

MARINE FISHERIES ADVISORY COMMISSION

May 4, 2017

DFW Field Headquarters

Westborough, MA

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; William Doyle, Clerk; Kalil Boghdan; Andrew Walsh; and Gus Sanfillipo. Absent: Charles Quinn; Sooky Sawyer; and Lou Williams.

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Micah Dean; Tracy Pugh; Jared Silva; Story Reed; and Melanie Griffin.

Department of Fish and Game: George Peterson, Commissioner; and Mary Lee King, Deputy Commissioner.

Office of Law Enforcement: Lt. Matthew Bass.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Kane calls the meeting to order. There were no introductions or announcements.

APPROVAL OF MAY 4, 2017 MFAC BUSINESS MEETING AGENDA

There were no comments. **The May 4, 2017 MFAC business meeting agenda was approved unanimously.**

REVIEW AND APPROVAL OF THE APRIL 10, 2017 MFAC DRAFT BUSINESS MEETING MINUTES

No comments were made. Bill Doyle made a motion to adopt the April 10, 2017 MFAC business meeting minutes as provided. The motion was seconded by Michael Pierdinock. **The motion was approved 4-0 with Andrew Walsh abstaining.**

COMMISSIONER'S COMMENTS

Commissioner George Peterson's comments focused on the budget and the upcoming ASMFC business meeting. With regards to the budget he indicated by revenues were \$500 million below projections. He was uncertain how the administration intended to address this revenue shortfall but expected the upcoming fiscal year's budget would be tracked closely. On the upcoming ASMFC meeting he noted that the Department was

concerned about the 2017 recreational black sea bass fishing regulations and the impact on the charter boat fleet.

Chairman Kane asked the Commissioner for an update on the status of the DMF's proposal to modernize the marine fishery fine and penalty schedule. The Commissioner indicated it was being reviewed by the administration and that DMF had been meeting with industry groups to discuss it. The proposal seemed to have traction and he was optimistic it would be moved forward.

Deputy Director Dan McKiernan noted that he recently met with the Cape Cod Charter Boat Association and the Barnstable County League of Sportsmen to discuss the proposal and these groups supported it. Dan added that there was also public interest in having Law Enforcement receive the revenue from the fines to bolster enforcement efforts along the coast. George stated that by law some of these fines were to go to the Environmental Police. However, the issue is likely with collection and distribution of the fines by the court system and the administration was aware of this issue.

Ray also asked how DMF was faring the budget process. The Commissioner indicated that the House budget did not include \$250,000 for the Industry Based Survey. They were successful in obtaining \$125,000 for the survey through an amendment to the House budget and would pursue the additional funding in the Senate budget.

DIRECTOR'S COMMENTS

Director David Pierce's comments focused on a series of recently held and upcoming meetings.

The NEFMC met in late April and the focus was on sea scallop and herring management.

Law Enforcement held a meeting in New Bedford with the wintertime fluke fleet; DMF attended the meeting, as did State Representative Tony Cabral. The purpose of the meeting was to create additional flexibility in the wintertime fluke regulations possess and land limits from multiple states. Staff was being tasked with analyzing this potential management change and it would likely be discussed at a future ASMFC meeting. David noted that he understood the frustration with their being disparate rules across states during the winter period. He was supportive of a scup like federal management approach for the winter fluke fishery; this type of approach would address the issues raised at this meeting, as well as requests for safe harbor.

Andrew Walsh was disappointed he was not invited to this meeting, particularly as he had expressed a prior interest in attending. He asked if DMF could forward a summary of the meeting. David indicated that staff would.

Andrew then asked what positions industry members advocated for at the meeting. David stated there was support to allow vessels to possess and land limits from multiple

states. No other ideas were offered up because the industry wanted this rule change for 2018. Andrew asked what states would be involved. David stated he would be working with his counterparts in at least Rhode Island and potentially Connecticut and New York as well. Andrew noted that VA and NC have a reciprocal management system and this could be a good model for a similar northeast agreement. David was aware of this agreement but noted it may be difficult to implement among numerous northeast states. This was why he preferred the scup like approach. Andrew did not think a coast-wide approach would have the support of the southern states.

