



**MARINE FISHERIES ADVISORY COMMISSION
BUSINESS MEETING AGENDA**

9:30 AM

**Tuesday, September 19, 2023
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA 01581**

1. Call to Order and Routine Business (9:30 – 9:45)
 - a. Introductions and Announcements
 - b. Review of September 2023 Business Meeting Agenda
 - c. Review and Approval of August 2023 Draft Business Meeting Minutes
2. Comments (9:45 – 10:00)
 - a. Chairman
 - b. Law Enforcement
 - c. Commissioner
 - d. Director
3. Fishery Performance and Quota Managed Species Update (10:00 – 10:15)
4. Action on Commercial Menhaden In-Season Adjustment (10:15 – 10:30)
5. Items for Future Public Hearings (10:30 – 11:15)
 - a. Commercial Fishing Rules for Quota Managed Species
 - i. Menhaden
 - ii. Summer Flounder
 - b. Buoy Line Marking and New Rope with Tracer
 - c. Permitting
 - i. Transfer of Endorsements to Immediate Family
 - ii. Electronic Display of Commercial Fisher and Dealer Permits
6. Discussion Items (11:00 – 11:45)
 - a. New England Fishery Management Council Update
 - b. Review of Commercial Surf Clam Industry Meeting
 - c. Whelk Fishery Management
7. Presentation on Striped Bass Citizen's Science Program (11:45 – 12:15)
8. Other Business (12:15 – 12:30)
 - a. Next MFAC Business Meeting and Location
 - b. Commission Member Comments
 - c. Public Comment
9. Adjourn (12:30)

All times provided are approximate and the meeting agenda is subject to change.
The MFAC may amend the agenda at the start of the business meeting.

Future Meeting Dates

TBD

MARINE FISHERIES ADVISORY COMMISSION

August 16, 2023

Via Zoom

In attendance:

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

Department of Fish and Game: Commissioner Tom O’Shea; Deputy Commissioner Sefatia Romeo Theken; and Bob Greco, Chief of Staff

Division of Marine Fisheries: Daniel McKiernan, Director; Mike Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Justin Bopp; Tracy Pugh; Kerry Allard; Nichola Meserve; Anna Webb; Scott Schaffer; Tara Dolan; Gabe Lundgren; and Chrissy Petitpas.

Massachusetts Environmental Police: Lt. Matt Bass

Members of the Public: Lizzie Roche, Jamie Bassett, Phil Michaud, and Phil Coates

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane thanked everyone for their attendance and called the August 16, 2023 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF AUGUST 16, 2023 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the August 16, 2023 MFAC business meeting agenda. No amendments were proposed.

REVIEW AND APPROVAL OF JULY 10, 2023 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any amendments to the July 10, 2023 draft business meeting minutes. No amendments were sought.

The Chairman then requested a motion be made to approve the minutes. **Shelley Edmundson made the motion to approve the July 10, 2023 business meeting minutes. Kalil Boghdan seconded the motion. A roll-call vote was taken and the motion passed unanimously 4-0-2 with Chairman Kane and Mike Pierdinock abstaining.**

CHAIRMAN’S COMMENTS

Chairman Ray Kane welcomed everyone and turned the floor over to the Massachusetts Environmental Police (MEP) for their comments.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass handled the comments for MEP. He discussed the commercial striped bass fishery and described some of the violations observed this summer. However, he noted that prohibiting commercial striped bass fishing along the Cape Cod Canal has helped to significantly curtail non-compliance.

MEP officers were receiving disentanglement training for whales and turtles through NOAA. With regards to personal, four officers started field training and six more have entered the police academy. An additional four officers will likely be hired by the end of the year. Chairman Kane advocated for additional hiring of officers.

Lt. Bass then welcomed questions from the MFAC.

Sooky Sawyer asked if the striped bass violations were criminal violations or non-criminal tickets. Lt. Bass stated one violation resulted in a criminal complaint. Jared Silva also expected DMF would pursue an adjudicatory hearing in at least one instance.

Mike Pierdinock and Lt. Bass discussed interactions between whales and the tuna fleet on Stellwagen Bank.

COMMISSIONER'S COMMENTS

Commissioner O'Shea started his comments by echoing Chairman Kane's interest in increasing MEP's ranks. The Commissioner stated it was an honor for DMF to receive the Partner in Spotlight award from NOAA. He then commended DMF staff for their work on the Reel Fishing Day at Castle Island in Boston. He also enjoyed attending the Meet the Fleet event in Menemsha.

DFG was working to develop a strategic plan and he would provide updates as the process moves forward. He was hopeful the document would be finalized by January 2024.

DIRECTOR'S COMMENTS

Director Dan McKiernan stated NOAA Fisheries recently released their recreational haddock and cod regulations for the current fishing year. DMF was now moving to enact complementary emergency regulations. He expressed frustrations NOAA Fisheries rule making process, including the delays in implementation and the lack of timely notification to the states regarding implementation. Additionally, Dan noted that DMF did not support the split mode rules that NOAA Fisheries implemented for the Gulf of Maine haddock fishery.

Regarding federal fisheries management, DMF submitted correspondence to NOAA Fisheries requesting the enact a trap gear closure to the so-called Massachusetts Restricted Area Wedge and do so in a timely manner so that fishers can get their gear out of the area before February 1.

The Director then updated the MFAC on two petitions filed with the state's Natural Heritage and Endangered Species Program (NHESP). The first petition was filed by the Southeastern Massachusetts' Pine Barrens Alliance to list horseshoe crabs as a species of special concern. This petition was not supported by NHESP. The second was submitted by DMF to de-list humpbacks whales consistent with federal action taken by the Obama Administration. NHESP only partially supported this petition, instead preferring to begin rule making to downgrade the listing for humpbacks to a species of special concern.

The Director then discussed DMF personnel. The Shellfish Program was seeing some substantial turnover. There were several retirements, including Jeff Kennedy, the program leader, as well as senior bacteriologist Diane Regan and policy analyst Tom Shields. Simone Wright, a classification biologist was also moving on to a new employment opportunity. in the Shellfish Program is moving on to a new job. Finally, Dr. Justin Bopp has been onboarded as DMF's new offshore wind specialist.

He then discussed various DMF outreach events. DMF staff attended the Gloucester 400 and would be present at the Boston Seafood Festival on September 10 and Marshfield Lobster Fest on September 16.

Sooky Sawyer asked about the reporting requirements for those who were trying on-demand fishing in the Massachusetts Bay restricted area. Dan asked Bob Glenn to speak to this issue. Bob Glenn stated that DMF received a report from NOAA, staff are currently reviewing the report, and DMF will be able to speak to it at an upcoming meeting.

ITEMS FOR FUTURE PUBLIC HEARING

Wildlife Compact Rules

Dan McKiernan and Jared Silva described the Interstate Wildlife Violator Compact. Massachusetts entered into this compact in 2022 with Governor Baker signing Chapter 145 of the Acts of 2022 into law. DMF will file implementing regulations to provide the agency with the ability to reciprocally sanction a resident's recreational or commercial fishing permit if they are a convicted of a violation in another state or not issue a recreational or commercial fishing permit to a non-resident convicted of a violation in another state.

Mike Pierdinock asked if these rules would apply to violations in federal waters. Jared Silva stated that there is typically a state landing permit involved with federal fisheries and DMF can currently take an action on the state landing permit should state violations

occur. However, he was uncertain how the Interstate Wildlife Violator Compact would interface with state-federal interactions.

Mike then asked for further clarification regarding how outcomes of adjudicatory hearings interface with the compact. Jared Silva anticipated the final decisions in adjudicatory proceedings would be considered a legal action under the Compact.

