

**MARINE FISHERIES ADVISORY COMMISSION
FINAL BUSINESS MEETING MINUTES
NOVEMBER 10, 2021
Held Virtually via Zoom**

In attendance:

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

Division of Marine Fisheries: Daniel McKiernan, Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Story Reed; Jared Silva; Julia Kaplan; Nichola Meserve; Kelly Whitmore; Melanie Griffin; Maggie Nazarenus; Bob Glenn; Scott Schaffer; Nick Buchan; Derek Perry; Steve Wilcox; Maren Budrow; Stephanie Cunningham; Matt Duggan; Thomas Shields; Kim Fine; and Anna Webb

Department of Fish and Game: Daniel Koch

Massachusetts Environmental Police: Lt. Matt Bass

Members of the Public: Chet Van Dellen; Matt Holden; and Patrick Paquette

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the November 10, 2021 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF NOVEMBER 10, 2021 BUSINESS MEETING AGENDA

There were no amendments to the November 10, 2021 MFAC draft business meeting agenda.

Chairman Kane asked for a motion to approve the draft November 10, 2021 business meeting agenda. Bill Amaru made a motion to approve the draft agenda. The motion was seconded by Shelley Edmundson. The November 10, 2021 MFAC business meeting agenda was approved by unanimous consent.

REVIEW AND APPROVAL OF SEPTEMBER 22, 2021 DRAFT BUSINESS MEETING MINUTES

No amendments were made to the September 22, 2021 draft business meeting minutes.

Chairman Kane asked for a motion to approve the September 22, 2021 MFAC business meeting minutes. Kalil Boghdan made motion to approve the September

22, 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 everyone for their attendance. Ray stated an in-person meeting may be possible for January.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). MEP were involved with a search team operation looking for a missing aircraft off the coast of the Cape. The recent nor'easter had also produced a large amount of gear loss. On personnel, MEP planned to hire one more officer and four officers recently graduated from the academy.

Ray Kane asked about current and target field officer numbers. Lt. Bass reported there are currently about 80 officers and the target number is about 130.

DIRECTOR'S COMMENTS

Director Dan McKiernan thanked the MFAC for their willingness to postpone the October 28 business meeting in response to the recent nor'easter's impacts on utility services.

DMF staff were working on new infrastructure projects, such as commercial and recreational permitting systems. Story Reed would present on the new system later in the meeting. Dan went on to discuss the status of DMF's Boston headquarters. In anticipation of moving in 2022 and having the physical footprint downsized, staff were sorting through files and working to archive historic documents. With the reduced physical footprint, Dan expected most staff currently housed in the Boston office would be relocated to field stations. This included the recently remodeled Cat Cove field station in Gloucester. Dan briefly described the history of this building and its recent renovations.

The Director briefed the MFAC on DMF's ongoing Incidental Take Permit (ITP) application. On the subject of protected species management, DMF participated in a rope-less fishing workshop in October. The workshop was funded by NFWF and the goal was to determine the hurdles and the possible benefits of rope-less fishing.

Dan then noted the MFAC was formed by the legislature on July 23rd 1962 and stated his intention to organize an event next summer to celebrate the Commission's 60th birthday and their various accomplishments over the years.

The Shellfish Advisory Panel (SAP) was scheduled to meet on November 18 at 10 AM in Plymouth. The SAP was established to provide a forum for state agencies and the public to discuss and debate issues pertinent to shellfish resources and shellfish fisheries. The SAP does not have any regulatory authority and any regulatory adjustments brought forth through the SAP would have to be approved by the MFAC.

Ray Kane questioned if there would be financial relief available to fixed gear fishermen who lost their gear during the recent nor'easter. Dan stated that the Massachusetts Lobsterman's Association was working to take stock of how much gear was actually lost and this would be used to quantify the value of the loss.

2021 QUOTA MONITORED SPECIES UPDATE

Anna Webb and Story Reed provided an update on quota monitored species. Data was updated as of November 3.

Striped Bass. 99.7% of the striped bass commercial quota was landed. Ray Kane commended DMF and the MFAC for liberalizing the fishing limits to allow the quota to be utilized.

Bluefish. Massachusetts landed 94.5% of the state's quota, which was increased through a 50,000 pound transfer in September. There was some discussion about geographic shifts in the bluefish fishery in 2021. As spatial data is obtained through commercial fisherman reports, and these reports are submitted on a monthly basis, this data would not be available until mid-2022.

