

## **MARINE FISHERIES ADVISORY COMMISSION**

**October 29, 2020**

**Held Virtually via Zoom**

### **In attendance:**

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

*Division of Marine Fisheries:* Daniel McKiernan, Director; Michael Armstrong, Assistant Director; Story Reed; Jared Silva; Nichola Meserve; Kathryn Ford; Julia Kaplan; Bob Glenn; Erin Burke; Jeff Kennedy; Anna Webb; Kelly Whitmore; Melanie Griffin; Tracy Pugh; Derek Perry; .

*Department of Fish and Game:* Ron Amidon, Commissioner; Mary Lee King, Deputy Commissioner; and Mark Reil, Director of Legislative Affairs.

*Massachusetts Environmental Police:* Lt. Col. Moran and Lt. Matt Bass.

*Members of the Public:* Gerry O’ Neill; Sean Bowen; Patrick Paquette; Helen Miranda Wilson; Beth Casoni; Drew Kolek; and Philip Coates.

## **INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane called the October 29, 2020 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

### **REVIEW AND APPROVAL OF OCTOBER 29, 2020 BUSINESS MEETING AGENDA**

There were no proposed changes to the October 29, 2020 MFAC business meeting agenda.

**Chairman Kane asked for a motion to approve the draft agenda. Kalil Boghdan made a motion to approve. The motion was seconded by Sooky Sawyer. The motion was approved by unanimous consent.**

### **REVIEW AND APPROVAL OF SEPTEMBER 24, 2020 DRAFT BUSINESS MEETING MINUTES**

There were no proposed changes to the draft September 24, 2020 business meeting minutes. No comments were made.

**Ray Kane asked for a motion to approve the September 24, 2020 meeting minutes. Kalil Boghdan made motion to approve the September meeting minutes. Sooky Sawyer seconded the motion. Motion was approved by unanimous consent.**

## **CHAIRMAN'S COMMENTS**

Chairman Kane applauded Director McKiernan and Commissioner Amidon for finalizing the appointments for the two new commission members. He then had Commissioner Amidon and Director McKiernan introduce the new MFAC members.

## **COMMISSIONER'S COMMENTS**

Commissioner Amidon welcomed Shelley Edmundson and Bill Amaru to the MFAC. He praised the passion and integrity of the current commission members and stated that he looked forward to working with Shelley and Bill.

## **DIRECTOR'S COMMENTS**

Director McKiernan also extended a welcome to the two new MFAC members. Dan then provided a brief history of the MFAC and an overview of their role in the state's fishery management process. Dan then discussed the relevant experience of the two newest members. Bill Amaru was experienced in most aspects of commercial fishing, having fished inshore and offshore using longlines, gillnets, trawls, sea scallop dredges, and bay scallop dredges. Bill also contributed to conservation engineering initiatives and was awarded a Saltonstall-Kennedy grant to research, test, and promote the use of square mesh. Shelley Edmundson is Executive Director of the Martha's Vineyard Fishermen's Preservation Trust. She holds a Ph.D. in Zoology/Marine Biology from the University of New Hampshire. Her doctoral studies focused on channeled whelks, a species that supports one of the Vineyard's largest commercial fisheries.

The Director then briefly mentioned DMF's Seafood Marketing Program. The Seafood Marketing Steering Committee met on October 14, 2020 and reviewed a number of ongoing projects and initiatives. The Committee expressed their happiness with DMF's work.

The Director then mentioned that the Massachusetts Shellfish Initiative's (MSI) had released its Assessment Committee and Scoping Committee Reports. Dan served as Chair of the MSI Task Force and intended to convene the Task Force in December 2020. The purpose of the upcoming Task Force meeting would be to discuss next steps, including the potential drafting of a strategic plan.

Bill Amaru noted that the MSI reports were extensive documents and asked if they could be summarized or condensed into easily digestible summaries. Dan stated he would work with Jared Silva to determine what options exist.

Dan then moved on to discuss the upcoming permitting season and noted it will most likely be complicated due to the pandemic. DMF expected to have to stagger office schedules and may need to relax renewal and application deadlines due to potential delays in processing applications.

Lastly, DMF's Public Access Program was producing a video documenting the new fishing pier at Deer Island.

