

MARINE FISHERIES ADVISORY COMMISSION

September 15, 2016

DFW Field Headquarters

Westborough, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Story Reed; Nichola Meserve, Jared Silva; Melanie Griffin; Cate O'Keefe; Erich Druskat; Anna Web; Samantha Andrews; Wendy Mainardi; and Devon Winkler.

Department of Fish and Game: Mary Lee King, Deputy Commissioner; and Doug Christel, Special Assistant.

Office of Law Enforcement: Lt. Matt Bass

Members of the Public: Ron Borjeson; Ed Barrett; Manuella Barret; Tim Barrett; Megan Lapp; and John Harren.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Raymond Kane greeted the Marine Fisheries Advisory Commission (MFAC). He stated that there were conflicts with the scheduled November and December MFAC meeting dates. He asked Jared Silva to find alternative dates and reschedule the meetings.

APPROVAL OF SEPTEMBER 15, 2016 BUSINESS MEETING AGENDA

There were no adjustments to the September 15, 2016 MFAC business meeting agenda.

**REVIEW AND APPROVAL OF THE AUGUST 11, 2016
DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked the MFAC if they had any comments or corrections regarding the June 26, 2016 MFAC business meeting minutes.

Vice-Chairman Bill Adler had a series of corrections and comments.

- Bill asked for DMF to clarify if the aquaculture raised shellfish recommendation, particularly as it related to undersized quahogs. Jared Silva explained that the recommendation that was approved did not allow for the in-state sale of 7/8" aquaculture raised quahogs. However, aquaculturists were still allowed to harvest this product for out-of-state sale and this product was subject to certain tagging requirements to distinguish it from wild caught product.
- Bill stated that the two-tote commercial whelk hand harvest limit should be a "level filled tote" limit.
- With regards to buoy line marking, Bill stated that he only discussed the use of tape and paint, not other means.
- Lastly, Bill was curious why the Nemasket River herring run was potentially healthy enough to allow for a harvest, but other runs were not. Deputy Director McKiernan stated that Dr. Mike Armstrong could discuss this further with Bill.

No further comments were made. Bill Adler made a motion to adopt the August 11, 2016 MFAC business meeting minutes as provided. The motion was seconded by Andrew Walsh. The minutes were unanimously approved.

COMMISSIONER'S COMMENTS

Commissioner George Peterson touched on two items: (1) the recent Mid-Atlantic Fishery Management Council (MAFMC) Advisory Panel (AP) meeting that dealt with the Longfin Squid Capacity Amendment; and (2) the National Monument declaration for the Canyons and Seamounts.

With regards to the MAFMC AP meeting, the Commissioner stated that a diversity of opinions were presented and the Chair was effective in managing this diversity of opinions and discussing potential management alternatives. He added that Deputy Director McKiernan attended the meeting and commented on closing nearshore areas to the use of small mesh trawl gear after the Trimester 2 quota allocation was landed and incidental catch limits implemented.

On the monument declaration, George stated that the press was reporting that President Obama was moving forward to declare certain offshore canyons and seamounts a National Monument under the Antiquities Act. Reports were that this area would be closed to all commercial fishing, with the lobster and crab fisheries being given 6-7 years to relocate. It was expected that recreational fishing would still be allowed.

Deputy Commissioner Mary Lee King followed up on an inquiry from the August business meeting by Bill Doyle regarding No Discharge Areas (NDAs). The Office of Coastal Zone Management (CZM) manages NDAs in Massachusetts. They informed her that all Massachusetts waters are considered NDAs and enforcement is conducted by harbor masters, the Coast Guard and the Massachusetts Environmental Police.

DIRECTOR'S COMMENTS

Director David Pierce's comments focused on the squid fishery. He stated that the Martha's Vineyard Times had just published an article that highlighted bycatch and discards of scup and black sea bass observed by the author as he followed a squid trawler. David noted that this article echoed some of the issues that had been brought up by island residents in recent years regarding near-shore squid trawling, as well as some of the rationale for the buffer zone closures being considered by the MAFMC as part of the Squid Capacity Amendment.

