

**MARINE FISHERIES ADVISORY COMMISSION**  
**Draft Business Meeting Minutes**  
**November 19, 2024**  
**via Zoom**

**In attendance:**

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

*Division of Marine Fisheries:* Daniel McKiernan, Director; Bob Glenn, Deputy Director; Story Reed, Deputy Director; Kevin Creighton, Assistant Director; Anna Webb, Acting Assistant Director; Jared Silva; Nichola Meserve; Melanie Griffin; Kelly Whitmore; Brad Chase; Erin Burke; Steve Wilcox; Tracy Pugh; Derek Perry; Nick Buchan; Matt Ayer Scott Shaffer; Emma Fowler; and Cara Litos.

*Department of Fish and Game:* Tom O’Shea, Commissioner; Sefatia Romeo-Theken, Deputy Commissioner.

*Massachusetts Environmental Police:* Captain Jack Chapin; and Lt. Matthew Bass.

*Members of the Public:* Beth Casoni; Rob Porter; Dustin Delano; Julia Logan; Domenic Santoro;

**INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane called the November 19, 2024 Marine Fisheries Advisory Commission (MFAC) business meeting to order. Jared Silva conducted roll call attendance for the MFAC.

**REVIEW OF NOVEMBER 19, 2024 BUSINESS MEETING AGENDA**

Chairman Kane asked if there were any amendments to the November 19, 2024 MFAC business meeting agenda. No amendments were sought or made.

**REVIEW AND APPROVAL OF OCTOBER 29, 2024 DRAFT MEETING MINUTES**

Chairman Kane asked if there were any amendments to the October 29, 2024 draft MFAC business meeting minutes. No amendments were sought or made.

The Chairman requested a motion to approve the October 29, 2024 draft MFAC business meeting minutes. **Bill Doyle made the motion to approve the October 29, 2024 business meeting minutes as drafted. Bill Amaru seconded the motion. Jared Silva conducted a roll call vote. The motion was approved 6-0-1 with Chairman Kane abstaining.**

## **CHAIRMAN'S COMMENTS**

Chairman Kane discussed the Commission's interest in holding more frequent in person meetings. Jared Silva stated he would work with the Chairman and Director to accomplish this.

## **LAW ENFORCEMENT COMMENTS**

Captain Jack Chapin discussed a recent case involving nighttime small mesh dragging for mantis shrimp in Mount Hope Bay. While this fishing activity is authorized in Rhode Island, it is illegal in Massachusetts. The fisher acknowledged they were knowingly fishing in Massachusetts waters. Chapin noted this was a cooperative effort with Rhode Island Law Enforcement. Lt. Bass stated this entire catch was seized. Jared Silva asked if this was a violation of both Massachusetts' fishing and permitted regulations. Chapin confirmed that the fisher was not permitted in Massachusetts. Chairman Kane, Captain Chapin, and Lt. Bass discussed the process moving forward and a potential investigation into the dealer who was purchasing the product.

Chapin and Bass touched on the recent MFAC Law Enforcement Focus Group meeting. Both felt the meeting was productive in addressing a variety of enforcement and compliance issues.

Chapin and Bass also noted that law enforcement's attention has seasonally shifted to hunting, but coastal bureau officers remained engaged on commercial fishing, recreational tautog fishing, and the recreational lobster trap closure.

Kane, Chapin, and Bass then briefly discussed personnel levels and the agency's hiring process.

## **COMMISSIONER'S COMMENTS**

Commissioner O'Shea provided an update on the so-called "Derelict Gear Bill." This bill is the product of a DMF Task Force, which included department counsel; the Massachusetts Environmental Police (MEP); MFAC members; industry groups; and non-governmental organizations (e.g., Provincetown Center for Coastal Studies). The bill aims to modernize state law to enhance the cleanup of abandoned, derelict, and lost fishing gear. While DMF initiated this work under the prior administration, the Department—under Tom's leadership—prioritized advancing this legislation and were successful in having it embedded in the larger Economic Development Bill, which was recently approved by the Legislature and was expected to be signed into law by Governor Healey. Once the statute is updated, Tom expected DMF, the Commissioner's Office, and the MFAC would have to work to develop a regulatory framework to authorize and permit various gear cleanup activities and fine tune what constitutes derelict gear.

