

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

**June 24, 2015**

**Hanover, MA**

***Attendance:***

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

*Department of Fish and Game:* Commissioner George Peterson, Deputy Commissioner Mary-Lee King

*Division of Marine Fisheries:* Deputy Director Dan McKiernan, Assistant Director Mike Armstrong, Chief Fiscal Officer Kevin Creighton, Policy Analyst Nichola Meserve, Senior Biologist Greg Skomal, Biologists Dave Martins, John Boardman and Matt Ayer, Coordinators Ross Kessler and Elaine Brewer, Assistant Coordinator Maren Olson

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

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

Chuck Casella called the meeting to order at 1:15PM. Introductions were made. The Panel approved the agenda and draft minutes from its June 2, 2014 meeting without modification.

**Update on CY15 Recreational Permitting**

Kevin Creighton provided a summary of permit issuance trends, donations to the Marine Recreational Fisheries Development Fund (Fund), and permitting outreach and improvements. To summarize, permit issuance grew roughly 2.5% per year during the first four years, and issuance in 2015 is tracking with 2014's total issuance of about 163,000 permits. Donations have been relatively steady at \$35,000 - \$40,000 per year, but are down about 10% this year compared to the same time last year.

For improvements, the Division has been working on implementing recommendations resulting from a Recreational Boating and Fishing Foundation (RBFF) review of online fishing permit applications. Massachusetts ranked highest in this assessment that occurred two years ago. One major advancement made last year was allowing for recreational permit holders to electronically sign the permit and display it via a mobile device if requested in lieu of carrying a signed paper permit. Focus is now on creating a more mobile-friendly application, which is key because about 65% of our recreational permits are issued online. The Division also worked with RBFF on a second permit renewal reminder campaign.

Several additional improvements are forthcoming as a result of contract renewal with *ActiveOutdoors*. The current contract expires November 30, 2015. *ActiveOutdoors* was (re)selected through a competitive bid process that returned a number of good options. Revisions will include: reduction in the online transaction fee from \$1.50 to \$1.34 on December 1, 2015; cleaning up the duplicate user profiles in the database (most of these are created at external vendors when a sales agent doesn't check for the applicant in the system before creating a new identity; duplicate user profiles become problematic when the user tries to renew the permit

online in a subsequent year); addition of a fish identification feature to the application; and new capabilities for targeted outreach to permit holders.

Patrick Paquette asked if we've likely reached maximum compliance with the permit requirement. Kevin responded that the numbers are leveling off, and that the Division's initial estimates about issuance proved to be too high because we hadn't factored in reciprocity agreements with other states.

Patrick strongly recommended that the fish identification feature provide the regulations for the species as well. Given the magnitude of anglers using mobile permitting in combination with frequency of regulatory changes, he foresaw such a feature improving compliance.

Lastly, Patrick inquired if the transaction fee reduction would be passed on to the permit holder. Kevin confirmed it would.

### **Free Fishing Days**

Nichola Meserve summarized the history of the free fishing days. By law, the Director of the Division of Marine Fisheries may appoint two such days per year when a permit is not required. For the first four years, the Director had selected to mirror the freshwater free fishing days, these being the first Saturday and Sunday in June. At the Panel's urging last meeting, the (Acting) Director had selected Saturday, July 4 and Sunday, July 5 as the free fishing days for 2015. An Advisory had been issued in early May to this effect, and social media tools will be used to spread the word as the days approach. The Panel was supportive of the change and will make any recommendations for the 2016 free fishing days at its second 2015 meeting/call.

Mark Amorello asked if the Division had any means to measure participation in the free fishing days, such as through MRIP. Dave Martins and Mike Armstrong responded that this was not possible through MRIP because the survey is highly standardized and the field interviewers aren't allowed to ask if intercepted anglers have a permit. So there is not an easy means to estimate the effect of offering the two free fishing days.

