

MARINE FISHERIES ADVISORY COMMISSION

August 24, 2017

DFW Field Headquarters

Westborough, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Kevin Creighton, CFO; Jared Silva; Story Reed; Melanie Griffin; Cate O'Keefe; Steve Wilcox; and Wendy Mainardi.

Department of Fish and Game: Ron Amidon, Commissioner; and Mary Lee King, Deputy Commissioner.

Members of the Public: Beth Casoni; John Verissimo; Tom Terra; David Meservey; Brett Hoffmeister.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane welcomed everyone to the August 2017 Marine Fisheries Advisory Commission (MFAC) business meeting. He introduced Ron Amidon, the new Commissioner of the Department of Fish and Game. Ron provided a brief personal introduction highlighting his previous work experience and interactions with the fisheries and wildlife management. The MFAC provided introductions focusing on their work in the fishing industry.

APPROVAL OF JUNE 15, 2017 MFAC BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the August business meeting agenda. No amendments were made.

Bill Doyle moved to adopt the agenda as provided. Lou Williams seconded his motion. The agenda was approved unanimously.

REVIEW AND APPROVAL OF THE MAY 4, 2017 MFAC DRAFT BUSINESS MEETING MINUTES

Lou Williams stated that he did not have corrections to the draft June 15, 2017 MFAC business meeting minutes. However, he was interested in DMF's progress in reviewing his request to allow the transfer of gillnet permit endorsements. Director Pierce indicated that he was working on this issue and expected he would be ready to brief the MFAC on whether or not he would take this issue to public hearing at a fall business meeting.

No further comments or corrections were made. **Bill Doyle moved to adopt the minutes as provided. Lou Williams seconded his motion. The June business meeting minutes were unanimously approved.**

CHAIRMAN'S COMMENTS

The Chairman noted that the ASMFC was scheduled to meet again in October 2017. He was looking forward to the MFAC providing input on the various issues DMF will have to weigh in on at this meeting.

COMMISSIONER'S COMMENTS

Commission Amidon did not provide any comments.

DIRECTOR'S COMMENTS

Director Pierce welcomed Commissioner Amidon to his first MFAC business meeting. David noted that he had been briefing Ron on a variety of issues and was looking forward to working with him.

David shifted to discuss federal fishery management issues. He and staff were working with the Northeast Fisheries Science Center (NEFSC) regarding operational assessments for groundfish stocks. Of particular interest was incorporating DMF's Industry Based Survey (IBS) data into these "turn of the crank" assessments.

The completion of the SMAST facility in New Bedford was on schedule and there would be a ribbon cutting event on September 29. He invited MFAC members to attend. The SMAST facility was being built in the far south end of the city and Mayor Mitchell was involved in turning this area into an "innovation district". David noted the mayor was also interested in growing the aquaculture industry in the city and staff was working with him on this topic.

David closed his comments by discussing the Carlos Rafael case. He expected sentencing to occur at the end of September. There was still a lot of controversy regarding how to deal with his various permits and quota allocations.

LAW ENFORCEMENT'S COMMENTS

Lt. Matt Bass stated that Law Enforcement had a busy summer with issues in nearly all of the state's fisheries. He expected that there would be a number of requests for hearings to implement permit sanctions for fishery violations.

Ray Kane asked if there had been any progress on DMF's proposal to modernize the state's penalty schedule for marine fishery violations. Mary-Lee King stated that the proposal was being reviewed by the Executive Office of Administration and Finance.

Sooky Sawyer stated that there was a recent incident involving a dragger possessing lobsters and he was curious why law enforcement chose to donate the lobsters rather than release them. Lt. Bass was uncertain, but stated that decision was likely influenced by the physical condition of the animals and the proximity of the fishing grounds.

ACTION ITEMS

Recreational Gulf of Maine Cod and Haddock Limits

David reviewed DMF's recommendation memo. The proposed limits, listed in the table below, were enacted by emergency regulation in July 2017. DMF was now looking to adopt these limits as final regulations with no changes. No comments were received during the public comment period and public hearing. David noted that DMF worked to complement federal rules to the greatest extent practicable, but often allowed for slightly more liberal rules for private anglers in state-waters. He did not anticipate that the federal government would object to this decision.

Recreational Gulf of Maine Cod and Haddock Limit Proposal

Species/Mode	FY	Summary of State Rule Change	Open Season	Bag Limit	Size Limit
GOM Cod For-Hire	2016	Limited fishery now closed	August 1 – Sept 30	1-fish	24"
	2017		Closed	No retention	N/A
GOM Cod Private Angler	2016	No Change/Status Quo	Jan 1 – Dec 31	1-fish	19"
	2017		Jan 1 – Dec 31	1-fish	19"
GOM Haddock For-Hire	2016	Additional fall closure and reduced bag limit	Jan 1 – Feb 28 Apr 15 – Dec 31	15-fish	17"
	2017		Jan 1 – Feb 28 Apr 15 – Sept 16 Nov 1- Dec 31	12-fish	17"
GOM Haddock Private Angler	2016	Reduced bag limit	Jan 1 – Dec 31	15-fish	17"
	2017		Jan 1 – Dec 31	12-fish	17"

The Chairman asked the MFAC for a motion. **Sooky Sawyer made a motion to adopt the Director's recommendation as provided. Charles Quinn seconded the motion.**

The Chairman opened this agenda item for discussion.