O'Shea reminded the MFAC that both food security and public access were cornerstones of his Department's Strategic Plan. With regards to food security, the Department was able to secure an earmark to fund a feasibility study for a "share the catch" program. The

feasibility study would assess how to get underutilized seafood into food pantries while supporting prices paid to fishers and would study existing models of seafood distribution into food banks, as well as food pantry supply chain, costs, and logistics. DMF Deputy Director Story Reed would be overseeing this work. Tom anticipated this work would include input from food banks, commercial fishers, seafood dealers, and other stakeholders. With regards to other stakeholders, the Commissioner recognized the relevant experience of Shelley Edmundson and the Martha's Vineyard Fishermen's Preservation Trust. Tom then thanked Senator Bruce Tarr, Representative Ann-Margaret Ferrante, and Deputy Commissioner Sefatia Romeo-Theken for their work to support and fund this initiative. On public access, DMF, the Office of Fishing and Boating Access, and the City of Salem have completed the Salem Willows fishing pier project. Tom touted this as an important public access project in an environmental justice community. The project partners intended to hold a ribbon cutting event on the morning of December 2 and it was expected that Lt. Governor Driscoll would be in attendance.

Chairman Kane asked if MFAC members would be invited to the Salem Willows ribbon cutting event. Commissioner O'Shea indicated that Jared Silva would work with his office to ensure this occurs.

Lastly, the Consensus Building Institute (CBI) has been contracted to help DMF and the Office of Coastal Zone Management (CZM) to stand up the so-called Commercial Fisheries Commission. The goal of bringing CBI onboard is to help develop a mission for this new group and avoid overlap with work being currently conducted by the various other groups that are working on commercial fisheries and wind energy development issues. Additionally, CBI would help facilitate the initial meetings of this group as DMF onboarded its new wind energy specialist and policy support person. O'Shea was hopeful that CBI would be able to begin their work before the holidays and the Commission would hold its inaugural meeting in early 2025.

### **DIRECTOR'S COMMENTS**

Director Dan McKiernan began his comments addressing the Commercial Fisheries Commission. The enabling statutory language is broad in establishing the public body's purpose, and as such, the potential scope of this Commission crosses over into work being conducted by various other groups and public bodies, including the Offshore Wind Working Groups on Habitat and Fisheries and the MFAC. Accordingly, DMF is interested in using CBI to scope the interests of the members of this public body, assess where this Commission fits within the landscape of existing groups, and develop a more surgical role and mission for it.

McKiernan then expanded on the Commissioner's comments on the Derelict Gear Bill. He thanked Deputy Director Bob Glenn for his work overseeing the Task Force and developing the white paper. DMF would also likely work through this Task Force to develop regulations to implement the framework to authorize cleanup and he was optimistic a draft regulatory proposal would be brought the MFAC for their review in early-2025.

Dan provided an overview of recent and upcoming meetings. During the MFAC meeting, DMF would more thoroughly cover the summer flounder industry meeting, the Law Enforcement Focus Group meeting, and the Shellfish Advisory Panel meeting. Additionally, DMF held a stakeholder meeting in Gloucester to discuss the status of the Newburyport Shellfish Depuration Plant. Dan anticipated a formal decision on the fate of the Plant would be forth coming. As for upcoming events, Dan invited MFAC members to the December 2<sup>nd</sup> event at the Salem Willows fishing pier, as well as all of DMF meeting and public event to expose the agency's work to the public on June 14 at the Cat Cove Lab in Salem.

## **ACTION ITEMS**

### Election of MFAC Vice-Chair

Chairman Kane noted that with Mike Pierdinock's resignation from the MFAC the seat of Vice-Chair is currently open. At the October business meeting, MFAC members sought to delay a nomination and vote on this until the November business meeting. Accordingly, the Chair sought a nomination.

No nomination was made. Kalil Boghdan indicated that Bill Doyle could be temporarily elevated from Clerk to Acting Vice Chair should the Chairman have to excuse himself from this meeting and then the MFAC could revisit this issue in December.

## **UPCOMING PUBLIC HEARING ITEMS**

### Menhaden Quota Management Rules

Director McKiernan provided introductory comments and noted that DMF held an industry stakeholder meeting in October 2024 which informed the development of this public hearing proposal.