Mike Pierdinock asked if the landings for bluefish have increased north of the Cape. Anna Webb stated the majority of the landings are not from the north shore but added a precise spatial analysis will not be available until next summer. Dan reminded the MFAC spatial data is derived from commercial fisherman trip level reports which are submitted on a monthly basis and audited during the winter period.

Black Sea Bass. Massachusetts has landed 89.9% of its black sea bass quota. Landings had tapered off in recent weeks and given the seasonality of this fishery, the quota would not likely be achieved. There was some discussion about how to better utilize the quota moving forward, particularly with the expected quota increase in 2022. Director McKiernan stated he intended to present a draft proposal to adjust commercial black sea bass limits at the upcoming December MFAC meeting.

Summer Flounder. Massachusetts has landed 64.5% of its summer flounder meeting. Given the seasonality of this fishery, DMF expected about 25% of the quota would be left unharvested. Given this underutilization, and the expected quota increase in 2022, DMF was hosting an industry scoping meeting on November 17.

Bill Amaru opined the in-season adjustment to the summer flounder fishing limits likely came a week or so too late. Jared Silva agreed. Jared then noted the in-season

adjustment process was cumbersome and DMF intended to use built in quota triggers to adjust fishing days in the future.

Mike Pierdinock stated that summer flounder is another example shifting spatial distribution overtime, likely due to climate or environment. Mike described the catches of the for-hire fleet and stated there were not as many legal-sized fish this year and the past several years. During this period he and others have also observed increased water temperatures in Buzzards Bay and Vineyard Sound to Noman's Island and that may be driving fish further offshore into federal waters.

Tautog. Massachusetts landed 103.2% of its commercial tautog quota. The overage would come off the 2022 quota. Ray Kane and Dan McKiernan discussed the most recent stock assessment and how this may impact commercial and recreational fishing limits moving forward. Dan stated this would have to be discussed with RI, as the fishery is jointly managed by the two states. There was then some discussion about the tautog tagging program and a recent enforcement incident in New York that demonstrated the program's usefulness.

Horseshoe Crabs. Massachusetts landed 89.5% of its horseshoe crab quota.

Mike Pierdinock and Bill Amaru discussed how climatic shifts were likely affecting the spatial distribution of many of these species and the performance of these quota managed fisheries.

ITEMS FOR FUTURE PUBLIC HEARING

State Waters Groundfish Management

Director McKiernan and Jared Silva gave a presentation regarding overarching management measures affecting commercial state waters groundfish. Jared Silva then reviewed the various regulatory adjustments being proposed for public hearing. It was noted that these proposals were developed with input from the MFAC's State Waters Groundfish Sub-Committee, which met in September 2021.

- DMF is proposing to expand the January 1 – May 15 sink gillnet closure in Cape Cod Bay to include all state waters. This was being done to reduce the risk of right whale entanglements. Similar to the seasonal trap gear closure, this proposed gillnet closure could be extended or rescinded based on the presence or absence of right whales.
- DMF proposed adopting an 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.

- DMF proposed to rescind the conditional April 1 – April 30 commercial groundfish closure from Plymouth to Marblehead west of 70 30' contingent on the adoption of the above described gillnet and spawning cod closures.
- To provide access to groundfish stocks in times and places where right whales and spawning cod are of less concern, DMF proposed to eliminate the May 15 – October 31 gillnet closure off Boston Harbor and liberalize the GOM cod trip limit from 200 to 300 pounds and the GOM yellowtail flounder trip limit from 250 to 350 pounds.

Lou Williams expressed his objections to the proposed closures. He noted the small size of the state waters fleet and opined it likely had a nominal impact on right whale and cod conservation. He also argued the state's approach was disjointed as it attempted to follow common pool rules, sector rules, and ALWTRP rules and this was unduly impacting the small state waters fishery. Lastly, Lou also advocated that the southern boundary of the May commercial groundfish closure be moved from Boston to Nahant to provide additional access to winter flounder.

Mike Pierdinock and Bill Amaru expressed concern over the impacts cormorants, grey seals, and dogfish were likely having on fishery resources, including groundfish. Mike also expressed concern over cod worms being found in both cod and haddock and now black sea bass in areas where there is a high abundance of grey seals.