The ASMFC quarterly meeting was scheduled for early May. There were a long list of complicated management issues that would be addressed at this meeting regarding black sea bass, striped bass, tautog, lobster, menhaden and sea herring. He noted that DMF staff would address this later on in the meeting.

The MFI Advisory Council was also scheduled to meet in early May. The focus of this meeting would be to review research priorities and cooperative research opportunities. GARFO Director John Bullard and NEFSC Director John Hare both serve on the MFI Advisory Council. Accordingly, this was an opportunity to discuss how DMF's IBS survey and SMAST's open cod end video survey could be dovetailed and incorporated into stock assessments.

Director Pierce noted that with Carlos Rafael had pled guilty and the next issue would be addressing his permits and quota allocation. David asked staff to develop a list of questions that need to be addressed by GARFO and this list was forwarded to John Bullard.

Mike Pierdinock stated that the recreational fishery was impacted by Carlos' actions and must be considered if the quota is being reallocated. David stated that he expected this would be discussed with GARFO but he was not optimistic that there would be support for it.

Lastly, the Director noted that the implementation of the federal recreational Gulf of Maine cod and haddock regulation was delayed and 2017 rules were not implemented for May 1. Accordingly, DMF similarly delayed the implementation of the 2017 regulations. 2016 limits would stay in effect until federal rule changes were enacted. DMF expected this would occur in late-May or early-June.

Mike Pierdinock was concerned that if the haddock limits stay high in the interim then 2017 harvest estimates will be elevated because of it. This may result in more restrictive rules for cod and haddock in 2018. The Stellwagen Bank Charter Boat Association was advocating that its members fish under the anticipated 2017 rules and he urged DMF to push NMFS to expediently implement the rule change. David noted that DMF had been in touch with GARFO staff and the delay was beyond their control and was seemingly a product of changing administration.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass covered the comments for Law Enforcement. He noted there was a recent incident in New Bedford regarding a variety of commercial lobster violations. Law enforcement was pursuing a criminal charges and a permit hearing would likely be held by DMF. There was also an incident involving surf clam violations in New Bedford.

Law Enforcement had received some inquiries from whelk fishermen and there was seemingly some confusion about the gauging technique and gauge size in 2017. Additional outreach may be necessary.

On staffing he noted that two officers were leaving and he did not expect these positions would be backfilled.

EMERGENCY REGULATIONS

Recreational Black Sea Bass Fishing Season Adjustments

Director Pierce provided the rationale for this emergency regulation. For 2017, the ASMFC approved states in the Northern Region (MA – NJ) retain status quo regulations. Under status quo rules, MA' fishery would open on Sunday, May 21 and close on Thursday, August 31. Over the past several years the fishery typically opened on a Saturday to provide a full weekend of fishing to start the season. Certain charter boat captains anticipated this and booked trips for May 20, which was a closed fishing day under status quo rules.

To accommodate a full weekend of fishing to start the season, DMF was filing emergency regulations to open the fishery on the May 20, rather than May 21. However, to meet the ASMFC status quo requirement, DMF also had to trim the end of the season to account for the additional fishing day in May. As catch rates in Wave 3 (May – June) are estimated to be close to two-times the catch rates in Wave 4 (July – August), DMF had to eliminate two open fishing days in August. Accordingly, the fishery would close on August 29.

Year	Season	Bag Limit	Size Limit
2016	May 21 – August 31	5 fish	15 inches
2017	May 20 – August 29	5 fish	15 inches

David then added that the recreational black sea bass was expected to be a contentious issue at the upcoming ASMFC meeting. Massachusetts' charter boat fishermen expressed concerns regarding how status quo regulations would negatively impact their businesses and felt they were being unfairly impacted by the inability of other states in the region to sufficiently control their annual harvest. DMF was intended to address these equity issues within the region. Another source of contention is that states to our south are likely to be required to reduce their fall and wintertime fisheries.