Nichola Meserve provided some background information on the management of the commercial menhaden fishery and an overview of the recent industry meeting. She then presented DMF's three-part draft public hearing proposal:

1. Rescind the 90% quota use trigger that drops the limited entry fishery's trip limit from 25,000 pounds to 6,000 pounds or revise it to be in the range of 95-98% quota use. The current approach is designed to allow continued bait harvest when the fish are available inshore by slowing down landings and avoiding a quota closure. However, at current quota and participation levels, the 10% set-aside for the small-scale fishery is too large and impedes the utilization of the quota. Industry is also interested in utilizing the full quota in order to access the Episodic Event Set-Aside (EESA). Note that there is an inherent risk of a seining closure if the state takes 100% of its quota and the EESA is exhausted and quota transfers from other states are not available.
2. Use the August 1, 2023 control dates for the Menhaden Endorsement and CAP-Purse Seine Endorsement to further limit access to the menhaden fishery

beginning in 2026. This would include requiring a certain activity threshold be met prior to the control date to renew the limited entry Menhaden Endorsement and limiting access to the CAP-Purse Seine Endorsement to only those who held the permit by the control date. Additionally, DMF could then update the CAP-Purse Seine control date rule to further restrict permit access in the future based on activity criteria. This is being proposed to address the level of latent effort in the fishery and concerns this latent effort will be activated due to declining quotas for herring and mackerel.

3. Consider a pilot program that authorizes two similarly permitted and rigged vessels to share catch from the other's seine nets. The intent of this program is to prevent slippage and enhance efficiency and reduce gear conflicts by reducing the number of sets permit holders need to make to catch their limit. This program could be suspended based on landing rates or concerns about program misuse or permit activation.

Kalil Boghdan asked for Nichola to describe recent permit holder activity in this fishery. Nichola noted that it varies from year to year. However, the limited entry fishery generally involves fewer than ten permit holders and a handful of operators participate in the open entry fishery. However, DMF issues a substantially higher number of permits than are active in any given year and DMF's control date proposals respond to this substantial level of latent effort.

Chairman Kane asked about permit transferability and whether safeguards are in place to prevent this from becoming a fleet fishery. Nichola Meserve noted the Menhaden Endorsement is currently transferable if actively fished; the Coastal Access Permit – Purse Seine would become transferable when actively fished if it became limited entry; and the menhaden fishery is already owner-operator and would remain so under this proposal.

#### Summer Flounder Quota Management Rules

Jared Silva provided background information on the management of the commercial summer flounder fishery and an overview of recent fishery performance. He also discussed the recent industry meeting and noted that there was little consensus on specific proposals at the industry meeting, but there was some support for DMF to adjust how it manages the quota to allow some level of fishing opportunity into September. In this context, DMF was putting forth a multi-faceted proposal on summer flounder management.

For Period I (January 1 – April 22), DMF is proposing to reduce the trip limit from 5,000 pounds to 2,000 pounds by an in-season adjustment for 2025 and by a regulatory change thereafter. DMF will also take comment on eliminating the authorization for the multi-state program beginning in 2025 and for reducing the Period I quota allocation from 30% to as low as 15% for 2026 and beyond. The in-season adjustment public comment process would begin immediately after the November MFAC meeting and DMF would return to the MFAC in December with a final recommendation on this trip limit adjustment for 2025.

For the Period II Summertime Fishery (April 23 – September 30), DMF is proposing to drop the initial trip limit from 600 pounds for net fishers and 400 pounds for hook fishers to 500 pounds for net fishers and 325 pounds for hook fishers; adjust the quota-use based trip limit trigger that drops trip limits in-season from 75% quota use on or before August 1 to 75% quota use on or before August 15; and adopting a new quota-use based trip limit trigger to reduce trip limits to no more than 200 pounds for all gear types if 90% of the quota is taken on or before September 1. For the summertime fishery, DMF will also take public comment on eliminating Fridays and Saturdays as open fishing days. While not a preferred proposal, DMF felt it was appropriate to discuss it further given it may slow quota consumption and address user-group conflicts raised by the recreational fishery to DMF. Lastly, DMF supported maintaining the multi-day program for trawlers given the economic benefits associated with it. However, DMF would listen to suggestions on how to improve it given concerns that the program had evolved beyond its intent, encouraged effort from offshore vessels leading to more expedient quota utilization, and may be resulting in high-grading.