DISCUSSION ITEMS

State and Federal Protected Species Management Updates

Robert Glenn provided the MFAC with a brief update regarding state and federal protected species. He stated that NOAA Fisheries published the 2022 draft List of Fisheries (LOF) under the Marine Mammal Protection Act. Massachusetts' lobster, whelk, and fish pot fisheries were separated out from the broader regional fisheries and a new Massachusetts Mixed Species Trap fishery was proposed. NOAA Fisheries is currently in the process of reviewing public comment and finalizing the LOF. If the new Massachusetts Mixed Species Trap fishery is adopted in the 2022 LOF, it would advance DMF's ITP application. However, for it to be adopted, the fishery needs to be distinguishable from other fisheries in other jurisdictions and there are concerns that DMF has not adopted a unique gear marking system for its whelk and fish pot fisheries. With this in mind, DMF intends to go out to public hearing this winter with a proposal to adopt the new lobster/crab trap buoy line marking scheme to the fish and whelk pot fisheries for 2022.

Bob then moved on to discuss an updated right whale population estimate. The 2020 estimate is 336 whales and with the updated population estimate, NMFS now projects that a 92% reduction in the risk of SIM is necessary to achieve PBR.

Bob stated that DMF is investigating options/approaches to removing abandoned gear prior to the closure. He described the short term and long-term approaches to hauling abandoned gear. Bob then moved on to discuss the rope-less fishing workshop, and

described the major takeaways from the meeting. Overall, there is much more work needed to fully understand the potential for gear conflict and how to resolve it. There are also major concerns on scalability of rope-less fishing – how would rope-less fishing impact small owner/operator businesses. Bob went on to discuss other concerns that arose as a result of the rope-less workshop.

Atlantic States Marine Fisheries Commission Updates

Nichola and Dan summarized the recent October ASMFC meeting and highlighted areas of interest for Massachusetts.

- Development of Lobster Addendum XXVII and Lobster/Jonah Crab Addendum XXIX continues. Addendum XXVII's objective is to address declining trends in survey abundance for the Gulf of Maine and Georges Bank lobster stock and build in resiliency measures to increase spawning stock biomass. This includes standardizing certain rules within or across Lobster Conservation Management Areas and adopting management triggers for gauge size revisions. DMF anticipated the draft addendum would be finalized for public comment at the winter ASMFC meeting. Addendum XXIX's objective is to enhance spatial data regarding where the offshore lobster/Jonah crab fishery occurs by requiring electronic monitoring. A special Board meeting will be held on December 6 to finalize the draft addendum for public comment.
- The 2021 regional tautog stock assessments showed that stock status had improved across all stock areas since 2016. For the MA/RI region the spawning stock biomass was estimated to be 44% above its target. While the stock assessment results were strong, they did not automatically prompt a responsive management action, such changes will have to be considered on a regional basis with MA and RI having to agree on what, if any, management actions are warranted.
- The release of Striped Bass Draft Amendment 7 for public comment was delayed in order to have the Plan Development Team incorporate options addressing year class protection in the Chesapeake Bay recreational fishery and the adoption of a rebuilding plan that assumes a low recruitment regime. Despite this delay, the amendment is still on schedule for implementation in 2023. The Board also refined the options addressing the management triggers; year class protection along the coast; recreational release mortality; and the use of conservation equivalency measures.
- The ASMFC was in the preliminary stages of developing Menhaden Addendum I. This addendum is expected to consider changes to commercial state-by-state quota allocations, adjusting how the episodic event set-aside is utilized, and limiting how menhaden may be targeted when fishing under the incidental catch and small-scale fishery allowance.
- DMF also reviewed the sub-ACL management for Atlantic sea herring in Area 1A for 2022, an anticipated increase to the spiny dogfish trip limit, and the ongoing development of harvest control rules in the annual management of the recreational summer flounder, black sea bass, scup, and bluefish fisheries.

New England Fishery Management Council Updates

Melanie Griffin provided an update for the commission regarding the NEFMC. Melanie discussed new leadership at the NEFMC with a new Chair and Vice-Chair and new appointments to the Executive Committee. At the September meeting, the NEFMC finalized a rebuilding plan for Atlantic sea herring; finalized 2022-2023 specifications for skates; and approved 2023 catch limits for transboundary groundfish stocks. Looking forward to the December meeting, the NEFMC was expected to review 2022 management priorities and pending scallop and groundfish frameworks. Lastly, DMF highlighted several federal fisheries management initiatives of interest to Massachusetts. This included the management strategy evaluation on cod stock structure; the reauthorization of the Magnuson-Stevens Act; ecosystem-based fishery management workshops; climate change scenario planning; and the development of a mackerel rebuilding plan. DMF and the MFAC established a Mackerel Sub-Committee to advise DMF on how to respond to a Mid-Atlantic Fishery Management Council request for northeast states to regulate recreational mackerel fishing in state waters.

