

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

**June 24, 2013
Wellesley, MA**

Attendance:

Panel Members: Chuck Casella (chair), Bill Smith, Mark Amorello, Patrick Paquette
(Absent: Mike Moss)

Department of Fish and Game: Commissioner Mary Griffin

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

Office of Fishing and Boating Access: Director Jack Sheppard

Call to Order, Approval of Agenda and Minutes

Chairman Chuck Casella called the meeting to order at 4:00PM. The Panel approved the agenda and the draft minutes from the Panel's November 15, 2012 conference call without change. Chuck reminded the Panel of its authorities; essentially, that the Panel can make recommendations and go on the record in support or opposition of the Division's proposed spending plan but cannot force the Division to amend its plan.

Update on CY13 Recreational Permitting

Issuance trends: Kevin Creighton indicated that this year's recreation fishing permit issuance is tracking last year's issuance and that the expected annual increase might not be realized. Roughly 154,000 permits were issued last year. Mike Armstrong added that the number of permits is within a couple hundred of this date last year, despite last spring's warmth encouraging early recreational angling. Kevin said issuance was a little slower this spring but had since picked up to even out the total. Mike said that about 25% of permits were issued free to the age 65+ group. Paul Diodati pointed out that this means the Division is collecting about \$1.2 million, including about \$40,000 in donations.

Mary Griffin asked if the Panel had any recommendations to increase compliance with the permit requirement. Mark Amorello said that the Office of Law Enforcement had reported pretty good compliance at the last Marine Fisheries Advisory Commission meeting. Paul noted that the Division had included a cut-out junior fishing permit in the new coloring books being developed by Elaine Brewer; hopefully it would create good habits.

Mike Armstrong added that Marine Recreational Information Program (MRIP) surveyors ask at intercepts if the angler has a permit; responses have suggested rather good compliance. Paul Caruso said that the surveyors don't ask a follow up question that would indicate why an angler is not compliant with the permit requirement. Mike reminded the Panel that anglers on for-hire vessels don't need a permit and we also have reciprocity agreements with neighboring states, both of which reduce the number of permits the Division could issue. He suggested that the old

estimates of 1 million participants generated by the Marine Recreational Fisheries Statistics Survey (MRFSS) were faulty.

Patrick Paquette asked if there was a way to estimate the number of anglers aboard for-hire trips annually. Mike thought this could be generated from the MRIP data but cautioned that the MRIP methods were not much different from the MRFSS methods. Patrick was certain that the participation estimates from MRFSS are poor and it wasn't clear to him if that gap was being filled by MRIP. He questioned how much faith should be placed in the MRIP harvest estimates if the participation efforts are not reliable. Mike said he'd have to look into the methodology for calculating each more. Bill Smith added that the number of anglers carried on a for-hire trip is collected from federally permitted vessel in their reporting.

Improving online purchases: Paul Diodati pointed to a Recreational Boating & Fishing Foundation (RBFF) press release offering six ways to improve anglers' online license purchase, and asked Kevin to address the recommendations.

1. Go Mobile: Kevin indicated that the Division is working with Active Outdoors on a mobile permitting application and the Department's legal team is looking into allowing an electronic form of the permit to be carried. Mary said this would require some discussion with law enforcement and a change in regulations as well. She said she would check in with legal counsel on the timeline, but asked when the best time for implementation would be. Kevin responded that, as a benefit to permit holders, it could really be rolled out at any time. Mary suggested a January 1, 2014 roll out might be possible.
2. Require Email Addresses: Kevin stated that this wasn't mandated in the Magnuson-Stevens Act Reauthorization that resulted in the Commonwealth's recreational permit requirement, thus we don't require email address but our permitting clerks ask and encourage their collection. A phone number is required as stipulated by the MSA.
3. Say "Thank You": Kevin indicated efforts were underway to do better. Next year, the donation product line on the receipt will be changed to include a thank you message. Paul added that information will also be made available online as to what the Fund money does.
4. Follow Up and Educate: Kevin indicated that the Active Outdoors website does point customers back to the Division's website after completion of a purchase for more information. Paul added that the Division recently launched Twitter and YouTube accounts to reach more people with educational and informational material.
5. Focus on Families (by having a family permit): Kevin indicated this isn't possible because the law requires each angler to be permitted.
6. Offer Spanish-language Translation: Kevin stated that we don't do this now. Patrick Paquette thought it was important to offer multiple languages. Mark Amorello pointed out that, according to RBFF, only one state actually does this now. Mary Griffin offered to explore options with Active Outdoors, although Kevin pointed out that making the application multilingual would likely require a change order (i.e., incur costs). The language or languages to offer in Massachusetts may not be as cut and dry as in other states.