In aggregate, the purpose of these proposals is to ensure adequate quota is available to the commercial fishery during the summertime and early fall when the fish are accessible to most permit holders and of higher market value.

Bill Amaru stated his interest in keeping the fishery open into September given the interests of hook fishers on Nantucket Shoals and had requested DMF consider sub-quotas for the summertime fishery based on gear-type to accommodate this management objective. Amaru noted that DMF raised this policy consideration at the industry meeting and there was no interest among industry members in pursuing it. Accordingly, he supported DMF's action to not further pursue the item. Moreover, he felt that DMF's proposal would address his concerns through other mechanisms and felt the proposals balanced the various user interests. That said, Amaru did not support DMF continuing the multi-day program.

Jared Silva and Bill then discussed how small changes in effort in this fishery can impact quota use. This makes managing this fishery challenging given there is substantial interannual variability in effort driven by environment, availability, and the profitability of other fisheries and availability of other fishery resources. In this context, Bill, Ray, and Jared both expressed concerns that the expected reduction in Gulf of Maine cod catch limits for this season may lead to increased summer flounder fishing effort in both the inshore and offshore fishery. Bill noted this potential source of new effort could be further enhanced through the multi-day program, which is why he would not support it. Jared stated that this underscored DMF's preference to use by dates to trigger quota-based trip limit adjustments to ensure quota management objectives are being met.

Shelley Edmundson stated her support for DMF continuing the multi-day program. Edmundson recognized that while the program may have its challenges, its continuation is essential to the island's commercial fishing industry and the local shoreside infrastructure.

Chairman Kane, Director McKiernan, and Jared Silva discussed the origin and evolution of the multi-day program over the past five-years. McKiernan noted that the program did

not initially contemplate vessels fishing in federal waters overnight to take a trip that spanned to calendar days but it had seeming evolved in this direction, which frustrated some folks in the inshore fleet. Jared stated that DMF wants to maintain the program moving forward because it is important to a variety of stakeholders, including much of the dayboat fleet. However, the program has evolved beyond its initial purpose raising various concerns and DMF was open to modifying the program for 2025. One modification that participation in the multi-day program may only apply if a trip meets a certain length of time. Jared looked forward to hearing more from industry on this subject during this winter's public process.

Chairman Kane then discussed industry's interest in DMF adopting trip limit adjustments at the Director's discretion rather than based on a date certain. Jared and Dan discussed the regulatory challenges with this approach. Director McKiernan also explained that he wants to develop a predictable management framework to help businesses plan their season and did not think it was appropriate to allow DMF to adjust limits in-season on an ad hoc basis.

Kane then commended DMF on this proposal and stated that the industry generally felt DMF was actively listening working to engage with them and address their issues.

## **DISCUSSION ITEMS**

### Protected Species Update

Deputy Director Bob Glenn provided the MFAC with an update on protected species issues. The update focused on: the most recent population assessment for the North Atlantic right whale (NARW) population estimate; rule making expectations and timelines for the Atlantic Large Whale Take Reduction Plan (ALWTRP); NOAA Fisheries' ship speed rule; DMF personnel as it relates to its DMF's Protected Species Project; the development of a passive acoustic monitoring network for right whales; DMF's on-demand gear research; and the status of DMF's Incidental Take Permit application.

NOAA Fisheries recently released its population estimate for NARW. The population grew from 356 individuals in 2022 to 370 in 2023. It has been estimated that an additional 20 calves were born in 2024, but data suggest that five may have died this year. The population decline that has been expected since 2010 has slowed and is now trending upwards due to both lower mortality and higher birth rates.