There was also a proposal to adopt a Wave 1 (January – February) experimental fishery. DMF was firmly against the proposal. David stated that this was not an experimental fishery, but rather an attempt to regain lost fishing opportunity disguised as a research project.

The Director noted that certain fishery participant and the Commissioner supported DMF consider liberalizing regulations and not complying with interstate mandates and federal law. David did not agree with this approach. He noted that a non-compliance finding would result in the closure of both the state's recreational and commercial fisheries and it would also require MA pay back its non-compliant days in 2018. If MA was issued a non-compliance finding, DMF would be provided an opportunity to present its case to NMFS. However, he did not feel a strong case could be made and he could not justify the risk of impacting this wide stakeholder group to benefit a small number of charter boats.

Commissioner Peterson was unconvinced that DMF did not have a strong case based on the stock assessment and recent recreational harvest estimates in NY and CT far exceeding the harvest target. He felt the management system was broken - MA charter boat operations may be going out of business due to overregulation of a stock with a record high biomass. Given these unusual circumstances he felt strongly that non-compliance could not be taken off the table.

David stated that he was not taking it off the table, but would only consider utilizing it if MA is required to take additional cuts in 2017 to cover for other states or if the Wave 1 experimental fishery is approved. Otherwise, he preferred to address management problems through the existing ASMFC system and not impact risk negatively affecting a broad spectrum of stakeholders.

Ray stated that MA was getting abused by the ad-hoc regional approach and wanted David to explain how this occurred. David stated that the fishery had been managed by a state-by-state approach. Several years back, numerous states – including MA - had estimated harvests that were well over the target and would have required significant constraints on harvest. By moving to an ad hoc regional system the states could take less of a cut due to under harvest in other states and also retain state specific regulations.

Then the stock expanded northward and the biomass was underestimated, so harvest in the northern region increased. Over the past few years, NY and CT have overshot their harvest targets by a wide margin and their actions to constrain harvest have not been successful. This resulted in other states having to maintain low fishing limits. David noted that during this time period, MA was also responsible for overharvest but at a lower level.

Ray noted that there needed to be great uniformity among the states; he noted the discrepancy in the season and bag limits in NY when compared to MA. David agreed.

He noted that DMF is analyzing a number of options to enhance equity across states, including going back to state-by-state shares.

George added that he understood the presumed benefits of the ad hoc regional approach when it was adopted. However, he felt that certain states were manipulating the harvest modeling used to adopt limits, whereas MA was making a good faith effort to constrain catch. As a result, MA was bearing the brunt of a failed management system.

David noted that NY's 2017 harvest estimates may have been inflated because it was the first year that the state adequately sampled in Montauk. He found this to be unbelievable because the state's black sea bass for-hire fleet was ported in Montauk. Ray stated that this under-sampling was worthy of discussion at ASMFC.

Mike Pierdinock stated that the percent standard error for the black sea bass harvest estimates were too high and should not be used in management. He also advocated for DMF to support a Wave 5 experimental for-hire fishery for black sea bass to demonstrate the viability of the EVTR pilot program. He also stated that if the northern region goes back to state-by-state shares that the shift in the geographic distribution of the stock must be taken into account.

David did not expect any experimental fishery would be approved. He noted that the year class that drove the biomass abundance in the most recent assessment was aging out of the fishery. There may be another strong year class moving into the fishery. So, a stock assessment update is necessary because if this year class did not recruit into the fishery it will be difficult to advocate for more liberal limits.

Bill Doyle noted that it may not be the most diplomatic approach, but that MA should consider making a motion for NY to pay back their past overharvest in order to allow other states to liberalize their limits. David reminded the MFAC that MA and other states were also guilty of overharvest. He noted that he was most focused on how NY handled their Wave 6 fishery in 2017 and building a more equitable system for 2018 and beyond.