Bill Adler asked how the MAFMC intended to enact buffer zone closures in state-waters around the islands. David stated that the MAFMC could impose time area restrictions for federal waters and may act to restrict the activities of federal permit holders in state-waters. David added that most of the Coastal Access Permit holders who fish for squid in state-waters likely also hold a federal permit, so they would be impacted. David stated that DMF was prepared to review and comment on any proposal put forth by the MAFMC, particularly as it would impact the Massachusetts fishing industry and DMF's authority to manage fisheries that occur in state waters (including the center of Nantucket Sound).

In addition to the buffer zone proposal in the MAFMC's Squid Capacity Amendment, the Nantucket Board of Selectmen requested DMF establish a time/area closure to mobile gear around the island due to concerns regarding the squid fishery. David responded to the Board of Selectmen requesting additional details be provided to describe the requested spatial and temporal coordinates of the closure. Once a response from Nantucket was received, DMF would analyze the petition and determine if it was appropriate to bring to public hearing. The MFAC would be consulted during this process.

David also mentioned the upcoming New England Fishery Management Council meeting and groundfish management, President Obama's National Monument designation and the groundbreaking event for the new DMF/SMAST facility in New Bedford. David asked Jared Silva to forward the MFAC the invite to this groundbreaking event. He stated that having a shared facility with SMAST will strengthen the Marine Fisheries Institute relationship.

LAW ENFORCEMENT COMMENTS

Lt. Matthew Bass of the Massachusetts Environmental Police (MEP) stated that there were no updates on recent enforcement actions. He stated that the mixing of recreational and commercial trips continued to create confusion on the waterfront. He suggested it may be appropriate to further discuss this issue at an MFAC Law Enforcement Sub-Committee (Enforcement Committee) meeting. Chairman Kane concurred.

Jared Silva reminded Chairman Kane that there were open seats on the Enforcement Committee, as the MFAC Chair and Vice-Chair remained. Jared added that a sub-committee could have as many as four MFAC members on it. Chairman Kane asked if any members of the MFAC would be interested in serving on the Enforcement Committee. Mike Pierdinock and Kalil Boghdan volunteered. Jared stated that he would work with DMF, MEP and the Enforcement Committee to schedule a meeting date, likely for October 2016.

ACTION ITEMS

Commercial Scup Limits in the Summer and Winter II Fisheries

Jared Silva stated that the recommendation memorandum provided a lot of background on how the commercial scup fishery and quota is managed. However, the recommendation focused on liberalizing the summer (May – October) limits for the remainder of the period and establishing the Winter II limits.

Jared stated that at the August meeting, the MFAC voted in favor of a recommendation to eliminate closed commercial scup fishing days and increase the scup trip limit to 2,000 pounds following Labor Day through the end of October. Due to administrative delays, DMF was unable to implement this regulatory amendment for 2016. As a result, DMF was coming back to the MFAC to obtain their approval for the Director to use his declaratory authority to eliminate closed commercial scup fishing days and increase the scup trip limit to 2,000 pounds for 2016.

Mike Pierdinock asked how this would impact the existing commercial scup season. Jared stated that it would not impact the season, but rather provide fishermen with greater access to the remaining seasonal quota allocation (~50%), particularly when considering how fall weather has a limiting effect on fishing opportunities.

Mike Pierdinock then asked if DMF expected the elevated scup trip limits would result in directed fishing on scup resulting in additional discarding. Director Pierce did not expect it would when considering net mesh restrictions and the price of scup.

Jared then stated that the second recommendation was to set the Winter II trip limits. He noted that the Winter II period occurs in November and December and it is a federally managed quota period. In recent weeks, the National Marine Fisheries Service authorized an 18,000 pound trip limit during the Winter II fishery. Historically, DMF and the MFAC have authorized state-limits that compliment federal limits during the federally managed Winter I and Winter II periods, allowing vessels to land lawfully harvested scup Massachusetts. Accordingly, DMF was recommending an 18,000 pound limit be set for Massachusetts.