Free fishing days for 2014: Paul reminded the Panel that the legislation creating the permit allows up to two free fishing days per year and that the Division, with Panel input, had selected the first Saturday and Sunday in June to match the freshwater free fishing days. He asked the Panel members to consider for the next meeting whether to maintain these days or consider

alternatives (e.g., later in the year for better weather, aligned with a holiday like Father's Day). Patrick stated that he liked the free days changing from year-to-year so as to allow different areas and species to be targeted.

Donations: Paul summarized the issue as how aggressive do we want to be in obtaining donations. Currently, the permit application lists \$10, \$25 and \$50 donation options, but the Division doesn't do anything to advertise these. Kevin said that the \$50 option was just added this year and thus far 35 have been made.

Paul suggested that seeking donations might necessitate being more specific about where the money goes (i.e., to research for a specific species or a fishway in a specific town), but that would reduce flexibility and could create an awkward situation if the appropriation from the Fund did not meet our request and a project was not funded. There was general consensus that offering specific projects to make donations towards should not occur at this time.

Mike noted that those making donations were largely those that get a free permit.

Recap of FY13 Fund Appropriation and Spending

Mike Armstrong directed the Panel to Kevin Creighton's June 18 memorandum about the Marine Recreational Fisheries Development Fund (Fund). Roughly \$1.5 million was carried forward from FY12 and an additional \$1.15 million in revenue was added to the Fund in FY13. With FY13 program expenditures of about \$730,000 and a fringe assessment of about \$80,000, the Fund totals roughly \$1.8 million at the close of FY13 to carry into FY14. Mike pointed out that this means we are bringing in more than we are spending. Mary stated that we had asked for more than the roughly \$800,000 that was appropriated by the legislature for FY13. Kevin informed the Panel that for FY14, the Division had requested an appropriation of \$1.2 million, but received closer to \$1 million. Mike went on to summarize the status for each Project endorsed by the Panel for FY13.

The **Recreational Permitting Project** funded two full time equivalent (FTE) positions in the title of Licensing Clerk, one each in Gloucester and New Bedford, with responsibility for issuing recreational permits, logging permit data as well as MRIP data, and serving as principal contacts for recreational angling inquiries.

Through the **MRIP Project**, the Division has contracted through AIS 20 samplers to conduct all MRIP field intercept sampling in Massachusetts of anglers on shore, private boats, charterboats and headboats. One FTE paid through the Fund oversees the project. Mike indicated satisfaction with the quality of contractors available, who work 40-hour weeks in the position. Conducting the project internally (rather than federal oversight of contractors) enables us to ask more questions of anglers, like what hook they use, and establish a goal to double sampling effort.

Patrick asked how the sampling was going in terms of complying with federal requirements. Paul Caruso responded that the Project can handle 200+ sampling events per month, and that this month, for example, the Division collected double the federal requirement. Mike added that it does cost a lot of money to have direct oversight of the sampling and at this level, but it enables the Division to promptly tackle any problems.

Chuck asked if the Fund had received the projected reimbursement of \$50,000 from National Marine Fisheries Service (NMFS). Kevin responded that it had been invoiced, but not paid yet. He expected payment later in July, and expected that the amount would be closer to between \$80,000 and \$90,000.

Paul asked if the Panel members had heard any feedback from anglers regarding MRIP sampling. Patrick said that he used to hear about a lot of bad instances, but hadn't been hearing any recently.

The Division hired a full time coordinator under the *I & E Project* to provide informational and educational materials to the public. Mike listed a few of Elaine Brewer's major accomplishments in FY13, like the website portalization, launching twitter, YouTube, and flicker accounts, and completing a striped bass tagging video with another coming on white vs. baking shark identification.