PRESENTATIONS

Gulf of Maine Industry Based Survey

DMF biologist, Micah Dean, provided the MFAC with a review of DMF's Gulf of Maine Industry Based Survey (IBS). The presentation reviewed the survey design, goals and initial results. Micah cautioned that the current survey only has one year of data (2016), so it is only a snapshot of stock conditions.

A similar survey was conducted ten years prior, allowing for comparisons in abundance when these surveys overlap. The 2016 survey saw about an 80% reduction in cod catch compared to the prior survey and there were fewer locations where large amounts of cod were caught. Additionally, there was a change in size distribution. The earlier

survey saw a wider range of sizes in the cod caught; 2016 survey work demonstrated that most of the cod being caught were market sized and there were fewer large and juvenile cod. However, the survey was seeing haddock in places and in quantities that were not seen in the prior survey.

Fishermen continue to argue that they are seeing large numbers of cod in areas where they fish. Micah argued that this may be a product of translating what is being seen in the 2" survey net mesh, with what is being caught in the 6.5" net commercial mesh. Fishermen may not see the lack of small cod because of gear selectivity or the lack of large cod because of spawning closures. However, the availability of market sized cod is consistent in both the initial survey results and fisherman reports.

An ancillary benefit of this survey was that it allowed for the modeling of the spatial and temporal availability in relation to oceanographic factors. These models were being used to develop a web application that would allow fishermen to input their quota portfolio to assist in the avoidance of choke species and optimize efficiency.

Chairman Kane asked if fishermen were responsive to the web application. Micah stated that he had shown this application to several fishermen. Some were receptive to its use and applicability. Others argued that its utility was limited because fishermen already knew when and where they should fish to target or avoid certain species.

Kalil Boghdan asked if there was any relationship between the observed reduction in cod abundance and increase in haddock abundance. Micah was skeptical that there was a relationship between the two citing differences in diet. He noted that the low abundance of cod was likely driven by a multitude of factors which were not similarly impacting haddock. He also added that haddock are the ultimate boom or bust species and there were several large year classes moving through the fishery.

Mike Pierdinock noted that in 2016 the IBS survey had limited access to Stellwagen Bank and was interested if that had been resolved for 2017. Mike stated that there is a large abundance of cod on Stellwagen and the survey's legitimacy suffers if they cannot sample in that area.

Micah stated that the IBS survey could tow on the Bank. The issue was that they had to avoid "artifacts" (e.g., shipwrecks) and large buffers were placed around these artifacts to prevent disclosing their precise locations. DMF worked with the Stellwagen Bank Sanctuary to refine the size of these buffers to increase access for 2017. Micah added that survey locations are dictated by depth strata and Stellwagen only makes up a small portion of the total survey locations in the Gulf of Maine.

Mike then stated that in recent years charter boat captains were seeing an abundance of small cod (~12") along the eastern side of the Bank. He noted that these cod should be showing up in the survey but do not seem to be, which lends credence to the argument that the survey is not fishing for cod in the areas where they are available. Micah stated that these cod would now be about market size and the survey did find an

abundance of fish in this size range. What the survey was not finding was smaller cod, larger cod and as much cod throughout the Gulf of Maine.

Mike asked if the increase in the distribution of haddock was a result of the stock size increasing and the haddock now seeking out sub-optimal habitat. Micah stated that it was a good hypothesis. He noted that the survey was also finding a change in spatial distribution of haddock by size with larger haddock further east and smaller haddock further west. He added that a large year class about to recruit into the fishery.

Deputy Commissioner, Mary Lee King, stated that there was some hesitancy from legislators to continue to fund the IBS due to complaints from the fishing industry regarding when and where the survey was being conducted. She asked DMF staff to put together a memorandum that would address these complaints and allow for the administration to advocate for continued funding.

Micah stated that the survey was designed with input from fishermen. However, for the results to have legitimacy among the scientific community the survey design needs to sample representatively. If the survey were only to target areas where cod are available we would know where the cod are, but we would not know how abundant they are throughout the range.

The IBS worked hand-in-hand with the video trawl survey. The video trawl survey can work on a smaller scale and provide estimates of biomass in discrete areas. So the video survey will address concerns raised by fishermen and legislators. However, this information is not valuable without the larger scale information being provided by the IBS.