### **LAW ENFORCEMENT COMMENTS**

Lt. Matt Bass handled the comments for the Massachusetts Environmental Police (MEP). There were several ongoing cases dealing with tautog and black sea bass non-compliance. One case involved a fisherman that was mixing commercial and recreational limits on the same trip and taking charters out under the authority of his commercial permit to let them take fish in excess of the applicable recreational limits.

Mike Pierdinock and Lt. Bass then discussed the difference in commercial and recreational black sea bass and tautog limits. Mike P. then suggested potentially adopting a system whereby potential patrons could query that status and standing of for-hire operations before booking charters. He thought that Florida had implemented such a system.

Ray Kane asked what actions could be taken to clarify that fisherman cannot fish under their commercial permit during a charter. Lt. Col. Moran suggested that this could be discussed further at the upcoming Law Enforcement Sub-Committee Meeting.

Lt. Bass then discussed certain instances this year where vessel operators lied about coronavirus infections to prevent MEP inspections.

### **PRESENTATION ON 2020 QUOTA MONITORED FISHERY PERFORMANCE**

Story Reed provided the MFAC with a presentation on 2020 quota monitored fishery performance. This covered black sea bass, tautog, striped bass, horseshoe crabs, bluefish, summer flounder, spiny dogfish, and menhaden. Following the presentation, DMF took questions from the MFAC.

Bill Amaru sought clarification on where in the state the commercial menhaden fishery typically occurs and what type of vessels participate in this fishery. Story stated that in recent years the fishery was primarily conducted in Boston Harbor, Salem Sound, Gloucester Harbor and Ipswich Bay. The limited entry fishery was principally comprised of purse seiners and these vessels varied in scale from large-scale operations involving carrier vessels to converted lobster fishing platforms. The open entry fishery was comprised of small-scale purse seiners and surface gillnetters.

Mike Pierdinock asked if the reduction in catch of summer flounder was a product of a lack of biomass or a market issue due to COVID. Director McKiernan, Story Reed and Jared Silva responded to Mike's question. Story stated that effort data is provided through harvester reports and DMF will not be able to audit and analyze these reports until 2021. Jared Silva heard anecdotal reports that effort was down in the inshore summertime trawl fishery. This was evidenced in Period II pilot program participation. However, he was uncertain to what extent the pandemic played a role. Fishermen and

dealers had also informed him that summertime effort was being impacted the lack of large fish in the Sounds, as well as a large abundance of seaweed that was reportedly clogging up nets. Director McKiernan agreed with both Story and Jared. He added that these various factors all influenced the personal and economic decisions and as a result some fishermen may have chosen to pursue other fishing or economic opportunities.

Mike Pierdinock stated that he had heard reports that bluefish were abundant throughout state waters and asked what type of gears harvested bluefish commercially. Director McKiernan indicated that landings typically come from a strikenet fisherman and commercial anglers, with small levels of bycatch potentially occurring in other net fisheries.

Ray Kane asked about the implementation of the commercial tautog tagging program. Story stated there were some complaints about the tagging requirement and some fishermen needed additional clarification on how to affix the tags to the fish. Chairman Kane then asked about compliance. Story was not aware of any instances of non-compliance. Lt. Bass noted one minor instance. He then added that additional education resources, such as a video on how to tag, could improve the program for 2021.

Kalil expressed concern over striped bass and bluefish quota not being met and wanted to know if this was attributable to stock health or fishing effort.

Story stated that fishing effort was generally depressed this year. In the striped bass fishery, the number of active permit holders fishing was thought to be down by about 30-40% compared to last year based on dealer reports. This may be due to a number of factors: fishery economics, the pandemic, and nearshore abundance.

Story noted that the pandemic's impact on fishing effort extended beyond market factors. The striped bass and bluefish fisheries are prosecuted by small boat fishermen who often trailer their vessels to access points close to where fish are aggregated. DMF received reports that due to COVID protocols there was limited access to certain popular launch sites.

Mike Armstrong noted there were several biological and environmental factors affecting the commercial striped bass fishery. First, the stock is not as robust as it was several years ago, as evidenced by the most stock assessment. Additionally, there is a year class effect that is resulting in there being fewer large commercial sized fish in this population. Lastly, larger fish are more metabolically sensitive to warm water and with summertime water temperatures exceeding 70°F in many parts of the state, large fish are likely seeking out cooler waters to the north and east. Director McKiernan added that a federal prohibition restricts the striped bass fishery from occurring in the EEZ. Mike Pierdinock agreed with this assessment and stated that large fish were being found north of Boston and off Block Island.

