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Plymouth, MA 02360
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February 28, 2024

Mr. Daniel J. McKiernan, Director
Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway St., Suite 400
Boston, Massachusetts 02114

RE: Recreational Summer Flounder, Scup, and Black Sea Bass Management Options and Modifying the For-hire Vessel At-sea Filleting Allowance for Striped Bass

Dear Mr. McKiernan:

On behalf of the Stellwagen Bank Charter Boat Association (SBCBA), representing charter/party boat captains and recreational anglers that fish the north and south shore, Cape and the Islands and the south coast, below are the following comments associated with the summer flounder, black sea bass, scup seasons and bag limits and striped bass fillet at sea requirements for 2024.

- The proposed recreational harvest reduction to scup and black sea bass continues to be inconsistent with our observations with the tremendous stock biomass of both species observed in our waters. We appreciate the fact and understand that the reduction could have been worse if the Management Strategy Evaluation, Harvest Control Rule was not implemented but there is still a significant disconnect with our observations on the water and our subsequent seasons and bag limits.
- The MRIP reported shore side angler scup catch appears over inflated. Considering the fact that the NMFS has concluded that MRIP recreational shore side and boater catch may be overinflated 30 to 40% the recreational community needs to be provided the ability to review and comment on recreational catch to address inconsistencies prior to finalizing data for recreational species.
- Future cuts if any beyond 2024, to seasons or daily bag limits for black sea bass and scup will significantly impact our businesses and the recreational community that catch fish for the dinner table. Such was evident in 2023, with reduced bookings with a four fish



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black sea bass bag limit per angler resulting in clientele going to other nearby states with significantly favorable bag limits.

- The SBCBA reluctantly supports Option 1 for scup and summer flounder and Option 2 for black sea bass. These options provide the timelines to accommodate our recreational clientele with the least detrimental impact to run a financially viable business in comparison to the other proposed options.

Proposed revisions to the fillet at sea requirements is set forth below.

For-hire Rack Retention: *What, when, how?*

- **Recommend noting on the same day as a charter.**

In a separate container, unmixed with any other material, readily available for inspection” (NY, MD example) *and*

- **Recommendation to revise that no specific location or container specified.**

How long must the rack must be retained?

- **Recommendation - until the vessel has docked and all passengers from that trip have left the vessel and the immediate dock area (NY & MD example).**

When must the rack be disposed of by? (*new proposal*), “prior to any person beginning to fish on a subsequent trip” (NY, MD example).

- **Recommendation - within 24 hours after a trip.**

For-hire Rack Retention & Subsequent Disposal

- **Recommendation - Captain/Crew may dispose of racks in any legal manner not limited to client taking the partial or whole fish.**

Clarification of No Filleting in Other Modes. Intent: e.g., Striped bass shall “have head and tail intact and be otherwise whole except for evisceration.



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- **Recommendation to include and/or bleeding.**
- **Recommendation - remove the need to maintain the skin on the fillet since the rack is required to be retained. As a result there is no need to require the skin on the fillet since the rack can validate the slot size of the fish.**

If you have any questions or comments, please contact me at the email below.

Very truly yours,

Capt Stew Rosen

Capt. Stew Rosen
SBCBA, Treasurer
sbcbaofficers@gmail.com

cc: Ben Gahagan, MassDMF

Dear Director McKiernan,

I am writing to express my strong opposition to the recently adopted changes to the interstate management plan regarding the for-hire vessel at-sea filleting allowance for striped bass. Specifically, I am deeply concerned about the requirement to retain the racks of filleted striped bass during fishing trips, as outlined in the new regulation.

While I understand the importance of promoting compliance and enforcement of size and possession limits, I believe that this requirement will create significant logistical challenges and health hazards for for-hire vessel operators and their crew members. Allow me to outline my concerns:

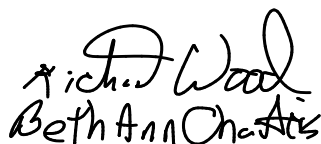
1. Logistical Nightmare: Mandating for-hire vessel operators to retain racks of filleted striped bass during fishing trips would be a logistical nightmare.
2. During the hot summer months, the stench created from carcasses would be unbearable. Our vessels are equipped for fishing trips, not for storing fish carcasses.
3. Adhering to this requirement would seriously disrupt our operations and could result in financial losses.
4. Moreover, the marinas, ports, and other boaters would strongly object if the carcasses had to be stored overnight. Most of these facilities do not allow us to dispose of our racks in their dumpsters, creating additional challenges for compliance since we do not have the time to run them to the local landfills.
5. Health Hazard for Crew: Additionally, retaining racks of filleted striped bass poses a significant health hazard for the crew members onboard. Fish carcasses can quickly spoil, leading to unpleasant odors and attracting pests such as flies and rodents. This not only creates an uncomfortable working environment but also poses health risks to the crew.

