



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9:00 AM

November 10, 2021

Held Virtually Via Zoom

Webinar Link: <https://bit.ly/3ExFyhC>

Dial In: 1-929-436-2866

Webinar ID: 853 3139 8183

Webinar Passcode: 346891

1. Introductions and Announcements (9:00 – 9:10)
 - a. Review and Approval of the November 10, 2021 Business Meeting Agenda
 - b. Review and Approval of the September 22, 2021 Draft Business Meeting Minutes
2. Comments (9:10 – 9:30)
 - a. Chairman
 - b. Commissioner
 - c. Law Enforcement
 - d. Director
3. 2021 Quota Managed Species Updates (9:30 – 10:00)
4. Items for Future Public Hearing (10:00 – 10:30)
 - a. State Waters Groundfish Management
 - b. Summary of Previously Reviewed Items
5. Discussion Items (10:30 – 11:00)
 - a. State and Federal Protected Species Management Updates
 - b. Atlantic States Marine Fisheries Commission Updates
 - c. New England Fishery Management Council Updates
6. Presentations (11:00– 11:45)
 - a. New Recreational Fishing Permit Program
 - b. CARES Program Review and Seafood Processing Grant
7. Other Business (11:45 – 12:00)
 - a. Commission Member Comments
 - b. Public Comment
8. Adjourn (12:00)

Future Meeting Dates

**December 2, 2021
via Zoom**

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.

FISHERIES ADVISORY COMMISSION

September 22, 2021

Held Virtually via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Bill Doyle, Clerk; Arthur “Sooky” Sawyer; Kalil Boghdan; Bill Amaru; Tim Brady; and Shelley Edmundson. Absent: Lou Williams.

Division of Marine Fisheries: Daniel McKiernan, Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Story Reed; Jared Silva; Nichola Meserve; Kelly Whitmore; Maggie Nazarenus; Bob Glenn; Scott Schaffer; Steve Wilcox; and Anna Webb

Massachusetts Environmental Police: Capt. Kevin Clayton; and Lt. Matt Bass

Members of the Public: Emerson Hasbrouck; Katie Almeida; Caela Howard; Lizzie Roche; Mike Roderick; Philip Coates; and Domenic Santoro

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the September 22, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF September 22, 2021 BUSINESS MEETING AGENDA

There were no amendments to the September 22, 2021 MFAC draft business meeting agenda.

Chairman Kane asked for a motion to approve the draft September 22, 2021 business meeting agenda. **Sooky Sawyer made a motion to approve the draft agenda. The motion was seconded by Kalil Boghdan. The September 22, 2021 MFAC business meeting agenda was approved by unanimous consent.**

REVIEW AND APPROVAL OF AUGUST 19, 2021 DRAFT BUSINESS MEETING MINUTES

Kalil Boghdan sought corrections to several typographical errors on page 11 of the August 19, 2021 draft MFAC business meeting minutes. These corrections modified his comments regarding the Spring 2021 Atlantic States Marine Fisheries Commission (ASMFC) meeting. No further corrections were requested. Jared Silva indicated he would amend the minutes as requested by Kalil.

Chairman Kane asked for a motion to approve the amended August 19, 2021 MFAC business meeting minutes. **Kalil Boghdan made motion to approve the August 19,**

2021 business meeting minutes with his amendments. Bill Amaru seconded the motion. The motion was approved by unanimous consent.

CHAIRMAN'S COMMENTS

Chairman Kane thanked the Commission members for their attendance.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). Lt. Bass stated they are continuing work on cases reported during the August meeting.

DIRECTOR'S COMMENTS

Director McKiernan began his comments discussing the recent Massachusetts Shellfish Officers Association (MSOA) meeting. DMF regularly attends MSOA meetings to provide support to the organization given the joint state-local management of shellfish resources.

Dan then updated the commission on CARES Relief program. DMF sent out applications to commercial fishermen, for-hire fishermen, aquaculturists, and seafood dealers in late-July. There was a four-week application period during which DMF held several workshops across the state to help fishermen and seafood dealers complete their applications. Certain fishing organizations also worked to facilitate the completion of applications. DMF was currently reviewing application appeals and anticipated the ASMFC would receive an eligible payment list by the end of the month. If that were to occur, he expected checks would be issued by ASMFC to eligible applicants in early October. In DMF's spend plan, 10% of the overall funding was set-aside to be potentially redistributed to a sector(s) should its revenue losses be more substantial than the other sectors. However, losses were fairly even across all sectors and the 10% set aside was not redistributed and instead allocated proportionately to each sector based on the initial allocation equation.

Dan then discussed the upcoming ASMFC meeting. Important issues for Massachusetts include the Amendment 7 to the Striped Bass FMP and the ongoing work on addendums to the American Lobster FMP.

DMF's new recreational fishing permitting system is expected to be online in December 2021. Staff have been working closely with the new vendor to ensure the transition occurs as smoothly as possible. Dan anticipated staff would present on this new permitting system at an upcoming business meeting.

Director McKiernan stated the shellfish program is still dealing with the major rainfall event, and shellfish growing areas throughout the state remain closed to harvest due to

contamination. Staff are monitoring water quality in these areas in hopes of having them reopen as soon as possible.

Dan thanked Bill Doyle for taking a number of DMF staff on an educational tour of his oyster farm. He stated it was very informative and the tour gave Dan an appreciation for the care that goes into raising oysters.

Dan then welcomed questions from the MFAC.

Bill Amaru expressed concern over wind farm platforms being put in productive fishing areas.

Kalil Boghdan asked if it was possible for the MFAC to receive a public Zoom meeting link and agenda for the upcoming ASMFC meeting. Jared Silva would provide this information.

2021 QUOTA MONITORED SPECIES UPDATE

Story Reed and Anna Webb provided a brief presentation on the performance of the state's commercial quota monitored fisheries in 2021. The presentation principally focused on black sea bass, striped bass, bluefish, and summer flounder.

Mike Pierdinock asked about the spatial distribution of the commercial bluefish fishermen. Spatial information is obtained through fisherman reports, and not the dealer reports used for quota monitoring. Accordingly, a formal spatial analysis on this year's fishing activity could not be provided before next spring, once the fisherman data is submitted and audited. However, Story Reed stated anecdotally that DMF's Gloucester office had observed a bump in the issuance of commercial fishing permits to target bluefish. This indicates there may be more rod and reel fishing for blue fish along the North Shore.

Jared Silva added that most of the state's bluefish landings are attributable to the strike netter who fishes either in Cape Cod Bay or Nantucket Sound. Bill Amaru stated the bluefish striped netter appreciated DMF securing the extra bluefish quota from New Jersey.

Mike Pierdinock asked if MFAC could receive a presentation on expected federal and interstate management actions affecting bluefish and mackerel. Chairman Kane, Mike P., Director McKiernan, and Nichola Meserve discussed this. On bluefish, Nichola explained the MAFMC's reallocation amendment would shift some of the ACL from the recreational sector to the commercial fishery. As a result, MA's commercial quota should increase from its baseline. However, the bluefish stock was declared overfished and the MAFMC is developing a rebuilding plan for it, which may then have a constraining impact on both the recreational and commercial fishery. Nichola and Dan then discussed the ability for management to timely bring in changes in the status of a stock into management and the challenges associated with the bluefish stock

assessment in particular. On the subject of mackerel, Director McKiernan indicated staff would address ongoing federal management efforts and challenges at an upcoming meeting.

Kalil Boghdan and Bill Amaru expressed concern over the under performance of the summer flounder fishery. He would like an explanation from DMF on why the fishery is underperforming. Director McKiernan deferred this discussion until later in the agenda when it was scheduled to be discussed in more detail. Mike P. and Jared Silva discussed the summer flounder pilot programs.

Kalil Boghdan stated that for several fisheries DMF compared performance overtime (2017 – 2021). However, this was not done for spiny dogfish. Kalil asked if DMF could provide this information. Story stated he did not have the data on hand, but he could provide it after the meeting. Anna Webb also clarified that spiny dogfish was subject to a regional quota, not a state-specific quota like other species. Story added that MA tends to be responsible for a large majority of the region's landings.

Bill Amaru, Ray Kane, Mike Pierdinock, and Kalil discussed the underutilization of the spiny dogfish quota. Bill and Ray focused on some of the challenges facing Chatham area fishermen given markets, profitability, and inshore availability. Mike P. noted spiny dogfish are a nuisance species in the recreational fishery.

ACTION ITEMS

In-Season Adjustment to 2021 Period II Fluke Limits

Director McKiernan reviewed his recommendation to make in-season adjustment to the Period II commercial summer flounder limits for 2021. If approved, DMF would: (1) eliminate closed fishing days (Fridays and Saturdays) effective September 26; (2) increase the commercial possession and landing limit to 800 pounds for all gear types effective September 26—current limits are 400 pounds for net fishermen and 250 pounds for hook fishermen; and (3) increase the commercial possession landing limit to 2,000 pounds for all gear types effective October 10.

Director McKiernan stated there is much less participation in the inshore summertime fishery in 2021 compared to past years and described the various factors thought to be impacting participation and effort. The current regulations affecting this fishery date back to a period when there were higher levels of participation and were designed to ensure the quota remained available throughout the summer. With current effort levels, landings have been depressed and it was unlikely the available quota would be taken. Accordingly, Dan supported liberalizing fishing limits for the remainder of the season to enhance seafood availability and quota utilization. He felt his recommendation would benefit those fishing in state waters, as well as allow for additional landings from vessels fishing offshore.

Bill Amaru thanked Director McKiernan for his comments. Bill generally supported the recommendation. However, he was concerned about the timing of the 2,000 pound trip

limit increase. Specifically, he was concerned it may encourage additional offshore fishing effort and cause a surge of landings. If this were to occur, the ex-vessel value may decrease and negatively impact those fishermen still fishing inshore who would be landing fluke at lower levels. Accordingly, he preferred increasing the trip limit later in the season, around November 1.

Dan explained this proposal sought to increase landings from the offshore fishery. With fishing activity already occurring in federal waters off Nantucket, this change would make these trips more profitable. Dan preferred making this change prior to November 1. Comments from a notable seafood dealer indicated the market would be able to take advantage of increased supply during October, as the larger scale fisheries to our south (NC and VA) do not open at high trip limits until November 1. Therefore, he was recommending a modest increase to 800 pounds on September 26, then a larger increase to 2,000 pounds on October 10, after the last day of recreational fishing on October 9.

Kalil Boghdan agreed with Bill Amaru's call for a more cautious approach. Kalil was more comfortable with increasing the trip limit to 1,000 pounds on November 1. Dan clarified the current rule already establishes a 1,000-pound limit on November 1. If this was the preferred option, then in-season adjustments were not required.

Mike Pierdinock stated it has been difficult for recreational anglers to catch fluke inshore. Mike P. agreed with Bill that it may be time to shift the way fluke are managed due to climatic changes. Mike expressed concern over less fish available for the recreational fishery, and he would prefer all measures go into effect after the recreational fishing season for summer flounder ends on October 10.

Director McKiernan did not anticipate this change would result in substantial user group conflicts between the recreational and commercial fishing sectors. He cited that commercial fishing effort was concentrated offshore, where there is less recreational fishing activity, and recreational fishing activity begins to diminish during the fall.

Ray Kane stated he was happy to see that all gear types are included within the recommendation, as he was aware of some hook and line fishermen seeking higher trip limits.

Bill Amaru, Ray Kane, and Director McKiernan discussed the emerging need to revisit how the summer flounder quota is managed, particularly with regards to the inshore summertime fishery. Dan indicated his intention to hold an industry meeting the fall to discuss potential management actions. He would then follow up with a more in-depth management proposal for public hearing this winter.

Chairman Kane asked for a motion to approve the recommendation from the Director. **Bill Amaru made motion to approve the recommendation from the Director. Sooky Sawyer seconded the motion. A roll call vote was taken, and the motion was**

passed 6-1, with Mike Pierdinock voting in opposition and Chairman Kane abstaining.

Winter II Scup Trip Limits

Jared Silva described the Winter II scup trip limit recommendation. The recommended motion was to adopt a 21,000-pound possession and landing limit for 2021 Winter II (October 1 – December 31) quota period. This is commensurate with the federal trip limit to be established by NOAA Fisheries for this period. If approved, this possession and landing limit would be adopted by declaration for October 1, 2021. Jared stated the inshore fishery could take advantage of this limit, however it is unlikely due to existing restrictions on night fishing and mesh size, as well as the abundance of scup inshore during the fall months.

Chairman Kane asked for a motion to approve the recommendation from the Director. **Shelley Edmundson made motion to approve the recommendation from the Director. Bill Doyle seconded the motion. A roll call vote was taken, and the motion was passed unanimously 7-0.**

ITEMS FOR FUTURE PUBLIC HEARING

Adjusting Lobster Trap Tag Installation Deadline to May 1

Director McKiernan proposed eliminating the LCMA-specific lobster trap tag installation dates, and instead adopt May 1 as the date to have current year trap tags installed in lobster gear across all LCMAs. He explained that with new seasonal trap gear closure affecting state waters of LCMA 1 and OCCLCMA it made sense to sequence trap tag installation with earliest date these areas may reopen to trap fishing. Dan stated for LCMA 2, it will require installation of tags one month earlier—May 1 as opposed to June 1. For LCMA 3, federal rule already requires a May 1 installation.

Sooky Sawyer opined the trap tag company can be slow to distribute tags and was worried an earlier implementation date could result in fishermen being unable to readily set gear. Dan stated he would be asking the fleet to order the tags around the end of December when permit renewals are sent out to provide ample time for tag production and distribution. Sooky stated DMF should do a lot of outreach on the topic to ensure it can be complied with; Bill Amaru agreed.

Permit Clarifications for Seasonal Lobster Permit and Permit Fees

Jared Silva discussed a minor permit clarification for seasonal lobster permit and DMF permit fees. DMF was seeking to clarify in regulation that the seasonal lobster permit was “resident only” to match the statutory language and eliminate any potential confusion on the subject. Additionally, DMF was seeking to reconcile omissions and errors in the permit fee regulations dating back to 2014.

Clarification to Trap Gear Buoy Line Marking Rule

Bob Glenn provided clarification on DMFs recently filed buoy line marking regulations affecting commercial lobster trap gear that are scheduled to go into effect on February

1, 2022. With the recent adoption of complementary federal buoy line marking rules, DMF became aware of a potential regulatory grey area. For those dual state-federal permit holders moving gear across the state-federal boundary, this grey area could potentially lead to federal gear being misidentified as state gear and vice versa. Bob was particularly concerned about the legal and management repercussions should a right whale become entangled in a buoy line and the buoy line be misidentified as coming from state waters.

Accordingly, DMF was seeking to clarify state's recently adopted buoy line marking rules. This proposal would require all buoy lines being fished in federal waters to have a solid or non-solid green mark of at least 1' length adjacent to all red marks and prohibit having any marks other than red marks (or white marks if the buoy line is red) in state waters. Bob was hopeful this could be accommodated by using tracers, rather than requiring fishermen fish separate sets of buoy lines in state and federal waters. DMF was in the process of requesting funds to help offset costs associated with these new right whale conservation regulations, and if appropriated, this could be used to purchase additional buy lines or buoy line marking materials.

Kalil Boghdan asked how difficult it would be for the lobstermen to take the green marks on and off going in between state and federal waters. Bob Glenn stated it's not ideal and reiterated it was likely more readily achievable with tracers as opposed to separate buoy lines.

Sooky Sawyer opposed having dually permitted lobstermen fish two sets of buoy lines. He noted that while funding may help, other major constraints were space, safety, and efficiency. Jared Silva moved to clarify the proposal would not require fishermen fish two sets of buoy lines. Sooky noted safety and efficiency challenges still occur when having to remove tracers.

Shelley sought clarification on how buoy lines were to be marked. Jared Silva and Bob Glenn explained that only the surface system needs to have solid markings (e.g., paint or tape), the markings in the body of the buoy line could be tracers.

Bill Amaru sought clarification on the timing of the proposal. Jared Silva stated DMF would take this out to public hearing over the course of the next few months with the goal of amending the rule for this winter.

Bob Glenn and Director McKiernan added that all commercial lobstermen would be subject to the new buoy line marking rules approved by the MFAC at their June meeting in February 2022. This specific clarifying proposal particular change would not affect all commercial lobstermen, just those dual permit holders who move gear across the state and federal boundary. The purpose of it was not to provide additional marking requirements, but to make sure that a regulatory grey area did not create a risk for gear to be misidentified in the case of an entanglement. Of particular concern would be federal waters gear being misidentified as state waters gear, as this could have severe

consequences for the state's fixed gear fisheries and DMF's Incidental Take Permit application.

DISCUSSION ITEMS

Updates Regarding Atlantic Large Whale Take Reduction Plan (ALWTRP)

Bob Glenn provided a brief presentation regarding updates to the ALWTRP. He focused on three times: (1) recently enacted time-area closures and gear modifications affecting the lobster and Jonah crab trap fishery; (2) the federal buoy line marking rules for the lobster and Jonah crab trap fishery that go into effect next year; and (3) ongoing deliberations on management measures to reduce the risk of entanglement posed by other fixed gear, including gillnets and fish pots.

Bob Glenn and Sooky Sawyer discussed the ALWTRP's South Island Restricted Area.

Sooky asked if the weak contrivances would be considered as approved buoy line marks. Bob stated South Shore sleeves and segments of red weak rope could be used towards complying with the red buoy line marks required in state and federal waters for MA fishermen. However, additional red marks may be required depending on the length of the buoy line and federal waters fishermen would have to insert green marks.

Review of Recent State Waters Groundfish Sub-Committee Meeting

Dan McKiernan and Jared Silva provided a brief presentation summarizing the discussion at the September 17, 2021 State Waters Groundfish Sub-Committee Meeting. This focused on extending the spatial extent of the existing January 1 – May 15 seasonal gillnet closure, late April spawning cod protections, and augmenting commercial groundfish rules to provide additional access to available resources at times and in places where right whale and spawning groundfish concerns were of lesser concern.

Review of Recent Adjudicatory Hearing Decisions

Dan McKiernan gave an overview of DMF's administrative law section. He then turned the floor over to Jared Silva to discuss recent decisions. Jared Silva discussed the various matters that were either resolved through hearing or a settlement agreement in the past year; Jared did not discuss any ongoing matters.

Sooky Sawyer asked what the MEP's role is within the hearing process. Jared provided in-depth clarification on what the MEPs role is, and how each case is handled individually on how to best bring the case forward. Dan added that a shellfish constable has the standing to bring forward a case as well.

Capt. Kevin Clayton MEP believes the program is very successful and was supported by MEP officers as an alternative to criminal or civil proceedings. He thanked DMF for maintaining the program.

OTHER BUSINESS

Commission Member Comments

Bill Amaru stated his preference for in-person meetings moving forward.

Kalil Boghdan wished Mike Pierdinock a happy birthday.

Tim Brady thanked everyone for the presentations and expressed frustration with the lack of decent weather.

Shelley Edmundson thanked MFAC members and DMF staff, and also stated her preference for in-person meetings.

Mike Pierdinock stated he will be sworn in at the next NEFMC meeting and encouraged anyone with concerns to reach out to him.

PUBLIC COMMENTS

Former DMF Director, Phil Coates, stated the discrepancy in the summer flounder minimum size for the recreational and commercial fisheries dates back to the 1990s when he was Director. Phil also suggested enhancing marketing sea robin to increase profitability of summer flounder trips. He referred back to the MFAC's discussion of spiny dogfish, and noted that while former Director Pierce worked on spiny dogfish his PhD. dissertation was on PCBs. Pierce worked on dogfish issues professionally under Director Coates, and was keenly interested in their role in the ecosystem and their impact on rebuilding other stocks as they are voracious predators. Phil noted he supported using permit sanctions as an enforcement tool when he was Director and was encouraged by DMF growing the administrative law program.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the August MFAC business meeting. **Bill Amaru made a motion to adjourn the meeting. The motion was seconded by Tim Brady. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- October 28, 2021 MFAC Business Meeting Final Agenda
- September 22, 2021 Draft MFAC Business Meeting Minutes
- 2021 Quota Monitoring Presentation
- Recommendation for In-Season Adjustment to 2021 Fluke Limits
- Proposal on Setting Scup Winter II Limits
- Proposal to Adjust Trap Tag Installation Date
- Permit Clarification Proposal
- Buoy Line Marking Clarification Proposal
- Atlantic Large Whale Take Reduction Plan Presentation
- State Waters Groundfish Management Presentation

UPCOMING MEETINGS

**November 10, 2021
via Zoom**

**December 2, 2021
via Zoom**

Quota Monitored Species Update

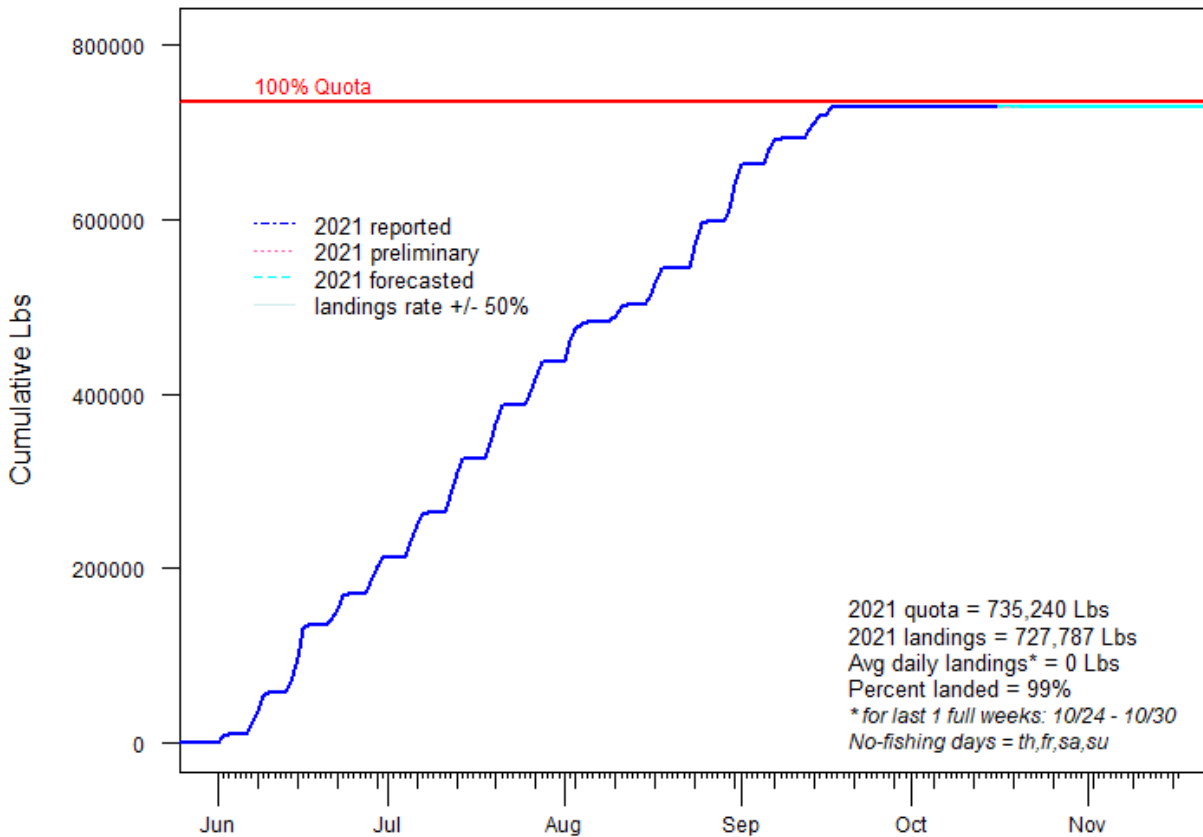
Data current as of 11/3/21 and are subject to change

MFAC meeting, 11/10/21

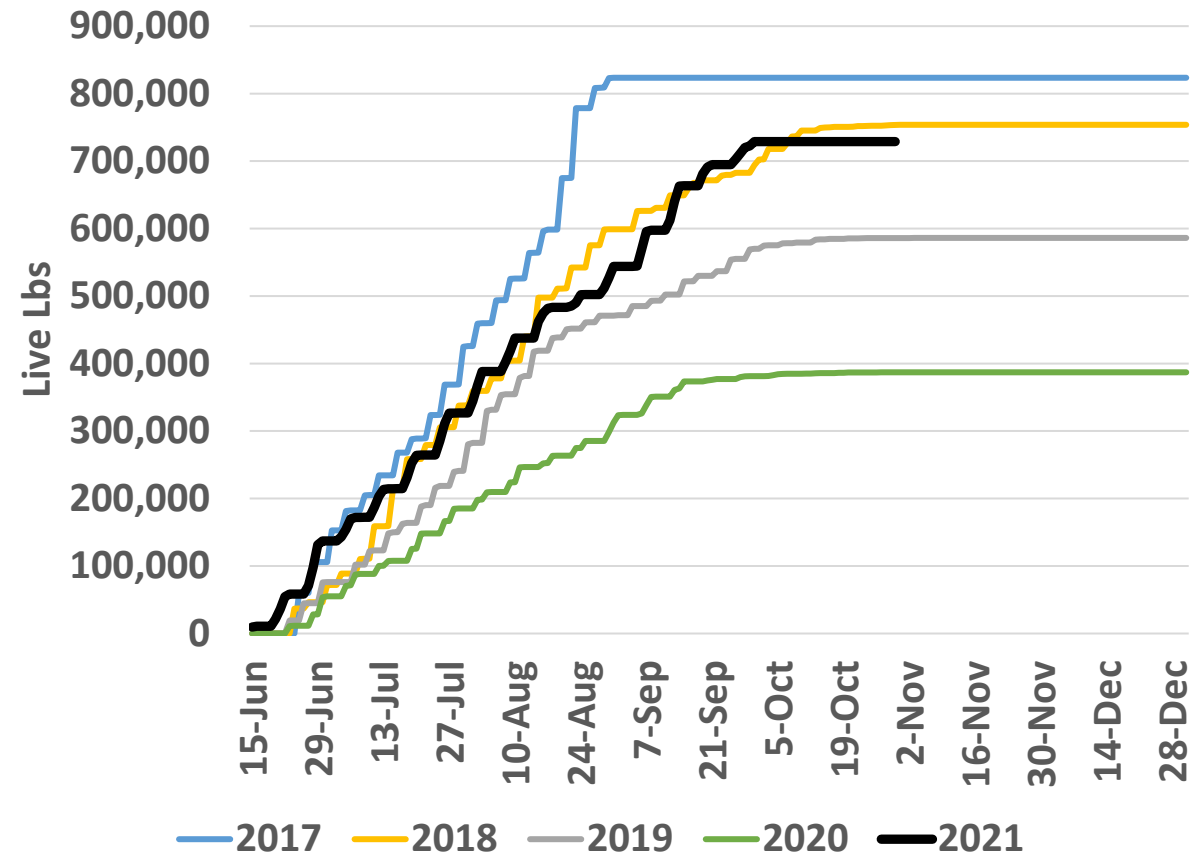
Striped Bass – Closed as of October 2, 2021

2021 BASS, STRIPED Quota Monitoring

as of November 03, 2021 03:31 PM



Annual Running Totals of Landings: Striped Bass



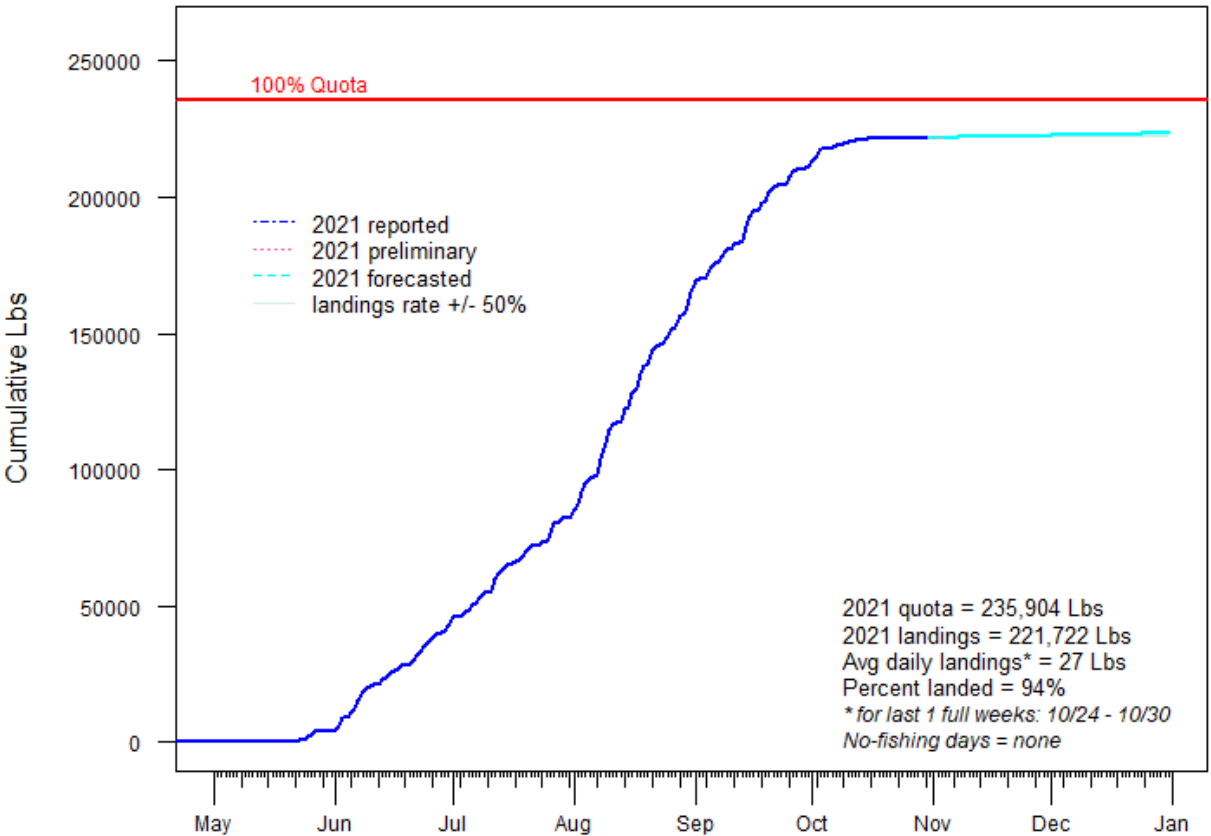
Quota decreased ~15% in 2020

Note: X-axis scale on the left figure is off by about two weeks. However, projection dates are accurate.