Lobster Addendum XXVII

Jared Silva discussed Addendum XXVII to the American Lobster Fishery Management Plan (FMP). The addendum was approved by the ASMFC Lobster Board in May 2023 for implementation in 2024. It is designed to proactively address anticipated decreases in spawning stock biomass for the Gulf of Maine/Georges Bank lobster stock.

For 2024, the addendum requires that all states: (1) establish a maximum size of 6 ¾” for state waters portion of OCCLCMA, consistent with the federal portion of OCCLCMA and LCMA3; (2) reduce the v-notch standard from a ¼” sharp sided notch to a 1/8” notch with or without setal hairs for the state waters portion of the OCCLCMA, consistent with the federal portion of OCCLCMA and LCMA3; and (3) limit the issuance of trap tags in LMCA1 and LMCA 3 to the permit holders trap allocation, thereby eliminating the additional 10% issued for anticipated gear loss.

In future years, should the stock decline below 35% the 2016 – 2018 reference period, a series of additional conservation actions are triggered to occur over the subsequent five-year period. This includes increasing the minimum gauge size and escape panel rules for LMCA 1 and further decreasing the maximum gauge size for OCCLCMA and LCMA 3. Jared described the state rule making timeline with the intention of DMF holding public hearings in the Fall and return to the Commission with a final proposal at the end of 2023 or early 2024 for a vote. Jared then discussed future rule making at length for the Commission.

Sooky Sawyer asked if ASMFC is using the data from the ventless trap survey data. Dan McKiernan stated that both trawl survey and ventless survey data are used in these indices.

Chairman Kane and Director McKiernan discussed how the changes for 2024 may impact state-only OCCLCMA lobster fishers. It is notable that some fishers previously dropped their federal lobster permits thereby restricting their fishing activity to state waters but allowing them to retain larger lobsters and lobsters with a less restrictive v-notch standard. With uniform rules in place for 2024, the benefit of being a state-only fisher no longer exists and there is some interest in re-obtaining federal permits.

DISCUSSION ITEMS

Federal and Interstate Fisheries Management *Joint ASMFC – MAFMC Issues*

Nichola Meserve provided an overview of the August meetings of the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC). The MAFMC update focused on the specifications for 2024/2025 catch limits and resulting anticipated recreational harvest limits and commercial quotas for summer flounder, scup, black sea bass, and bluefish; the further development of the Harvest Control Rule used to set recreational harvest limits; and climate change planning. Regarding the ASMFC, Nichola discussed the Striped Bass Board's decision to delay the approval of Draft Addendum II to the Striped Bass FMP to consider additional management options. The Board will review the Addendum again at its October meeting. If approved, the timeline for state implementation is uncertain. Nichola welcomed questions from the Commission.

Dan McKiernan asked Nichola to reiterate proposed timelines for Addendum II to the ASMFC's Striped Bass FMP. Nichola stated she will have a better idea of timelines following the fall ASMFC meeting, however, some states are concerned about their ability to implement adjustments for the 2024 season.

Mike P. and Nichola discussed the MAFMC's position regarding the ability for states to accommodate the transfer of fish between sectors.

Bill Amaru expressed disappointment over the pending decrease in the commercial summer flounder quota and concern over the ability for Massachusetts to maintain a profitable inshore fishery.

Effort Estimation in the Marine Recreational Information Program

Mike Armstrong provided some background information into NOAA's Marine Recreational Information Program (MRIP) and a recent pilot study by MRIP staff into potential biases in how MRIP calculates fishing effort. The draft results of the study show NOAA may be overestimating recreational fishing effort estimates due to a recall bias related to the order the survey questions are asked—overall estimates of effort were about 30% lower when the 12-month recall questions proceeded the two-month recall questions. Given high variability among waves, modes, and states, it is difficult to draw specific conclusions from this draft study. However, NOAA will conduct a larger, more thorough study in 2024.

Tim Brady and Mike Pierdinock both expressed concerns regarding the effects of overestimating recreational fisheries effort, particularly economic impacts on the for-hire industry. Tim stated this underscored the for-hire industry's calls for sector separation in management given for-hire operators are required to submit trip reports. Mike Armstrong stated these trip reports are not yet used to calculate effort.

Performance of 2023 Quota Managed Fisheries and Future Management Outlook

Anna Webb provided the MFAC with an update on the performance of quota managed fisheries in 2023.

- Black sea bass: The quota is expected to be utilized at some point in early-September.
- Bluefish: The quota is being utilized steadily and will likely be fully utilized.
- Striped Bass: The commercial fishery was closed on August 11.
- Fluke: The quota is tracking similar to 2022 and an underutilization is expected.
- Horseshoe Crab: The commercial bait fishery was closed on August 6. Possession limits were dropped earlier in July to extend the quota deeper into the summer. DMF cannot report on the biomedical quota due to confidentiality issues.
- Menhaden: Two million pounds have been caught thus far and the quota likely to be taken.

Director McKiernan, Assistant Director Reed, Jared Silva, Chairman Kane and Bill Amaru discussed the potential need for management changes next year in response to performance this year and quota outlooks.

Mike Pierdinock asked why DMF did not present on the scup quota. Story and Anna indicated the scup quota remains high and continues to be highly underutilized—Massachusetts' state had only utilized about 30% of the summertime quota. DMF would include scup in its September presentation.

Mike P. then asked what was driving low landings in the menhaden fishery. Story opined that the fish were not available locally this year. It appears they migrated through or past Massachusetts during the spring prior to the commercial fishery opening on June 15.

Mike P. asked about the location of the striped bass fishery. Based on preliminary data, Anna speculated landings were primarily coming into the North Shore. However, this cannot be confirmed until next spring once harvester data is QA/QC.

Convening MFAC Commercial Striped Bass Focus Group

Director McKiernan and Jared Silva stated that DMF would move to convene the MFAC's Striped Bass Focus Group to consider potential adjustments to commercial management issues related to protecting the 2015 year class and a potential quota reduction.

Offshore Wind Energy Development Update

Dr. Justin Bopp provided the Commission with an update on offshore wind energy development. The update focused on the status of the various ongoing projects in Southern New England. Additionally, he discussed the development of a Wind Energy Area in the Gulf of Maine for which leasing is expected to begin in 2024 or 2025.

Mike Pierdinock requests that future charts and details include nautical charts. Dr. Bopp stated he can accommodate this.

Bill Amaru asked if mobile gear fishing will be allowed within the wind areas. Dr. Bopp stated that he believes fishing will be allowed in Southern New England areas according to discussions DMF has had with BOEM.

MFAC Permitting Focus Group

Story Reed provided the MFAC with an update regarding the Permitting Focus Group. He highlighted the statement of the problem which is to address barriers to entry and portfolio diversification as well as aging of the fleet. Story discussed steps to enhance permit availability which include expanding the existing bundling policy for coastal lobster permits; transfer of latent endorsements to immediate family; and adjust endorsement specific activity standards for transfers. Story closed his update by stating additional ideas from the Focus Group and the potential challenges that would be encountered. Some additional ideas include creating a permitting program for young fishermen such as an apprentice program; permit sharing – potentially allow a single limited entry permit/endorsement to be fished by multiple individuals on different days; and a revolving loan fund to help with upfront costs.

Bill Amaru asked for further clarification regarding the obstacles of permit sharing.

Shelley Edmundson stated that this Focus Group has been very helpful and believes the bundling policy will be a great help to young fishermen trying to enter into the fishery.

OTHER BUSINESS

Commission Member Comments

Shelley Edmundson stated there were complaints about the five-day landing window for black sea bass. She suggested a Focus Group be convened for black sea bass.

Sooky Sawyer asked about the process for NOAA Fisheries to approve the new weak rope with a Massachusetts' specific tracer. Bob Glenn stated that DMF received samples and will be testing the samples with NOAA Fisheries this week, and if it met the breaking strength requirements, DMF could begin rule-making to accommodate the use of the rope for 2024.