I suggest a more practical and efficient alternative to mandating the retention of racks of filleted striped bass. Instead, we can use digital photographs with a date and time stamp. This will enable easy verification of compliance with size and possession limits without imposing unnecessary burdens on for-hire vessel operators. This approach would ensure regulatory compliance while minimizing logistical challenges and health hazards for all parties involved.

In conclusion, I recommend that you use digital photographs instead of retaining racks of filleted striped bass. Thank you for considering my concerns, and I look forward to your prompt response.

Sincerely,

[Your Name]


Beth Ann Charters

Aquarius Sportfishing
Jeff Kadesh
101 Cypress Point
Yarmouth Port, MA 02675
aquariusfishing@aol.com
781-603-9081

February 15, 2024

Director Dan McKiernan
Division of Marine Fisheries
251 Causeway St #400
Boston, MA. 02114-2119

Dear Director McKiernan,

I have been involved in the charter boat industry on Cape Cod for over 50 years, and have seen a lot of changes both good and bad.

I am writing to express my opposition to the recently adopted changes to the management plan regarding the for-hire vessel at-sea filleting allowance for striped bass.

I completely understand the importance of compliance and enforcement of size and possession limits. However this requirement will create significant logistical and health hazards to the for-hire vessel-operators, marinas, and harbors. Most charter boat operators are in compliance with the regulations. I

frequently hear on the VHF radio fellow charter captains mentioning the release of striped bass that are just under or over legal size. My concerns are:

1: From past experience when we retained racks for a local lobster fisherman there were often times, especially due to weather, that he failed to pick up the racks and the stench was unbearable. Even though fish totes were covered there was an attraction to seagulls, rats, raccoons, and other undesirable rodents. Often times carcasses would end up floating in the harbor.

2: Many marina regulations prohibit the disposing of fish carcasses in dumpsters for the same health reasons that charter boats are concerned with.

3: Retaining racks will negatively affect our business. Charters do not want to board a boat and be subjected to the stench of old racks, often times surrounded by flies, greenheads, and maggots.

4: Weather conditions sometimes cause us to cancel charters which means carcasses would be retained for extended periods of time exacerbating the above mentioned health and environmental concerns.

I do have a practical recommendation to mandating the retention of striped bass racks. A digital photograph with a ruler of each retained legal fish. Many catch and release fishing tournaments have adopted to this method. This requirement would fulfill the current size and possession limitations without imposing

unnecessary health and environmental burdens to the for-hire vessel operators.

Sincerely,

Jeff Kadesh

Aquarius Sportfishing

Type to enter text

From: [Darren Saletta](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); [Silva, Jared \(FWE\)](#); [Gahagan, Ben \(FWE\)](#); [Meserve, Nichola \(FWE\)](#)
Subject: Striped bass For-Hire Rack Retention Regulation Language
Date: Wednesday, March 6, 2024 3:29:03 PM

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Director McKiernan,

Thank you for taking the time to hear comments from charter boat captains regarding these new regulations. I would stress the importance of moving to abolish this requirement at the next ASMFC opportunity.

Many of the state's charter captains maintain a good network and the vast majority are responsible stewards of our marine resources. A common discussion item about this particular set of regulations revolved around the frustration with regulations that will do nothing to protect the resource but will make it more difficult to efficiently run our businesses. Unfortunately, those of us that are on the water daily are witness to poaching and illegal practices that damage the resource but well aware that MEP does not have the resources to handle the illicit activity and/or enforce many regulations already on the books. Adding the rack retention burden to the most compliant sector of the fishery is not sitting well with the fleet. As I mentioned during the hearing, I have imposed a one fish retention limit for striped bass charters since 2018. Having been progressive with conservation measures, this new regulation is difficult to accept. An official reduction in bag limit would have been preferable. I have never supported a 1-fish per person limit, nor the old 2-fish limit. Hopefully we can revisit the methods for achieving mortality reduction moving forward.