### **Fund Overview**

Kevin presented a financial summary of the Fund from FY11 (inception) through FY14 and the expectations for the Fund in FY15. The balance to be carried forward each year has grown, reaching just under \$2.4 million (M) in FY14 to carry into FY15. Revenues collected and program expenditures have also grown to \$1.4M and \$0.9M, respectively, by FY14. For FY15, new revenue included \$1.19M from permit sales, \$35,000 in donations, and \$175,000 from NOAA Fisheries/RTI for the MRIP contract. The program expenditures of \$1.115M are a little lower than budgeted, mostly due to delays in hiring and a few proposed access projects' costs coming in lower than projected. The fringe assessment on the Fund was \$106,000 (which is not assessed against the annual appropriation from the Fund). Overall, the Fund will be starting out FY16 with about \$2.58M. Kevin supported the current level of spending and annual carryover for the Fund in order to provide a healthy buffer should revenues decrease or a larger access project arise for funding.

Mark asked if the Fund's positive balance wouldn't raise interest in diverting monies for other uses. Mary-Lee King and Kevin reassured Mark that the Fund was more protected now than before from such inappropriate uses.

### **Recap of FY15 Projects**

Mike Armstrong called upon Dave Martins, Ross Kessler, Elaine Brewer, and Greg Skomal (standing in for Brad Chase) to give presentations on the FY15 achievements of the MRIP, Public Access, Information & Education, and Diadromous Fish Projects, respectively.

Starting with the MRIP Project, Mike first introduced two recent developments. First, the Atlantic States Marine Fisheries Commission (ASMFC) now has the NOAA Fisheries contract instead of RTI International to conduct the Access Point Angler Intercept Survey (APAIS); the states, including Massachusetts, act as sub-contractors. Second, NOAA Fisheries now believes that effort estimates have been underestimated by as much as five-fold in past years. How to "correct" this has yet to be determined and the consequences are not yet fully understood. Mike explained that part of the problem is bias from using landline telephones for the effort survey; consequently, the survey will likely return to mailed forms.

Dave began his presentation with a review of APAIS assignments per month in CY2014. Each assignment represents a 6-hr sampling shift (during which a variable number of intercepts occurs depending on how busy the location is with anglers, their cooperation, etc.). Sampling began in March with a low level of assignments (15), ramped up through summer (187 in July and August), before declining and ending in December (8). The number of assignments for most months includes the NOAA base requirement plus DMF add-ons to improve coverage and the precision of results (e.g., July included 95 NOAA base assignments plus 92 DMF add-ons).

Dave explained that the seasonal field interviewers are designated to one of three regions covering the coast. He and biologists Matt Ayer and John Boardman each coordinate a region (manage seasonal staff, determine assignments, etc.). Overall, 2014 included 1,141 assignments, 43 less than in 2013. This is not a negative occurrence, but rather a sign of better management of assignments.

Patrick asked if more assignments should be designated to cover the fringe months so as to not bias results towards busy times and certain (summertime) species. Mike acknowledged that the survey works well for species that are frequently encountered (e.g., striped bass), but poorly for less encountered species (e.g., tautog fall fishing regardless of the number of assignments). He agreed this is a systematic problem in the survey.

Dave continued with a slide depicting interviews by month, as well as month and mode. July and August had the greatest number of intercepts (over 800 each). The private boat mode was more heavily sampled than shore and charter modes.

Dave then summarized headboat sampling, for which the field interviewers (in teams of two) actually go out on the vessel. The number of trips consists of the NOAA base, plus trips funded by ACCSP, plus DMF add-ons. A total of 68 trips was sampled, with 1,238 interviews made.

Throughout the sampling season, 3,610 harvested fish were sampled, providing 3,525 lengths and 746 weights. Coverage by species varied (e.g., high for striped bass and scup but low for summer flounder and winter flounder).

Lastly, Dave compared the MRIP precision estimates for annual striped bass catch throughout the New England states. Massachusetts' PSE is lowest, an indication of the value of the MRIP Project and the DMF add-ons in the APAIS.

Mike Armstrong acknowledged a growing trend of charter captains telling their patrons to not talk to MRIP interviewers because they mistakenly think it will result in more fishing restrictions. In reality, fewer intercepts leads to greater uncertainty and more conservative management. Division staff are making an effort to convince them of this. Patrick opined that for some operators part of their motivation is also to hide non-compliance with regulations. He was concerned that intercepts of non-compliant harvest is biasing the estimates and hurting the people following the rules (e.g., haddock). He perceived the state of recreational fishing in Massachusetts to be poor right now given stock declines and stringent regulations. Bill Smith pointed out that the number of anglers was increasing.

Up next was Ross Kessler with a presentation on the accomplishments of the Public Access Project in FY15. The work at Dogfish Bar in Aquinnah was completed including an improved parking area and legal path to the water. Three additional small grant projects were completed, bringing the total to eight projects to date: Weymouth added lighting to the Back River boat ramp; a Rock Harbor project included dredging to the State ramp; and Marshfield cleared a path to the water at Peter Igo Park and purchased a float for launching car top boats and fishing.

Mike noted that only about \$30,000 of the budgeted \$50,000 for the small grants was spent in FY15, indicating a need to better advertise the availability of these funds. Ross indicated that he was expanding his list of town officials to reach out to. Patrick suggested that word of mouth would also help to generate interest over time. He also noted that he'd heard a lot of good feedback about the Marshfield project.

Work in FY15 also included collaboration with the Massachusetts Natural Heritage & Endangered Species Program on a habitat conservation plan for plovers. The hope is to reduce the extent of plover-related beach closures via alternative measures.

The big infrastructure project for FY15 was the new and improved fishing pier at Cashman Park in Newburyport. Ross reported that the project was at the punch list stage and Doug Cameron indicated that it should be completely finished by June 30. Chuck asked if there would be an event to commemorate its opening. Ross said an event will be coordinated through the Commissioner's office. The Panel will be kept apprised.

The improvements at Scusset Pier were also completed, including a new and safe gangway. The Oak Bluffs pier was also outfitted with some accessories. Lastly, the permitting and engineering fees were paid for a new fishing pier in Fairhaven at the West Island boat ramp.

Chuck asked that the public access improvement projects continue to be publicized in the Division's Saltwater magazine.

The presentations continued with Elaine Brewer's summary of the Information & Education Project. This past year, she expanded the Division's involvement in social media to include Facebook (in addition to Twitter, YouTube, and Flickr). She shared some analytics to demonstrate the reach of these tools.

In terms of outreach materials, the recreational video series was completed. The three videos are available on YouTube. Elaine also prepared a third coloring book focused on marine habitats; the first two feature sharks and finfish.

The Lets Go Fishing fishing clinic series had been launched, with its first clinic in August at the Yarmouth fishing pier. The turnout had been good. The participants had a number of activities to do including learning how to cast, measure fish, and check regulations, and making fish prints. The half-time position to assist Elaine by coordinating the fishing clinics had just been filled by Maren Olson.

Elaine was also engaging with recreational anglers through several different events and creating a display about fishing for the Cape Cod Canal Visitor's Center. The small grants for external groups to have angler education events had been offered for FY15, but no one applied. Patrick suggested that if Division staff was available to also help coordinate the events there might be more interest. Mike thought this could likely be done for just a few events due to limited manpower.

Greg Skomal provided the last presentation on the Diadromous Project. The Division's Recreational and Diadromous Fisheries Program is longstanding but the addition of funds from recreation permits has allowed for a great expansion. Highlights include full implementation of new assessment techniques and technologies during 2013 and 2014, specifically otolith analysis, electronic counters, and a video counting system. With the addition of electronic counters in 2015 at the Back River in Weymouth and Herring Brook in Pembroke, the total number deployed is 10. The expanded monitoring program has recorded increases in herring counts at several rivers since 2012.

Fish passage projects over the last year included six fishways and three eel ramps. The fishway list includes: Tom Matthews Pond in Yarmouth; Mill Pond in West Tisbury; Carter Beal Park in Bourne; Seymour Pond in Harwich; Pilgrim Lake in Orleans; and Gorman Mill Pond in Pembroke. The eel ramp list includes: Silver Springs in Wellfleet; Mill Pond in Rockport; and Morey's Street Dam in Taunton. Greg displayed photos of a few of these passage projects.

Chuck asked about the timeframe for being able to open any runs to harvest based on the expanded monitoring capabilities. Greg responded that criteria for opening a run were under development, and spoke to the need to be methodical in this process. Mike Armstrong reminded the Panel that approval from the ASMFC is required to open any run under the interstate management plan. Chuck asked if it would be possible to allow limited harvest caught outside of the spring run and not in rivers, for example, allowing anglers to retain a few river herring when

fishing for mackerel. Mike thought it would be problematic because an angler wouldn't know what river a river herring caught at sea was from and whether it's a sustainable run or not. Patrick had difficulty accepting this response given the scale of commercial harvest under the bycatch cap compared to the scale of recreational harvest that would occur. Patrick and Chuck both worried that support for funding the Diadromous Project might wane if there's no progress towards allowing some recreational harvest. Chuck requested that the Division develop and present to the Panel a timeline or plan for re-opening river herring to recreational harvest. Mike noted that opening just one or two sustainable runs has the potential to result in poaching in the rest of the state. Dan McKiernan noted that the Division was undertaking a review of the fine structure for violations and would be sure to include river herring in light of the conversation.

Mark thanked the Division for the new electronic counter in Pembroke. He noted that the run counts had increased greatly with the switch from visual counting to electronic counting. Patrick asked about the run counts this year as he'd heard a rumor that they were down overall. Mike confirmed this wasn't true, but didn't have the specifics handy.

Patrick asked if the new data would enable a true coastwide stock assessment (as opposed to the run-by-run nature of the last assessment). Mike didn't think it would ever be possible given the genetic variability of river herring.

Seeing no more questions, Chuck commended the Division and its staff on the various projects funded with the recreational permit monies. Patrick agreed that it was great to have such a transparent process, and one in which the benefits were returned to the users. Commissioner Peterson praised the recreational community for its involvement in guiding the legislation that made it so.

### **FY16 Budget Proposal**

Mike Armstrong introduced the Division's spending plan for the FY16 Fund appropriation, expected to be about \$1.3M. He indicated that most of the proposed plan is similar to last year's approved plan, and that he'd highlight the differences. He mentioned that salary figures throughout the proposal were increased under union contracts and reminded the Panel that any unused monies would remain in the Fund for appropriation in a following year.

The Permitting Project is essentially the same, totaling roughly \$96,000, with expenses for two staff (receiving tellers), postage, supplies, and show overtime pay. This total is down a few thousand dollars from the prior year (less OT pay and postage needed).

The MRIP Project proposed budget comes to roughly \$400,000, of which \$175,000 is expected to be reimbursed by NOAA Fisheries. This is a roughly \$20,000 increase from the prior year (due to payroll). Line-items include the coordinator's salary, pay for 15 contract seasonals and one full-time seasonal, supplies, uniforms, and mileage.

Mark asked if the spending plan could include an additional \$175,000 in recognition of the NOAA Fisheries reimbursement that will come later in the year. Mike replied that this wouldn't be possible because the funds have to be appropriated by the legislature and that only happens once per year. Kevin added that the annual budget process generally starts around October.

The Information & Education Project has a proposed budget of roughly \$114,000, down from \$121,000 the prior year because no videos are planned. The budget includes the coordinator's salary, salary for a half-time assistant, angler education small grants, angler education gear and supplies, printing, miscellaneous supplies, software and travel. Mike noted that the half-time position had just been filled so the salary money from last year had stayed in the fund. The budget for printing was bumped up this year. Mike noted that the coloring books are tremendously popular, and some new materials for circle-hooks and a mono-filament recycling initiative would also go to print. Everything that is printed is also made available online.

Elaine clarified that the Division would continue to make videos in-house, but there weren't any more fully produced videos planned with an external contractor. The Division has several GoPro cameras that it uses to collect video and various software packages for editing.

The proposed budget for the Diadromous Fish Project is roughly \$184,000, up \$14,000 from the prior year due primarily to a need for the seasonal hires to stay on an extra month to help complete tasks. Line-items include salary for two biologists, pay for four seasonals, supplies and sampling gear, video counting equipment, and travel, conference fees and publication costs. Mike clarified that the video counting equipment budget is for new installations, not maintenance of previously installed equipment. He discussed the current, more affordable technology being used for these counters.

As per the Fund's legislation, one-third of the appropriation or roughly \$435,000 will go towards the Public Access Project. This is up \$5,000 from last year. Carryover line-items include the coordinator's salary, miscellaneous supplies, the Craven's Landing seasonal employee, the small grants program, and a vehicle lease, leaving over \$300,000 for direct infrastructure investments. Regarding the small grants program, the maximum grant award would be increased from \$10,000 to \$15,000.

Ross added more specifics on using the infrastructure budget. The bulk of monies would be used to construct the West Island Fishing Pier in Fairhaven, for which FY15 funds went to permitting and design work. The project is expected to cost between \$150,000 and \$200,000 based on past projects of a similar scale and nature. Doug Cameron stated that if the costs were greater than expected, OFB could kick in some funding. Parking is already available at the site and not factored into this cost.

