



The Commonwealth of Massachusetts

Division of Marine Fisheries

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



MAURA T. HEALEY
Governor

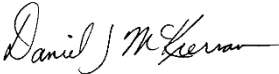
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Daniel J. McKiernan, Director 
DATE: January 17, 2024
SUBJECT: Future Public Hearing Item –State Waters Groundfish and Monkfish Management

Proposal

I am proposing to go out to public hearing this winter to make several adjustments to the management of groundfish and monkfish in state waters. These proposals include:

1. Adopt definitions for the Western Gulf of Maine of Southern New England cod stock areas consistent with recent changes to the federal stock boundary delineations.
2. Potentially reduce the commercial trip limit for Western Gulf of Maine cod from 400 pounds to 300 pounds.
3. Prohibit the retention, possession, and landing of Southern New England cod by all commercial and recreational fishers.
4. Increase the Gulf of Maine yellowtail flounder trip limit from 350 pounds to 500 pounds.
5. Update the control date for the state waters limited entry Groundfish Endorsement (“GE”) from December 31, 2018 to December 31, 2024.
6. Increase the commercial monkfish trip limit from 536 pounds up to 1,000 pounds tail weight resulting in an increase in the whole weight trip limit from 1,560 pounds to 2,910 pounds whole weight consistent with the federal tail weight to whole weight conversion factor of 2.91.

Note, the New England Fishery Management Council (NEFMC) has not yet recommended FY25 recreational fishing limits for Western Gulf of Maine cod and Gulf of Maine haddock. This is expected to occur at the upcoming winter NEFMC meeting. Upon receiving the NEFMC recommendation, NOAA will begin their rule making process. Based on recent history, I anticipate NOAA may publish their final rule during the late spring. Accordingly, DMF will proceed with a separate emergency action to complement federal recreational fishing limits for these stocks.

Background

At its December 2024 meeting, the New England Fishery Management Council (NEFMC) approved Framework 69 to the Northeast Multispecies Fishery Management Plan (FMP). This action transitioned cod management away from the historic two-stock management unit approach—Gulf of Maine (GOM) and Georges Bank/Southern New England — to a four-stock management unit approach—Eastern Gulf of Maine (EGOM), Western Gulf of Maine (WGOM), Georges Bank (GB), and Southern New England (SNE) (Figure 1). Additionally, the framework finalized the annual catch limits for the cod, yellowtail flounder and other groundfish stocks for the 2025 fishing year (FY25), which begins on May 1 (Table 1).

Proposed modifications to the state waters management program will support consistency with the federal program and conservation objectives. Specifically, DMF strives to manage the state waters commercial

fishery so that landings do not exceed the state waters sub-components for any stock. While exceeding the state waters sub-component for a stock is not strictly prohibited under the FMP or implementing federal law, it increases the likelihood that the Total Annual Catch Limit (ACL) for a stock is exceeded which would trigger an accountability measure affecting the broader federally managed fishery. This is of particular concern for the WGOM and SNE cod stocks given their low ACLs and the increased likelihood that each segment of the fishery (e.g., sectors, common pool, recreational) will fully utilize their harvest limits in FY2025. While it is not directly comparable—given the change in stock boundary from GOM cod to Eastern Gulf of Maine (EGOM) cod and Western Gulf of Maine (WGOM) cod—it is worth mentioning that the FY23 estimated total catch of GOM cod was ~970,000 pounds, which exceeds the FY25 total ACL for WGOM cod by 16% and the FY23 recreational landings of GB cod caught in federal waters totaled ~460,000 pounds, almost 10x the FY25 total ACL for SNE cod.

While the cod resource remains in poor condition, there are opportunities to increase commercial harvest in the state waters fishery on non-cod species. Over the past several months, DMF has been in frequent communication with Chris Chadwick, an inshore gillnetter, about how to enhance the performance of this fishery and more robustly utilize available state waters sub-components. Most recently, staff met with Chris at our Gloucester office on January 15th and we found some common ground regarding increasing trip limits for Cape Cod/Gulf of Maine (CC/GOM) yellowtail flounder and monkfish. Total catch of CC/GOM yellowtail flounder was ~790,000 pounds in FY23, about half of the preliminary total ACL of 1,900,000 pounds for FY25 and state waters catch in FY23 (~19,000 pounds) represents less than one-third (30%) of the FY25 state waters sub-component (~62,000 pounds).