Additionally, I would kindly request that in 2024, DMF revisit the regulations prohibiting the possession of commercial striped bass aboard for-hire trips. Now that recreational slot racks must be retained, a possible silver lining is that there would be no confusion about retained fish size. The removal of commercial allocation from the for-hire sector, via existing regulations, was a very sad day in our industry. The for-hire sector are amongst the most dedicated mariners in the state with significant time and assets invested into our fisheries. Removing the ability for charter captains to sell stripers was costly and took quota away from true fishermen and those that make up the working waterfront. We all know the fishery is abused by "recremmercial" fishermen and to see that quota get reallocated to those that don't depend on the sea for their livelihood was a slap in the face. I spent many years fighting to keep the commercial bass fishery alive against the lobbying pockets of Stripers Forever and other greedy zealots, only to be mostly eliminated from the fishery myself because I work 7 days/week chartering and most of my clients would like a couple filets for dinner. Now the same fleet I helped keep alive just follows us around on open days clobbering big bass that we release. The

economic challenges facing the working class on the cape and along most of coastal Massachusetts are no secret. Housing issues go without saying. Since 2020, operating costs have roughly doubled. Fuel on the docks is over \$5/gallon if not \$6 and a pair of 300HP outboards now tops \$60K installed. Please consider doing everything possible to allow us to legally increase our gross revenue.

Below, in red, are comments specific to the rack retention regulations. The comments are concise and directly below each slide from the hearing. The theme is to keep it simple and give the captains as much flexibility as possible. The vast majority have not been doing anything wrong, so let's not create problems where none exist nor complicate the enforcement of a regulation that is superfluous.

Thank you for your time and consideration.
Capt. Darren Saletta
Monomoy Sportfishing

Additional Comments:

Eliminate requirement that skin must be attached to filet. Now that racks must be retained, species identification is unmistakable.

For-hire Rack Retention: *What, when, how?*

- When can for-hire captains/crew fillet striped bass for customers? (*proposed modification*)
 - Change from "while at-sea" to "prior to customer(s) leaving the vessel or the immediate dock area"
- In what condition must the racks be retained? (*new proposal*)

-no change OR on same day as charter. Filleting at sea must be permitted at any time and in any place.

- "In a separate container, unmixed with any other material, readily available for inspection" (NY, MD example) and

-No specific location or container specified. Location should be "aboard vessel"

- "Unmutilated in any manner that would interfere with species identification or length measurement" (NY, NJ example)

- How long must the rack be retained? (*new proposal*)

- "until the vessel has docked and all passengers from that trip have left the vessel and the immediate dock area" (NY & MD example) or

Ideally this would read that racks must only be retained until the entrance of a harbor system, allowing disposal of racks legally at sea. Perhaps there is an allowable loophole here. However, if we must land racks, the retention requirement shall promptly end as soon as the vessel has docked. 'Until the vessel has docked (eliminate passengers comment)'

- “until the vessel has docked and been secured at the end of the fishing trip adequate to provide a

law enforcement officer access to inspect the vessel and catch” (NJ example) *or*

- “until possession of the fish is transferred to the customer on shore” (PA example)

-eliminate

- When must the rack be disposed of by? (*new proposal*)

- “prior to any person beginning to fish on a subsequent trip” (NY, MD example)

-within 24 hours after trip

For-hire Rack Retention & Subsequent Disposal

Methods for rack disposal may include:

- Discard at-sea on next trip (prior to any fishing commences) • Bait pots on next trip (prior to any fishing commences)
- Shoreside facilities, as available
- DMF carcass collection freezers (for biological samples): 3 available at Cape Ann Marina (Gloucester); Saquatucket Harbor (Harwichport), and Canal Sportsman’s Club (Bourne; limited access); could consider more.

- Donate to a pot fishermen for use as bait

- Potential for drop-off sites to be developed in

cooperation with commercial fishing orgs • Clientele takes if desired

-Captain/Crew may dispose of racks in any legal manner not limited to client taking partial or whole fish.

Clarification of No Filleting in Other Modes

- Currently, “shall not mutilate any striped bass in a manner that prevents the accurate measurement of the fish”. Need to clarify intent and duration (i.e., when/where can process for consumption or storage).
- Intent: e.g., Striped bass shall “have head and tail intact and be otherwise whole except for evisceration *and/or bleeding*”

- Duration – e.g., “while on the waters of this state or on any parcel of land, structure, portion of a roadway, or parking lot abutting tidal waters of this state”
 - Possible exceptions:
 - If being prepared for immediate consumption (PA example)
 - If being processed at a fish cleaning station on a public fishing pier (VA example)
 - If being processed at a fish cleaning station accompanying a DMF carcass collection freezer

Capt. Darren Saletta
U.S.C.G. Master License #583184
Darren@monomoysportfishing.com
<http://www.chathamfishingcharters.com/>
<http://www.chathamsharktours.com>
<https://www.facebook.com/MonomoySportfishing>
<https://www.instagram.com/monomoysportfishing/>

