, given the significant tidal range in this area, industry noted that they commonly fish inside DMF's proposed boundary line which follows a proxy for the 12' contour line. While these comments were made, DMF did not receive specific requests from either industry or conservation interests regarding how best to amend the proposed boundary line. We anticipate access to Herring Cove will be a point of contention during the rule making process and will likely hold a hearing in Provincetown to hear from stakeholders on how to specifically address their concerns in the formalization of a management area boundary. This testimony will be critical to DMF's development of a final rule.

A Brief History of Conflicts Related to Surf Clam Dredging Near Herring Cove in Provincetown

While not critical to the proposal at hand, it is worthwhile to take this opportunity to provide some brief (and colorful) history to help you better contextualize the conflict between some Provincetown locals and the surf clam dredge fishery.

Given Provincetown's geography, it has historically been a hot spot for surf clam fishing and Herring Cove has been an important wintertime fishing ground given that it is protected and is close to port. Back in the 1980s, when commercial surf clam dredging was still managed at the municipal level, Provincetown (and other eastern Cape Cod Bay communities) developed rules that constrained access to the resource. This was done to preserve the resource for local interests. In Provincetown's case, this was primarily a small number of divers, as they did not have a robust local dredge fleet and to keep non-resident vessels out of local waters. As most of the dredge fleet was from other ports (e.g., Gloucester, New Bedford), this negatively impacted the ability for the state-licensed fleet to function. In turn, the Massachusetts legislature took action to prevent the local Balkanization of this fishery and gave control of it over to DMF and the MFAC.

In the mid-2000s, Provincetown's Conservation Commission (ConCom) developed regulations under the Wetlands Protection Act that prohibited hydraulic clam dredging in local town waters. It is my understanding that at this time there was a local commercial dive fisher who was a member of the town's ConCom, and the driving force behind this initiative. What was not well understood at the time, but soon became apparent, was that he (and others) had been illegally placing porcelain toilet tanks and concrete fabricated devices along Provincetown's coast to attract and provide shelter to large migrating lobsters and the surf clam dredge boats fishing in the area were damaging and filling in these contrivances. As DMF became aware of this activity, we took action to clarify the setting of such devices was unlawful and raised the issue with our colleagues at DEP, the agency authorized to regulate the creation of artificial reefs.

The ConCom regulations prohibiting surf clam dredging in Provincetown were not actively enforced at the outset. In fact, DMF was not even aware of their existence when they were promulgated, and it is unclear to me to what extent the affected vessels were notified. However, two issues in the early 2010s likely brought this to a head. First, a dredge boat was observed towing close to shore around Long Point. Concerns were raised that this vessel towed through an eel grass bed. Divers verified and documented the dredge scars in the eel grass and former Director Diodati conditioned surf clam dredge permits to restrict fishing in this area. Second, wintertime coastal storms were causing significant erosion to Herring Cove Beach and damage to its parking lot.

The parking lot at Herring Cove Beach parking lot frequently suffered coastal erosion during winter storms and repairs came at significant annual expense to National Park Service's Cape Cod National Seashore (NPS). A project to fully reconstruct the parking lot was initiated but had to be altered and moved to address worsening erosion. This prompted NPS to commission a study by the Provincetown Center for Coastal (CCS) into sediment transport along Herring Cove. While not a primary objective, the study also looked into potential effects hydraulic clamming

may have on sediment transport and the local ecosystem. This was driven in part by local concerns about the impacts this fishing activity was having on habitat and that the hydraulic clamming activity was contributing to worsening onshore erosion by liquefying offshore sediment.

DMF opted to delay pursuing any management changes to this fishery until the release of the study. However, the study took several years to complete and was confounded by several factors, including the pandemic. In 2023, NPS hosted DMF, CCS, and conservation agents from Provincetown to review the study's findings. Subsequently, CCS produced a written report to NPS. While this report is listed on the Cape Cod National Seashore's [website](#), to the best of my knowledge it has not been formally published in a scientific journal, nor has it been peer reviewed.

DMF reviewed the findings and felt many of the tested hypotheses regarding impacts to sediment transport and benthic ecology were ultimately inconclusive and there was no evidence to suggest hydraulic clam dredging influenced sediment transportation and coastal erosion. In my view, the sole conclusive finding from the study was that, unlike many areas where surf clam dredging occurs, Herring Cove is not a high energy dynamic sand environment. In effect, the geographic conditions that make this a safe place to fish in the winter also make it a distinct habitat for surf clams. As the area is not subject to strong waves and current action, the sediment is sand over gravel (in some areas) and dredge tracks did not readily fill in and persisted for longer than expected. With all this in consideration, beyond the persistent physical presence of dredge troughs, it remains unclear how hydraulic clamming may impact the benthic community and shear strength of the benthic habitat at Herring Cove and the extent to which DMF may want to constrain consumptive extraction in this area in response.

New Shell Lobster Closures in Cape Cod Bay

In 2018, DMF and the MFAC seasonally closed an area (Figure 1) of Ellisville Beach to surf clam dredging. The closure begins at Manomet Point in Plymouth then extends 2.5 miles due east then due south to where it intersects with the coastline of Sandwich and occurs during the period of May 15 through October 31. The purpose of this closure was to ameliorate a burgeoning gear conflict between opportunistic seasonal surf clam dredge effort in the area during the height of lobster trap fishing. Moreover, many of the lobsters present in this area during these months are soft-shell and egg-bearing, leaving them vulnerable to disruption by dredge gear. Given the clams are sessile, the dredge boats would then have access to the resource from the late fall into the spring when the lobster resource and fishing effort is less robust.

In recent years, our fall trawl survey has encountered large numbers of soft shell and egg bearing lobsters along the coast of East Sandwich Beach and Sandy Neck (Barnstable). Accordingly, I am interested in expanding this seasonal closure to include those waters to the east up to the western entrance of Barnstable Harbor.

Seasonal Wintertime Exemption to Night Closure

During our meetings with the surf clam industry over the past few years, a persistent item of interest was eliminating the night closure, which restricts fishing from 6PM to 6AM during the winter (November – February) and from one-half hour after to sunset to one half hour before

sunrise in the remainder of the year. Given industry's embrace of the vessel tracking and spatial modernization program, I am interested in authorizing night fishing during the period of February 1 – April 30 when fixed gear fishing is prohibited in most areas of the state where surf clam dredge fishing is occurring².

I do recognize that industry is most interested in night fishing during the summer months due to time-to-temperature controls to protect public health. However, I cannot proceed with such an allowance at this time given the dense amount of fixed gear in state waters during these months and the likelihood that night dredging will produce gear conflicts. I am hopeful that this night fishing allowance will, however, reduce on-the-water safety issues during the winter as vessel operators claim that they jog the vessel throughout the night to avoid sitting on a dredge and being accused of fishing and this practice has resulted in at least one vessel running aground.

Other Considerations

From a public health standpoint, water quality is improving throughout the state with improvements to sewage treatment infrastructure. As a result of the MWRA facility in Deer Island, the shellfish growing area classifications for waters around Boston Harbor are being upgraded to allow harvest for direct human consumption. This may include the Nantasket Beach area off Hull and Hingham. If this occurs, these waters would now be opened to the surf clam and ocean quahog dredge fleet. However, this area has historically been home to a small-scale dredge fishery for contaminated bait, which is permitted and managed separately from the surf clam and ocean quahog dredge fleet for public health reasons. These participants may be displaced from accessing this fishery should they not also hold the limited entry permits needed to take these clams for human consumption. DMF and the MFAC likely need to further analyze and consider these potential impacts.

Given the small-scale nature of this dredge fishery for contaminated bait, I would be willing to consider potential reasonable accommodations. For example, any permit holder with contaminated bait landings by dredge gear from shellfish growing area [MB12 – Nantasket Beach](#) since 2020 can obtain a new limited entry endorsement to participate in the surf clam/ocean quahog dredge fishery for human consumption fishery. Based on harvester reports, I anticipate such an allowance would only be afforded to one individual.

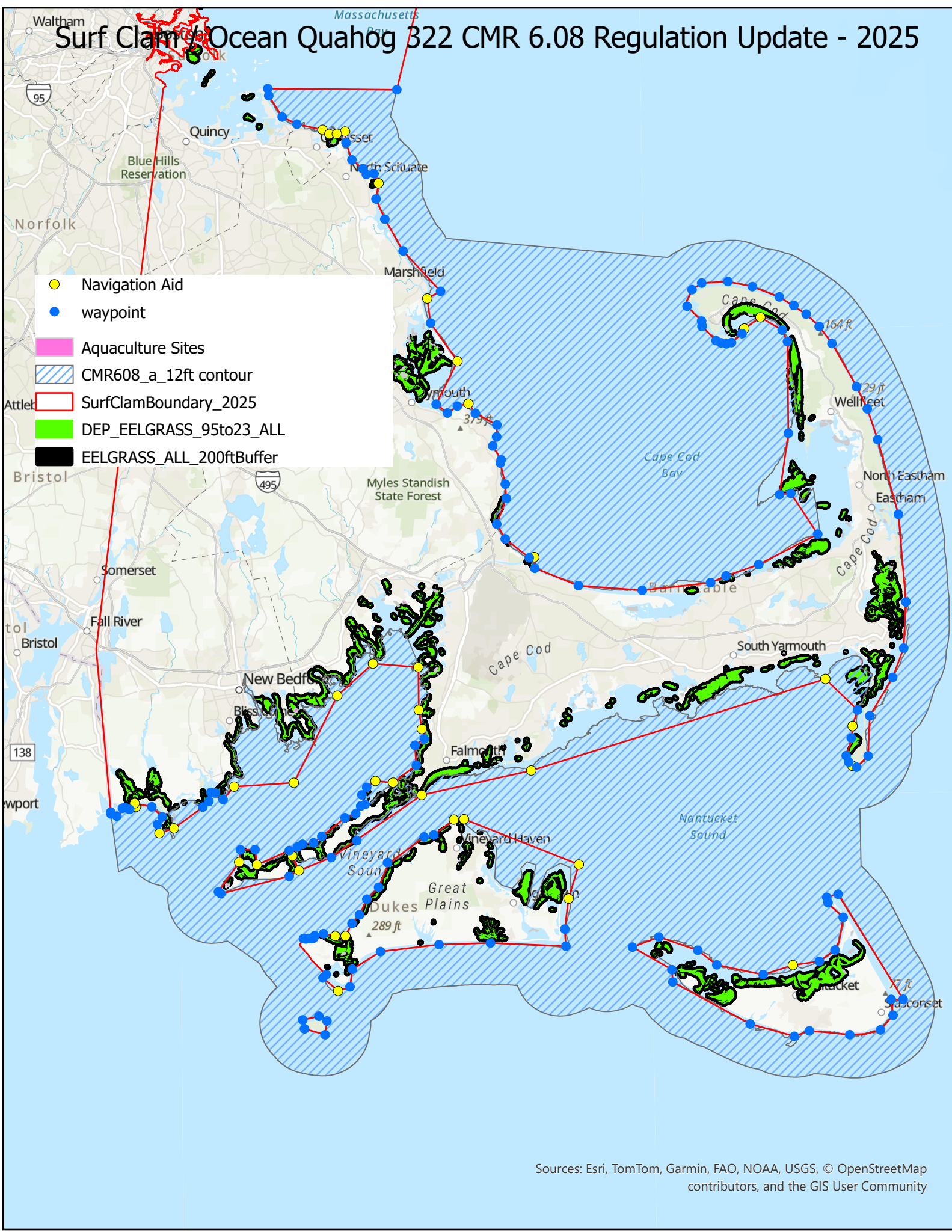
Additionally, historically all surf clam dredge fishing has been closed from Hull north to the New Hampshire border. This was primarily because most of these waters have been classified as prohibited and closed to human consumption due to poor water quality and buffer zones around sewage treatment plant outfalls. However, many of the nearshore growing areas from Plum Island around Ipswich Bay and Cape Ann to Good Harbor Beach in Gloucester are classified as either Approved or Conditionally Approved and open to direct human consumption. Accordingly, there has been some interest among the fleet to pursue fishing opportunities in these areas. DMF worked with some vessel owners several years back to survey the region to determine if there was a commercially viable resource. At the time, industry did not think the

² The state's southern waters are open during this season to various fixed gears during the winter period. Lobster and crab traps may be set outside of the federal [South Islands Restricted Area](#). The conch pot fishery opens annually on April 15 and the directed scup pot fishery may begin in state waters once the resource arrives. However, this allowable fixed gear fishing does not produce high seasonal densities of gear. Moreover, there is not a significant amount of exploitable surf clam and ocean quahog resources in the region.

resource was robust enough to pursue management changes to open the areas. However, I anticipate this will continue to be of interest to industry moving forward, particularly as the surf clam resource is likely experiencing a north and eastward geographic shift in distribution due to climate change. Additionally, opening these waters to surf clam dredging will require DMF consider local interests, particularly given the presence of recreational surf clam hand harvest fisheries in the area who have historically been opposed to dredge fishing in the vicinity.

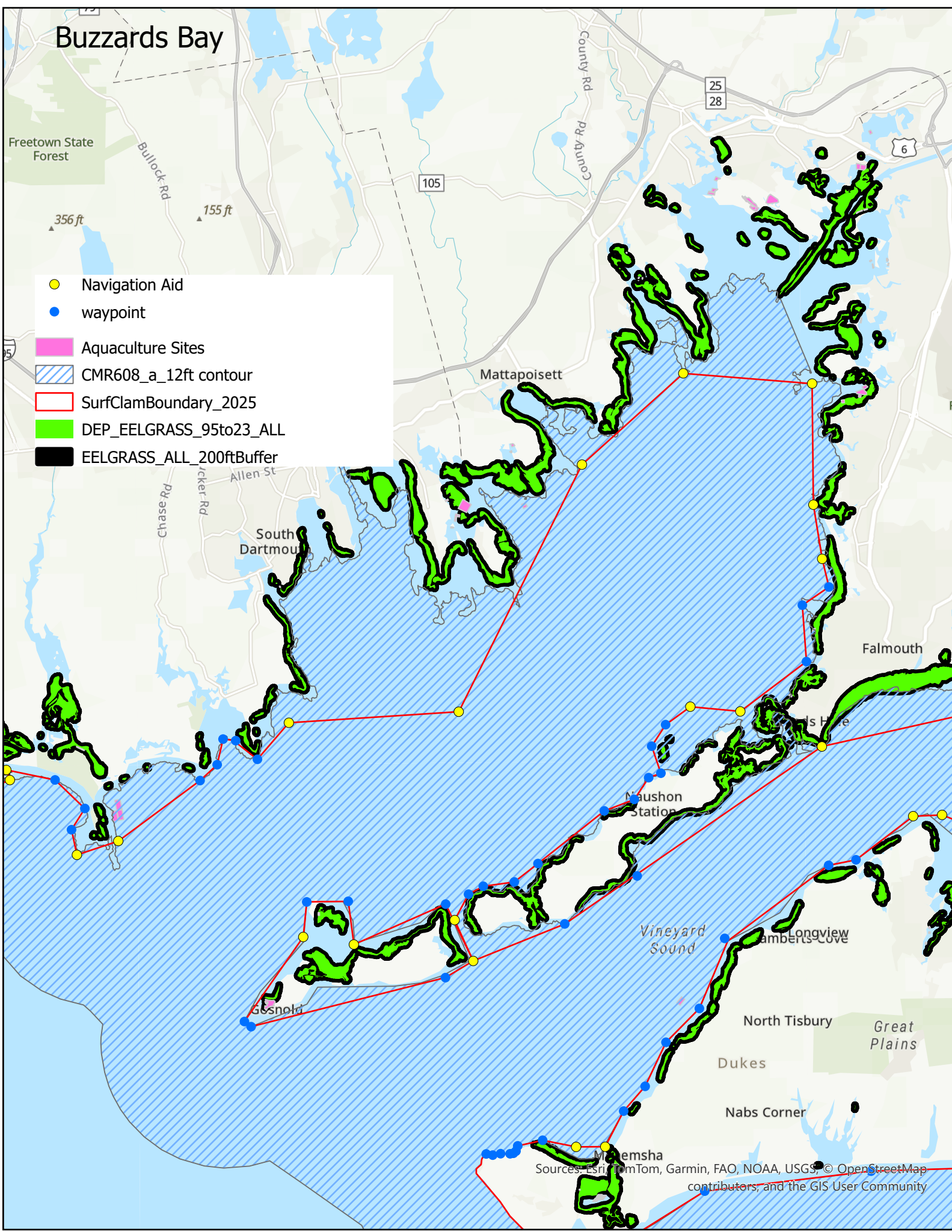
Lastly, DMF has received a request to allow contaminated dredge fishing in [N1-Salisbury Beach](#), which is currently classified as Prohibited and closed to harvest for human consumption. This area is likely to remain Prohibited moving forward. Staff are currently investigating the potential to accommodate this request and have had preliminary discussions with the requestor. The requestor, Cory Ellis, currently fishes for contaminated bait clams in New Hampshire and Long Island. He has stated that DMF's current landing limit for contaminated bait is insufficient to meet his business model. The current limit is 50 bushels of shellstock or 100 galls of shucked clams whereas he would need to take upwards of 200 gallons of clams per day to be profitable. Prior to authorizing this activity, DMF will likely work with the requestor to investigate whether or not there is a resource capable of exploiting at that level in these waters. Moreover, if we are to expand contaminated bait fishing opportunities, DMF and the MFAC need to consider spatial management and whether or not we should apply the proposed vessel tracking requirements to this fishery.

Surf Clam & Ocean Quahog 322 CMR 6.08 Regulation Update - 2025

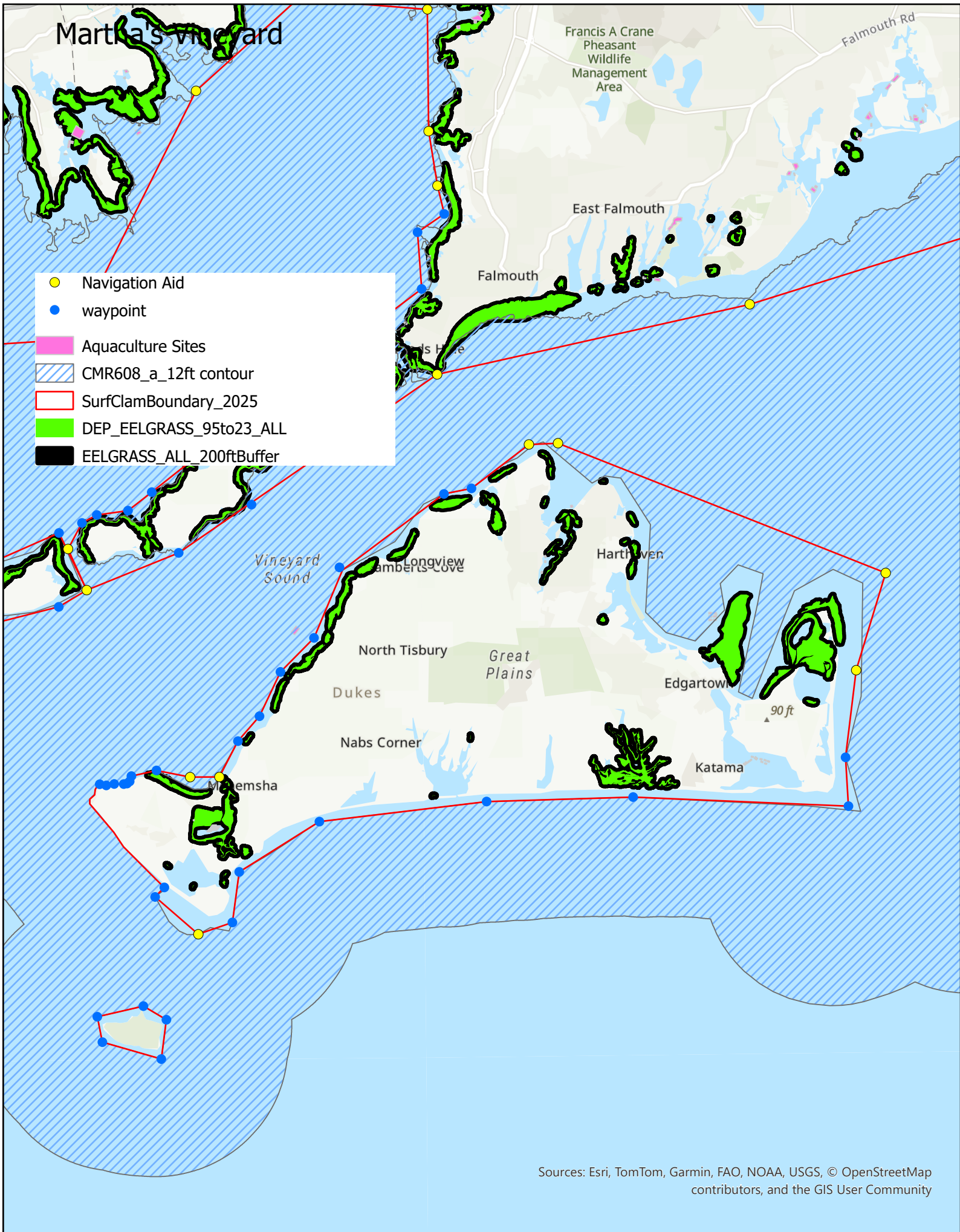


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Buzzards Bay



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- Aquaculture Sites
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- SurfClamBoundary_2025
- DEP_EELGRASS_95to23_ALL
- EELGRASS_ALL_200ftBuffer



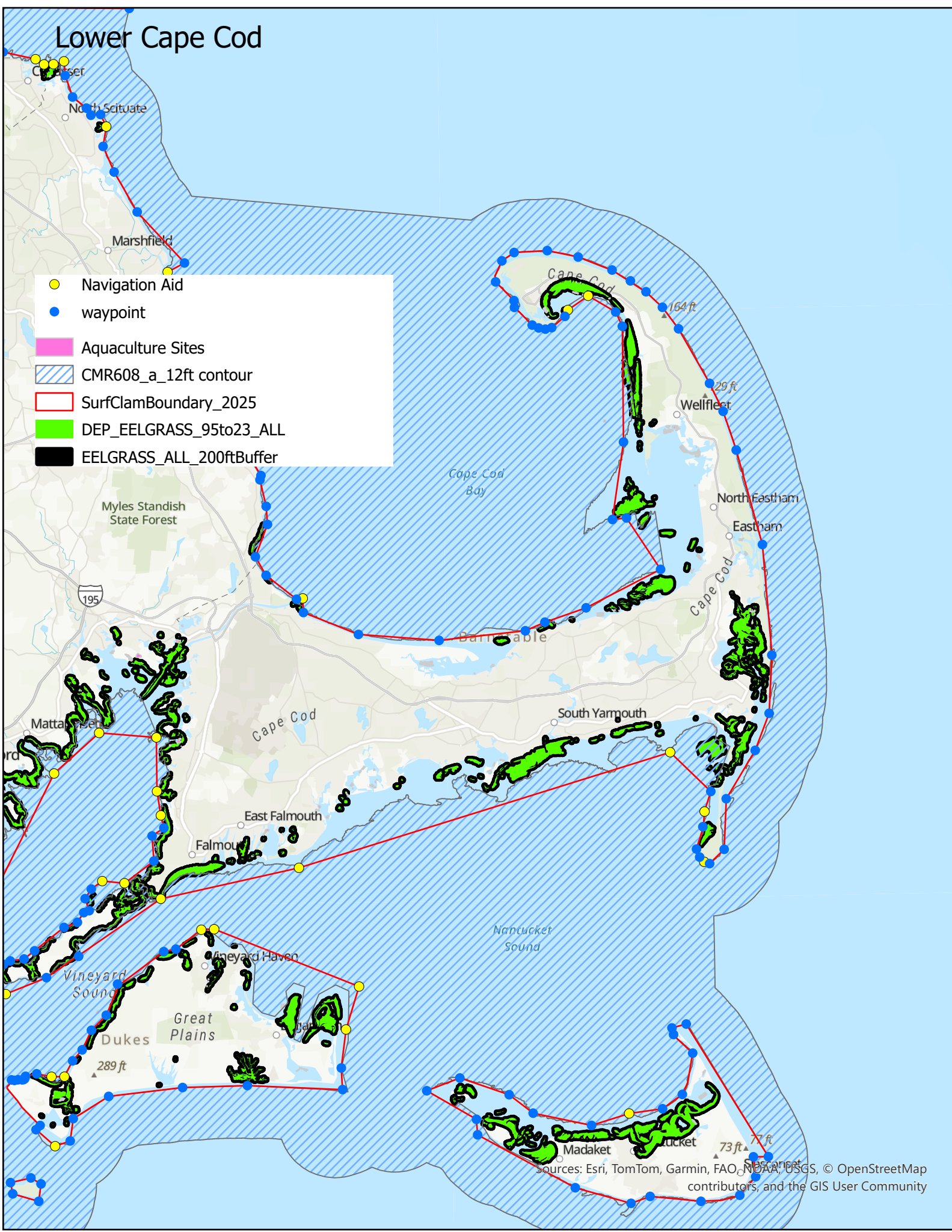
Nantucket

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- Aquaculture Sites
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Lower Cape Cod