Mike Pierdinock asked if the funding for the IBS survey and the SMAST video survey were linked. Commissioner Peterson stated they were not.

Andrew Walsh expressed concern regarding the inability to tow in areas potentially corrupting survey results. He asked Micah to further explain these issues.

Micah stated that most stations where the vessel could not tow were off the coast of Maine and were related to the presence of fixed gear. This is an area where, based on other surveys, cod abundance had been limited in the past. Accordingly, they were no longer going to survey in this area and instead would increase sampling in the other areas.

As for Stellwagen Bank, 10 of the 300-plus survey stations were located on the bank and the survey could only complete 5. However, with changes to the artifact buffer zones, access should be improved for 2017. With this additional access, DMF will likely be able to conduct sensitivity analysis to determine how survey results may have been biased in 2016. This may also be parsed out through the video survey, as they were able to tow in the area.

Southern New England Lobster

DMF biologist, Dr. Tracy Pugh, provided a presentation that reviewed the southern New England (SNE) lobster stock boundaries, historic fishery performance trends, the most recent assessment and pending ASMFC management actions.

The stock is considered depleted and it was undergoing recruitment failure. Tracy noted that the relationship between spawning stock biomass and recruitment was broken. Biomass was remaining somewhat steady but young of the year production was down. This was likely due to environmental changes, particularly an increase in the number of days when water temperatures in the region exceed 20°C.

20°C represents a thermal threshold for lobsters above which the lobster will actively seek cooler water. As a result, the presence of lobsters in inshore areas has declined and this has impacted young of the year indices and survivability. Historically, lobster larvae would be dropped in inshore waters where prevailing winds would push the larvae into nearshore habitats that were suitable for their development. However, with large lobsters not migrating inshore, the larvae are being dropped in deeper waters and oceanographic currents push them offshore where there is less favorable habitat for survivability and lobster development.

Despite this recruitment failure, landings – especially from deeper waters - have stayed steady over the past 10-15 years. This was due to there being less effort in the fishery, with regulated trap allocation reductions and many fishermen selling off their lobster businesses.

Commissioner Peterson asked for Tracy to further elaborate on this point. Tracy noted that there is a catch-effort interaction, as overall effort has decreased as overall landings have stayed the same. As a result, fishermen have seen an increase in catch per unit effort. This has become a point that is difficult for fishermen to reconcile.

Ray Kane noted that MA landings in 2016 were high. Tracy and Dan McKiernan urged the MFAC not to view this MA landings time series data as an indicator of stock health. Tracy stated that the time series represents MA landings only and begins in the 2000s, when the contraction of this stock was already underway. If the time series went back to the 1990s when the fishery was stronger, it would better demonstrate the change. Dan added that MA's landings in 2016 also increased because two Rhode Island fishermen, who are high-liners, began landing their lobsters in MA. Additionally, there is a sliver of LMA2 to the east where there is overlap with the Georges Bank stock, which is in much better condition.

Tracy pivoted to discuss upcoming management decisions. She noted that following the 2013 assessment, the ASMFC moved forward a schedule to reduce trap allocations across the SNE LMAs by 50%. However, the implementation of this was delayed because of the protracted development of a trap allocation database throughout the range. Accordingly, the first round of traps cuts (25%) just went into effect for this year.

There are also new actions in front of the ASMFC to increase egg production to increase recruitment if favorable environmental conditions occur in any year. Management measures to meet this goal include additional trap reductions, gauge size changes and seasonal closures. Implementing these measures were complicated because of stock overlap and that the lobster fishery had become a mixed crustacean fishery, with more fishermen targeting cancer crabs. Additionally, the fishermen that remained active were seeing an increase in catch per unit effort likely due to matriculation out of the fishery.