From: [William Hatch](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); [Meserve, Nichola \(FWE\)](#); [Gahagan, Ben \(FWE\)](#); [Silva, Jared \(FWE\)](#)
Subject: BSB, Summer Flounder and Scup 2024 Recreational Regulations, At Sea Filleting Requirements for Striped Bass
Date: Thursday, February 29, 2024 12:12:46 PM

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Director McKiernan,

On behalf of the Cape Cod Charter Boat Association I would like to provide recommendations for the 2024 Recreational Summer Flounder, Scup and Black Sea Bass seasons as well as the new at sea filleting requirements for striped bass by for-hire boats.

For Summer Flounder we would support Option 1 which would retain our five fish daily bag limit. We also would support Option 1 for Scup which would retain 40 fish per person in May and June and 30 fish for July-Dec 31 for the for hire boats. Many of our Fluke and Scup customers travel from out of state and spend significant amounts of money on travel, accommodations, meals, tackle and charter fees. We need to retain the highest possible bag limit that achieves management goals to make the trip and the amount of money spent on the trip worth it to the customer. Without reasonable bag limits the people will no longer come. We have already seen the negative effects on our businesses from years of reductions on many species. There seems to be some unused commercial Scup quota that hopefully in the future could be used to cover occasional recreational overages. I hope this is something that we could pursue in the future.

For Black Sea Bass regulations we would recommend Option 2. We appreciate the flexibility to switch the start date to include Saturday and Sunday May 18,19. That weekend having Sea Bass open will provide a great opportunity for recreational and for-hire boats. We continue to see an extremely robust healthy Black Sea Bass population and hope one day we can have a season and bag limits that are reflective of the health of this stock.

For the new at sea filleting requirements and rack retention for striped bass we would recommend: When to dispose of the racks? Should be anytime after the vessel has docked. How should the racks be stored on the boat? There should be no specified location; they should just be intact and aboard the vessel. When and where must racks be disposed of? In any legal manner - clients should have the ability to take the racks or whole fish if desired. Time is difficult if people are storing racks to dump offshore on their next trip. It could be a day or two before they can dump them or they could be bringing them out to bait lobster traps. Possibly the best option is before commencing fishing on the next trip. Now that

we are mandated to keep the racks for size and identification purposes I would ask that we would be allowed to skin the fillets at sea or at the least skin but keep a 2 inch by 2 inch skin tag on for identification purposes like we do with groundfish species. Striper fillets look like no other fish and are very easy to tell apart from bluefish. Many of our customers do not have the ability to skin the fillets and do not want to leave with a bag of fillets with slimy and scaly skin touching their meat.

Thank you for the opportunity to provide input. If you have any questions or concerns feel free to reach out,

Willy Hatch
Cape Cod Charter Boat

Association

From: [Al Williams](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Meserve, Nichola \(FWE\)](#)
Subject: At sea filleting allowance for striped bass.
Date: Thursday, February 22, 2024 9:20:54 AM

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I listened to the zoom scoping discussion on 02/21 regarding this subject.

I am a licensed 6 pack Captain but I am not actively chartering at this time.

However, I do fish 10 recreational lobster traps that I occasionally bait with racks of various species; including racks from stripers that I catch while recreational fishing.

As DMF considers language for this regulation, I ask you to consider the following:
I occasionally keep and clean a slot fish, then retain the rack in the cooler on my boat for use in my traps the following day. Most often that next day will involve more Striper fishing as well as hauling my traps. I hope the language would allow me to have multiple Striper racks on board (maybe additions from my at home bait freezer) that are clearly purposed for lobster bait, even if I am actively Striper fishing. (Reason is that I haul traps at the end of my fishing trip allowing me to use remaining live mackerel and / or pogies for bait in my traps as well.)

There are a couple of active 6 pack boats at my marina that now may start offering me racks for my lobster traps. I hope the language in the regulation will accommodate my having these if boarded by an EPO. Hopefully language will be developed that protects anyone who is carrying one or more Striper racks that are clearly purposed for lobster bait. (Even while actively striper fishing).

Thank you for consideration of my comments

Al Williams
Gloucester

From: [Ron Arruda](#)
To: [Fish, Marine \(FWE\)](#)
Date: Sunday, February 11, 2024 3:17:59 PM

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Every time we turn around you're screwing the recreational fisherman why don't you just stop commercial fishing on these species of fish stop commercial fishing on stripe of bass they take all the big boys all the big breeders.

[Sent from Yahoo Mail on Android](#)