NOAA Fisheries is moving forward to convene the Atlantic Large Whale Take Reduction Team (ALWTRT) to update the ALWTRP. The expectation is that in early 2025 NOAA Fisheries will release an EIS for public comments regarding amendments to gillnet and other trap/pot fishery rules. With regards to the lobster and Jonah crab trap fishery, the Consolidated Appropriations Act (CAA) curtailed NOAA Fisheries' to implement new ALWTRP rules until after December 31, 2028. However, NOAA Fisheries intends to begin to convene the ALWTRT in early 2025 to begin the rule making process so that new rules can be promulgated as soon as possible in 2029. Glenn then reviewed the ALWTRT's tentative timeline to accomplish rule making for 2029 and noted his intention to convene regional industry working groups after the March 2025 meeting to discuss potential risk

reduction strategies. On the subject of risk reduction, Bob noted that NOAA Fisheries derives the percent reduction figure based on the most recent five-years of data and the level of risk reduction required of the industry will likely decrease should the NARW population trend continue to improve. Director McKiernan stated that part of the reason why NOAA Fisheries was pursuing such a long rule making timeline was to give industry the opportunity to obtain funding for gear investments, particularly the potential need to use on-demand fishing gear and other ropeless fishing technologies.

Glenn then moved on to discuss NOAA Fisheries' proposed ship speed rule. He noted that the state's Office of Coastal Zone Management submitted a federal consistency objection to the proposal. DMF assisted them in the development of their comments. The focus of the objection was the inclusion of Vineyard and Nantucket Sounds in ship speed management area; the impacts this would have on vessel traffic, particularly ferries; and that there was insufficient data demonstrating NARW are commonly found in these waters thereby necessitating the application of the ship speed rule there and the resulting socio-economic impacts it would cause.

Bob discussed the current status of DMF's Protected Species Project. Erin Burke was recently promoted to be the program manager overseeing a team of five individuals. This includes three new hires: Leah Crow, Science and Monitoring Lead; Manali Rege-Colt, Acoustician; and Emma Fowler, Field Biologist. Additionally, two staff have been reassigned to the Project to work as gear specialists. This includes David Chosid, from Conservation Engineer Project and Bredan Rielly from the Invertebrates Project.

With the development of this more robust Protected Species Project and with funds from the CAA, DMF was now working to implement a passive monitoring program and conduct On-Demand Gear (ODG) testing. The monitoring work is part of the implementation of the Passive Acoustic Monitoring Network in collaboration with Northeast Fisheries Science Center. This is designed to better understand NARW presence and occupancy across the Northwest Atlantic and to better assess risk reduction strategies. Bob anticipated DMF would begin to deploy real-time monitoring buoys in early 2025 and archival buoys later in the year. On ODG research, DMF has begun to conduct some gear testing to address a range of technological, operational, and economic concerns. Bob noted that initial gear density work in Buzzards Bay has demonstrated that strings of ODG gear can be set about 30 feet apart.

For several years, DMF was working to develop an Incidental Take Permit (ITP) application and Habitat Conservation Plan (HCP) to cover takes of NARW and endangered sea turtles in the Massachusetts Mixed-Species Trap/Pot Fishery (MMSTF). DMF submitted its second draft HCP to NOAA Fisheries in July 2024. Glenn expected that NOAA Fisheries would provide their final comments by the end of 2024 allowing DMF to submit a final ITP application and HCP by early 2025. If this were to occur, the expectation would be that NOAA Fisheries would then begin their National Environmental Protection Act process, which includes public comment, allowing for a permit to be potentially issued in 2026.

Chris McGuire asked Bob Glenn several questions. First, would data from the real-time



monitoring buoys would be publicly accessible. Glenn responded that DMF intended to make this data available through a public facing dashboard. Second, what other data the monitoring buoys may collect. Glenn noted the buoys would collect other data, such as water temperatures, but was unsure of the specifics offhand. Third, would a real-time buoy be deployed in Nantucket Sound along the ferry lanes to help inform decision around the vessel speed rule. Glenn indicated that this would be ideal, however, resource constraints may limit DMF's ability to achieve this goal. He noted that most of the funding for this project came from the CAA, and the law is specific to addressing entanglement risk, which limits DMF's ability to deploy the gear to address ship strikes. However, DMF was interested in obtaining additional funding to monitor Nantucket Sound in real time. Lastly, was there a set schedule for retrieving data from the archival monitors. Glenn indicated DMF intended to do this about three to four times per year, but this may be subject to change given data management logistics.

Bill Amaru questioned DMF's decision to conduct its ODG gear density work in Buzzards Bay where the waters are shallow and protected, and there is a low density of trap fishing and limited mobile gear activity. He contrasted this to the realities of areas like the Outer Cape, Cape Cod Bay, Stellwagen, and Cape Ann where the gear was likely to be deployed by commercial fishers. Bob explained that the work will be iterative. This initial work was intended to be introductory, and the gear was deployed in Buzzards Bay because it presented the fewest logistical challenges. As the work evolves, DMF will begin to introduce additional variables and complexities like gear density, interactions with other fishing gears, and more challenging sea state conditions and bathymetry.