Dan McKiernan asked Tracy if she had a perspective as to whether or not the stock could ever be rebuilt to its reference points. Tracy stated that if recruitment and natural mortality remains steady then fishing mortality would need to be reduced by 75% to rebuild the stock. She was not comfortable about assuming steady state mortality and recruitment. Accordingly, she was pessimistic about the potential to rebuild this stock to the spawning stock biomass target.

Beth Casoni then asked if the reference points could be adjusted to account for environmental conditions. Tracy indicated that they could. However, setting appropriate reference points was difficult because climate changes made it a moving target. Mike Armstrong indicated that the ASMFC was producing a white paper on the impacts of climate change on species distribution and productivity. However, it will take high powered science to timely address environmental changes in the management end.

Mike Pierdinock ask if there was inshore/offshore migration patterns or if the stock was now primarily staying offshore. Tracy stated that there is inshore/offshore connectivity. Historically lobsters settle inshore, then as they reach maturity they begin more extensive seasonal inshore/offshore movements. Eggers will also move based on temperature regime and come inshore to hatch their eggs. However, with changes in the environment, the inshore habitat is not being optimally utilized and she postulated the lobsters may be staying offshore.

Mike followed up and asked why the inshore and offshore areas were not managed separately. Tracy reiterated that there was an inshore/offshore connectivity and that they were not two different stock units. The management issue was how to address changing environmental conditions. Not enough was known about their movements in relation to environmental conditions or offshore settlement to manage the stock only as an offshore component.

Ray Kane asked if DMF could speculate what type of action the ASMFC may consider at their May meeting. Dan McKiernan stated that the first question was to determine what, if any, increase in egg production was wanted. The options ranged from 0-60%. Then once this decision was made the Lobster Conservation Management Teams would convene and determine the preferred management options to achieve this. Their proposals would then be reviewed by the Technical Committee before being approved by the Board.

Hook and Line Discard Mortality Study for Haddock

Micah Dean presented on a collaborative research project DMF was involved in to better quantify haddock discard mortality in the recreational fishery. The study used anglers of varying skill fishing with jig and bait gears. Fights were timed, water temperature taken and fish were scored (1-4 on damage), then T-Bar tags and acoustic tags were applied. Based on this, researchers were able to estimate a discard mortality of about 56%. This is on par with the 50% assumed discard mortality rate currently being used in managing the recreational fishery.

Micah noted that the study also found that mortality typically occurred within 3-days of being caught. Smaller fish and warmer waters were the most significant predictors of mortality. While jigs caused more damage to the fish, fewer jigged fish were tagged because the gear was less effective. So, there was not a large enough sample size to conclude its impact on mortality.

The field work for this study was complete. The researchers were finishing modeling survival analysis. After this, the study will be presented to management. One potential result would be to produce a best practices document to help decrease discard mortality. An auxiliary benefit was that the acoustic telemetry data provides insight into haddock movement and preferred habitats.

Kalil Boghdan asked if barotrauma was a factor driving haddock mortality. Micah indicated that changes in depth and pressure have a greater impact on cusk discard mortality than they do haddock discard mortality. Haddock can quickly repair damage caused by barotrauma. The more significant factors in discard mortality were temperature and size.

Kalil stated that with such a high discard mortality rate, it seemed counterintuitive to manage with a minimum size and not require full retention.

Mike Pierdinock asked what types of hooks were used. Micah stated that the researchers surveyed numerous head boat and charter boat operators and the most common gear used was the Norwegian jig with a treble hook and the a "J-hook" with bait. Micah anticipated that if more data were available it would likely demonstrate that J-hooks produced a lower mortality rate than treble hooks.

Mike stated that many charter boat captains use "J-hooks" on both jigs and baited rigs because of the perceived benefits they have or reducing discard mortality. They also employ other practices to do this as well. He was hopeful that additional research would be done to describe best catch and release practices. This had the potential to reduce discard mortality estimates and position management to potentially liberalize limits.

Micah stated the first research project focused solely on estimating discard mortality rates. The next grant would allow for research that focused more on mortality and injury resulting from gear configurations. The long term goal is to continue to describe the best ways to reduce discard mortality.