The discussion then turned to the performance of commercial striped bass fisheries in other coastal states. Nichola stated that RI's commercial rod and reel fishery was on

track to take its quota, but its floating trap fishery was underperforming. Dan and Story contrasted MA's fisheries with other states. MA is an open entry fishery conducted by only rod and reel gear, whereas other states have limited entry schemes, IFQs, and fishermen can take striped bass using a variety of gear types. Chairman Kane asked about the coastal fisheries in Maryland and Virginia. Nichola noted that these coastal fisheries have very small quotas compared to MA, but she could look into the data for an upcoming striped bass sub-committee meeting.

Ray Kane asked about the performance of the striped bass fishery north of Plum Island. Kalil stated that while fishing conditions were good in the area, there was a notable decline in recreational and commercial catch in the region over the past decade.

Mike Pierdinock pointed out the HMS federal group noted they had 50% drop in commercial landings due to COVID across all users.

### **ACTION ITEMS**

#### Action to Increase Summer Flounder Limits for November and December

At present, 25% of the state's 2020 commercial summer flounder quota remained available. To provide additional access to this quota, DMF was recommending the MFAC vote in favor of increasing the trip limit for November and December from 1,000 pounds to 2,000 pounds. Dan stated this trip limit increase may result in offshore vessels targeting summer flounder or landing summer flounder taken offshore in Massachusetts ports. The Director noted that the public comments received were in opposition to this action and most comments were coming from recreational anglers.

Mike Pierdinock expressed his reservations regarding the recommended action. Specifically, he was concerned about inshore fishing conditions and that inshore and offshore commercial fishing activity may be impacting resource availability for Massachusetts' recreational anglers. Mike P. noted that there is a growing frustration among certain recreational anglers regarding the discrepancy in the minimum size limits between the commercial fishery (14") and the recreational fishery (17"). The abundance of large summer flounder inshore is down and certain anglers believe this is because the commercial fishery is harvesting them before they reach legal size. With summer flounder quota increases pending, Mike P. wanted DMF to further consider the impact increasing commercial catch limits may have on the recreational fishery.

Director McKiernan then discussed how the pandemic may have impacted markets for summer flounder. He speculated that if the late winter and early spring shutdowns did not occur the 2020 quota likely would have been fully utilized.

Bill Amaru expressed concerns regarding the status of the inshore summer flounder fishery. He thought that summer flounder were becoming less abundant in the Sounds during the summertime due to changing environmental conditions. Additionally, fishery participation was waning due to reduced abundance and a number of other constraining economic factors. He anticipated the reason for the 14" commercial minimum size was

likely due to the size selectivity of the trawl gear, but thought it would be worthwhile to further discuss and analyze the discrepancies between the commercial and recreational minimum sizes.

**No further comments were made. The Chairman called for a motion. Bill Amaru made a motion to approve winter scup proposal. Kalil Boghdan seconded the motion. Motion was approved 7-1 with Mike Pierdinock voting in opposition.**

## **FUTURE RULE MAKING**

### New Fixed Gear Regulations Related to Incidental Take Permit Application

The Director, along with Bob Glenn, provided an update on draft fixed gear regulations. DMF was currently in the process of applying to NOAA Fisheries for an Incidental Take Permit (ITP) under the Endangered Species Act. The ITP, if approved, would cover potential takes resulting from interactions between the state's fixed gear fisheries and endangered turtles and whales. An ITP application involves developing a Habitat Conservation Plan (HCP) that takes steps to minimize and mitigate the impacts the activity is having on endangered species. These draft regulations represent the foundation for the state's HCP for right whales.

The proposed regulations include: (1) extending the existing February 1 – April 30 commercial trap gear closure in Cape Cod Bay and east of Cape Cod to all state waters; (2) adopting a closed season for recreational trap gear; (3) expanding the January 15 – April 15 gillnet closure in Cape Cod Bay to include waters along the south shore; (4) requiring trap fishermen fish weak rope with a 1,700 pound breaking strength; (5) establishing a maximum buoy line diameter of 3/8" for commercial trap fishing and 5/16" for recreational trap fishing; (6) prohibiting commercial fishermen using vessels larger than 29' feet from fishing single lobster traps (effective January 2022); and (7) capping the maximum number of seasonal lobster licenses issued annually at 150. DMF anticipated holding virtual public hearings in early December 2020, returning to the MFAC with a final recommendation in January 2021, and filing final regulations effective in February 2021.