No further comments were made. Bill Adler made a motion to: (1) increase the commercial scup trip limit to 2,000 pounds through October 31; (2) eliminate

closed commercial scup fishing days through October 31; and (3) establish the 2016 Winter II commercial scup limit at 18,000 pounds. The motion was seconded by Andrew Walsh and approved unanimously.

MARINE FISHERIES INSTITUTE PRESENTATION

Director Pierce introduced Cate O'Keefe. He noted that she was an SMAST graduate and former SMAST employee and during her tenure at SMAST she was involved in a lot of the research being conducted through the Marine Fisheries Institute (MFI). Cate then provided a presentation on the MFI. Her presentation provided background on the MFI partnership between DMF and UMASS; MFI leadership; collaborative research (e.g., bycatch avoidance, discard mortality estimation, conservation engineering); future research efforts (e.g., video surveys, population dynamics); education and outreach; and the movement of DMF's New Bedford field office onto the SMAST campus.

Bill Adler asked if the building in Fall River was still being used by the MFI. Cate stated that this building was still a UMASS building but it was being used for other purposes. The new SMAST facility in New Bedford was expected to be the MFI headquarters.

DISCUSSION ITEMS

DMF Role in Federal and Interstate Fisheries Management

Nichola Meserve and Melanie Griffin provided a presentation that reviewed DMF's role in federal and interstate fisheries management. Nichola focused on DMF's interaction with Atlantic States Marine Fisheries Commission (ASMFC), and Melanie focused on DMF's interaction with the federal government through the Council process. The presentations focused on the history, legal authority, composition and process of the ASMFC and the Councils.

Chairman Kane asked DMF to elaborate on the use of proxies. Director Pierce stated that state agency heads often utilize staff as proxies at both the Council and the ASMFC, which allows the state to engage on a multitude of issues.

Director Pierce highlighted that there is a difference between how the Councils and the ASMFC handle scientific advice. As the Councils are under the legal umbrella of the Magnuson-Stevens Act (MSA), the Councils must adopt the scientific advice of the Scientific and Statistical Committee and manage to rebuild stocks within the time period specified by the act. The ASMFC is not governed by the MSA and has greater flexibility in utilizing the science in the management process.

Commissioner Peterson asked if DMF could further explain the federal and interstate management of species like black sea bass. Nichola stated that black sea bass (as well as scup and fluke) are managed jointly by the MAFMC and the ASMFC. In practice, the MAFMC will set coast-wide harvest limits for the commercial and recreational

sectors. Then the ASMFC will adjust their fishery management plan (FMP) to hold states accountable to these harvest limits.

Director Pierce added that the northeast multi-species complex was unique. These species are managed at the federal level and while some harvest occurs in state-waters, winter flounder is the only species in the complex that is managed jointly by the ASMFC. David added that there has been limited discussion about adopting an ASMFC multi-species groundfish FMP. However, it has not gained traction because it would make management unduly complicated. Instead, the state-waters harvest of groundfish is covered by a federal soft allocation known as the state-waters set-aside.

There was a discussion regarding potential accountability measures if a state were to manage its state-waters fishery without deference to the state-waters set aside. Andrew Walsh noted that Maine was currently facing scrutiny for its management of its state-waters halibut fishery. He was interested in whether Massachusetts state-waters fishery could potentially be subject to similar scrutiny and what safeguards were in place to prevent such scrutiny.

David noted that Massachusetts' state-waters groundfish fishery has been the subject of federal scrutiny in the past. However, both Melanie and David agreed that with the existing limited entry permitting scheme, provided that catch limits are set appropriately the state should be able to predictably manage this fishery in state-waters. Melanie added that DMF does not actively track state-waters groundfish landings like it does for quota managed species because the set-aside is not a hard state quota. Instead, DMF typically annually analyzes the state-waters fishery in relation to the state-waters set-asides.