Dan McKiernan asked Ray to form a sub-committee to respond to the letter received regarding the Atlantic herring disaster declaration.

Ray Kane congratulated Melanie on her appointment to the Executive Committee and asked Melanie if the NEFMC is planning to have her work as a liaison to the MAFMC.

Bill Amaru emphasized the importance of rebuilding the mackerel stock and was happy to hear it is high on the list for the Council.

Mike Pierdinock stated that climatic shift has potentially impacted mackerel distribution, with the resource moving northward and fewer fish available in the Mid-Atlantic. There is concern the stock is managed by the MAMFC with no votes by the NEFMC. Melanie noted there were high-level discussions among MAFMC and NEFMC staff on the management of this species.

PRESENTATIONS

New Recreational Fishing Permit Program

Story Reed introduced the new vendor partner for the updated permitting system, Kalkomey. The project kicked off in March after extensive RFI and RFR process in 2020 and 2021 led by the Department of Fish & Game in collaboration with DMF and MassWildlife. Story then discussed the customer transaction fees and how the anticipated changes with the new vendor and new and improved functionality, interfaces, and analytics. Story moved on to discuss next steps and the go-live date of December 1, 2021.

Story turned the floor over to Dan Koch from DFG and staff from Kalkomey. Dan Koch introduced himself and described the long-term partnership DFG will have with Kalkomey going forward. Chet Van Dellen from Kalkomey gave a high-level overview of Kalkomey and what they do as a company. Chet stated Kalkomey will be on-site at

DFW's Westborough headquarters on the go-live date, and Kalkomey will be working with vendors across the state that sell DMF permits. Chet welcomed any questions from the commission.

Dan McKiernan stated he expects this new product will give DMF new responsiveness from customers. Story added by saying this new program should be a one stop shop for Massachusetts outdoorsmen.

Ray Kane asked if Kalkomey will be able to collect data from recreational lobster fishermen. Story stated this hasn't been discussed yet, but there will be more opportunity for that going forward.

Ray Kane then asked about the length of the contract with the new vendor. Story stated it was 3 years, and potential for 7 one-year extensions. Dan Koch confirmed this. Story concluded by saying there will be a more in-depth presentation at the recreational panel meeting in December.

CARES Program Review and Seafood Processing Grant

Kevin Creighton presented on the second round of the CARES Act Fisheries Relief Program. Kevin reviewed the timeline for the Round 2 program, and noted checks were mailed out on October 7, 2021. Kevin then compared the budgets for Round 1 and Round 2 and presented a table that compared the number of applicants and recipients between Round 1 and Round 2. Kevin then described the payment per share for each of the sectors and compared the payment amounts in Round 2 to Round 1.

Kevin then described the Seafood Processors Pandemic Response and Safety Program. Unlike CARES, which provided direct payments to industry members, this program would partially reimburse capital investments by seafood processors into infrastructure to prepare for, prevent, and respond to COVID-19. Massachusetts was expected to receive about \$1.1M.

OTHER BUSINESS

Commission Member Comments

Ray Kane asked Dan about the harbor dredging issues on Cape Cod. Dan stated he would like to set up a meeting between DMF's Habitat Program staff and interested MFAC members. Ray and Dan then discussed on going DNA work designed to better inform temporal dredging windows.

Ray and Jared then discussed scheduling future meetings and the interest among MFAC members to find a balance between virtual and in-person meetings in 2022.

PUBLIC COMMENTS

No public comments were made.

ADJOURNMENT

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

MEETING DOCUMENTS

- November 10, 2021 Business Meeting Agenda
- September 22, 2021 MFAC Draft Business Meeting Minutes
- Quota Managed Species Update
- State-Waters Groundfish Public Hearing Proposal
- Protected Species Update
- October 2021 ASMFC Meeting Summary and Presentation
- NEFMC Update
- MA Fish-Hunt Update
- Cares and Seafood Grant Update

UPCOMING MEETINGS

December 2, 2021
TBD