Sooky Sawyer hoped that the weak rope rule was eventually adopted on a coastwide basis and did not become a requirement for Massachusetts only. Bob, Dan, and Sooky then discussed how fishermen would be expected to comply with this weak rope requirement. Bob explained that the rope itself could have a 1,700 pound breaking strength or it could be rigged with a certain number of contrivances that would give it an effective breaking strength of 1,700 pounds. Given the relative shallowness of state-waters, Bob did not expect that state-waters gear would need to be rigged with more than three contrivances.

Lt. Bass was concerned regarding the disparity in gear configuration regulations across jurisdictions, particularly Massachusetts' waters and the adjacent federal zone. He understood this was a result of MA having to differentiate itself from other jurisdictions

as part of its ITP application, but noted that many fishermen are permitted to fish in both state and federal waters and disparate rules could create unnecessary confusion.

Bill Amaru asked if DMF could quantify the extent to which 3/8" diameter buoy line was currently being fish. Bob Glenn noted that DMF does not collect this data. However, based on his interactions with industry he speculated that the vast majority of buoy lines being fished inshore are 3/8" diameter or less. Bob noted that in addition to a harm mitigation tool, this also served as a gear marking requirement. A 3/8" maximum diameter buoy line would help differentiate gear being fish in Massachusetts state waters from the larger diameter rope typically fished offshore or in Canadian fisheries. Bill then echoed Sooky's sentiments that some of these proposed gear modifications should eventually be required on a coastwide basis.

#### Codifying Prohibition on Atlantic Bluefin Tuna Purse Seining

Jared Silva reviewed DMF's proposal to rescind its regulations governing the bluefin tuna purse seine fishery in favor of a strict prohibition on the activity. Dating back to the 1970s, DMF permitted and regulated the bluefin tuna purse seine fishery in state-waters. Since the early 2000s, DMF conditioned all remaining permits to prevent this activity from occurring. At this time, all previously issued limited entry permits have expired and no permits are available for renewal. Accordingly, it was sensible to rescind the outdated purse seining regulations and instead enact an outright prohibition on the activity.

#### Rescinding Circle Hook Exemptions for Recreational Striped Bass Fishing

Mike Armstrong discussed the history of DMF's recreational striped bass circle hook regulation. Beginning in 2020, DMF mandated that all recreational anglers fishing for striped bass with whole or cut natural bait were to use circle hooks. Exemptions were provided for anglers onboard for-hire vessels and anglers fishing with artificial lures with bait affixed (e.g., tube and worm). This rule went into effect one-year prior to the coastwide mandate, as the ASMFC is requiring all states implement a circle hook mandate for their striped bass fishery in 2021. At its October 2020 meeting, the ASMFC's Striped Bass Board finalized the criteria for the coastwide mandate. The Board determined that on a coastwide all recreational anglers using whole or cut natural bait when fishing for striped bass were to use circle hooks. Due to interest in having uniform rules across jurisdictions, exemptions were not authorized. Accordingly, DMF now has to revise its regulations and rescind the exemptions that were in place for 2020.

Mike Pierdinock thanked DMF for advocating for these exemptions. However, he was disappointed with the ASMFC's final decision. Specifically, he was frustrated that this effectively limited the tools fishermen could use to target striped bass even when there was little expected additional conservation benefit.

Mike P. then asked if DMF could pursue a conservation equivalency measure for artificial lures and flies with bait attached. Mike A. stated that this was not currently possible. Armstrong added that he was surprised the exemption for artificial lures did

not persist and expected other states would be similarly hearing from frustrated anglers. Director McKiernan agreed. He thought that the ASMFC needed to better define the term natural bait (e.g., is pork rind a natural bait) to enhance regulatory consistency across states.

Tim Brady concurred with Mike Pierdinock's comments. He added that when he sees regulations affecting the types of terminal tackle that may be used, he looks for the science behind it. He would like to see more research on the impact of certain types of terminal tackle on release mortality.

Mike Armstrong discussed a DMF acoustic tagging program that works to monitor discard mortality rates and expected this project could be used to better understand the relative impacts of certain terminal tackle and handling techniques.

## **DISCUSSION ITEMS**

### Review of Recent ASMFC, MAFMC, and NEFMC Meetings

Nichola Meserve reviewed the actions of the Atlantic States Marine Fisheries Commission (ASMFC) at both its 2020 annual meeting, held virtually during October 19-22, and in a virtual joint meeting with the Mid-Atlantic Fishery Management Council (MAFMC) on October 7.

As previously discussed, the ASMFC's Striped Bass Board did not approve any exemptions to Addendum VI's recreational circle hook requirement, so MA will need to eliminate its exemptions for the 2021 fishing season. The Board reviewed the Plan Development Team's (PDT) first draft of the Public Information Document for Amendment 7. The PDT would work to incorporate feedback from the Board into the draft Amendment. Nichola expected the draft Amendment would not be approved for public comment until at least February 2021. The draft Amendment will address a range of issues including the biological reference points, rebuilding timeline, use of conservation equivalencies, commercial quotas, and recreational accountability.

The Spiny Dogfish Board approved a 27% increase to the FY21 and FY22 commercial quotas. This followed a similar action by the Mid-Atlantic Council, resulting from the use of their new risk policy that allows for the setting of higher catch limits for stocks that are assessed at or above their biomass targets. No change was made to the Northern Region's 6,000 pound trip limit. More consideration will be given to potentially amending the trip limits after the Mid-Atlantic Council completes a planned socio-economic analysis in 2021.

The Atlantic Herring Board set the Area 1 (Inshore Gulf of Maine) seasonal quota allocations for 2021. These seasonal quota allocations are the same as they were in 2020, with 72.8% being applied to the June – September period and 27.2% being allocated for the October through December period. The Board will set the remaining specifications after NOAA Fisheries publishes its final rule on the NEFMC's recommendations.



The Winter Flounder Board reviewed the results of the 2020 stock assessments for the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stocks. The GOM stock is not experiencing overfishing and its overfished status is unknown; the SNE/MA stock is not experiencing overfishing but is overfished. The overfished determination for SNE/MA represents a change in stock's status. The NEFMC is expected to recommend coastwide specification in December 2020, and in response the Board will set state-waters measures in February 2021.

The Menhaden Board set the 2021 and 2022 total allowable catch (TAC) for menhaden using the newly adopted ecological reference points. This resulted in a 10% reduction to the TAC from the 2020 level. The selection of this TAC was meant to meet the Board's ecosystem management objectives for menhaden while balancing reduction fishery and bait fishery needs. The Board is expected to review state-by-state quota allocations in February 2021, and there is the potential for the Board to consider reallocation.

The Lobster Board reviewed the results of the 2020 lobster stock assessment. The Gulf of Maine/Georges Bank stock is not overfished or experiencing overfishing and remains at near record highs for abundance. The Southern New England stock is significantly depleted though not experiencing overfishing. Considerable work had been performed by the stock assessment team to identify environmental regime shifts and develop corresponding biological reference points. The Board was also updated on efforts to improve the quality and precision of vessel trip report data.

When meeting jointly with the MAFMC, the Bluefish Board approved the range of alternatives for the allocation and rebuilding amendment, such that a document may be approved for public comment at the next joint meeting in February. The Council and Commission also initiated two management actions affecting bluefish, fluke, scup and black sea bass resulting from the "recreational reform initiative." An addendum/framework will consider several strategies to improve the timeliness and stability of setting recreational measures, as well as a harvest control rule approach to management. An amendment will be developed to consider recreational sector separation and catch accounting, with the scoping to occur at the same time as the addendum/framework issues.

Lastly, Nichola reminded the MFAC that the ASMFC/MAFMC public hearing for Massachusetts on the commercial black sea bass reallocation amendment at 6PM on October 29.

Melanie Griffin updated the MFAC with the happenings at the NEFMC. Since the MFAC met in September, the NEFMC finalized Groundfish Amendment 23, Scallop Amendment 21 and Herring Framework 8, and adopted 2021 priorities.

Groundfish Amendment 23 seeks to have 100% observer coverage on all groundfish sector trips for the first four (4) years after implementation. The intent is that federal funding will reimburse 100% of industry cost during this period; if funding is deficient, industry would pay a maximum of 40% coverage. Existing monitoring exemptions for

extra-large mesh continue along with a new exemption for vessels fishing west of 71° 30' west longitude.

Scallop Amendment 21 finalized an 800,000-lb. set-aside for Northern Gulf of Maine (NGOM) vessels with any additional allocation being split among the Limited Access/Individual Fishing Quota vessels (95%) and NGOM vessels (5%). Additionally, the trip limit in Access Areas was increased to 800-lbs for Limited Access/Individual Fishing Quota vessels.

Finally, Atlantic Sea Herring Framework 8 adopted specifications for FY2021-2023 based on the recommended Acceptable Biological Catch (ABC). The FY2021 ABC of 9,483 is approximately 40% less than the current FY2020 ABC. Also, an increased 40,000-lb. herring incidental trip limit in Areas 2 and 3 was adopted and the Area 1B seasonal closure rescinded to optimize access to the mackerel fishery.

Looking ahead to 2021, the NEFMC set several priorities for each of its FMPs. In addition to regular specification setting, a few NEFMC priorities of interest to MFAC members include: (1) continuing consideration for limiting access to the for-hire fishery; (2) incorporating Atlantic cod stock structure work into management and science; (3) sea herring spawning protections for Georges Bank and Nantucket Shoals; (4) continued development of Skate Amendment 5 that addresses limited entry; (5) and the Habitat Committee's work to identify parameters for mobile gear (e.g., sea scallop dredge) access to the Northern Edge Habitat Management Area.

Bill Amaru asked about the groundfish observer program and how the 100% monitoring applies. Melanie clarified that this was for the multi-species groundfish fishery only and there are a number of monitoring exemptions. Melanie stated she would follow up with Bill after the meeting.

Mike Pierdinock asked about how the for-hire black sea bass and Gulf of Maine cod season extensions impacted estimated harvest. Nichola anticipated that preliminary data would not be available until the early winter and added that the pandemic affected MRIP surveying.

Sooky thanked Nichola and the staff for the quota set asides for the menhaden.

#### CARES Act Fisheries Relief Program Update

The Director provided the MFAC with a presentation on its CARES Act Fisheries Relief Program. At this time, the for-hire, seafood processing, and aquaculture sector programs were complete and payments were made to eligible applicants. The commercial sector's program was still on going. This is because the sector's industry working group preferred a longer application period. Dan anticipated the program would conclude during the first week of November and payments would be made by the middle of the month.

#### Commercial Menhaden Fishery Issues

Story Reed provided an overview of the state's commercial menhaden fishery and described the different permitting classes within the menhaden fishery. He then went on to discuss several issues that had been brought to DMF's attention regarding how the fishery was conducted this past year. Of specific concern was compliance with the open entry trip limit. To address these issues, DMF was considering adopting new regulations for 2021 affecting the open entry fishery. Potential proposals, which are similar to what exists in Maine, included a maximum purse seine size, volumetric standards for trip limit enforcement, and prohibition on over-the-rail sales and at-sea transfers. DMF would likely discuss this further with the Law Enforcement Sub-Committee.

#### Draft Policy on Transfer of Black Sea Bass and Fluke Endorsements for Rod and Reel Fishermen

Story presented a draft policy regarding the transfer of black sea bass and fluke endorsements for rod and reel fishermen. Story addressed questions brought up at the previous MFAC meeting about the definition of 'actively fished'. DMF's proposed definition of actively fished for this policy would be that a fisherman must have landed and sold at least the equivalent of one trip limit per calendar year in four of the past five years. Another question raised regarding this draft policy at the MFAC was whether DMF should allow bundling endorsements in a transfer. DMF decided that endorsements may be transferred individually if that endorsement was actively fished or may be transferred together as a bundle if one or more of the endorsements being transferred has been actively fished.

Ray Kane stated that commission members should follow up with Story after the meeting on this matter if they have any further input or questions.

#### Renewing Period I Summer Flounder Pilot Program

Jared Silva handled the discussion for the Period I Summer Flounder Pilot Program. DMF intends to renew the pilot program that allows vessels participating in offshore wintertime (January 1 – April 22) fisheries to possess multiple states' possession limits of summer flounder and black sea bass while offloading in Massachusetts. This program would allow fishermen to stay out multiple days at a time. DMF also extended this program to black sea bass and plans to renew that program as well.

#### MFAC Sub-Committees

The Director stated that DMF would like to reconvene the sub-committees. He added that only four commission members will be allowed in each committee, as having sub-committees with five or more members would constitute a quorum and trigger certain public meeting requirements. Dan confirmed with Jared that the intent is to have the sub-committees meet over the next few months. Jared concurred. Ray Kane appointed commission members to the following sub-committees:

*Law Enforcement Sub-Committee:* Shelley Edmundson; Bill Doyle; Ray Kane; and Mike Pierdinock

*Commercial Striped Bass Sub-Committee:* Mike Pierdinock; Kalil Boghdan; Bill Doyle; and Ray Kane

*Permitting Sub-Committee:* Bill Doyle, Shelley Edmundson, Bill Amaru, and Lou Williams.

Lt. Col. Moran asked Dan if he would like MEP representation at striped bass and permitting sub-committees. Dan stated he would like to have the representation available. Lt. Col. Moran stated he would follow-up after the meeting.

### **OTHER BUSINESS**

Bill Amaru raised concerns regarding time-of-year restrictions on harbor dredging projects. He stated that many towns in Cape Cod are seeking to conduct harbor dredging projects and one of the requirements to permit these projects is to consider the species of fish that are present. This constrains projects to certain time periods and results in towns competing against each other for dredging services. Bill was concerned that the fishery surveys being used to determine the seasonality of projects are outdated and the presence of certain fish species may have changed due to environmental factors. Bill asked for DMF to help assist him on this issue. DMF's Habitat Program leader, Kathryn Ford, briefly addressed this issue. She reviewed the data being used to determine dredging windows and DMF's work to research alternative approaches. Kathryn intended to follow up with Bill after the meeting.

Director McKiernan stated that DMF received a petition regarding the commercial bluefish strikenet fishery. The petitioner was Tom Smith, who was the state's sole strikenet permit holder. He was requesting DMF rescind or temporally amend a longstanding strikenet closure in southeastern Cape Cod Bay, along Billingsgate Shoal. This is a historic closure that was developed in the 1980s to address user group conflicts with the for-hire fleet. DMF was investigating this petition and would follow up with the MFAC at an upcoming meeting.

Kalil Boghdan thanked DMF staff for their continued work on a diversity of fisheries issues. Shelley Edmundson looked forward to starting her tenure on the MFAC. Bill Amaru thanked Melanie Griffin for her work at the NEFMC. Tim Brady thanked DMF staff for their work on the CARES Act and appreciated the time and effort that DMF staff spent working with the MSI to develop the Assessment and Scoping Committee Reports. Mike Pierdinock stated he was now serving as an ICCAT member and as a recreational advisory to ROSA and encouraged MFAC members to reach out to him on any relevant issues they may have.

### **PUBLIC COMMENTS**

Beth Casoni, Executive Director of the MA Lobsterman's Association, requested DMF run a trial Zoom webinar before the upcoming protected species public hearing. Director

McKiernan requested Jared Silva work directly with Beth to accomplish this. The Director stated that this can be accomplished.

Helen Miranda Wilson, of Wellfleet, expressed numerous concerns regarding horseshoe crab fisheries. She requested that the MFAC follow up and better address horseshoe crab conservation. Of specific concern was the impact of the biomedical fishery on the resource, particularly given that the pandemic is likely going to increase the demand for LAL.

### **ADJOURNMENT**

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

## **MEETING DOCUMENTS**

- October 29, 2020 MFAC Meeting Agenda
- September 24, 2020 Draft Meeting Minutes
- Quota Monitoring Update Presentation
- Recommendation to Increase Summer Flounder Trip Limits for November and December, 2020
- Update or Proposed Right Whale Conservation Measures
- Proposal to Amend Atlantic Bluefin Tuna Purse Seining Regulations
- Proposal on Recreational Striped Bass Circle Hook Requirement
- Presentation on Recent ASMFC, MAMFC, and NEFMC Meetings
- ASMFC October 2020 Webinar Summary
- CARES Act Update
- Menhaden Fishery Issues
- Rod and Reel Transfer Policy for Limited Entry Black Sea Bass, Summer Flounder, and Tautog Permit Endorsements
- Period I Winter Fluke Pilot Program Update

## **UPCOMING MEETINGS**

**9AM**  
**December 10, 2020**  
**Via Zoom**

**9AM**  
**January 7, 2020**  
**Via Zoom**