Chuck asked if videos promoting recreational angling that the Panel wanted were being developed. Paul said they were still forthcoming, that Elaine was just starting to ramp up on video production having completed the website revamping. He explained that Elaine was experimenting doing the videos internally because video production software is relatively cheap and easy to use, although he suggested that a contractor could be hired if the production time is overly protracted. Mary added that the Division of Fish & Wildlife was thinking about working through a local university to get affordable, semi-professional video editing assistance for an upcoming video. Paul indicated that *Marine Fisheries* was considering that option as well.

Mike stated that it would be helpful to know specific subject matter the Panel would like videos to focus on. He thought that the videos ought to cover material that you can't already find an abundance of on the internet. Patrick suggested public access sites in MA. Chuck suggested the types of species you can fish for in different times of the year and places in the state, like spring Cape Cod fishing. Mark suggested recreational lobstering. The Panel agreed that a video promoting recreational fishing in the state should be Elaine's next priority.

Mike informed that Panel that the two new biologists hired for the *Diadromous Fish Project* were working out beautifully and that the Division's diadromous species work had expanded greatly. Four new counting sites are up and running, with revised and improved counting technology, like counting tubes and video. Twenty sites now have fish counts collected through one method or another (including volunteer citizen counters). As an aside, he added that the runs this year had been big.

Chuck asked if these resources (counters) will be able to support opening rivers in the future. Mike responded, yes, because sustainability plans require monitoring. He thought the Nemasket and Monument Rivers would be the best candidates for a sustainability plan allowing some fishing, and that it would probably be a 9-month process to gain Atlantic States Marine Fisheries Commission approval for controlled re-opening. He noted that towns were not banging down doors asking the Division to reopen runs.

Through the *Public Access Project*, the Fund supported construction of a new fishing pier in Oak Bluffs, Martha's Vineyard. Paul reminded the Panel that they had approved an expenditure of about \$200,000 from the Fund for the pier; in addition, the Division had reprogrammed another \$580,000 or so, bringing the Division's contribution to the project to over three-quarters of the \$1 million total cost.

Jack Sheppard reported on the construction schedule. Completion is likely in the fall, possibly October. Mary stated that the Department would help with a big press event to mark the completion of this important project. Patrick asked that emphasis be placed on how the project reclaimed lost public fishing access.

Chuck inquired as to progress on developing the smart phone public access mapping application. Ross Kessler, the Public Access Project Coordinator, handed out copies of the Google maps available through the Divisions website that locate for-hire operators, boat ramps, and tackle shops in the state. With the website portalization, which helped make state websites "mobile ready", the maps function well on smart phones; however, a contractor is likely required to make a true mobile application for smart phones.

Ross listed a few other duties of his position: becoming a fixture in the community, meeting with fishing clubs, investigating locations for future projects, addressing access issues, two of which this year included crossing the rail road along the Cape Cod Canal, and lost access at Mass. Maritime Academy.

Chuck asked about the potential for a fishing pier on the Mystic River if a casino is built in Everett. Ross responded that a pier is shown in the developer's plans, and he had emailed the developer to get details. Mike suspected that there would be a public access requirement if the developer wins the bid. So far this is the only site under consideration that is coastal. The town referendum to allow the casino in Everett had just passed the previous weekend with 80% approval. Mary noted that she and Paul were planning to meet with the Gaming Commission.

Lastly, the *Recreational Fisheries Research Project* tackled two studies. For the acoustic data analysis, a post-doctoral researcher specializing in spatial analysis was contracted. A paper is expected to be submitted to a journal in another week or two on inshore-offshore striped bass movements. The work shows that most Stellwagen Bank fish do come inshore at some point, meaning they are not exempt from inshore fishing pressure. Other papers are forthcoming as well. The striped bass genetic study was still under way, but should tell us where the unusually small (11 – 13") striped bass seen last spring were coming from, and will inform population modeling.

FY14 Fund Appropriation and Division Spending Proposal

Mike handed out a revised (corrected) version of the proposed spending plan table. He stated that the Division had asked for an appropriation of \$1.2 million, but received roughly \$1 million. One-third of that, about \$350,000, has to be used for public access projects as per law. He went on to summarize the projects under the proposed spending plan.

The **Recreational Permitting Project** would continue with little change from FY13. Costs include two FTEs, postage, supplies, and overtime (OT) pay for shows, for a total of about \$98,000.

Patrick asked if the cost of staff being at shows is made up for in permit sales occurring there. Mike did not have the revenue numbers handy but thought permitting should occur at these events regardless. Patrick agreed but wasn't convinced the OT pay should come entirely from the Fund. He also didn't want the Fund to be used for maintaining pre-existing costs. Paul noted that the OT pay shown (\$15,000) is not just for the two FTEs paid through the Fund, but a dozen or more employees that staff the events. He reminded Patrick that the benefit of being there is not limited to issuing permits, but interacting with the public, answering questions, promoting angling in the state, etc. and surmised that most of the time spent talking to constituents at shows is about recreational issues.

Kevin guessed that the actual cost of OT pay this year was closer to \$5,000 (due to a blizzard, low turnout, and increased staff efficiency). He said he'd check this and what percentage it is of the total cost of being at the shows. (Following the meeting, a memorandum was provided to the Panel in which Kevin estimated the total cost of being at the three shows in 2013 was \$16,640, of which only \$4,222 was OT pay from the Fund. During the shows, in excess of 1,300 permits were issued, easily covering the cost of the OT pay.) Mary noted that OT rules had recently been tightened and that permitting would probably not happen at the shows without the additional money from the Fund. She also thought that DFW presence at shows is entirely supported by license sales.

The **MRIP Project** would continue with expenses totaling roughly \$250,000 for the FTE coordinator, 20 seasonal contractors, supplies, uniforms, and mileage. The price tag is higher this year than last because it's a full year. Mike estimated that the reimbursement from NMFS would be \$190,000, which would roll back into the Fund for re-appropriation in future years.

The **I & E Project** would continue with expenses totaling roughly \$68,000, for the FTE coordinator, printing costs, supplies, software and travel. The costs could be higher if a contractor is brought on for video production.

The **Diadromous Fish Project** would continue without significant change at a cost of roughly \$125,000 for two FTE biologists, supplies, sampling gear, and video counting equipment.

The **Public Access Project** would be budgeted \$350,000 of the appropriation (1/3 of it). After taking out the coordinator's salary, supplies, and improvements at Craven's Landing, Mike indicated that this leaves about \$277,000 for access projects. Paul suggested that Mike continue reviewing the other remaining proposed project before discussing the specific sites for public access. He moved on to the next proposal.

Under the **Recreational Fisheries Research Project**, work would continue on the striped bass acoustic data analysis, with a focus on stock identification and movement. Mike indicated that another two or three papers would likely result from the research. Chuck wanted to confirm that

there was an end point to funding this study. Mike indicated that the funding would conclude at the end of December.

The Division is proposing a new **Artificial Reef Project** under the Fund. The Project would monitor (not build) existing and future artificial reefs. Mike explained that four reefs currently exist in Massachusetts waters, with a new reef coming to off Harwich and an expansion coming to the reef off Yarmouth. The Division is required to monitor the new reef and would like to monitor all reefs. Video could be captured to help promote the reefs. Paul added that anglers are always asking for more artificial reefs, but they can't be built without funding for monitoring.

Patrick questioned whether there would be any restrictions to fishing on the reefs; he didn't like the sound of paying to monitor the reefs with the Fund if recreational anglers were restricted by rules or the reefs became unusable because of commercial gear. Paul suggested that monitoring the sites would indicate whether commercial gear became a problem; if so, it could be addressed then.

Next, the Division proposed to initiate an **Estuarine Survey Project** under the Fund. Mike explained that the state has next-to-no monitoring of our estuaries, whereas most states have an estuarine survey to provide juvenile abundance indices and biological samples. The only data available is dated; newly collected data would feed into stock assessments (to the benefit of anglers). As an example, he cited Maryland's juvenile seine survey which is a key data input into striped bass stock assessments. The initial cost in FY14 would be \$90,000 starting in January, although the project would likely cost about \$220,000 per (full) year.

Chuck indicated that while he supported collecting this important information he had a philosophical problem with adding more permanent liabilities – in the form of FTEs – to the Fund's payroll. Mark was also concerned about adding more staff in perpetuity and also noted that both the commercial and recreational fisheries would benefit from the improvements to stock assessment, suggesting that these ought to be some cost-sharing. He had hoped more money would go towards access projects as the Fund grew. Patrick also wondered if there weren't alternative funding options for an estuarine survey, and worried about people's perception of paying for this type of project with the Fund. He preferred more money go into the I & E Project than be spent on the estuarine survey.

Paul stated that he appreciated these concerns, and agreed to rethink this proposal. He suggested there might be a way to cost-share. He agreed to discuss this proposal again with the Panel later this year, noting however that investment in these types of projects is what it takes to be a leader in the field.

The last new project proposed by the Division was a **Recreational Stock Assessment Project**, in which one new FTE analyst would be hired to conduct statistical and modeling assessments of recreationally important species including scup, fluke, black sea bass, bluefish, tautog, and winter flounder. The individual would participate on interstate assessment committees and provide technical analysis of management options. Mike explained that the Division lacks personnel with the required technical skills that can focus on these species and help produce

better stock assessments and analyses for management use. He noted that too much of the collected data go unused because of not having a person to analyze them.

Chuck stated his opposition to using Fund money for work that is an integral part of what the Division does and should already be funded. Mark commented that this Project presents the same problem of permanent liabilities, but that he did support it more than the estuarine survey because of the more tangible benefits to recreational anglers.

Chuck thought it was a hard sell to have half the Fund going towards salaries, and restated his concern that the staffing costs never expire. He was also concerned that salaries were not what anglers thought permit fees would be going towards when the permit was created. Paul indicated the Division had told anglers we'd spend 1/3 on public access and the rest on other projects; the latter of which has to include dedicated staff to run them.

Patrick suggested that it was disingenuous to call this potential employee a "recreational" stock assessment person, as better assessments benefit all sectors. He was concerned this also looked like a shift of normal operating costs to the Fund.

Mark said he'd reconsidered and thought that as long as 1/3 goes to public access, the Division and Panel are not wrong in implementing these other projects.

Paul stated that the Division was not able to perform assessment work for these recreationally important species anymore without another assessment person. He explained that Paul Caruso, who has been the technical committee representative for many of these species, has had to divert most of his time to supervising the greatly expanded MRIP sampling. In that case, Patrick suggested that Paul Caruso's salary be supported by the Fund instead.

Bill Smith stated that if it can be documented that the new hires benefit recreational anglers, he could support the expenditure. Mary said she understood the Panel's concerns about adding permanent staff, but emphasized the importance of having dependable stock assessments.

Paul said that the conversation was suggesting the Division ought not put other monies (like the \$580,000 extra for Oak Bluffs) towards public access, if the Panel only wanted to spend the Fund monies on public access, as those other funds will be needed to complete the hires some Panel members were opposing. He wasn't sure what else the Panel wanted to spend the Fund money on if not new projects that would benefit recreational fisheries science, research and management. He stated that the 1/3 dedicated to public access would not be jeopardized by a need to cover the cost of salaries.

Chuck suggested tabling the conversation for now and the Panel agreed.

Paul returned to the **Public Access Project** and how to spend the approximately \$277,000 remaining in the project's budget after accounting for the coordinator's salary, supplies, software, and Craven's Landing. Ross Kessler presented a proposal that included expenditures of \$193,000. He stated that the Office of Fishing and Boating Access (OFB) did not have a big shovel-ready project like last year, thus the proposal includes design and permitting costs for

three potential access projects (\$20,000/each), plus four smaller infrastructure improvement projects (\$133,000 total).

The design and permitting expenses would be for: a fishing pier at Cashman Park in Newburyport; a fishing pier at Blyman Canal in Gloucester; and either (or both) a fishing pier at Deer Island in Winthrop or Damon's Point in Marshfield. Ross noted it was important to start now with some new projects because they can take several years to get ready and it will provide the Panel with multiple projects in the future to choose from.

The four proposed improvement projects include: replacement of the beach access stairs at Popponesset Beach in Mashpee (\$25,000); re-alignment of the beach path and re-engineering of parking at Dogfish Bar in Aquinnah (\$10,000); replacement of floats at the Westport Boat Ramp (\$48,000); and addition of car top boat access and parking at Harbor Park in Marshfield (\$50,000).

Jack Sheppard discussed some details of the projects proposed for design and permitting. Regarding Cashman Park, the existing ramp was built some 40 years ago. The idea is to turn the old pier over to the town and build a new pier. He thought the old, decaying pier could be the most used access site in the state. He estimated the full project costs to be \$250,000 to \$300,000. The project could potentially be construction ready for FY15, as OFB had already secured local support and a town agreement. He was also close to finalizing a town agreement for the Gloucester Harbor project; a draft was at the Mayor's office. The other two projects were in their early conception and lack town agreements.

Chuck wondered if it made more sense for the Fund to pay for actual construction costs rather than design and permitting costs (because it could be money spent that doesn't actually result in a project to improve access). Mary replied that there are no end products to pay for without design and permitting upfront. Chuck and Mark suggested that OFB could pay for the design and permitting with monies saved on the Oak Bluffs pier given the Division's two large contributions. Mary indicated that OFB didn't save any money; the pier just wouldn't have been constructed without the Division's help.

Bill indicated preference for prioritizing the Deer Island project over the Damon's Point project because of the number of people that would benefit from improved access there.

Chuck asked if it was likely that any construction would actually occur in FY13 on the projects proposed for design and permitting. Jack replied that it was unlikely. He indicated that OFB did have two other projects that were ready for permitting in Fair Haven and Yarmouth (Parker River). Ross stated he'd excluded these projects from further consideration having just done the Yarmouth Bass River pier and a desire to build north of Boston. Mark indicated support for queuing up these projects too, for more options in the future. Jack noted that he was also in negotiations with West Newbury for a pier and ramp similar to the Bass River project.

Chuck asked if the Panel was comfortable paying for the design and permitting costs when an existing agency (OFB) has a history of doing so. Mary replied that projects might not happen for years if the Panel relies solely on OFB to line up construction-ready projects. Chuck again noted

his discomfort with taking on the upfront costs when projects might not happen, and preferred supplementing the end product. Mark disagreed, saying that funding end products requires getting more projects shovel-ready. Bill and Mark indicated they had no problem with the proposals.

Patrick wanted more information on the total project costs before committing to paying for the design and permitting costs. Jack indicated that Cashman Park would be about \$250,000 to build, Gloucester Harbor around \$175,000, but couldn't provide estimates for Deer Island or Damon's Point yet. Patrick said that he could support the expenditures for the first two projects in that case, but hesitated to say the same about Deer Island and Damon's Point.

Chuck noted that even if all the proposed expenditures were made, there is still another \$80,000 in the budget for access projects. Jack said OFB has more projects at various stages of work that could be candidates. Chuck stated support for the Panel also coming up with its own projects.

As the hour was late, Chuck determined that he would follow up with the Panel members after the meeting to poll them regarding their support or opposition on each Project proposal. With no other business on the agenda, the meeting was adjourned.

On July 24, 2013, Chuck submitted to the Division the Panel's follow-up input on the proposed Fund spending plan for FY14. In short:

- The Panel was in unanimous support of funding the ***Recreational Permitting, MRIP, I & E, Diadromous Fish, Recreational Fisheries Research, Artificial Reef, and Recreational Species Stock Assessment*** project proposals as presented.
- The Panel was in majority support of funding the ***Public Access Project*** proposal, including the design and permitting expenses and the infrastructure improvement projects, as presented, with an understanding that more projects would be presented later in the year for the remaining budget.
- The Panel has an understanding that the Division will further review the ***Estuarine Resource Project*** proposal and possibly bring a revised proposal to the Panel in the future.

Meeting Documents

- ❖ June 24, 2013 Draft Meeting Agenda
- ❖ November 15, 2012 Draft Meeting Minutes
- ❖ Press release: "RBFF Offers Six Ways to Improve Anglers' Online License Purchase"
- ❖ Memo: "Marine Recreational Development Fund, June, 2013", dated 6/18/13
- ❖ Document: "2014 Recreational Permit Review – Project Proposals"
- ❖ Table: "FY 2014 Recreational Permit Revenue Spending Plan", as revised 6/24/13
- ❖ Document: "2014 Public Access Spending Plan Proposal"