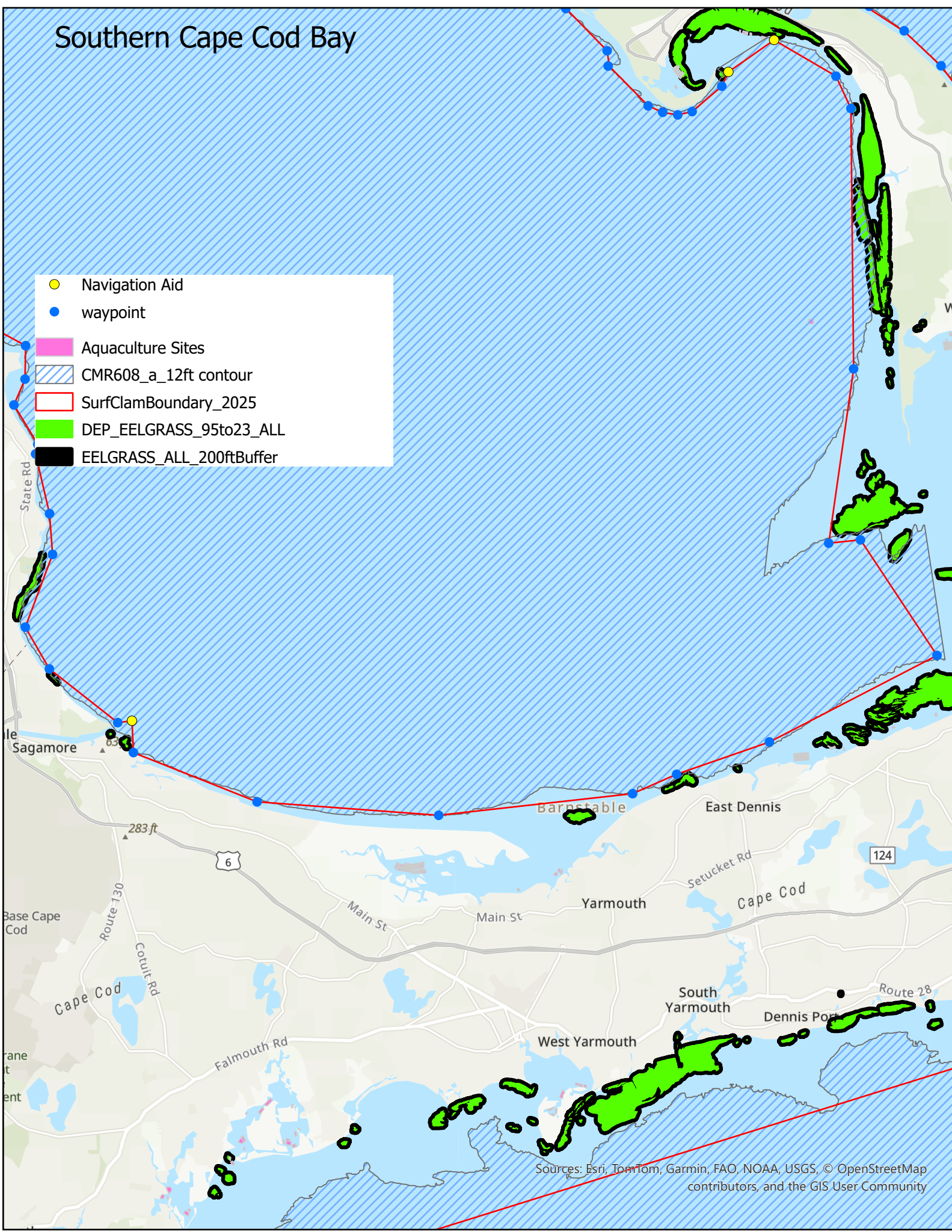
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Southern Cape Cod Bay

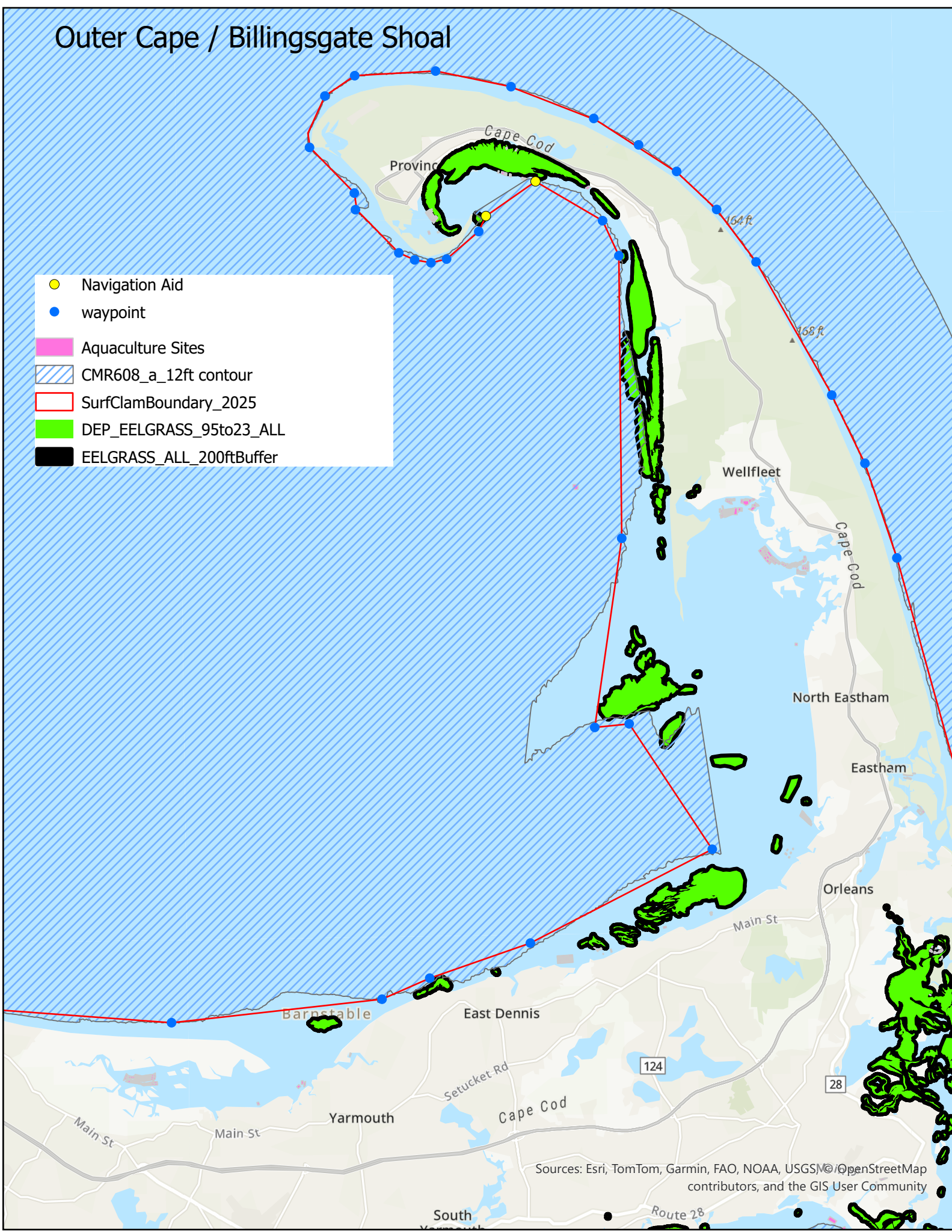
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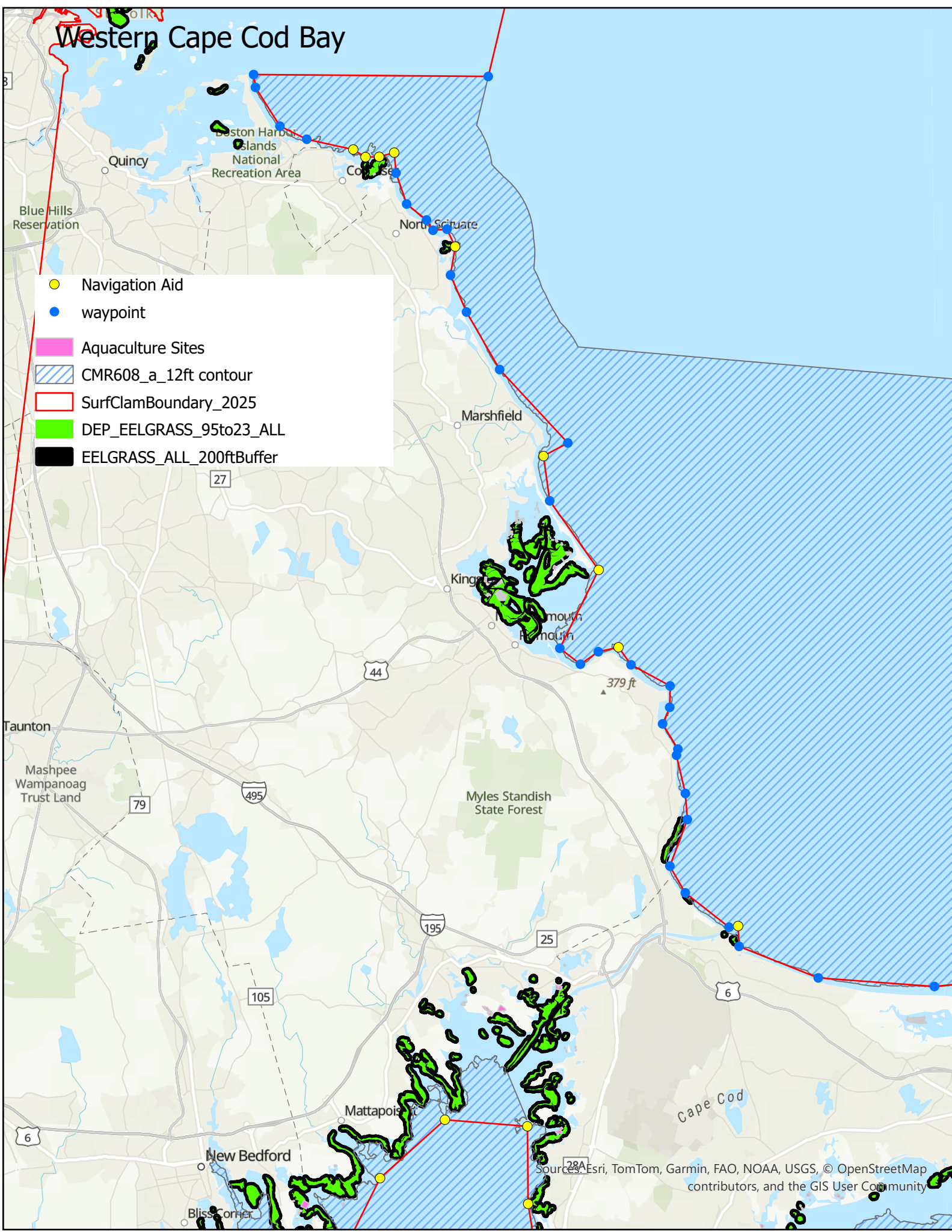
Outer Cape / Billingsgate Shoal

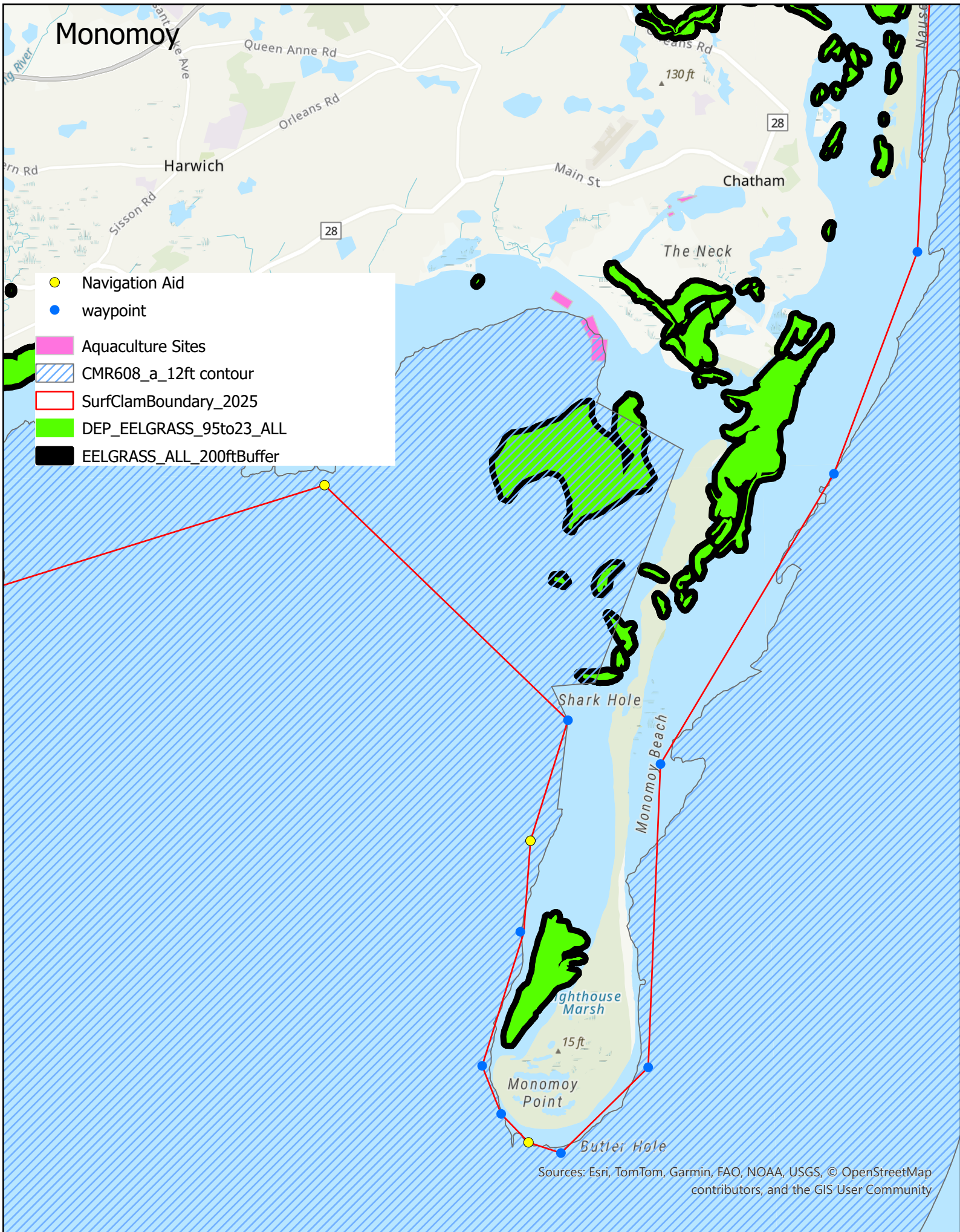
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Western Cape Cod Bay

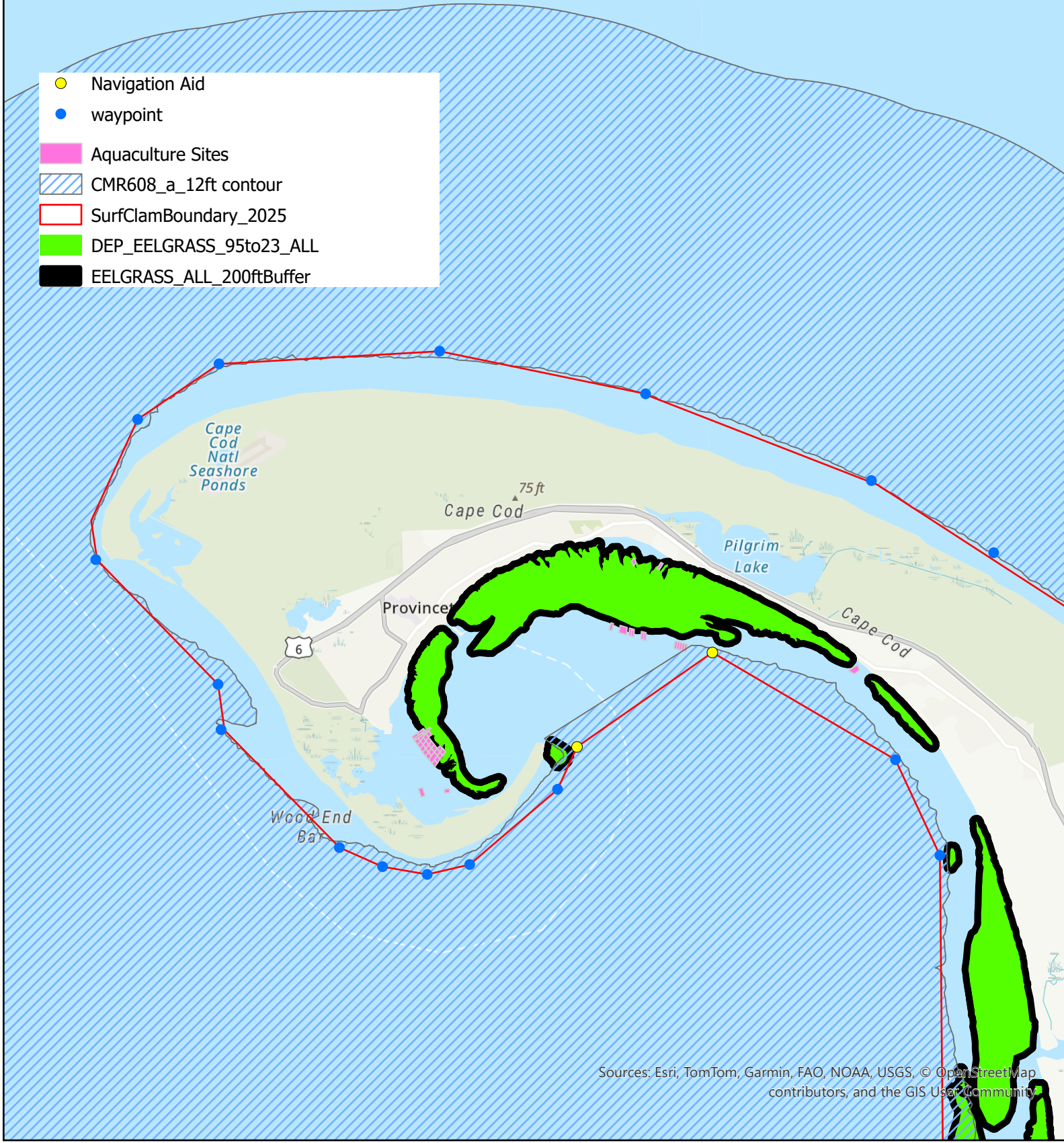




Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Provincetown

- Navigation Aid
- waypoint
- Aquaculture Sites
- CMR608_a_12ft contour
- SurfClamBoundary_2025
- DEP_EELGRASS_95to23_ALL
- EELGRASS_ALL_200ftBuffer



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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 O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: May 23, 2025

SUBJECT: **Proposal to Establish Framework to Permit and Manage the Clean-Up of Fishing Gear Debris**

Proposal

DMF is proposing to go out to public hearing later this year with a permitting and management framework to allow for the clean-up of fishing gear debris.

The first aspect of this proposal would be to define “intact” commercial and recreational trap and pot gear. Intact is a term used the recent amendments at G.L. c. 130, §§1 and 31 to differentiate between fishing gear¹ and fishing gear debris². The term is not further defined in statute, and therefore, DMF proposes the following definition be adopted in regulation:

1. “Intact commercial trap and pot gear” means any trap or pot that has at least three of the following elements: (a) buoyed as required at 322 CMR 4.13; (b) compliant with all buoy line marking and modification requirements rules at 322 CMR 12.06; (c) possessing current years’ trap tags as required at 322 CMR 6.31; and (d) having the trap configured as required at 322 CMR 6.02 (e.g., escape vents, ghost panels).
2. “Intact recreational trap and pot gear” means any trap or pot that has at least three of the following elements: (a) buoyed as required at 322 CMR 4.13; (b) compliant with all buoy line marking and modification requirements rules at 322 CMR 12.06; (c) a synthetic plate or wooden lath present on or in the trap bearing the identifiers established at 322 CMR 4.13; and (d) having the trap configured as required at 322 CMR 6.02 (e.g., escape vents, ghost panels). In the case of buoyless trap gear fished from the shoreline the gear only needs to meet the last two requirements (c and d).

DMF then proposes the following framework to permit and regulate the clean-up of fishing gear debris from the state’s shorelines and the waters under the jurisdiction of the Commonwealth:

¹ Fishing gear means a trap, net, fish car, or other contrivance that is intact; functions as it is intended to take, hold, or capture fish; and is in the water during the open season.

² Fishing gear debris means a trap, net, fish car, or other contrivance that is: not intact; does not function as intended to take, hold, or capture fish; or is in the water during a closed season.

1. Provide a blanket year-round authorization to any person or organization to remove and dispose of fishing gear debris found on the shoreline.
2. Authorize DMF and the Massachusetts Environmental Police (MEP) to remove and dispose of fishing gear debris found in the water.
3. Allow proponents to apply for a Special Project Permit to authorize the removal and disposal of fishing gear debris found in the water. Applications will require proponents submit a detailed scope of work. Authorizations will be granted at the discretion of DMF with each application being evaluated based on: (a) expertise of the applicant; (b) likelihood of success; and (c) ability to avoid gear and user group conflicts. Proposals that would occur during seasons closed to fixed gear fishing would be given priority.
4. Allow mobile gear vessels operating in state waters to bring ashore and dispose of fishing gear debris obtained incidental to their fishing operation. The molesting of fixed fishing gear will remain strictly prohibited.

DMF intends to take public comment on best practices for the handling of fishing gear debris.

1. While it will not be mandatory to return the fishing gear debris to its prior owner, the practice will be encouraged in instances when the fishing gear debris is mostly intact, identifiable, and potentially salvageable.
2. Fishing gear debris shall be disposed of lawfully. In instances when the fishing gear debris is salvageable it may be repurposed or resold.
3. There is a significant need to create a network to accommodate the disposal of fishing gear debris. This includes funding gear dumpsters at ports, working with municipalities to accommodate disposal (e.g., transfer stations), and connecting clean-up efforts with entities capable of disposing of or salvaging the fishing gear debris.

It is worth noting that under this legal framework lost, abandoned, or derelict shellfish aquaculture gear is not considered fishing gear. As the municipality is the principal authority that licenses shellfish aquaculture under G.L. c. 130, § 57, DMF intends to defer to local management to address how best to clean up this gear. However, to enhance local management DMF proposes the following baseline regulatory requirements:

1. Should lost, abandoned, or derelict aquaculture gear be encountered, the person encountering the gear should contact the local shellfish constables and notify them of its presence.
2. All aquaculture gear should be tagged or marked with information identifiable to the permit holder. Municipalities may then further regulate how tagging and marking should occur.

Background

In 2022, I established a Derelict Gear Task force to study the problems related to the removal and disposal of abandoned, lost, and derelict fishing gear (ALDFG) in Massachusetts and develop a framework that would enhance gear clean up. This Task Force was chaired by Deputy Director Bob Glenn and included Jared Silva, David Chosid, and Julia Kaplan from DMF; Lt. Col. Chris Baker of the Environmental Police; Tori LaBate, Deputy General Counsel from the

Department of Fish and Game; Ray Kane and Sooky Sawyer from the MFAC; Beth Casoni from the Massachusetts Lobstermen’s Association; and Laura Ludwig from the Provincetown Center for Coastal Studies.

In 2023, this Task Force released a [white paper](#) documenting its findings. The Task Force concluded: (1) ALDFG presents a serious challenge to fishers, waterfront property owners, municipalities, and the marine environment; (2) efforts to clean up ALDFG in Massachusetts are stymied by outdated state law which affords property rights to fishing gear even if derelict and washed ashore; and (3) to enhance clean up, state law needs to be amended to differentiate between fishing gear and fishing gear debris with property rights afforded to the former, but not the latter. To this last point, the white paper included potential statutory amendments to G.L. c. 130, §§1, 31, and 31 and the document was submitted to the Massachusetts Legislature’s Coastal Caucus.