Work towards future construction of a Deer Island fishing pier would continue with \$20,000 for engineering and design work now that an MOU had been signed with the Massachusetts Water Resource Authority. Actual construction of this pier is likely two to three years away still. Ross described the location as one that would attract and be used by people of various socio-economic backgrounds.

Another \$10,000 was proposed to continue working with the Natural Heritage Program on the alternative plover management (goes to contractor fees). The heavily-used fishing pier at the mouth of the Bass River in Yarmouth would receive \$45,500 for required maintenance (new railing, lighting, etc.). Ross noted that this is not the new pier on the Bass River just built with

Fund monies. Lastly, The Trustees of the Reservation (TTOR) had approached the Division about helping to finance replacement of a causeway on Chappaquiddick (Martha's Vineyard) that provides access to properties of both TTOR and the Division (Leland Beach). The Division proposed to offer \$10,000, just a portion of the project's overall cost.

Patrick spoke in favor of the Deer Island pier project, and hoped the Division could identify more places that would be accessible to a diverse population of anglers, including lower income and inner city families. He expressed concern about the cumulative sums going towards projects in Yarmouth and Martha's Vineyard. Bill agreed that the funds/projects ought to be spread out along the coast, and was glad to see that happening with some of the planned projects. Patrick requested the Division create a map identifying where all the funded projects are, big and small, with their costs.

Moving on, the Artificial Reef Project would receive roughly \$6,600 in FY16 funds, down from \$9,200.

Lastly, the Recreational Stock Assessment position would receive roughly \$61,000. Mike Bednarski, previously part of the Diadromous team, had been hired for the position, which was posted externally during the process and resulted in many applicants. He had been assigned to the technical committees for numerous species, including black sea bass, scup, fluke, tautog, and bluefish, and might also join winter flounder soon. The ASMFC was glad to have him and his technical abilities at their disposal.

Having reviewed the full budget proposal, Chuck asked if there was support from the Panel for all projects. There was, with two stipulations regarding the infrastructure projects. First, that the contribution towards the Chappaquiddick causeway be capped at \$10,000. Second, that the causeway and the Yarmouth pier repairs were the lowest priority for investments should there be a need to cut costs.

Ross and Mike also sought the Panel's input about a possible use of future Public Access Project funds: installation of a 10-acre artificial reef in Nantucket Sound, off Yarmouth and Harwich, to be built with construction material from a torn down high school. The project was already permitted and the material ready for placement, and the Town is looking for financial assistance for transportation and installation of the material. Mike asked the Panel if they would qualify this as "public access" given that the improved fishing opportunity would only be accessible to those with boats.

Bill asked Mike if he had a sense as to how many anglers would use the reef. Mike noted a nearby tire reef that gets loaded with private and for-hire vessels. He indicated that the Division and Panel would have to consider whether certain commercial gears or commercial fishing in general would be prohibited from the site. There was discussion of other states and NOAA having gone through a similar process of limiting commercial access to artificial reefs. Chuck stated that he would be supportive of the project if access was isolated to recreational activity. Patrick said he thought it would be an appropriate use of the Fund but that he didn't consider it "public access". Mark commented that while the reef wouldn't benefit shore-based anglers, it would be a resource for the diverse clientele on for-hire boats. Mike Moss also hesitated to call

building a reef a public access project. As a whole, the Panel was supportive of the fishing reef and financing it's placement with available Fund monies in the future, just not the one-third set aside for public access improvements. Commissioner Peterson noted that there could be some capital funding available mid-year, and the Panel supported pursuing this money as another possible funding source for the reef.

### **Other Business/Adjourn**

Chuck suggested the second week of November as the timeframe for a follow-up call/meeting of the Panel.

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

### Meeting Documents

- ❖ June 24, 2015 Draft Meeting Agenda
- ❖ June 2, 2014 Draft Meeting Minutes
- ❖ Proposed FY 2016 Recreational Permit Revenue Spending Plan

### Meeting Presentations

- ❖ Update on Recreational Permitting & Fund Overview
- ❖ FY15 Project Achievements
- ❖ FY16 Public Access Infrastructure Proposal