Amaru then raised a general concern about the deployment of ODG and gear conflicts. Using the sea scallop fishery as an example, Bill explained that the times and areas where mobile gear is being fished is changing in response to changing resource availability. Glenn agreed and noted that DMF is actively trying to get the interactive ODG software onto mobile gear boats to better understand how they can interact with it.

Chairman Kane asked if there were any further questions or comments. There were none.

#### November 2024 Shellfish Advisory Panel Meeting

Deputy Director Glenn stated that he chaired the recent November 6, 2024 Shellfish Advisory Panel (SAP) meeting. Bob then briefly reviewed the SAP's meeting agenda and presented on the key takeaways from the meeting.

As Massachusetts is a home rule state and municipalities have licensing authority over shellfish aquaculture sites, each jurisdiction has developed its own approach to addressing the issue of license site transfers. The lack of standardized rules across the state has frustrated aquaculturists in some communities who view their municipalities rules as being too restrictive as compared to others. To better understand the various municipal license site transfer programs, DMF and the SAP have developed an Aquaculture License Transfer Working Group. This group has surveyed the various municipalities to collect information on their programs and has begun to evaluate and synthesize the survey information. The goal for the Working Group is to develop a white paper that describes the various programs and in turn provide a resource for stakeholders

and municipalities to consider when discussing local license site transfer rules.

Additionally, DMF and the SAP established a Hatchery Seed Working Group to address interannual challenges in obtaining seed and determine ways to create a more stable supply of seed to Massachusetts shellfish aquaculturists.

The subject of bulk tagging by aquacultures was discussed by the SAP. Some SAP representatives from the aquaculture sector have advocated for DMF to reconsider authorizing a pilot program. DMF previously determined it would not pursue such a program after consulting with MEP, DPH, discussing the issue with industry, and holding a public scoping meeting. Dan explained that he did not favor the program due to concerns regarding enforcement, compliance, lot integrity, and traceability in the case of a recall. This was informed by recent enforcement and compliance issues that resulted in some challenging product recalls and he worried that bulk tagging may make these instances even more challenging. Additionally, Dan opined that bulk tagging largely shifted the compliance and traceability burden from the harvester to the dealer sector, which he did not favor.

A major topic of discussion was challenges related to the reclassification of shellfish growing areas around wastewater treatment plant outfalls and harvest closures due to wastewater discharges from combined sewage overflows (CSO) following precipitation events. The focus of this discussion was around the New Bedford wastewater treatment plant and its CSO discharge that have caused extensive harvest closures in western Buzzards Bay, particularly affecting shellfish aquaculture in Dartmouth, Fairhaven, and Mattapoisett. The National Shellfish Sanitation Program has strict guidelines governing these issues which limits how DMF can respond and mitigate impacts. With regards to reclassification around wastewater treatment plans, DMF has contracted the University of Massachusetts School for Marine Science and Technology to model effluent release to limit the scale of precautionary closures. DMF is also using male specific coliphage testing in shellfish as a viral indicator to lift CSO-related closures seven days after the release event and is seeking resources to fund the deployment of tryptophan sensors to detect pathogen loads following CSO releases to better understand the spatial extent of the pollution in hopes that it may allow closures to be more surgical in scale.

Lastly, Bob noted that DMF's Shellfish Program is now fully staffed for the first time in several years. However, while fully staffed, personnel have been strained by the increased workload associated with the emerging wastewater treatment plant and CSO issues.

DMF shellfish program personnel. Fully staffed. However, emergence of CSO and WWTP has increased testing requirements.

Chairman Kane asked if there were any further questions or comments. There were none.

#### MFAC Law Enforcement Focus Group Meeting

Jared Silva presented on the recent November 13, 2024 meeting of the MFAC's Law Enforcement Focus Group and reviewed the agenda and meeting summary provided in

the MFAC's business meeting materials. Silva noted the Focus Group addressed the catch of lobsters by trawlers; total length measurement of striped bass; commercial striped bass sales; buoy line marking rules; recreational targeting of white sharks; record keeping requirements to possess spiny and smooth dogfish fins; the potential to develop false albacore and bonito limits; and volumetric weight equivalencies in the menhaden fishery.