Bluefish

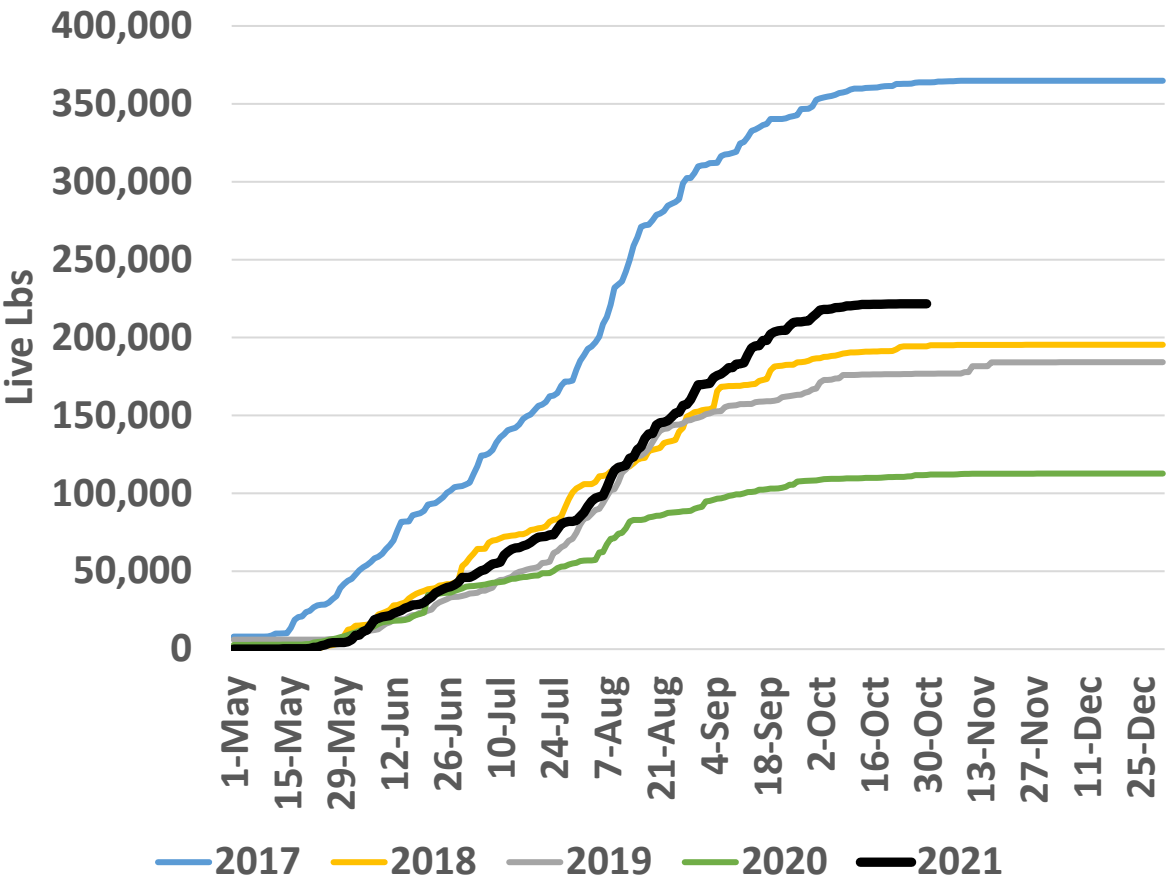
2021 BLUEFISH Quota Monitoring

as of November 03, 2021 02:27 PM



As of 11/10, landings are at 94.5%

Annual Running Totals of Landings: Bluefish

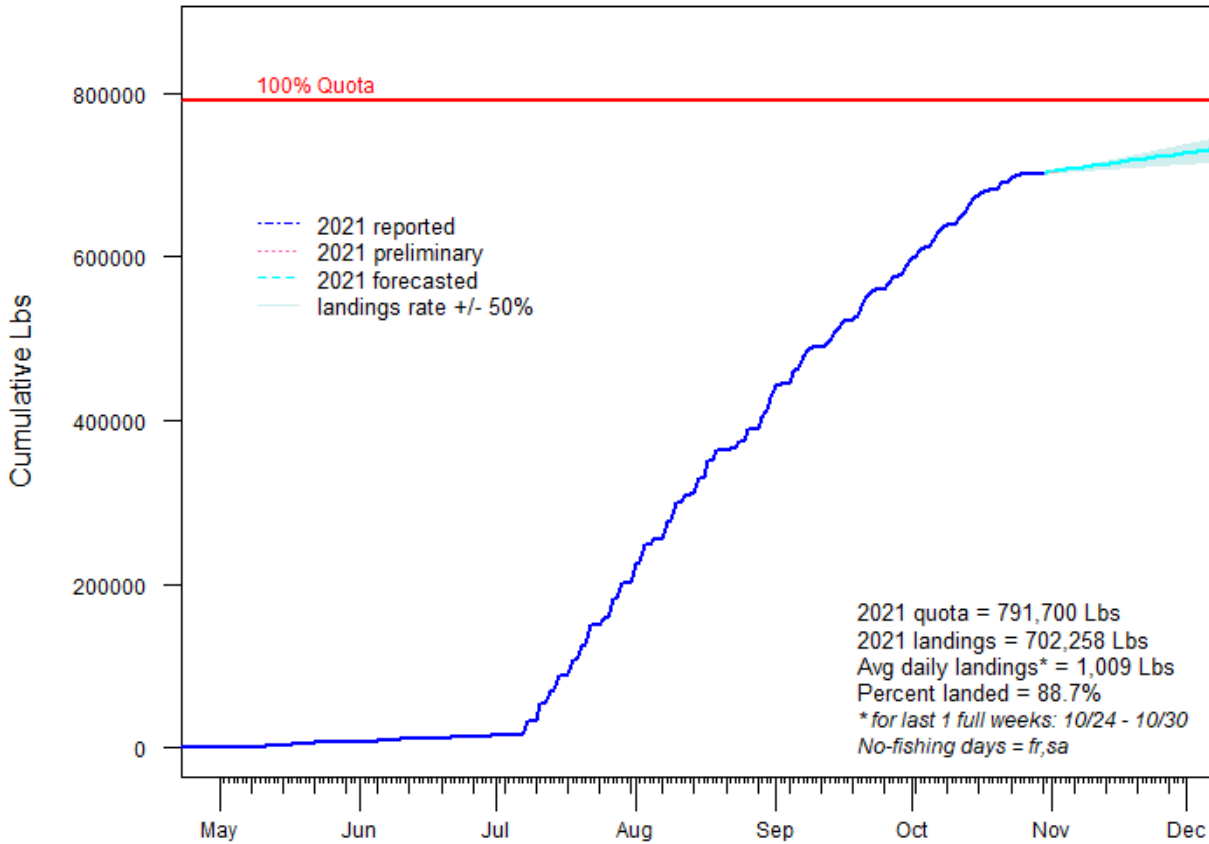


Quota significantly decreased in 2020

Black Sea Bass

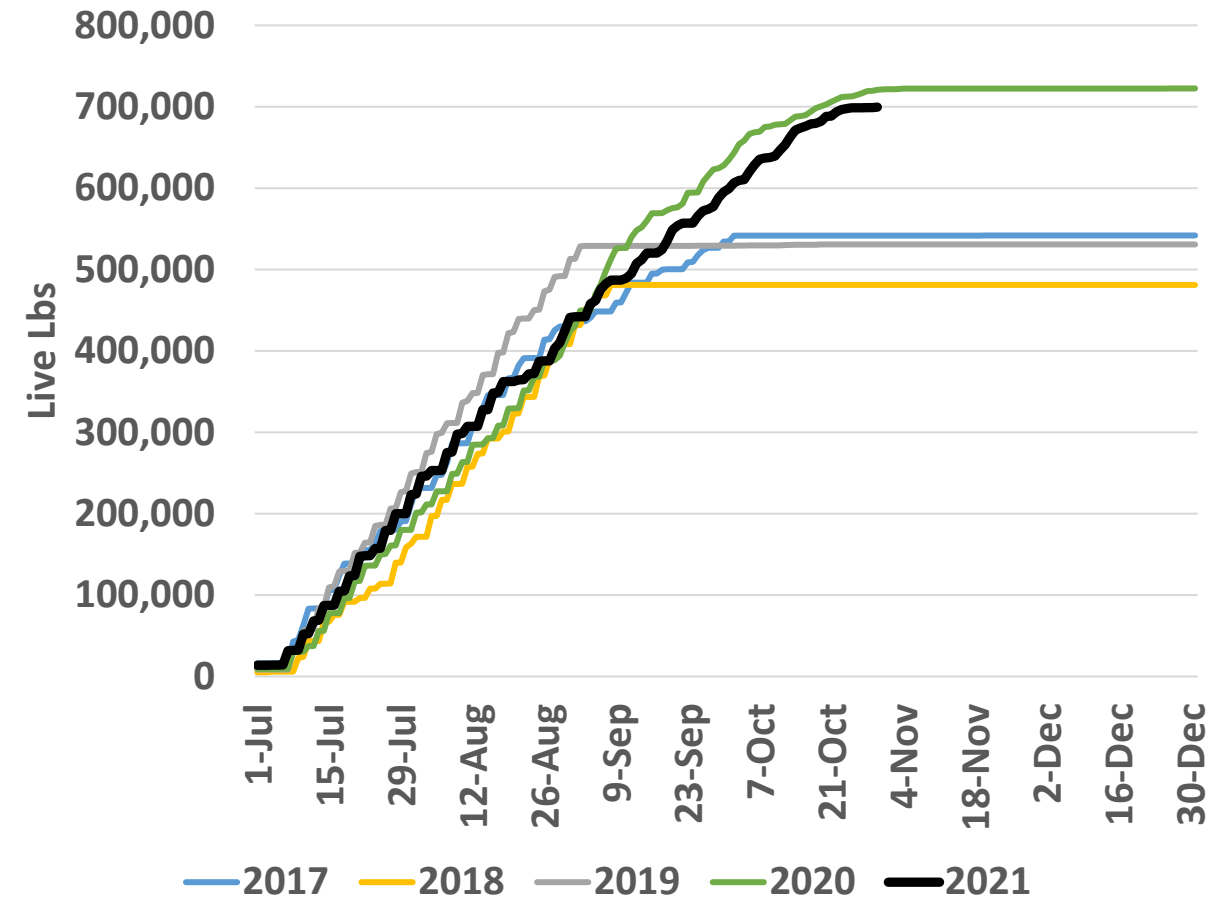
2021 BASS, BLACK SEA Quota Monitoring

as of November 03, 2021 02:32 PM



As of 11/10, landings are at 89.9%

Annual Running Totals of Landings: Black Sea Bass

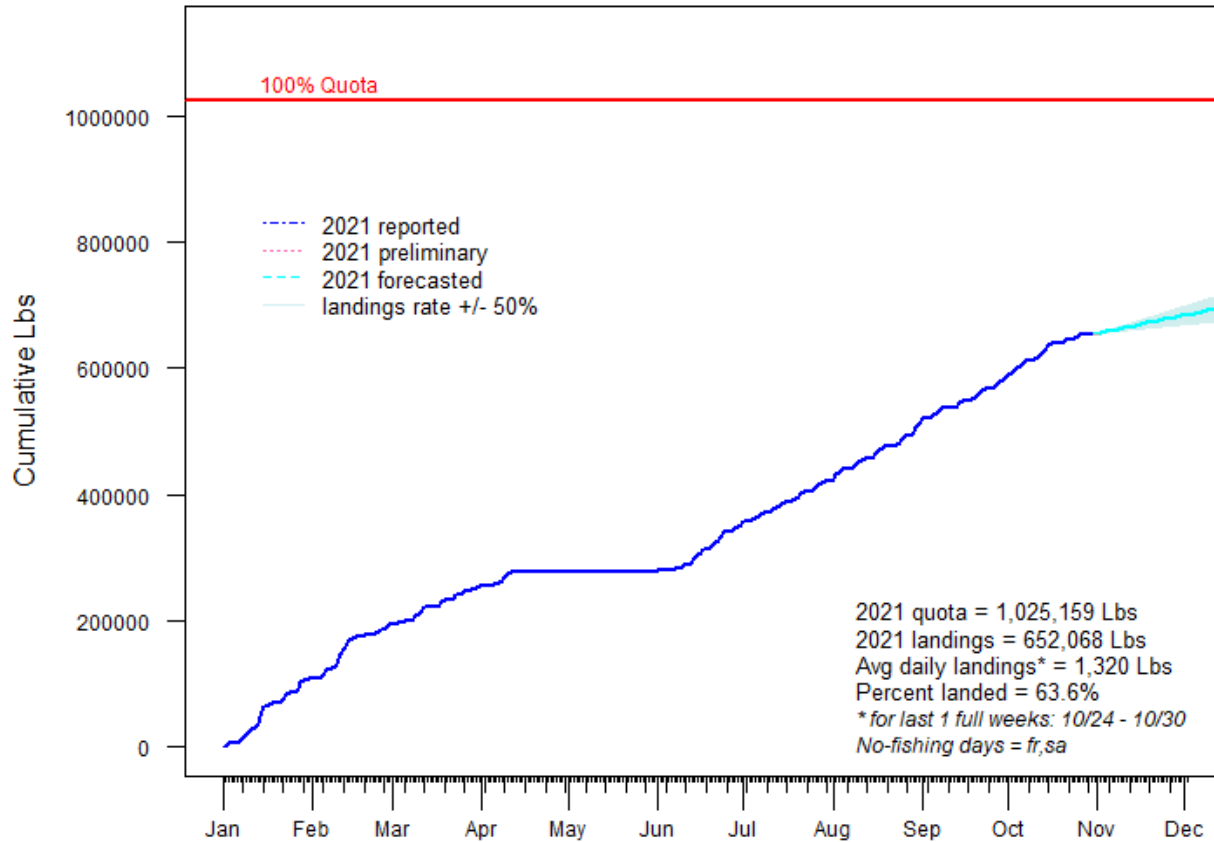


Quota significantly increased in 2020 with a small increase in 2021

Summer Flounder (Fluke)

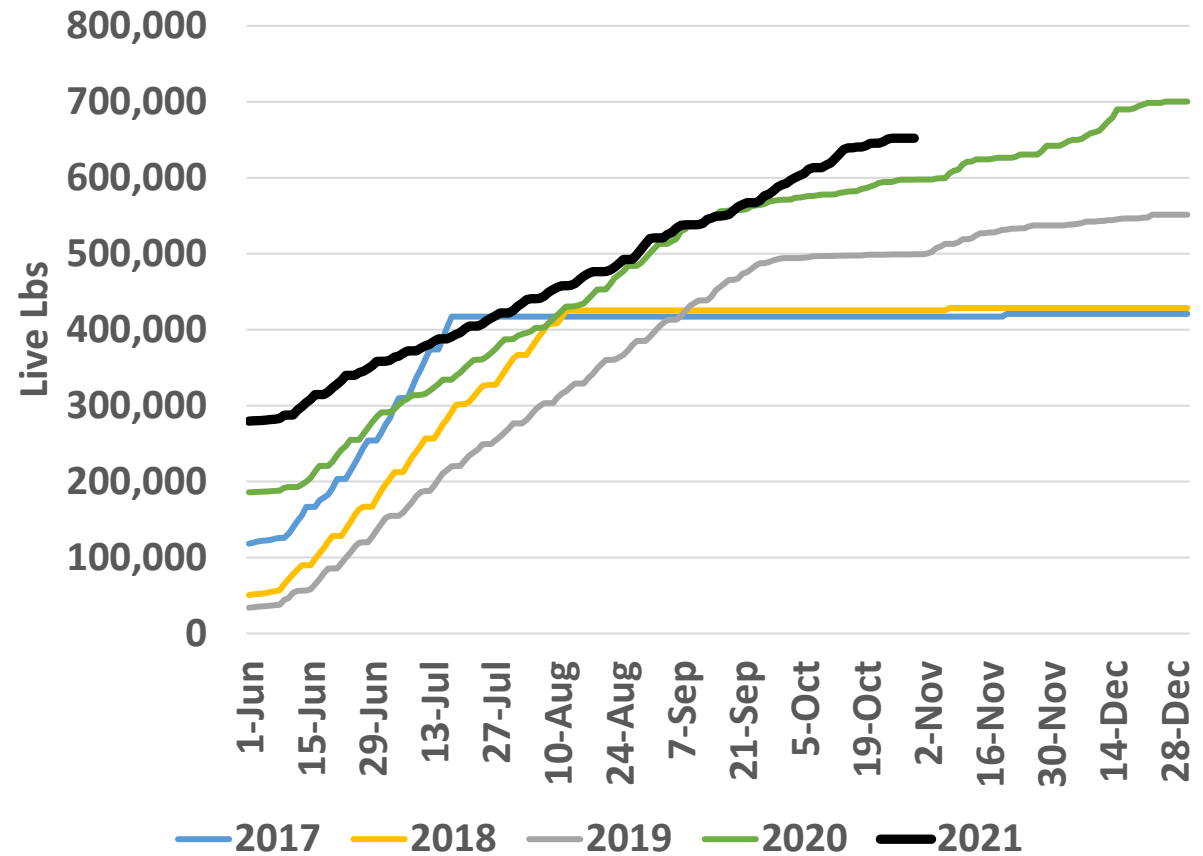
2021 FLOUNDER, SUMMER Quota Monitoring

as of November 03, 2021 02:28 PM



As of 11/10, landings are at 64.5%

Annual Running Totals of Landings: Fluke

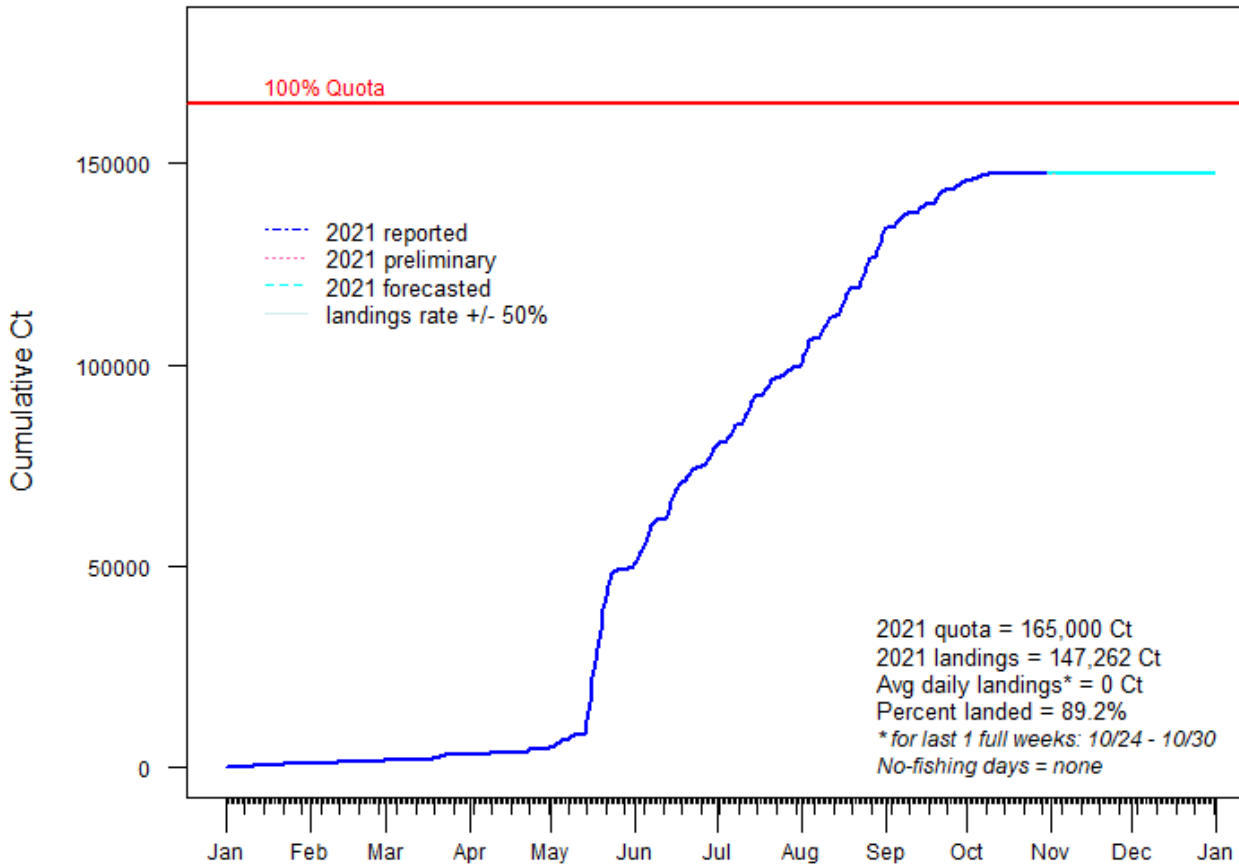


Quota increased almost 100% between 2018 & 2021

Horseshoe Crab

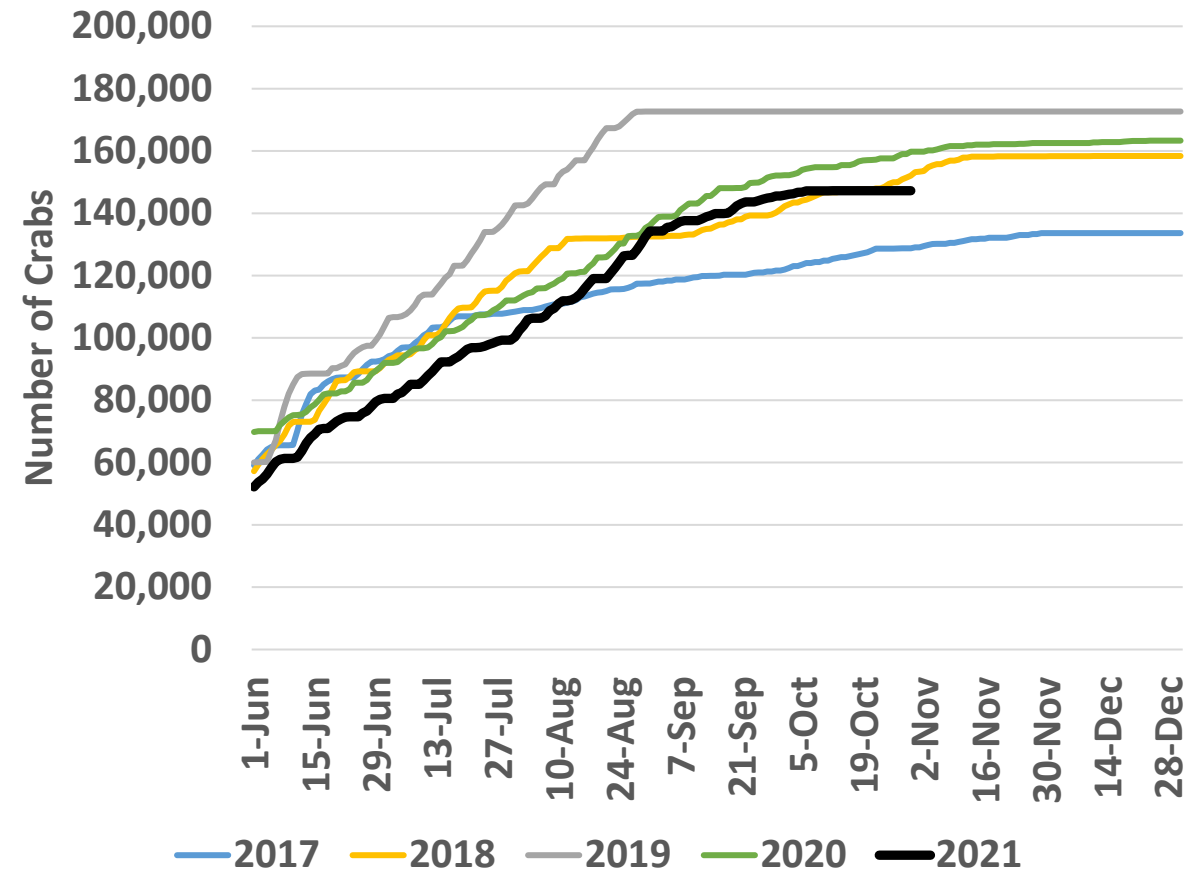
2021 CRAB, HORSESHOE Quota Monitoring

as of November 03, 2021 02:30 PM



As of 11/10, landings are at 89.5%

Annual Running Totals of Bait Landings: Horseshoe Crab

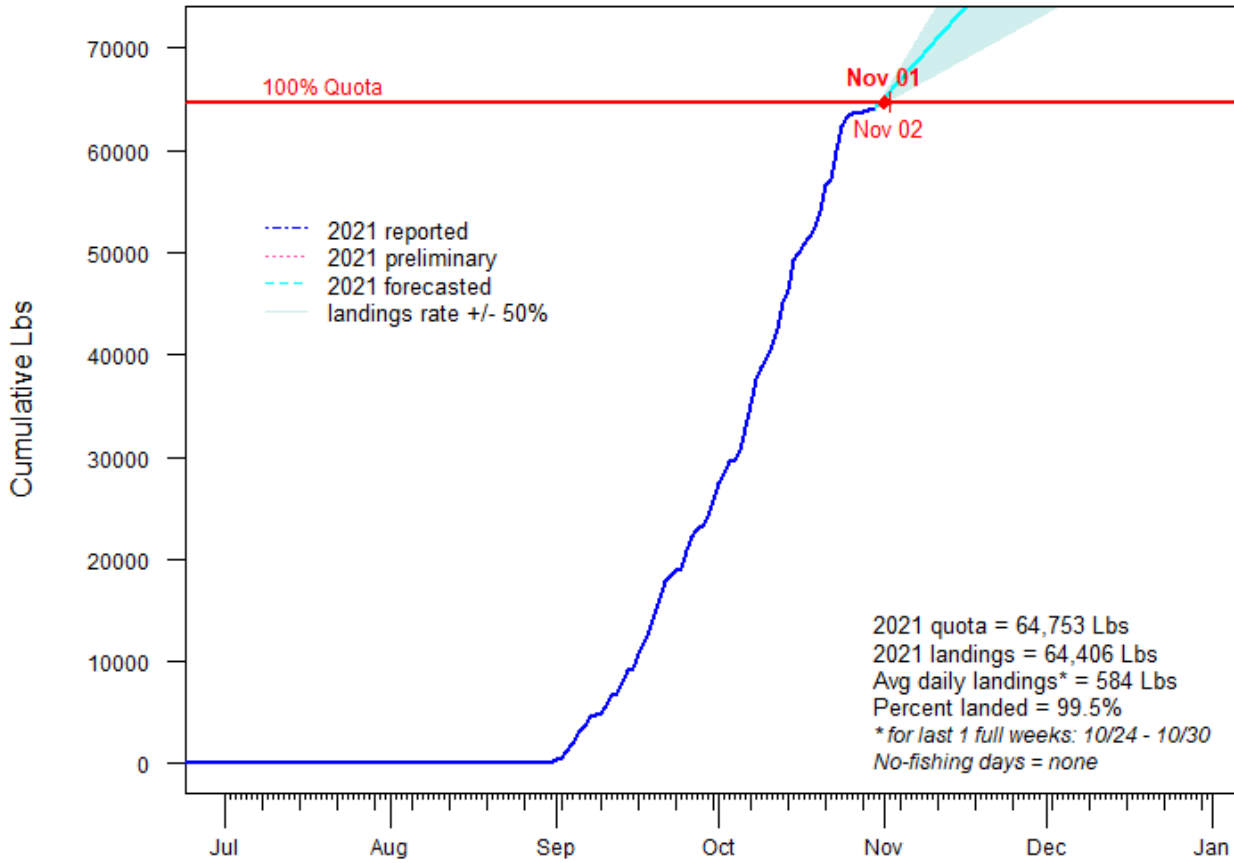


No change in quota over time series

Tautog – Closed as of November 2, 2021

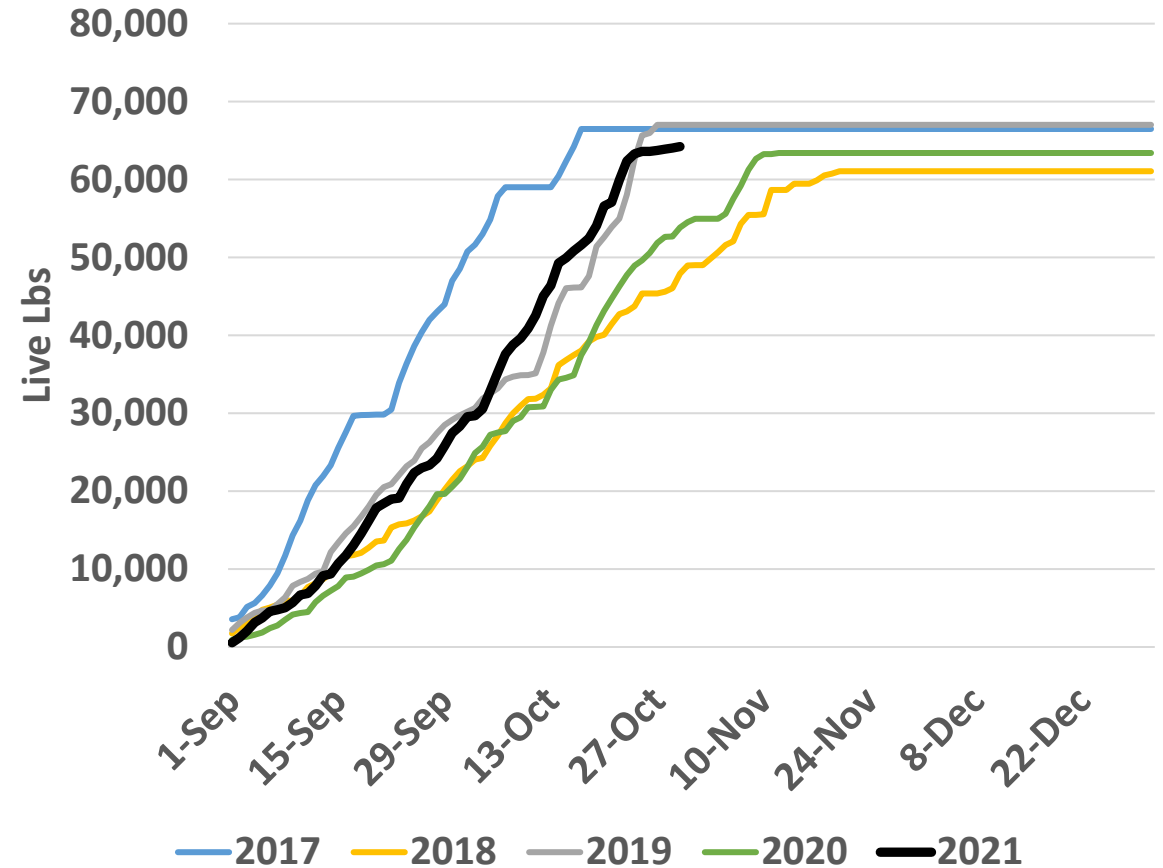
2021 TAUTOG Quota Monitoring

as of November 03, 2021 02:37 PM



As of 11/10, landings are at 103.2%

Annual Running Totals of Landings: Tautog



No change in base quota over time series

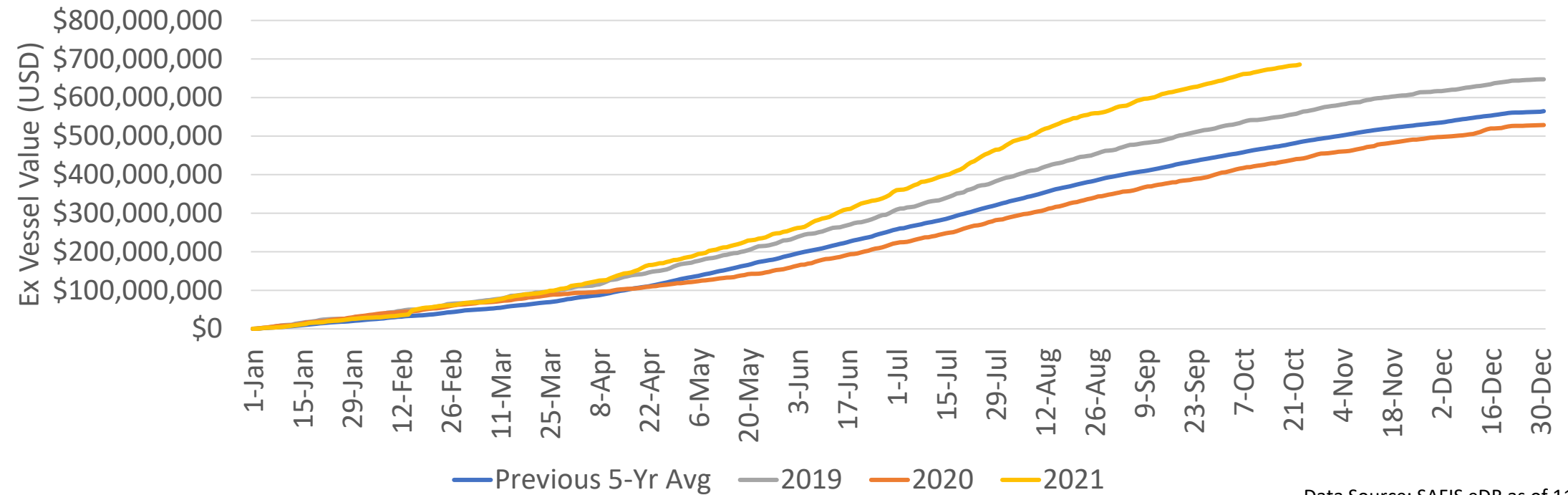
2021 Ex-Vessel Value Overview

Comparison to 2019, 2020, and the average value for 2015-2019

Running Total of Ex-Vessel Value Across All Species

*Excludes surf clams and ocean quahogs

Running Total of Ex-Vessel Value Across All Species

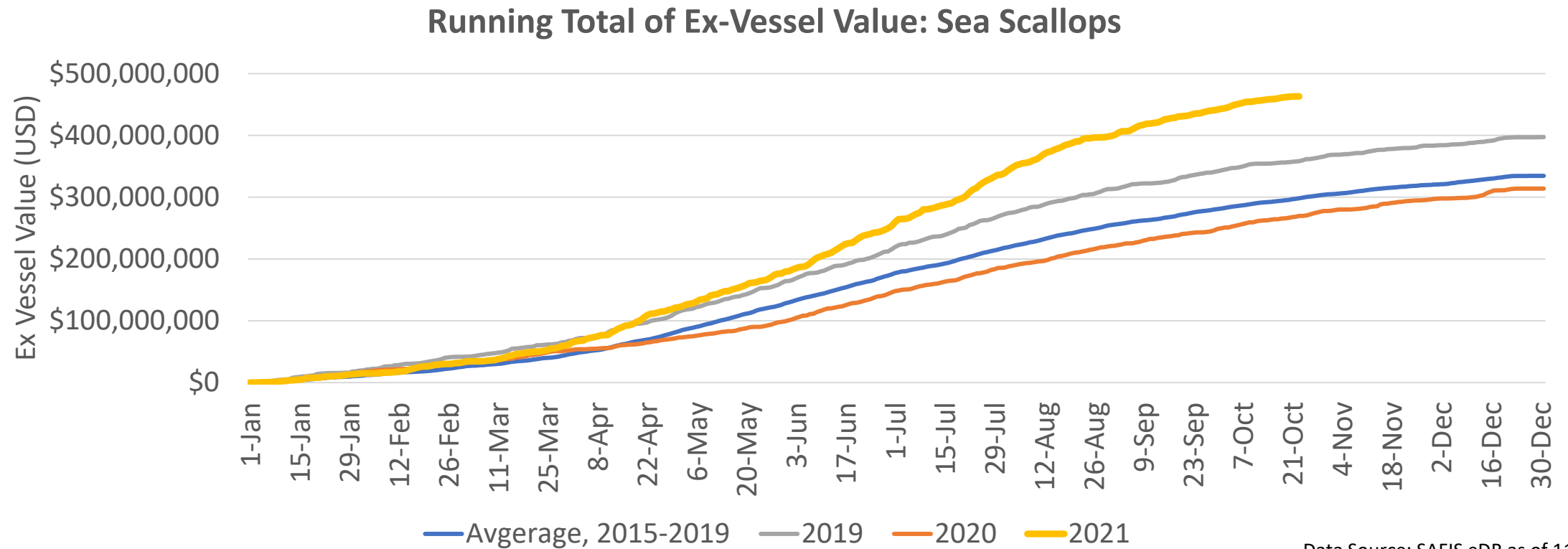


Data Source: SAFIS eDR as of 11/2/21

*2021 Data are preliminary



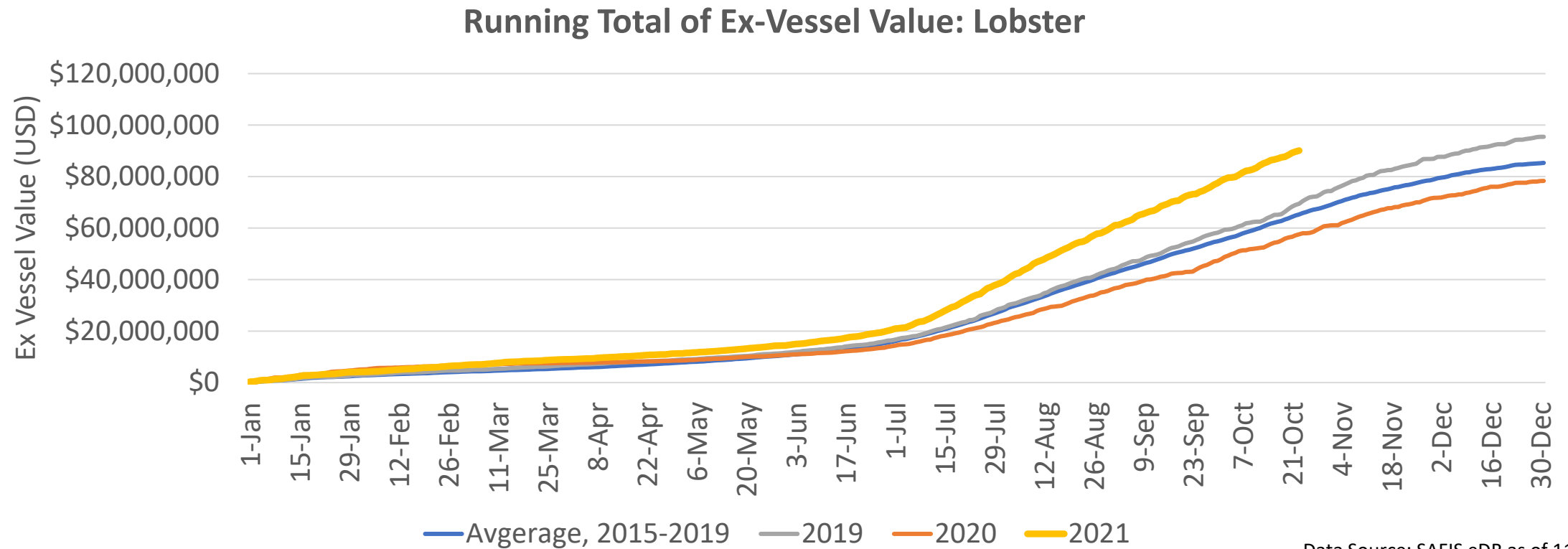
Running Total of Ex-Vessel Value: Sea Scallops



Data Source: SAFIS eDR as of 11/2/21
*2021 Data are preliminary



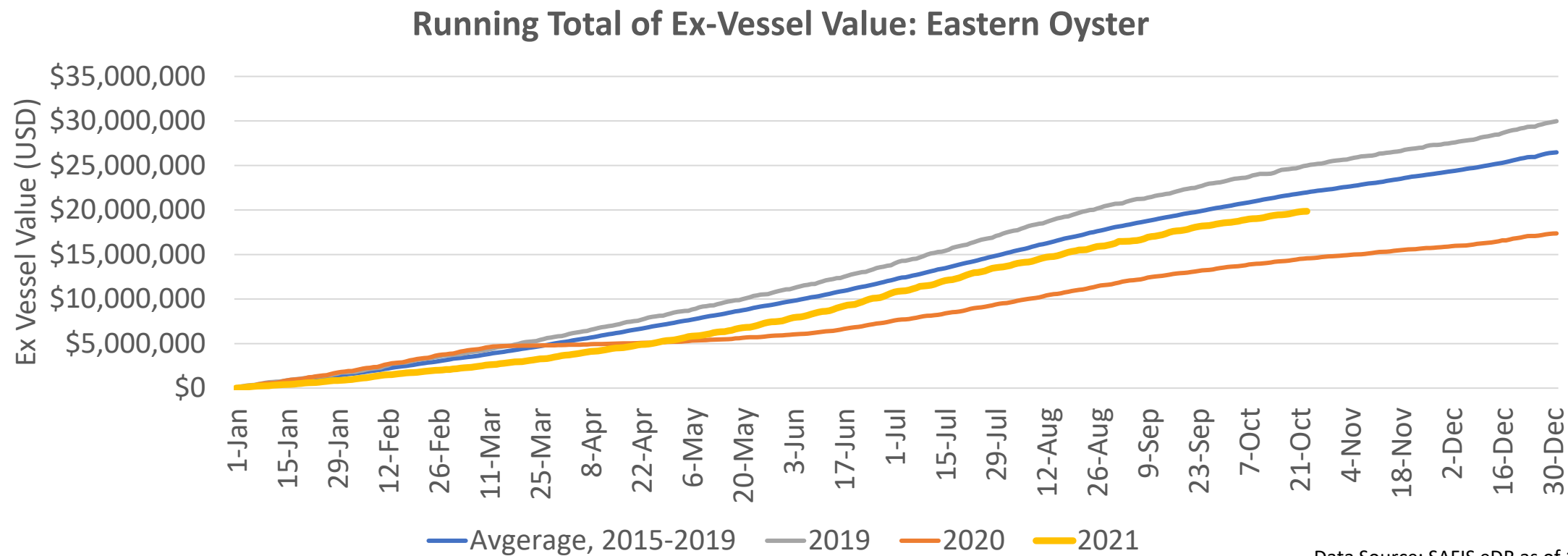
Running Total of Ex-Vessel Value: Lobster



Data Source: SAFIS eDR as of 11/2/21
*2021 Data are preliminary



Running Total of Ex-Vessel Value: Eastern Oyster



Data Source: SAFIS eDR as of 11/2/21
*2021 Data are preliminary





The Commonwealth of Massachusetts

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KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Dan McKiernan, Director 

DATE: October 22, 2021

SUBJECT: State Waters Groundfish Management – Proposed Rule Changes

Public Hearing Proposal Summary

For 2022 and beyond, I seek to amend several aspects of the state waters commercial groundfish management program. The following public hearing proposals are based (largely) on feedback provided by the MFAC's Sub-Committee on State Waters Groundfish¹ at their September 17, 2021 meeting and the full MFAC at their September 24, 2021 business meeting:

- (1) Gillnet closure. Expand the existing January 1 – May 15 sink gillnet closure to include all of state waters to reduce the risk of entanglements to the endangered North Atlantic right whale (“right whale”);
- (2) April cod spawning closure. Adopt an April 16 – April 30 commercial groundfish closure from Plymouth (42°00' N) to the MA/NH maritime border to protect spring aggregations of spawning cod;
- (3) Conditional April groundfish closure. Eliminate the existing conditional April 1 – April 30 commercial groundfish closure in Massachusetts Bay;
- (4) Trip limits. Increase the commercial trip limits for Gulf of Maine (GOM) cod from 200 pounds to 300 pounds and yellowtail flounder from 250 pounds to 350 pounds; and
- (5) Boston Harbor gillnet closure. Rescind a May 15 – October 31 sink gillnet closure off outer Boston Harbor.

The purpose of this recommendation is multi-faceted and is described in detail below. In summary, the Division of Marine Fisheries (DMF) seeks to enhance right whale protection and spawning cod conservation while augmenting access to available groundfish resources at times and in places that likely will not impact these critical conservation objectives. Additionally, some

¹ MFAC Sub-Committee on State-Water Groundfish is Chaired by Melanie Griffin and includes MFAC members Lou Williams, Bill Amaru, and Mike Pierdinock. Contributing staff include Michael Armstrong, Bob Glenn, Micah Dean, Story Reed, Jared Silva, and Anna Webb.

longstanding regulations that are less important in these modern times would be rescinded. These proposals principally affect the state-waters-only groundfish fishery (“GE fleet”). However, these proposals may also affect federal permit holders who are authorized to fish in state waters, as they will be subject to proposed time area closures and trip limits should they conduct regulated activities within state waters.

Gillnet Closure

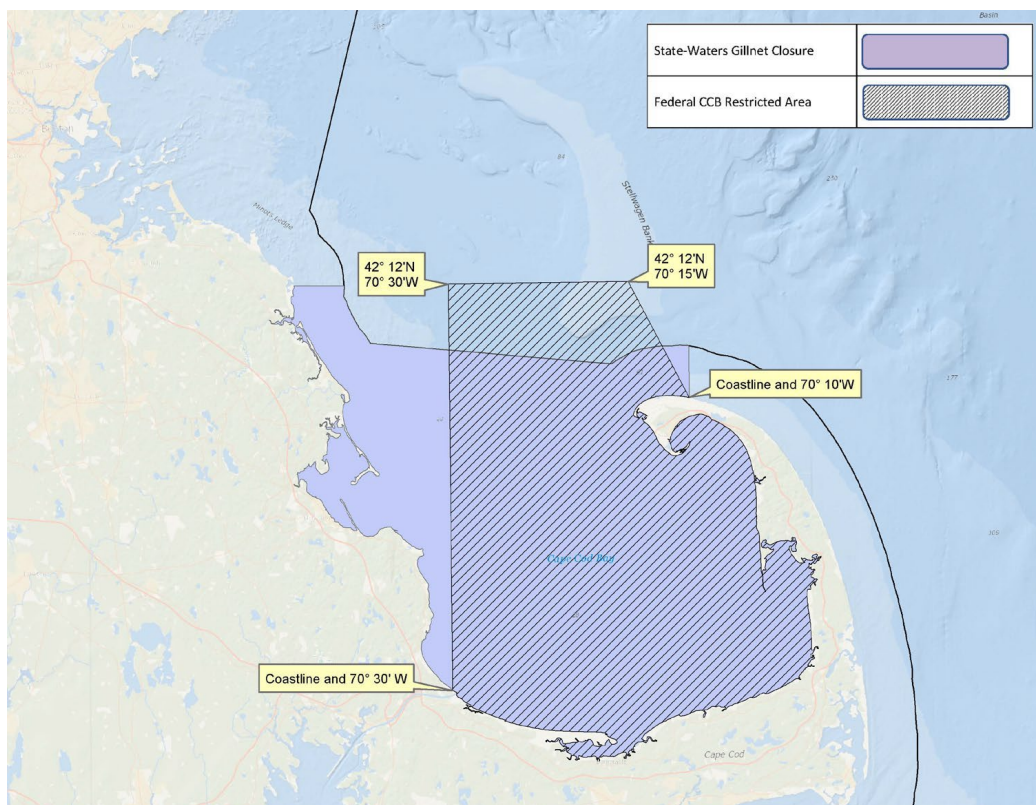
Proposal

Expand the existing January 1 – May 15 gillnet closure in Cape Cod Bay to include all of state waters to further minimize the risk of entanglements to the endangered North Atlantic right whale (“right whale”) [[322 CMR 12.04](#)].

Rationale

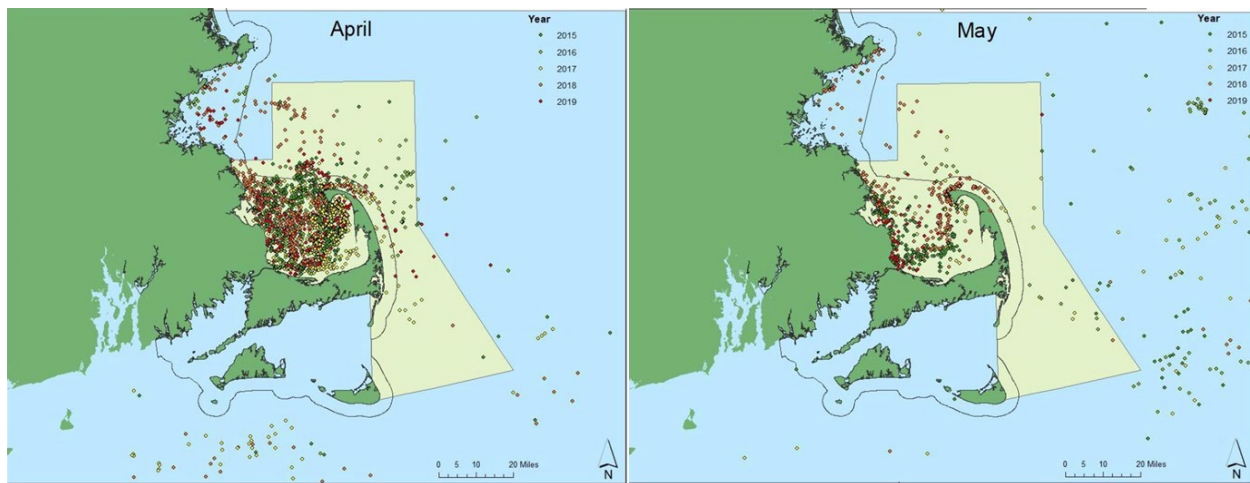
As part of the first right whale conservation regulations enacted by DMF in 1997, DMF seasonally (January 1 – May 15) closed waters within Cape Cod Bay to the use of gillnets. This was implemented to reduce the risk of right whale entanglements, recognizing that a majority of the known right whale population seasonally aggregates in the waters of Cape Cod Bay to feed on zooplankton. In 2020, DMF amended its protected species regulations [[322 CMR 12.00](#)] to expand the spatial extent of the seasonal gillnet closure north from Plymouth Harbor (42°00’ N) to Scituate Harbor (42°12’ N). This action was unanimously approved by the MFAC at their January 2020 business meeting and the amended January 1 – May 15 seasonal closure area was implemented for February 2021 (Figure 1).

Figure 1. Map of January 1 – May 15 Seasonal Gillnet Closures



At the time, I did not recommend extending the spatial extent of the seasonal gillnet closure to match that of the seasonal trap closure, which would have it apply north to the MA/NH maritime border and east down the backside of Cape Cod². Instead, I favored a spatially smaller gillnet closure in response to the relative size and scale of the state waters gillnet fleet. However, throughout the winter and early spring of 2021, I reconsidered this position. The state waters gillnet fishery occurs principally in Massachusetts Bay and off Cape Ann. In recent years, right whale sightings data during April and May show these whales utilizing these waters during these months (Figure 2). There is a potential for co-occurrence of gillnet gear and right whales that I seek to address.

Figure 2. Observations of Right Whales in April and May 2015 - 2019



Recall this past spring, I recommended maintaining the conditional April groundfish closure between Plymouth (42°00' N) and Marblehead (42°30' N) for gillnet gear only³ [322 CMR 8.05]. This effectively maintained a gillnet prohibition in those state waters between Scituate (42°12' N) and Marblehead (42°30' N) throughout April. Despite this action, those waters to the north around Cape Ann remained open to gillnet gear in April. Moreover, once the conditional April groundfish closure expired on May 1, the area of state waters between Scituate (42°12' N) and Boston Harbor (42°20' N) were open to gillnet fishing; the May groundfish mortality closure kept those waters from Boston Harbor (42°20' N) to the MA/NH maritime border closed to all groundfish fishing [322 CMR 8.05]. Note that applying this groundfish mortality closure to a single gear type to protect right whales was not my preferred management approach, but I felt compelled to minimize risk especially given the dynamic situation of the ongoing and increasing federal mandates of the Atlantic Large Whale Take Reduction Plan (ALWTRP).

This past spring, aerial surveillance indicated right whales remained in Massachusetts Bay throughout April and into mid-May⁴. The area off Boston Harbor saw notable for its right whale activity. Given how this past year played out—having the conditional April groundfish mortality closure apply to address a gear specific entanglement risk and having areas of Massachusetts Bay remain open in April and May when whales are present—a change in management is needed for

² See [January 22, 2021 Protected Species Recommendation Memo](#) (pages 7 and 8).

³ See [March 15, 2021 Recommendation to Lift Conditional April Groundfish Closure](#).

⁴ As a result of the continued presence of right whales in state waters in late April and early May, the seasonal trap gear closure and small vessel speed limit were extended beyond May 1 and stayed in effect until May 14. See [DMF Advisory](#).

2022. Accordingly, I propose closing all state waters to gillnet fishing from January 1 – May 15. Similar to the trap gear closure, this proposed regulation would allow the Director to rescind or extend this closure based on the presence or absence of right whales⁵. This will allow for DMF to more directly manage—and minimize—the seasonal entanglement risk to all the fixed gears. .

As you are aware, a federal court has ordered the DMF to apply for an Incidental Take Permit from NOAA Fisheries to address the potential entanglement of endangered whales and sea turtles in its fixed gear fisheries. Through this process, DMF is required to develop a Habitat Conservation Plan to detail the steps the applicant is taking to minimize and mitigate the impacts of the permitted activity on the endangered species. The proposed gillnet closure extension would support this effort, as it would restrict the ability to set a gear that may entangle a right whale at times and in places that right whales are expected. In addition, NOAA Fisheries is currently convening the Atlantic Large Whale Take Reduction Team (ALWTRT) to assess and address the risk posed by the broader northeast gillnet fishery to right whales. The ALWTRT has tasked every jurisdiction to reduce the risk of serious injury and mortality posed by gillnet fisheries to right whales by 60-80%. To date, efforts have focused on time-area closures and gear modifications. This proposed extended closure anticipates this new risk reduction requirement and allows Massachusetts to get out ahead of the federal rule making process.

Whereas a year ago, I felt the risk posed by the state waters gillnet fishery to right whales was sufficiently small due the relative scale of gillnet fishing in state waters and extending the closure throughout a greater portion of state waters—specifically Massachusetts Bay—was not warranted. I now suggest that maintaining such a small fishery in times and places where right whales are observed poses a small—yet unnecessary—risk to both right whales and the future of the state’s fixed gear fisheries. Keep in mind, that if an entanglement were to occur it may jeopardize the future of our fixed gear fisheries, particularly in the context of the state’s ongoing ITP application and ongoing efforts by the ALWTRP.

Anticipated Impacts

DMF established the regulated fishery gillnet permit endorsement (“gillnet permit”) in 1987. This gillnet permit allows fishermen to deploy sink gillnets in state waters, and the gear is typically used to target the multi-species groundfish complex and dogfish. The permit was made limited entry in 1992 and has never been transferable⁶. At present, there are 80 commercial fisherman permit holders with a gillnet permit, however, only a very small subset of this population is actively fishing gillnets. As of 2019⁷, only 14 permit holders appear to be active; only eight of these permit holders reported fishing in state waters with gillnets, the other six held gillnet permits but were fishing outside of state-waters and likely landing fish taken from federal

⁵ Note that DMF cannot rescind the gillnet closure within certain waters of Cape Cod Bay prior to May 15. This is because the overarching federal ALWTRP rule establishes a gillnet closure in the Cape Cod Bay Restricted Area from January 1 – May 15. This includes those state waters within the area bounded by 41° 46.8’N and 70° 30’ W, 42° 12’ N and 70° 30’ W, 42° 12’ N and 70° 15’ W, 42° 4.8’N and 70° 10’W, and the MA coastline. See pages 12 and 13 of the [ALWTRP Guide on Northeast Gillnet Fishery Requirements and Management Areas](#).

⁶ See [October 31, 2017 memorandum](#) from former Director Pierce on gillnet permit transferability.

⁷ Effort data is derived from fisherman catch reports. Due to fisherman reporting schedules, DMF is unable to query this data until the spring of the following year. Therefore, 2021 data will not be available until the spring of 2022. While 2020 data could be used, we know fishing effort was skewed by the COVID pandemic. Therefore, 2019 is the most recent and complete data set to describe effort in this fishery.

waters under the authority of their federal permits. Therefore, the affected population of active permit holders is likely fewer than 10 individuals. As this gear is typically deployed to target groundfish (as well as spiny dogfish), this population of active state waters gillnet fishermen also make up a portion of the GE fleet.

Tables 1 and 2 depict gillnet effort data by Statistical Reporting Area (SRA) on an annual basis from 2017 – 2019. Figure 3 shows the geographic location of the SRAs in state waters. The data from Tables 1 and 2 indicate effort by the GE gillnet fishery does not ramp up until April, seasonally peaks during the summertime, declines in the fall, with little to no activity occurring throughout the winter. These seasonal shifts in effort are attributable to several factors. This includes seasonal availability of groundfish in state waters, gillnet fishermen switching over to fish trap gear for lobsters in the fall, poor wintertime weather affecting access, and time-area closures to address groundfish mortality, groundfish spawning closures, and closures for protected species⁸. Note that those data withheld as confidential in Tables 1 and 2 because there were fewer than three permit holders active during that month.

Table 1. Active GE Gillnet Vessels and Trips by Month for 2017 - 2019

Active Vessel and Trip Count from Sink Gillnet Vessels by Month						
MONTH	2017		2018		2019	
	Active Vessels	Trip Count	Active Vessels	Trip Count	Active Vessels	Trip Count
JAN	*	*	0	0	0	0
FEB	*	*	*	*	0	0
MAR	0	0	0	0	0	0
APR	*	*	*	*	*	*
MAY	9	85	6	97	4	64
JUNE	11	182	8	160	8	163
JULY	9	179	8	158	8	171
AUG	*	*	*	*	*	*
SEP	5	62	5	33	3	39
OCT	*	*	0	0	0	0
NOV	*	*	0	0	0	0
DEC	*	*	*	*	0	0
Total	12	809	9	655	8	611

*Confidential

Data Source: MATL Reports and NMFS VTRs as of January 2021

⁸ From October 1 – January 31, those waters between 42°00' N and 42° 30' N west of 70° 24' W are closed to commercial groundfish fishing to control overall groundfish landings and mortality attributable to the state-waters groundfish fishery. From November 15 – January 31, waters between 42° 21' N and 42° 27.5' are closed to groundfish fishing to protect spawning cod aggregations. From February 1 – May 31, inshore waters from Provincetown to the MA/NH maritime border are closed to commercial groundfish fishing to protect winter flounder spawning. From March 1 – March 31, the use of gillnets is prohibited in the Massachusetts Bay Management Area under the federal Harbor Porpoise Take Reduction Plan (HPTRP). The HPTRP effects commercial fishing effort to the shoreline and this closure is inclusive of those Massachusetts state waters between 42°00' N and 42°30' N. See more details in [New England Guide to HPTRP](#).

Table 2. Average Number of Trips by Active GE Fishermen by Month and SRA for 2017 - 2019

2017-2019 Average Sink Gillnet Trip Count by Month and SRA						
	SRA					
MONTH	2	3	4	5	9	Total
JAN	*	0	0	0	0	*
FEB	*	*	*	0	0	*
MAR	0	0	0	0	0	0
APR	*	46	65	*	0	*
MAY	*	*	78	*	*	82
JUNE	*	81	136	16	*	168
JULY	20	70	141	*	*	169
AUG	12	53	118	*	0	*
SEPT	*	28	28	0	*	45
OCT	*	*	0	0	*	*
NOV	*	0	0	0	0	*
DEC	*	0	0	0	0	*
Total	79	289	*	76	*	692

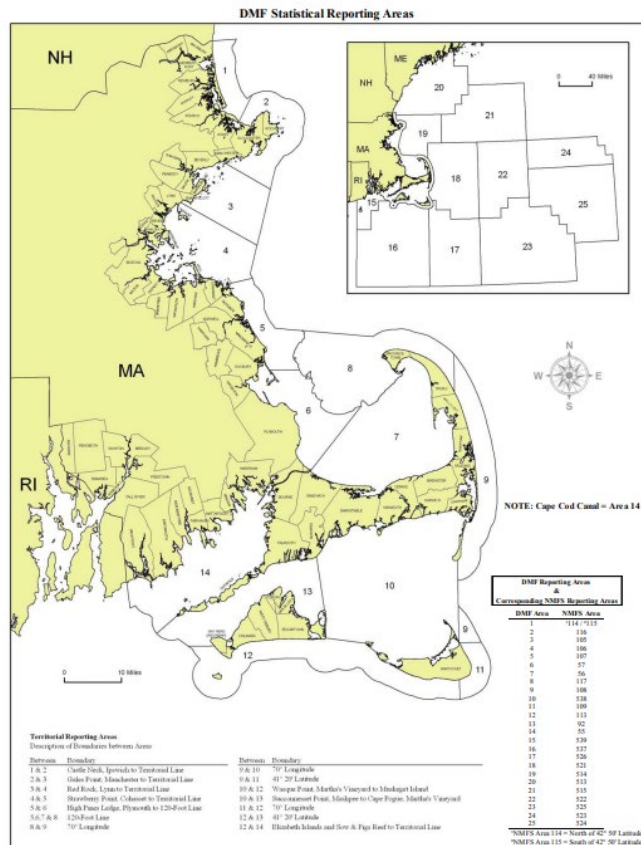
*Confidential

Data Source: MATL Reports and NMFS VTRs as of January 2021

As gillnet effort is non-existent during the winter, the January – March period of the proposed closure will have a no impact on the fishery. However, the data does show increasing gillnet fishing effort in April and May. During this period, effort principally occurs in Massachusetts Bay. While effort occurs throughout SRAs 2-5, it is concentrated in SRA 3 and 4. SRAs 3 and 4 spatially overlap with those areas where we have observed right whales during these months. This underscores the matter of co-occurrence.

Based on catch report information, this proposal will have minimal impact on fishing activity outside of SRAs 2-5. The Outer Cape is closed to all groundfish fishing during May by a groundfish mortality closure within those waters east of Cape Cod south of 42°00' N and east of 70°00' W [322 CMR 8.05]. Additionally, gillnet fishing is prohibited in Buzzards Bay and Mt. Hope Bay year-round [322

Figure 3. DMF Statistical Reporting Areas



[CMR 4.02](#)] and in the Sounds from April 1 – November 15 [[322 CMR 4.04](#)].

April 15 – April 30 Cod Spawning Closure

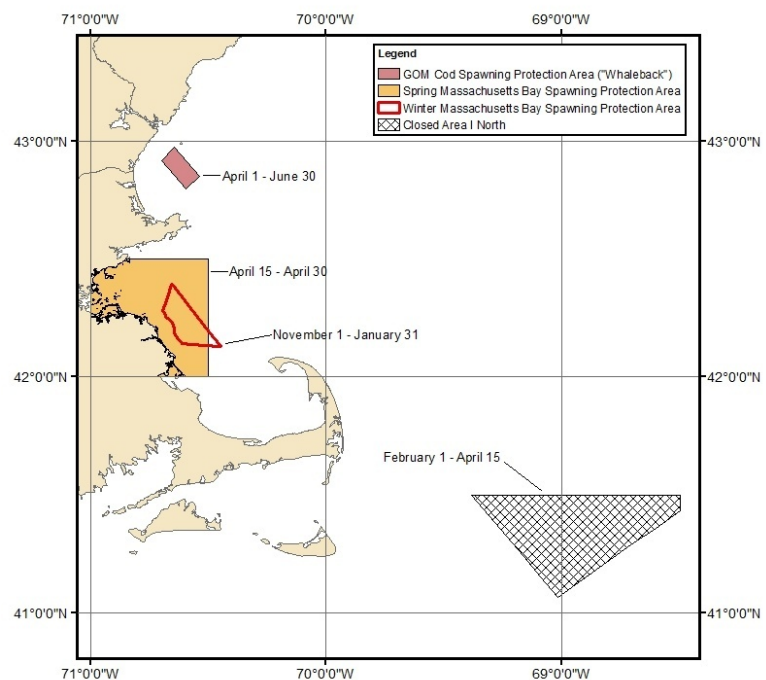
Proposal

Adopt an April 15 – April 30 commercial groundfish closure—to all commercial gears targeting multispecies groundfish—from Plymouth (42°00' N) to the MA/NH maritime border to protect spring aggregations of spawning cod [[322 CMR 8.05](#)]. Under the existing regulatory structure, this proposed April 15 – April 30 cod spawning closure will not apply to the use of hook and lines to catch dogfish, bluefish, striped bass, bluefin tuna, and mackerel; pots and traps; mid-water trawls; sea scallops, ocean quahog, and surf clam dredges; and cast nets, surface gillnets, and purse seines.

Rationale

NOAA Fisheries promulgated [Omnibus Habitat Amendment 2](#) in October 2017 for implementation in April 2018. This established the Spring Massachusetts Bay Spawning Protection Area (Figure 4) and closed those waters within federal Statistical Report Area 125—the 10-minute square between 42° 00' N to 42° 30' and 71° 00' W and 70° 30' W—to certain federally permitted fishing activities, including commercial groundfish fishing⁹, during the period of April 15 – April 30. The purpose of this closure is “to improve spawning protection for various groundfish species (including cod) in the Gulf of Maine” (NEFMC OHA2 DEIS). While this closure was implemented on the federal level, DMF did not apply it to the GE fleet.

Figure 4. Federal Groundfish Spawning Closures including Spring Massachusetts Bay Spawning Protection Area

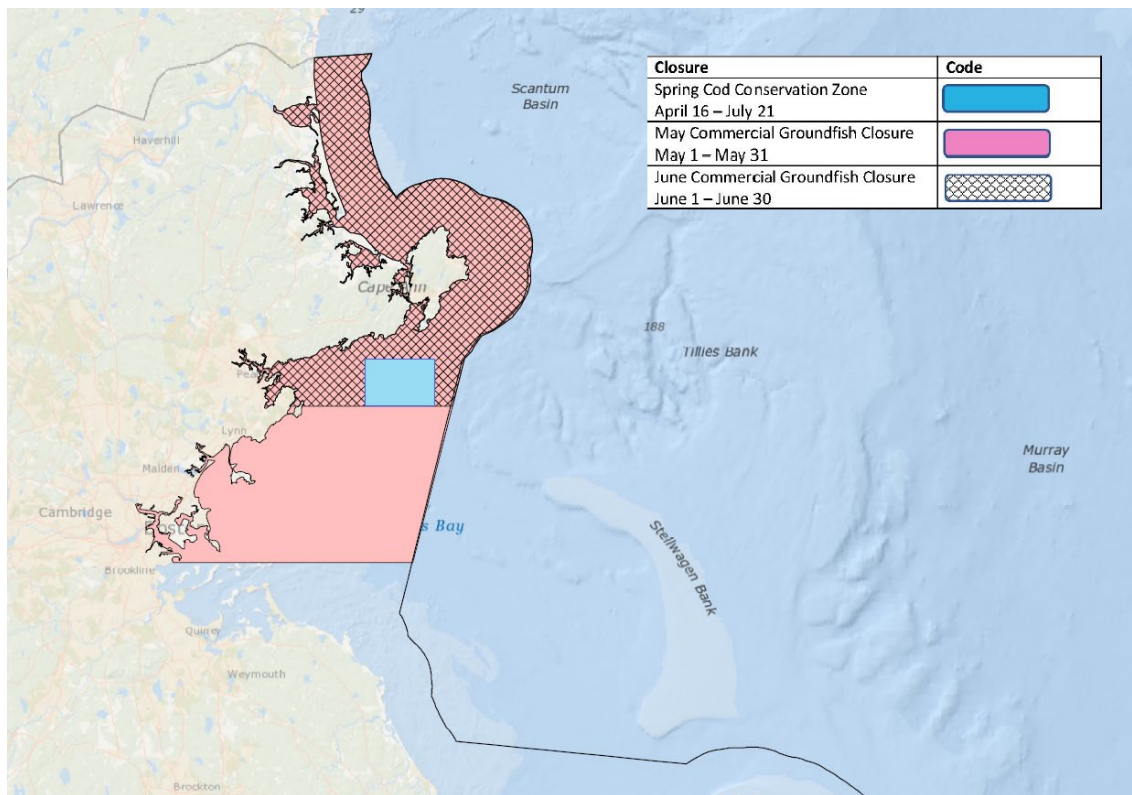


Source: [GARFO](#) 9/8/2021

⁹ Exempt fishing activities include: recreational fishing; charter and party boats with a Letter of Authorization; vessels fishing on a sector trip or under a Hand Gear A permit within the GOM Cod Protection Closures IV and V; vessels fishing with spears, rakes, dive gear, cast nets, tongs, harpoons, weirs, dip nets, stop nets, pound nets, pots and traps, purse seines; surf clam and ocean quahog dredges; pelagic hook and line, longline, single gillnets gear; shrimp trawls with a properly configured grate; midwater trawls; sea scallop dredges when fishing under a day-at sea or in an sea scallop dredge exemption area; and raised foot rope trawls in exempted whiting fisheries.

For most of the past fifteen years, DMF’s understanding of spawning cod behavior was driven by our first Industry Based Survey (IBS1), which occurred from 2003 – 2007, as well as our acoustic tagging work in Massachusetts Bay. These combined research efforts demonstrated peak spring spawning was occurring in May and June. While spawning was observed in April, the presence of spawning cod was less frequent than in May or June. Accordingly, DMF’s

Figure 5. Springtime State Waters Groundfish Closures Protecting Spawning Cod



commercial groundfish management strategy prioritized enhancing spawning protections during the peak spawning season (Figure 5) and providing access to the fishery during other periods.

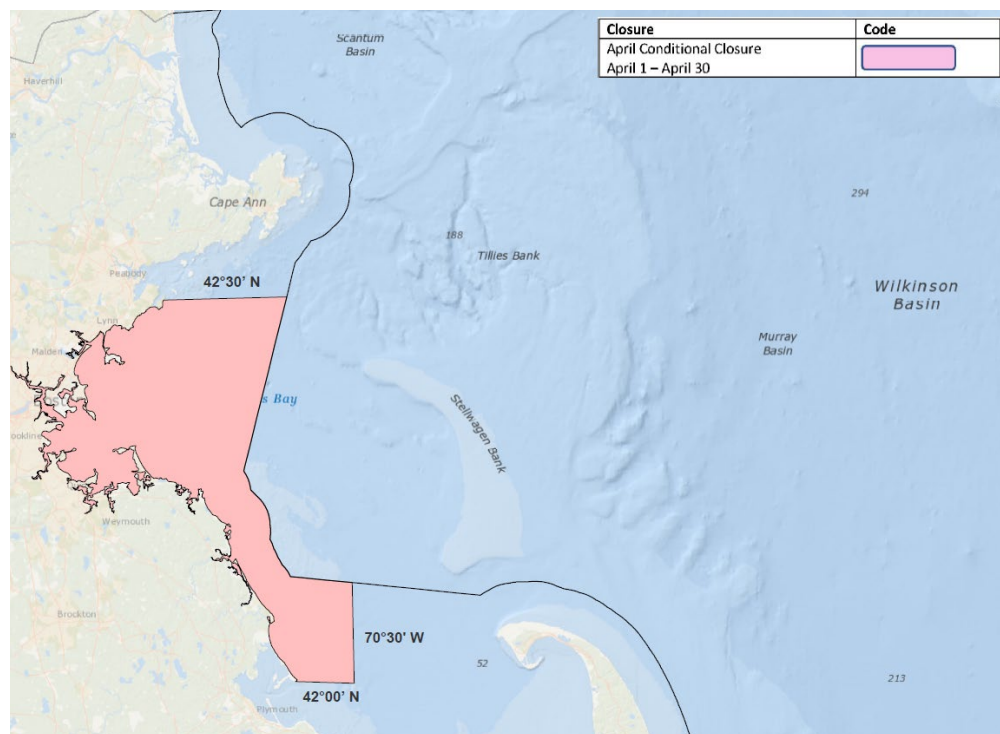
By way of background, the discrete Spring Cod Conservation Zone [322 CMR 8.07] off Marblehead was adopted in 2009 and closes certain waters to all groundfish fishing from April 16 – July 21¹⁰. Then the seasonal springtime monthly commercial groundfish closures in the GOM [322 CMR 8.05] were adjusted in 2015 for 2016¹¹. These closures currently serve the dual purpose of providing more broad-scale seasonal cod spawning protections for GOM and controlling overall groundfish landings and mortality by the GE fleet. In combination, these closures protect much of the time-area spawning aggregations observed in IBS1 and our acoustic tagging research.

¹⁰ The Spring Cod Conservation Zone is bounded by 42°30' N to the south, 42°33' N to the north and 70°44.5' W to the west, and 70°38.5' W to the east. Within this area, all groundfish fishing—both recreational and commercial—is seasonally prohibited. The closure was first implemented on an emergency basis in 2009 and applied only during May and June. In 2010, it was renewed for May and June and then extended to July 21 on an emergency basis. Then in 2011, it was implemented on a more permanent basis from April 16 – July 21, which is how it currently applies.

¹¹ See [July 27, 2015 Final Recommendations on Commercial and Recreational Groundfish](#).

During the 2016 rule making process on monthly groundfish closures, the April closure was considered. However, it was not adopted in the final rule and April was opened to provide the GE fleet with opportunities to target groundfish inshore, principally cod, flounders, and haddock. However, at this time, the GOM cod commercial trip limit was dropped from 800-pounds to 200-pounds¹². Then in 2019¹³, April became subject to a conditional groundfish mortality closure in those state waters between 42° 00' N and 42° 30' N west of 70° 30' W (Figure 6) [[322 CMR 8.05](#)]. This closure was designed to be a fail-safe to prevent the state waters fishery from causing overages of the total annual catch limit (ACL) set by NOAA Fisheries.

Figure 6. Conditional April Groundfish Closure



Since these decisions were made, DMF concluded its second Industry Based Survey (IBS2). IBS2 occurred from October 2016 through January 2019 and offered enhanced coverage of both winter and spring cod spawning seasons. Consequently, the results of this survey refined DMF's understanding of cod spawning seasonality¹⁴ (Figure 7). IBS2 demonstrates that while the presence of spring spawning cod has declined overall, May is still the peak spawning month and April is now almost as important as May in terms of the presence of cod in the spawning conditions.

¹² See [November 15, 2015 DMF Advisory on Recreational and Commercial Groundfish](#).

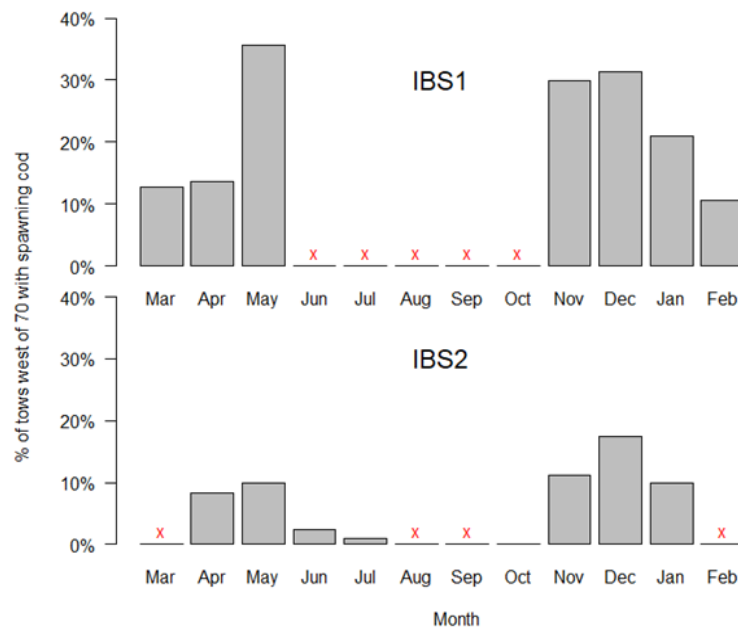
¹³ See [January 18, 2019 Recommendation Memo on State-Waters Multi-Species Groundfish](#).

¹⁴ IBS1 did not occur in June and July. Our subsequent acoustic tagging work informed our understanding of cod spawning in these months. As a result, these months were sampled during IBS2.

The importance of spring spawning protections for GOM cod has been further underscored by Dr. Micah Dean’s recent work. Dr. Dean’s work demonstrates the relative importance of sub-populations to the overall GOM cod stock. To be more specific, there are two discrete sub-populations of GOM cod that exhibit different seasonal peaks in spawning activity—the so-called “spring spawners” and the so-called “winter spawners”. The importance of these two groups to the overall stock has changed over time, and currently nearly all recruitment comes from the winter-spawning group.

However, as recently as the early 2000s, the spring spawning group accounted for a majority of the spawning stock and recruitment. Ensuring that both sub-populations continue to persist is critical for the recovery of the GOM cod stock.

Figure 7. Presence of Spawning Cod by Month from IBS1 to IBS2



While the federal Western Gulf of Maine closure offers some protection to spring-spawning cod outside of the spawning season, the loss of some seasonal closures (i.e., “rolling” closures) as the sector system was implemented may be impacting reproductive success through disruption of mating behaviors (Dean et al., 2019). Adding on potential depensation effects at low population density (Allee effects), the continued poor status of GOM cod and failure to rebuild and it is now clear additional conservation management measures are going to be required. To this end, the New England Fishery Management Council may include such measures in its upcoming Groundfish Framework 63 (to be approved in December 2021) or in a subsequent follow-on action to revise the existing GOM cod rebuilding plan.

Given these above-described factors, I think it is necessary to extend the state’s framework of time-area closures into April to protect spawning cod. While we have the Spring Cod Conservation Zone in effect during late April (April 16 – April 30), this closure only protects one discrete spawning aggregation and does not—by itself—provide sufficiently robust protections for the spring spawners. Spatially broader closures are necessary to protect other remnant spawning aggregations, as individuals move in and out of discrete spawning locations. To this point, whereas the current federal closure applies only to those waters within the 10-minute square known as Area 125, I propose extending the state waters closure up to the MA/NH maritime border. This expanded area would include locations where spawning cod were observed during IBS1 (Figure 8), when the spring spawning sub-population was more robust. Having protections in place for these historic spawning aggregations will likely be necessary to

Figure 8. Distribution of spring spawning cod observed during IBS 1

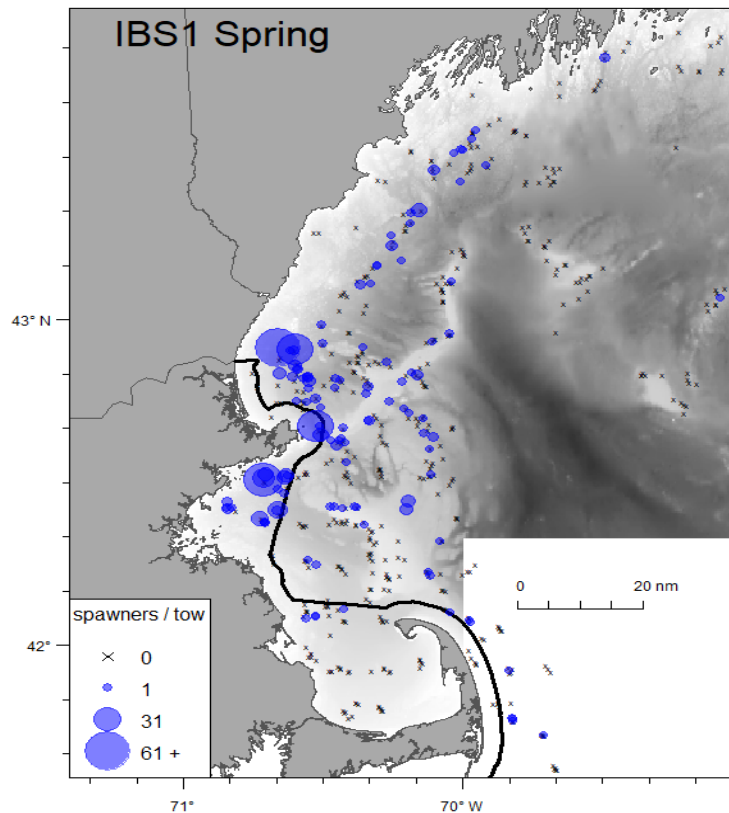
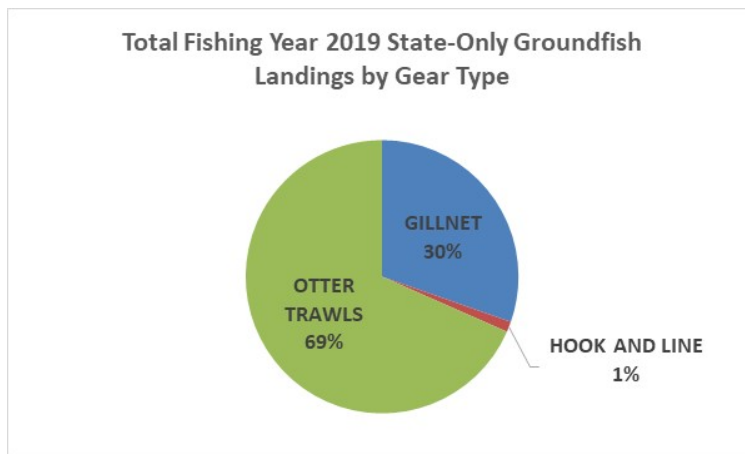


Figure 9. GE Catch by Gear Type for 2019



Data Source: MATL Reports and NMFS VTRs as of September 2021
FY19 is presented as it is most representative of current effort levels.

2019 landings were haddock, but the GE trawl fleet also caught yellowtail, American plaice (“dabs”), and winter flounder. While April 2020 may not be largely representative of a typical April—given the COVID-19 pandemic was at its height at that time—haddock fishing was relatively unaffected by the pandemic and actually increased over the course of 2020 as

allow for the recovery of spring spawners and to enhance the likelihood of a broader stock recovery.

Potential Impacts

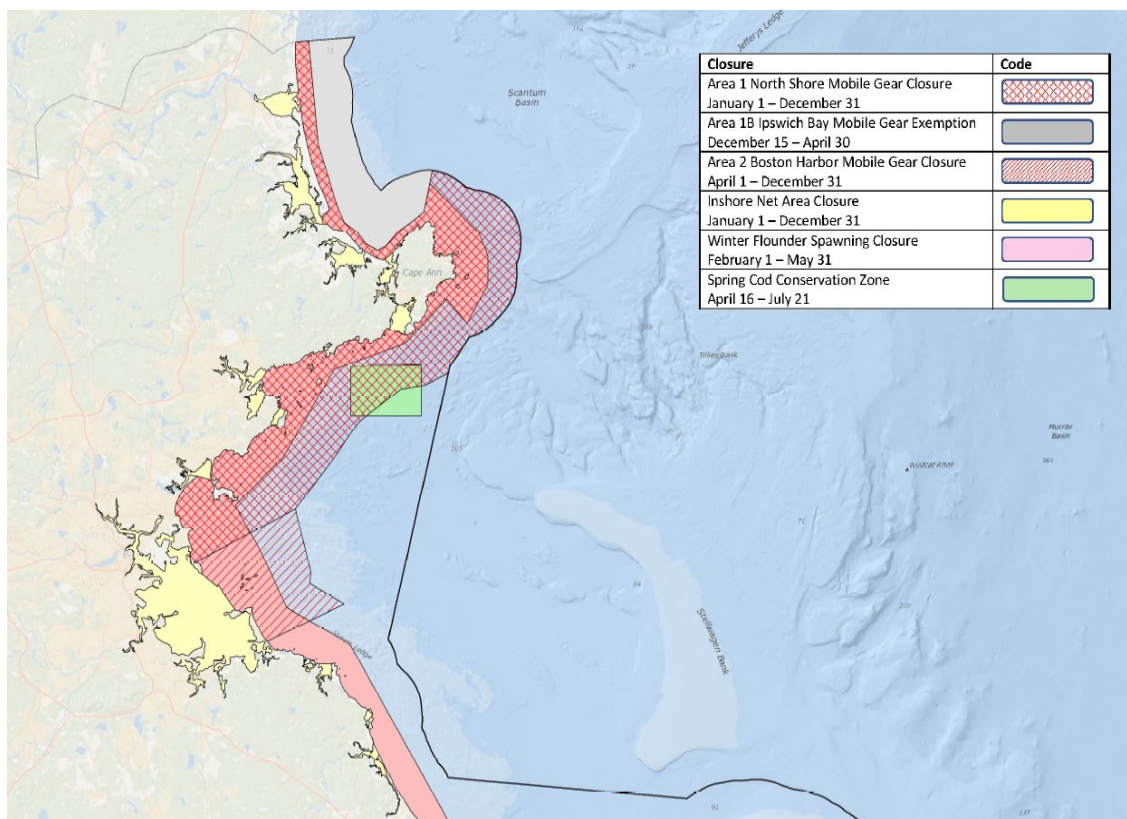
Our GE groundfish fishery is principally prosecuted by gillnets and trawls, with some low levels of hook and line landings (Figure 9). Presuming the January 1 – May 15 gillnet closure is implemented for all state-waters, this spawning closure would be redundant for gillnet gear. However, it would impact trawl fishing effort during the second half of April, as well as any commercial hook and line effort that may be occurring during this time. Keeping in mind mobile gear closures [322 CMR 4.06], trawl fishing effort during April within the affected area is limited to outer Massachusetts Bay seaward of Area 2 (Boston Harbor) and Ipswich Bay within exempted Area 1B (Figure 10).

According to our landings data, most trawl effort in the GE fleet is coming from the SRAs within Massachusetts Bay. In FY19, six GE trawlers landed groundfish harvested in SRAs 1 – 5. Their overall catch approximates 80% of overall GE landings in that year, excluding monkfish. During April of FY19, 3 vessels were active and their landings accounted for approximately 5% of overall trawl landings from the GE fleet in that year. The majority of these April

compared to 2019. In fact, April 2020 groundfish landings are similar to those of April 2019 in terms of quantity as a percent of overall groundfish landings, but the 2019 landings primarily consisted of winter flounder. While SRAs 1-5 are clearly important trawl fishing grounds during much of the year, April generally contributes very little with variable species compositions by year.

While Area 1B (Ipswich Bay) is be seasonally open to mobile gear fishing in April, this has historically been a groundfish fishing area. The area was developed and continues to provide seasonal access to sea scallops. This groundfish closure will not prevent mobile gear fishermen from continuing to target sea scallops in April in Area 1B.

Figure 10. Areas Closed and Open to Mobile Gear Fishing in April



Conditional April Groundfish Closure

Proposal

Eliminate the existing conditional April 1 – April 30 commercial groundfish closure in Massachusetts Bay [[322 CMR 8.05](#)].

Rationale

As described above, the conditional April groundfish closure in Massachusetts Bay was implemented in 2019 to serve as a fail-safe to prevent the GE fleet from causing overages of the

total annual catch limit (ACL) set by NOAA Fisheries, such overages then trigger accountability measures affecting federal permit holders. Annually, DMF analyzes GE fleet landings and compares them to the federally established stock specific state-waters sub-components for the federal fishing year of May 1 – April 30. Should this analysis demonstrate it is unlikely an April opening would result in exceedance of groundfish ACLs, then DMF—with the MFAC’s approval—may rescind the closure. In each of the three-years since this conditional closure was implemented, DMF has rescinded the closure and allowed commercial groundfish fishing in the area¹⁵.

Given the performance of the GE fleet in recent years, and considering the potential limiting effects of the above-described gillnet and spawning closures, I do not anticipate there is a need for maintaining this conditional closure. Therefore, I am proposing to rescind it contingent upon the MFAC approving a January 1 – May 15 gillnet closure to protect right whales and April 15 – April 30 commercial groundfish closure to protect spawning cod.

Potential Impact

Rescinding this closure would also have the added benefit of reducing animosity among user groups. When DMF moves to rescind the closure, we are required to hold a two-week public comment period. The nuance of the purpose of the conditional closure is often not well understood and we typically receive an outpouring of comments objecting to the action. These comments typically express conservation concerns and user group objections that are beyond the scope of the intended closure. Eliminating this conditional annual action—and implementing more predictable and comprehensive conservation measures—may help assuage tensions along the waterfront.

Opportunities to Enhance GE Fishing Opportunities

Proposal

Increase the commercial trip limits for GOM cod from 200 pounds to 300 pounds and yellowtail flounder from 250 pounds to 350 pounds, as well as rescind a remnant May 15 – October 31 sink gillnet closure off outer Boston Harbor.

Rationale

The MFAC’s State Waters Groundfish Sub-Committee in its review of the proposals to close areas and seasons asked if some measures, such as increased trip limits during the open season, could be liberalized to mitigate the impacts of the proposed closures discussed above.

First, I am proposing to increase the GOM cod trip limit from 200 pounds to 300 pounds. This proposed 50% increase in the trip limit should provide the GE fleet with additional access to GOM cod, particularly during the summer months when the fish are not in spawning condition.

¹⁵ Recall that in 2021, DMF did not rescind this closure for gillnet gear as a means of protecting right whales from the entanglement risk posed by the gear type.

Federal specifications have set the state waters sub-component for GOM cod at 105,822 pounds (48 mt) for the 2022 fishing year (May 1, 2022 – April 30, 2023)¹⁶. In 2019, the GE fleet landed 63,052 pounds of GOM cod. This indicates there is room to increase GOM cod landings from the GE fleet without overharvesting the sub-component. In FY19, 21% of gillnet trips landed cod at or above 175 pounds, while no trawl trips reached the limit.

Therefore, I do not expect this increase will result in the consistent utilization of the trip limit. Instead, I suspect it will provide an opportunity to retain additional poundage when caught and thereby reduce regulatory discarding. Following this logic, a trip limit increase should not result in an exceedance of the state waters sub-component or ACL for this stock.

Second, I reviewed the potential to increase the GOM yellowtail flounder trip limit from 250 pounds and am proposing to increase the trip limit to 350 pounds. GOM yellowtail flounder is among the species targeted by the GE fleet during April. Given the expected impact the proposed closures may have on GOM yellowtail flounder landings from the GE fleet, this modest trip limit increase should allow the GE fleet to recoup revenues that may be lost due to the April closure.

Federal specifications have set the state waters sub-component for GOM yellowtail flounder at 127,868 pounds (58 mt) for the 2022 fishing year (May 1, 2022 – April 30, 2023). In 2019, the GE fishery landed 93,256 pounds of GOM yellowtail flounder. Accordingly, there is some room to accommodate a modest increase in landings before approaching the state waters sub-component for this stock. That said, landings data indicates that only 8% of gillnet but 43% of trawl trips landed at or above 225 pounds of GOM yellowtail flounder per trip. Accordingly, a modest, 100-pound trip limit could be accommodated.

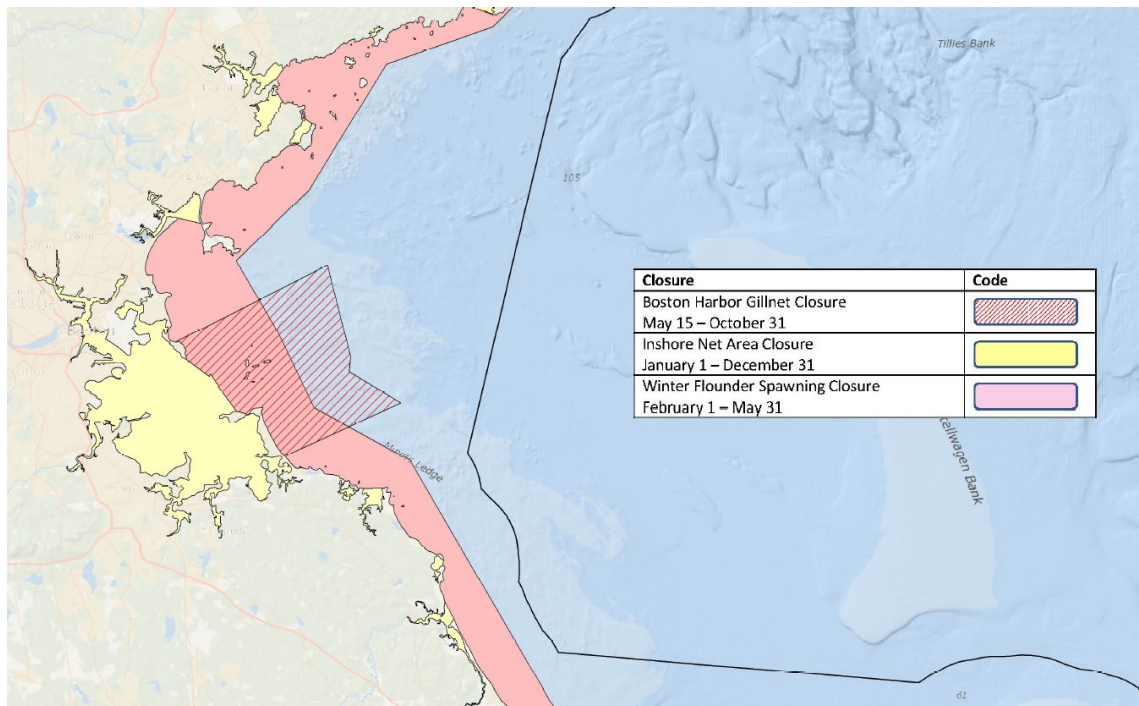
Lastly, I am proposing to rescind the May 15 – October 31 gillnet closure off Boston Harbor (Figure 11). DMF implemented this closure in the 1980s to constrain the proliferation of an emerging gillnet fishery for lobsters by a new user, as the gillnet fishery had not yet been made limited entry. This new gillnet fishing effort was producing substantial user group conflict with the Boston Harbor area lobster fleet. Rescinding this closure will not result in these issues reoccurring. There are only small number of active gillnet fishermen, and most are also active lobstermen. Accordingly, if they are going to target lobsters during the summer and fall, they are likely to switch over to lobster trap gear. Not only is this gear more effective and efficient at targeting lobsters, gillnet fishermen are restricted to a 100 pound lobster bycatch limit [[322 CMR 6.26](#)]. If this closure is eliminated it may open some productive bottom for season groundfish and dogfish gillnet effort. All existing overlapping time-area closures for spawning winter flounder and commercial groundfish management would continue to apply.

¹⁶ The New England Fishery Management Council is scheduled to finalize Framework 63 in December 2021, which may contain updated FY2022 limits for GOM cod. The Council's Science and Statistical Committee meets October 25th to review the June 2021 Management Track Assessment and information provided by the Council's Groundfish Plan Development Team (PDT) and recommend the overfishing limits and acceptable biological catch (ABC) for GOM cod for FYs 2022 – 2024.

Next Steps for Rule Making

I intend to take these items out to public hearing during the late fall and early winter of 2021. Following public hearings, a final recommendation will be provided to the MFAC during the winter of 2021-2022. If approved, final regulations will be implemented in early 2022.

Figure 11. Boston Harbor Gillnet Closure



Attachments

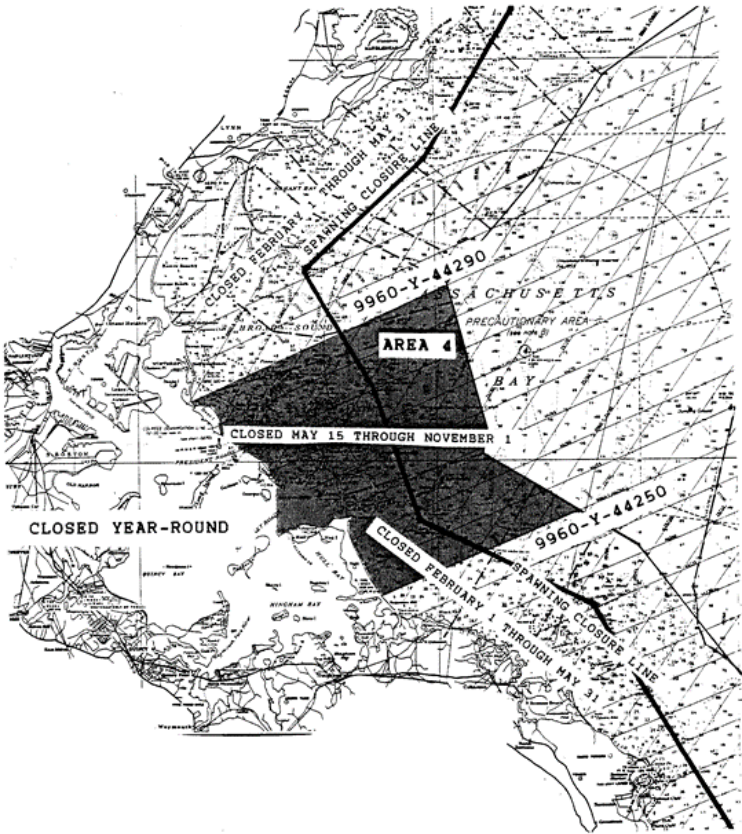
Draft strikethrough language

(4) Areas Closures.

(a) South and West of Cape Cod. It is unlawful to use, set, maintain, or fish with any sink gillnets during the period of April 1st through November 15th in waters under the jurisdiction of the Commonwealth in Mount Hope Bay and circumscribed by an imaginary line beginning at the intersection of the Loran C line 9960 Y 43940 with the Chatham shoreline; thence seaward following the Loran C line 9960 Y 43940 to the territorial seas line; thence in a southerly direction following the territorial seas line to its intersection with a point at 70 00'; thence in a southerly direction following the 70 00' line to its intersection with the territorial seas line; thence following the territorial seas line in a southerly direction and south of Nantucket Island and Martha's Vineyard to the Massachusetts/Rhode Island boundary; thence in a northerly direction following the Massachusetts/Rhode Island boundary to the shoreline; thence following the shoreline in an easterly direction to the starting point.

~~(b) Greater Boston Harbor. It is unlawful to use, set, place or maintain any sink gillnet from May 15th to November 1st beginning at the intersection of the Loran C 9960 Y 44250 line with the shoreline of the town of Hull; thence following the 44250 line to the so called otter and beam trawl line otherwise known as the old exterior line of the Commonwealth; thence following said line in a northerly direction to the intersection with the Loran C 9960 Y 44290 line; thence following the 44290 line in a westerly direction to the shoreline north of Deer Island; thence along the shoreline of Deer Island in a southerly direction to the southeasternmost tip of Deer Island; thence along an imaginary straight line to the northernmost point of Lovell Island; thence along the shore of Lovell Island to its southernmost point; thence along an imaginary straight line to the tower on Telegraph Hill in the town of Hull; thence along the shore eastward to Pt. Allerton and southward along Nantasket Beach to the intersection of the shore with the Loran C 44250 line at the point of beginning, all as appearing on Chart 322 CMR 4.04(4)(b).~~

Chart 322 CMR 4.04(4)(b)



322 CMR 6.03 Regulated Multi-Species Groundfish

(5) Commercial Fishery Cod Trip Limits. The trip limits established in 322 CMR 6.03(5) shall be determined by the weight of whole, whole-gutted, or gilled fish and shall apply to any trip or 24-hour period, whichever period is longer. It is unlawful for a vessel fishing in:

(a) Gulf of Maine Groundfish Management Area to possess onboard or land more than **300**
200 pounds of cod.

(b) Southern New England Groundfish Management Area to possess onboard or land more than 1,000 pounds of cod.

(7) ~~Seasonal~~ Commercial Fishery Limits for Yellowtail Flounder. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to possess onboard or land more than **350** **250** pounds of yellowtail flounder during a trip or 24-hour period, whichever period is longer.