Tim Brady stated he was happy to see the NEMFC and MAFMC addressing managing the for-hire fleet and the recreational fishery as separate sectors.

PUBLIC COMMENTS

No public comments were made.

ADJOURNMENT

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

MEETING DOCUMENTS

- August 16, 2023 MFAC Business Meeting Agenda
- July 10, 2023 Draft MFAC Business Meeting Minutes
- Wildlife Compact Regulatory Proposal
- Lobster Addendum XXVII Proposal
- ASMFC Summer 2023 Meeting Summary
- Presentation on ASMFC and MAFMC Management Matters
- Presentation on MRIP
- Presentation on Quota Managed Species
- Presentation on Offshore Wind Energy Development
- Horseshoe Crab Conservation Association Letter to MFAC
- Federal Register Notice for Recreational Groundfish Rules

UPCOMING MEETINGS

September 19, 2023
1 Rabbit Hill Road
Westborough, MA



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

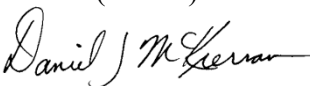
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: September 14, 2023
SUBJECT: **Recommendation for Menhaden In-Season Adjustment**

Recommendation

I am recommending the MFAC vote in favor of an in-season adjustment to the menhaden commercial fishing rules for 2023 that would:

1. Maintain the 120,000-pound limited entry trip limit until 90% of the quota is attained (rather than reducing to 25,000 pounds at 50% quota use).
2. Maintain the Friday closure on purse seining for as long as the limited entry trip limit is 120,000 pounds (rather than opening Fridays at 50% quota use).

Rationale

Menhaden abundance remains above the target level coastwide. This should produce a population of fish that migrates north into the Gulf of Maine, however, the menhaden fishery is by nature episodic in the northeast and distributions fluctuate from year-to-year. While we have enjoyed consistent and prolonged nearshore availability in recent years, there was a shift in the temporal and spatial distribution of menhaden this year that reduced local abundance. This was likely influenced by environmental factors, such as the significant influx of freshwater into coastal habitat due to heavy rain events during the late spring and early summer.

Whereas the Massachusetts commercial fishery landed in excess of 10 million pounds of menhaden the last two years, the commercial fishery has only landed about 2.35 million pounds this year, less than 25% of its 10.82-million pound quota. This quota underutilization has largely been driven by the reduced inshore availability of menhaden. Additionally, we opened the directed fishing season two weeks later this year (June 15) expecting similar fishing conditions to those experienced in recent years, but much of the biomass of fish reportedly migrated through or past our coastal waters to the north and east before our fishery opened. It is notable that Maine's commercial fishery has reached its annual quota of 24.5 million pounds and has received an additional 5 million pounds of quota through the ASMFC's "Episodic Event Set Aside". These high landings in the more northern Gulf of Maine suggest the shift in availability, not overall abundance.

At present, the limited entry menhaden fishery is operating under a 120,000-pound trip limit with purse seining closures on Fridays, Saturdays, and Sundays to ameliorate user group conflicts with recreational fishers and boaters. Should 50% of the quota be taken, the trip limit will be reduced to 25,000 pounds and purse seining will be allowed on Fridays. While menhaden are typically available in our waters into the

early fall, I am doubtful we will see a substantial increase in inshore catch rates as the fish migrate back through our waters this fall. However, it is possible we could reach this 50% trigger.

The purpose of this trip limit trigger is to slow catch during the summertime period so the commercial fishery can maintain access to the quota throughout the fishing season. However, given current landings and this late date, it is not necessary to reduce the trip limit. Maintaining the 120,000-pound trip limit may help Massachusetts utilize more of its available quota and provide bait to the lobster fishery; specifically, this may encourage vessels catching menhaden offshore to land in Massachusetts ports, provided they are properly permitted. In the unlikely event that 90% of the quota is attained this year, the trip limit would be reduced to 25,000 pounds for the last 10% of quota.

DMF conducted a two-week written public comment period regarding this action. The public comment received opposed the action. Certain commenters assumed lack of inshore availability was driven by poor stock conditions and overfishing, which is not the case. Several commenters also confused the Massachusetts bait fishery with the reduction fishery that occurs in other states to our south. Others' opposition is driven by the longstanding user group tension between recreational fishing interests who want to keep menhaden in the water as forage for the predator species they target and commercial fishers who extract this forage to satisfy bait markets. These tensions were particularly high this year given the reduced inshore availability of menhaden compared to recent years, the unrelated emergency action narrowing the striped bass recreational slot limit, and persistent user group conflicts in Boston Harbor. Regarding this user group conflict in Boston Harbor, two members of the public requested DMF maintain the Friday purse seining closure in the event that the 50% quota trigger is reached and the trip limit is maintained at 120,000 pounds. This is a reasonable request and is consistent with how and why the Friday closed days were implemented for 2023.

Note that for 2024, I intend to adopt these (and possibly other) adjustments into the regulations. These future public hearing proposals are further described in a separate memo.

Enclosed:

Written comment

From: [Sean McCormick](#)
To: [Fish, Marine \(FWE\)](#)
Subject: comment on commercial menhaden
Date: Thursday, September 7, 2023 8:47:34 AM
Attachments: [lettertoDMF.menhaden.docx](#)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Director McKiernan:

My name is Sean McCormick. I am a lifelong resident and angler of the Commonwealth of Massachusetts. I am writing to you in regards to the proposed in-season adjustment to the commercial menhaden trip limit triggers.

I am vehemently opposed to any regulation or adjustment that would allow for any increase in menhaden harvest. In fact, I would like to see the quota reduced and more restrictions placed on the commercial harvest of menhaden.

As you know, menhaden is a favored prey species of our predominant game species: the striped bass. It is discouraging to see the decimation of their forage while simultaneously enacting emergency regulations to bolster their future.

As an angler, I value the local availability of menhaden. There is no better time to fish when there is a biomass of menhaden around. Growing up, they used to say, "Stripers like structure so fish near structure." Well I've learned that the bait *is* the structure and big stripers need to feed on so many menhaden per day to maintain their weight/health.

For the last 5 years, I have been fishing exclusively in Boston Harbor and the surrounding islands. When that biomass of menhaden is around, there are always big 40"+ stripers feeding on them. Last summer was particularly spectacular. Catching large keeper stripers and big 40"+ stripers became routine on every outing, that is, until the midwater trawlers come through.

I've noticed it only takes two days of trawlers netting menhaden to completely ruin the fishing in the area. After the menhaden are scattered, the big bass disappear and never seem to emerge for the rest of the season. This happens practically every year they are around. This year there has been a dearth of menhaden around, but they did show up for 2 days about 3 weeks ago. But again, they disappeared *en masse* once the trawlers came by. The obliteration of local bait is one concern, but what about by-catch? How many stripers get scooped up and killed in their

nets or scooped up and dumped back in the water half-dead? It is my understanding that some reasoning for striped bass regulations are based on estimated post-release mortality rates. I'm wondering if there is any data on mid-water commercial menhaden trawlers and how many striped bass and other species are affected by their nets?

Commercial menhaden harvests take a public trust resource in increments of tens of thousands of pounds meanwhile we, the recreational angler, are relegated to taking 1 fish per person in a measly 3 inch range. I just don't see how that is fair or equitable or ethical. They take enough from the ocean; I don't want to see any adjustments made to allow or encourage them to take more than what is already allotted in the current schedule of regulations.