Andrew Walsh asked how long the fish were out of the water for. Micah stated that handling time is done by the anglers to be consistent with recreational fishing activity. The measuring and tagging was done by the researchers and took about a minute. The time out of water did not appear to be a driving factor in mortality.

DISCUSSION ITEMS

Head Boat MRIP and Compliance Meeting

Deputy Director McKiernan stated that DMF staff met invited the south coast's head boat fleet to a meeting to discuss MRIP sampling and compliance issues. The meeting was well intended.

The first part of the meeting focused on MRIP sampling protocols and some of the challenges DMF faced to ensure trips are sampled. There was a good back and forth and some consensus about how to enhance sampling opportunities.

The second part of the meeting focused on compliance. In 2015, the Viking Starship was boarded and there was substantial non-compliance. As a result, there was a hearing on the permit and an agreement was reached. The agreement required the vessel implement a series of measures to enhance compliance for 2016 and 2017. Viking alleged that these measures resulted in a loss of clients and that they would not be returning in 2017.

Viking also asked that DMF convene the head boat fleet to determine if there was a more equitable way to enhance compliance. When discussing compliance, it appeared that numerous vessel operators had already implemented vessel specific methods. This prompted the idea of vessel specific HACCP style compliance plans that focused on attributing catch to an angler. DMF intended to develop a form that would allow operators to describe their vessel specific plan. The form would then be returned to DMF and made available to Law Enforcement for use during inspections.

Extension of Trap Gear Closure

Deputy Director McKiernan noted there were a record number of endangered right whales in Cape Cod Bay in April. Typically whales migrate out of the Bay by the end of April. However, plankton counts remained high and many whales stayed in the Bay feeding. This prompted DMF to extend the fixed gear closure through May 7. An aerial survey was being conducted. If the survey demonstrated that the remaining whales had begun to disperse, DMF intended to lift the closure for May 5.

Upcoming ASMFC Meeting

David indicated that the major issues at the upcoming ASMFC were recreational black sea bass and Southern New England lobster. These two issues were covered thoroughly already. Accordingly, he proposed skipping this discussion item. There were no objections.

OTHER ISSUES AND COMMISSIONER'S COMMENTS

Andrew Walsh was disappointed that DMF's emergency commercial black sea bass regulatory adjustments did not accommodate the trawl fishery by providing a spring and early summertime bycatch allowance. He asked if DMF was open to reconsidering this in 2018. David indicated that DMF was.

Andrew asked when DMF would begin to develop 2018 limits. Ray Kane stated that he had previously asked DMF to prioritize developing 2018 black sea bass limits. He noted there was also interest in adjusting open fishing days in the directed fishery and right sizing trap limits to trip limits. David wanted to review 2017 fishery performance before developing 2018 limits. He anticipated that a draft proposal could be brought forth this fall.

Ray Kane stated that the MAFMC was considering the development of a fishing mortality based management approach for recreational fluke. He was hopeful that the MAFMC would also consider a similar management approach for black sea bass.

Bill Doyle asked DMF if there was an update on aquaculture rules that would allow upwellers to be used in areas closed to shellfishing due to water quality. Dan McKiernan stated that DMF was working on a policy that would allow this and the release of the policy was imminent. Legal staff also encouraged DMF to adopt this allowance in regulation; he anticipated this would occur for 2018.

COMMENTS FROM PUBLIC

There were no comments from the public.

No further comments were made. **Kalil Boghdan made a motion to adjourn to May 4, 2017 MFAC business meeting. Bill Doyle seconded the motion. The meeting was adjourned.**

Meeting Documents

- May 4, 2017 MFAC Business Meeting Agenda
- April 10, 2017 MFAC Draft Business Meeting Minutes
- Memorandum on Emergency Regulations to Adjust the 2017 Recreational Black Sea Bass Season
- Memorandum on Head Boat MRIP and Compliance Meeting
- Memorandum on Extending the Fixed Gear Closure in Cape Cod Bay
- May 2017 ASMFC Meeting Agenda

Next Meeting

June 15, 2017
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA