

**MEETING OF THE MARINE RECREATIONAL  
FISHERIES DEVELOPMENT PANEL**

**June 18, 2012**

**Wellesley Public Library**

***In attendance:***

*Panel Members:* Chuck Casella, Mike Moss, Patrick Paquette, Mark Amorello (Not in attendance: Bill Smith)

*Department of Fish and Game:* Commissioner Mary Griffin

*Division of Marine Fisheries:* Director Paul Diodati, Dan McKiernan, Mike Armstrong, Kevin Creighton, Greg Skomal, Nichola Meserve, Elaine Brewer, Ross Kessler

*Office of Fishing and Boating Access:* Director Jack Sheppard, Doug Cameron

**Call to Order, Approval of Agenda and Minutes**

Panel Chairman Chuck Casella called the meeting to order. He indicated that all Panel members were accounted for, with the exception of Bill Smith, who was just recently appointed by the Commissioner. Bill fills the vacancy left by Liz Stomeyer's resignation from the Panel.

Introductions were made. Paul Diodati pointed out that Elaine Brewer and Ross Kessler were new hires based on last year's approved spending plan.

**The Panel approved the draft agenda by consensus without modification.**

The Panel reviewed the draft minutes from its last meeting on May 26, 2011. Chuck advised staff of two typographical errors on pages five and seven. No other corrections were requested. **The Panel approved the draft minutes by consensus.**

Nichola Meserve pointed out the "Recreational Saltwater Fishing Requires a Permit!" poster as a deliverable from the Panel's last meeting. The poster includes this statement in Spanish, Portuguese, Haitian Creole, Chinese, and Vietnamese, the five most common foreign languages in Massachusetts coastal communities based on an interpretation of US Census Bureau data on the place of birth of the foreign born population. Two-hundred 12" x 18" metal signs have been ordered and will be posted at various fishing access points. Several in attendance tested the quick response ("QR") code on the draft poster in the briefing materials; the QR code, when scanned by a smart phone, takes the user to the Division's recreational permitting webpage.

**Update on Permit Program Implementation**

Kevin Creighton provided an overview of updates to the Recreational Saltwater Fishing Permit Program. He noted first that in addition to permit sale fees, the Marine Recreational Fishing Development Fund (Fund) had collected nearly \$40,000 in donations. In addition to there being the online option to donate on the Active Outdoors website, staff for the phone-in option had been trained to ask if the caller would like to make a donation. Paul asked if donations were stimulated in any other way. Kevin replied no. Paul wondered if they should be motivated in any

other way, like offering specific options for what donations go towards (e.g., habitat restoration, shark research).

Mary Griffin asked if the group should consider a donation amount above the current offerings of \$10 and \$25. She suggested maybe \$50. Kevin indicated that other dollar amounts could be included in the Active Outdoors application, but it can't handle a blank (for the user to fill in the amount). He noted that the donation amount shown on the slide was not a round number only because some people come to a permitting office with the wrong check amount and just give the remainder as a donation. Mary thought that some people would be willing to give more.

Mark asked if for-hire permit issuance in 2011 (911 permits) was what was expected and similar to previous years. Kevin indicated it was, noting that the Division had ordered 1,000 for-hire permit stickers based on what was anticipated.

Paul noted that he had recently been contacted by the Massachusetts Environmental Trust (MET), which makes the environmental license plates, about his perspective on a new plate with a striped bass on it. He hadn't responded yet, but said his initial thoughts were that people would think the money is going to *Marine Fisheries*, and that some people would react negatively to that given the new recreational permit fee. Mary agreed, noting that there was some confusion about the trout plate and whether DFG received any of the proceeds from its sale. Mike Moss indicated that he would want *Marine Fisheries* to be the financial recipient if a striped bass plate was added. Patrick added his concern about the Panel being put in a defensive position by such a plate. Mark noted his concern that it could bring up the gamefish status issue again. Mary noted that you have to pre-sell so many plates. Chuck suggested that while the Panel does not have any authority to determine the outcome, it could forward a recommendation to the Division or MET. ***He requested that the license plate issue be an agenda item for the Panel's next meeting,*** which he would like to occur in the fall. In the meantime, it was determined that Paul and Mary would talk to the MET's Program Manager, Bill Hinkley, to obtain more information and note the Panel's concerns.

Mike Armstrong returned the discussion to permit issuance in 2011. He indicated that the overall sale of individual permits (~126,000) was less than the projected amount of "permissible" fishermen (200,000 to 250,000). However, it was expected to take about five years to get to that level; additionally, there is generally a 10 – 25% non-compliance rate. The non-resident portion (13%) is lower than expected (thought it would be about 40%); reasons for that include a) non-compliance and b) reciprocity agreements. One-quarter of permits were issued free to seniors, and Mike stated that we are seeing about the same so far this year.

Mark asked if other states have the same proportion of free permits issued. Mike was unsure but noted that other states use 65 or 70 years old to designate seniors in regards to fishing permits. Mike Moss wondering if the Panel should reconsider the age for free permits.

Mike Armstrong noted the demographics of permit issuance: it rises slowly from age 16, then plateaus around 30 (suspected reason being that's when many people start having children), then it rises later with avidity peaking at 55 to 65 years old. Patrick noted a report that discussed the demographics of the fishing population, commenting on the wave of youth that has grown up with video games and how that will affect the number of anglers.

Paul stated that he would request a ***report on permit compliance from the Office of Law Enforcement for the Panel's next meeting.***

Kevin showed two maps of where MA permit holders reside. MA permits were sold to residents of all 50 states, the bulk around New England, but with a notable cluster of “snow birds.”

Kevin also summarized trends in the modes of permit issuance. Most sales in 2011 were over the internet (61%), followed by retail stores (22%), DMF offices (12%), phone (2%), DFW offices (2%) and town clerks (1%). The number of vendors this year (including offices, retail store, town clerks, etc.) is over 100. Mark asked and Kevin explained how sales are completed at external vendors. Discussion included that vendors do not collect a fee when free permits are issued to seniors, which some small retail stores have complained about. Active Outdoors collects a convenience fee regardless the type of permit.

Mary asked whether there were posters about permit requirements at the vendors. There are not, but it was noted that this would be a good deliverable for Elaine. Mike suggested she work cooperatively with *MassWildlife* on this. Paul added that the Division was considering using the electronic highway signs. Patrick thought this would be very effective especially during time of high driver volume.

Mike reported that issuance thus far this year is about 35% higher than this time last year. Average sales are currently about 1,000/day, and he expected that it will reach 1,500/day in the next few weeks. Anecdotally, clerks have said that they are issuing a lot of new permits. Mike’s current projection for total sales this year is about 175,000.

Paul pointed out that revenue from permitting at offices is hardly covering the cost of new permitting agents. But it was acknowledged that some seniors want to avoid the Active Outdoors convenience fee by visiting a permit office (even if it costs more to get there than the fee).

Mike brought up the potential for some people to still be mistakenly buying the federal permit. About 20,000 - 30,000 federal permits were sold last year to MA residents. The federal permit website does say right on it that you don’t need a federal permit if you have a MA permit. Kevin pointed out that you need the federal permit to fish in only four places at this point, so perhaps the website should list those rather than all the places you don’t need it.

Paul informed the Panel about the Division’s new outreach tool, *The BroadCast*, an electronic newsletter sent to permit holders that provided an email address (currently about 55,000) plus any other subscribers. Paul noted that Chuck had come up with the name *The Broadcast*. The Division had used the email list to issue one Advisory itself, and it took three days, considerable staff time and server room. So, we worked with Griffin Publishing, which produces the DMF and DFW guides including the online version, and amended the contract to have them send for us up to four “glossy” designed emails and 10 text-only messages per year. To do this without advertisements in the emails, it cost about \$6,500 for the year. Mike Armstrong indicated that there had been a bump up in permit sales right after the first *Broadcast* went out, meaning it had essentially paid for itself. Paul noted that one of the emails would be used later this year to remind current permit holders about renewing for a 2013 permit. Mike Moss commented that email was a good means to continue getting out the message about the permit requirement. Dan McKiernan suggested that a future *BroadCast* include something on the new yo yo prohibition, which was just recently finalized.