I speak for myself, other anglers in my family, and other anglers in the Greater Boston fishing community when I say we want to see commercial menhaden harvest (e.g. seine or purse net fishing) prohibited from Boston Harbor. We don't think it is fair that commercial trawlers can come in and essentially decimate a key part of the local ecosystem. We want to see the Department of Marine Fisheries draw a line from Deer Island south or from Logan Airport south and not allow the commercial menhaden harvest in this area. We want to reserve these areas for local recreational and commercial striped bass fishing. Among other things, we pay for a Massachusetts saltwater fishing license, gas, boat registration, boat insurance, dock/slip leases, City of Boston dock/slip fees, bait, tackle, etc.—all for the enjoyment of catching a nice fish (again only allowed to harvest one 28"-31" striper per person). We should be able to do this regularly in our local waterways, and an abundance of menhaden is an important part of that. We shouldn't have to run 15-20 miles away to find bait and feeding stripers.

Commercial menhaden trawlers are built to work offshore. They are big hefty vessels capable of handling the open ocean. They should stay offshore, and fill their quota away from coastal waterways where the fishery is more readily accessible to recreational anglers. I think restricting commercial menhaden harvest from Boston Harbor and other coastal waterways would have a tremendously positive impact on recreational angling, commercial angling, local charter boats, and local fish populations that prey on menhaden. With that said, thank you for reading and for your consideration, and thanks for the work you do to support the marine environment and fishing communities.

Regards,

Sean McCormick

From: [Emmit Hoyl](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Comment on Menhaden Trip Limit adjustment
Date: Thursday, August 24, 2023 5:33:33 PM

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Dear Director Dan McKiernan,

As a non-resident tourist who travels to Marthas Vineyard annually to fish, I am voicing my opposition to the adjustment, and vote in favor of the reduction as originally designed and intended. The reduced catch experienced by the commercial fleet to date, may be a reflection of the poor state of the menhaden fishery in Massachusetts in 2023.

As a tourist and sport fisherman who spends thousands of dollars within the local economy of Marthas Vineyard every summer, I am in favor of decisions which benefit the fish and the fishery. The decision to "adjust" the quota, only seeks to further reduce the food supply of highly sought after game fish such as bass and bluefish. Sport fishing injects much larger amounts of tourist revenue into local economies, your decisions should reflect this reality. Not to mention the fact that many of the commercial fleet targeting menhaden are foreign owned companies, pulling profits out of the country from a resource grown in American seas.

One of my fondest memories is when a school of menhaden came ashore and resulted in an excellent fishing adventure where my son and I caught large bass and even saw minke whales who were also feeding upon this species that is the basis of the food chain for many creatures in the ocean.

Please keep your word, do not adjust the quota, and leave more menhaden in the sea to feed our already imperiled sport fish species such as bass and bluefish. Think of the children for gods sake.

Thank you,

Emmit Hoyl

From: fuegodemon@aim.com
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Menhaden public comment
Date: Friday, August 25, 2023 10:23:19 AM

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Hi my names nick Leblanc, an avid fisherman in the northeast, ive definitely seen a large drop in the popluation when fishing for them.

[Sent from AOL on Android](#)

From: [Kowaleski, Michael P](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Commercial Menhaden Trip Limit Triggers for 2023
Date: Thursday, August 24, 2023 12:17:00 PM

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Dear Director Dan McKiernan,

The reduced menhaden landings have occurred for various reasons.

If the menhaden numbers are reduced inshore, then why take measures to land more of them?

Faced with fewer numbers inshore, we should be taking measures to protect them, not harvest them.

I am entirely opposed to the proposed In-season Adjustment for these reasons.

Michael P. Kowaleski, DVM, Diplomate ACVS and ECVS
Professor of Orthopedic Surgery
Tufts Cummings School of Veterinary Medicine
200 Westboro Road
North Grafton, MA 01536

mike.kowaleski@tufts.edu

From: [Jake H](#)
To: [Fish, Marine \(FWE\)](#)
Subject: COMMERCIAL MENHADEN
Date: Friday, August 25, 2023 9:34:59 AM

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Director McKiernan,

Sir I'd like to voice my concerns regarding the trip limit reductions for the commercial menhaden quota. I've been an avid recreational angler and commercial striped bass fisherman for years. I've worked on the water for the vast majority of my life. I'm a Massachusetts Maritime m Academy Graduate and worked maritime law enforcement for nearly a decade. I practically live on the ocean May- October. As an avid angler last week we found that the large school of menhaden had FINALLY returned to the Boston harbor area. With those menhaden came large schools of striped bass and bluefish. The schools were peacefully fished by numerous boats to include myself. I arrived back in Boston harbor this past Tuesday. Not a SINGLE MENHADEN to be found. I quickly learned that two commercial menhaden harvesting vessels(Intuition & a vessel bearing a Massachusetts vessel registration) with 600' gill nets ROBBED the entire harbor of that critical bait. In return the striped bass and bluefish fled the harbor to seek bait elsewhere. I've talked to numerous recreational anglers, commercial striped bass/tuna fisherman, and charter boat captains, all were angered to hear of this harvesting and robbing the harbor of a critical bait source once again. There needs to be action on this. The 120,000 pound trip limit should IMMEDIATELY be put in place. Waiting till September will be to late. That bait source will be devastated before a late September action. Menhaden is a critical bait source for our marine ecosystem. Menhaden often gather in the deep cool waters of the main ship channel in Boston harbor. The commercial menhaden boats then corral them and essentially harvest entire schools in short order. Critical bait GONE FOREVER! This needs to be addressed with a potential restricted area of commercial Menhaden harvesting. Why allow these two commercial menhaden vessels harvest a bait source in its entirety only to sell that bait for lobster bait? Essentially DMF is allowing a user conflict situation in Boston Harbor.

Any attention to this matter by DMF would be greatly appreciated and needed. Thank you.

Respectfully,

Jake M. Handrahan
73 Canterbury ST
Hingham, MA 02043
781-733-2314

From: [rich.rubin](#)
To: [Fish, Marine \(FWE\)](#)
Subject: commercial menhaden
Date: Thursday, August 24, 2023 2:52:51 PM

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I have been surf fishing New England for over 30 years. In my opinion, The migration of Menhaden, especially adults, along the shore have been declining and are poor. I think it is time for a moratorium on bunker harvest. We are seeing the demise of an important forage fish as which happened to the herring.

While large pods of bunker are harvested as noted by your email, the lack of shore migration is the canary in the coal mine.

I understand there is an economic loss to industries such as Omega, but it is time for such a moratorium and to help anglers and the communities which support them.

Thank you,
Richard Rubin
Amherst

Good health is true wealth

From: [Boston Fish](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Dan Mckienan pogie increase.
Date: Thursday, August 24, 2023 4:34:24 PM

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Please stop and consider the fish that need pogies as a forage species. I am a charter captain in Boston all summer the pogie boats have interfered with the recreational fishing boats . They swarm us and the second we give them an opening they send the aluminum boat and drop they're net. I've made a couple formal complaints with the epo . This is happening in the inner harbor. None of the pogie boats in Boston or the one from Salem are even looking at the open ocean . They come right into downtown find the charter and rec boats and scoop. Also the white boat McCarthy has been trading pogies for beer . He scoops boats line up giving him beer and in his own words weed works too. That's unreported catch. I have photos and videos of the boats lining up to get pogies and them swooping on me and 4 boats getting bait for our charters .

Also the bass we are catching all have empty stomachs. They depend on a healthy pogie school all summer we have had more bass then bait. If emergency action to save the bass and that 2015 year class while allowing the net boats to wipe out there key forage species is ass backwards. Please do not increase they're daily take .We need theses baits to ensure good fishing . Last year they took to much and this year it shows. Please reconsider.