322 CMR 8.05 Commercial Groundfish Closures

(2) April 15 – April 30 from ~~in Massachusetts Bay from~~ Plymouth to New Hampshire Border Marblehead. Except as provided at 322 CMR 8.05(9), from ~~April 1 through~~ April 15 through April 30, it ~~shall be is~~ unlawful for commercial fishermen to fish for, possess, or land regulated groundfish species taken within the waters under the jurisdiction of the Commonwealth between 42°00' north latitude **north to the Massachusetts/New Hampshire border.** ~~and 42/30' north latitude west of 70/30' west longitude.~~

~~The Director may annually rescind this April closure in accordance with the Declaration Process set forth at 322 CMR 6.41(2). This action may be taken if, based on the Division's review of relevant data, it determines that rescinding the closure will not result in an exceedance of the annual federally allocated state waters sub-component for regulated groundfish stocks during the federal fishing year of May 1 through April 30 or federal conservation objectives are not compromised.~~

322 CMR 12.04: Fixed Gear Seasonal Closures

- (1) Gillnet Closure to Protect Right Whales in Cape Cod Bay. It shall be unlawful for any Commercial Fisherman to fish, set, store, or abandon any sink gillnets within the waters under the jurisdiction of the Commonwealth during the period of January 1 through May 15. This closure may be extended past May 15 or rescinded after April 30 based on the presence or absence of right whales, in accordance with the process set forth at 322 CMR 12.04(3). ~~From January 1 through May 15 it shall be unlawful to fish, store or abandon gillnets within those waters under the jurisdiction of the Commonwealth, beginning at 42/12' north latitude and the shoreline; thence due east to where it intersects with the state-federal waters line; thence following the state waters line in an easterly direction to where it intersects with 70/10 west longitude; thence due south to where 70/10 west longitude intersects with the coastline of Cape Cod; thence following the shoreline along Cape Cod and South Shore back to the starting point at 42/12' north latitude and the shoreline.~~
- (2) Trap Gear Haul-out Period. It shall be unlawful for any Commercial Fisherman, to fish, set, store, or abandon any trap gear in any waters under the jurisdiction of the Commonwealth from February 1 through May 15. **This closure may be extended past May 15 or rescinded after April 30 based on the presence or absence of right whales, in accordance with the process set forth at 322 CMR 12.04(3).** Exception: This shall not apply to those waters under the jurisdiction of the Commonwealth within Lobster Management Area 2, as defined at 322 CMR 6.33(2)(e): LCMA 2. ~~This closure may be extended past May 15 or rescinded after April 30 based on the th th presence or absence of right whales, in accordance with the process set forth at 322 CMR 12.04(3).~~
- (3) Notice of Declaration to Amend Timing of Fixed Gear Seasonal Closures. The Director, through Notice of Declaration, may adjust the duration of the fixed gear seasonal closures at 322 CMR 12.04(1) and (2), as reasonably necessary to prevent the entanglements of the North Atlantic right whale in fixed fishing gear based on the Director's assessment of the documented presence of the North Atlantic right whale in Massachusetts waters. The Director shall amend the timing of these fixed gear seasonal closures by filing the Notice of Declaration with the Secretary of State for publication in the Massachusetts Register, publishing the Notice on the Division's Legal Notice web page, and distributing it via the Division's e-mail list serve.

Overarching Management Measures Affecting Commercial State Waters Groundfish

- **Limited Entry Permitting**

- Groundfish Endorsement (“GE”); Gillnet Endorsement; Coastal Access Permit (“CAP”)

- **Time-Area Closures**

- Gear type closures; protected species closures; groundfish spawning closures; groundfish mortality closures.

- **Trip Limits**

- cod @ 200 lbs; yellowtail flounder @ 250 pounds; grey sole @ 750 pounds; winter flounder @ 500 pounds.

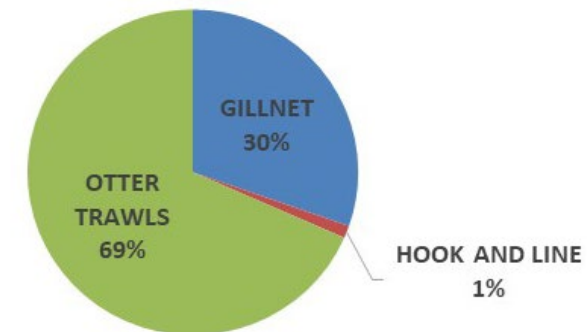


Overview of Permitting

- **Gillnet Endorsement** - Established in 1987. Required to set sink gillnet gear in state waters. Made limited entry in 1992. Not transferable.
- **Coastal Access Permit (CAP)** – Established in 1993. Required to fish mobile gear in state waters. Made limited entry in 1995. Transferability criteria developed in 1998.
- **Groundfish Endorsement (GE)** – Established in 2005. Permits the state-waters commercial fishery for groundfish. Issuance limited only to those with commercial groundfish fishing history who do not hold a federal groundfish permit on the same vessel. Not transferable except if bundled with a CAP permit.
 - A majority of GE permits (466/551) are not assigned to a commercial fishing permit that holds an endorsement for gillnets or mobile gear. This effectively makes them hook and line only permits or allows for the retention of bycatch from trap gear.
 - While gillnetters and trawlers only make up 15% of the GE permit holder population, they were responsible for 99% of the GE groundfish landings in 2019.

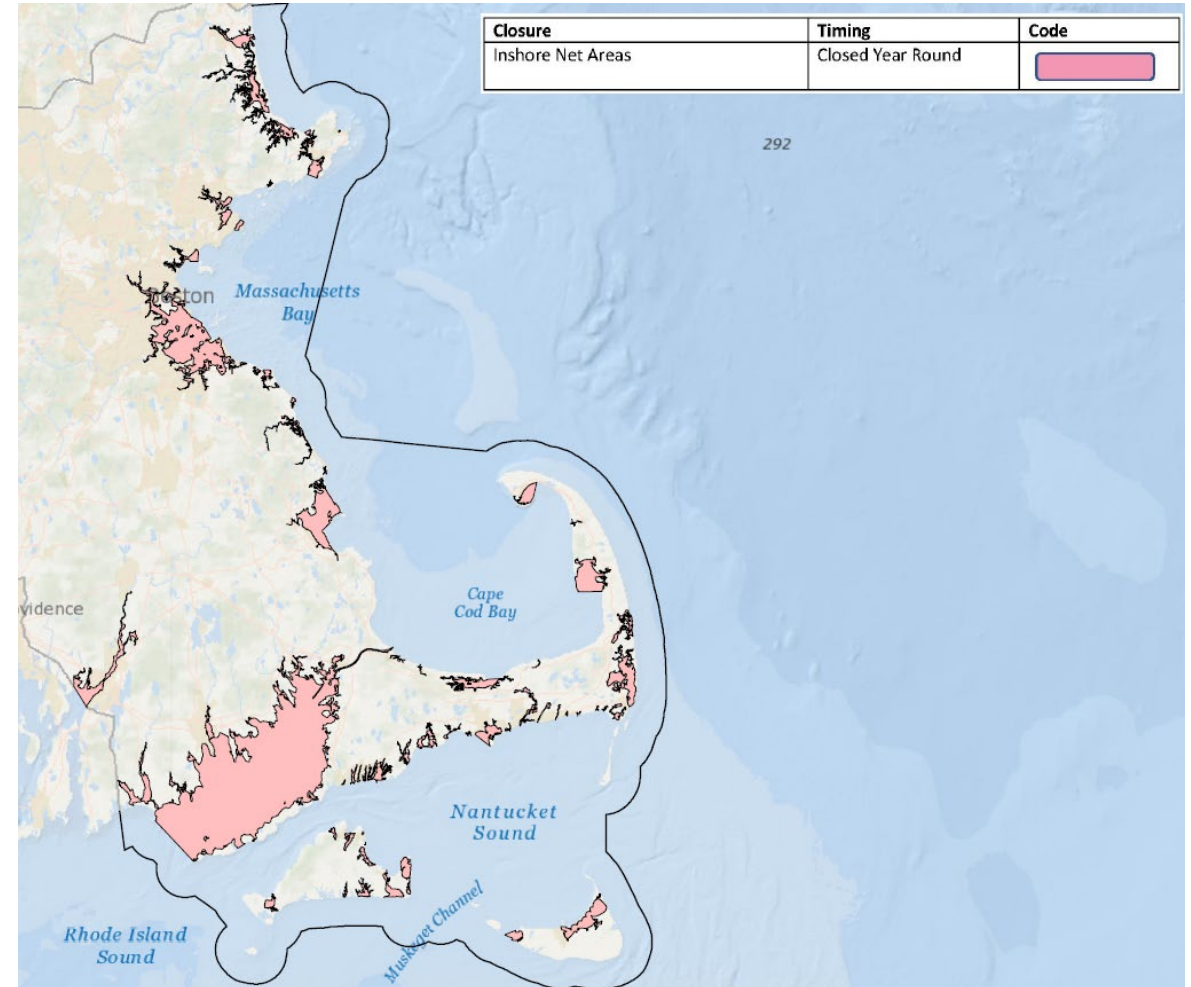
Permit Class	Issued (2021)	With GE (2021)	GE Landings (2019)
GE (All)	551	N/A	28
Gillnet	73	35	8
CAP	189	50	15
Other	N/A	289	5

Total Fishing Year 2019 State-Only Groundfish Landings by Gear Type



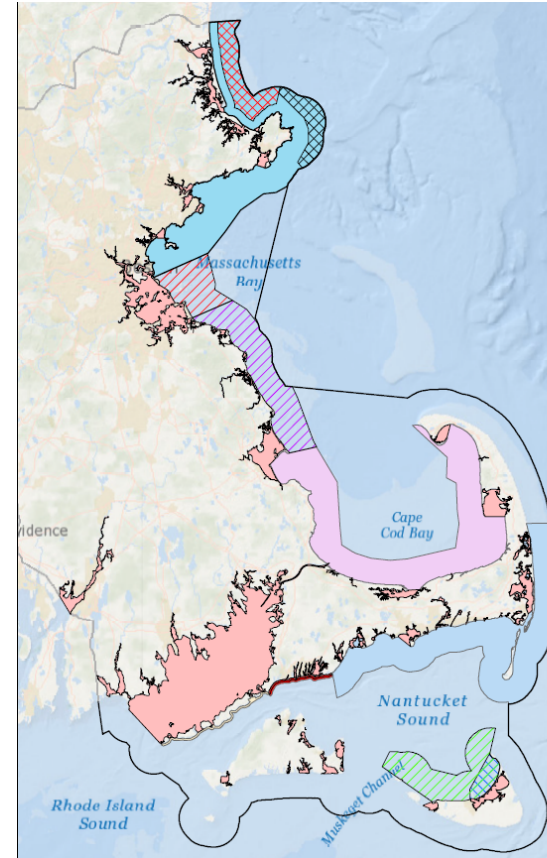
Inshore Net Closure Areas

- Most closures date back to the 1960's and 70's. Motivated by MFAC's concerns about estuarine fisheries in the 1960's-70's. (Buzzards Bay closed to all net fishing since 1880's).
- Through combination of legislative acts and regulatory acts, the inshore harbors and embayments are closed to all net fishing unless otherwise permitted.
- Gillnetting and trawling is prohibited within Inshore Net Areas.
- DMF issues annual Inshore Net Permits to accommodate certain net fishing in certain embayments subject to area-specific permit conditions (Inshore Net Permit Conditions).
- Historically issued permits for some trawling, fyke-netting, and gillnetting in inshore net areas. None issued for these activities today.
- Active Inshore Net Permits now issued for the limited entry purse seine fishery for menhaden.



Mobile Gear Closures

- Some waters out to the old exterior boundary of the Commonwealth ("Line of 1881" or "Otter and Beam Trawl Line") were closed seasonally – or year round - by legislative acts in the 1920s and 1930s.
- Closures were implemented to address gear and user group conflicts between mobile gear fishermen and fixed gear fishermen and sportsmen.
- In 1960s, regulatory authorities were granted to DMF and MFAC. Many legislative acts – including mobile gear closures – were rescinded and transformed into regulation in early 1970s.
- Geographic extent of state waters expanded in 1980s. Nantucket Sound "donut hole" through the Magnuson Act for fisheries management in 1983. In 1985, following US v Maine, MA gained control of MA Bay and Cape Cod Bay.
- Historically, DMF and MFAC have amended mobile gear closures to:
 - Restrict mobile gear effort to address user group conflicts (e.g., Cape Cod party/charter boat fleet and Areas 6A and 6B); and
 - provide additional seasonal access to certain resources (e.g., sea scallops and whiting in Area 1A and 1B).



Closure	Timing	Code
Inshore Net Areas	Closed Year Round	
Area 1 – North Shore Closure	Closed Year Round	
Area 1A – Rockport/Gloucester Exemption to North Shore Closure	February 1 – March 31	
Area 1B – Ipswich Bay Exemption to North Shore Closure	June 15 – September 30	
Area 2 – Boston Harbor Closure	December 15 – April 30	
Area 2 – Boston Harbor Closure	April 1 – December 31	
Area 3 – South Shore Closure	May 1 – October 31	
Area 4 – Cape Cod Bay Closure	May 1 – October 31	
Area 5 – South Cape East Closure	May 1 – October 31	
Area 6A – Falmouth to Mashpee 1/2 mi closure	June 1 – October 31	
Area 6B – Falmouth to Mashpee 1/4 mi closure	April 23 – May 31	
Area 7 – Elizabeth Islands Closure	May 1 – October 31	
Area 8A – Nantucket North Shore Closure	April 1 – April 30	
Area 8B – Nantucket Harbor Closure	June 1 – September 15	

Gillnet Closures

South and West of Cape Cod

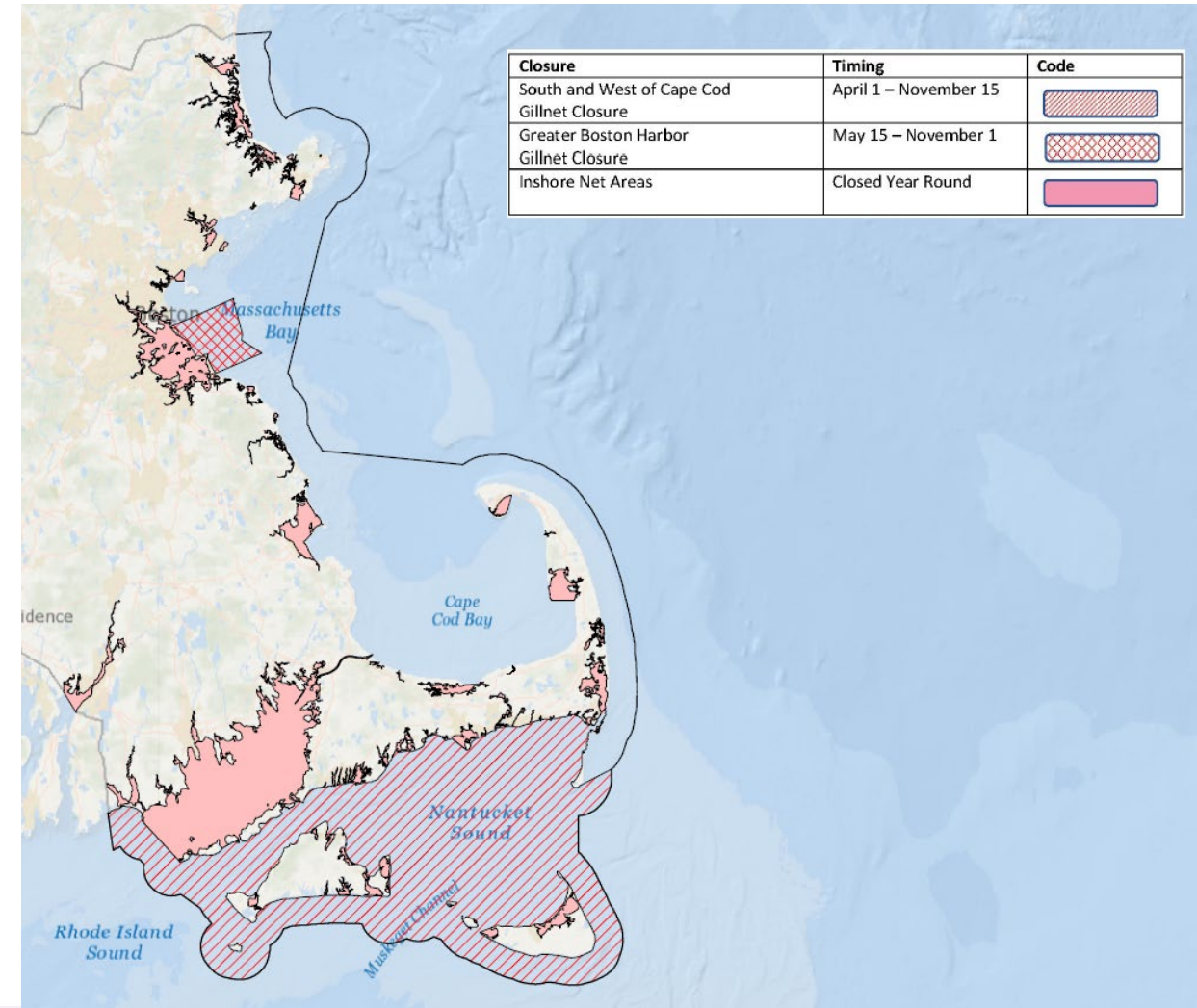
- 1988 - Closed all waters south and west of Cape Cod to gillnet fishing.
- Driven by concerns about striped bass bycatch and the emergence of a tautog gillnet fishery.

Boston Harbor

- 1988 - Closed certain waters around outer Boston Harbor to gillnet fishing.
- Driven by an emerging lobster gillnet fishery in Boston Harbor and a user group conflict with local trap fishermen.

Lobster Bycatch Rules

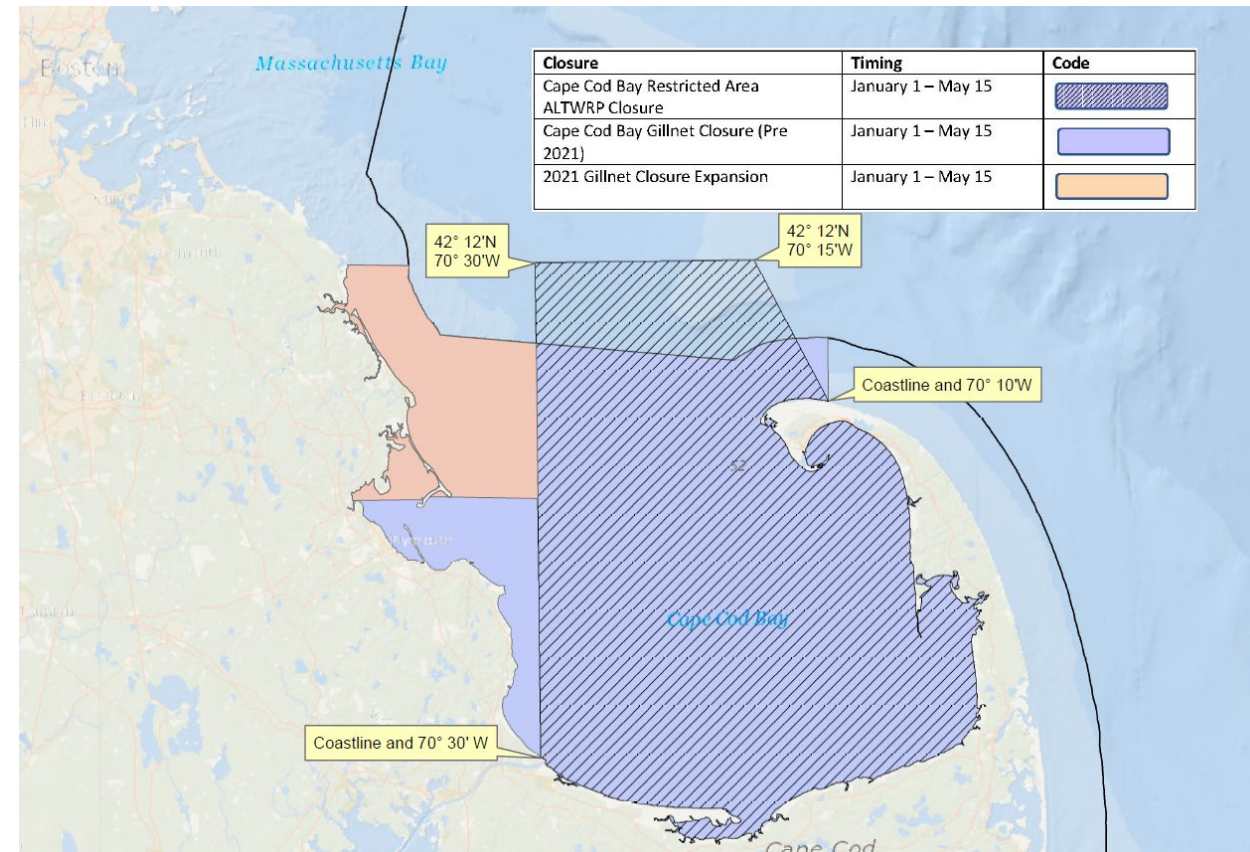
- 1997 - 100 count lobster bycatch limit was established for gillnet gear
- 2007 – OCCLCMA limited to lesser of 100 count or 2 totes



Gillnet Closures for Protected Species

Right Whale Closure Affecting Gillnets

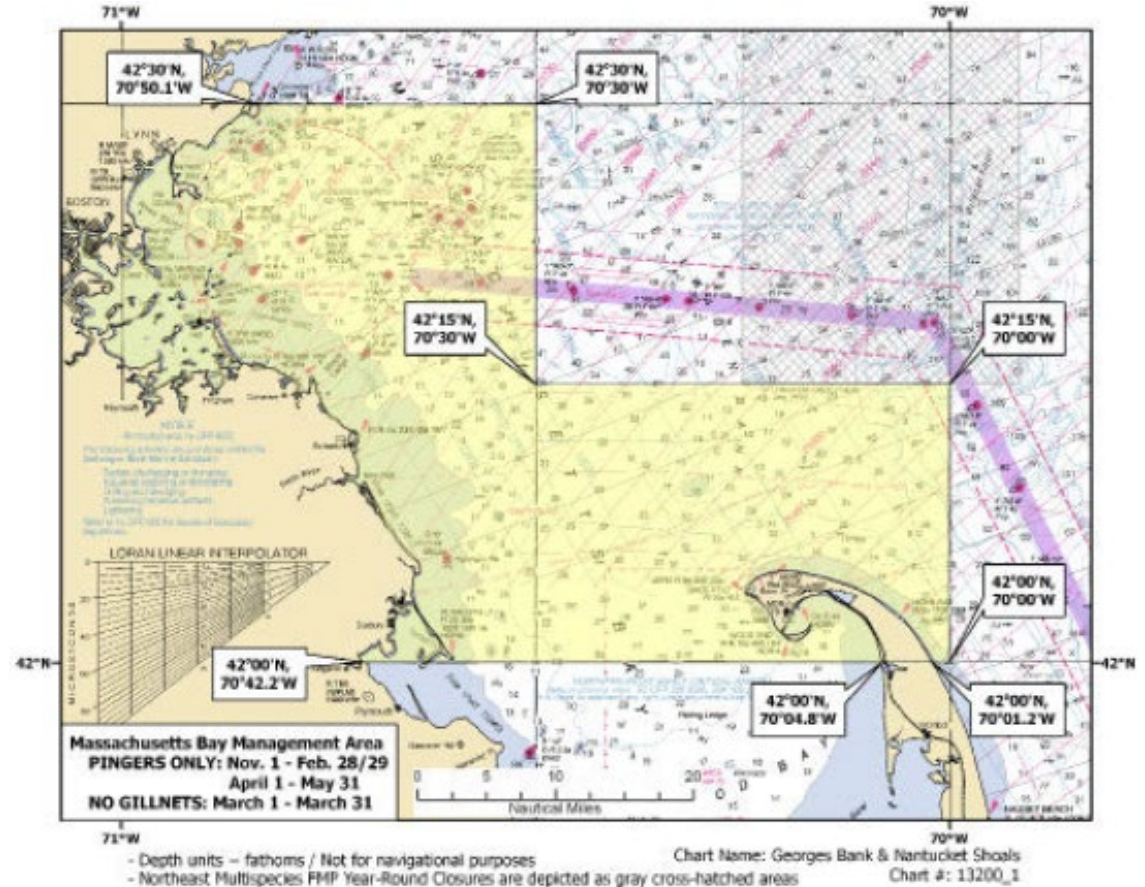
- 1997 – Closed Cape Cod Bay Critical Habitat closed by DMF to gillnet fishing activity from January 1 – May 15.
- Critical Habitat closure was later adopted as Cape Cod Bay Restricted Area under the federal Atlantic Large Whale Take Reduction Plan (ALWTRP).
- ALWTRP is promulgated under Marine Mammal Protection Act (MMPA) and applies to all commercial fishing, whether state or federally permitted.
- Early 2000s – DMF closes waters to the west of the Critical Habitat (70°30'W) in Cape Cod Bay south of Plymouth (42°00'N).
- 2021 – DMF closes waters to the west of the Critical Habitat (70°30'W) in Cape Cod Bay between Plymouth (42°00'N) and Scituate (42°08'N).



Gillnet Closures for Protected Species (Cont.)

Harbor Porpoise MA Bay Management Area

- Federal regulations apply under Harbor Porpoise Take Reduction Plan (HPTRP)
- HPTRP is promulgated under MMPA and applies to all commercial fishing, whether state or federally permitted.
- Closes MA Bay Management Area annually to gillnets from March 1 – March 31.
- Pingers required on gillnets in MA Bay Management Area seasonally from November 1 – February 29 and April 1 – May 31



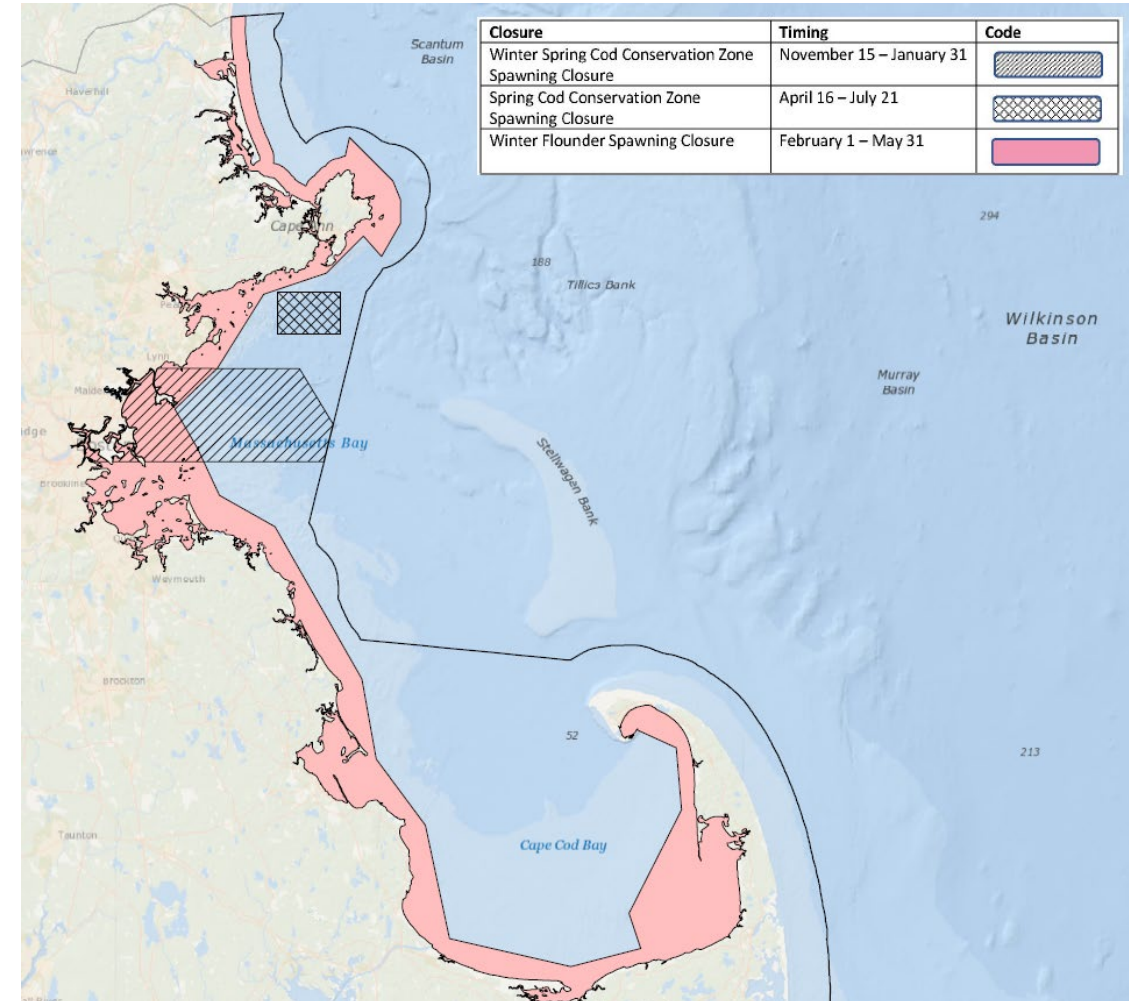
Groundfish Spawning Closures

Winter Flounder Spawning Closure

- 1986 – Adopted closure for period of February 1 – April 30.
- 1990 – Amended closure to include month of May.
- Winter flounder spawn in nearshore waters during late winter and spring. Closure prohibits commercial groundfish fishing in nearshore waters of GOM during the spawning period.
- Exempts use of longlines for cod using j-hooks with a gape of $11/16$ " or greater or circle hooks with a gape of $1/2$ " or greater.

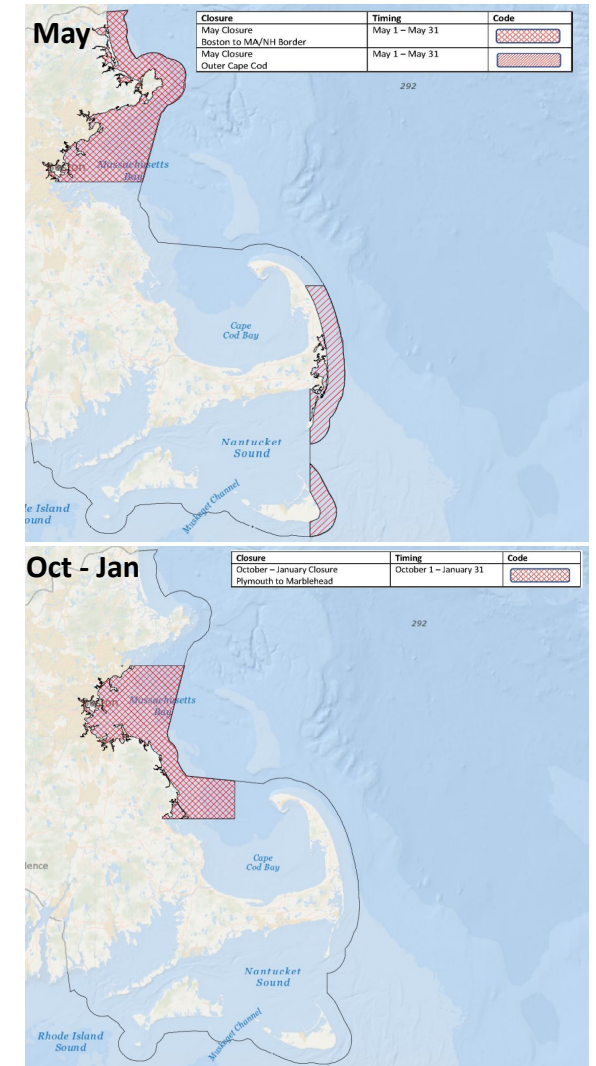
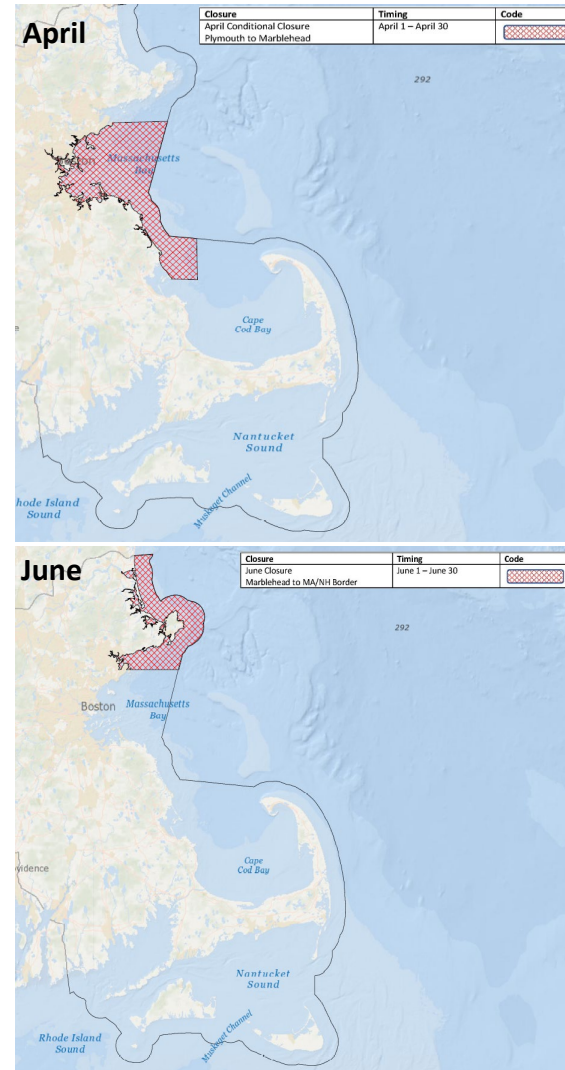
Cod Conservation Zones (CCZ)

- 2005 - Winter CCZ established in 2005. Closed certain waters off Nahant to the retention of cod or the use of certain gears while fishing. Closure occurs from November 15 – January 31.
- 2011 - Northeastern boundary modified to open some area to flounder fishing.
- 2009 - Spring CCZ established. Closed certain waters off Marblehead to the retention of cod or the use of certain gears while fishing.
- Timing of closure was modified in early 2010s, but since 2011 the closure occurs from April 16 – July 21.



Groundfish Mortality Closures

- Late-1990s - DMF matched federal rolling closures for the commercial groundfish. Designed to control mortality and landings, but given seasonality also provide broad-scale spawning protections.
- 2016 – Most recent modification to seasonal closures.
 - May 1 – May 31 between Boston (42°20'N) and MA/NH Border and East of Cape Cod south of 42°00'N.
 - June 1 – June 30 between Marblehead (42°30'N) and MA/NH Border
 - October 1 – January 31 between Plymouth (42°00'N) and Marblehead (42°30'N) west of 70°24'W.
 - Closures apply to any commercial fishing gear capable of catching groundfish, with exceptions for hook and line to target dogfish, bluefish, striped bass, tuna and mackerel; mid-water trawls; pots and traps; shellfish dredges; and cast nets, surface gillnets, and purse seines.
- 2019 - Adopted the April conditional closure between Plymouth (42°00'N) and Marblehead (42°30'N) west of 70°30'W.
 - Fail-safe to prevent GE fleet from causing overages of the ACL set by NOAA and triggering accountability measures affecting federal permit holders.
 - Closure has been lifted each of the three-years since its implementation.



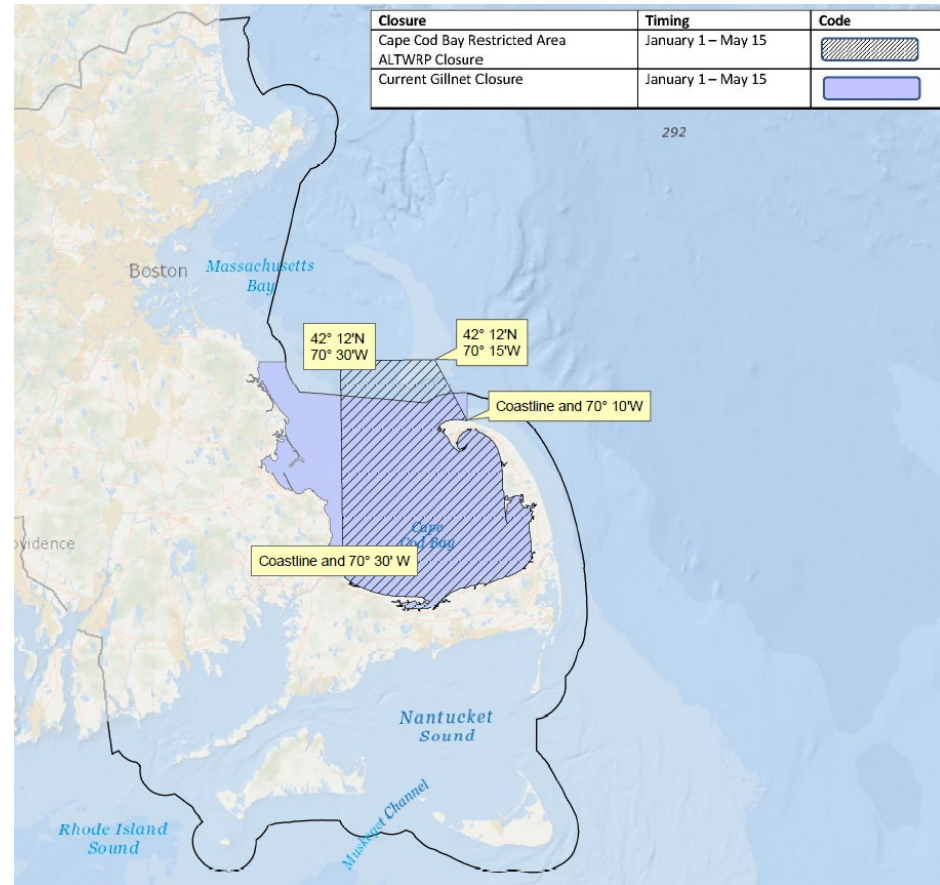
Groundfish Trip Limits

- Under federal plan, a portion of the overall ACL for each stock is accounted for as catch by non-federal permit holders in state waters fisheries (“state water sub-component”).
- The components cover fisheries occurring in state waters of all NE states.
- MA is the principal participant for GOM stocks, as other GOM states do not have substantial state waters commercial groundfish fisheries.
- DMF establishes trip limits for a variety of stocks to control state waters catch.
- Trip limits also apply to federal permit holders fishing in state waters.

Stock	Trip Limit
GOM Cod	200 pounds
Haddock	Unlimited
GOM Winter Flounder	500 pounds
Yellowtail Flounder	250 pounds
Grey Sole	750 pounds
SNE Cod	1,000 pounds
SNE Winter Flounder	50 pounds
Monkfish	1,560 pounds whole weight 536 pounds of tail weight



DMF Proposal to Expand Gillnet Closure to Protect Right Whales

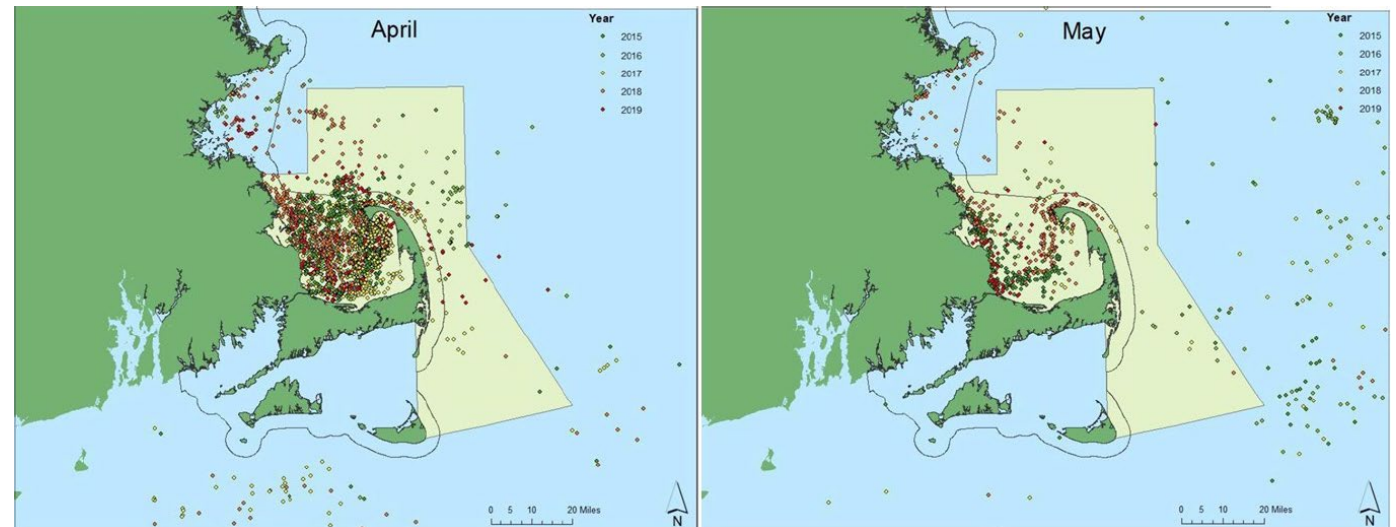


Proposal:

- Expand existing January 1 – May 15 to all state waters
- Allow for closure outside ALWTRP closure to be lifted after May 1 if whales migrate out.
- Allow for closure to be extended should whales remain.

Rationale:

- Spatially expands gillnet closure into areas where right whales are known to seasonally use.
- Reduces risk of entanglement in April and May, particularly in MA Bay.



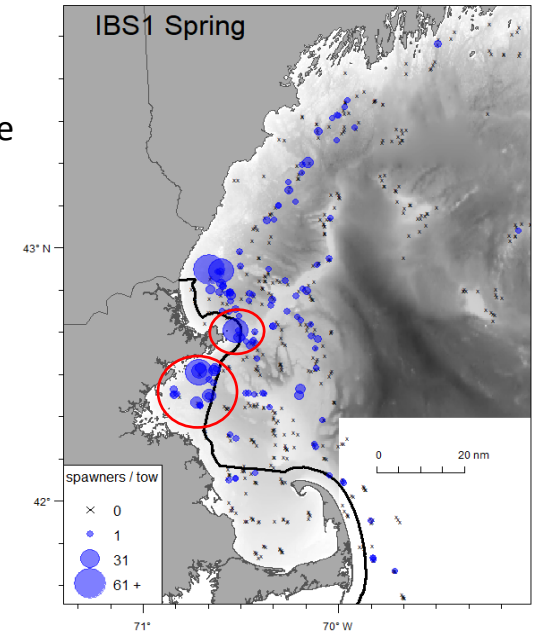
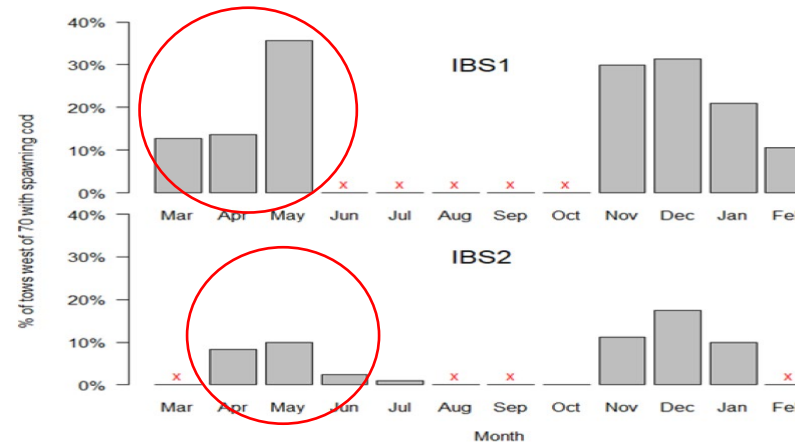
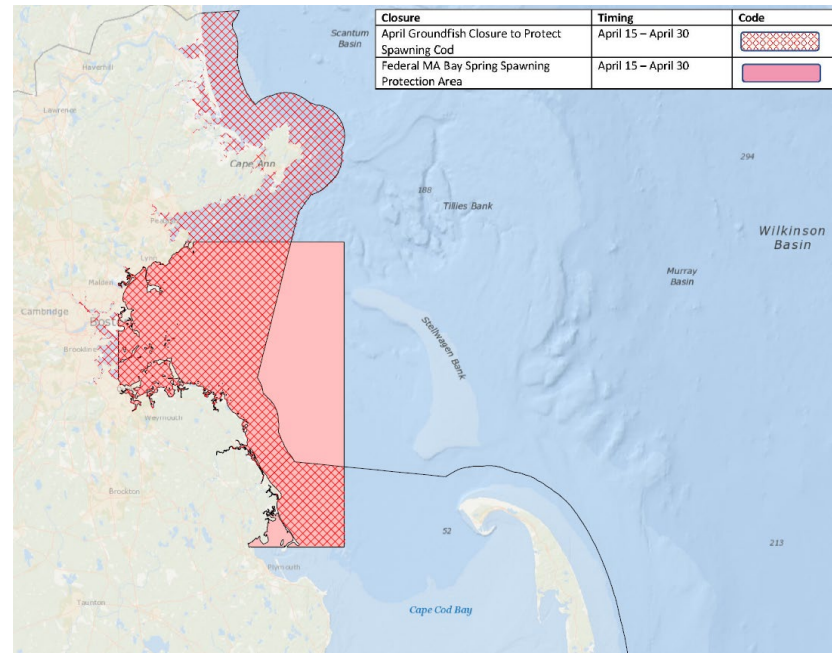
DMF Proposal for April 15 – 30 Groundfish Closure

Proposal:

- Adopt April 15 – April 30 commercial groundfish closure from Plymouth to MA/NH border west of 70°30'W to protect spawning cod. This would prohibit commercial groundfish fishing and the use of certain gears capable of catching groundfish. The prohibition would not apply to sea scallop dredges.

Rationale:

- Addresses evolving knowledge of spring cod spawning activity and importance of sub-populations.
- Provides expanded area closures to protect where spawning cod were observed during IBS1 when sub-population was more robust.
- Provides more broad scale seasonal spawning cod protection in GOM
- Compliments federal Spring MA Bay Spawning Protection Area



DMF Proposal to Rescind Conditional April Closure

Proposal:

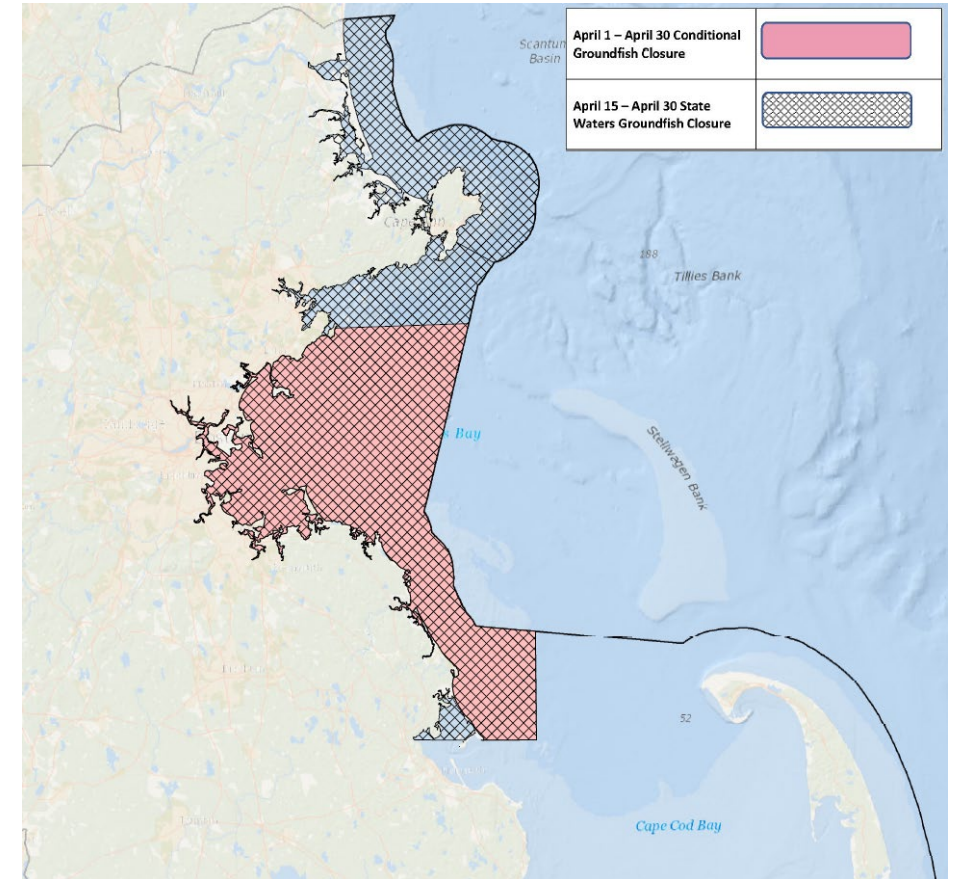
- Rescind conditional April 1 – April 30 commercial groundfish closure from Plymouth to Marblehead west of 70°30'

Background

- Adopted in 2019 as fail-safe to prevent GE fleet from causing overages of the ACL set by NOAA and triggering accountability measures affecting federal permit holders.
- Closure has been lifted each of the three-years since its implementation.

Rationale

- Will be mostly redundant if implement new gillnet closure to protect right whales and commercial groundfish closures to protect spawning cod.
- Less need for a fail-safe with new closures, continued attrition in fishery and underutilization.



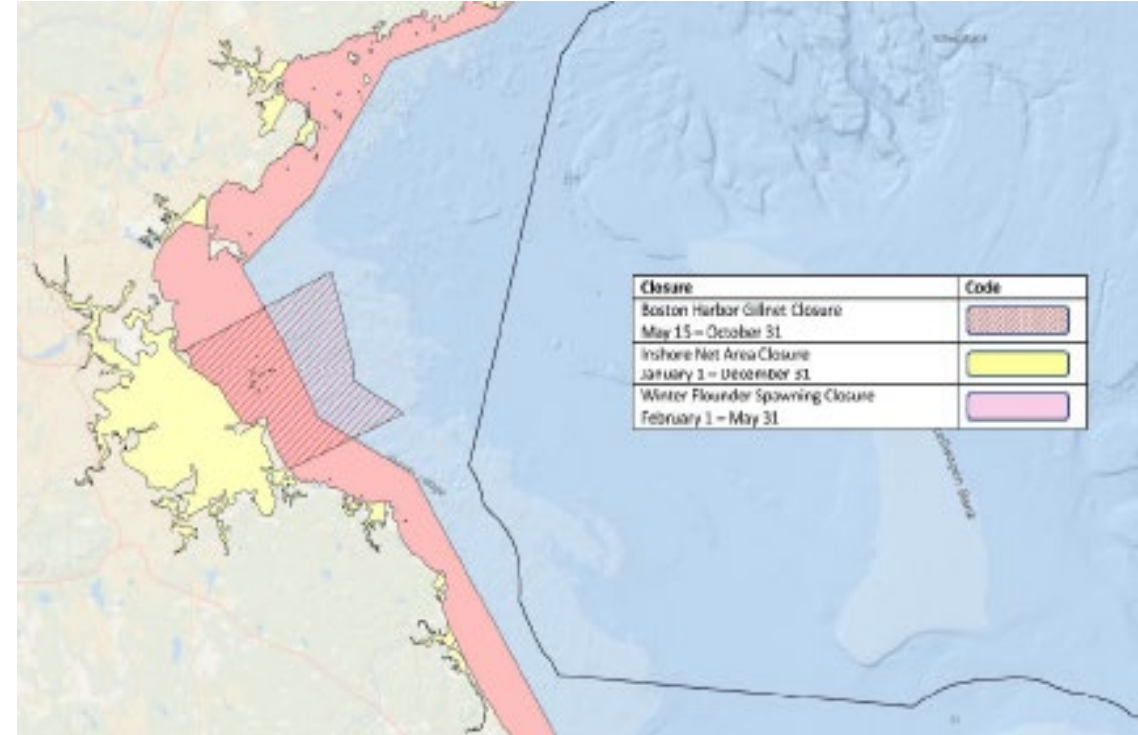
DMF Proposal: Eliminate a Seasonal Gillnet Closure and Liberalize Certain Trip Limits

Proposal:

- Increase GOM cod trip limit from 200 lbs to 300 lbs
- Increase GOM yellowtail flounder trip limit from 250 lbs to 350 pounds
- Eliminate outer Boston Harbor Gillnet seasonal closure

Rationale:

- Enhance access to certain GE stocks with an underutilized sub-component.
- Increased fishing opportunities at times and in places where there are not spawning and protected species concerns.
- May reduce regulatory discards.



Protected Species Update

- August 2021 - NMFS proposed a new fishery in 2022 Draft List of Fisheries published in the federal register
 - MA Mixed Species Pot/Trap Fishery
 - Includes all trap/pot fisheries – lobster pot, whelk pot, fish pot
 - Separates our pot fisheries from all other state and federal pot fisheries
 - Sets us up for a successful ITP application
 - Requires that all gear in the fishery is distinguishable from other pot/trap gear
 - MFAC approved unique lobster pot gear marking regulations in June 2021
- December 2021 - Final 2022 List of Fisheries publication expected
 - NMFS currently reviewing and addressing public comment
 - DMF has not implemented a unique gear marking scheme for the whelk pot and fish pot fisheries
 - Since all MA pot/trap fisheries are listed as one fishery we need to have the same gear marking requirements for all components – lobster, whelk, fish pot
- January 2022 – DMF public hearing
 - DMF will need to promulgate new regulations to have state lobster/trap gear marking rules apply to whelk and fish pot fisheries in state waters.
 - Anticipate public hearing this winter for implementation in 2022.



Protected Species Update

- NMFS published the 2020 Right whale population estimate
 - 2020 estimate is 336 Right whales
 - 2019 estimated mortality was 33
 - 12 – Observed Serious Injury and Mortality
 - 21 – Cryptic Mortality
 - ~68 reproductive females that have a 50% or greater likelihood of being alive
- With the updated population estimates NMFS now projects that a 92% reduction in the risk of SIM is necessary to achieve PBR
- NMFS is currently re-evaluating if additional measures under the ALWTRP will be required immediately



Protected Species Update

- DMF investigating options/approaches to removing abandoned gear in the closure
 - Need for statutory changes on gear possession rules to allow for efficient/timely retrieval of abandoned gear
 - Short Term - DMF will fund an effort to hire commercial lobster vessels to haul abandoned gear from the closure
 - Long Term - DMF applying for NOAA Marine Debris grant to initiate a self-sustaining program – looking at model program in CA, OR, and WA
- DMF organizing a meeting of key MA state legislators and staff from fisheries agencies on the West Coast to learn more



Protected Species Update

- DMF Ropeless Fishing Workshop – October 13-14
 - 60 attendees: 20 fishermen, 3 Fishing Organizations, 2 law enforcement, even mix of regulators, gear developers and conservation organizations
- Major Take Away's...
 - Much more work is needed to fully understand the potential for gear conflict and how to resolve it
 - Major concerns on scalability of ropeless fishing – how would ropeless fishing impact small owner/operator business
 - Major concerns about equity in the approval of EFP/LOA to ropeless fish
 - Who gets access to fish who doesn't? Who gets access to free gear from NMFS?
 - Concern that there is uncertainty in the process to obtain an EFP/LOA
 - What does a fishermen need to do? What are the criteria





Atlantic States Marine Fisheries Commission

2021 Fall Meeting Webinar Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Fall Meeting Webinar
October 18-21, 2021

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

Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 18, 2021)

Meeting Summary

The American Lobster Management Board (Board) met to consider four items: the annual data update, an update on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank resiliency, a progress update on Draft Addendum XXIX on electronic tracking requirements in the federal lobster and Jonah crab fisheries, and next steps for developing a management strategy evaluation (MSE) for the lobster fishery.

The Technical Committee (TC) Chair reviewed updates to American lobster stock indicators, including young-of-year (YOY) settlement indicators, trawl survey indicators, and ventless trap survey indices. This data update process was recommended during the 2020 stock assessment to more closely monitor changes in stock abundance, and will occur annually moving forward. Indicators were updated with data from 2019 and 2020, where possible, as data collection was impacted by the COVID-19 pandemic. The current status of each indicator was determined as negative, neutral, or positive and the results relative to conditions during the 2020 stock assessment are summarized below.

Gulf of Maine

- Indicators showed some changing conditions since the 2020 stock assessment with slight improvement in YOY conditions, but some signs of declines in trawl survey and ventless trap survey indicators.

Georges Bank

- Only trawl survey indicators are available for this region. While the surveys were disrupted by the COVID-19 pandemic and have high interannual variability, the available indicators show some early signs of decline.

Southern New England

- Indicators generally aligned with conditions found in the 2020 stock assessment, including negative conditions inshore and neutral conditions offshore.

Staff provided an update on the development of the Draft Addendum XXVII, which was initiated to proactively increase biological resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock by considering a trigger mechanism that would automatically implement management measures if the trigger is reached. The Plan Development Team (PDT) provided draft management options for consideration based on analysis and recommendations from the TC as well as guidance from the Board. The TC analysis showed that of the current biological management measures, changes to the minimum and maximum gauge sizes are most likely to have a positive impact on spawning stock biomass. Therefore, the PDT recommendations included management triggers based on an index of recruit abundance that would result in the implementation of changes to the minimum and maximum gauge sizes to increase spawning stock biomass. The PDT also proposed options to consider standardizing some management measures at final approval of the addendum. Following the PDT's recommendation, the Board modified the objective of the addendum to clarify the goals of the action. Specifically, the new objective addresses declining trends in survey abundance indices since 2018, and specifies that the addendum aims to increase the protection of spawning stock biomass. Given the Board's guidance, the PDT will finalize the draft addendum document for the Board's consideration for public comment at the Winter 2022 meeting.

Staff also provided a progress report on the development of Draft Addendum XXIX, which was initiated in August 2021 to consider electronic tracking requirements for federal permit holders in the lobster and Jonah crab fisheries. This proposed action aims to address a critical need for high-resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fleet. In particular, these data are needed to address several challenges facing the fisheries, including Atlantic right whale risk reduction efforts, marine spatial planning discussions, and offshore enforcement. While further work is still needed, the PDT has discussed potential specifications and requirements for tracking devices, harvesters, and states that will be necessary to ensure these data needs are met. The Draft Addendum will be considered by the Board for public comment at a standalone Board meeting later in 2021.

The Board discussed next steps for the development of a management strategy evaluation (MSE) for the lobster fishery. Though the Board is still interested in pursuing an MSE in the future, it agreed to prioritize current efforts on Draft Addenda XXVII and XXIX, as well as state-level efforts related to large whale risk reduction and wind energy development. The Board postponed further discussion on the development of an MSE until the Winter 2023 meeting.

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

Motions

No motions made.

ATLANTIC HERRING MANAGEMENT BOARD (OCTOBER 18, 2021)

Meeting Summary

The Atlantic Herring Management Board met to set the quota periods for the 2022 Area 1A fishery for Atlantic herring. In February 2021, the Board set specifications for the 2021-2023 fishing years for Atlantic herring, including the sub-annual catch limit (sub-ACL) for the 2022 Area 1A fishery of 1,184 metric tons. Per Amendment 3 to the Atlantic Herring Fishery Management Plan, quota periods shall be determined annually for Area 1A. The Board can consider distributing the Area 1A sub-ACL using bi-monthly, trimester, or seasonal quota periods. The Board can also decide whether quota from January through May will be allocated later in the fishing season, and underages may be rolled from one period to the next within the same year. For the Area 1A 2022 fishing year, the Board adopted a seasonal quota approach with 72.8% available June-September, and 27.2% available October-December with underages from June through September rolled into the October through December period, if applicable.

The Board also discussed the postponed Draft Addendum III. In May 2020, the Board postponed final action on Draft Addendum III, which was initiated to consider new approaches for managing the Area 1A fishery under low quotas. This action was in response to the challenges encountered in managing the reduced sub-ACL based on the 2018 benchmark stock assessment, which highlighted declining trends in recruitment and spawning stock biomass. Draft Addendum III also considers expanding landing provisions across different permit categories within the days out program. Public comment on the Draft Addendum was received in February and March 2020 with four public hearings held in three states (Maine, New Hampshire and Massachusetts). In May 2020, the Board postponed final action on

Addendum III until a final rule for the Council's Amendment 8 has been published and until the Council and Commission leadership conduct discussions on coordination of Atlantic herring management. To the first issue, NOAA Fisheries published the final rule on Amendment 8 in January 2021. To the second issue, Commission leadership indicated that coordination discussions between the Commission and Council are ongoing and a white paper may be developed based on the discussions. Further updates on this coordination effort will be provided at future Board meetings.

Finally, the State of Maine noted a potential loss of funding for the Maine Department of Marine Resources' Atlantic herring portside sampling in future years and the need to discuss funding impacts and sampling resources moving forward.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at EFranke@asmfc.org or 703.842.0740.

Motions

Move to allocate the 2022 Area 1A sub-ACL seasonally with 72.8% available from June through September and 27.2% allocated from October through December. The fishery will close when 92% of the seasonal period's quota has been projected to be harvested and underages from June through September shall be rolled into the October through December period.

Motion made by Ms. Ware and seconded by Mr. White. Motion is approved by consensus.

TAUTOG MANAGEMENT BOARD (OCTOBER 18, 2021)

Press Release

Tautog Regional Assessments Update Show Improvements in Stock Status

Arlington, VA – The Commission's Tautog Management Board reviewed the results of 2021 Regional Stock Assessments Update, which found improvements in most regions. Stocks within the Long Island Sound (LIS) and Delaware/ Maryland/Virginia (DelMarVa) regions are not overfished, with improved stock status for both regions from the last assessment in 2017. For LIS, New Jersey/New York Bight (NJ-NYB), and DelMarVa, fishing mortality also decreased with the stock not experiencing overfishing in any regions; also an improvement from the previous assessment. In the Massachusetts and Rhode Island (MARI) region, stock status remains unchanged with the stock not overfished nor experiencing overfishing.

Each regional assessment used information through 2020, including calibrated recreational data from the Marine Recreational Information Program (MRIP). Over 90% of the total harvest of tautog across all regions comes from the recreational fishery. In addition to regional indices of abundance from fishery-independent surveys, a catch per unit effort index was developed using MRIP data for each region because tautog are not easily sampled by standard fishery-independent surveys. The new MRIP estimates resulted in higher estimates of spawning stock biomass (SSB) and recruitment in all regions, but had less of an impact on fishing mortality.

Tautog Stock Status and Reference Points by Region

Stock Region	Spawning Stock Biomass (in millions of pounds)			Fishing Mortality			Stock Status
	Target	Threshold	2020 Estimate	Target	Threshold	3-year Average	
MARI	10.09	7.57	14.90	0.28	0.49	0.23	Not overfished; overfishing not occurring
LIS	14.83	11.12	14.70	0.26	0.38	0.30	Not overfished; overfishing not occurring
NJ-NYB	14.45	10.78	10.54	0.19	0.30	0.26	Overfished; overfishing not occurring
DelMarVa	9.90	7.40	9.66	0.17	0.27	0.06	Not overfished; overfishing not occurring

The regional assessments for MARI and LIS indicated strong year classes in recent years have contributed to increasing trends in SSB. In the DelMarVa region, landings and fishing mortality have declined significantly since 2012, resulting in an increase in SSB over the time period. While the NJ-NYB region remains overfished, the SSB has been trending upward since the last assessment update.

Since no regions are experiencing overfishing, the Board chose to not make any management changes at this time. A more detailed overview of the tautog regional stock assessment update is available on the Commission website at

http://www.asmfc.org/uploads/file/61705d532021TautogAssessmentOverview_Oct2021.pdf. It was developed to aid media and interested stakeholders in better understanding the results. The assessment update will be available on the Commission website on the tautog webpage the week of October 25th.

For more information on the stock assessments, please contact Katie Drew, Stock Assessment Team Lead, at kdrew@asmfc.org; and for more information on tautog management, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at krootes-murdy@asmfc.org.

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PR21-25

Motions

No motions made.

ATLANTIC LARGE WHALE TAKE REDUCTION TEAM UPDATE (OCTOBER 18, 2021)

Meeting Summary

NOAA Fisheries provided an overview of North Atlantic right whale mortalities and gear interactions by fishery and gear type along the Atlantic coast. It also updated the states on the efforts of the Atlantic Large Whale Take Reduction Team to develop recommendations to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce risk to North Atlantic right whales. NOAA is implementing the ALWTRP changes in two phases.

Phase 1 focuses on the Northeast American lobster and Jonah crab trap fisheries, and has undergone final rulemaking. Specific measures include additional restricted areas, reducing line strength, and improving gear identification. Full implementation of these measures have been stalled given a recent court ruling prohibiting the enforcement of the Lobster Conservation Management Area 1 (inshore Gulf of Maine) Restricted Area for North Atlantic right whales and other large whales. NOAA Fisheries is considering its response to the court ruling, which may include re-evaluating the use of other measures to reduce the risk of entanglements and mortality.

Phase 2 focuses on a number of additional fisheries, including gillnets on a coastwide basis and Atlantic mixed species trap/pot fisheries. The Take Reduction Team is scheduled to meet in early 2022 to discuss possible measures and scoping results. The Team will meet again in Spring 2022 to develop recommended measures for the proposed rule; an additional round of public comment will be solicited following release of the proposed rule. The video recording of this session can be found [here](#).

For more information, please contact Marisa Trego with NOAA Fisheries at marisa.trego@noaa.gov or visit the ALWTRP webpage at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>.

SHAD AND RIVER HERRING MANAGEMENT BOARD (OCTOBER 19, 2021)

Meeting Summary

The Shad and River Herring Management Board met to consider updates to American shad habitat plans, progress on two Technical Committee (TC) tasks, an update from U.S. Geological Survey's (USGS) Eastern Ecological Science Center on Alosine Science in Support of Interstate Management, and the election of a Vice-chair to the Board.

The Board considered updates to the American shad habitat plans for the District of Columbia and Virginia, as well as a new habitat plan from New York covering the Hudson River. Under Amendment 3 to the FMP, all states and jurisdictions are required to develop habitat plans that include information on habitat threats and restoration programs affecting American shad. Most habitat plans were originally approved in 2014 and were intended to be updated every five years but there were significant delays in the development of New York's plan. The Board approved the presented shad habitat plans, and will review remaining updates at its next meeting.

The TC Chair reported the results of the TC's work on the Board task to develop methods to evaluate catch of American shad in mixed-stock fisheries in state waters. After collecting available data from all states and jurisdictions pertaining to mixed-stock fisheries and bycatch, the TC recommended potential methods to assess the impacts of mixed-stock fisheries on out-of-basin stocks. The TC recommended developing management strategies to reduce impacts of out-of-basin harvest using an index of relative fishing mortality. This would require an increase in genetic sampling and/or tagging efforts to evaluate annual stock composition of mixed stock landings. The TC felt that the minor increase in sampling could easily be achieved and could provide a meaningful increase in assessment quality. Consistent with the TC's advice, the Board recommended that these methods be incorporated into the Delaware River Basin Coop Sustainable Fishery Management Plan to evaluate the mixed-stock American shad fishery in the Delaware Bay.

The TC Chair also provided a progress update on the TC task from May 2021 to prioritize systems with barriers to passage for shad recovery and develop an inventory of available data that would support the development of fish passage criteria. To date, the TC has identified Federal Energy Regulatory Commission hydropower projects that are a priority for shad recovery efforts, and is investigating what data are available that could be used to develop passage performance standards for these systems. The TC expects to deliver a final report on this task to the Board at its next meeting.

The Board received a presentation on alosine science being carried out at the USGS Eastern Ecological Science Center (EESC). The EESC is conducting over 20 research projects in support of ASMFC-managed species, and three of those are focused on shad and river herring. These projects include genetic stock identification and tissue repository, applied research on innovative fish passage technologies, and disease research, and will provide important information to aid in shad and river herring stock assessment and management.

Lynn Fegley of the Maryland Department of Natural Resources was also elected as Vice Chair of the Management Board. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to approve the Shad Habitat Plans from VA, DC, and NY as presented today.

Motion made by Mr. Geer and seconded by Dr. Rhodes. Motion passed by unanimous consent.

Move to approve the Technical Committee recommendation to evaluate mixed-stock catch of American shad be incorporated into the Delaware River Basin Coop Sustainable Fishery Management Plan.

Motion made by Mr. Maniscalco and seconded by Dr. Colden. Motion carries (16 in favor, 2 opposed).

Move to nominate Lynn Fegley as Vice Chair.

Motion made by Mr. Hyatt and seconded by Dr. Armstrong. Motion carries without opposition.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (OCTOBER 19, 2021)

Meeting Summary

The ACCSP Coordinating Council met to take action on the administrative proposal and ranked Partner proposals to allocate funding for FY2021. The Council approved funding of the top 7 maintenance proposals and 3 new FY2021 proposals as ranked by the Advisory and Operations Committees. The Council discussed the need to find new approaches to support biological sampling of herring, mackerel, and menhaden. Several members supported the transparency and robust process of project ranking discussions. The Council continued to balance increases in the ACCSP administrative grant and tradeoffs for funding across the areas of Partner projects and program priorities. The Leadership Team will meet in December to evaluate 2022 funds to support the approved projects and timing of hiring a software staff member.

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

Motions

Move to support the updated ACCSP administrative proposal, the top 7 maintenance proposals, and the remaining 3 new proposals as ranked by the Operations and Advisory Committees. The leadership team will be engaged to adjust the funding levels when known.

Motion made by Dr. McNamee and seconded by Ms. Fegley. Motion stands approved.

ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 19, 2021)

Meeting Summary

The Atlantic Menhaden Management Board met to outline priorities in completing the next benchmark stock assessment, provide guidance to the Plan Development Team (PDT) to further develop Draft Addendum I to Amendment 3, and discuss fish kills over the past year.

Earlier this year, the Board tasked the Technical Committee (TC) and Ecological Reference Point Work Group (ERP WG) with identifying data needs and timelines for the development of spatially-explicit modeling approaches for menhaden. The TC and ERP WG produced a memo on potential spatially-explicit approaches, which highlighted that any of the approaches would likely extend the timeline for completing the next benchmark assessment, currently scheduled for 2025. The Board indicated completing the benchmark stock assessment in 2025 as planned was the highest priority. The TC and ERP WG will begin work on the single-species and ERP benchmark assessments following completion of the 2022 single-species stock assessment update. The benchmark assessments will focus on refining the ERP approach developed in the 2019 assessments. While some spatial considerations may be incorporated in the process of refining the ERP models, spatial modeling will not be pursued until the 2025 benchmark assessments are completed.

The Board was presented a progress update on development of Draft Addendum I to Amendment 3. The Draft Addendum proposes changes to three management topics: commercial allocations, incidental catch provision, and Episodic Event Set-Aside program (EESA). The PDT provided the Board with a memo that included a statement of the problem, objective, initial set of management alternatives, and PDT recommendations for each topic. The PDT also highlighted key questions to the Board to help guide developing the Draft Addendum further. The three topics are interconnected. For example, changes to allocation can affect incidental landings as well as the states' need to participate in the EESA program. This has created additional complexity in the draft alternatives. The following highlights some of the Board's key feedback:

Allocation

- For the statement of the problem and objective, adjust language to reflect all current fisheries, not just directed fisheries
- Remove uniform fixed minimum allocation, pooled quota, and open fishery management alternatives from the draft addendum
- Further develop the tiered fixed minimum allocation alternatives, including a lower fixed minimum value (i.e. 0.01%) and include both two and three tiered options
- For timeframes to allocate the remaining TAC, include both a long time series (2009-2020) option and as well as a range of weighted allocation options using weightings of both 50/50 and 25/75 in terms of earlier/recent landings

Incidental Catch

- For the objective, adjust the language to clarify when landings should count against the directed fishery and highlight reducing discard mortality for all fisheries. Additionally, remove the management objective #4, establishing trip and seasons.
- Maintain alternatives that adjust the incidental catch trip limit but have them only apply to non-directed gear
- Keep the catch accounting sub-topic in the addendum, remove sub-alternatives that are gear specific, and add an alternative that evaluates incidental catch as part of total landings relative to the TAC with an overage payback provision

EESA

- Develop alternatives that include 5% as a maximum value to increase the EESA
- The increase in the EESA should come from either the initial TAC or adjustments to the fixed minimum allocation, not relinquished quota
- Remove the alternative that would eliminate the EESA program
- Develop an alternative that allows states to transfer quota into the EESA program prior to an overage of the EESA
- Further develop an alternative that considers allowing a state to begin harvesting under the EESA before the state quota is exhausted (i.e. 95% of a state's quota is met, rather than 100%)

The PDT will continue work on the Draft Addendum with the aim of providing the document to the Board to approve it for public comment at the Commission's Winter Meeting in January 2022.

Due to the meeting running late, the Board postponed reviewing the report on menhaden mortality events until the Winter Meeting. For more information contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at krootes-murdy@asmfc.org.

Motions

No motions made.

EXECUTIVE COMMITTEE (OCTOBER 20, 2021)

Meeting Summary

The Executive Committee (Committee) met to discuss several issues, including the FY21 Audit; public information request policy; wind energy involvement; the Seafood Processors Pandemic Response and Safety Block Grant Program, the Commission's Appeals Process; and receive an update on future annual meetings. The following action items resulted from the Committee's discussions:

- The FY21 Audit was reviewed by the Administrative Oversight Committee (AOC) and forwarded to the Executive Committee with a recommendation for approval. The motion to approve passed unanimously.
- Mr. Beal presented the draft policy on responding to public information requests, which was drafted in consultation with the Commission's attorney. After a thorough discussion, Mr. Beal

was directed to incorporate aspects of the discussion and bring it back to the Committee for action at the January meeting.

- Mr. Cimino requested discussion on the Commission's role in coordinating the member states' efforts with regard to offshore wind energy development. While the Bureau of Ocean Energy Management has the lead in wind energy development, Mr. Cimino believes there needs to be coordination among the Atlantic coast states so they speak with a unified voice. A robust discussion ensued, and Chair Keliher noted further discussion needs to take place at the January meeting to determine the appropriate role for the Commission.
- The Committee discussed the Seafood Processors Pandemic Response and Safety Block Grant Program under the Department of Agriculture. Several states felt the amount available to them was not enough for the amount of work administering it would take; other states indicated they were interested but had questions. Mr. Beal will reach out to the Department of Agriculture to request a meeting to discuss this program with the states who are interested. State applications are due November 22.
- The Committee discussed the revised Appeals Process and agreed with the recommended changes to the process; however, several Committee members said the allocation issue must remain as an issue that can be the subject to an appeal. Mr. Beal agreed there is a bit more work to do on the Appeals Process, and will bring a revised document to the Committee meeting in January.
- The future annual meeting schedule is :
 - New Jersey – 2022
 - North Carolina – 2023
 - Maryland – 2024

The Committee also agreed to hold the 2022 Winter Meeting as a hybrid meeting in Arlington, VA. The specific participation details will developed over the next couple of months. For more information, please contact Laura Leach, Director of Finance & Administration, at lleach@asmfc.org or 703.842.0740.

Motions

On behalf of the Administrative Oversight Committee, move acceptance of the FY21 Audit.

Motion by Spud Woodward on behalf of the AOC. Motion passed unanimously.

COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 20, 2021)

Meeting Summary

The Coastal Sharks Management Board met to set 2022 specifications and elect a new Vice-Chair. Regarding specifications, NOAA Fisheries published the proposed 2022 Atlantic shark specifications in early August. The proposed rule includes a start date of January 1 for all shark management groups, with quota levels remaining unchanged from 2020 and 2021. NOAA Fisheries proposes an increase in the initial 2022 possession limit for the aggregate large coastal sharks (LCS) other than sandbar from 36 to 55 sharks per vessel per trip. This change is due to landings being well below the quota in recent

years. NOAA Fisheries may reduce the retention limit as needed to ensure the quota is not exceeded. The proposed initial retention limit for blacknose sharks is 8 sharks per vessel trip. Taking into consideration the proposed rule, the Board will set the 2022 coastal shark specifications via an email vote after the final rule is published.

Last, the Board elected Erika Burgess of Florida Fish and Wildlife Conservation Commission as the Coastal Sharks Board Vice-Chair. For more information contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at krootes-murdy@asmfc.org. 703.842.0740.

Motions

Move to approve the 2022 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2022 Atlantic shark commercial fishing season.

Motion made by Ms. Burgess and seconded by Mr. Haymans. Motion passes by unanimous approval.

Move to nominate Erika Burgess (FL) to serve as Vice-Chair to the Coastal Sharks Board.

Motion made by Mr. Woodward and seconded by Mr. Miller. Motion passes unanimously.

BUSINESS SESSION (OCTOBER 20, 2021)

Press Release

Spud Woodward Elected ASMFC Chair

Arlington, VA – Today, member states of the Atlantic States Marine Fisheries Commission (Commission) thanked Patrick C. Keliher of Maine for an effective two-year term as Chair and elected Commissioner Spud Woodward of Georgia to succeed him.

“I’m honored to be chosen by my fellow Commissioners to lead our efforts for the next two years, during which I hope we’ll once again be meeting in person. I look forward to concluding our introspective examination of *de minimis* status and conservation equivalency so we’re confident that we have the proper balance between flexibility and accountability. Allocation will remain one of our most contentious and potentially divisive tasks. However, I know the spirit of cooperation and mutual respect that’s the legacy of the Commission will lead us to decisions that are as fair and equitable as possible,” said Mr. Woodward.



Mr. Woodward continued, “I want to thank outgoing Chair, Pat Keliher for his steady hand on the tiller during a tumultuous two years, when he faced challenges unlike those of any of his predecessors. Newly elected Vice-chair Joseph Cimino and I will strive to emulate his success working with our stakeholders, state, federal, and academic partners, Congress, and especially Bob Beal and the outstanding staff to ensure *Cooperative and Sustainable Management of Atlantic Coastal Fisheries* is not just a vision statement but a reality.”

Under Mr. Keliher's chairmanship, the Commission made important strides in furthering its strategic goals. Management accomplishments over the past two years include quick action by the states to end overfishing of Atlantic striped bass; implementation of ecological reference points to manage Atlantic menhaden; positive stock status for all four tautog populations after years of effort to rebuild the stocks; a new rebuilding amendment for bluefish; and the completion of benchmark stock assessments for American lobster, American shad, Atlantic cobia, and tautog. Further, advances in habitat conservation were made by the Atlantic Coastal Fish Habitat Partnership (ACFHP) through its funding of seven on-the-ground projects, which will open over 40 river miles and conserve over 300 acres of fish habitat. ACFHP also partnered with the Southeast Aquatic Resources Partnership and The Nature Conservancy to spatially prioritize fish habitat conservation sites through GIS mapping and analyses for the Atlantic region of the U.S. from Maine to Florida.

From a data collection and management perspective, the Atlantic Coastal Cooperative Statistics Program also made progress under Mr. Keliher's leadership. The Program redesigned SAFIS eTRIPS, the first and currently only fisherman trip reporting application that meets One Stop Reporting initiative; and implemented state conduct of the Marine Recreational Information Program's (MRIP) For-Hire Survey and electronic data collection for MRIP's Access Point Angler Intercept Survey.

The majority of Mr. Keliher's chairmanship occurred during the COVID-19 pandemic, a time in which his leadership truly shined. He maintained active communication with staff and fellow Commissioners, oversaw a seamless transition to virtual meetings, and consistently made decisions with the safety of Commissioners and staff in mind.

A native Georgian, Mr. Woodward has dedicated his life to marine fisheries management at the state and interstate levels. Now retired and serving as Georgia's Governor Appointee to the Commission, Mr. Woodward worked for the Georgia Department of Natural Resources (GA DNR) for over 34 years, including serving as the Director of the Coastal Resources Division and Assistant Director for Marine Fisheries. In addition to his work with GA DNR and the Commission, Mr. Woodward has served on the South Atlantic Fishery Management Council since 2018. In the Commission's 80-year history, Mr. Woodward holds the distinction of being the second Governor's Appointee to serve as Commission Chair and Vice-chair. The first being Captain David H. Hart.

The Commission also elected Joseph Cimino, Marine Fisheries Administrator for the New Jersey Department of Environmental Protection, as its Vice-Chair.

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PR21-26

Meeting Summary

The Commission, during its Business Session, considered approval of the 2022 Action Plan and election of new Commission leadership. The Commission reviewed and approved the 2022 Action Plan, which outlines the administrative and programmatic activities for next year. The Plan will be available on the Commission's website, www.asmfmc.org, under Guiding Documents early next week. By unanimous acclamation, the Commission elected A.G. Spud Woodward of Georgia and Joseph Cimino of New Jersey as Commission Chair and Vice-chair, respectively.

For more information, please contact Robert Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

On behalf of the Administrative Oversight Committee, move to approve the 2022 ASMFC Action Plan as modified today.

Motion made by Mr. Woodward. Motion passes.

On behalf of the Nominations Committee, move to nominate Mr. Woodward as Chair of ASMFC.

Motion made by Mr. Gilmore. Motion passes.

On behalf of the Nominations Committee, move to nominate Mr. Cimino as Vice-Chair of ASMFC.

Motion made by Mr. Gilmore. Motion passes.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 20, 2021)

Meeting Summary

The Atlantic Striped Bass Management Board (Board) met to consider approval of Draft Amendment 7 for public comment and to consider approval of Draft Addendum VII to Amendment 6 for public comment.

The Board received an overview presentation of the management options developed for Draft Amendment 7. The Plan Development Team (PDT) and the Technical Committee (TC) met multiple times between May and September to develop Draft Amendment 7. The Advisory Panel (AP) also met to provide feedback on the scope of draft options, which was included in the staff presentation. In August 2020, the Board initiated development of Amendment 7 to the Atlantic Striped Bass Interstate Fishery Management Plan (FMP) to update the management program to better align with current fishery needs and priorities, and build upon the Addendum VI action to end overfishing and initiate rebuilding. Since Amendment 6 was adopted in 2003, the status and understanding of the striped bass stock and fishery has changed considerably. The 2018 benchmark stock assessment indicated the striped bass stock has been overfished since 2013 and is experiencing overfishing, which changed perception of stock status. In May 2021, the Board approved the following four issues for development in Draft Amendment 7: management triggers, measures to protect the 2015 year class, recreational release mortality, and conservation equivalency.

The Board discussed the proposed management options for each of the four issues and removed some options from the document, primarily due to concerns that certain options would not be viable for implementation. For management triggers Tier 1 (fishing mortality triggers), the Board removed draft options A3, C2, and C4. For management triggers Tier 2 (female spawning stock biomass triggers), the Board removed draft options C2 and C4. For measures to protect the 2015 year class, the Board removed draft option E (recreational harvest moratorium). For recreational release mortality, the Board removed draft options B1 and B2 for seasonal closures, and draft options C2, C3, and C4 for gear restrictions. For conservation equivalency, the Board removed draft option F (prohibition of CE).

The Board tasked the PDT with development of new options to add to the Draft Amendment 7 for the Board's review at the 2022 Winter Meeting. For the fishing mortality (F) threshold management trigger, the Board added a draft option to consider a 2-year average of F in addition to a 3-year average. The Board tasked the PDT with developing a formal rebuilding plan for striped bass that could include a status quo F target and another option that would establish a $F(\text{rebuild})$ calculated as the F value projected to achieve SSB(rebuild) no later than 2029 under the assumption of the low recruitment regime. The Board also tasked the PDT with adding maximum size limit/slot options to the Chesapeake Bay recreational fishery measures section for protecting the 2015, 2017, and 2018 year classes.

The Board received an overview presentation of the management options developed for Draft Addendum VII to Amendment 6. The presentation included a report from the PDT regarding concerns about commercial quota transfers. The issue of commercial quota allocation was not approved for development in Draft Amendment 7. In order to provide a management option that could provide some immediate relief to states that were seeking a change in commercial quota allocation, the Board initiated Draft Addendum VII in August 2021 to consider allowing voluntary transfers of coastal commercial quota. Due to the PDT's concerns and the Board's current focus on Draft Amendment 7, the Board deferred consideration of Draft Addendum VII until May 2022 to allow for further development and review of the transfer options.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

Motions

Move to consider a formal rebuilding plan for striped bass in Amendment 7 using methods described under "Management Response to Recruitment Trigger". Option 1 would be status quo F target. Option 2 would establish a $F(\text{rebuild})$ calculated as the F value projected to achieve SSB(rebuild) by 2029 under the assumption of the lower recruitment regime.

Motion made by Ms. Ware and seconded by Mr. McMurray. Motion tabled until the end of the Draft Amendment 7 agenda item.

Motion to Table #1

Motion to table until the end of the Draft Amendment 7 agenda item.

Motion made by Mr. Davis and seconded by Mr. Gary. Motion adopted by consensus.

Move to add protection for the 2015, 2017, and 2018 year classes through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1. Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017 and 2018 year classes consistent with the Technical Committee advice for the coastal analysis.

Motion made by Mr. Sikorski and seconded by Mr. Armstrong. Motion tabled until the end of the Draft Amendment 7 agenda item.

Motion to Table #2

Move to table until the end of the Amendment 7 agenda item.

Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion passes.

Main Motion

Move to defer consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options.

Motion made by Mr. Miller and seconded by Mr. Gary.

Motion to Substitute

Move to substitute to postpone Draft Addendum VII to Amendment VI until such time as striped bass is not overfished and overfishing is not occurring.

Motion made by Ms. Patterson and seconded by Mr. Fote. Motion fails (2 in favor, 14 opposed).

Main Motion

Move to defer until May 2022 consideration by the Striped Bass Board of Draft Addendum VII to Amendment 6 to the Atlantic Striped Bass Plan to allow further development and review of the transfer options.

Motion made by Mr. Miller and seconded by Mr. Gary. Motion approved without objection.

Move to remove Option F from the conservation equivalency options.

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion passes (10 in favor, 4 opposed, 2 abstentions).

Tabled Motion #1

Move to task the PDT to develop a formal rebuilding plan for striped bass in Amendment 7 using methods described under “Management Response to Recruitment Trigger”. Options could include a status quo F-target and another option that would establish a F(rebuild) calculated as the F value projected to achieve SSB(rebuild) no later than 2029 under the assumption of the lower recruitment regime.

Motion made by Ms. Ware and seconded by Mr. McMurray. Motion approved without objection.

Tabled Motion #2

Move to add protection for the 2015, 2017, and 2018 year classes through adding a maximum size limit option/slot option in the Chesapeake Bay recreational fishery in section 4.2.1. Maximum size limit options developed by the PDT should aim to maximize protection for the 2015, 2017 and 2018 year classes consistent with the Technical Committee advice for the coastal analysis.

Motion made by Mr. Sikorski and seconded by Mr. Armstrong. Motion stands approved without objection.

HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 21, 2021)***Press Release*****ASMFC Horseshoe Crab Board Sets 2022 Specifications
for Horseshoe Crabs of Delaware Bay Origin**

Arlington, VA – The Commission’s Horseshoe Crab Management Board approved the harvest specifications for horseshoe crabs of Delaware Bay origin under the Adaptive Resource Management (ARM) Framework. The Board established a harvest limit of 500,000 Delaware Bay

male horseshoe crabs and zero female horseshoe crabs for the 2022 season based on the harvest package recommended by the Delaware Bay Ecosystem Technical Committee and ARM Subcommittee. Per the allocation mechanism established in Addendum VII, the following quotas were set for the States of New Jersey, Delaware, and Maryland and the Commonwealth of Virginia, which harvest horseshoe crabs of Delaware Bay origin:

	2022 Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)	2022 Total Quota*
State	Male Only	Male Only
Delaware	162,136	162,136
New Jersey**	162,136	162,136
Maryland	141,112	255,980
Virginia***	34,615	81,331

* Total male quotas includes crabs which are not of Delaware Bay origin.

** New Jersey has maintained a harvest moratorium for horseshoe crabs since 2008.

*** Virginia harvest refers to harvest east of the COLREGS line only.

The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. The horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute (Virginia Tech). This survey, which is the primary data source for assessing Delaware Bay horseshoe crab abundance, does not have a consistent funding source. Members of the Delaware and New Jersey U.S. Congressional Delegations, with the support of NOAA Fisheries, have provided annual funding for the survey since 2016.

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

###

PR21-27

Meeting Summary

In addition to setting 2022 harvest specifications for the Delaware Bay, the Board considered a progress update on the ongoing revisions of the Adaptive Resource Management (ARM) Framework. In 2019, the Board directed the ARM Subcommittee to begin working on updates to the Framework to revisit several aspects of the ARM model and incorporate the most current scientific information available for horseshoe crabs and red knots. Over the past year, the ARM Subcommittee has been working to incorporate the Catch Multiple Survey Analysis model into the ARM, move the model to a new software platform, improve model structure, and update the red knot population model. The Draft Report on the ARM Revision will be reviewed by the Delaware Bay Ecosystem Technical Committee later this month. The Revision is tentatively scheduled to go to peer review November 16-18, 2021 and will be brought to the Board for its consideration at the Winter 2022 meeting.

The Board also reviewed state compliance and the Fishery Management Plan Review of the 2020 fishing year. All states and jurisdictions' regulations were found to be consistent with the FMP and *de minimis* requests were granted to South Carolina, Georgia, and Florida. Although it is not currently a biological concern, the Board noted biomedical mortality has exceeded the FMP threshold of 57,000 crabs in recent years. The Board tasked the Plan Development Team to review biomedical mortality, discuss biologically-based options for setting the threshold, and consider updates to best management

practices for handling biomedical collections. The Board also highlighted the need to better understand discard mortality rates for horseshoe crabs.

Finally, the Board elected John Clark of the Delaware Department of Natural Resources as Vice-chair of the Horseshoe Crab Management Board. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to select harvest package 3 (500,000 male-only crabs) for 2022 horseshoe crab bait harvest in Delaware Bay.

Motion made by Mr. Luisi and seconded by Mr. Geer. Motion approved by consent.

SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 21, 2021)

Meeting Summary

The Spiny Dogfish Management Board met to consider analysis on the commercial trip limit and whether to adjust specifications for 2022/2023 fishing year; the Fishery Management Plan (FMP) Review for the 2020 fishing year; and receive an update on the 2022 research track stock assessment.

Earlier in the month the Mid-Atlantic Fishery Management Council (MAFMC) was presented with analysis on the impact of the federal trip limit on market price. While price per pound has varied between \$.20-\$.25 over the past five years, the federal trip limit has remained constant at 6,000 pounds. The price range was similar even when the trip limit increased from 3,000 pounds in 2013 to 6,000 pounds in 2016. Based on input from its Advisory Panel upon reviewing the analysis, the MAFMC recommended to NOAA Fisheries that it increase the federal trip limit to 7,500 pounds for the 2022/2023 fishing year. The New England Fishery Management Council (NEFMC) will be considering whether to recommend adjusting the trip limit at its next meeting in December. The Board discussed whether to adjust the trip limit in state waters for the northern region states (Maine through Connecticut) to be consistent with the potential measures in federal water. There is uncertainty on whether NEFMC would recommend the same trip limit level as the MAFMC. Taking into consideration the timing of a pending decision by NEFMC, the Board decided to postpone action to consider adjusting the trip limit in state waters for the northern region until the Winter Meeting in January 2022.

The Board was presented the FMP Review for the 2020 fishing year. Commercial landings decreased in 2020 by 30% from 2019 and was approximately 55% of the coastwide quota. According to industry input, the decline in landings has been driven by low price per pound and effort. The Board approved the FMP Review, state compliance, and *de minimis* requests from New York and Delaware.

The Board also received an update on the research track assessment. The Work Group was formed this past summer and will consider incorporating spatial distribution of the species by season and over time through tagging data and using new modelling approaches such as stock synthesis. The research track assessment is scheduled to be completed for peer review in July 2022. Following peer review a management track assessment will commence to evaluate how to use information from the research track assessment to inform management decisions.

For more information on management, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at krootes-murdy@asmfc.org.

Motions

Main Motion

Move to set at least a 7500- pound trip limit in the Northern Region (ME through CT) for FY 2022 contingent upon NOAA Fisheries adopting at least a 7500-pound trip limit for federal waters. If at least a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region.

Motion made by Mr. Kane and seconded by Ms. Patterson. Motion postponed.

Motion to Substitute

Move to substitute to set the northern region (ME through CT) state waters trip limit for FY 2022 equal to the trip limit in federal waters approved by NOAA fisheries.

Motion made by Mr. Gates and seconded by Ms. Ware. Motion postponed.

Motion to Postpone

Motion to postpone action around the state waters trip limits for FY2022 until the ASMFC winter meeting.

Motion made by Ms. Ware and seconded by Mr. Borden. Motion passes (7 in favor, 3 opposed, 1 null, 1 abstention).

Move to accept the FMP Review and state compliance reports for the spiny dogfish 2020/2021 fishing year and *de minimis* requests from New York and Delaware.

Motion made by Ms. Madsen and seconded by Ms. Meserve. Motion approved by consent.

AMERICAN EEL MANAGEMENT BOARD (OCTOBER 22, 2021)

Meeting Summary

The American Eel Management Board met to consider extending Maine's glass eel quota, the Fishery Management Plan (FMP) Review for the 2020 fishing year, and receive an update on the 2022 benchmark stock assessment.

Addendum V (2018) specified Maine's glass eel quota for 2019-2021 at 9,688 pounds. Under the Addendum, the quota could be extended by Board action for three additional years, but only at the status quo level (9,688 pounds). An increase in the quota would require a new addendum. Taking this into consideration, the Board extended Maine's current glass eel quota for fishing years 2022-2024.

The Board was presented the FMP Review for the 2020 fishing year. Commercial yellow eel landings decreased in 2020 by 51% from 2019. According to industry input, the decline in landings has been driven by decreased demand for wild-caught eels from the U.S. for European food markets. Maine's 2020 glass eel landings were 9,652 pounds, below the 2021 state quota. Approved 2020 aquaculture plans for both Maine and North Carolina did not harvest any glass eels. The Board approved the FMP Review, state compliance, and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, Georgia, and Florida for their yellow eel fisheries.

The Board also received an update on the benchmark stock assessment. The Stock Assessment Subcommittee (SAS) previously noted challenges in modeling approaches given the species unique life history, range, and data limitations. The SAS is currently developing a coastwide delay-difference model and various trend analyses. The benchmark assessment remains on schedule for peer review in 2022.

For more information on the stock assessment, please contact Dr. Kristen Anstead, Stock Assessment Scientist, at kanstead@asmfc.org; and for more information on management, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at krootes-murdy@asmfc.org.

Motions

Move to extend Maine's glass eel quota at its current level 9,688 pounds for an additional three years (2022-2024)

Motion made by Mr. Keliher and seconded by Mr. Reid. Motion approved by consensus.

Move to approve the American Eel FMP Review and state compliance reports for the 2020 Fishing year, and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, District of Columbia, Georgia, and Florida for their yellow eel fisheries.

Motion made by Mr. Keliher and seconded by Mr. Woodward. Motion is approved by consensus.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 22, 2021)

Meeting Summary

The Interstate Fisheries Management Program Policy Board (Policy Board) met with the Mid-Atlantic Fishery Management Council (Council) to receive an update on the development of the Recreational Harvest Control Rule Addendum/Framework. Following this discussion, the Policy Board met to review an Executive Committee report (see Executive Committee meeting summary earlier in this document); review an update from NOAA Fisheries; discuss a task for the Management and Science Committee; and review progress on the East Coast Climate Change Scenario Planning Initiative.

Update on Draft Addendum/Framework on Harvest Control Rule for Bluefish, Summer Flounder, Scup, and Black Sea Bass

A joint Commission Plan Development Team (PDT) and Council Fishery Management Action Team (FMAT) have been working on the Harvest Control Rule Addendum/Framework as part of the Recreational Reform Initiative. Staff presented updates to the proposed options, including refinements to the metrics used in each option and accountability measures, as well as a summary of the peer review of two recreational fishery models which could be used to inform the setting of management measures under the options. Staff also reviewed recommendations from the PDT/FMAT for next steps for the Policy Board and Council to consider.

Given the scope of work required on the document's full range of options, the Policy Board and Council deferred approving the Draft Addendum/Framework for public comment, and instead will revisit the draft in either December 2021 or early 2022 to provide the PDT/FMAT more time to complete the document. In addition, the PDT/FMAT will continue to assess how the recreational fishery models should be used for developing measures for each of the harvest control rule options. Once approved, the Draft Addendum/Framework will be released for public comment and presented through public hearings.

As a result of the revised timeline, the harvest control rule will not be ready for use in developing 2022 recreational measures for bluefish, summer flounder, black sea bass, and scup. Recreational specifications for all four species will be discussed at the December meeting of the Council and relevant Commission species management boards.

For more information the harvest control rule, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org, Julia Beaty, Fishery Management Specialist with MAFMC, at jbeaty@mafmc.org, or Savannah Lewis, Fishery Management Plan Coordinator, at slewis@asmfc.org.

NOAA Fisheries Update

NOAA Fisheries reported that it will be considering ways to reduce sea turtle bycatch in several trawl fisheries in the Greater Atlantic Region, including summer flounder, longfin squid, and Atlantic croaker in the near future. For several years, NOAA Fisheries has been conducting research with the industry on various gear modifications that could reduce turtle mortality. More details on the specific measures being considered will be presented to the Commission at its Winter Meeting in late January 2022.

Management and Science Committee Tasking on Conservation Equivalency

The Executive Committee previously raised questions and concerns regarding the use of conservation equivalency (CE) in Commission FMPs. The Committee tasked a subgroup to create a list of tasks for the Management and Science Committee (MSC) to address regarding general concerns that have been raised either by members of the Executive Committee or species management boards, e.g. Atlantic striped bass. Staff presented the list of tasks proposed by the subgroup for the MSC (see PDF page 33 of [supplemental meeting materials](#)). The Policy Board added two additional tasks (1) consider how much preparatory time should be given to technical committees in reviewing CE proposals, and (2) develop standards for evaluating and making recommendations for pre-existing CE measures.

East Coast Scenario Planning Initiative

Lastly, staff provided a progress update on the East Coast Climate Change Scenario Planning Initiative. The Initiative conducted 3 webinars, with over 250 participants. The webinar introduced the Initiative, explained scenario planning, and provided participants with a chance to review the project objectives and provide their own perspectives on climate change. As follow-up to the webinar, an online questionnaire was conducted to gather input on the Initiative, and the forces of change that could affect fisheries over the next 20 years. The Initiative received 383 responses to the survey, containing a wealth of information and perspectives from a wide range of stakeholders. Next steps will include “driving forces” webinars, which will look in detail at research behind some of the possible forces affecting climate change, and in-person workshops to create a framework and a set of scenarios that describe how climate change might affect stock distribution, availability and other aspects of East Coast fisheries by 2040.

For more information, please contact Toni Kerns, Policy Director, at tkerns@asmfc.org or 703.842.0740.

Motions

No motions made.