Several of these issues may result in regulatory actions. At the September MFAC business meeting, DMF presented a proposal to go out to public hearing next winter on standardizing how striped bass are measured, which was supported by the Focus Group. Additionally, the focus group supported DMF developing public hearing proposals to address shore-based fishing for white sharks, record keeping requirements for the sale of dogfish fins, and false albacore and Atlantic bonito limits. These proposals would likely be presented to the MFAC at their December business meeting.

Additionally, DMF felt the issues pertaining to the catch of lobsters by trawlers and volumetric weight equivalencies in the menhaden fishery likely required consideration at the ASMFC. DMF did not intend to unilaterally address these issues and stated its preference to consider regional or coastwide approaches.

Lastly, DMF discussed the current protected species management framework and the critical importance jurisdictional specific buoy line marking schemes. DMF and MEP discussed the potential for targeted enforcement and compliance efforts to address the issue in state and adjacent federal waters.

Bill Amaru was surprised that a shore-based fishery for white sharks was evolving and supported DMF's interest in further restricting this activity. Silva explained that DMF already considered this activity to be illegal but was considering tightening the regulatory framework to enhance enforcement and compliance.

## **PRESENTATIONS**

### Diadromous Fisheries

DMF's Diadromous Fisheries Project Leader, Brad Chase, presented on a variety of subjects relevant to the status of diadromous fish resources and fish passage and habitat restoration work. This included: a review the current status of DMF's Diadromous Fish Project; river herring and shad stocking efforts; ASMFC stock assessment results for eels, shad, and river herring; trends in herring run counts across various rivers throughout the state and the use of electronic and video counting stations; the development of sustainable harvest plans for river herring in for Middleborough and Lakeville, Harwich, and Pembroke; and various large and small scale fish passage and restoration efforts across the state.

Kalil Boghdan and Bill Amaru applauded the work of the Diadromous Fish Project and Brad's leadership. Bill noted the strong local support for the culvert replacement work at Sesuit Creek.

Director McKiernan noted that the marine side of DFG's Biodiversity Strategic Plan focuses heavily on fish passage and habitat restoration work and he was hopeful this can be used to leverage resources to expand the work done by both DMF's Diadromous Fish Project and its Habitat Project.

#### Online Permitting System

Anna Webb presented on and provided a demo of DMF's new online commercial, seafood dealer, and special permit renewal service.

Chairman Kane thanked Anna for her update.

### **OTHER BUSINESS**

#### Commission Member Comments

Chris McGuire, Tim Brady, Bill Doyle, Shelley Edmundson, and Kalil Boghdan expressed that this was an informative and productive meeting.

McGuire requested DMF consider holding future November meetings in person. Director McKiernan noted that he scheduled the November and December meetings to be virtual because he wanted to be mindful of people's health around the holidays. Several years back he held an SAP meeting immediately prior to Thanksgiving that resulted in numerous individuals being infected with COVID, which negatively impacted their holiday plans. However, if scheduling is permitted, in person meetings could be scheduled to avoid holiday impacts and MWRA COVID data could be tracked to consider risk.

#### Public Comment

Beth Casoni anticipated that protected species issues would be at the front and center of this year's Annual Meeting of the Massachusetts Lobstermen's Association and DMF should expect to discuss the NARW population estimate and risk reduction outlook, as well as ODG research, at the roundtable event.

### **ADJOURNMENT**

Chairman Ray Kane requested a motion to adjourn the November 19, 2024 MFAC business meeting. **Chris McGuire made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. No objections were made to the motion.**

## **MEETING DOCUMENTS**

- November 19, 2024 MFAC Business Meeting Agenda
- October 29, 2024 Draft MFAC Business Meeting Minutes
- Menhaden Public Hearing Proposals
- Summer Flounder Public Hearing Proposals
- Protected Species Update
- November 2024 Shellfish Advisory Panel Meeting Materials
- November 2024 MFAC Law Enforcement Focus Group Meeting Summary and Materials
- Diadromous Fisheries Presentation
- Online Permit Renewal Presentation

## **UPCOMING MEETINGS**

9AM  
December 17, 2024  
via Zoom