Captain Jeremy Furtado
339-215-4146
Bostonfishcharters.com

From: [Mike Fallon](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Director Dan McKiernan public comment on menhaden
Date: Thursday, August 24, 2023 2:24:45 PM

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Director McKiernan,

As a charter captain, recreational fisherman and commercial fisherman, I'm strongly against any action that allows any seiner to harvest any additional menhaden, especially in our state waters. On the North Shore we saw pogies only a few days this season, each time the seiners would show up on their heels and wipe them out within a day or two. It amazes me that the state is considering allowing them to harvest more menhaden when we've barely seen them all season, and this is the same sentiment I hear echoed when I speak with my friends and colleagues from the south shore, Boston Harbor, and north shore. Please work to protect what we have and hopefully we will see an increase next year.

Best,
Capt Michael Fallon
(978) 729-4690

From: [David Murray](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Email Data
Date: Thursday, August 24, 2023 3:59:00 PM

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Good afternoon and thank you for your emails and stewardship.

As a recreational fisherman, I always find these emails informative and interesting as I think these decisions have a great impact on our fishery. I also think there is great value in public comment, but I think more context is needed for the public to make educated comments. It would be nice to see a chart or two, showing quotas over time, landings, estimated biomass and a timeline of rule changes to gauge their effectiveness. It looks like we went over quota by a considerable amount in 2022 (I found the historical data on your website). Maybe a chart could show reasons and be footnoted to explain the corresponding rule changes.

A couple questions that could be answered in the email:

- 1) Why do we want to encourage midwater trawlers to catch in Federal Waters?
- 2) *While coastwide menhaden abundance remains above the target level which results in a population that migrates this far north, their distribution can fluctuate year-to-year, which affects local availability.* What is the historical target level? It sounds like this data must come from a Federal source?
- 3) Could the overfishing in 2022 be the cause of reduced landings this year? I can tell you that my personal menhaden landings are way down as are my stiper landings...

The Striped bass slot this year was brilliant.

Keep it up

Dave

From: [Scott Helle](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Manhaden
Date: Thursday, August 24, 2023 3:20:25 PM

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Hi Dan,

I have never seen the Manhaden levels so low in Boston Harbor in the 20 years I've been fishing there. How are you able to monitor commercial limits? Their word? Just an observation. Maybe we need to monitor commercial fishing with cameras and AI like they do in the checkout at Walmart. I believe the sale of this fish is for lobster bait.

Another fish being overfished.

Regards,

Scott

Scott R. Helle, DMD
508-298-8226

From: [James Goodhart](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Menhaden
Date: Thursday, August 24, 2023 4:05:32 PM

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To whom it may concern,

I'm opposed to the proposed in season adjustment to the commercial Menhaden rules.

Capt. James C. Goodhart
Shadowcaster Charters
56 Boardman St.
Newburyport, MA 01950
(978) 463-7755
www.shadowcastercharters.com

From: [dan feeneey](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Menhaden
Date: Friday, August 25, 2023 6:58:34 AM

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I protest any increase to this commercial fishery since it adversely affects all the other species that feed on them.

Sent from my iPhone

From: [Lyle Rucker](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Menhaden limits
Date: Thursday, August 24, 2023 12:25:12 PM

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To whom it may concern,

I am unopposed to the increase in limits, but am concerned with the purse seine boats being able to enter harbors for the purpose of taking these fish.

I believe they should be given a limit as to shore approach. These boats negatively affect many other fishing industry aspects from charters to rod and reel commercial fishermen.

If they were given a 1 to 3 mile restriction from shore all parties would benefit and as I have personally witnessed them rip boats from anchor it would also provide a safer environment for everyone involved.

Thank you,

Lyle W. Rucker

#bigruckn'fish

Sent from my iPhone

From: [Michael Kelleher](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Proposed adjustment to menhaden commercial harvest, 2023
Date: Thursday, August 24, 2023 12:35:17 PM

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DMF notes that the yr to date commercial harvest is below expectations, and asserts that this is due to “environmental and ecosystem conditions” but cites no specific data in support of this hypothesis. It is at least as likely that the menhaden population has been over-harvested by the commercial fishery and the recreational fishermen, armed with their gill nets, cast nets, and snag hooks. It is difficult to find a menhaden pod on the Mass coast which is not constantly worked by recreational fishermen....an unmeasured drain on the population. And who measures the impact of feeding whales?...now regularly seen within a few hundred yds of our beaches eating menhaden. I do not support the proposed expansion of the commercial menhaden harvest.

Michael Kelleher
425 Bay Rd, Duxbury, Ma. 02332

Sent from my iPad

From: [Joe Daly](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); [Gahagan, Ben \(FWE\)](#)
Subject: Public Comment Sought on In-Season Adjustment to Commercial Menhaden Trip Limit Triggers for 2023
Date: Sunday, August 27, 2023 8:33:56 PM

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I am writing to lodge my public comment in opposition to the increase of menhaden limits. Allowing the additional harvest of menhaden while artificially and incorrectly placing an emergency injunction on striped bass while simultaneously depleting their food source is in direct opposition to the successful management of both species.

If the large net trawlers can not manage to land their quota using the current regulation limits perhaps the menhaden population isn't stable enough to allow their commercial fishing. This proposed action again highlights the preference given to commercial netters in opposition to recreational anglers and all other users of this public fishery.

Joe

Sent from my iPhone

From: [Austin](#)
To: [Fish, Marine \(FWE\)](#)
Subject: Public Comment Sought on In-Season Adjustment to Commercial Menhaden Trip Limit Triggers for 2023
Date: Friday, August 25, 2023 8:40:25 AM

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Director Dan McKiernan,

I do not support the changes to the commercial menhaden trip limit triggers. Menhaden is an important forage for marine mammals and predator species. Furthermore the purse seine vessels engage in reckless and dangerous behavior on the water in an attempt to scare recreational anglers off of schools of menhaden.

This behavior should not be rewarded by a loosening of the rules. If they cannot hit the quota this year, then there should be higher SSB for next season and hopefully they will have an easier time in future seasons.

Hopefully there can be some regulation put in place regarding where and how purse seine vessels are allowed to operate in shallow waters around recreational anglers that might be experiencing our fisheries for the first time.

Thank you,
Austin Schofield
Cell: (781)-799-8356

From: [Jay Ponte](#)
To: [Fish, Marine \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); [McKiernan, Dan \(FWE\)](#); [Griffin, Melanie \(FWE\)](#); [Meserve, Nichola \(FWE\)](#); [Silva, Jared \(FWE\)](#); [Whitmore, Kelly \(FWE\)](#); [Kaplan, Julia \(FWE\)](#); [Allard, Kerry \(FWE\)](#); [Besse, Lynne \(FWE\)](#); [Buchan, Nick \(FWE\)](#); [Davis, George \(FWE\)](#); [Duggan, Matthew R \(FWE\)](#); [Druskat, Erich \(FWE\)](#); [Fletcher, Mary Ann \(FWE\)](#); [Lundy, Kimberly \(FWE\)](#); [Reed, Story \(FWE\)](#); [Schaffer, Scott \(FWE\)](#); [Webb, Anna \(FWE\)](#); [Ayer, Matt \(FWE\)](#); [Armstrong, Michael \(FWE\)](#); [Boardman, John \(FWE\)](#)
Subject: public comments, IN-SEASON ADJUSTMENT TO COMMERCIAL MENHADEN TRIP LIMIT
Date: Wednesday, August 30, 2023 10:34:56 AM

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The in season adjustment to the menhaden trip limits are unstoppable from a recreational fisherman's stand point, We would be naïve to think otherwise. However I request the Friday opening trigger at 50% not follow this.

We need Fridays to remain closed in Boston to let the pogies and striped bass settle down after 4 continuous straight days of sein netting.

Closed Fridays are important to the recreational fishermen and the large charter boat fleet in downtown Boston. This gives the Menhaden a chance to group up, relax and makes for better weekends of fishing especially since they'll be plucked Monday morning anyway.

You've seen the pics and videos, You've received my emails and the emails of many more frustrated recreational fishermen, of the daily user conflict Monday thru Thursday between multiple seine-net boats and recreational fishermen. We're very frustrated by this outright bullying by the seine net boats against us, removing large schools of important forage fish right in front of us and even right from under us while actively fishing!

Friday-Saturday & Sundays have been very peaceful, please DO NOT open Fridays to sein netting in Boston

Capt Jay Ponte
Sweet & Salty Charters
Fishing Boston Harbor (5k Strong)
Active Member Stellwagen Bank Charter Boat Association

From: [Mike Delzingo](#)
To: [Fish, Marine \(FWE\)](#)
Cc: [Jaron Frieden](#); [Rob Savino](#); [Bmdelzing](#); [Capt. Tim Egenrieder](#); [Jack Holmes](#); mike@bostonfishingcharters.com; [Michael Pierdinock](#); [Gahagan, Ben \(FWE\)](#); [Ayer, Matt \(FWE\)](#); comments@asmfc.org; [Dan Parma](#); [Jay Ponte](#); [Patrick Kearney](#); basicpatrick@aol.com
Subject: public comments, IN-SEASON ADJUSTMENT TO COMMERCIAL MENHADEN TRIP LIMIT
Date: Wednesday, August 30, 2023 8:43:37 AM

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The in season adjustment to the menhaden trip limits are unstoppable from a recreational fisherman's stand point, We would be naive to think otherwise. However I request the Friday opening trigger at 50% not follow this.

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Closed Fridays are important to the recreational fishermen and the large charter boat fleet in downtown Boston.

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Friday-Saturday & Sundays have been very peaceful, please DO NOT open Fridays to sein netting in Boston.

Captain Mike Delzingo
Fishbucket Sportfishing, Boston
BOD Stellwagen Bank Charter Boat Association
Founder Massachusetts Commercial Striped Bass Association (1000+ Members strong!)



The Commonwealth of Massachusetts

Division of Marine Fisheries

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MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor


REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: September 14, 2023

SUBJECT: **Future Public Hearing Item: Commercial Menhaden Management**

Proposal

I plan to take to public hearing this winter two potential revisions to the commercial menhaden rules relevant to quota management: 1) returning to a June 1 start date for the purse seine fishery, and if adopted, adding a July 1 conditional date to the onset of the 25,000-lb trip limit; and 2) adding a conditional date of September 1 to the 50% quota use trigger that drops the trip limit from 120,000 lb to 25,000 lb, and if adopted, clarify that Friday remains a closed purse seine day for as long as the 120,000-lb trip limit is in effect.

Rationale

Broadscale revisions were made to the state's commercial menhaden regulations for the 2023 fishing season. A portion of these were focused on updating the quota management scheme in response to the Interstate FMP's revised state-by-state commercial quota allocations, removal of purse seines from the incidental catch/small-scale fishery (IC/SSF) allowance, and an increased Total Allowable Catch for 2023–2024. Through these interstate management revisions, Massachusetts saw a doubling of its starting quota (though likely less opportunity for quota transfers) but with a hard stop on purse seine fishing once the quota was taken (unless able to access the Episodic Event Set Aside). This led to a series of regulatory changes affecting the season, open days, and trip limits to control the pace of the fishery for multiple purposes (e.g., avoid market glut, align with bait need, maintain historical access, minimize user conflict).

Importantly, the specifics of these regulatory revisions were formulated in large part based on recent trends in menhaden temporal and spatial distribution patterns. Since the onset of state-by-state quota management, Massachusetts (and New England in general) had seen a nearly consistent trend of increased and prolonged nearshore availability of menhaden, to which the fishery had responded and grown in parallel, with 2022 culminating in over 10 million pounds of menhaden being landed in the Commonwealth and a directed fishery closure in late July.

However, these menhaden distribution trends changed significantly in 2023. The June 15 purse seine start date prevented early access to the fish that did arrive, and once opened, landings have been

much slower than prior years (Figure 1). We do not have reason to believe that the overall abundance of menhaden has declined given landings occurring elsewhere, just that the localized availability in Massachusetts was different this year. Historians of menhaden stock dynamics would not be entirely surprised by this, and 2023 has shown that adding a bit more flexibility into the management to allow the fleet to catch the quota under a wider range of circumstances is warranted.

To this end, I am making two proposals for regulatory changes to be potentially implemented for the 2024 season:

- 1) Revert the June 15 start date for the purse seine fishery to June 1 (as it was in 2022 for any landings above 6,000 pounds).

In connection with the above, we could also establish a conditional “no-sooner-than” start date for the 25,000-lb trip limit, for example July 1. In years where 50% of the quota is taken quickly after the fishery’s opening on June 1 (the 2022 fishery showed June 15 was possible), this would provide a pause before the mid-scale fishery would start on July 1—with potential benefits to season length and market saturation. This was suggested as an alternative to the later season start date during public comment on the proposed 2023 rules. The rule could allow for all gears (including purse seine) to fish at the 6,000-pound small-scale level during the interim. In slower years, the fishery would seamlessly transition from the 120,000-lb trip limit to the 25,000-lb trip limit whenever the 50% quota use trigger is met (after July 1). In either instance, the 120,000-lb trip limit would apply through 50% quota use, but the 25,000-lb trip limit would not commence until July 1 or later.

- 2) Add a conditional date of September 1 to the 50% quota use trigger, such that if 50% quota use occurs on or after September 1, the trip limit will stay at 120,000 pounds rather than drop to 25,000 pounds. If 90% quota use were subsequently attained, a 25,000-lb trip limit would apply for the remaining 10% of quota per the existing conditional date of September 1 in the 90% quota use trigger to drop to 6,000 pounds. This date criterion was added to the 2023 rulemaking package based on public input that was concerned that the 6,000-lb trip limit could leave too much quota on the table if the 90% trigger was reached late season, and that the rationale for dropping the trip limit to prolong the season was moot by September 1. The 2023 fishery showed us that such a provision should also be considered for dropping the trip limit from 120,000 lb to 25,000 lb.

In connection with the above, we would also clarify that the purse seine closed days of Friday–Sunday apply for as long as the 120,000-lb trip limit is in effect, rather than through 50% quota use. This is consistent with how and why the Friday closed day was discussed in the 2023 public hearing proposal, but the rule was written relevant to quota use rather than the trip limit in place, not foreseeing that the 120,000-pound trip limit situationally stay in effect beyond 50% quota use as proposed herein.

These proposals are summarized in Table 1.

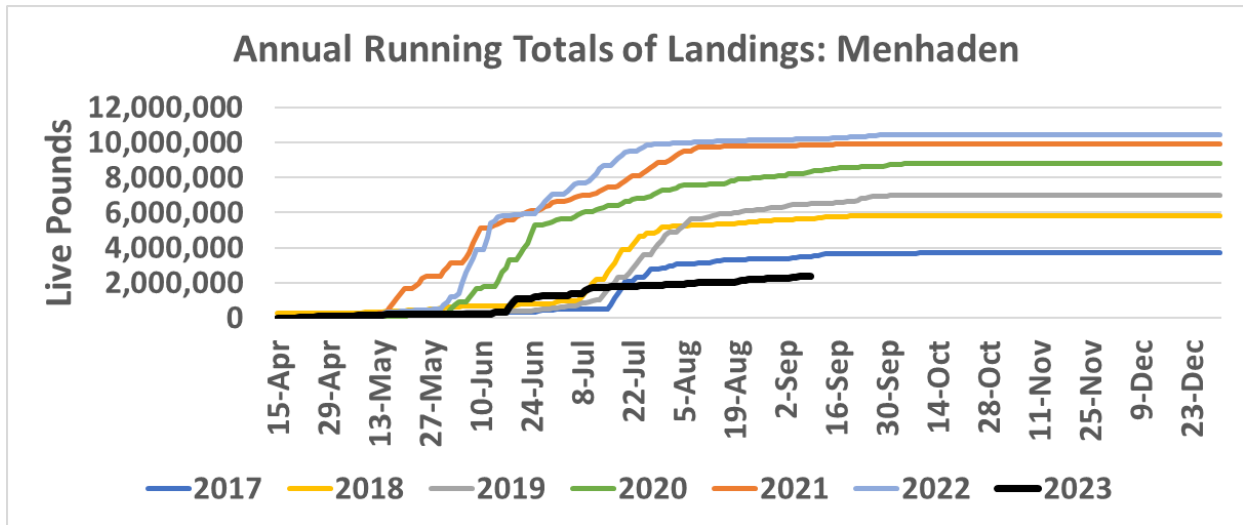


Figure 1. Annual running total of Massachusetts menhaden landings, 2017–2023, as of 9/9/23. Data Source: SAFIS eDR.

Table 1. Summary of proposed changes for 2024, compared to relevant 2022 and 2023 rules.

	Purse Seine Season Start	Trip Limits and Quota Use Triggers (Limited-Entry Fishery)	Purse Seine Open Days (area and date specific exceptions omitted)
2022	June 1 for landings above 6,000 lb.	<ul style="list-style-type: none"> • 125,000-lb trip limit until 85% quota use. • 25,000-lb trip limit from 85% to 100% quota use. • All gears may continue at 6,000-lb IC/SSF trip limit after 100% quota use. 	Monday – Friday
2023, with proposed revisions for 2024	June 15 for all purse seine landings June 1 for all purse seine landings	<ul style="list-style-type: none"> • 120,000-lb trip limit until 50% quota use. • 25,000-lb trip limit from 50% quota use, provided this occurs after June 30 and prior to September 1, through 90% quota use. If 50% quota use occurs prior to July 1: 6,000-lb trip limit through June 30, then 25,000-lb trip limit on July 1 through 90% quota use. If 50% quota use occurs on or after September 1: 120,000-lb trip limit through 90% quota use. • 6,000-lb trip limit from 90% quota use, provided this occurs prior to September 1, through 100% quota use. If 90% quota use occurs on or after September 1: 25,000-lb trip limit through 100% quota use. • All gears except purse seine may continue at 6,000-lb IC/SSF trip limit after 100% quota use. 	Monday – Thursday until 50% quota use while 120,000-lb trip limit applies; then Monday – Friday until 100% quota use while 25,000-lb or 6,000-lb trip limit applies.



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Governor

KIMBERLEY DRISCOLL
Lt. Governor

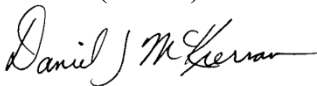
REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: September 14, 2023

SUBJECT: **Future Public Hearing Item – Commercial Summer Flounder Trip Limit Adjustments for 2024**

Proposal

DMF is considering minor reductions to the Period II (April 23–December 31) summer flounder trip limits in response to a greater than 50% reduction in the state’s commercial quota for 2024. While the quota reduction is substantial, given fishery performance and quota underutilization, commensurate cuts to fishing limits are not necessary. The most substantial changes I would consider would include are described in Table 1. In summary, this would reduce: (1) the April 23 – August 31 trip limit to 500 pounds for net fishers and 300 pounds for hook fishers; (2) the September trip limit that is triggered when more than 20% of the quota is available on September 1 to 600 pounds; and (3) the October–December trip limit that is triggered when more than 5% of the quota is available on October 1 to 5,000 pounds.

Table 1. Proposed Changes to Limits for Period II Summer Flounder Fishery

Season	Gear Type	Trip Limit (lbs)	Fishing Days	Min Size
Apr 23 – Aug 31	Nets	500 600	Sun – Sat	14”
	Hooks	300 400		
Sept 1 – Sept 30	Nets	600 800 if >20% of quota 400 600 if =<20% of quota	Sun – Sat	14”
	Hooks	600 800 if >20% of quota 250 400 if =<20% of quota		
Oct 1 – Dec 31	All	5,000 10,000 if > 5% of quota 800 if =<5% of quota	Sun – Sat	14”

Rationale

The 2023 stock assessment was released earlier this summer. This assessment shows that the stock remains not overfished, with spawning stock biomass (SSB) at about 83% of its target in 2022. However, SSB has been recently overestimated and is now trending downward. While the ratio of B/Bmsy is not much changed from the last assessment (2021), the absolute estimates of SSB are lower. Moreover, overfishing was occurring in 2022, with fishing mortality at 103% of its threshold, compared to 19% below threshold from the prior assessment. Overfishing is occurring despite recent catch limit underages, supporting the notion that prior catch limits were set too high. Contributing to this substantial shift in stock status was that the promising 2018 year class was much smaller than initially estimated. Recruitment has been below average since 2011, the source of which has not been identified.

Using the new assessment, the Mid-Atlantic Fishery Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASMFC) set the 2024/2025 quota at 8.79 million pounds—a 42% reduction from the 15.27 million pound coastwide quota in 2023. Because the coastwide quota is dropping below 9.55 million pounds, the level at which quota is reallocated per Amendment 21, Massachusetts will only receive its baseline quota share of 6.82%, rather than the near 9% we have been receiving the past two years¹. This brings the Commonwealth’s summer flounder quota to about 600,000 pounds for the next two years (2024 and 2025), as compared to the near 1.36 million pound quota this year. Note the anticipated quota levels for 2024 and 2025 are only slightly below quota levels from about 10-15 years ago when there was substantially more effort in the commercial fishery.

While this represents a 56% decrease in Massachusetts commercial quota from 2023 to 2024, the impact of the quota reduction on fishing limits should not be as severe. The fishery has underperformed its quota since 2019 and will very likely underperform it again this year (Table 2) with landings in the summertime fishery (April 23 – September 30) fluctuating between 310,485 pounds (2021) and 469,955 pounds (2019).

Table 2. Summertime (April 23 – September 30) and Annual Summer Flounder Landings 2019 - 2023

Year	Summertime Landings (live lb)	Total Annual Landings (live lb)	Percent Quota Utilization
2019	469,955	551,267	74%
2020	396,562	700,390	88%
2021	310,485	714,422	70%
2022	427,567	874,836	63%
2023*	290,507	616,876	45%

*Preliminary, includes only landings reported as of 9/14/23
Data Source: SAFIS eDR, 9/14/23

For 2024 and 2025, presuming the Period I fishery achieves its 30% allocation (~180,000 pounds) under status quo rules, the Period II fishery would open with about 420,000 pounds of quota. This available quota approximates the recent performance of the summertime fishery (Table 2). The math alone suggests we may not need to make any changes to the limits to ensure the fishery remains open into the early fall. However, it makes sense to consider nominal trip limit decreases to buffer against potential interannual variability in landings that may result in an early season closure.

At this time, I am not proposing any adjustments to the commercial summer flounder limits for the Period I fishery (January 1–April 23). I am uncertain changes are necessary given how the fishery is conducted. The Period I fishery occurs offshore in federal waters typically among vessels that land summer flounder in numerous states. Massachusetts has historically allocated this fishery 30% of the quota and current regulations reduce the trip limit to 100 pounds once the quota allocation has been reached; this may allow a small number of Massachusetts-based vessels to offload an incidental catch of summer flounder in the state but redirects the directed catch towards other states where quota may be available. Accordingly, I do not anticipate Period I landings will substantially exceed the fishery’s allocation.

¹ Amendment 21 modified the state-by-state quota allocations in a manner meant to increase equity across states when the stock is in a strong condition. When the coastwide quota exceeds 9.55 million pounds, the additional quota is allocated in equal shares of 12.375% to all states (except Maine, New Hampshire, and Delaware which share 1% of the additional quota). Coastwide quota up to 9.55 million pounds is allocated according to the historic shares based on 1980–1989 landings, or 6.82% for Massachusetts.



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Governor

KIMBERLEY DRISCOLL
Lt. Governor

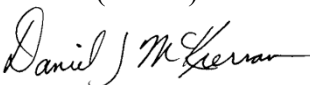
REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: September 14, 2023

SUBJECT: **Future Public Hearing - Adjust Buoy Line Marking Rules to Allow Use of New Fully Formed Weak Rope with Tracer**

Proposal

DMF seeks to amend its buoy line marking regulations for the Massachusetts Mixed Species Pot/Trap Fishery [322 CMR 12.06(2)(c)]. This amendment would make an exemption to the existing buoy line marking rules to allow commercial fishers to fish fully formed red and red and white (so-called “candy cane”) colored weak rope with a “MASS LOBSTER” tracer ribbon visible to the naked eye throughout the buoy line (Fig. 1 and 2) and would prohibit Massachusetts fishers from fishing any tracer rope that may be manufactured for another jurisdiction. This amendment would accommodate the deployment of new rope products that have been developed by industry through the Massachusetts Lobstermen’s Association.

Rationale

At present, DMF’s buoy line marking regulations require all buoy lines in the Massachusetts Mixed Species Pot/Trap Fishery to be marked with one solid red mark measuring at least three feet in length in the surface system followed by four solid or non-solid red marks measuring at least two feet in length in the body of the buoy line with two marks occurring in the top 50% and two marks in the bottom 50% and no more than 60’ without a red mark. Buoy lines that are red in color (including the fully formed red or candy cane weak ropes) are to bear white marks in the place of the red marks.

This was done to make Massachusetts’ trap gear uniquely identifiable for the purposes of identifying the gear back to the fishery in the case of an entanglement. While some of the fully formed weak rope being produced and marketed is either red in color or candy cane colored, fishing this rope without compliant white marks was not sufficient to meet Massachusetts’ buoy line marking rules because the fully formed weak rope could be lawfully fished in other jurisdictions (e.g., Maine) where there are requirements that endlines have a breaking strength of 1,700 pounds or less. While buoy lines fished in other jurisdictions would be subject to their own unique marking scheme, the risk existed that—absent other markings—red or candy cane colored weak rope could be improperly traced back to Massachusetts should an entanglement in such gear occur.

With this in mind, the Massachusetts Lobstermen’s Association has worked to develop a fully-formed red and candy cane colored weak rope that has a “MASS LOBSTER” tracer ribbon throughout the line and readily visible to the naked eye. The rope has been tested by NOAA Fisheries and conforms to the 1,700 pound breaking strength limit. Given the “MASS LOBSTER” tracer is visible throughout the line, it would also make the gear uniquely identifiable to the Massachusetts Mixed Species Pot/Trap Fishery.

While this rope could be sold to a fisher in another jurisdiction, it is expensive and DMF will work with neighboring jurisdictions to adopt similar rules to Massachusetts that would prohibit a fisher from fishing gear with markings from a jurisdiction other than their own.

Amending our existing rules to create an exemption to the buoy line marking requirements when fishing full buoy lines comprised of this full fully formed weak rope would reduce the regulatory burden on commercial fishers by limiting their need to implement and maintain an extensive marking scheme in the buoy line. Accordingly, I'd like to go out to public hearing with this action later this fall or early winter and finalize rules prior to the start of the 2024 fishing season to provide fishers the opportunity to install this buoy line when their gear is hauled out this winter.

Figure 1. Red Fully Formed Weak Rope With Tracer



Figure 2. Candy Cane Colored Fully Formed Weak Rope With Tracer





The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

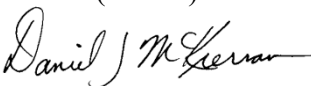
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DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: September 14, 2023
SUBJECT: **Future Public Hearing Item – Permitting Regulations**

Proposal

Over this winter, I intend to make several minor modifications to DMF's permitting regulations. These include: (1) adopting language to allow commercial fishers to display their permit electronically ("electronic display") rather than having to maintain a hard copy; and (2) relax the permit endorsement transfer rules to allow performance criteria to be waived for the transfer of certain permit endorsements¹ to immediate family members.

Rationale

Electronic Display

In 2023, DMF moved over to a new commercial permit processing system, replacing so-called "FISH 1.0" with "FISH 2.0". This new system generates commercial fishing permits in a PDF format allowing them to be printed on standard 8.5" x 11" paper stock. As a result, DMF no longer prints and distributes commercial permits on perforated card stock. Existing regulations require commercial fishers sign a hard copy of their permit and produce this signed hard copy upon demand. Historically, this resulted in commercial fishers signing the wallet-sized card stock permit sent by DMF, often laminating it for safe keeping. This practice has become more difficult with the shift to standard paper stock as it is large and more difficult to maintain and keep on your person. Electronic display can be readily accommodated through phone technology and is something DMF already allows in its permitted recreational fisheries. Accordingly, I'd like to amend DMF's existing regulations to allow the electronic display of commercial fishing permits beginning in 2024.

Permit Endorsement Transfers

The successful Coastal Lobster Permit transfer program has served as the model for DMF's commercial fishing limited-entry permit transfer program. While the permit transfer criteria for Coastal Lobster Permits and permit endorsements are similar in most ways, there is one notable difference. Whereas DMF allows latent Coastal Lobster Permits to be transferred to an immediate family member², we do not allow such transfers of latent permit endorsements. Therefore, while a Coastal Lobster Permit Holder could transfer a latent Coastal Lobster Permit to a sibling, parent or grandparent, a holder of any other limited entry permit endorsement could not similarly transfer a latent permit enforcement, even in the event of

¹ Permit endorsements that may be transferable subject to DMF regulations and policies include black sea bass, black sea bass pot, coastal access permit, conch pot, fluke, horseshoe crab harvest (bait), menhaden, ocean quahog and surf clam dredge, quahog dredge, scup pot, state-waters groundfish, and tautog.

² Immediate family means legal father, mother, wife, husband, sister, brother, son, daughter, grandparent, or grandchild.

death or disability. As a result, latent endorsements are either maintained by the existing permit holder or are retired to DMF.

For 2024, I am seeking to amend DMF's permit endorsement transfer rules to allow the immediate family transfer of latent and otherwise transferable endorsements. This issue has been discussed at recent meetings of the MFAC's Permitting Focus Group and is supported by the members. This is consistent with DMF and the Focus Group's goal of addressing barriers to entry, portfolio diversification, and the aging of the fleet.

Permit Focus Group Update

DMF is in the process of updating our permit transfer bundling policy for Coastal Lobster Permits. This update will allow the bundling of otherwise transferable latent gear or species-specific permit endorsements with transferable Coastal Lobster Permits. This will not require changes to regulations or MFAC approval, and I expect this policy will be completed and implemented by year's end. I will present the policy to the Commission at a future business meeting for your review.

DMF is also working to analyze potentially less restrictive alternatives to the existing actively fished criteria for permit endorsements and other transferability issues raised by the Focus Group. Specifically the current regulations mandate the permit endorsement must be actively fished for four out of the last five years. It may be appropriate to relax that standard to enhance access to our fisheries and permit portfolio diversity. I am hopeful we will be able to reconvene the Focus Group in the near future to discuss initial findings. We will then bring this to the full MFAC for their consideration and may then develop future public hearing proposals.