Lou Williams opined that state-waters set-asides were not based on historical catch from state-waters. Deputy Director McKiernan and Doug Christel stated that state-waters set asides were developed from the same historic baseline period as federal quota allocations. However, there were issues parsing out catch and attributing that catch to state or federal permit holders. This was namely attributable to a practice whereby a federal permit holder could delay the annual renewal of their federal permit and fish outside federal rules in state waters, then later in the year renew their federal permit. Lou then asked when DMF discussed management in relationship to the state-waters set asides they keep in mind that these allocations may not reflect historic state-waters catch.

Kalil Boghdan asked for DMF to further describe the role of the Secretary of Commerce. Melanie and Nichola explained that for federally managed species a state can manage a fishery for that species in state-waters provided it does not "substantially or adversely" impact federal management goals. If the state undermines a federal management plan, then the Secretary of Commerce can force states to more strictly regulate its fishery or the Secretary can close the state-waters fishery appropriate management measures are implemented. This differs from the ASMFC approach, where the Secretary of

Commerce can intercede and regulate or close a state's fishery if the state is not in compliance with an interstate FMP.

Bill Adler noted that when ASMFC adopts an FMP it becomes the law of the land and states must implement regulations to comply with the FMP or face a non-compliance finding from the Secretary of Commerce. This is different from the Council process where the Council makes recommendations to NMFS and then NMFS implements regulations. Doug Christel clarified that NMFS staff review council recommendations and can either approve, disapprove or partially approve the recommendation; they cannot adopt their own provisions unilateral of a Council recommendation.

Mike Pierdinock asked for further clarification regarding the state's role in the decision making process of NMFS Highly Migratory Species (HMS) office. David stated that DMF provides technical support and advice to the HMS office and may comment on HMS FMPs. However, the state does not have a voting seat on the decision making body.

Northern Gulf of Maine Scallop Request

Melanie Griffin reviewed Amendment 11 to the federal sea scallop FMP and subsequent federal management of sea scallops in the Northern Gulf of Maine management area (NGOM). The NGOM includes state and federal waters north of 42°20' (Boston). This fishery is allocated an annual total allowable catch (TAC) and once that TAC is taken, the area is closed to all federal scallop permit holders (only landings from LAGC-NGOM and LAGC-IFQ permit holders count against this TAC). However, states may request an exemption from NMFS to allow federal permit holders to fish exclusively in state-waters of the NGOM once the NGOM TAC is taken. Maine has an active state-waters fishery and has obtained such an exemption from NMFS.

Massachusetts has not pursued this exemption. Most of the state's sea scallop fishery occurs in Cape Cod Bay and along Eastern Cape Cod. The NGOM area historically contributes about 10% to the overall state-waters sea scallop landings, with the harvest mostly occurring in Ipswich Bay. Accordingly, there has been very little interest until this year, when the NGOM fishery closed earlier than expected. This prompted a request for DMF to seek a federal exemption that would allow dual state/federal permit holders to continue to fish in this area after the NGOM TAC is taken.

Director Pierce stated that DMF was considering requesting an exemption from NMFS. It would benefit a small number of fishermen and with the uptick in abundance (demonstrated through the Maine assessment) it is a good management idea to consider. However, prior to moving forward with a request to NMFS, DMF wanted to take public comment. Melanie added that because the state manages its state-waters fishery with limited entry permitting and trip limits, DMF expected NMFS would be amenable to such a request.

Ray Kane asked if this allowance should be reviewed by the MFAC's Enforcement Committee. Melanie stated that she reached out to the MEP and they had some

concern regarding night fishing. David stated that it would be reasonable for the Enforcement Committee to review this issue further at their upcoming meeting.

There was then some discussion regarding whether this would require amending state regulations and to whom this exemption would apply. Melanie stated that it would not require a change to state regulations. DMF does not restrict sea scallop fishing in this area once the NGOM TAC is taken (unrelated state mobile gear closures may apply). DMF would simply be requesting an exemption from NMFS. This exemption would allow dual state/federal permit holders to continue to fish in this state-waters area within the NGOM once the NGOM TAC is taken. State-waters only permit holders are already authorized to continue to fish in this area because they are not subject to the federal closure.

Lou Williams supported DMF pursuing this exemption. He stated that the NGOM fishery may last only two-weeks in 2017 and this allowance could allow a small number of boats to continue to profitably fish in state-waters on an abundant resource.

Ray Kane concluded discussion on this item and asked DMF to further discuss this with the MFAC following a public comment period. David stated that DMF would likely take public comment in October and then discuss this again with the MFAC in November or December.

Pending Interstate Management Action on Menhaden

Nichola Meserve provided a presentation that described the ASMFC's existing menhaden FMP and potential adjustments to it (e.g., increasing coast-wide quota, adjusting state-quota shares and revising biological reference pints). The presentation also reviewed the management and performance of the menhaden fishery in Massachusetts.

Kalil Boghdan asked why Massachusetts' 2011 menhaden landings were so low compared to other years in the 2006 – 2015 time series. Nichola stated that there may likely be number reasons for this. First, there may have been limited abundance in Massachusetts waters. Second, fishermen have chosen to pursue opportunities in other fisheries. Lastly, some fishermen who land menhaden in Massachusetts have permits in other states and may have been fishing for or landing menhaden in other jurisdictions.

Bill Adler asked if the 2016 episodic event set-aside was taken. Nichola had not received an update. She did note that more of the set-aside was taken in 2016 than in past years, as Maine, Rhode Island and New York have opted into this episodic event set-aside. Kalil asked for further clarification on the episodic event set-aside. Nichola explained that the FMP takes 1% of the TAC and establishes a set-aside. Northeast states then may opt into taking this set-aside once their state-wide quota is taken.

Mike Pierdinock asked why Massachusetts would be interested in increasing the coast-wide quota if the state had not landed its quota share since the quota share system was implemented. Nichola and Dan explained that the state aggressively manages its

menhaden fishery through trip limits to prevent quota overages. If the quota was increased, DMF could liberalize its trip limits and land more fish. Mike then asked if most states take their quota share. Nichola stated that they did.

Director Pierce added that at the August ASMFC meeting, Massachusetts did not vote in favor of a quota increase. David noted that this position was not unanimous within the Massachusetts delegation and Bill Adler supported a slight increase. However, there was consensus growing among states to support a small increase of 5%, and this vote would occur at the upcoming October meeting of the ASMFC .

Chairman Kane suggested that DMF continue this discussion with the MFAC at the October business meeting.

2017 Summer Flounder Management and Priorities

Nichola provided a presentation that focused on the impacts of the most recent stock assessment update for fluke. She noted that when the initial fluke specifications were provided for 2015-2018, a 3-year approach was adopted to reduce fishing mortality by 29% by 2018. This approach was designed to minimize impacts of severe cuts to allowable catch on industry.

However, this past summer the stock assessment was updated. There was a retrospective pattern whereby spawning stock biomass was below projections and fishing mortality was above projections. Additionally, there has been poor year class recruitment since 2010. In conclusion, the assessment found that overfishing has continued and fluke could be overfished as soon as next year. As a result of this stock assessment update, the MAFMC's SSC found the 3-year approach to be too risky and a 30% cut was required for 2017.

Massachusetts receives 6.8% of the coast-wide commercial quota. The state's quota will be reduced from 577,777 pounds in 2016 to 385,988 in 2017. This reduction is expected to impact the state's commercial fishery. Nichola reviewed fishery performance in recent years and based on trends, the commercial fishery is expected to close in July. This will particularly impact the state's inshore trawl fleet. DMF is considering potential management changes to address this quota reduction .

There is more uncertainty in the recreational fishery. The ASMFC has to approve an Addendum to the FMP that adopts either a coast-wide or regional management approach. The continuation of the existing regional approach may keep Massachusetts from having to cut its recreational fishery. Under a regional approach, if Massachusetts' 2016 estimated recreational harvest is close to 2015 levels, then it is unlikely that the state will have to further constrain its recreational fishery. Massachusetts' 2015 estimated harvest was below the 2017 harvest target and early indications are that recreational harvest is down in 2016 as compared to 2015. However, if ASMFC approves coast-wide approach (or alternative regional approach) this buffer may be lost and Massachusetts may have to adjust its recreational fishing rules.

Ray Kane asked if there was a pending action for the ASMFC at their October meeting. Nichola stated that there was no pending action. However, she expected the management board would begin to discuss recreational fishery management options for 2017. However, without finalized harvest estimates determining potential impacts of coast-wide or regional management approaches would be difficult.

Nichola also stated that the MFAMFC was beginning to develop a new Amendment to the fluke FMP. This amendment was expected to address percent shares allocated to the recreational and commercial fishery and potentially allow mode splits (e.g., for-hire and private) in the recreational fishery. This Amendment was not on the agenda for the upcoming MAFMC meeting.

Emerging Issues Regarding the Small Mesh Trawl Fishery for Squid

Jared Silva provided a brief overview of the longfin squid resource and fishery. He discussed longfin squid life history, state and federal management and recent trends in fishery performance. Jared highlighted a recent trend of the fishery moving inshore in the summer, with hotspots of effort occurring south of Martha's Vineyard and Nantucket.

Dan McKiernan discussed how this increase in inshore fishing effort was resulting in emerging management issues. Certain recreational fishermen and charter boat owners were concerned about this inshore effort and its impact on squid spawning and local forage availability for target recreational species. As a result, there was a push for time/area closures to eliminate this influx of effort into these nearshore waters.

Dan then reviewed the MAFMC's recent AP meeting where they discussed the Squid Capacity Amendment and the potential development of buffer zones south of the islands. He reviewed images and data provided at this meeting, which demonstrated this inshore movement of fishing effort to the waters south of Cape Cod. Additionally, he highlighted that a directed small mesh fishery for squid continued this year south of the islands after the Trimester 2 quota allocation was harvested and a 2,500 pound trip limit was implemented.

Kalil Boghdan asked why the MAFMC FMP allowed there to be a rollover of trimester quota allocation from Trimester 1 to Trimester 2. Dan explained that squid live less than one year, so it is a reasonable approach to roll quota an unused quota allocation over to the next season because they will still be targeting the same year class. Dan noted that this rollover was capped at 50% the Trimester 2 quota.

The Trimester 1 quota allocation has been underutilized in recent years. Dan opined that this may be a product of warming water temperatures. Squid move offshore in the winter and become concentrated in certain areas along the continental shelf in response to water temperature. However, with warming sea water the offshore migration may be more diffuse resulting in less offshore fishing effort on squid during the winter.

Andrew Walsh asked when observer data would be available for Trimester II. Doug Christel stated that the data was made available in aggregate at the MAFMC's AP

meeting. However, they were working on parsing the data out into 10 minute squares so that bycatch and discards could be better understood at an area specific level. Director Pierce stated that this was necessary for deliberating certain management initiatives.

Andrew then asked if DMF intended to make a management recommendation to the MAFMC. David stated that DMF was waiting for the MAFMC to provide further analysis and propose specific management options. Once this was done, DMF would review the information and provide a thorough comment to the MAFMC. David stated that he planned to keep the MFAC engaged on this issue and he would provide them with draft comments.

Black Sea Bass Commercial Fishery Performance Review

Story Reed provided the MFAC with a review of performance in the commercial black sea bass fishery. This presentation covered a history of regulatory changes, a description of existing commercial fishing regulations and recent trends in permit activity, landings and ex-vessel value.

Chairman Kane asked if DMF was in position to make proposals to adjust the management of this fishery. David stated that DMF was open to suggestions, but was not making any proposals at this time. He added that it would be difficult to project impacts without having certainty as to the 2017 quota.

Andrew Walsh asked if DMF would consider moving the start of the summer season forward. David and Dan agreed that DMF was open to moving the opening date to before early August, provided it occurred post spawning. Andrew then asked DMF to confirm they would not reopen a spring fishery. David stated that the spring fishery was eliminated a couple years back for a number of good reasons and there would have to be a compelling argument as to why it should be reopened.

Mike Pierdinock asked if the potential quota increase would also impact the recreational fishery. Nichola Meserve stated that a new stock assessment is set to be peer reviewed this year. Until this stock assessment is finalized, peer reviewed and accepted, there is uncertainty regarding future fishing limits. However, early expectations are that this will show the stock is more abundant than previously estimated, resulting in increases to both the commercial quota and the recreational harvest target.

OTHER BUSINESS AND COMMISSIONERS COMMENTS

Bill Adler discussed a recent ASMFC conference call that addressed climate change, species distribution and management impacts. Dr. Armstrong added that the conference call was designed to review two specific issues.

- The first was how management should address quota reallocation due to climate driven changes in distribution. There is a system already set up to address this,

but it is ultimately a matter of political will and willingness of certain states to give up quota allocation.

- The second issue is how to manage fisheries when there is a loss of productivity due to climate change (e.g., northern shrimp, southern New England lobster). This was a more challenging and complicated issue.

Mike expected that the ASMFC would be producing a white paper to address these two issues.

Mike Pierdinock raised concerns regarding draft Amendment 10 to the HMS FMP. An option in this draft Amendment proposed to designate certain waters along the South Shore and Cape Cod as essential fish habitat (EFH) for sand tiger sharks. He was concerned that this designation would later be used to preempt state authority and limit recreational and commercial fishing activities within the EFH. David stated that he would work to schedule a conference call between Mike and his technical staff on this topic.

Andrew Walsh asked if DMF was planning on scheduling any public hearings in the near future. Jared Silva stated that no public hearings were currently scheduled. However, he expected there would be at least one round of public hearings over the winter to address management issues prior to the start of the 2017 fishing season.

Ray thanked those MFAC members who attended the recent whelk scoping meetings held by DMF. He stated that fishermen are always appreciative when MFAC members attend these meetings. Ray noted that it demonstrates that they are engaged with these important issues.

COMMENTS FROM THE PUBLIC

Ed Barrett had several comments. First, he was curious if there was an overlap between federal observer coverage for small mesh trips and federal observer coverage for protected species. Doug Christel stated that there is not an overlap in that each have their own purpose and specific sea days requirements. Ed then stated that he would like DMF to consider a black sea bass bycatch allowance during the squid and fluke fisheries. Lastly, Ed stated that the issues facing the squid fishery were very important to Massachusetts fishermen.

John Harren, manager of Sector 13, echoed the importance of the issues facing the squid fishery. He stated that he favored status quo management and cited the importance of this fishery to fishing businesses struggling with limited groundfish fishing opportunities. Additionally, he opined there is a cyclical nature to fishery resources.

Ron Borjeson thanked DMF and the MFAC and noted the meeting was very comprehensive and informative.

No further comments were made. **Bill Adler made a motion to adjourn the September 15, 2016 MFAC business meeting. The motion was seconded by Andrew Walsh. The meeting was adjourned.**

Meeting Documents

- September 15, 206 MFAC Business Meeting Agenda
- August 11, 2016 MFAC Draft Business Meeting Minutes
- Recommendation for Commercial Scup Limits in the Summer and Winter II Fisheries
- Presentation on the Marine Fisheries Institute
- Management Primer on State Interactions with Federal and Interstate Management Bodies
- Presentation on State Interactions with Federal and Interstate Management Bodies
- Presentation on Interstate Management on Menhaden
- Presentation on 2017 Summer Flounder Management and Priorities
- Presentation on Emerging Issues in the Small Mesh Trawl Fishery for Squid
- Presentation on Black Sea Bass Fishery Performance.

Next Meetings

September 15, 2016
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA

October 6, 2016
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA

November 10, 2016
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA

December 8, 2016
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA