



MA Marine Fisheries Advisory Commission

December 15, 2016 Meeting Summary

This document serves as a brief summary of the December 15, 2016 Marine Fisheries Advisory Commission (MFAC) business meeting. It provides only an overview of the items discussed, votes taken and decisions made. Further discussion of each item is captured in the December 15, 2016 MFAC business meeting minutes.

Action Items

Winter I Scup Limits. The Marine Fisheries Advisory Commission (MFAC) unanimously approved the Division of Marine Fisheries' (DMF) recommendation to adopt a 50,000 commercial scup possession and landing limit during the Winter I fishery that occurs from January 1 – April 30. This is commensurate with the federal possession limit set by the National Marine Fisheries Service (NMFS) for this period. Accordingly, commercial fishermen who are catching scup in offshore areas during this timeframe will be allowed to land legal quantities in Massachusetts ports.

Future Public Hearings

DMF presented four proposals for future public hearings. The public hearing dates have not yet been scheduled or announced, although DMF intends for hearings to be held during the winter of 2017. These hearings will include the four proposals presented at the December MFAC business meeting, as well as other public hearing proposals previously reviewed by the MFAC.

Nantucket Mobile Gear Petition. During the fall of 2016 Town and County of Nantucket petitioned DMF to consider regulations to address mobile gear fishing effort around the island citing concerns about spawning squid, forage abundance, discards and discard mortality and habitat impacts. Their petition was three pronged. First, they want to close all waters within 3 miles around the Nantucket archipelago from May 1 – October 31 to all state regulated mobile gear fishing (similar to seasonal Eastham to Mashpee closure). Second, they want DMF to adopt a 1 7/8" minimum mesh size for the small mesh trawl squid fishery in state-waters (commensurate with the existing federal minimum mesh size for summertime fishery). Lastly, they want DMF to prohibit the use of net strengtheners, as they may further reduce catch selectivity in small mesh nets.

DMF provided the MFAC an analysis of petition. The analysis did not support a seasonal mobile gear closure or a ban on the use of net strengtheners, but did favor enacting a 1 7/8" minimum mesh size for the small mesh squid fishery. Despite this, the Director wanted to provide concerned individuals with the opportunity to discuss the petition and DMF's analysis in a public forum. For this reason, DMF will be taking the petition (in its entirety) out to public hearing in three or more locations, including Nantucket.

Horseshoe Crab Rules for Mobile Gear Fishermen. In 2016, the Associates of Cape Cod – a bio-medical firm that extracts horseshoe crab blood to produce LAL for use in medical device testing – noted a shortage of horseshoe crabs available for bleeding during the summertime period. To enhance the supply of crabs to the biomedical industry, DMF proposed two liberalizations to existing regulations. First, DMF would consider increasing the mobile gear horseshoe crab limit for 300 crabs to 600 crabs during the early summer (no later than July 1). Second, DMF would consider exempting mobile gear

fishermen from some or all of the 5-day late-spring and early-summer lunar spawning closures; as a result of horseshoe crab spawning behavior and certain mobile gear rules, fishermen using this gear tend to catch horseshoe crabs that are not spawning. Additionally, DMF will continue to issue LOAs to allow any mobile gear fisherman with a limited entry fluke permit endorsement to retain and land horseshoe crabs and consider conservation engineering solutions to enhance the catch of horseshoe crabs but reduce the catch of finfish in trawl gear.

Artificial Structures to Catch Lobsters. DMF proposed a regulation that would explicitly prohibit the possession and setting of certain unbuoyed structures designed to attract lobsters to be taken in the SCUBA fishery. This practice is most common off the Outer Cape, particularly Provincetown. The setting of these structures is currently illegal under state law; however, an explicit regulation would enhance enforcement and potential removal. These illegal structures are creating conflicts with hook and line and mobile gear fishermen in the area and are contributing to marine debris issues.

Combining Recreational and Commercial Fishing Trips. There is a long-standing question as to whether or not a commercial fisherman can retain a recreational limit of a commercially prohibited species while commercially fishing. To provide consistent education and enforcement, DMF is proceeding to public hearing to develop a clear rule that either prohibits the activity (with potential exemptions) or allows the activity under certain conditions.

Discussion Items

Fines and Penalties Proposal. DMF with the assistance of the Department of Fish and Game, the Massachusetts Environmental Police and a Sub-Committee of the MFAC developed a proposal to enhance, streamline and modernize the state's fines and penalties schedule. DMF presented this proposal to the full MFAC. The MFAC unanimously supported this proposal and requested that the Chairman send a letter to Secretary Beaton at the Executive Office of Energy and Environmental Affairs encouraging the drafting of legislation for the upcoming winter 2017 legislative session.

Update from Mid-Atlantic Fishery Management Council (MAFMC) on Black Sea Bass and Fluke. In mid-December the MAFMC met jointly with the Atlantic States Marine Fishery Commission's (ASMFC) Summer Flounder, Scup and Black Sea Bass Management board to continue to work on establishing 2017 recreational management approaches for these species. It is expected that recreational harvest limits will be established over the next month, which will allow states to then develop season, size and bag limit combinations. DMF also notified the MFAC that a joint MAFMC/ASMFC working group is scheduled to meet by conference call to review black sea bass fishery performance under the ad hoc regional (NJ – MA) management approach used in recent years and consider the disproportionate effects it has had across states. Additionally, DMF also provided a synopsis of the recent black sea bass stock assessment.

Shellfish Advisory Panel Meeting. The MFAC received a review of the recent MFAC Law Enforcement Sub-Committee meeting.

Future Meetings

Early 2017 meetings have been scheduled for February 9th, March 9th, April 6th, and May 4th. There is no meeting scheduled for January. All meetings are held at 10:30 AM at the MA Division of Fish and Wildlife's Headquarters, 1 Rabbit Hill Road, Westborough. The MFAC business meeting schedule is published on the [Division's website](#) and agendas are made available approximately 1-week before the scheduled meeting.

If you would like to obtain any materials regarding past or upcoming MFAC business meetings, please contact Jared Silva at DMF (617-626-1534 or jared.silva@state.ma.us).