Chadwick has been an advocate for DMF to manage the state waters groundfish sub-components in a more dynamic fashion. This dynamic approach would involve adopting landings thresholds to increase or decrease trip limits to ensure the sub-component is harvested but not exceeded, similar to how DMF and the MFAC have worked to manage the state quotas for summer flounder, menhaden, striped bass, and black sea bass. However, adopting this approach for the state waters groundfish fishery is not currently possible. The manner in which the groundfish fishery is structured and permitted from the federal level down to the state level is fundamentally different than these other species. Foremost among these differences is the state is not assigned a state quota to cover all landings in the state. Rather, a state waters sub-component is taken from the Acceptable Biological Catch (ABC) before it is further divided into the Total ACL and various sub-ACLs for other components of the fishery (e.g., sectors, recreational, common pool). Generally, the state-waters sub-component is not based on a biological metric but on the three-year average of catch from all New England state waters, not just Massachusetts, and it is for use by the various New England states that may harvest that stock from state waters. While Massachusetts state waters commercial fishery is responsible for all of the harvest of certain groundfish stocks (e.g., WGOM cod), harvest may come from other states for others (e.g., pollock), and if there is not a sub-ACL for the recreational fishery then state waters recreational catch is counted against the state waters sub-component (e.g., GOM winter flounder). Further, commercial state waters landings (and recreational harvest) are not tracked and monitored in real-time in Massachusetts, or elsewhere in New England.

Rationale

Cod Stock Area Designations

Of the four new cod stock areas delineated in the federal FMP, only the WGOM and SNE cod stock areas overlap with the waters under the jurisdiction of the Commonwealth and have spatial components that are subject to state management. Accordingly, I am proposing to adopt new spatial management area definitions specific to cod, while retaining the current spatial management areas designations (GOM and SNE) for other groundfish stocks (e.g., SNE and GOM winter flounder, GOM haddock, GOM yellowtail flounder). In practicality, this adjustment means those state waters along the backside of Cape Cod and

east of Nantucket that are south of 42°00' are now part of the WGOM cod stock area, rather than the SNE cod stock area (Figure 2).

Western Gulf of Maine Cod Trip Limit

The state waters sub-component for WGOM cod will be about 44,000 pounds in FY25, increasing to 51,000 pounds in FY26. The current trip limit for GOM cod is 400 pounds. This trip limit has been in place since FY22 when it was increased from 200 pounds. Under this limit the state waters fishery landed about 55,000 pounds of cod in FY22 and about 43,000 pounds of cod in FY23. Considering recent performance, my expectation is that under status quo management state waters landings of WGOM cod will approach and could exceed the FY25 state waters subcomponent (Table 2).

While we could maintain the existing state waters commercial trip limit of 400 pounds for WGOM cod, I believe this is an unnecessarily risk prone approach¹. I suspect other components of the groundfish fishery (e.g., sectors, common pool, recreational) will fully utilize their low sub-ACLs priming us for a scenario whereby an exceedance of the state waters sub-component could result in an overage of overall ACL triggering accountability measures (AMs) that would affect federal permit holders in FY26. It has been DMF's longstanding position that it is critical for the agency to manage the state waters fishery in a manner that avoids triggering AMs that impact the federal fleet. Accordingly, I am proposing a reduction to the commercial trip limit for WGOM cod. Historically, DMF has taken cues from the federal common pool fishery as to the appropriate trip limit for the state waters fishery, given these vessels are of similar scale. For FY25, the common pool trip limit for WGOM cod is 50 pounds per day-at-sea not to exceed 100 pounds per trip. Given recent fishery performance, I do not think a trip limit in the range of 50 to 100 pounds is warranted to constrain harvest to the state waters sub-component. Accordingly, I do not support matching the common pool trip limit and am instead proposing a more modest reduction to 300 pounds per trip to buffer against exceeding the sub-component.

In our January 15 meeting, Chris Chadwick suggested DMF consider disparate seasonal trip limits that would allow for a higher 400-pound limit during the summer months and then a lower 200-pound limit during the winter months. He argued this could achieve the goal of creating a buffer between Massachusetts state waters landings and the state waters sub-component for WGOM while making the fishery more profitable for participants. This type of management approach is something I may consider in a final recommendation if supported by public comment and staff analysis. Additionally, he noted that the risk of exceeding the sub-component under current trip limits may be ameliorated by continued attrition in the gillnet fishery.

Southern New England Cod Moratorium

Under Framework 69, there is a proposed moratorium on the retention of SNE cod by recreational fishers and commercial common pool vessels for FY25. I intend to complement this moratorium in state waters. I anticipate this moratorium will have no impact on state waters fishing activity, as the spatial overlap between this cod stock area and state waters is limited to Nantucket Sound, Vineyard Sound, Buzzards Bay, and Mount Hope Bay where cod fishing does not occur. The effective purpose of the state moratorium is to bolster compliance with federal rules.