The Coastal Caucus championed the cause and membership sponsored legislation. This legislation was signed into state law by Governor Healy in late 2024. The new law defines both fishing gear and fishing gear debris. Effectively, to be fishing gear it must be intact, functioning as intended, and being lawfully fished during an open season—if one of these criteria are not met then it is fishing gear debris. The gear owner’s property rights remain for fishing gear, as opposed to fishing gear debris, and DMF is then given the authority to regulate and permit the removal of fishing gear debris from our marine waters and coasts with approval of the MFAC and the Commissioner of Fish and Game.

Rationale

With this new law going into effect this year, DMF has worked to develop the above-described regulatory framework to permit and manage the clean-up and disposal of fishing gear debris. The development of this framework has relied heavily on DMF’s recent experience removing gear from the seasonal trap gear closure as well as informal input from stakeholders and industry members. The framework attempts to find a balance that enables a diversity of clean-up efforts while ensuring fishing gear is afforded private property rights and protected from theft and molestation.

Definition of Intact

Given the definition of fishing gear and fishing gear debris, the need to further define “intact” is limited only to the context of trap and pot gear. Effectively, any net gear that is not intact will also not be functioning as intended, and by definition, will be fishing gear debris. Following the model used in other states (e.g., Florida), DMF is proposing to define “intact” based on the gear maintaining three of the four regulatory required elements (buoy, buoy lines, trap tag/trap identification, escape vents and ghost panels). This ensures that trap and pot gear found in the water during an open season will be afforded property rights unless missing two of the elements necessary to be considered intact. This enables some gear to simply be non-compliant without necessarily surrendering its property rights.

Permitting and Management Framework

Given the prevalence of plastic-coated wire trap and pot gear, most of the fishing gear debris that is deposited on our shorelines by storms is badly damaged and unfishable and the prior owners

do not want the gear back. Therefore, broad deference should be granted to individuals who want to clean up the coasts. For these reasons, I am proposing a blanket authorization to all shoreline clean-up efforts occurring upland from the mean low tide water mark. This would include gear encountered by private citizens on their property, as well as local, state, and federal officials on their properties.

DMF and MEP will be authorized to remove and dispose of fishing gear debris found in the water. This will accommodate the annual work to remove buoyed gear from the seasonal trap gear closure. Additionally, it will provide opportunities to remove fishing gear debris during the routine operations of both agencies. This enables the disposal of fishing gear debris without having to seize it, store it, or return it to its owner. In the event that the fishing gear debris observed is also non-compliant, gear could be secured by MEP for enforcement purposes.

Clean-up efforts occurring seaward from the mean-low tide water mark will need to be permitted by DMF. Proponents will be required to submit an application and project description that details how the clean-up effort will be conducted. DMF will evaluate these applications on a project-to-project basis. Permits will be issued at the agency's discretion with preference to projects that occur during closed seasons. This may include the use of side-scan sonar to identify fishing gear debris and the use of grappling or mobile gear to haul it up. Projects intended to occur during open seasons will need to clearly demonstrate how they intend to differentiate fishing gear from fishing gear debris and avoid conflicts with fishing gear. All permitted projects will likely require MEP be contacted if the fishing gear debris encountered is also obviously non-compliant (e.g., gear being actively fished during a closed period).

Lastly, DMF seeks to allow mobile gear fishers to retain, bring ashore, and dispose of fishing gear debris they encounter within the routine course of their fishing operations in state waters only. Historically, it has been commonplace for mobile gear fishers to deal with this in one of several ways: (1) dropped back into the ocean at a discrete location where fishing effort is limited to prevent future snags; (2) returned to the owner if identifiable and salvageable; and (3) thrown out at shore, particularly if only remnants of gear. In the interest of removing fishing gear debris from the water, DMF wants to establish a clear allowance that favors disposal³. However, there is a tension between mobile and fixed gear fishers given the long history of gear and user group conflicts and competition over fishable bottom. Being sensitive to this, staff held a meeting in Scituate on May 8 with a small group of trap and mobile gear fishers to discuss the challenge. It was generally felt that such an accommodation would be reasonable, provided that fishing gear molestation rules remain strictly enforced. There was limited concern from either sector that such an allowance would be misused to intentionally tow through fixed gear to open up towable lanes given. However, this was largely attributable to the current composition of the state waters mobile gear fleet.

³ DMF understands that mobile gear fishers may want to avoid doing this given fisherman safety concerns as well as impacts to operational efficiency. Absent a willingness to handle and dispose of fishing gear debris, DMF would encourage mobile gear fishers to inform DMF of where gear is commonly discarded and these areas can be prioritized for clean up through other means.

Best Practices for Clean-Up Efforts

In creating this new framework, it is also responsible for DMF to guide clean-up efforts through the development of best practices. This will be an iterative process that results in a living document where amendments and adjustments can be made over time as we respond to new and unforeseen challenges. However, there are certain baseline practices that I believe can be addressed at the outset.

While the law no longer makes it mandatory to try and return the fishing gear debris to its prior owner, this should be practiced in instances where the fishing gear debris found is potentially fishable and identifiable. When potentially fishable fishing gear debris is encountered, clean-up operations should look for identifying markers (e.g., name plate, trap tags, buoy) and contact DMF for that permit holder's contact information. An effort should then be made to provide the fisher with a reasonable opportunity to retrieve the gear.

All clean-up programs need to have a lawful means of disposing of the gear. DMF recognizes that this is probably the most significant logistical constraint on clean-up efforts. To address this, there needs to be a collective effort (state authorities and elected officials; industry members, representatives, and organizations; municipalities and port authorities; and NGOs and other clean-up proponents) to develop a network to accommodate this waste disposal. This includes funding gear dumpsters at ports, working with municipalities on disposal issues, and connecting entities capable of disposing of or salvaging the fishing gear debris with those interested in doing the clean-up work. This will obviously be an iterative process, but DMF will dedicate staff resources to help spearhead this initiative. To encourage disposal, DMF also will not restrict the salvage, repurposing, or resale of fishing gear debris.

Abandoned, Derelict, and Lost Aquaculture Gear

Throughout the process of developing this framework, the focus was on how best to address trap gear debris, as it represents a preponderance of the debris that exists around our coast. However, DMF also considered to what extent DMF needed to address abandoned, derelict, and lost aquaculture gear.

While there may be some similarities, the handling of aquaculture-related gear would be more complicated for several reasons. Shellfish aquaculture (which represents nearly all of the coastal aquaculture in the state) is subject to "home rule" and municipal permitting and management requirements. There is also an additional layer of property consideration given the product contained within the gear was purchased, reared, and owned by aquaculturists.

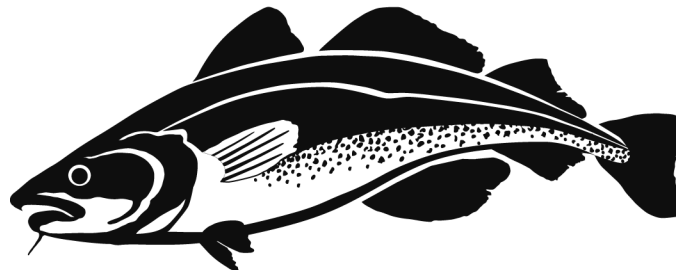
Accordingly, DMF met with several municipal shellfish constables and members of the aquaculture industry, including MFAC Vice-Chair Bill Doyle. There was general agreement that the handling of abandoned, derelict, and lost aquaculture gear should continue to occur at the municipal level under the oversight of the shellfish constable. The constables have a great understanding of their local aquaculture industry and are well positioned to manage how best to handle these situations locally. Moreover, many towns have existing requirements to address the clean-up associated with derelict or abandoned aquaculture gear. Throughout the course of this conversation, it was determined that DMF could use its general aquaculture management authority to create a state-wide baseline mandate that aquaculture gear must be tagged or marked

to identify the permit holder. The municipal authority could then further regulate to describe how this should occur based on the details of their local industry. In response to these consensus positions, DMF then developed the above-described proposals affecting aquaculture gear, which were presented to broad support at the Massachusetts Aquaculture Association's 2025 Annual Meeting.

Proposal to Establish Framework to Permit and Manage the Clean-Up of Fishing Gear Debris

Marine Fisheries Advisory Commission
May 29, 2025

Marine Fisheries
Commonwealth of Massachusetts



Statutory Changes

- G.L. c. 130 § 31
- No person shall, without the consent of the owner, take, use, destroy, injure or molest ~~a weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear, or a fish car or other contrivance used for the purpose of storing fish, including any such fishing gear which is swept ashore by storm or tide or other natural causes and deposited upon the shore, beaches or flats, whether public or private, or take fish therefrom.~~ fishing gear.

Notwithstanding, the Division of Marine Fisheries, with the approval of the Marine Fisheries Advisory Commission and the Department of Fish and Game, shall promulgate regulations that may authorize or permit the removal of fishing gear debris from the waters under the jurisdiction of the Commonwealth and the adjacent coastal shoreline. Fishing gear debris collected under the Division authority shall not be subject to the G.L. c. 134.



Statutory Changes

- G.L. c. 130 § 32

~~• The owner of any fishing gear mentioned in section thirty one which is swept ashore by storm or tide or other natural causes and deposited upon the shore, beaches or flats, whether public or private, may recover the same within thirty days from the time of such deposit without liability for trespass; provided, that such owner in so doing does not commit any unreasonable or wanton injury to the property whereupon such fishing gear is deposited. In the event such fishing gear shall not be so recovered within such period or recovered by other legal means within sixty days it shall enure to the riparian owner of such shore, beach or flat in the manner provided in chapter one hundred and thirty four.~~



Fishing Gear vs. Fishing Gear Debris

- Statutory Changes to G.L. c. 130 § 1
- Distinguishing Fish Gear from Fishing Gear Debris
 - “Fishing gear”, a trap, net, fish car, or other contrivance that is: **intact**; functions as it is intended to take, hold, or capture fish; and is maintained in the water during the **open season**.
 - “Fishing gear” has value to owner
 - “Fishing gear debris”, a trap, net, fish car, or other contrivance that is: **not intact**; does not function as it is intended to take, hold, or capture fish; or is maintained in the water during a **closed season**.
 - “Fishing gear debris” has no value to the owner



Regulatory Framework

- Defining “intact” commercial fishing gear
 - (1) For a commercial trap to constitute intact fishing gear, it shall have at least three of the following elements:
 - (a) Buoy that is marked as set forth by 4.13.
 - (b) Buoy line that complies with marking and modification requirements set forth by 12.06.
 - (c) Current years’ trap tag associated with a valid current years’ fishing permit set forth by 6.31.
 - (d) Trap gear configuration requirements set forth by 6.02. (e.g. 6 sides, escape vents, ghost panels)
- “Intact” definition ensures
 - Owner is identifiable
 - Trap has all the elements that make it functional
 - Buoy line is identifiable to the fishery



Regulatory Framework

- Defining “intact” recreational fishing gear
 - (1) For a recreational trap to constitute intact fishing gear, it shall have at least three of the following elements:
 - (a) Buoy that is marked as set forth by 4.13.
 - (b) Buoy line that complies with marking and modification requirements set forth by 12.06.
 - (c) a synthetic plate or wooden lath present on or in the trap bearing the identifiers established at 322 CMR 4.13;
 - (d) having the trap configured as required at 322 CMR 6.02 (e.g., escape vents, ghost panels)



Regulatory Framework to Permit and Regulate Fishing Gear Debris Clean up

1. Provide a blanket year-round authorization to any person or organization to remove and dispose of fishing gear debris found on the shoreline.
2. Authorize DMF and the Massachusetts Environmental Police (MEP) to remove and dispose of fishing gear debris found in the water.
3. Allow proponents to apply for a Special Project Permit to authorize the removal and disposal of fishing gear debris found in the water. Applications will require proponents submit a detailed scope of work. Authorizations will be granted at the discretion of DMF with each application being evaluated based on: (a) expertise of the applicant; (b) likelihood of success; and (c) ability to avoid gear and user group conflicts. Proposals that would occur during seasons closed to fixed gear fishing would be given priority.
4. Allow mobile gear vessels operating in state waters to bring ashore and dispose of fishing gear debris obtained incidental to their fishing operation. The molesting of fixed fishing gear will remain strictly prohibited.



DMF seeking public comment on best practices for the handling of fishing gear debris

1. While it will not be mandatory to return the fishing gear debris to its prior owner, the practice will be encouraged in instances when the fishing gear debris is mostly intact, identifiable, and potentially salvageable.
2. Fishing gear debris shall be disposed of lawfully. In instances when the fishing gear debris is salvageable it may be repurposed or resold.
3. There is a significant need to create a network to accommodate the disposal of fishing gear debris. This includes funding gear dumpsters at ports, working with municipalities to accommodate disposal (e.g., transfer stations), and connecting clean-up efforts with entities capable of disposing of or salvaging the fishing gear debris.



Abandoned, Derelict, and Lost Aquaculture Gear

- DMF considered the extent to which abandoned or lost aquaculture gear needed to be addressed
- There are similarities among aquaculture gear and debris and they can pose similar clean up challenges
- However, there are also key differences
 - Shellfish aquaculture is subject to home rule, with municipal permitting and management requirements
 - There is an additional layer of property consideration given because lost aquaculture gear often contains very valuable product
- DMF met with several municipal shellfish constables and industry members to discuss the issue
- There was general consensus that the handling of abandoned, derelict, and lost aquaculture gear should continue to occur at the municipal level under the oversight of the shellfish constable.
 - Local constables are best positioned to handle this at a local level
- There was also general consensus that DMF could use its general aquaculture management authority to create a state-wide baseline mandate that aquaculture gear must be tagged or marked 6 to identify the permit holder



Questions



June 11, 2025

Division of Marine Fisheries

Slide 10

Marine Fisheries
Commonwealth of Massachusetts





Atlantic States Marine Fisheries Commission

ASMFC 2025 Spring Meeting

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

ASMFC 2025 Spring Meeting
May 5-8, 2025

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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AMERICAN LOBSTER MANAGEMENT BOARD (MAY 5, 2025)

Press Release

American Lobster Board Approves Addendum XXXII to Repeal Addendum XXVII Gauge and Escape Vent Measures

Arlington, VA – The Commission’s American Lobster Management Board approved Addendum XXXII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum repeals all gauge and escape vent size measures from Addendum XXVII. Measures related to the v-notch possession definition and the issuance of trap tags are maintained.

In October 2023, under Addendum XXVII a series of changes to the current gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1 (Gulf of Maine), 3 (federal waters), and Outer Cape Cod was triggered based on observed declines in recruit abundance indices. The Board postponed the implementation of Addendum XXVII to January 1, 2025 to allow the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications and give the industry and gauge makers additional time to prepare for these changes. In October 2024, the Board further delayed implementation of the gauge and vent size measures, and v-notch possession definition of Addendum XXVII to July 1, 2025.

Addendum XXXII responds to industry concerns about the potential economic impacts of an increase to the minimum gauge size in the Gulf of Maine. By repealing the gauge and vent size measures, the Gulf of Maine states will have the opportunity to engage with the lobster industry, including the Area 1 Lobster Conservation Management Area Team, to identify alternative conservation measures to protect the Gulf of Maine/Georges Bank stock. Maine and New Hampshire reported to the Board that they have already begun convening stakeholder meetings to discuss the state of the fishery and potential management approaches.

Addendum XXXII will be available on the Commission website, asmfc.org, on the American lobster webpage by next week. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

###

PR25-10

Meeting Summary

In addition to approving Addendum XXXII, the Board received updates from Maine and New Hampshire on recent meetings with the Gulf of Maine lobster industry, a report from the Lobster Conservation Management Team (LCMT) for Area 3, an update from NOAA Fisheries on the Joint New England and Mid-Atlantic Fishery Management Council Alternative Gear Marking Amendment, and an update on the ongoing benchmark stock assessment for lobster.

As requested by the Board, Maine and New Hampshire reported out on their meetings with the lobster industry on potential management approaches for the Gulf of Maine. Maine Department of Marine Resources (DMR) has held one round of meetings with its Lobster Advisory Council and seven Zone Councils. Maine DMR is planning to hold an additional round of meetings and is considering conducting an industry survey to better understand perceptions of the fishery and the resource. New Hampshire has

planned meetings with commercial industry associations in the near term to begin discussing alternative management options.

The Board received an update on the development of a Joint Framework Adjustment initiated by the New England and Mid-Atlantic Councils that would provide alternative surface-marking provisions for fixed-gear fisheries in the Greater Atlantic Region. This is being considered to allow the use of fixed gear without a persistent buoy line such as on-demand trap gear, which has been identified as a possible approach for reducing entanglement risk for large whales. The Board noted input from the states' lobster industries should be considered before the action is finalized to ensure compatible gear-marking regulations in state and federal waters. Final action is planned for later this year.

The Stock Assessment Subcommittee (SAS) Chair updated the Board on progress on the benchmark stock assessment for lobster. The final assessment workshop was held in February and the SAS has continued to meet via webinar to finalize data and complete base model runs and preliminary projections. The Peer Review Workshop is planned for late August or early September, and the Board will consider the Assessment and Peer Review Reports in October.

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

Motions

Postponed Main Motion from Winter Meeting

Move to add an item to option B in the addendum that says that Maine, New Hampshire, and Massachusetts will provide for the Board by the Winter 2026 Meeting consensus positions to be the basis of future addendum actions affecting the biological productivity of the GOM lobster fishery.
Motion made by Mr. Hasbrouck and seconded by Mr. Kaelin. Motion fails.

Postponed Substitute Motion from Winter Meeting

Move to substitute with “Move to add an item to option B in the draft addendum that says that Maine, New Hampshire, and Massachusetts will provide for the Board by the Winter 2026 meeting state consensus positions.”
Motion made by Mr. Borden and seconded by Mr. Abbott. Motion fails.

Move to adopt Option B “Repeal Addendum XXVII Gauge and Vent Size Measures” and approve Addendum XXXII, effective June 30, 2025.

Motion made by Mr. Wilson and seconded by Mr. Abbott. Motion carries (Roll Call: In favor – ME, NH, MA, RI, CT, NJ, DE, MD, VA; Abstentions – NY, NOAA Fisheries; 9 in favor and 2 abstentions).

SPINY DOGFISH MANAGEMENT BOARD (MAY 5, 2025)

Meeting Summary

The Spiny Dogfish Management Board met to consider Technical Addendum I to Addendum VII for approval. Addendum VII prohibits overnight soaks for state spiny dogfish permit holders using gillnets of certain mesh sizes in specific times and areas off Maryland and Virginia. The Board approved Technical Addendum I to Addendum VII, which corrects a typo in the longitude of one point in the Delaware and Maryland Bycatch Reduction Area and clarifies the mesh range is “equal to or greater than 5.25 inches (13.3 cm) and less than 10 inches (25.4 cm)” rather than “between 5.25 and 10 inches (13.34 to 25.4

cm).” This change is consistent with the federal action in Spiny Dogfish Framework Adjustment 6 and the intent of Addendum VII as approved by the Board. The Technical Addendum will become effective immediately.

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

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Motions

Move to approve Technical Addendum I to Addendum VII, effective immediately.

Motion made by Mr. Clark and seconded by Mr. Reid. Motion approved by unanimous consent.

ATLANTIC HERRING MANAGEMENT BOARD (FEBRUARY 4, 2025)

Meeting Summary

The Atlantic Herring Management Board met to consider revising specifications for the 2025-2027 fishing years.

In October 2024, the Board adopted the 2025-2027 specifications package for Atlantic herring as recommended by the New England Fishery Management Council (NEFMC) based on the 2024 Atlantic herring stock assessment and the biomass-based control rule. NOAA Fisheries implemented the 2025 specifications via in-season adjustment in December 2024. In January 2025, NEFMC requested its Scientific and Statistical Committee (SSC) provide updated specification recommendations based on available 2024 catch information. Updated projections were compiled to account for 2024 preliminary catch data indicating 51% of the annual catch limit (ACL) was caught (instead of the 100% assumed in the assessment projections), and account for the 1,000 metric ton transfer to the Area 1A sub-ACL in late 2024. In April 2025, the SSC recommended revising the specifications based on the updated projections since they use the most recent available catch information and remain consistent with the control rule and stock rebuilding timeline. The updated specifications recommended by NEFMC increased the 2025 ACL by 1,846 metric tons. NEFMC voted to increase the 2025-2026 specifications per the SSC recommendation but held 2027 constant at 2026 levels as a precautionary measure given the poor stock status and the upcoming 2026 stock assessment to inform 2027-2029 specifications.

The Board voted to adopt the updated specifications as recommended by NEFMC. NEFMC will submit the recommended 2025-2027 specifications to NOAA Fisheries, and implementation by NOAA Fisheries is anticipated during Summer 2025.

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

Motions

Move to adopt the following revised specifications for the 2025-2027 fishing years for Atlantic herring as recommended by the New England Fishery Management Council, contingent on the final rule being published by NOAA Fisheries:

For 2025

- Annual Catch Limit (ACL) / Domestic Annual Harvest = 4,556 mt
- Area 1A Sub-ACL = 1,317 mt
- Area 1B Sub-ACL = 196 mt
- Area 2 Sub-ACL = 1,267 mt
- Area 3 Sub-ACL = 1,777 mt

For 2026 and 2027

- Annual Catch Limit (ACL) / Domestic Annual Harvest = 9,134 mt
- Area 1A Sub-ACL = 2,640 mt
- Area 1B Sub-ACL = 393 mt
- Area 2 Sub-ACL = 2,539 mt
- Area 3 Sub-ACL = 3,562 mt

For all three years

- Border Transfer = 0 mt each year
- Fixed Gear Set-Aside = 30 mt each year
- Research Set-Aside as a Percentage of Sub-ACLs = 0% each year

Motion made by Ms. Ware and seconded by Mr. Abbott. Motion passes by unanimous consent.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (MAY 6 & 8, 2025)

Meeting Summary

The ISFMP Policy Board met to review the *Conservation Equivalency Policy: Technical and Guidance Document*; receive a progress report on the weakfish stock assessment; and receive reports from the Executive Committee (see Executive Committee Summary) and Law Enforcement Committee (see LEC meeting summary).

In October 2023, the Policy Board approved revisions to the *Conservation Equivalency: Policy and Technical Guidance Document* to reflect the current application of conservation equivalency in Commission interstate fishery management plans and provide new guidance on the use of conservation equivalency, including stock status. Staff requested clarification and guidance on some of the new directives in the document in order to carry out the guidance consistently across FMPs. The Policy Board discussed and agreed to include a process to review conservation equivalency after each stock assessment though it does not require species management boards to consider allowing conservation equivalency following a stock assessment. The Board will determine how to treat existing conservation equivalency programs when conservation equivalency is no longer allowed in the FMP. Staff will incorporate these changes and additional suggestions and bring the document back to the Policy Board for further review in August.

Staff provided the Policy Board an update on the progress of the Weakfish Stock Assessment Update. The assessment was delayed further due to the need to update the model code to work with a newer version of the software. The assessment will be presented to the Weakfish Board at the August meeting with data through 2023.

Under other business, the Board was made aware of a motion from the IUCN that would recommend CITES parties consider the transfer of the scalloped hammerhead shark (*Sphyrna lewini*) and its look-a-like species, the smooth hammerhead shark (*S. zygaena*) and the great hammerhead shark (*S. mokarran*) from Appendix II to Appendix I recommended listing. An Appendix I listing would make exports of these sharks extremely restricted. States will provide staff with information on hammerhead landings and exports if available in order to provide comments to the Association of Fish and Wildlife Agencies, who is reviewing the IUCN's motion.

Also under other business, the Commonwealth of Massachusetts reported it has enacted regulations for the Atlantic bonito and false albacore recreational fisheries in response to the growing popularity of fishing for these species and the potential for them to be overfished. The Commonwealth had reports of increased catch of both species over the past few years, with a dramatic increase in 2024. The regulations include a minimum size limit of 16 inches (fork length) and a combined bag limit of five fish per person for both species. These rules apply to both recreational and commercial fishing, with some exceptions for commercial weir operators and mechanized mackerel jig fishers.

Lastly, a Board member raised concern that Recreational Fishing and Boating Foundation funds remain in jeopardy. Funding for the current fiscal year has not been released by the Department of the Interior. While these funds are available to the Commission, they are critical to state budgets for recreational fishing and boating activities. It was suggested states may want to reach out to their Congressional delegations to raise the importance of these funds to the states' work.

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

Motions

Move to change “will” to “may” in the last paragraph of page 2, and for stock status conditions on page 3 (first “will”).

Motion made by Mr. Nowalsky and seconded by Mr. Sikorski. Motion passes (8 in favor, 7 opposed).

SCIAENIDS MANAGEMENT BOARD (MAY 6, 2025)

Press Release

Sciaenids Board Initiates Draft Addendum II to Address Red Drum Stock and Management Concerns

Arlington, VA – The Commission's Sciaenids Management Board initiated Draft Addendum II to Amendment 2 to the Interstate Fishery Management Plan for Red Drum. The Draft Addendum will consider a number of changes to the management programs for the southern (South Carolina to Florida) and northern (New Jersey to North Carolina) stocks of red drum in response to the findings of the [2024 Red Drum Benchmark Stock Assessment and Peer Review Report](#).

The Draft Addendum will consider modifying Amendment 2 reference points for the southern stock as well as the process to set management measures to achieve the reference points. The recent assessment found the red drum southern stock to be overfished and experiencing overfishing. These proposed modifications to Amendment 2 will allow the southern stock states to propose

changes to their current red drum management measures to achieve the new reference points. Although the northern stock is not overfished, nor experiencing overfishing, the Board expressed concern with an increasing trend in fishing mortality observed in the northern stock. As a result, the Draft Addendum will propose changes to the states' recreational bag limits and slot limits for the northern stock, as well as provide the northern stock states the opportunity to align their differing regulations, particularly in the Chesapeake Bay.

The Board will consider approval of Draft Addendum II for public comment in August, with public hearings held in the late summer/early fall.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at tbauer@asmfc.org or 703.842.0723.

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PR25-12

Meeting Summary

In addition to initiating a Draft Addendum to consider changes to the management programs for the northern and southern stocks of red drum (see above press release), the Sciaenids Management Board reviewed a report from the Red Drum Technical Committee (TC) on action items tasked by the Board at its October 2024 and February 2025 meetings and received a progress update on the Atlantic croaker and spot stock assessments.

The Board received a report from the TC which described its methodology to estimate catch reductions from regulation changes for both the southern and northern stocks, the catch reductions needed for the southern stock (Florida – South Carolina) to fish at lower levels of fishing mortality, and the TC's interpretation of the traffic light analysis result of "Moderate Action," especially as it relates to the northern stock (North Carolina – New Jersey). Results and recommendations from the TC in this report can be found in the May 2025 [Meeting Materials for the Sciaenids Management Board](#).

The Board also received a progress update on the Atlantic croaker and spot benchmark stock assessments, including updated timelines for both assessments. The Atlantic Croaker and Spot Stock Assessment Subcommittee (SAS) met in October 2024 to discuss different regional trends observed along the Atlantic coast and made a recommendation to change the structure of the assessment from one coastwide model to two regional models. The border between regions will be Cape Lookout, North Carolina. The SAS will continue development of the Atlantic croaker assessment, with an assessment workshop planned for October 2025 and peer review workshop planned for April 2026. Work on the spot benchmark stock assessment is not planned to resume until May 2026.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at tbauer@asmfc.org.

Motions

For the southern stock of red drum, initiate an addendum to modify the FMP to set the management threshold at F30 and the management goal at F40. Require all states to set regulations that would be expected to not exceed F30 for fishing mortality in their state. Direct staff to conduct a new stock assessment for red drum with a terminal year of 2031. When evaluating state regulations' ability to not exceed F30, the Technical Committee shall not consider non-compliance. In the case where states have changed their regulations after the terminal year for F in the 2024 stock assessment, the Technical Committee shall use actual recreational harvest estimates to evaluate F.

Motion made by Dr. Belcher and seconded by Ms. Burgess. Motion passes (8 in favor, 2 opposed, 1 abstention).

Initiate an addendum to consider changes to the recreational bag limits and slot limits for the northern stock of red drum to address increasing fishing mortality and to update *de minimis* provisions of the FMP.

Motion made by Mr. Batsavage and seconded by Mr. Geer. Motion carries (7 in favor, 3 abstentions).

ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 6, 2025)

Meeting Summary

The Atlantic Striped Bass Management Board met to consider the terms of reference and Stock Assessment Subcommittee (SAS) nominations for the 2027 Benchmark Stock Assessment; receive a Technical Committee Report on stock projections to inform Draft Addendum III; and review the management options developed for Draft Addendum III and consider approving the draft addendum for public comment.

Work on the 2027 Benchmark Stock Assessment has begun and is scheduled to be peer-reviewed in March 2027 and presented to the Board in May or August 2027, depending on when the peer review report becomes available. The Technical Committee (TC) developed draft terms of reference for the Board's consideration largely based on the terms of reference from the 2019 benchmark stock assessment with some modifications and new additions. The Board approved the terms of reference as recommended by the TC.

The SAS is populated prior to each benchmark assessment. Several state and federal scientists along with Commission staff were presented to the Board as SAS nominees. The Board approved the SAS nominations as presented.

The Board received a TC-SAS report on stock projections and associated reductions for 2026 to inform Draft Addendum III. Draft Addendum III was initiated in December 2024 to consider changing management measures in 2026 to support stock rebuilding. Stock projections were updated to include the preliminary 2024 estimate of fishery removals. The projections carried forward the TC-SAS assumptions of an increase in fishing mortality in 2025 followed by a decrease in fishing mortality in 2026 and onward as the above-average 2018 year-class moves through the ocean slot limit. The base projection scenario (i.e., status quo management) indicates a 49% probability of rebuilding the stock by 2029 with a 1% reduction in 2026 needed to achieve a 50% probability of

rebuilding. To achieve a 60% probability of rebuilding the stock by 2029, a 7% reduction in 2026 is needed. The TC-SAS emphasized that the outcome of management changes designed to achieve reductions of less than 10% would be difficult to measure given the uncertainty in the MRIP estimates. Total removals are not known within 10%, so a reduction of less than 10% would not be statistically distinguishable from no reduction at all (i.e., status quo measures), and there is a high degree of uncertainty in whether measures that accomplish that small of a reduction on paper would be effective in practice.

The TC-SAS report also included sensitivity runs extending the projections beyond 2029 and considering a very low recruitment assumption for future years based on the recent six years of very low recruitment. Under the very low recruitment assumption, spawning stock biomass will start to decline after 2029 as compared to increasing under the base recruitment scenario, even under the low fishing mortality rate projected for 2024. The Board requested that a summary of the very low recruitment sensitivity runs be added to the draft addendum.

The Board reviewed and discussed the proposed management options in Draft Addendum III covering three issues: reduction in fishery removals to support rebuilding; commercial tagging at point of harvest vs. point of sale (added by the Board in February 2025); measuring total length of striped bass (added by the Board in February 2025). After lengthy discussion on whether to move forward with considering a reduction in fishery removals for 2026, the Board voted to keep options for a 2026 reduction in the draft addendum. The Board shortened the list of possible recreational options to achieve the reduction by removing some recreational mode split options and removing the ocean size limit options. The Board also removed the option for a 0.8% commercial quota reduction since it was similar to the 0% commercial quota reduction option. The Board requested an additional option be added for New England seasonal closures considering a dual closure in Wave 3 and Wave 5. The Board also agreed that seasonal closure options must be a minimum of 14-days in duration with the exception of closures added to existing closures. The Board also requested adding text to explain the complexities with potential closures in North Carolina (due to limited fish availability) and potential closures in New York during Wave 2 or Wave 6 (due to existing New York season closures).

The Board also considered adding a fourth issue to the Draft Addendum considering Maryland's recreational season baseline. The Board agreed to add Maryland's proposed option for a new season baseline to the Draft Addendum contingent on upon a review by the TC-SAS. The Board requested the TC-SAS discuss the modifications to Maryland's methodology, the assumption of constant effort when opening a current closure, and any biological impacts that should be considered from the proposed season changes (e.g., impacts on fish staging for spawning in the spring).

The Plan Development Team will revise the Draft Addendum based on the above changes, and the Board will consider approving the revised draft addendum for public comment in August 2025.

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

Motions

Move to approve the Stock Assessment Subcommittee nominations for striped bass as modified today.

Motion made by Dr. McNamee and seconded by Mr. Geer. Motion passes by unanimous consent.

Move to approve the Terms of Reference for the 2027 Benchmark Stock Assessment for Atlantic Striped Bass.

Motion made by Ms. Meserve and seconded by Dr. McNamee. Motion passes by unanimous consent

Move to remove the entire section 3.3 Reduction in Fishery Removals to Support Stock Rebuilding from the document.

Motion made by Mr. Clark and seconded by Mr. Cimino. Motion fails for lack of majority (7 in favor, 7 opposed, 2 abstentions).

Move to remove Option 4 from Section 3.3 (0.8% commercial reductions)

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

Move to remove all the split separate equal mode reduction options.

Motion made by Ms. Meserve and seconded by Mr. Sikorski. Motion passes by unanimous consent.

Move to remove the ocean size limit options of 37"-40" and 38"-41".

Motion made by Dr. McNamee and seconded by Mr. Gary. Motion passes by unanimous consent.

Main Motion

Move to add the Maryland baseline season option to Draft Addendum III.

Motion made by Mr. Sikorski and seconded by Mr. Clark. Motion amended.

Motion to Amend

Motion to amend to add contingent upon final review by the TC and SAS of the modifications that were made.

Motion made by Mr. Grout and seconded by Mr. Kane. Motion passes (15 in favor, 1 abstention).

Main Motion as Amended

Move to add the Maryland baseline season option to Draft Addendum III contingent upon final review by the TC and SAS of the modifications that were made.

Motion passes (13 in favor, 2 abstentions, 1 null).

Move to task the PDT with developing a sub-option for the MD season option that would add an uncertainty buffer

Motion made by Ms. Meserve and seconded by Ms. Patterson. Motion passes (9 in favor, 5 opposed, 2 abstentions).

Move to remove the entire section 3.2 Commercial Tagging Requirements: Point of Sale vs. Point of Harvest from the document

Motion made by Dr. McNamee and seconded by Ms. Meserve. Motion fails (3 in favor, 10 opposed, 3 abstentions).

LAW ENFORCEMENT COMMITTEE (MAY 6 & 7, 2025)

Meeting Summary

The Law Enforcement Committee (LEC) welcomed Captain David Bailey from Maryland Natural Resource Police and Captain Jack Chapin from the Massachusetts Environmental Police as new state representatives. Additionally, the committee recognized the retirement and offered gratitude to NOAA General Counsel Attorney Robert Hogan, for his years of support and participation in the LEC. Mr. Joseph Heckwolf succeeds Mr. Hogan as the new committee member from NOAA General Counsel.

Species Discussion

Atlantic Striped Bass – The LEC held a virtual meeting on March 27, 2025, to address the Striped Bass Plan Development Team questions regarding Draft Addendum III of the Atlantic Striped Bass Fishery Management Plan. A comprehensive meeting summary was provided to the Striped Bass Management Board during the Spring meeting week.

Bluefish – Staff briefed the committee on the Technical Committee's (TC) application of the Risk and Uncertainty Tool. The TC is considering using this tool to quantify management uncertainty within the commercial and recreational bluefish fisheries. Two of the seven elements of this tool, Compliance and Enforcement, have enforcement implications and may require the LEC input beyond state compliance reports. The goal of this presentation was to open a dialogue with the LEC and to familiarize the committee with this tool for its future application in fishery management.

Other Business

Case Study - New Hampshire Fish and Game

Lieutenant Delayne Brown presented a case study concerning striped bass enforcement efforts by the New Hampshire Fish and Game department during the Summer of 2024. Two specific cases were highlighted: Case #1 – Castles, Diburro, and Cotone; and Case #2 – Travis.

Lieutenant Brown provided an in-depth study of the origin, procedures, and penalties associated with these cases. Both incidents involved Massachusetts commercial fishers crossing into New Hampshire state waters and exceeding the permitted limit for taking possession of oversized striped bass. Lieutenant Brown shared details of the initial reports of illegal activity, a comprehensive operational plan, and the surveillance techniques employed to apprehend the poachers. The investigations' strengths and weaknesses were discussed as learning tools for other agencies. Lieutenant Brown acknowledged the cooperation and effort of the Massachusetts Environmental Police, Maine Marine Patrol, and several local police agencies in successfully resolving these cases.

The penalty phase resulted in a total of thirty-four warnings issued and forty-six violations cited, amounting to fines totaling \$5,478.00. Additionally, the State of Massachusetts is taking action to suspend the commercial permits of these fishers under the Interstate Wildlife Violators Compact.

Website – The LEC was presented with the new ASMFC website. Staff provided a tutorial on accessing relevant information, including the LEC page, meetings page, and specific ASMFC guiding documents. LEC offered positive comments regarding the design of the new site.

A closed session of the 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.

EXECUTIVE COMMITTEE (MAY 7, 2025)

Meeting Summary

The Executive Committee met to discuss several issues, including reviewing the proposed FY26 budget, the Discussion Paper on Declared Interests and Voting Privileges, a Legislative Committee update, CARES update, and a future annual meeting locations update. The following action items resulted from the Committee's discussions:

- A lengthy discussion was held on the *Discussion Paper on Declared Interests and Voting Privileges*. The Paper focuses on three issues: 1) declared interests, 2) voting privileges, and 3) virtual and hybrid meeting participation. The discussion focused on issues 1 and 2. Staff was asked to draft options for modifying the criteria for qualifying for an interest in a fishery. Staff will also develop further options related to voting privileges for consideration at the Summer Meeting.
- Staff presented an update on the Sportfish Restoration reauthorization effort, the status of the FY25 federal budget and NOAA's development of that budget, the status of the FY26 budget and submission of appropriations requests, and a summary of the recent fisheries Executive Order.
- Staff provided an update on the status of the remaining issues with New Jersey and Florida CARES payments due to be repaid after audits found funds made some more than whole or they were ineligible to receive any funds at all.
- Staff Leach provided an update on future Annual Meeting locations. October 26-30, 2025 the Annual Meeting will be in Dewey Beach, Delaware; in 2026 Rhode Island; 2027 South Carolina; 2028 Massachusetts; 2029 Pennsylvania and 2030 Georgia.

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

Motions

Move to approve the FY26 proposed budget as presented at this meeting.

Motion made by Mr. Haymans and seconded by Mr. Clark. Motion passes by unanimous consent.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (MAY 7, 2025)

Meeting Summary

The Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council met to review and approve the FY2026 Request for Proposals (RFP) and review project and program updates.

The Council approved the FY2026 RFP as presented by the Operations Committee and Advisory Panel. The documents included adjusting the primary program priorities to elevate the socioeconomic module and decrease the catch-effort module to reflect past accomplishments and future direction of the ACCSP, adjusting the secondary program priorities to align the socioeconomic module with the three other modules, and adding an Impact on Management score similar to the existing Impact on Stock Assessment. The RFP also includes updated priority matrices from the Biological Review Panel and Bycatch Committees.

Staff presented an update of ACCSP program activities, including software development timelines and projects, major cross-team projects, recreational initiatives and the status of ACCSP regional partner coordination. Stephanie Iverson (VMRC) was recognized for her 25+ years of service to ACCSP.

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

Motions

Move to approve the ACCSP FY2026 RFP including updated priorities as presented in the funding decision document, biological and bycatch matrices.

Motion made by Ms. Zobel and seconded by Dr. McNamee. Motion passes by unanimous consent.

ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 7, 2025)

Meeting Summary

The Atlantic Menhaden Management Board met to consider the final report from the Work Group on Precautionary Management in Chesapeake Bay, review a progress update on the ecological reference point (ERP) benchmark stock assessment, and provide direction to the Technical Committee (TC) on stock projections for 2026-2028.

In August 2024, the Board established a Work Group to gain additional information and evaluate options for further precautionary management in Chesapeake Bay, including time/area closures. The Work Group met nine times from September 2024 to April 2025, and develop a report based on Chesapeake Bay predator and fishery data. The Work Group addressed its task without determining if there is or is not an adequate supply of menhaden to support predatory demand in the Bay; instead, it is the responsibility of the Board to determine if or when it is necessary to implement them. Based on the life history of the predators examined, the nature of Chesapeake Bay

menhaden fisheries, and recent changes in menhaden availability, the Work Group discussed a number of precautionary management options that the Board could consider for further action (see [Work Group Report](#)). The Board discussed tasking the Technical Committee (TC) with evaluating options in the report, but in consideration of the priority for the TC and Ecological Reference Point (ERP) Work Group to complete the single-species assessment update and ERP benchmark assessment for presentation to the Board at the Annual Meeting, the Board decided to continue the discussion of the report at the Summer Meeting.

The Board received a progress report on the ERP benchmark stock assessment. The Board reviewed the conclusions of the Natural Mortality Work Group established by the Stock Assessment Subcommittee (SAS) to consider concerns raised about the estimate of natural mortality. After identifying the discrepancies between two proposed estimates, the SAS developed a new base estimate of natural mortality for the single-species model, which will be reviewed through the ERP benchmark assessment peer-review. The ERP benchmark assessment will be peer-reviewed through the SouthEast Data, Assessment and Review (SEDAR) process in August 2025.

Stock projections are conducted after the stock assessment is complete to aid the Board in setting the Total Allowable Catch (TAC). Staff reviewed the previous projections requested prior to setting the TAC for 2023-2025 and requested the Board provide the TC with direction for conducting the projections for the next 3 years. The Board requested the projections include the TACs associated with a 40-60% probability of exceeding the ERP target for 2026-2028 combined and as separate years, and the percent risk of exceeding the ERP target and threshold for nine different TACs ranging from -20% to +20% of the current TAC in 5% increments when it considers specifications for the next one to three years at the Annual Meeting.

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

Motions

No motions made.

TAUTOG MANAGEMENT BOARD (MAY 7, 2025)

Meeting Summary

The Tautog Management Board met to consider a Technical Committee (TC) report on the New York study of potential alternative commercial tags, receive a progress update on the 2025 stock assessment update, and elect a Board Chair.

In response to a Board task at the August 2023 meeting, the TC identified alternative tag types to evaluate for the commercial tagging program. The tags considered were T-Bar, strap, and Petersen disc tags. The strap tag is a smaller version of the current commercial tag that was previously studied in 2016 prior to the implementation of the tagging program. New York conducted a 30-day feasibility study of the T-Bar and strap tags and examined tagged fish for damage and signs of infection around the tag. After initial consideration, the Petersen disc was eliminated from contention due to the difficulty of application. There was no conclusive evidence of any infections forming for either tag

type, although some fish showed redness around the insertion point for both types. Challenges with the T-Bar tag were the inability to determine if the tag was inserted properly and a lower tag retention rate, as well as a significantly higher cost for both the tags and applicator when compared to the current tag. The strap tag created similar, albeit smaller, wounds to the current tag, but it is unclear that it would prevent the reported issues. Although, the smaller strap tag and its applicator are considerably cheaper than the current versions. Given the results and the costs, New York did not recommend any of the tags as a viable alternative to the current tag. The TC discussed the possibility of further testing but did not identify any new tag types to evaluate, and New York noted the funding and staffing challenges to continue to pursue additional studies. Given the lack of a viable alternative, the Board decided to maintain the commercial tagging program unchanged but would consider further testing of alternative tags if new information became available.

The Board received an update on the stock assessment update, which is scheduled to be presented to the Board at the Annual Meeting. The TC discussed the impact of upcoming changes to MRIP effort estimates in 2026 on the assessment. The TC recommended continuing the assessment on the current timeline given the length of time since the last assessment and the uncertainty of potential delays in the availability of the MRIP updates. The Board also elected Matt Gates as Chair.

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

Motions

Move to elect Matt Gates as Chair of the Tautog Management Board.

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

HORSESHOE CRAB MANAGEMENT BOARD (MAY 8, 2025)

Press Release

Horseshoe Crab Board Approves Addendum IX *Addendum Allows Multi-Year Specifications for Male-Only Harvest*

Arlington, VA – The Commission’s Horseshoe Crab Management Board approved Addendum IX to the Interstate Fishery Management Plan for Horseshoe Crabs. The Addendum allows the Board to set specifications for male-only harvest. It also establishes a method for managing male-only harvest limits during multi-year specifications periods, reestablishes seasonal harvest restrictions, and clarifies policy related to harvest caps for Maryland and Virginia.

Addendum IX responds to recommendations from the July 2024 Horseshoe Crab Management Objectives Workshop, which convened a group of stakeholders to explore management objectives for the Delaware Bay-origin horseshoe crab fishery. Workshop participants recommended the Board establish an interim solution to maintain male-only harvest while changes to the Adaptive Resource Management (ARM) Framework are explored to better align the model with stakeholder values.

The Addendum allows the Board to set multi-year specifications for up to three years until 2031 based on the ARM Framework. In interim years when the ARM is not used, the Board will manage maximum

male harvest limits based on Delaware Bay region spawning survey data. Addendum IX also reestablishes a harvest closure for the Delaware Bay region states from January 1 through June 7. Lastly, the Addendum clarifies the policy included in Addenda VII and VIII for applying Maryland and Virginia harvest caps; these caps further restrict harvest for Maryland and Virginia when female harvest is implemented in the Delaware Bay region.

Addendum IX will be available on the Commission website at <https://asmfc.org/species/horseshoe-crab/> by next week. For more information, please contact Caitlin Starks, Senior Fishery Management Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR25-13

Meeting Summary

In addition to approving Addendum IX, the Horseshoe Crab Management Board reviewed recommendations from the Adaptive Resource Management (ARM) Subcommittee and discussed the composition of the Advisory Panel (AP).

In February, the Board tasked the ARM Subcommittee with reviewing the reward and utility functions of the ARM Framework and discussing what input from stakeholder groups would be needed to provide directions on potential changes. This task responded to a recommendation from the July 2024 stakeholder workshop on horseshoe crab management in the Delaware Bay region. The ARM Subcommittee recommended initiating a process to seek stakeholder input on various value-based aspects of the reward, utility, and harvest policy functions of the ARM Framework. The Board supported pursuing such a process, which could include educational meetings and a stakeholder workshop to identify changes to these functions that would better reflect current stakeholder values. Funding would need to be identified to conduct a workshop.

Responding to another recommendation from the July 2024 workshop, the Board also discussed possible changes to the AP. The current composition of the AP includes state-specific seats and two seats for non-traditional stakeholders. The Board expressed interest in reshaping the panel so that there is a more even distribution of advisors from each region (northeast, New York, Delaware Bay, and Southeast). It also determined that an open solicitation process should be used to seek additional nominations for non-traditional stakeholders (e.g., conservation interests). The Board agreed to form a Work Group to develop recommendations on an appropriate distribution of advisors and review new nominations.

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

Motions

Main Motion

Move to adopt Options 1B and 1B-1 under Issue 1, Option 2B under Issue 2, and Option 3B under Issue 3.

Motion made by Mr. Clark and seconded by Ms. Kennedy. Motion amended.

Motion to Amend

Move to amend to replace 1B-1 with 1B-2.

Motion made by Ms. Lengyel Costa and seconded by Mr. Hyatt. Motion passes (9 in favor, 3 opposed, 3 abstentions).

Main Motion as Amended

Move to adopt Options 1B and 1B-2 under Issue 1, Option 2B under Issue 2, and Option 3B under Issue 3.

Motion passes (11 in favor, 4 abstentions).

Move to approve Addendum IX with the management options selected today. The Addendum is effective immediately, and measures pertaining to the season closure in the Delaware Bay must be implemented by January 1, 2026.

Motion made by Mr. Clark and seconded by Ms. Lengyel Costa. Motion passes by unanimous consent.

Main Motion

Move to approve the nominations of Edwin Chiofolo and Arthur (Pete) Bender to the Advisory Panel.

Motion made by Mr. Hornstein and seconded by Mr. Geer. Postponed.

Motion to Postpone

Move to postpone until the Board has made a decision on how to compose the Advisory Panel.

Motion made by Mr. Clark and seconded by Mr. Dyar. Motion passes by unanimous consent.

COMMISSION BUSINESS SESSION (MAY 8, 2025)

Press Release

**ASMFC Approves Amendment 4
to the Interstate Fishery Management Plan for Northern Shrimp**

Arlington, VA – The Atlantic States Marine Fisheries Commission approved Amendment 4 to the Interstate Fishery Management Plan (FMP) for Northern Shrimp. In response to the continued poor condition of the northern shrimp stock, Amendment 4 modifies the first objective of the FMP to recognize the influence of environmental conditions on stock productivity and lengthens the amount of time the Northern Shrimp Section can set a moratorium from one year to up to five years. The Section can call a meeting at any time to review information relative to the fishery and the resource and initiate management action if necessary.

Amendment 4 also adds management triggers to the FMP as part of the annual stock monitoring process. Management triggers include recruitment and temperature triggers that signal potential improvement in stock conditions. The recruitment trigger will be achieved when the stock experiences non-failed recruitment for three consecutive years. If achieved, a stock assessment update will be conducted. If the recruitment trigger is not achieved, but non-failed recruitment occurs in two out of three years, the Section will consider conducting a winter sampling program

without the use of size-sorting grates. This program will allow the Northern Shrimp Technical Committee to evaluate stage and length frequencies, and year class persistence before initiating a full assessment update. The temperature trigger will be considered reached when two out of three consecutive years of winter surface temperature and spring bottom temperature in the Gulf of Maine fall below the 80th percentile of the reference period. If achieved, the Section will consider a winter sampling program. These triggers are intended to help the Section identify if the stock is viable enough to support a fishery.

Finally, Amendment 4 adds the specifications setting timeline and management triggers to measures subject to change through adaptive management, allowing these management measures to be changed in the future via an addendum rather than an amendment.

All provisions of Amendment 4 are considered effective immediately. Amendment 4 will be available on the Commission's website, <https://asmfc.org/species/northern-shrimp/>, by the end of May. For more information, please contact Chelsea Tuohy, Fishery Management Plan Coordinator, at <mailto:ctouhy@asmfc.org> or 703.842.0740.

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PR25-14

Motions

On behalf of the Northern Shrimp Section, move the Commission approve Amendment 4 to the Interstate Fishery Management Plan for Northern Shrimp as amended by the Section

Motion by Mr. Grout. Motion passes with one objection.

Interstate Fisheries Management Updates

- ASMFC Winter Meeting (February 4-5, 2025)
- ASMFC/MAFMC Meeting (April 9, 2025)
- ASMFC Northern Shrimp Meeting (May 1, 2025)
- ASMFC Spring Meeting (May 5-8, 2025)
- ASMFC Atlantic Herring Days Out Meeting (May 13, 2025)

Marine Fisheries Advisory Commission

May 29, 2025

Massachusetts Division
of Marine Fisheries



Spiny Dogfish

Addendum VII Finalized (in February)

- Gillnet overnight soak prohibitions in sturgeon bycatch hotspot off NJ, MD, and VA for state dogfish permit holders
- Complimentary to federal permit holder restriction adopted by NEFMC/MAFMC (FA 6)
- Effective May 1, 2025

Spiny Dogfish FY2025 Quota Revised (in February)

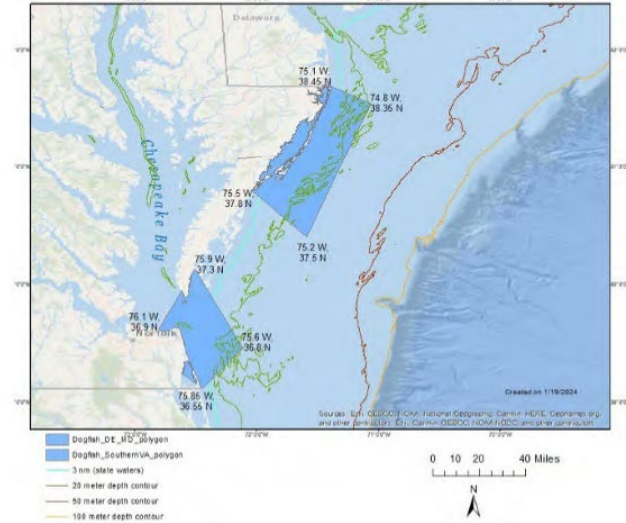
- Amended from 10.97 mlb to 9.34 mlb based on updated projections and suspension of Council risk policy (otherwise 8.63 mlb).
- FY24 quota is 10.25 mlb (~8.3 mlb landed).
- 2024 quota was reduced by AM for 2023 ACL overage. 2024 ACL evaluation pending. MAFMC working on Framework to amend the dogfish AMs (lessen impact of some ACL overages). Also includes spec setting for FYs 2026-2027.

New Jersey Bycatch Hotspot Polygon - Monkfish Fishery and Spiny Dogfish Fishery



Applies to gillnets with 5-10" mesh in November and May.

Delaware, Maryland, Virginia Bycatch Hotspot Polygons - Spiny Dogfish Fishery Only



Applies to gillnets with 5.25-10" mesh in November—March.

Summer Flounder, Scup, Black Sea Bass, Bluefish

Recreational Measure Setting Process Addenda Finalized (in April) - Addendum XXVI and Addendum III

- Modified version of current harvest-based “Percent Change Approach” to be used for 2026-2029 specifications.
 - “Near target” biomass category added, more status quo options
- Beginning in 2030, switch to catch-based version of approach.
 - More explicit accounting for effect of measures on discards.

Future RHL vs Estimated Harvest	SSB compared to target level (SSB/SSB _{msy})	Change in Expected Harvest
Future 2-year avg RHL greater than upper bound of harvest estimate CI (harvest expected to be lower than RHL)	Very high (≥ 150%)	Liberalization % = difference between harvest est & 2-year avg RHL, not to exceed 40%
	High (≥ 110% but < 150%)	Liberalization % = difference between harvest est & 2-year avg RHL, not to exceed 20%
	Near target (≥90% but <110%)	Liberalization: 10%
	Low (≥50% but < 90%)	No liberalization or reduction: 0%
Future 2-year avg RHL within harvest estimate CI (harvest expected to be close to RHL)	Very high to low (greater than 50%)	No liberalization or reduction: 0%
Future 2-year avg RHL less than lower bound of harvest estimate CI (harvest expected to exceed RHL)	Very high (≥ 150%)	No liberalization or reduction: 0% Unless AM triggered
	High (≥ 110% but < 150%)	Reduction: 10%
	Near target (≥90% but <110%)	Reduction % = different between harvest est. & 2-year avg RHL, not to exceed 20%
	Low (≥50% but less than 90%)	Reduction % = different between harvest est. & 2-year avg RHL, not to exceed 40%
Overfished (< 50% target)	No liberalization allowed. Reduction % - difference between harvest est & 2-year avg RHL. To be replaced with rebuilding plan measures as soon as possible.	



Summer Flounder, Scup, Black Sea Bass, Bluefish

Recreational Sector Separation and Data Collection Draft Amendment Under Development

- In April, determined that two main topics should largely be addressed separately
- Prioritized Recreational Sector Separation
 - Separate measures for for-hire mode
 - Separate allocations for for-hire mode
 - For-hire permitting and reporting requirements
- Recreational Data Collection to be further explored through white paper (identify objectives, feasibility of approaches, etc.)

Preliminary Timeline	
Winter 2025	Scoping hearings & comment period
Spring 2025	Identify categories of alternatives
Summer 2025	Initial development of draft alternatives
Fall/Winter 2025	Range of alternatives approved
Winter/Spring 2026	Public hearing document approved
Spring/Summer 2026	Public hearings
Summer/Fall 2026	Consider final action
Winter/Spring 2027	Federal rulemaking & comment period
Spring/Summer 2027	Effective date of management changes



Atlantic Herring

Atlantic Herring Specification Revised (in May)

- Revised previously set 2025-2027 specifications for consistency with NEFMC based on updated projections with realized catch in 2024 (only 51% of ACL caught rather than assumed 100%); 2025 ACL +68% from previously set but still a fraction of 2024.

(in MT)	Initial			Revised			(in metric tons)	2025	2026/2027*
Year	2025	2026	2027	2025	2026	2027			
OFL	18,273	21,659	21,659	20,802	23,491	31,075	Area 1A (28.9%)	1,317	2,640
ABC	6,741	10,885	10,885	8,587	13,165	13,165	Area 1B (4.3%)	196	393
ACL	2,710	6,854	6,854	4,556	9,134	9,134	Area 2 (27.8%)	1,267	2,539
							Area 3 (39%)	1,777	3,562

**2027 expected to be informed by 2026 stock assessment*

- Area 1A (inshore Gulf of Maine) effort controls set at subsequent Board meeting in May
 - Seasonal allocations: 72.8% (862 mt) for June-Sept; 27.2% (322 mt) for Oct-Dec.
 - Season 1: Open July 27 with 5 landing days for Category A, 6 landing days for Category C/D SMBT; 6 truck (240,000 lb) weekly limit for Category A
 - Season 2: TBD



Lobster

Addendum XXXII Finalized (in May)

- Initiated in February on fast-track to take effect on June 30, 2025
- Repealed Addendum XXVII gauge and escape vent measures
- Maintained measures related to v-notch possession definition and the issuance of trap tags.
- Industry meetings to discuss next steps in managing GOM stock

Northern Shrimp

Amendment 4 Finalized (in May)

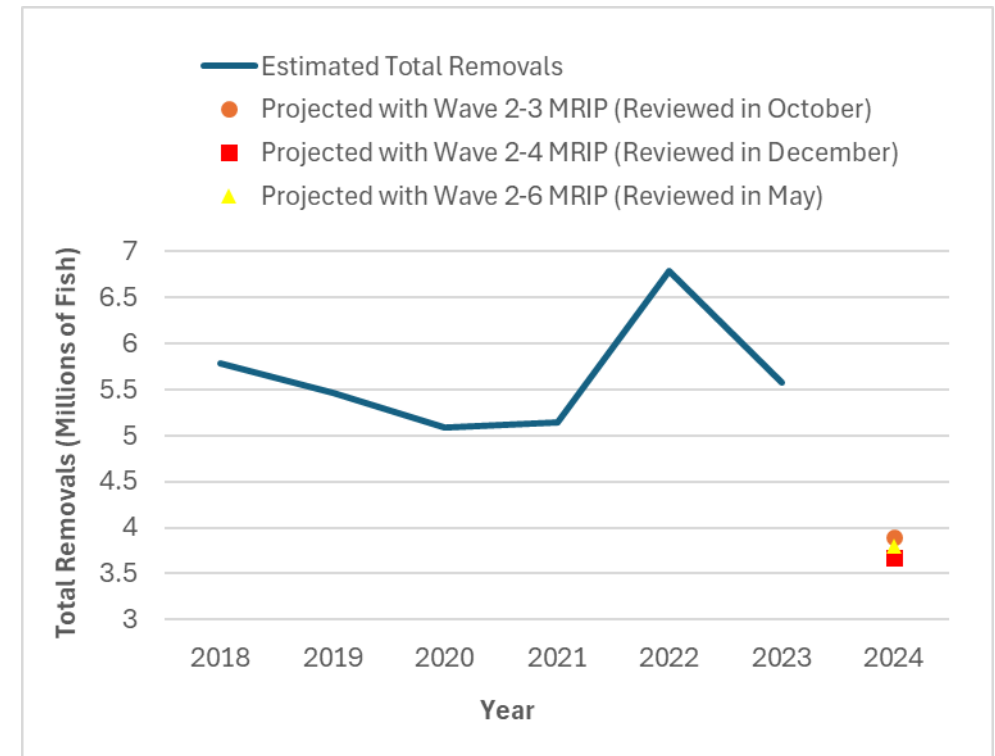
- Allow multi-year (≤ 5 years) moratoria to be set via specifications
- Adopt “wake-up” triggers to evaluate potential fishery re-opening
- Section will set specs for 2026+ later this year (been under a harvest moratorium since 2014)



Striped Bass

Draft Addendum III Under Development (in May)

- Initiated in December 2024 to consider measures for 2026 to support stock rebuilding
- Board had considered taking expedited Board Action to change 2025 measures upon receipt of 2024 assessment and initial projections in October
- Addendum route taken to incorporate full year 2024 data in projections and robust stakeholder engagement
- Board provided additional direction on range of alternatives in February and May
- Reviewed latest projections using prelim full-year 2024 MRIP data in May
- Board could approve a document for public comment in August and take final action in October



TC Preferred Projection Methods:

- 2024 catch used to estimate F in 2024
- Assume increase in F in 2025 (2018 year-class enters ocean slot), then decrease to 2024 level for 2026-2029
- Use “low recruitment assumption”: 2008-2023

Striped Bass

- Projections reviewed in May:
 - Current measures: 49% probability of rebuilt in 2029, and SSB continues to increase thereafter.
 - 1% reduction in 2026 removals needed to achieve a 50% probability and 7% reduction for 60% probability.
 - TC caution about reductions <10%.
 - Board considered removing the reduction options entirely but decided to retain and add to document the alternative projections (slightly higher F in out years, very low recruitment of 2019-2024, out to 2035)
 - Importance of maintaining a very low F
 - Stock decline after 2030 if recruitment like last 6 years (no above average year classes)

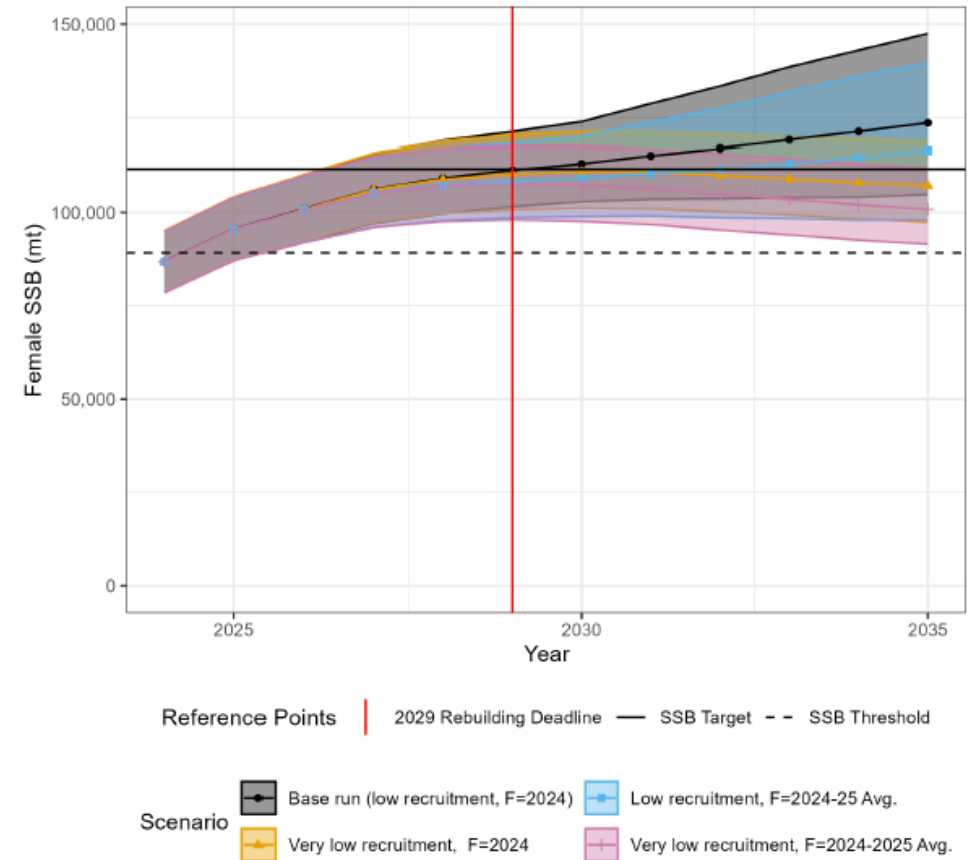
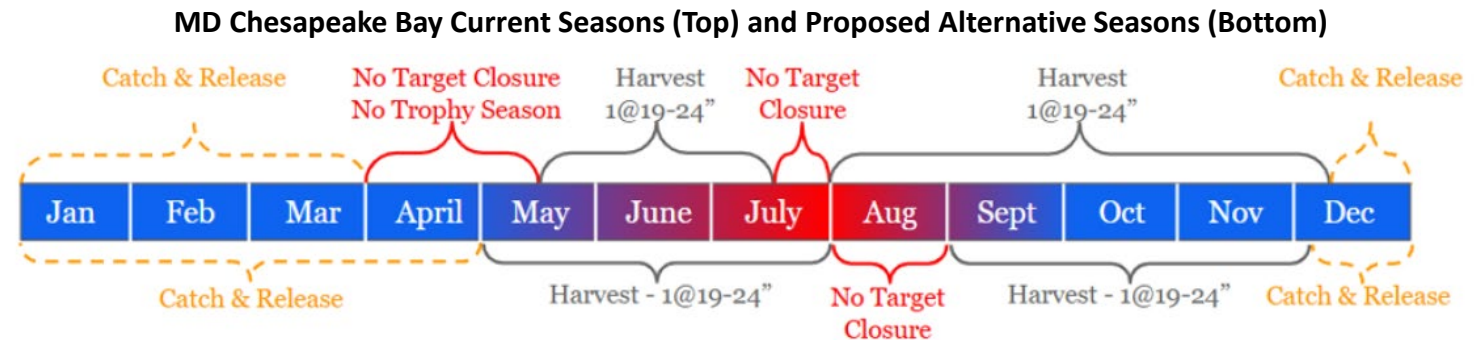
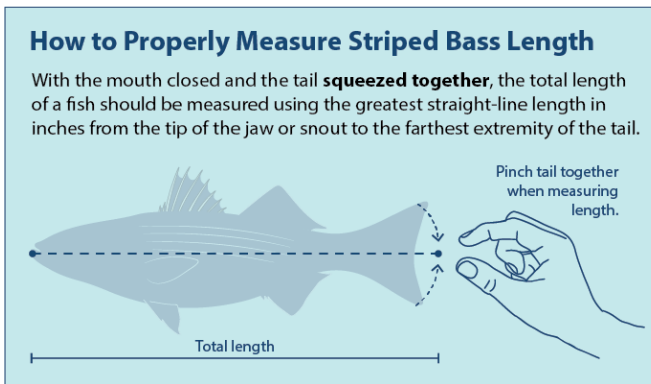


Figure 3. SSB trajectories under different assumptions about future F and recruitment. Shaded areas indicate 95% confidence intervals.

Striped Bass

- Range of Alternatives in Draft Addendum III as of May 2025
 - Measures to reduce fishery removals by 7% to increase probability of rebuilding in 2029 from 50% to 60%
 - Sector contributions: -7% rec and com; -8% rec and 0% com
 - Recreational size limit changes and seasonal closures
 - Commercial quota reduction
 - Commercial tagging programs required to be point-of-harvest
 - Maryland Chesapeake Bay recreational season modification: increase access without increasing removals; Board ask for uncertainty buffer sub-option; if modification approved, baseline for any additional closures required
 - Standardized method for total length measurement



Striped Bass

- Possible Implications for Massachusetts
 - Commercial quota: up to 7% reduction (683,773 lb to 635,909 lb)
 - Commercial harvester-based tagging: would force limited entry and reduction in permits to ~500
 - Recreational (ocean):
 - Focus is on seasonal closure options, either no-harvest or no target, coastwide or (more likely) regionally
 - Board advised against slot limits narrower than 3" or with a minimum below 28"; and removed the only remaining options which were slots for much larger fish (e.g., 37-40" slot)
 - Option for a mode split with a wider for-hire slot (e.g., 28-31" private/shore and 28-33" for-hire), requiring slightly longer seasonal closure for all anglers.



Striped Bass

○ Preliminary Recreational Season Closure Options for MA

(Cropped tables from preliminary Draft Addendum III for Board Review, May 2025.)

Number of days that must be closed to achieve reduction, according to wave(s) and closure type.

Closures for -7% Reduction for All Modes				
Region	Waves	No Target (SB only trips eliminated)	No Target (SB trips switch targets)	No Harvest
All Ocean	Wave 3 & Wave 6	9	12	18
ME-MA	Wave 3	18	40	47
ME-MA	Wave 4	12	22	23
ME-MA	Wave 5	20	29	53
ME-RI	Wave 3	16	30	44
ME-RI	Wave 4	13	23	25
ME-RI	Wave 5	20	28	52

Calculating the reduction from no-targeting closures requires additional assumptions about angler behavior. These two columns make different assumptions – one more conservative than the other – effecting closure length.

Reductions

- 7% reduction based on equal sector reductions and no for-hire mode split.
- 8% reduction if no commercial cut or for-hire mode split selected. Adds several days to rec closure (for all anglers).
- Including RI in region can either shorten or lengthen MA closure depending on wave.
- Shorter closures from no-targeting closures

Example Open Seasons under No-Harvest Closures (region would select uniform dates)

- Closure in wave 3: open season mid-June thru Dec
- Closure in wave 4: open season Jan – July, late Aug – Dec
- Closure in wave 5: open Jan thru early Sept
- Requested split wave option (part in wave 3 and part in wave 5): open late May thru early Oct.?



Striped Bass Frequently Asked Questions (FAQ)

These FAQs address common questions about recent management actions taken by the Atlantic States Marine Fisheries Commission's Striped Bass Management Board (Board) and what will happen as a result in Massachusetts. If you have additional questions not addressed in these FAQs, please reach out to DMF at marine.fish@mass.gov.

Jump to:

- [2023 Emergency Action to Narrow the Recreational Slot Limit](#)
- [2024 Addendum II Measures](#)
- [2024 Stock Assessment and Possible 2026 Management Changes](#)

TABLE OF CONTENTS

- [2023 Emergency Action to narrow the recreational slot limit](#)
- [Why was an Emergency Action taken in 2023?](#)
- [What was the rationale for a 31" maximum size limit?](#)
- [If striped bass are at risk of not rebuilding, why is the fishing so good?](#)
- [Were the recreational catch estimates reliable enough to justify the Emergency Action?](#)

<https://www.mass.gov/info-details/striped-bass-frequently-asked-questions-faq>



Questions?





MA DMF passive acoustic monitoring update

Marine Fisheries Advisory Commission meeting
May 2025

Leah Crowe – Science and monitoring lead, Protected Species Program,
leah.m.crowe@mass.gov

Protected Species Program team

Erin Burke, Program Manager

Leah Crowe, Sci & Mon Lead

David Chosid, Gear Specialist

Manali Rege-Colt, Acoustician

Brendan Reilly, Gear Specialist

Emma Fowler, Protected Species Specialist

Why are we adding more tools for detecting large whales off Massachusetts?

Consolidated Appropriation Acts (2023 and 2024) funding

- Current rules under Atlantic Large Whale Take Reduction Plan (ALWTRP) for American lobster and Jonah crab fisheries were compliant with the MMPA and ESA until December 31, 2028
- A “pause” in ALWTRP management actions to gather more info
- Proportional assistance to States with active federal lobster permit holders to:
 1. Expand monitoring of right whales
 2. Develop innovative fishing gear
 3. Assist with compliance and enforcement of regulations





NOAA FISHERIES

ENDANGERED NORTH ATLANTIC RIGHT WHALE POPULATION STATUS

Primary threats



Vessel strikes



Fishing gear entanglements

Approximately

370

whales remain

FORAGING

CALVING

318 WHALES

477 WHALES

431 WHALES

2000

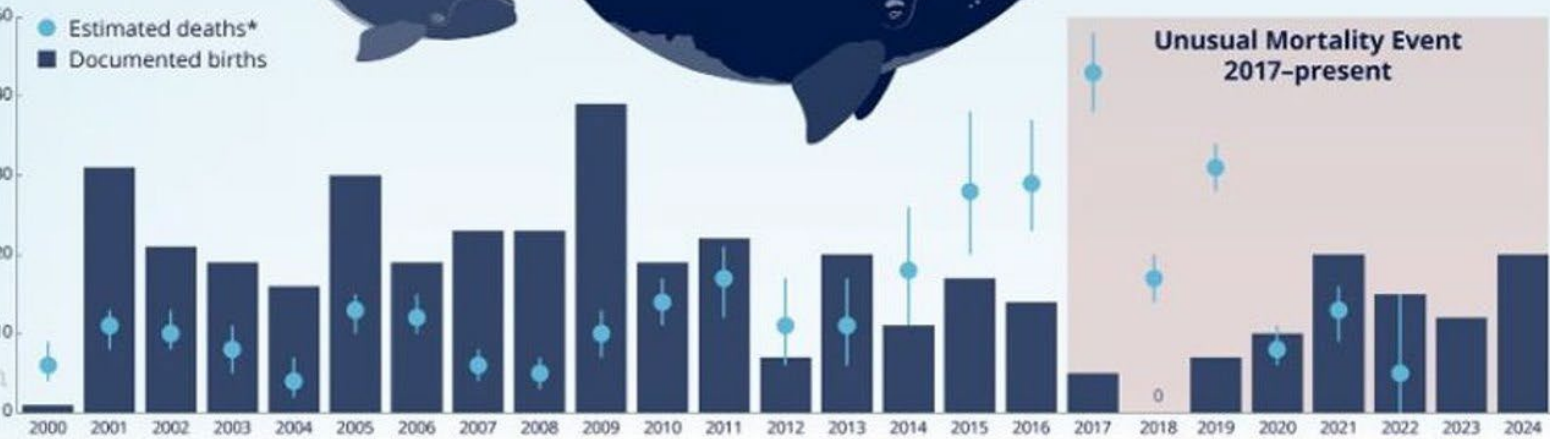
2010

2017

2023

● Estimated deaths*
■ Documented births

Unusual Mortality Event 2017-present



*Total deaths not estimated for the last 2 years due to lag in data processing and analysis.

Updated October 2024

So far in 2025...

- 11 mother/calf pairs documented
- 2 entangled whales sighted on feeding grounds

Later in 2025...

- The 2024 population estimate will be available

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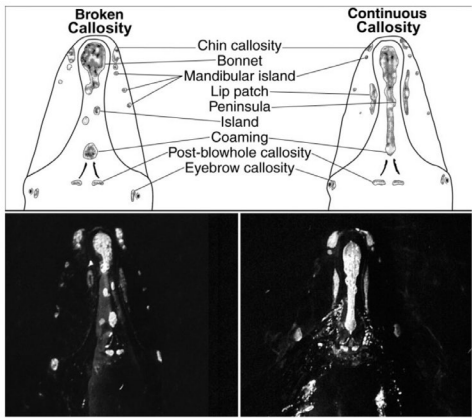
North Atlantic right whales in coastal New England

Visual surveys

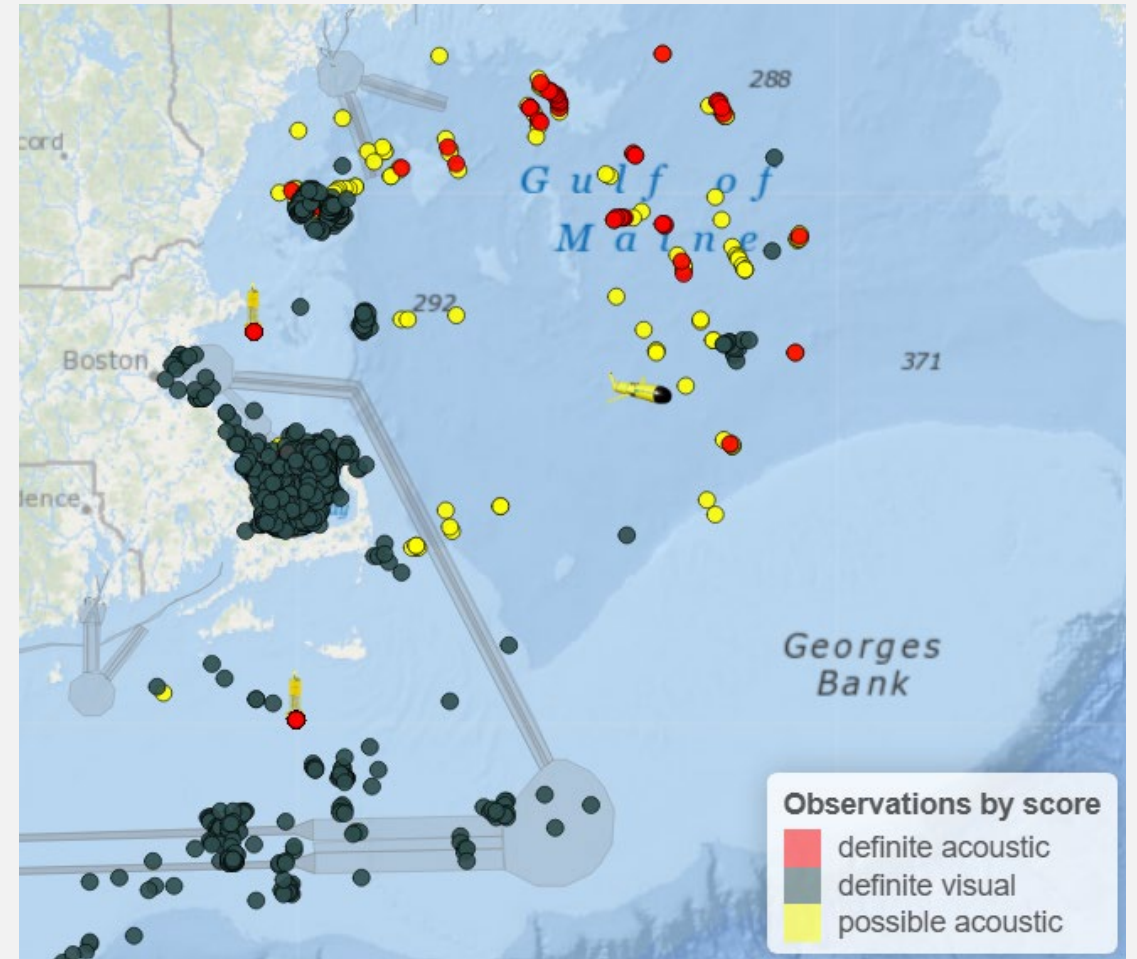
- Jan 2025: ~20% sighted on Jeffreys Ledge
- Nov–May 2025: ~50% sighted in Cape Cod Bay
- April 2025: ~20% sighted south of Martha's Vineyard in the shipping lane

Above numbers based on photo-identification

Description of Callosity Patterns



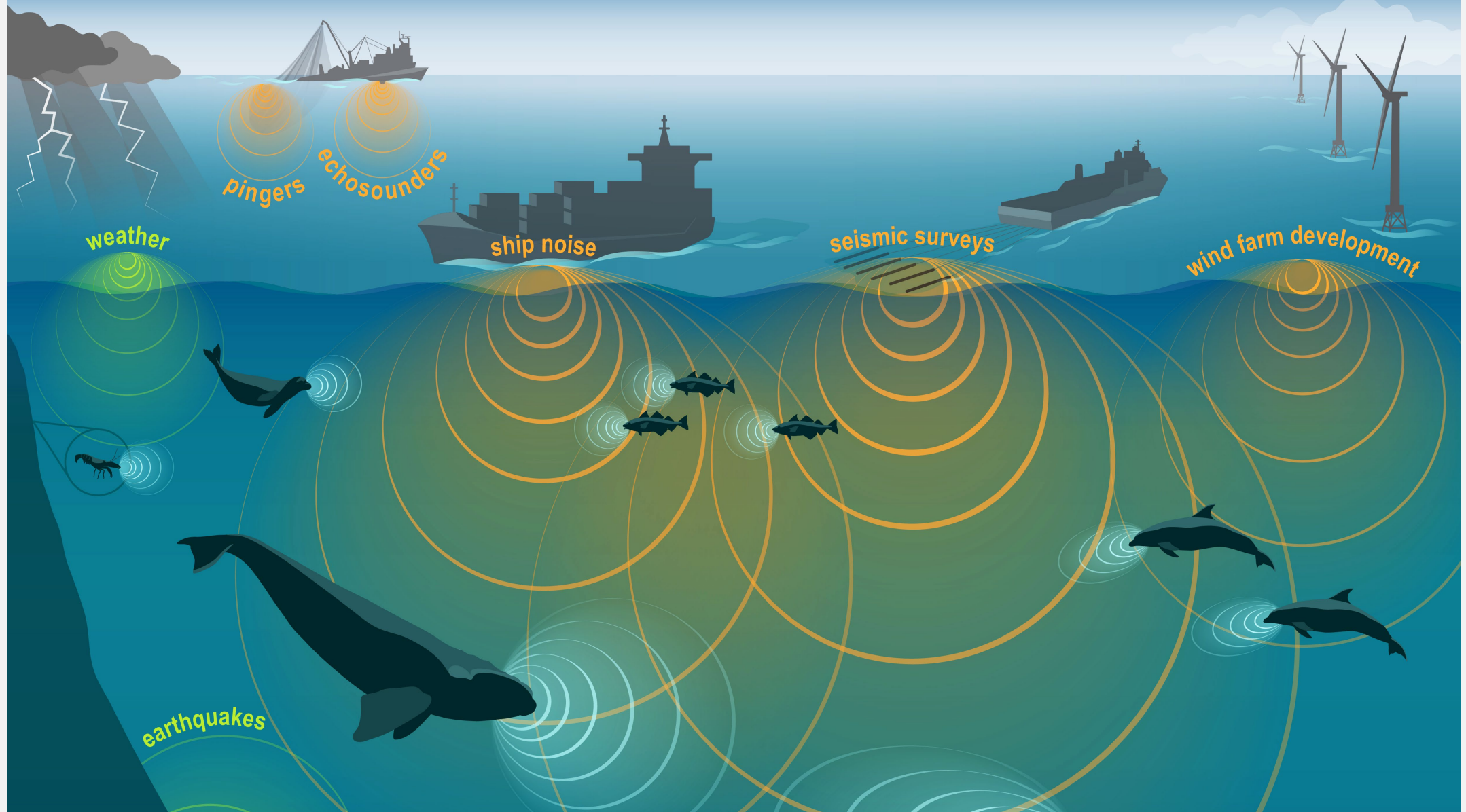
- Preliminary data from Center for Coastal Studies and the New England Aquarium
- 2023 population estimate from model of identification data (372 +11/-12)



Whalemap.org: NARW Detections Nov 2024-May 2025

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of Marine Fisheries





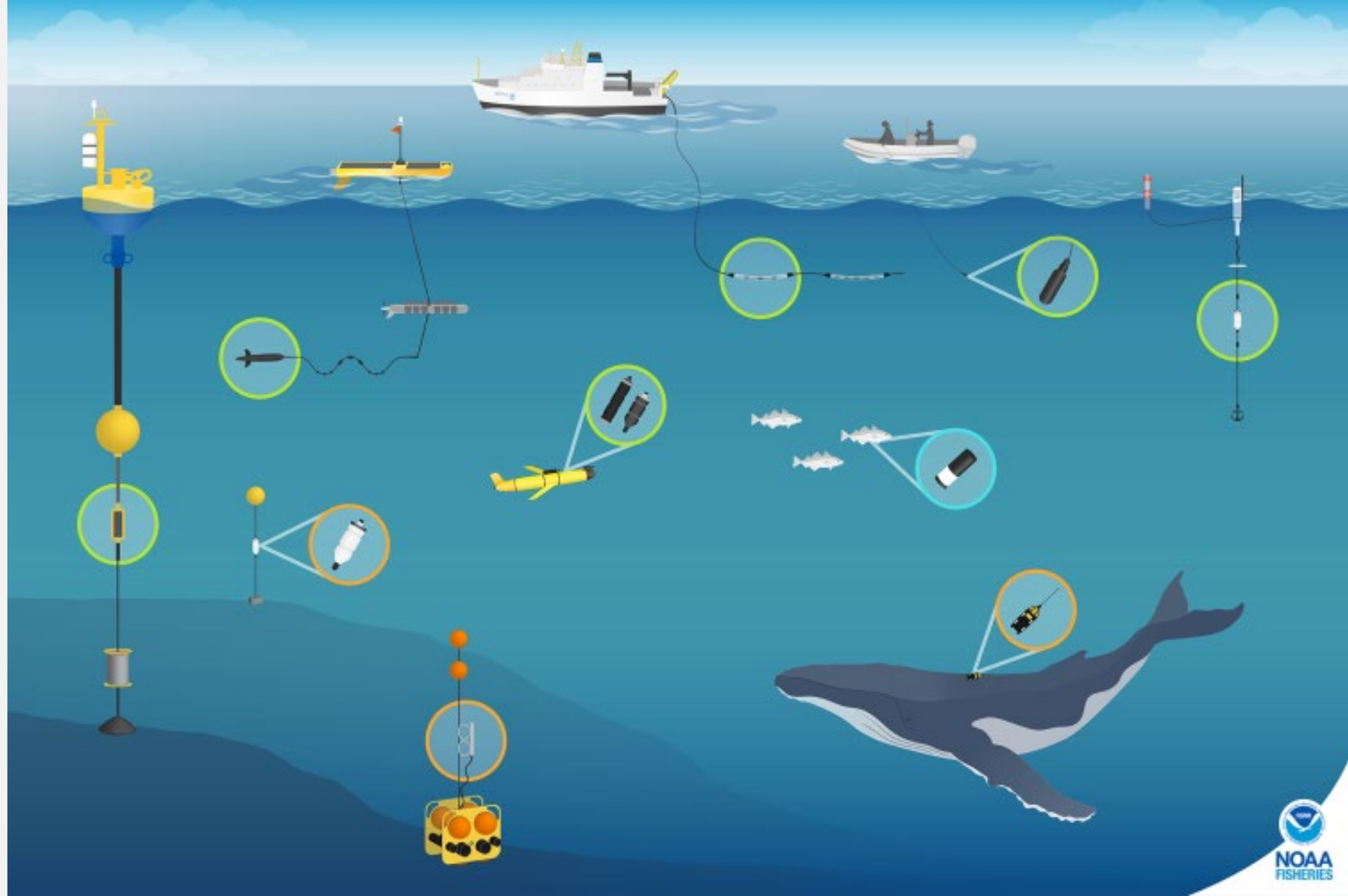
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of Marine Fisheries



What is "acoustic monitoring"?

- Passive = listening
 - Recording of raw sound
- Active = transmitting
 - Echosounders
 - Acoustic telemetry tags

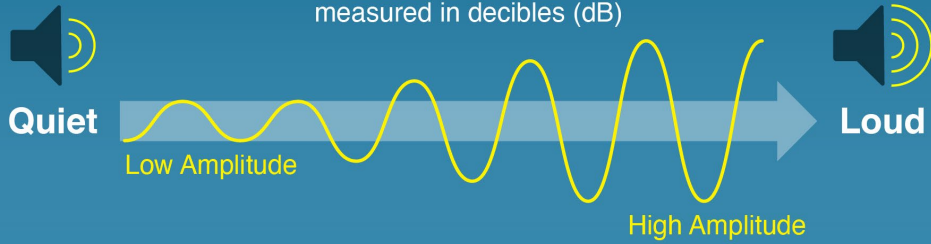
PAM = passive acoustic monitoring



How do we measure sound underwater?

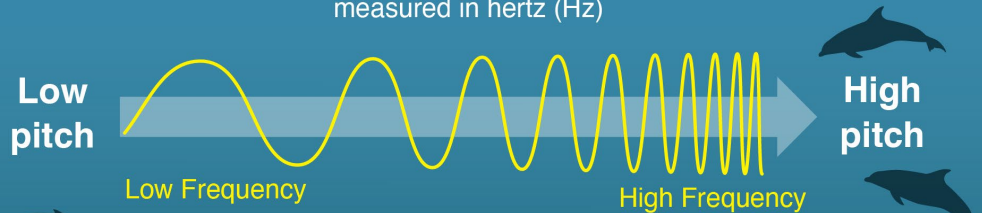
INTENSITY

measured in decibels (dB)



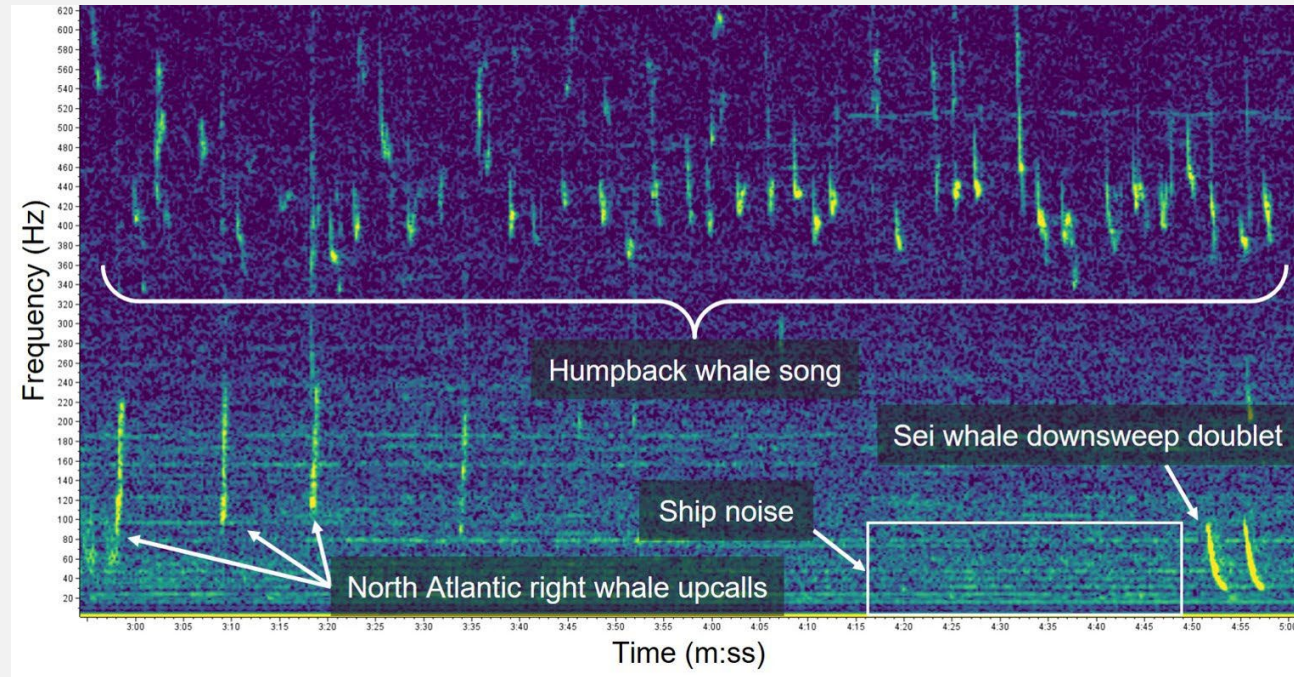
FREQUENCY

measured in hertz (Hz)



SanctSound

Passive acoustic monitoring relies on sound



Right whales

Humpbacks

Massachusetts Division
of Marine Fisheries



Acoustic detection relies on...

- whales vocalizing
 - AND with the target signal we are looking for (upcalls)
 - AND that we detect the signal correctly
- Can continuously monitor despite weather or daylight
 - A lot of data (and many possible applications)

Cryptic behavior is a challenge for both methods

Visual detection relies on...

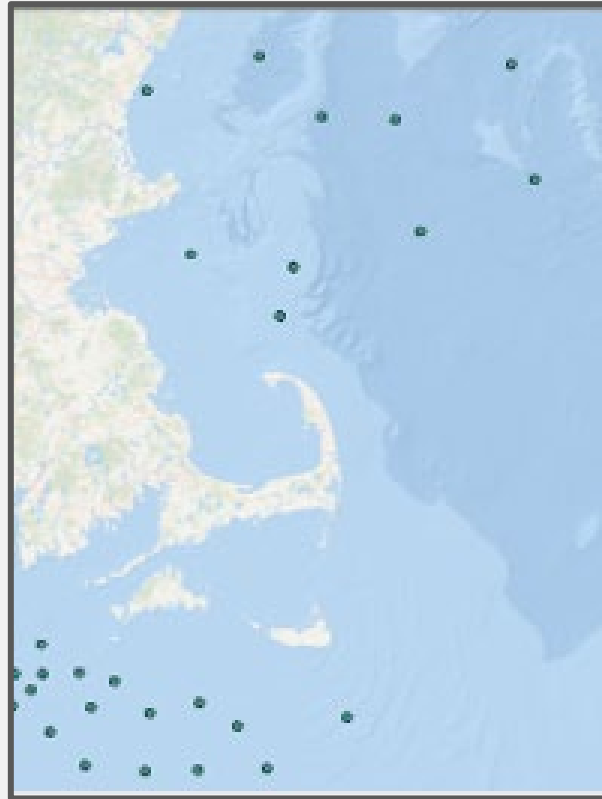
- whales being at the surface
 - AND someone being there to see it
 - AND someone seeing it
- Individual-based information
 - Entanglement/injury detection
 - Births and deaths



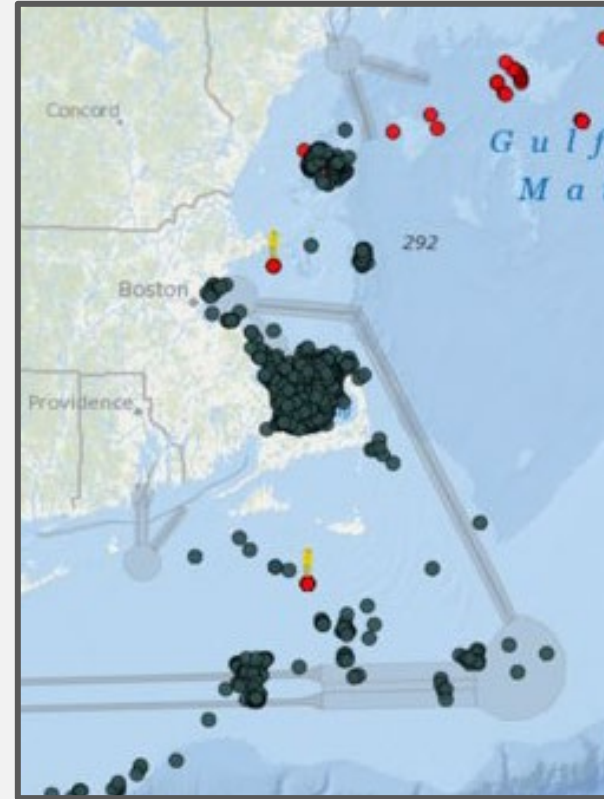
DMF PAM locations



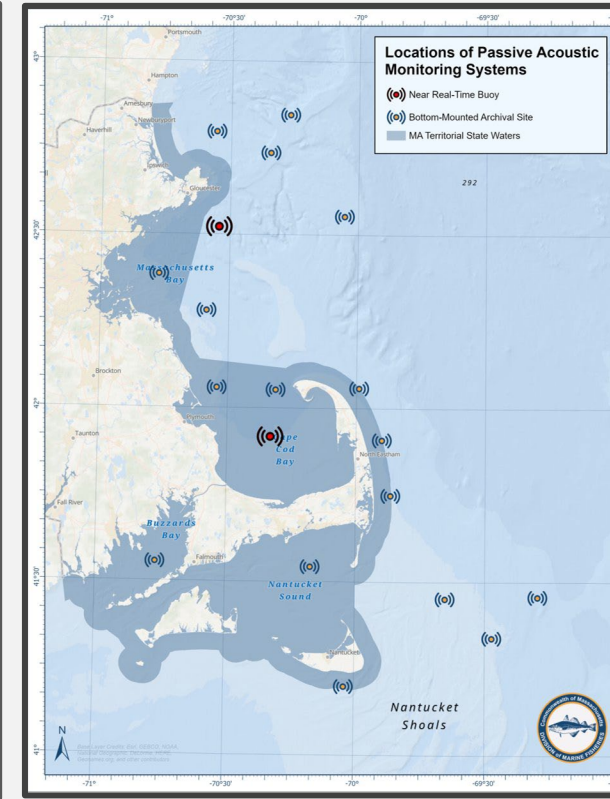
Visual survey effort



Other PAM effort



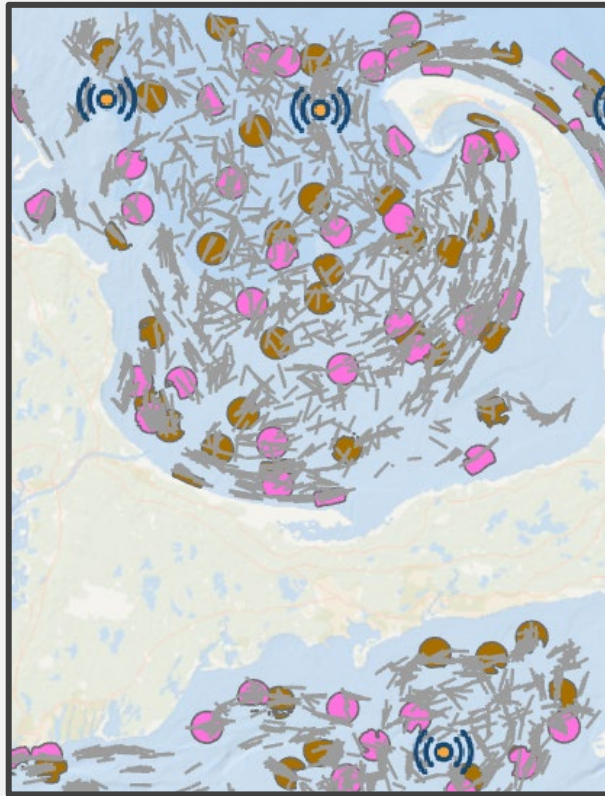
NARW sightings



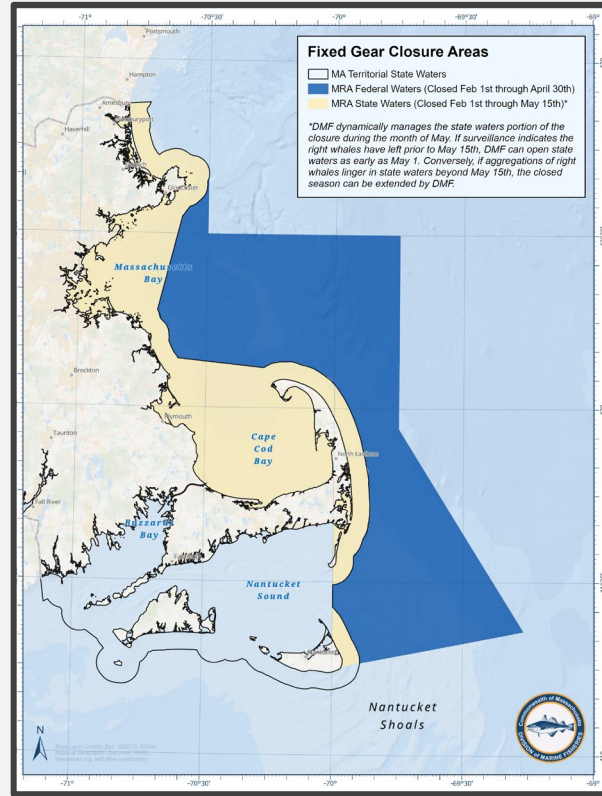
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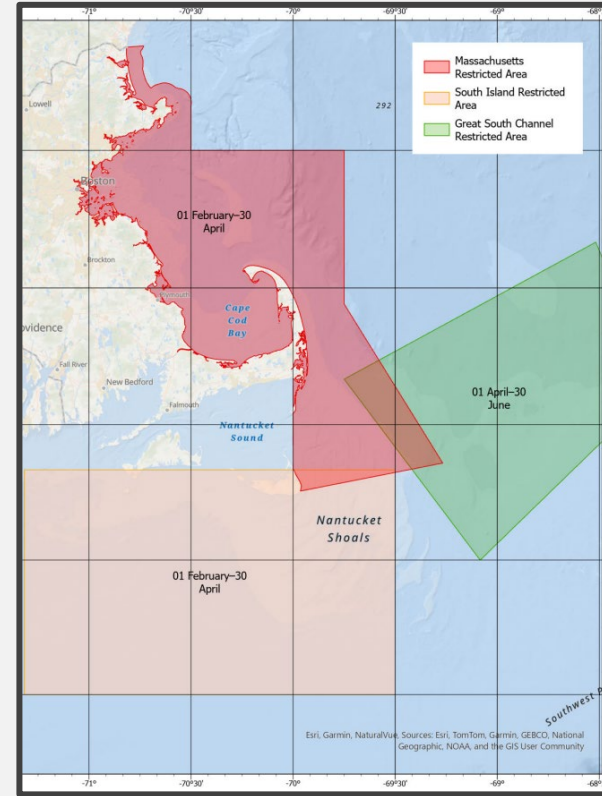
DMF PAM locations



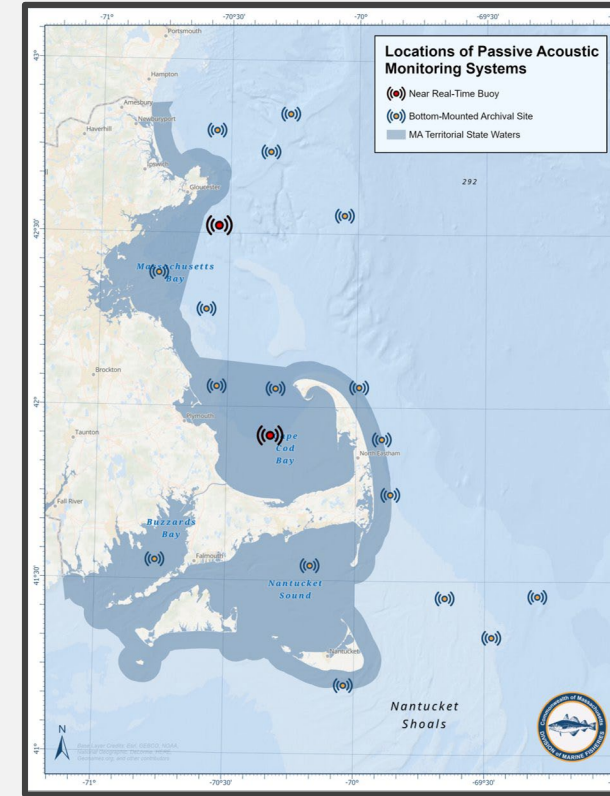
Space use conflicts



State regs

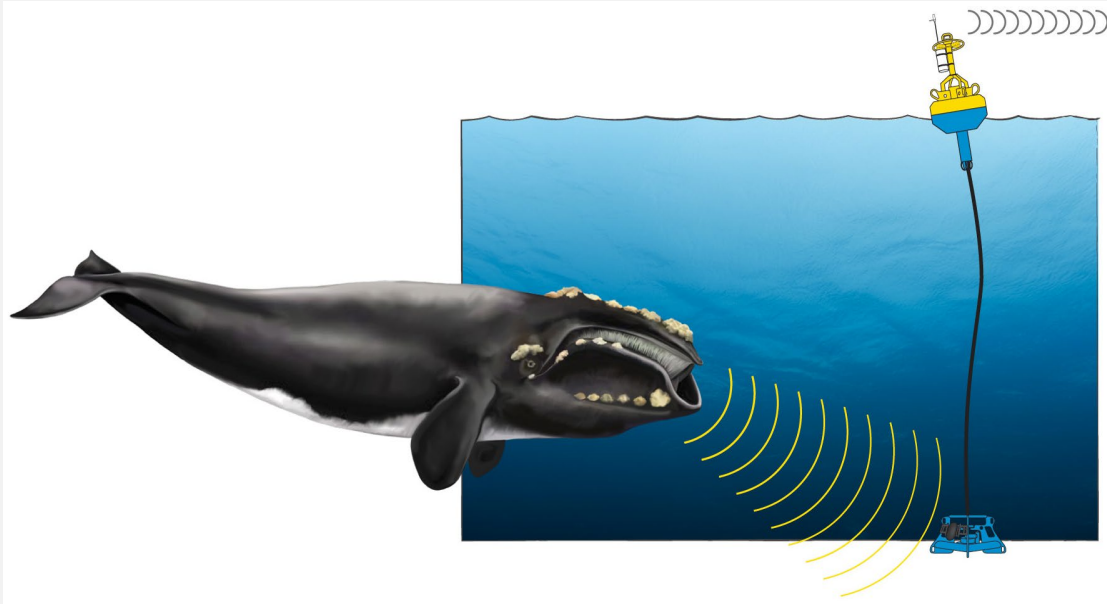


Federal regs

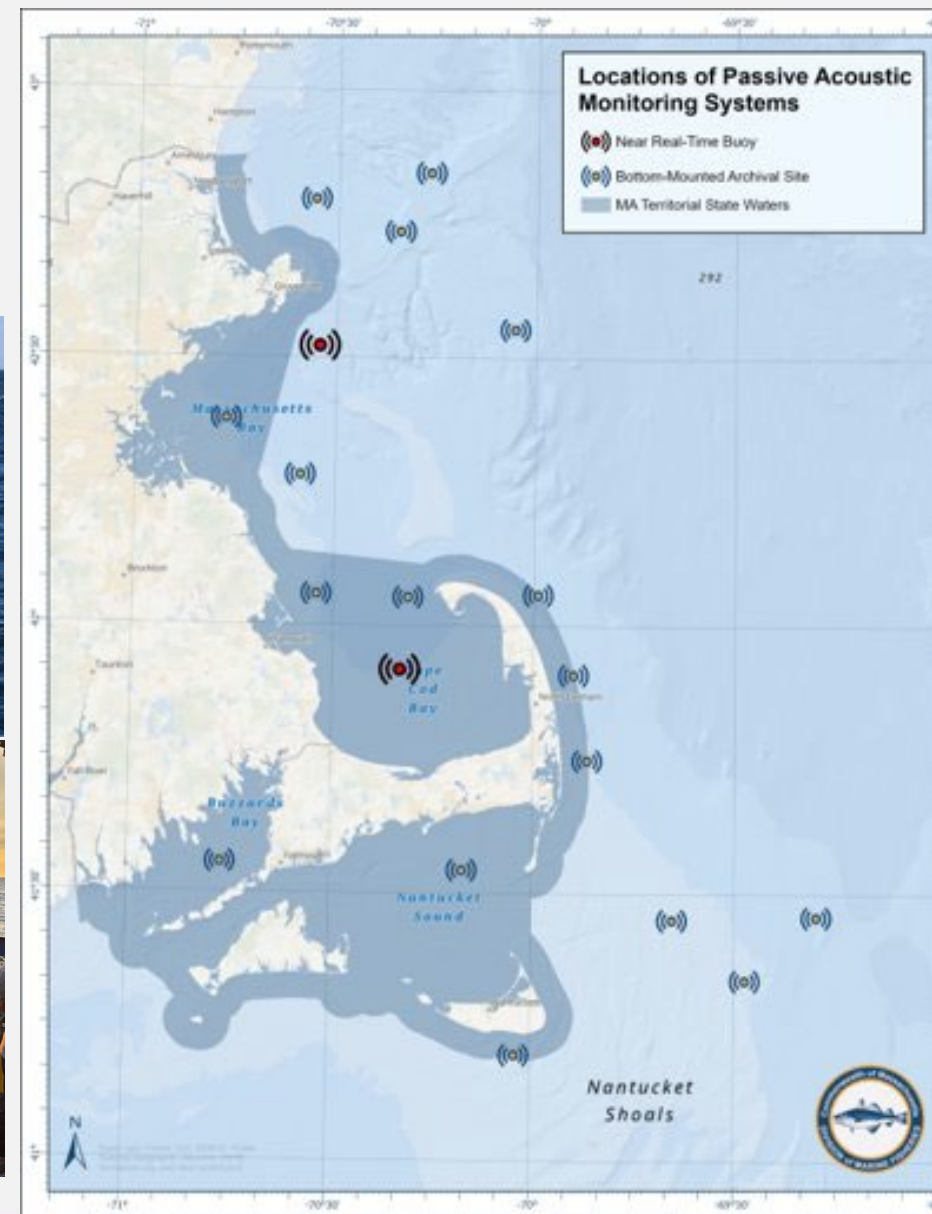


Near real-time PAM – 2 sites

- Detections relayed via satellite
- Robots4Whales.com



© Woods Hole Oceanographic Institution, E.S. Taylor WHOI Creative



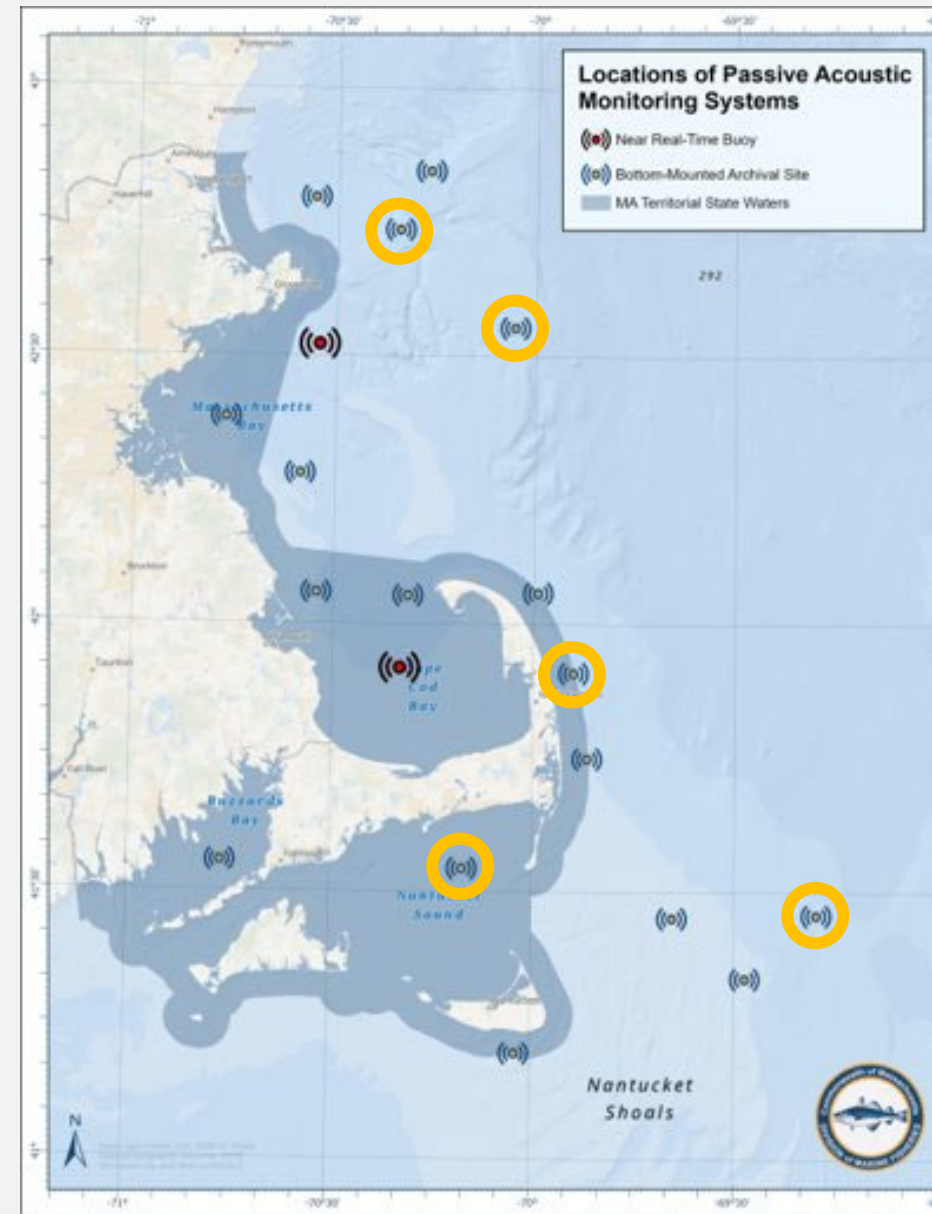
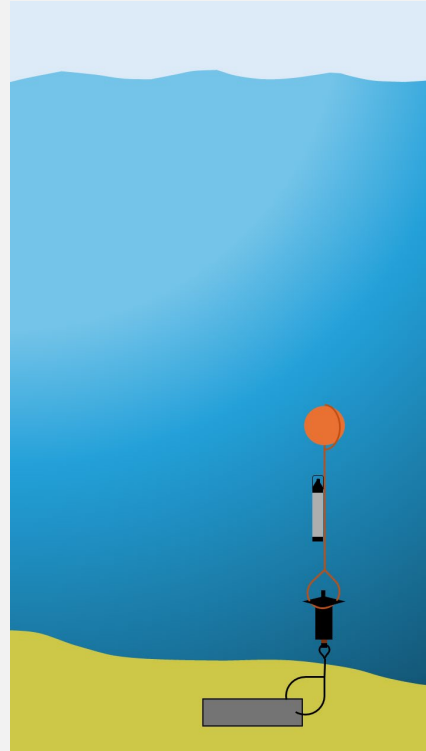
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OCEANOGRAPHIC
INSTITUTION®

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of Marine Fisheries



Archival PAM – 17 sites

- Continuously recording, 48 kHz
- Data retrieved every 5 months



PAM data and analysis – building capacity

Study period: through end of 2028, recording endurance = 5 months = 9 deployments

Data: 0.5 TB compressed data at each station over a 5-month deployment
= 1 TB of raw audio

- 77 TB Compressed data = 17 stations x 9 deployments x 0.5 TB
- 153 TB Raw audio = 17 stations x 9 deployments x 1 TB
- 24 TB Analysis output = 17 stations x 9 deployments x 0.16 TB
- ~254 TB = Total data storage need

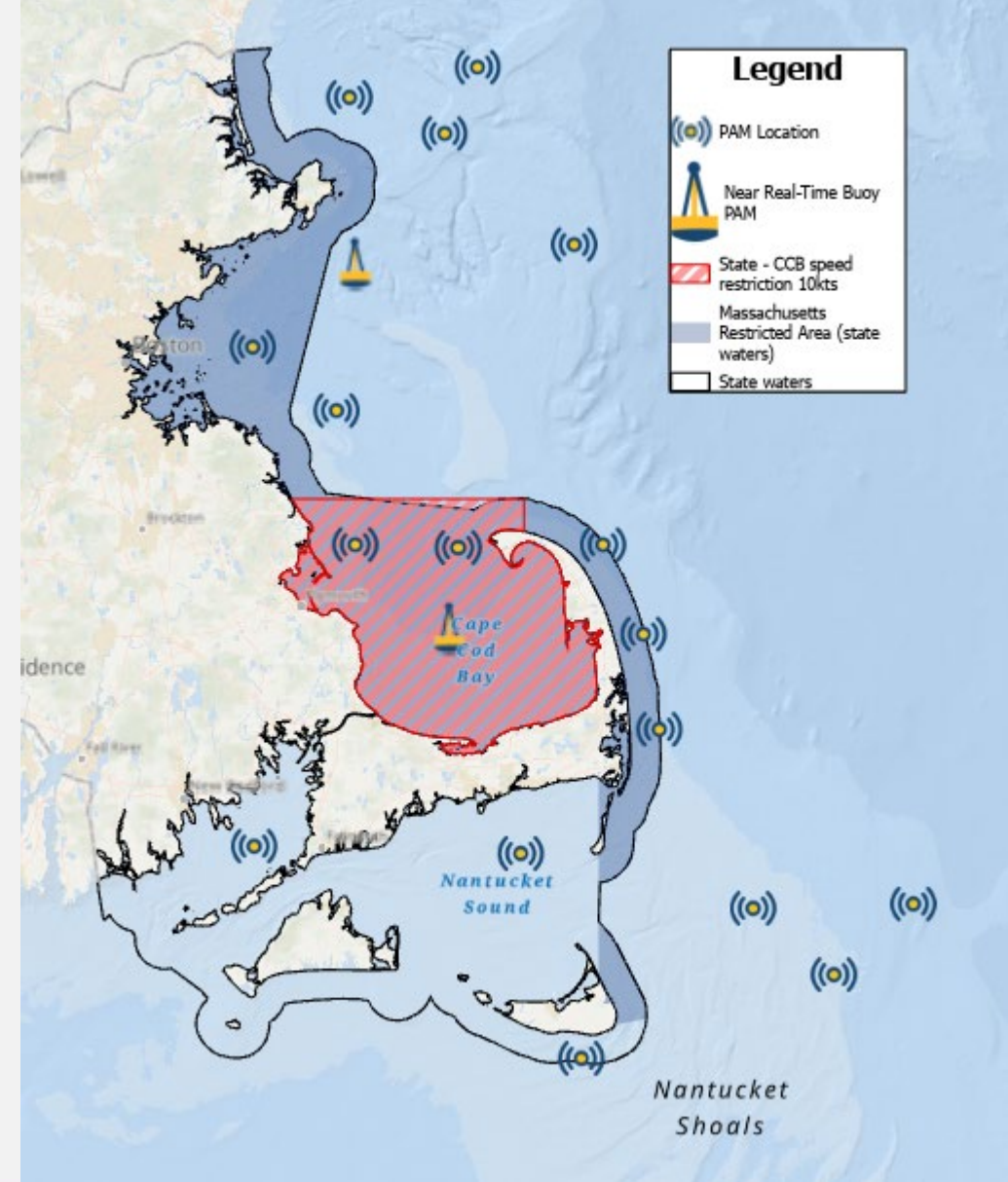
Analysis:

- Recent approval to procure a NAS (Network Attached Storage) server
- Two workstations dedicated to acoustic analysis (faster processors)
- Trained on how to use the low-frequency detection and classification system (LFDCS) to detect and identify calls of specific species (developed by WHOI and NEFSC)
 - Consistent with other regional efforts, including real-time



PAM project goals

- Improve our understanding of the spatial and temporal presence of North Atlantic right whales in MA coastal waters
 - Develop model of acoustic data to estimate occupancy
 - Integrate with visual data to better understand limitations of right whale detection
- Increase effectiveness of dynamic management
- Inform the development of future conservation strategies



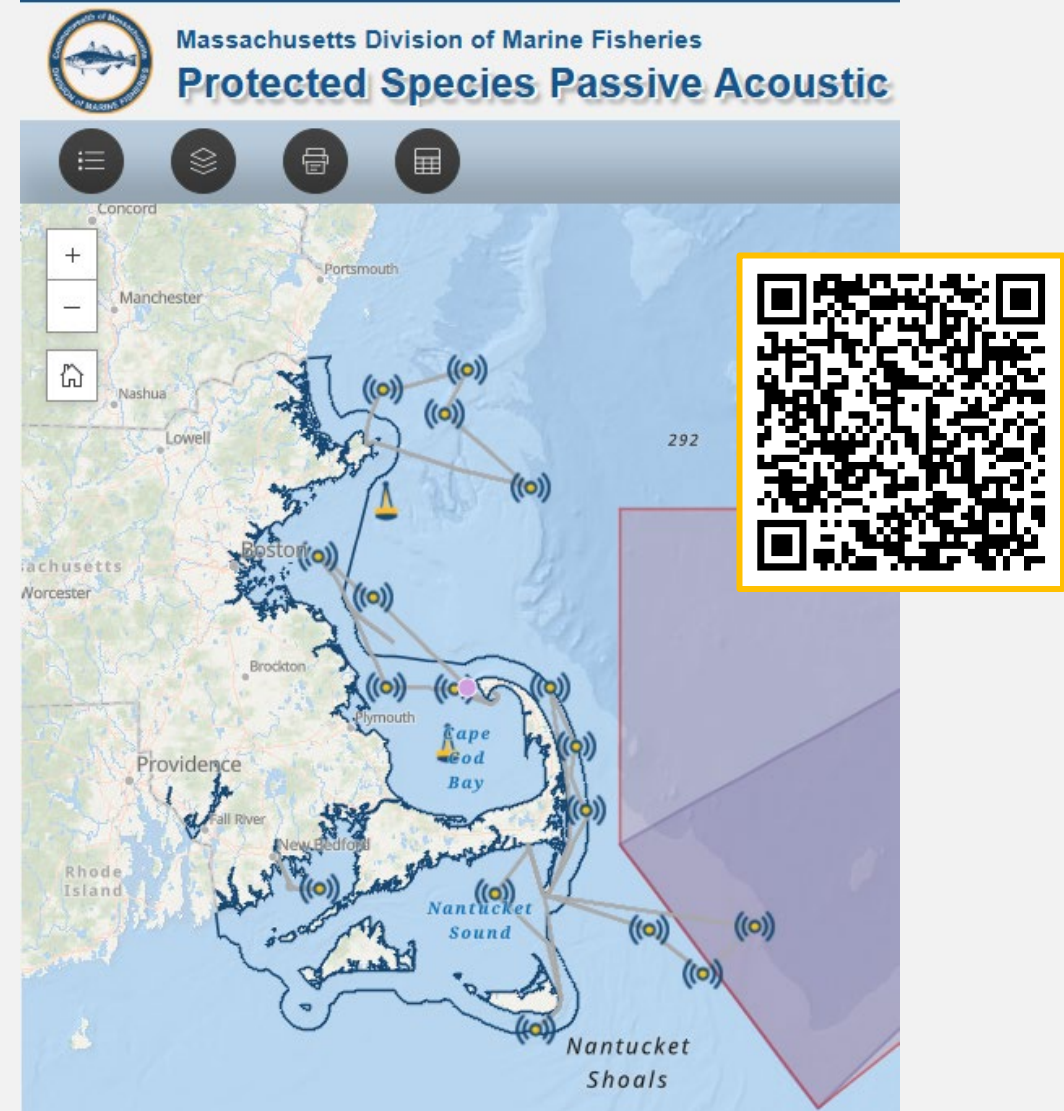
DMF Passive Acoustic Monitoring website

Interactive web resource for more details:

- Current PAM deployments (can be downloaded!)
- Current active spatial regulations
- Sightings and effort data from latest deployment trips

Website also includes other resources:

- WhaleMap (visual data)
- Robots4Whales (near real-time acoustic detections)
- Links to advisories, news, & resources



<https://mass.gov/pam-app>

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Questions?

Massachusetts Division of Marine Fisheries
Protected Species Passive Acoustic

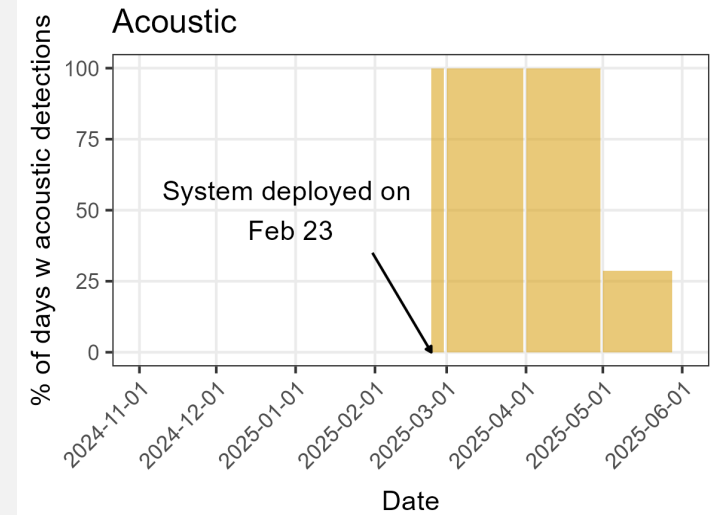
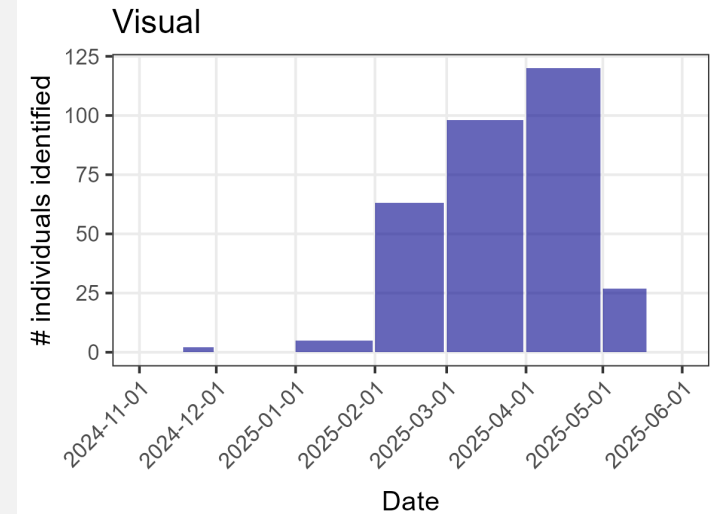
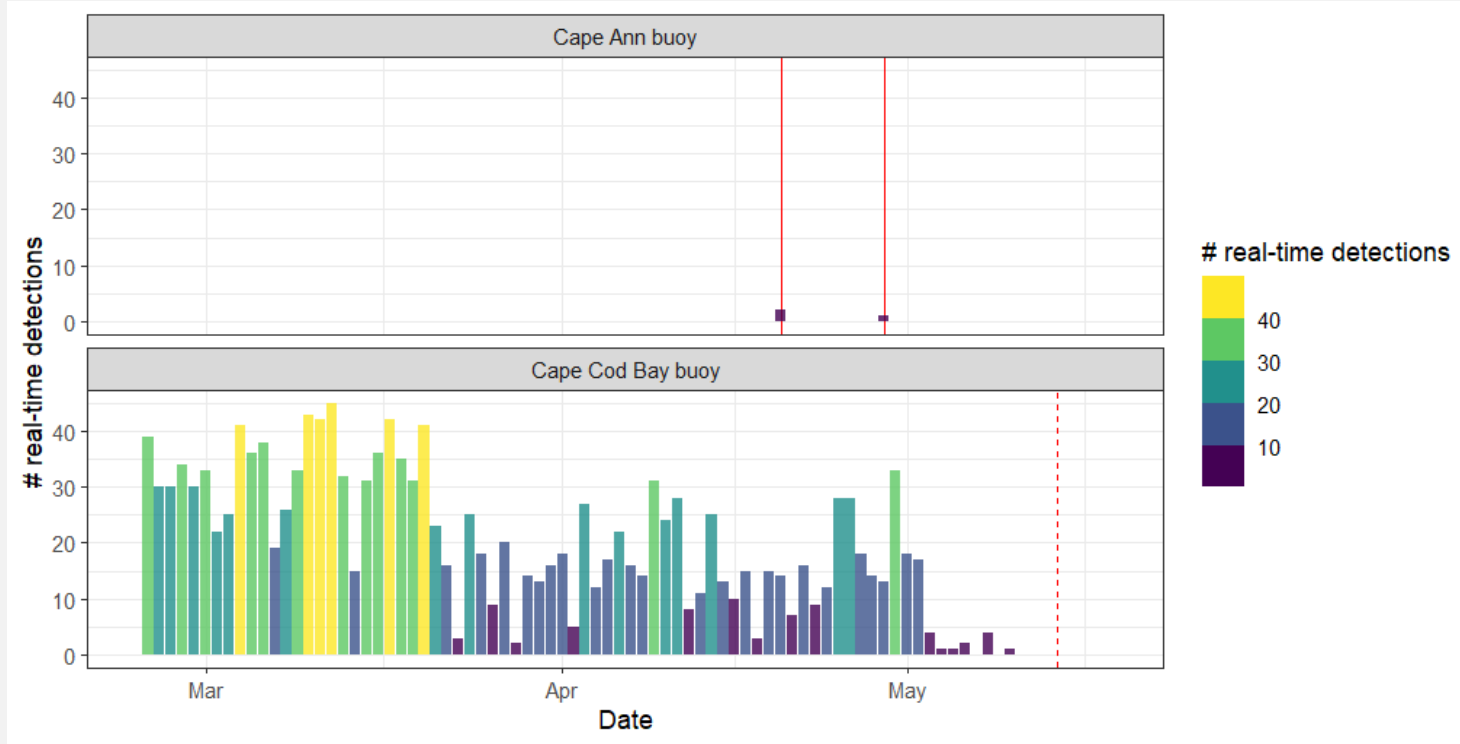
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<https://mass.gov/pam-app>

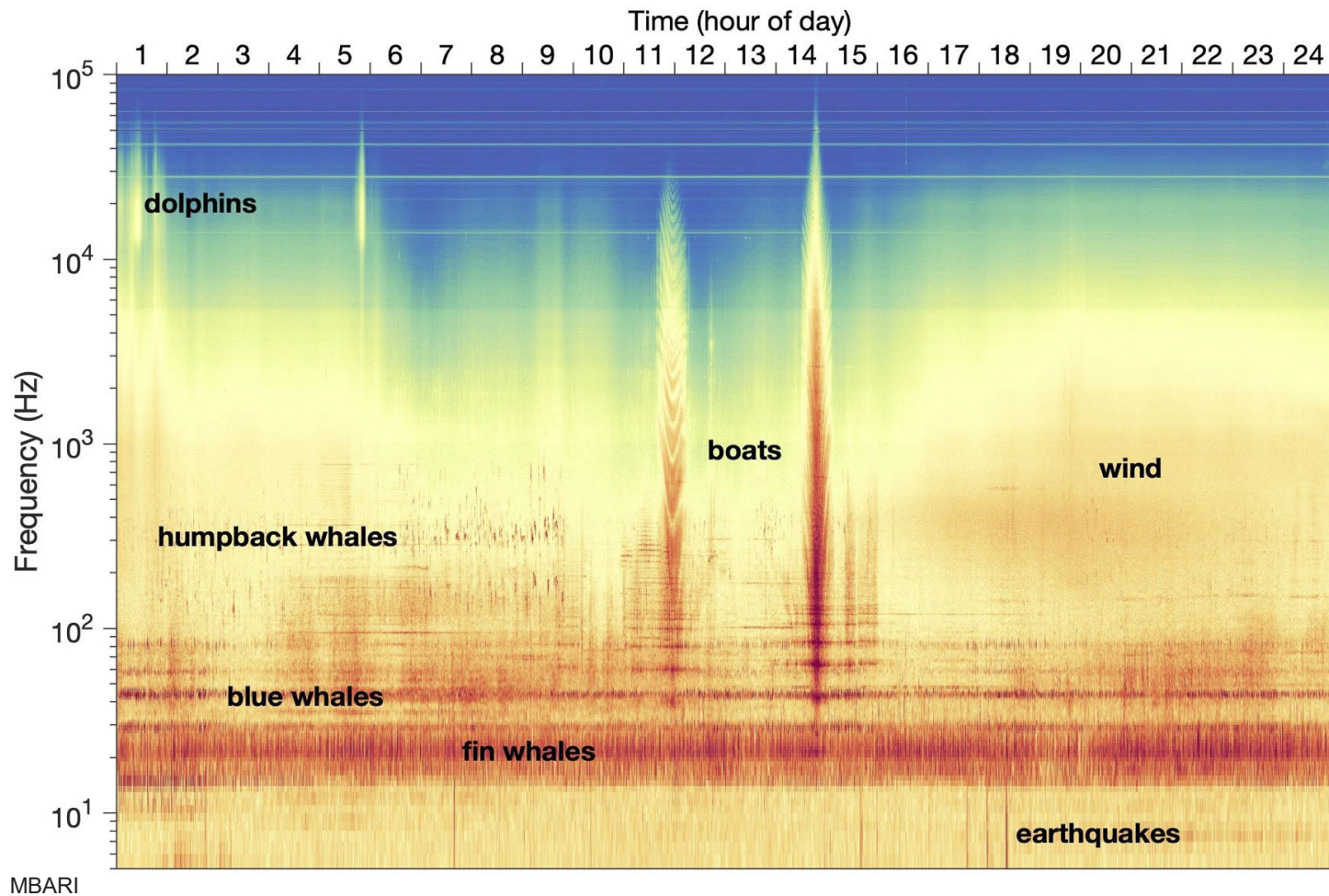
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Cape Cod Bay



Passive acoustic monitoring relies on sound



[Rain](#)

[Earthquake](#)

[Snapping shrimp](#)

[Haddock](#)

[Dolphins](#)

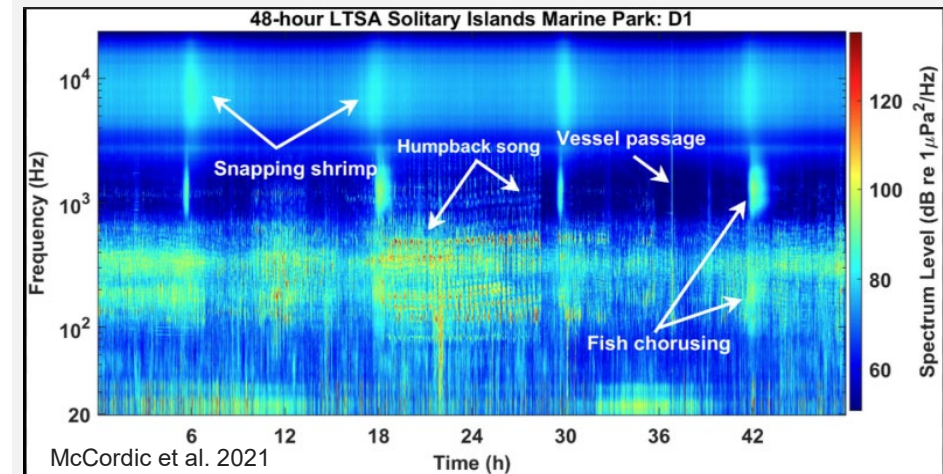
[Right whales](#)

[Humpbacks](#)

[Finbacks](#)

[Ships](#)

[Sonar](#)



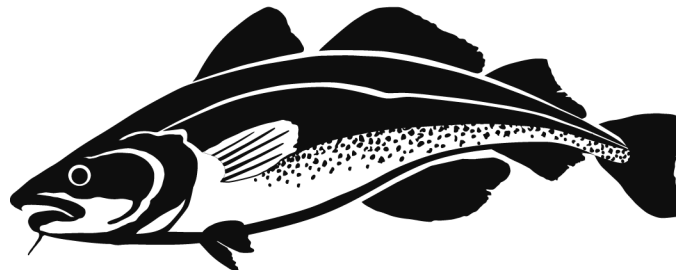
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On-Demand Grant Program Update

May 29, 2025

Marine Fisheries
Commonwealth of Massachusetts

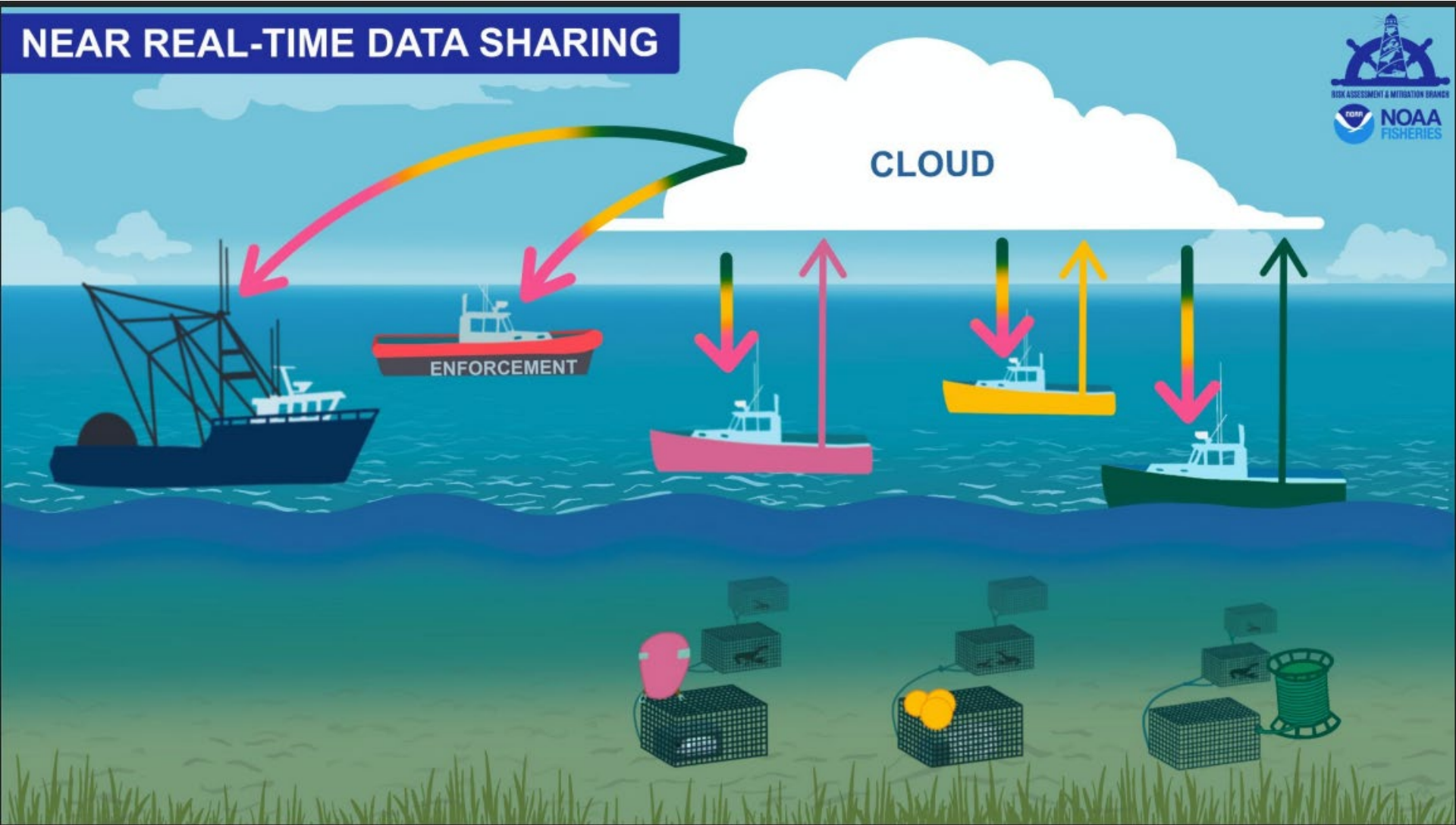


Background

- On-demand fishing gear (ODG) can reduce risk of whale entanglement and allow fishers access to areas closed to persistent endlines.
- Currently on-demand fishing in the Northeast is experimental and requires special authorization.
- Gear used comes from gear libraries at federal and state level.
- Portion of funds from Consolidated Appropriations Act 2023 and 2024 allotted to On-Demand Grant/Research Program



NEAR REAL-TIME DATA SHARING



June 11, 2025

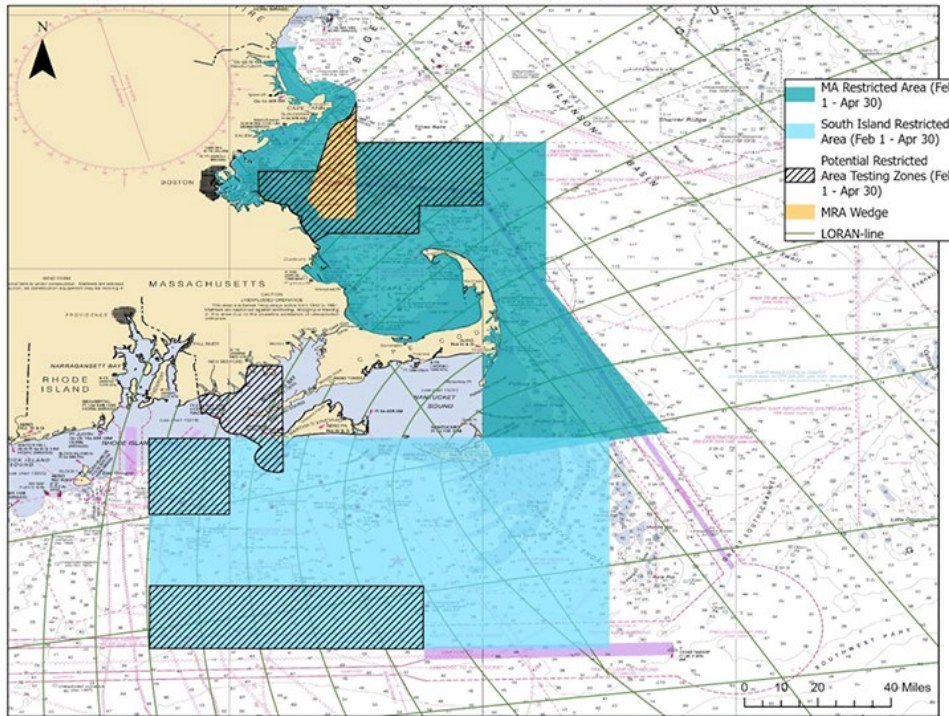
Division of Marine Fisheries

Slide 3

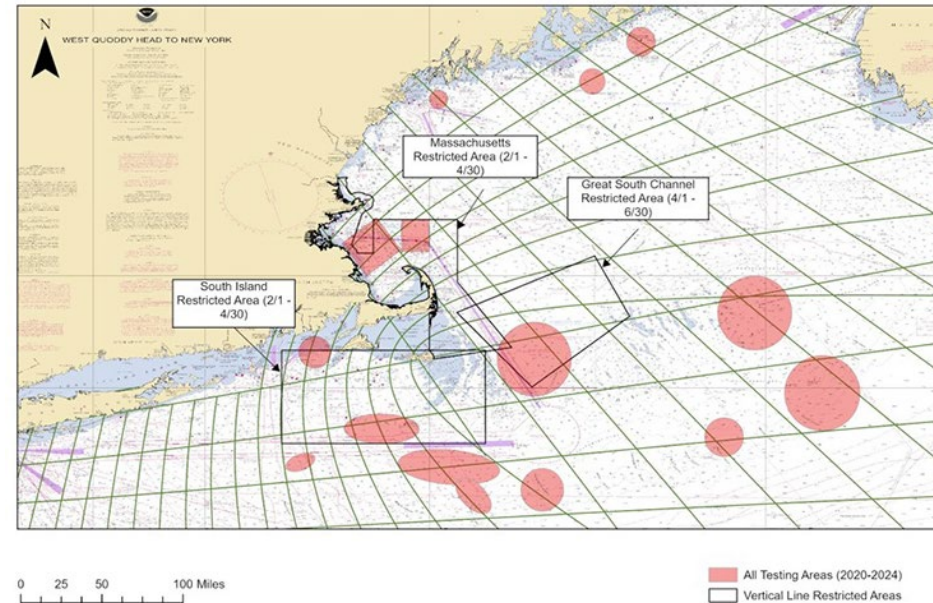
Marine Fisheries
Commonwealth of Massachusetts

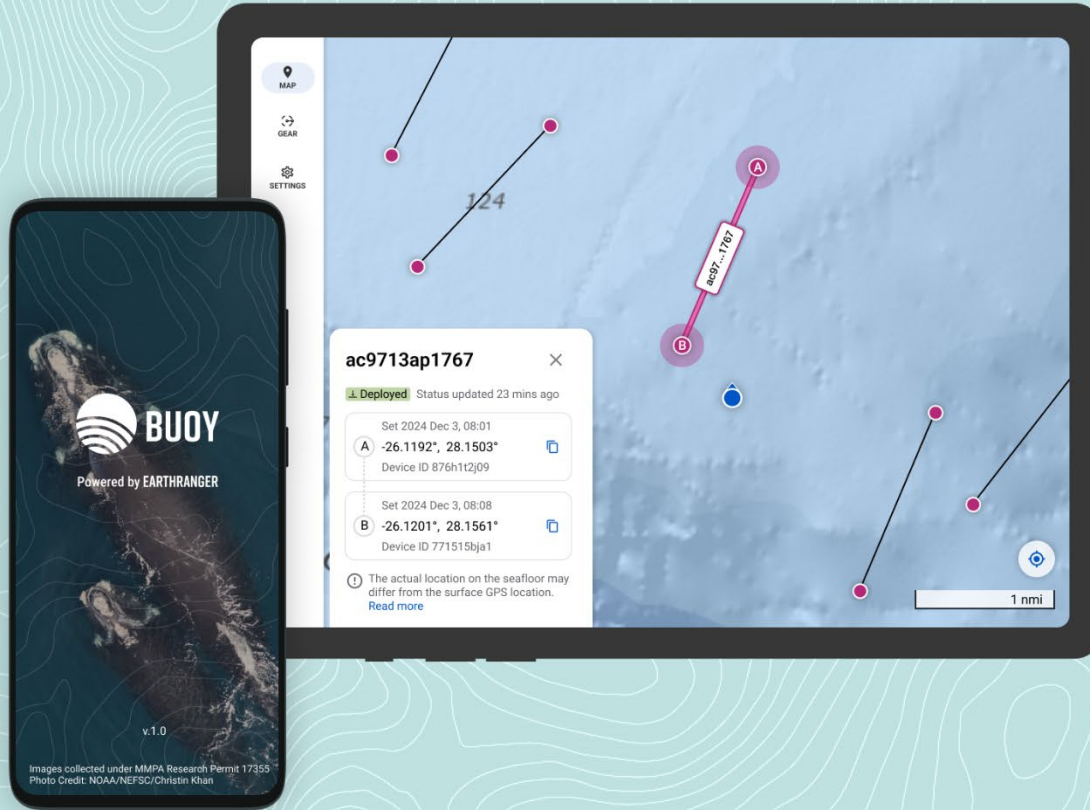


2025 ON-DEMAND GEAR RESTRICTED AREA RESEARCH & TESTING LOCATIONS



Open Season On-Demand Gear Research Areas (subject to change)





On-Demand Grant Program

- Assist fixed and mobile gear fishermen in acquiring equipment needed to conduct on-demand fishing or to visualize the location of on-demand gear.
- Reimburse up to \$25,000 for fixed gear permit holders and \$6,000 for mobile gear permit holders.
- A total of \$278,000 available in 2025
 - \$230,000 distributed thus far
- 11 fixed gear and 3 mobile gear applicants



Items Eligible for Reimbursement

- On-demand gear
- Through hull transducer to signal on-demand gear
- Navigation software to visualize gear on seafloor (e.g., Time Zero)
- Devices to receive on-demand data (plotter, computer or tablets)
- Installation and/or maintenance of satellite communication systems



Issues and Next Steps

- Northeast Fisheries Science Center's Exempted Fishing Permit (EFP) participants can ONLY use gear from gear library.
- DMF applying for EFP in fall 2025 which would allow participants to use their own on-demand gear.
 - How much fixed gear allowed, where and by who?
 - Training requirements; data collection; approve ODG systems?
- Develop plan for spending \$273,000 allotted for the program through 2026.
- Outreach to mobile gear permit holders with history of fishing in Restricted Areas during closed period.