Patrick asked if Griffin Publishing had been hired for the Saltwater guide through a competitive bid, which was the case. He noted that putting an advertisement in the guide was quite expensive compared to other publications. Mike Armstrong indicated that that is part of the reason that

Griffin's bid for the project was so competitive. Patrick said he thought \$6,500 was a lot to issue *The BroadCast* and suggested that the Division consider doing it in-house in the future. Mike noted that Elaine had just recently taken a relevant course from the Commonwealth, so it might not be out of the question down the road.

### **Recreational Permit Survey**

Paul indicated that he had added this agenda item in case the Panel members were unfamiliar with the project or had questions about it. As there seemed to be some questions, Paul explained that the Division had agreed to help NOAA Fisheries, specifically an economist named Scott Steinback, with a study to investigate the intrinsic value of recreational saltwater fishing in Massachusetts. The study uses several different survey methods to ask anglers about the value they place on recreational fishing. He explained that we already have some economic value information based on how much anglers spend to go fishing and how that money trickles through the economy, but this study would add an estimate for intrinsic value, thus increasing how much we consider our recreational fishery to be worth. The Division's role consisted of providing Scott, and the firm he contracted to mail out the surveys, contact information of individuals that obtained a permit in January, February, March and April. The study involves mailing surveys to a random sample of these datasets.

He explained that the study had been met with some criticism because of one of the survey types used, principally asking people if they would accept money to give up fishing for the remainder of the year. Of 1,900 surveys mailed out, 500 offered checks between \$15 and \$500 for the recipient to return his or her fishing permit. Paul indicated that this method had been used to measure other intangibles such as recovering endangered species. The remaining surveys asked hypothetical questions instead of offering a check.

Paul indicated the survey would hopefully provide better information to characterize the Commonwealth's fishery such as for use in ocean planning, evaluating claims of lost access due to events like hurricanes or oil spills, and determining how much to invest in the fishery, such as in fishing piers. He explained that the intent was not to use the results to increase the permit's fee, and that the Division had issued an Advisory on this point to over 55,000 individuals by email. Paul noted that NOAA Fisheries could have done the survey in MA without the Division's collaboration, but by agreeing to help, we will have a say about how the results are presented.

Nichola added that the acceptance rate for the cash offers had been quite low. Of the first 250 offers, only about 50 were accepted. Preliminary results of the third wave of surveys showed lower acceptance. Because of the small sample size (compared to the total number of permit holders) and because few people were accepting the offers, it's insincere to call the study a buy-back program. She said that the last wave of surveys had been mailed so the sampling was nearly complete now. Paul added that those people accepting the offers are likely not the highly avid fishermen or those that invest much money in the sport. Each survey asks questions to also gauge the participant's avidity, so the results will take that into consideration.

Mike Moss indicated that he did not see the value in the survey, and opposed buying back any permits. Paul stated that he planned to contact each person that gave up their permit to get them back in the fishery in 2013. He added that there were no final or published results yet, but that a draft would be provided to the Panel when available.

### **Accounting of FY12 Fund Appropriation**

Mike Armstrong quickly summarized what the Panel had approved for FY12 Fund spending: funding for seven full-time equivalent positions (FTEs) across five projects in Permitting, MRIP, Information & Education, Diadromous Fish, and Public Access, with the latter including the Bass River fishing pier (Yarmouth). He reported that only 67% of what was budgeted was spent, the main reason for which was it taking many extra months to fill four of the FTEs and a necessary reposting of the MRIP position. Elaine, Ross, and the two diadromous hires (Ben Gahaghan and Mike Bednarski) were just hired in May.

Patrick asked why the MRIP position had to be re-posted. Mike Armstrong responded that the Division had initially posted the vacancy as an AB3, and that no applicant had met all the qualifications, particularly the highly specialized GIS skills that were sought. Consequently, the position was downgraded to an AB2 and re-posted as such.

Chuck asked why the appropriation was expected to be about \$400,000 less than what he calculated to be in the Fund given a roll-over of about \$165,000 not used in FY12. Kevin said that the numbers don't line-up right because permitting (i.e., revenue) is on the calendar year and the appropriation is based on the fiscal year. Additionally, it's good to keep a bit of a cushion in the Fund. Mary said that you never want to have a dedicated fund with a negative balance. Mike added that it was good to increase the programs slowly, as we don't know what the Fund will max out at and it would be unfortunate to have to scale back any of the new programs.

Chuck asked how staff's health care was paid for. Mike responded that the Fund is the source and that the rate is about 32% of salary. Kevin indicated that that is the \$35,000 in fringe benefits noted in the table that is not subject to appropriation. Patrick asked for clarification that the fringe calculated there is just for the new staff hired with Fund money, which it is.

Patrick asked about the \$4,614 in "fringe benefits" in the table. Kevin clarified that that was the name he gave for payroll taxes. He will label it differently in future years to avoid confusion.

Mike indicated that the biggest expense in FY12 was in construction projects, where the full \$153,000 budgeted will be spent. This covered the Bass River fishing pier and also a new gate at Craven's Landing. Ross said that the gate was put up for two main reasons: as a means to keep people from parking there during storms and to protect nesting plovers.

Patrick said that he's heard about some people being turned away from Craven's Landing if not everyone in the party had fishing gear, which he didn't think was right. Dan stated that the need had arisen to have someone there to turn away people that weren't there to fish, but he suspected the perhaps overly-strict enforcement was a two year old problem, as two years ago the Division had hired a retired EPO. Last summer, DMF employees rotated through the position, and this year, DMF contracted summer help. They are provided training, and he didn't think this was a problem anymore.

Chuck asked when the Panel could expect a dedication event for the new fishing pier. Mary said that she expected it to be in August, and that she'd be sure the Panel was made aware of the event. The Pier will be open for use before the dedication event.

Jack Sheppard handed out a series of photographs of the construction project and pointed out a number of features of the project, which includes a new boat ramp with floating dock, paving of

the parking lot, and improved drainage in addition to the fishing pier. He commented that the town of Yarmouth had been excellent to work with, and that he was very pleased with the contractor's work as well. The facility will be operated and maintained by the town under the standard land management agreement. If the town decided to charge a fee for use of the fishing pier, it has to be approved by FBA and all fees collected must go back towards maintenance. Towns are not allowed to charge different amounts for residents and non-residents. Boats are not allowed to tie up to the fishing pier. The project is on schedule for a June 30<sup>th</sup> completion date.

Doug Cameron showed the layout of the area on the construction plot. The site is closest to Exit 9 off Route 6. He noted that there had been one change to the construction plan, which was to move a pre-existing stairway that was no longer safe to another location where it would be better protected from erosion, but still provide access to the same shore space.

Doug said that the storm water drainage on site had been vastly improved, including a filtration system which the town is responsible for maintaining. Doug and Jack commented on the increasing cost of paving and drainage requirements, accounting for about 50% of the cost of the project.

Paul asked about Cashman's Pier in Newburyport, and how it was built by the state yet the town doesn't allow fishing on it. Jack indicated that he was aware of the problem and had been recently working on a new land management agreement with the town. He expected it to be updated with fishing access provided in the future.

Chuck asked about signage for the pier, and whether it would say that Fund money had been used. Jack replied that he was working on a sign for this and future Fund-sponsored projects that says the project was funded in part or wholly by the Fund. Paul and Mary will review the sign before it is ordered. He's planning on ordering 12 or so signs to start, which will be 12" x 18" probably.

### **FY13 Fund Appropriation**

Mike introduced the Division's spending proposal for the FY13 Fund appropriation, which is expected to be about \$800,000. The proposal includes no new permanent projects, but rather an expansion to full-year spending of last year's approved projects, plus two short-term research studies.

The Recreational Permitting Project was budgeted \$99,129, including \$74,529 for two FTEs in the title of licensing clerk (one each in Gloucester and New Bedford); \$6,600 in postage and \$3,000 in supplies for issuing by mail over 20,000 permits, and \$15,000 in overtime for permitting staff at trade shows.

Patrick comment that \$15,000 for show overtime pay seems like a lot of money. He asked how many shows that includes. Paul indicated that it was probably between 30 and 45 days worth of trade shows.

The MRIP Project was budgeted \$152,653, including \$57,677 for one FTE to coordinator nine seasonal contractors (\$73,476) in conducting all MRIP sampling in MA, with a doubling of intercepts to 8,000; \$8,000 for supplies and uniforms for the contractors, who in addition to sampling, would help inform anglers about rules and regulations; and \$13,500 for mileage, because the contractors will have to use their own vehicles for transportation to various access

sites. Paul added that the contractors would be instructed to ask the intercepted anglers if they have a permit, and so expected that they would help increase compliance with the requirement.

Mike explained that the Division wouldn't start field sampling until March 2013, rather than in 2012 because NOAA Fisheries had advised that the transition from MRFSS to MRIP was not going as smoothly as hoped. The federal agency advised the Division to wait until 2013.

Chuck asked if the Division will be reimbursed by NOAA since NOAA would be paying for the sampling if the Fund weren't. Mike replied that there would be some reimbursement but that he didn't yet know how much it would be. Chuck asked if the reimbursement would be returned to the Fund. There was some discussion about the logistics and wisdom about doing so. Paul indicated that it would go back into the Fund or be used to support projects in the intent of the Fund. ***Chuck asked that the Panel be provided a more detailed explanation at its next meeting.***

The I & E Project was budgeted \$64,401, including \$49,401 for one FTE as a program coordinator, \$10,000 for printing of materials, and \$5,000 in supplies and software.

Mike noted that the \$6,500 for Griffin Publishing to issue *The BroadCast* was not paid under this project.

Patrick encouraged the Division to use popular social media tools to increase awareness, as they can be highly effective. Mary noted that there are several twitter accounts and facebook pages within the secretariat now. Paul stated that the proposed budget did not reflect the plan for increased marketing, like making videos on responsible angling, how to fillet fish, etc.. Mike indicated that the "printing" line-item was more of a "media" line-item; but Paul did not think \$10,000 was adequate for the work being planned. He suggested a plus-up of \$30,000 - \$40,000 for the media line.

Chuck added that he didn't want to lose sight of the Division's stated commitment to do some angler education through the fishing clubs. Paul indicated that was part of the plan for the I & E Project, but rather than having Elaine go one-by-one to each fishing club, it will be more efficient to provide a seminar for representatives of each club that would receive training and then go back to inform their own club. Paul suggested that Elaine contact Chuck about developing a plan.

The Diadromous Fish Project was budgeted \$139,008, including \$99,008 for two FTE aquatic biologists, one each to be in Gloucester and New Bedford, to increase Division monitoring and restoration of various species including smelt, shad, and river herring; \$5,000 for supplies and sampling gear; and \$35,000 for video counting equipment.

Chuck stated that the minutes from the last meeting reflected that one of the hires would represent the Division of the ASMFC Atlantic Sturgeon Technical Committee, which was not mentioned in the FY13 proposal summary. Mike indicated that this would be the case.

The Public Access Project was budgeted \$267,087, including \$61,796 for an FTE to identify, plan, and implement projects improving public access to fishing resources, working with towns and FBA; \$1,000 for supplies and software; \$4,800 for a car lease, and \$199,491 for a fishing pier at Oak Bluffs, Martha's Vineyard, plus smaller infrastructure projects.

Doug Cameron provided an overview of the Oak Bluffs project. He showed the specific location on a map, and said that a number of other projects are being undertaken in the area by the town: an upgrade to the waterfront restroom facilities including handicap accessible; a repair/rebuilt to

the seawall, with a public boardwalk along its top, which would provide for wheelchair access from the steamship authority to downtown.

The pier itself would extend 300' feet seaward and be 12' wide. There would be a 60' "L" at the end, at 16' wide. This would put the end of the pier in about 10' deep water. An eel grass bed prevents it from being built out further. About 25% of the pier's fishable area is handicap accessible.

Doug believed that the fishing there would be good. Many local groups are in support of building the pier. His office has the permits in hand, and a maintenance agreement with the town established.

The total cost will be about \$750,000 to \$800,000. Doug indicated that they hope to use part of the Fund money, and supplement that with other funding, although a particular source has not yet been determined. He indicated that FBA has one other big project planned for the year that will take a large part of its budget. Mark was concerned that if the Panel agrees to (partially) fund the project, but the remaining money cannot be found and the project doesn't go forward, then the Panel wouldn't meet the requirement to expend 1/3 on public access infrastructure. Doug indicated that FBA has other shovel ready projects in the queue if that were to occur.

Paul asked if there were benches or lighting planned for the pier, which there was not. He suggested that benches would be a good idea given its length, as well as some floatation rings.

Patrick said that he didn't want to get tied into just giving money to FBA. He thought that people have the expectation that the Panel will be funding new access places, not just piers at current places. Mary noted that the project probably won't happen without Fund money.

Patrick asked how much room there was between the pier and the Steamship Authority ferry dock. Doug replied that there were about 200'. Patrick said he seemed to remember that when the ferry dock was built, some mitigation money was promised for adding fishing access. He wondered what happened to that. Doug said he would check with the Steamship Authority.

Mike Moss asked for clarification that the pier would be open to the general public. Doug said it would be per the use agreement with the town. It would also be open 24 hrs/day under the agreement. Initially there was some concern about use of the pier when the nearby bars closed for the night, but police would have authority to remove anyone from the pier that is not there fishing.

Mike Armstrong said if the Panel agreed, the Division would move forward to fund the pier. Ross would keep in touch with FBA over the next several months to see if the additional funding was secured; if not, the Panel could quickly reconvene to select an alternative access project(s). Paul noted that the money could also be used for smaller improvements, like kiosks.

Patrick asked about the "and smaller projects" in the budget. Mike indicated he had in mind things like adding lighting or fillet stations, but now that he knew the Oak Bluffs pier is underfunded, those might be scraped. Picking up on a previous discussion (Craven's Landing), Patrick wanted to know that, if we can put up a gate so quickly, we can also use Fund money to open a gate (i.e., regain access) quickly. He said he hates the public image of putting up a gate so early in the project. Paul indicated that Ross was the person to go to upon hearing any issues of lost access. Patrick thought that the Panel ought to know about things like putting up gates before it happens. Mike Armstrong replied that the Division needs the flexibility for such ad hoc projects, otherwise they won't happen on a timely basis.

For the remaining Fund money, Mike Armstrong proposes two short-term projects under the title of Recreational Fisheries Research. He indicated his opinion that the Panel ought to use some funds annually for research that would benefit the fishery.

The first project would analyze striped bass acoustic data that have been collected over the years. The research would answer questions about the onshore-offshore movement of striped bass, the location of over-wintering habitat, and to what extent they exhibit site fidelity.

The second project would be a genetic analysis of striped bass, which would reveal information about stock structure and mixing of stocks (for example, where all the 1-year old schoolies off MA this spring are from). The existing genetic work is outdated. New research would help develop a mixed-stock assessment model, advancing the science with which the stock is managed.

Chuck asked about the indirect costs to UMass. Mike explained that the university charge 26% for overhead, a rate that is actually pretty cheap compared to other universities.

Having discussed all the projects, Chuck summarized the two outstanding issues: 1) a discussion of the MRIP reimbursement process for the fall meeting agenda; and 2) increasing the funding for media in the I & E Project. Mike suggested a few places in the budget that a couple thousand could be pulled from to go to media. Paul told the Panel that if other line-items can't be reduced by a collective \$25,000 to \$30,000 to increase the media line-item, then he would find external money for it.

With that, the Panel indicated its support for the Division's proposal. **Mark made and Patrick seconded a motion to approve the FY13 spending plan as a package; the Panel unanimously supported the motion.**

Mike indicated that he would plan to have more detailed lists of tasks for each project in future years' spending proposals.

Paul reminded the Panel members to tell Ross about any instances they hear about pertaining to lost public access to fishing. A set of CZM public access documents was mentioned, which Ross will look into finding. Patrick stated that he wanted to develop new access opportunities with future appropriations.

#### **Other Business/Adjourn**

As there was no other business before the Panel, the meeting was adjourned.

## Meeting Documents

- ❖ June 18, 2012 Draft Meeting Agenda
- ❖ May 26, 2011 Draft Meeting Minutes
- ❖ Elizabeth Stromeyer January 5, 2012 Resignation Letter
- ❖ Draft multi-lingual permit requirement poster, and data on foreign language use in MA
- ❖ June 12, 2012 Memo: “The BroadCast”
- ❖ Marine Recreational Fisheries Development Fund document, including: 2011 Permit Issuance and Fund Revenues, FY2012 Approved Budget & Projected Expenditures, and FY2013 Budget & Spending Plan Development
- ❖ Letters supporting the development of a fishing pier at Oak Bluffs
- ❖ Massachusetts General Laws Ch. 10 §35NN, and Ch.130 §17C