Gulf of Maine Yellowtail Flounder Trip Limits

GOM yellowtail flounder are one of the more common groundfish stocks landed by Massachusetts' state waters commercial groundfish fishery. Total state waters catch of GOM yellowtail has averaged about ~57,000 pounds annually from FY19 through FY23 (Table 3), with Massachusetts' state waters fishery

¹ Note that based on historic data I do not anticipate the inclusion of those state waters along the Outer Cape within the WGOM cod stock area will contribute meaningfully to increasing landings of WGOM cod by the state waters fishery.

account for about 96% of the overall state waters catch. This five-year average catch would utilize ~92% of the preliminary FY25 state waters subcomponent of ~62,000 pounds. However, catch has been steadily trending down to a time series low of 19,000 pounds in FY23, primarily due to reduced participation, as well as reduced landings by remaining participants. FY23 catch utilizes less than one-third (~31%) of the preliminary FY25 sub-component. Accordingly, I think Massachusetts can liberalize its state waters trip limit to accommodate additional harvest of this stock without exceeding the overall state waters sub-component, and to this end, I am proposing to increase the GOM yellowtail flounder trip limit from 350 to 500 pounds for FY25.

Monkfish Trip Limits

As discussed at the August 2024 MFAC business meeting, I support Chris Chadwick's request to increase the state waters monkfish trip limits. I had initially proposed increasing the trip limit from 1,560 pounds whole weight and 536 pounds tail weight to 1,746 pounds whole weight and 600 pounds tail weight². This would bring the state trip limits into phase with the current limits for the federal Northern Fishery Management Area days-at-sea program for Category B and D permits. This proposal was consistent with DMF's historic approach to managing monkfish trip limits and reflected the fact that state and federal trip limits have become out-of-phase in recent years. However, following continued conversations with Chris Chadwick and my staff, I am willing to consider proposing a trip limit increase up to 2,910 pounds whole weight and 1,000 pounds tail weight. While this would bring the state waters trip limit above the federal limit, I do not believe it will result in a significant increase in harvest given the limited availability of this resource in state waters and the small number of gillnet fishers (~5) who have participated in the state waters fishery in recent years.

Groundfish Endorsement Control Date

My last proposal is to update the control date for the state waters Groundfish Endorsement ("GE"). The GE is the DMF-issued permit required for the commercial harvest of any groundfish from state waters by non-federal permit holders in excess of the open access limit of 25 pounds of all groundfish in aggregate. As of 2024, DMF issued 484 GE endorsements. Of these permit holders, there are about 15-20 individuals who may be highly active in any given year. Additionally, in any given year, there exists a pool of permit holders who may land some nominal amount of groundfish. For instance, in 2023, 40 permit holders reported landing groundfish; looking back over the past three years (2021-2023), this number increases to 61; then over five-years (2019-2023), the number increase to 88; and then over 10-years (2014-2023), it increases to 146. This represents a substantial amount of latent effort. The activation of even a small amount of this latent effort could be problematic for the management of this fishery moving forward, particularly with the likelihood of persistently low Western Gulf of Maine cod sub-components.

Accordingly, I think it is appropriate to update the control date for this endorsement. The current control date is December 31, 2018, and I am proposing to update it to December 31, 2024. Additionally, while not proposed at this time, I am interested in potentially developing eligibility criteria based on commercial fishery landings to authorize the continued renewal of a GE in the future. The implementation of any such eligibility criteria would be subject to future rule making.

Status Quo Management of Other Groundfish Species

There are other commercially important species to the state waters groundfish fishery. This principally includes Gulf of Maine winter flounder and haddock (when abundant). To a lesser extent the state waters fishery also catches American plaice ("dabs") and witch flounder ("grey sole"), but these fish are

² See the August 14, 2024 Monkfish Trip Limit proposal memorandum to the MFAC available in the August 20, 2024 [meeting materials](#).

generally more available in deeper offshore waters. At this time, I am not considering any changes to the limits for these species.

Figure 1. Updated Federal Cod Stock Unit Map
 Source: New England Fishery Management Council

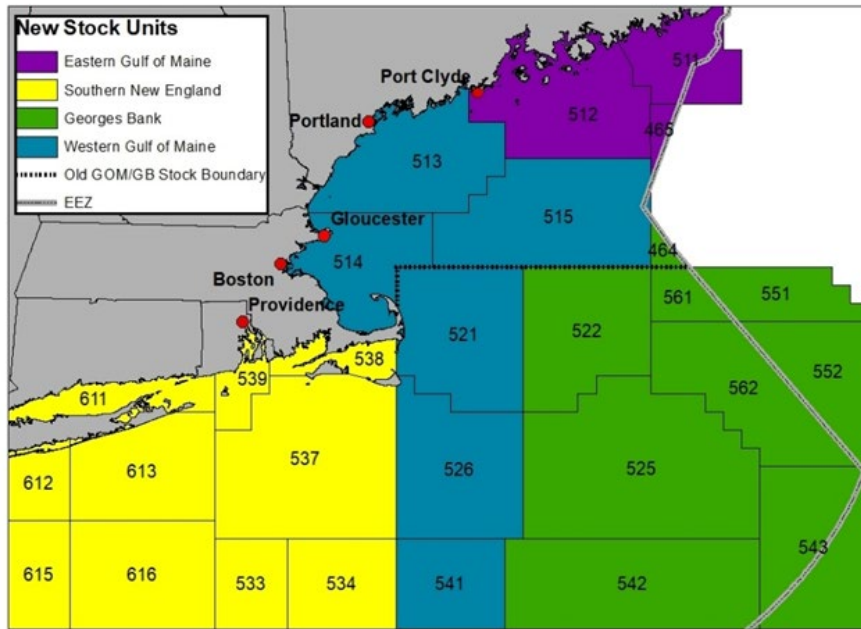


Figure 2. Updated Massachusetts Cod Stock Ares in Comparison to Existing Groundfish Management Area

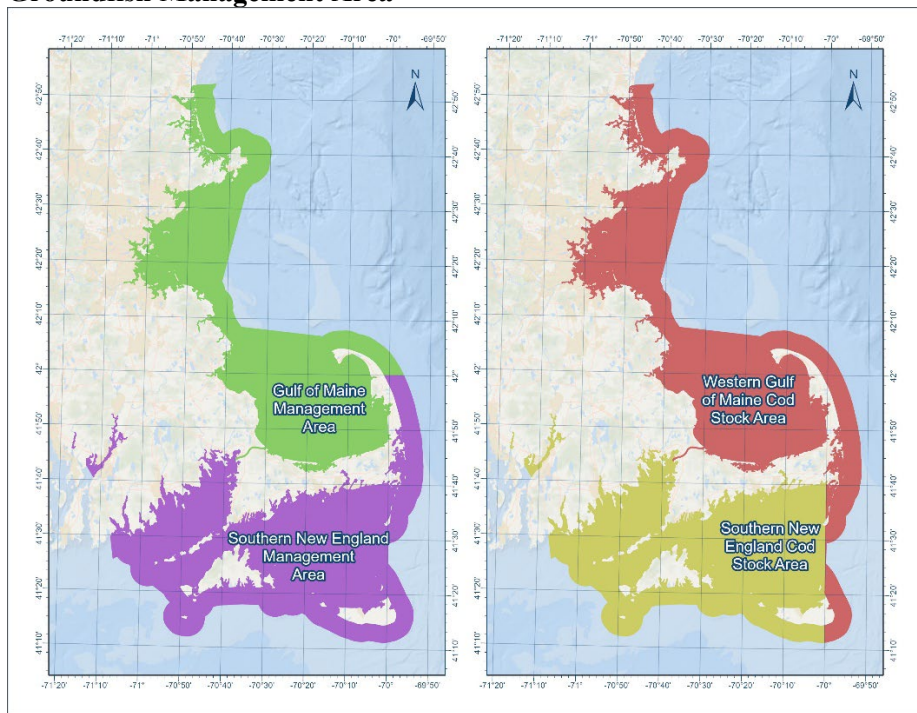


Table 1. Preliminary FY2025 Commercial Groundfish Federal Catch Limits (pounds, rounded to two significant figures) for Western Gulf of Maine cod (WGOM), Southern New England Cod (SNE), and Cape Cod/Gulf of Maine yellowtail flounder for FY2025.

Stock	Total ACL	Groundfish Sub-ACL	Sector Sub-ACL	Common Pool Sub-ACL	Recreational Sub-ACL	State waters Sub-Component	Other Sub-Component
WGOM Cod	840,000	780,000	550,000	18,000	220,000	44,000	8,900
SNE Cod	46,000	33,000	8,800	260	24,000	8,200	4,400
CC/GOM Yellowtail Flounder	1,900,000	1,800,000	1,700,000	99,000	N/A	62,000	82,000

Preliminary catch limits are based on Draft Framework 69 Table 6 as approved by the NEFMC at their December 2024 Council Meeting. Final limits will be established by NOAA Fisheries pending federal rule-making.

Table 2. Total WGOM Cod FY23 State Waters Catch in pounds (rounded to the nearest thousand) of GOM Cod Compared to State Waters Sub-Components for FY25 and FY26 in pounds (rounded to the nearest thousand)

Stock	FY23 State Waters Catch*	FY2025 sub-component	FY2026 sub-component
WGOM Cod	43,000	44,000	51,000

*FY2023 state waters catch is of the GOM stock which is comprised of the new WGOM cod stock and Eastern Gulf of Maine cod stock.

Table 3. Federal year-end state waters catch estimates (FY19-23) in pounds (rounded to nearest thousand) of CC/GOM yellowtail flounder.

Stock	FY19	FY20	FY21	FY22	FY23	Average
CC/GOM Yellowtail Flounder	94,000	73,000	58,000	42,000	19,000	57,200