Updates from ASMFC Fall Meeting

Lobster Addendum XXVII on GOM/GBK Resiliency

- Finalize for public comment at Winter Meeting; hearings in late winter/early spring
- Objective (revised): to address declining trends in survey abundance indices since 2018 with measures designed to increase SSB. Options:
 - Immediate: standardizing of gauge sizes & v-notch definition in OCC; mandatory v-notching requirement and/or no initial surplus tag issuance across all GOM/GBK LMAs
 - Future: recruit index triggering of min or max gauge size revisions; could affect LMA 1 only (min size); or LMA 1 plus LMA 3 (max size) and OCC (max or min & max size)

Lobster/Jonah Crab Addendum XXIX on Electronic Tracking for Federal Fisheries

- Finalize for public comment at special December 6 Meeting



Updates from ASMFC Fall Meeting

Tautog 2021 Regional Stock Assessments

- Data through 2020; generally improved from 2016; * indicates status revision

Region	Spawning Stock Biomass	Fishing Mortality
MARI	Not Overfished (44% above target)	Not Overfishing (below target)
LIS	Not Overfished (1% below target)*	Not Overfishing (between target & threshold)*
NJ-NYB	Overfished (2% below threshold)	Not Overfishing (between target & threshold)*
DMV	Not Overfished (2% below target)*	Not Overfishing (below target)

- No management action in response



Updates from ASMFC Fall Meeting

Striped Bass Draft Amendment 7

- Revised PDT 1st draft; still on schedule for 2023 implementation (PC in late winter/early spring)
- Management Triggers: removed several options related to F and SSB triggers; added one F threshold trigger option (2-year average F)
- Measures to Protect 2015 Year Class: removed recreational moratorium option; added max size/slot limit options for Chesapeake Bay recreational fishery (PDT to develop)
- Rec. Release Mortality: removed all wave 4 closure options (coastwide/regional/state); removed options to prohibit treble hook, require barbless hooks, or prohibit trolling with wire
- Conservation Equivalency: removed option for outright prohibition on use of CE
- New: Option to adopt an F_{rebuild} that would rebuild stock by no later than 2029 under the assumption of the low recruitment regime (PDT to develop)



Updates from ASMFC Fall Meeting

Menhaden Draft Addendum I on Allocation & Other Catch Provisions

- Board feedback on PDT development of options; expect to approve for public comment at Winter Meeting; hearings in late winter/early spring
- Commercial allocation reference period (2009-2011): 2009-2020, 2016-2020, and weightings of earlier & more recent time series (e.g., 2009-2011/2018-2020 in 50/50 and 25/75 weightings)
- Commercial allocation default minimum (0.5% for all states): 2- or 3- tiered approach
- EESA (1%): up to 5%, allow quota transfers into, access before 100% quota use
- Incidental/Small-scale (6,000 lb except large purse seines): remove purse seines, limit to non-directed gears, adjust directed gear trip limit; change accounting



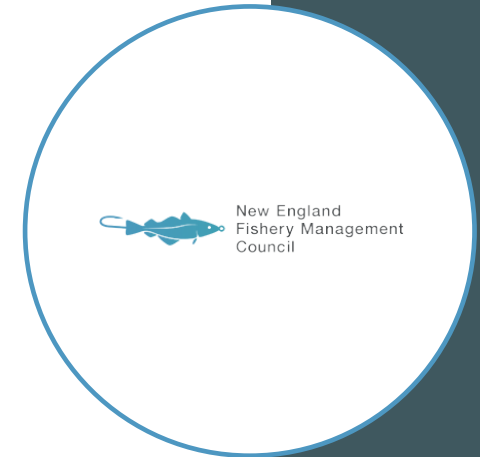
Updates from ASMFC Fall Meeting

- Atlantic Herring: Status quo Area 1A sub-ACL management for FY22 (72.8% Jun-Sep, 27.2% Oct-Dec)
- Spiny Dogfish: Anticipate action on FY22 Northern Region trip limit at Winter Meeting (7500 lb recommended by MAFMC for federal waters; NEFMC to address next month)
- Fluke/Scup/BSB/Bluefish Recreational Management: Ongoing development of four Harvest Control Rule options for FY23 use; FY22 measures to be set at December MAFMC/ASMFC meeting. Final action on rec/com allocations too.



New England Regional Fishery Updates

- Council Leadership
- September Outcomes
- December Outlook
- Additional Updates





New England
Fishery Management
Council

- Chair: Eric Reid
- Vice-chair: Rick Bellavance

Council Leadership

Executive Committee

- Melanie Griffin
- John Pappalardo
- Megan Ware

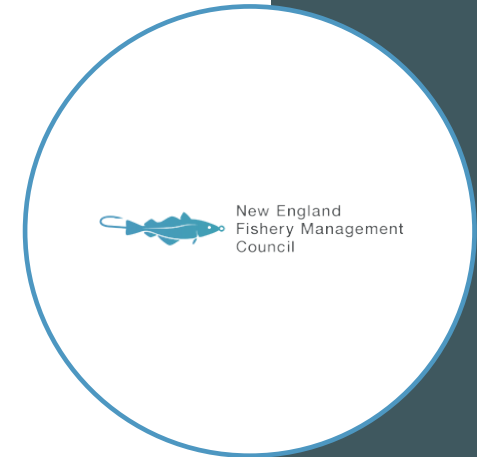
September Outcomes

Herring – Finalized rebuilding plan and added flexibility to sub-ACL overage triggers (FW9)

Skates – Finalized specifications for 2022-2023

Groundfish – Approved 2023 catch limits for transboundary stocks

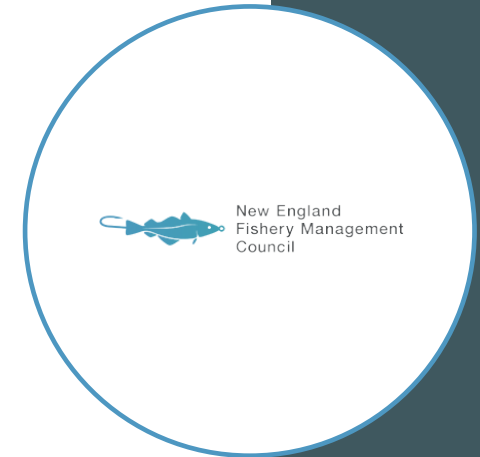
Correspondence – submitted comments on NS1 Technical Guidance



December Outlook

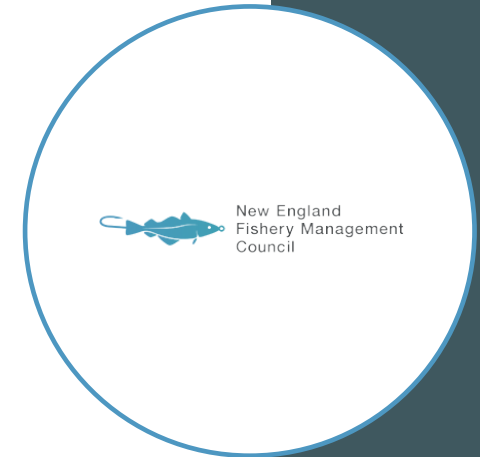
Final Action on:

- 2022 management priorities
- Groundfish FW63
- Scallop FW34
- Skate FW9



Additional Updates

- Management Strategy Evaluation on Cod Stock Structure
- MSA Reauthorization
- EBFM Workshops
- East Coast Climate Change Scenario Planning
- Council Coordination Committee
- Atlantic Mackerel Rebuilding



MassFishHunt Modernization

Existing System

- Used to issue recreational saltwater fishing, non-commercial lobster, and for-hire permits, as well as MassWildlife hunting and fishing permits
- System has been in use since 2011
- Current contract is up December 1, 2021

New Vendor Partner - Kalkomey

- Extensive RFI and RFR process in 2020 and 2021 led by the Department of Fish & Game in collaboration with DMF and MassWildlife
- Project kicked off in March
- Customer transaction fees (administrative handling charge & convenience fee) are virtually the same or lower, depending on the transaction



New & Improved Functionality

Permitting

- Improved mobile experience for users
- Secure login with username and password
- Linked accounts (e.g. family members), auto-renewal
- More efficient staff & vendor interface

Event Management & Customer Relationship Management (CRM)

- Integrated angler education event registration within MassFishHunt
- Improved customer communication

Analytics & Reporting

- Modernized and improved use of data



Next Steps

Leading up to December 1, 2021 Go-Live

- Complete system development and testing
- Outreach and training for Go-Live
 - Customer outreach (email, social media, website)
 - Staff and in-person vendor training
- Kalkomey on-site with us for Go-Live; extra staffing and customer service

After Go-Live

- Additional outreach efforts
- Continuous product development through long-term partnership



Round 2 CARES Act Program Timeline

Round 2 CARES Act Fisheries Relief Program

- **June 9, 2021**: MA DMF submitted the Round 2 CARES Act Spending Plan.
- **July 7, 2021**: NOAA Fisheries approved the Round 2 CARES Act Spending Plan.
- **July 20, 2021**: Applications were mailed to all relevant permit holders.
- **August 28, 2021**: Round 2 CARES applications were due to DMF.
- **October 7, 2021**: ASFMC mailed checks to all eligible Round 2 applicants.



Round 2 CARES Act Fisheries Relief

Round 1 vs. Round 2 Budget

CARES Act Relief Sector Allocations

Sector	Round 1	Round 2
Seafood Processors	\$13,779,789	\$11,548,170
Commercial Fishing	\$11,828,404	\$9,912,809
Aquaculturists	\$1,152,652	\$965,982
For-Hire Vessels	\$1,000,000	\$838,051
Tribal Participants	\$5,000	N/A
Administrative, Supplies & Indirect/Fringe Costs	\$14,661	\$49,366
Total Budget	\$27,780,506	\$23,314,378

MA DMF initially took 10% of the state allocation as a set-aside to be put back into the sector(s) with the greatest need. After reviewing application data, MA DMF decided to distribute these funds proportionally across all sectors in line with the Round 1 sector breakdown.



Round 2 CARES Act Fisheries Relief

Round 1 vs. Round 2

CARES Act Round 1 and Round 2 Applications

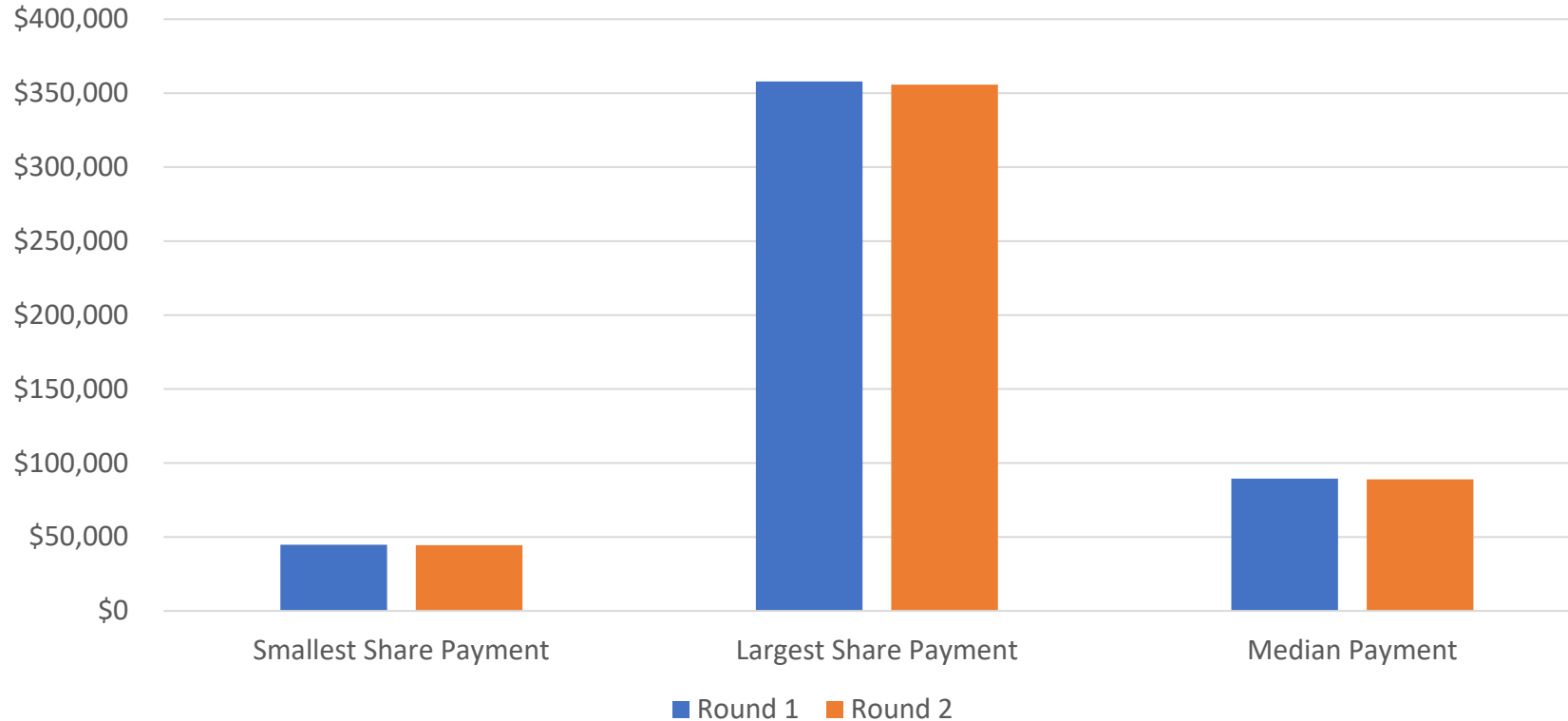
Sector	Applicants		Payment Recipients		Made Whole
	Round 1	Round 2	Round 1	Round 2	Round 2
Seafood Processor	139	109	113	103	18
Commercial Fishing	823	780	566	474	192
Aquaculture	191	117	169	103	23
For-Hire Head Boat Fishing	37	25	34	24	5
For-hire Charter Boat Fishing	83	44	72	29	15
Total	1,273	1,075	954	733	



Round 2 CARES Act Fisheries Relief

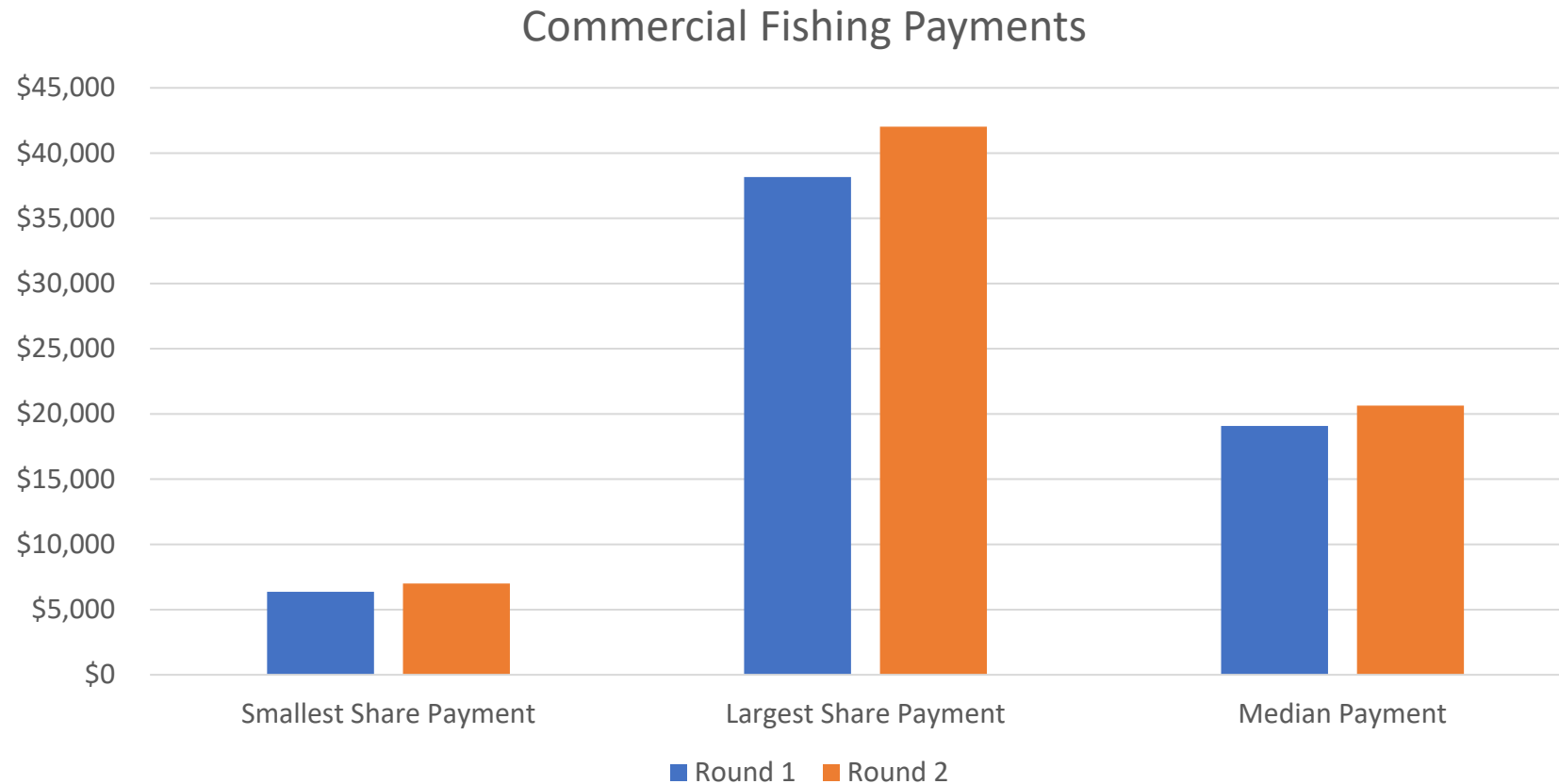
Round 1 vs. Round 2 Payments

Seafood Processor/Wholesale Dealer Payments



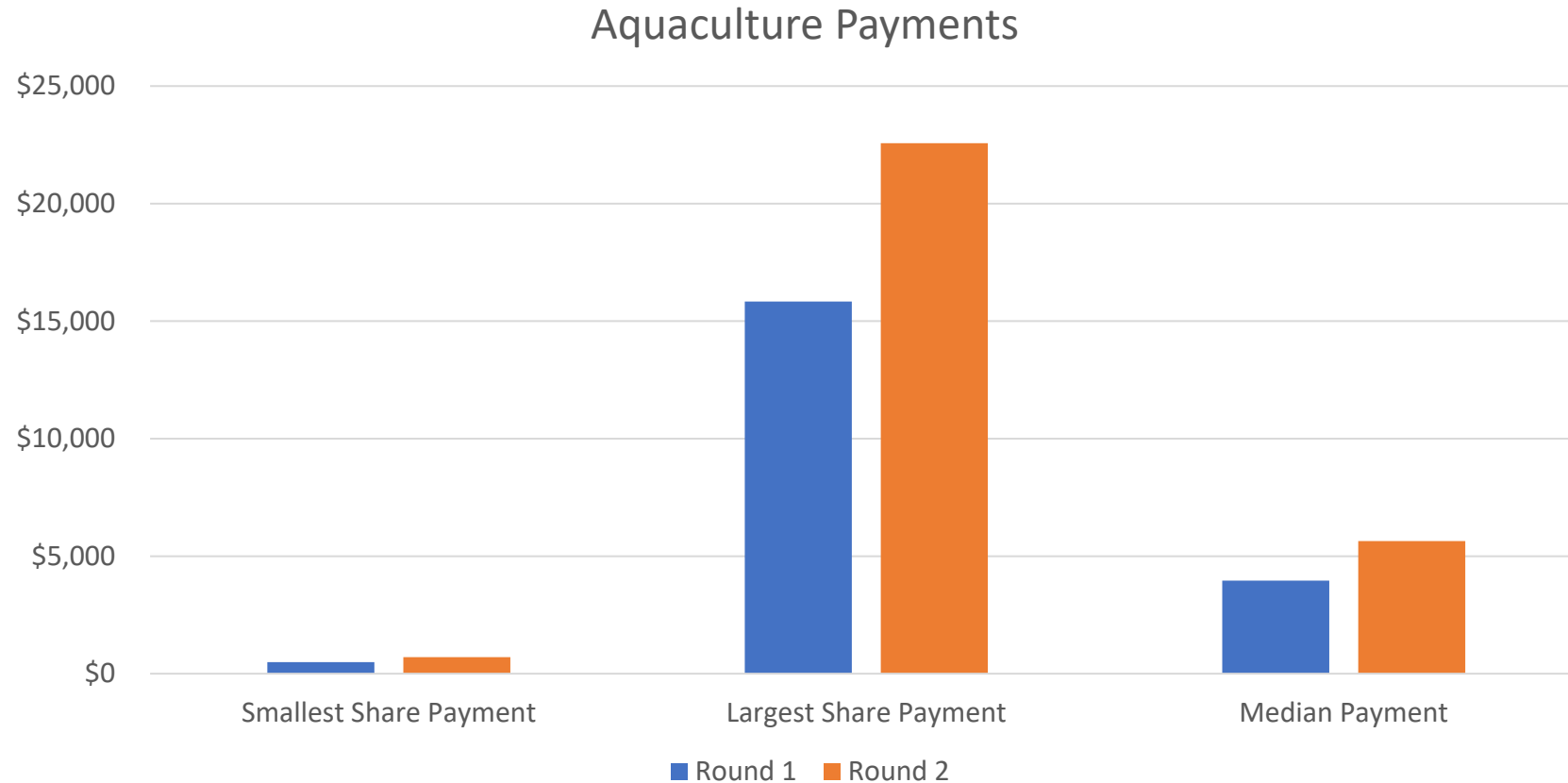
Round 2 CARES Act Fisheries Relief

Round 1 vs. Round 2 Payments



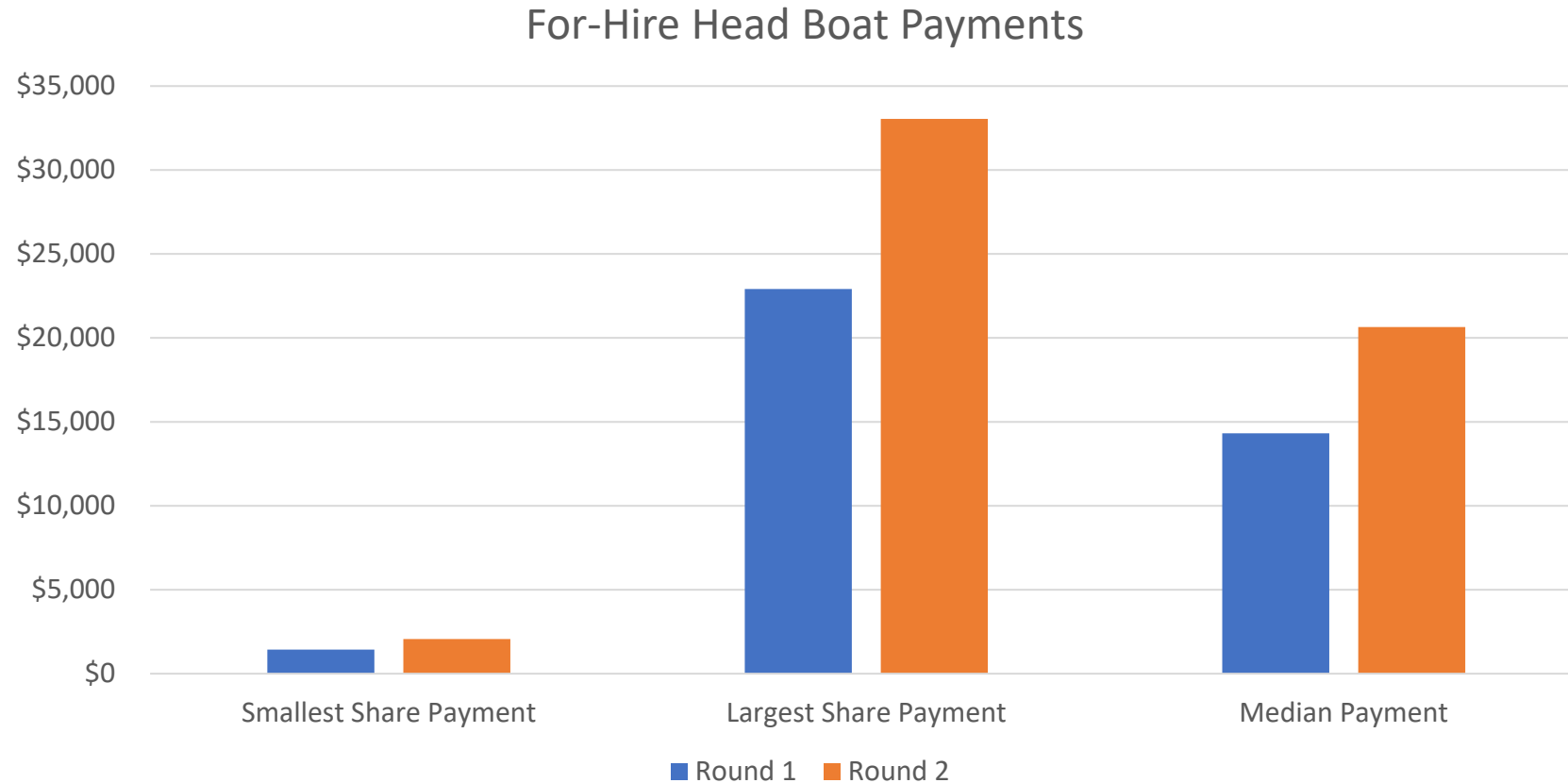
Round 2 CARES Act Fisheries Relief

Round 1 vs. Round 2 Payments



Round 2 CARES Act Fisheries Relief

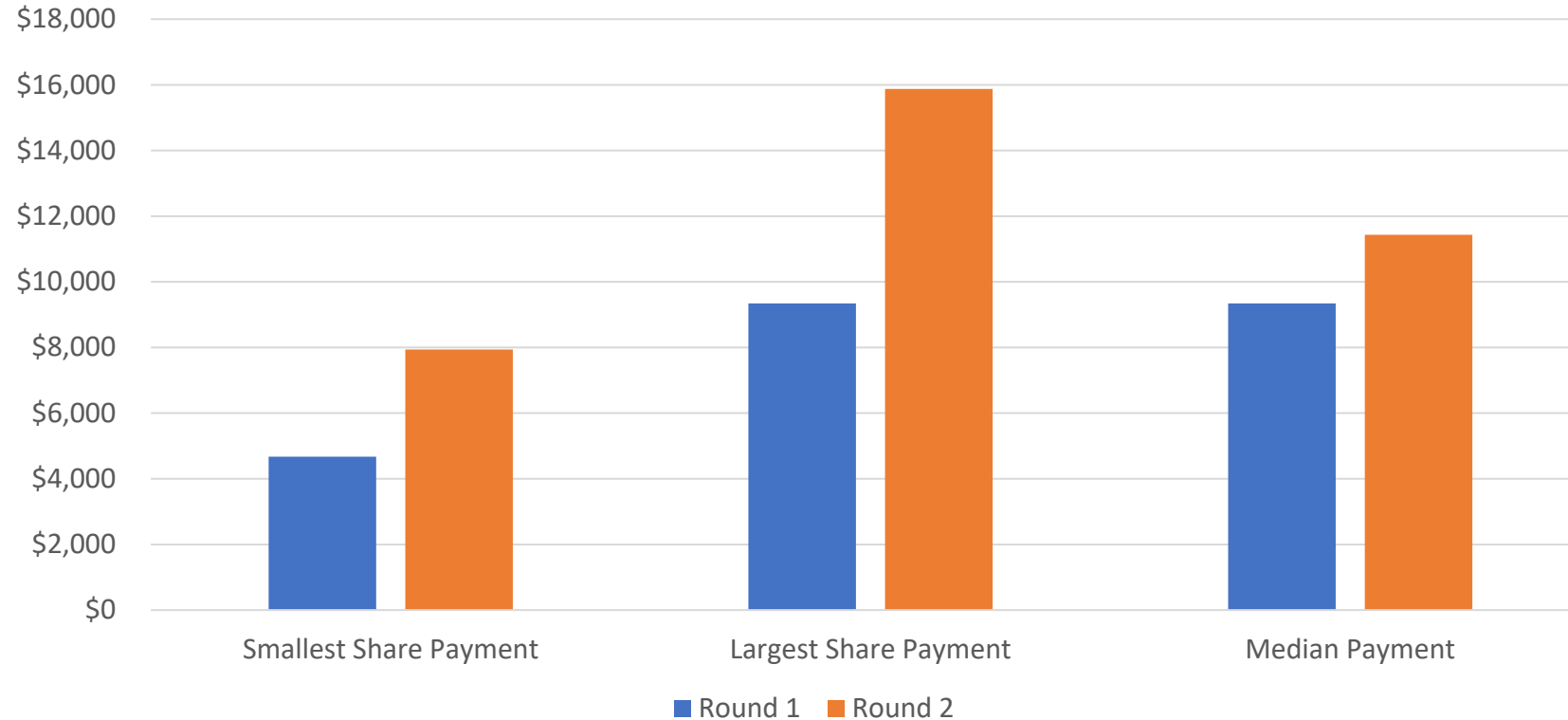
Round 1 vs. Round 2 Payments



Round 2 CARES Act Fisheries Relief

Round 1 vs. Round 2 Payments

For-Hire Charter Boat Payments



Round 2 CARES Act Relief

Check Processing Issues

On October 14, DMF was alerted by some CARES recipients that their checks had bounced after deposit. DMF and ASFMC were in contact about the issue over the course of the day, which was fixed on that same evening. The problem arose from an unexpected technical issue with ASFMC's financial institution.

DMF emailed CARES check recipients on October 14 to alert them of the issue and to ask that checks not be deposited at that time. On October 15, DMF sent a follow-up email on to inform recipients that checks could be deposited without any issues and to ask anyone who needed checks to be re-issued to contact DMF for assistance.

DMF has been working with anyone whose original check was voided and, with the help of ASMFC, has overnighted checks to those who have requested a new check. While most issues surrounding this initial error have been resolved, ASMFC and DMF continue to respond quickly to any requests from CARES receipts for assistance with this matter.



Seafood Processors Pandemic Response and Safety Grant (SPRS)



The Seafood Processors Pandemic Response and Safety (SPRS) Block Grant Program provides grants to eligible state agencies and territories to support seafood processors, including at-sea processing vessels, to respond to coronavirus, including for measures to protect workers against COVID-19.



Massachusetts Division
of Marine Fisheries



Seafood Processors Pandemic Response and Safety Grant (SPRS)

USDA allocated \$50 Million for the SPRS Grant Program

- The SPRS provides funds to assist in defraying the expenses preparing for, preventing exposure to, and responding to the COVID-19 pandemic for seafood processing facilities and processing vessels.
- DMF will partially reimburse eligible facilities for costs incurred between January 27, 2020 through December 31, 2021.

Massachusetts will receive \$1,104,725

- Approximately 300 Seafood Processing Facilities in MA
- Payments only for approved costs not previously compensated under other programs
- Approximately 99% of funds will be distributed directly to industry (1% administration)



SPRS Allowable Program Costs

DMF created an on-line survey and has reached out to Wholesale Seafood Dealers to determine relative expenses incurred for the following activities:

- **Workplace Safety Measures:** Workplace safety measures, including, but not limited to, personal protective equipment, sanitizer, hand washing stations, air filters, thermometers, cleaning supplies, or similar items. **(26%)**
- **Market Pivots:** Market pivots such as transition to virtual/online sales costs (online platform development and fees, online marketing, credit card processing fees), supplies, new signage. **(33%)**
- **Retrofitting Facilities:** Retrofitting facilities for worker and consumer safety to maximize open-air activities, plexiglass, walk up windows, heat lamps, fans, tents, propane, weights, tables, chairs. **(25%)**
- **Transportation:** Additional transportation costs incurred to maintain social distancing. **(6%)**
- **Worker Housing:** Additional worker housing costs incurred to maintain social distancing or to allow for quarantining of new or exposed employees. **(2%)**
- **Medical Services:** Unreimbursed costs associated with providing or enabling vaccinations, testing, or healthcare treatment of infected employees, including any paid leave. **(8%)**



Next Steps and Program Timeline:

1

- **On-line Survey for Wholesale Dealers (complete by November 5th)**
 - Survey developed and e-mailed to all wholesale dealers on October 26th
 - Evaluate responses for development of Grant Application to USDA

2

- **Submit Grant Application by November 22nd**
 - Develop program narrative and budget by November 12th
 - Resolve issues and submit completed application on-line by November 22nd

3

- **Develop applications and outreach material for the program in December**
 - E-mail all wholesale dealers about program and develop webpage
 - Create applications for the program in anticipation of January 1 start date

4

- **Administer the program effective January 1, 2022 through closeout**
 - Applications will be mailed to all potential applicants during the month of Feb.
 - Establish all eligible applicants as vendors in State Accounting System
 - Allow a 6 month time period to evaluate applications and make determinations

Overall Timeline

November 5th:

- Evaluate dealer survey response

November 22nd:

- Submit grant application to USDA

By Late December:

- Outreach to all Wholesale Seafood Processors
- Develop webpage for SPRS Program
- Develop application for Dealers

Early February- June:

- Mail applications
- Establish eligible applicants in MMARS

By Summer of 2022:

- Issue payments by EFT