Andrew Walsh asked if DMF was concerned that having disparate state-rules may result in artificially inflated harvest estimates that may influence future limits and slow the process of rebuilding stocks. David did not have this concern. The additional catch that would be attributable to the private angler fishing only in state-waters was expected to be miniscule and should not have any impact on overall stock health.

Andrew Walsh followed up and asked if Maine or New Hampshire had adopted similar cod and haddock exceptions for their state-waters private anglers. David stated that they did not, likely because of their lack of access to these fish in state-waters.

Andrew suggested that these states may then be inclined to use this exemption to pressure us on other issues, for instance Maine's state-waters halibut fishery. David did not think that the state's recreational private angler rules for cod and haddock weakened its position on issues like Maine's halibut fishery because the arguments needed to be made relative to the impact of the exempted fishery on the resource.

Mike Pierdinock was frustrated by the federal government's delay in implementing their 2017 recreational fishing limits for Gulf of Maine cod and haddock. Particularly, he was concerned that the 15-fish haddock bag limit from May through July would skew both haddock harvest and cod discard estimates. This may in turn require more restrictive limits in 2018. He noted that he raised these concerns to NMFS and was reassured this would not be held against the recreational fishery. However, he remained skeptical about the reassurance. Additionally, he felt strongly that this delay in rule-making was symptomatic of a larger issue, and that was that NMFS did not take recreational fishing issues seriously enough.

Mike also reiterated his interest (stated at previous business meetings) of pursuing an exempted fishery that would allow the for-hire fleet to target cod and haddock to analyze recreational fishing gears and techniques that may lower discard mortality. Mike stated that NMFS seemed uninterested in moving such a program forward and suggested that DMF could influence NMFS if the agency supported the project.

David stated that he would arrange a meeting with Mike and staff to further review this request.

Ray stated that the federal system was notoriously slow. Now, with John Bullard retiring as the Regional Administrator, he expected there response time would be even slower until the new Regional Administrator was brought up to speed.

Mike understood Ray's statement. However, he felt that John Bullard did not support the recreational fleet and a new Regional Administrator may have a better relationship with recreational fishing interests.

No further comments were made. The Chairman called the motion to a vote. **The motion passed unanimously.**

Southwestern Cape Cod Bay Surf Clam and Ocean Quahog Closure

Director Pierce thanked Deputy Director McKiernan for his efforts to attempt to resolve an ongoing gear conflict between Sandwich and Plymouth area lobstermen and two surf clam dredge vessels. However, based on a recent meeting between the stakeholders, it did not appear that the lobstermen and the dredge boats could reach an agreement. Therefore, the Director was looking to take action and intercede to close a discrete area

in southwestern Cape Cod Bay - off of Ellisville Beach (Plymouth) - to surf clam and ocean quahog dredging through October. The agency would meet with the stakeholders again this winter to find a long term resolution.

Dan explained that DMF's mobile gear regulations allow the state to temporarily close areas to address conflicts between mobile gear and fixed gear fishermen and to protect new shell lobsters from the impacts of mobile gear. This summer there was an unusual influx of surf clam and ocean quahog dredge fishing activity into an area off Ellisville Beach.

This area was not traditionally fished by the dredge fishery during the summer, but there were several factors that influenced the presence of this activity in 2017. However, the area is densely populated by lobster gear throughout the summer and early fall. As a result, there were numerous reported gear conflicts and lobstermen were raising concerns about the impact of hydraulic dredges on new shell lobsters. Moreover, the area lobstermen have lost access to their wintertime fishery in this area and did not feel like they should have to accommodate this new fishing activity during the height of their fishing season as the clams would remain available to harvest during the winter.

As a result, the Massachusetts Lobsterman's Association petitioned DMF to close the area to surf clam and ocean quahog dredge fishing. DMF met with the affected fishermen to determine if a compromise could be reached, but such a deal could not be brokered. Accordingly, DMF was proposing to close the waters west of 70° 29' longitude and south of 41°55' to surf clam and ocean quahog dredge gear through October 31, 2017.

Dan expressed his strong interest in maintaining a viable inshore surf clam fishery. He noted that there were a number of issues currently affecting this fishery. To this point, DMF would meet with industry this winter and work to improve access and address concerns.

Lou Williams asked how many dredge boats were fishing in the area off Ellisville and about their size. Dan stated that there were two boats that were active. One vessel was in the 50' range, he could not recall the size of the other vessel.

Lou asked Dan to describe the gear conflicts. Dan stated that there were two lobstermen who allege gear loss, with one individual claiming he lost about 100 traps due to this fishing activity. However, the area in question is prone to gear loss given vessel traffic coming out of the Cape Cod Canal. Other lobstermen claimed that they moved out of the area to avoid losing gear and were frustrated by having to move to areas they do not traditionally fish to avoid losing traps.

Andrew Walsh stated that there were a limited number of affected parties and he thought it could be resolved among the fishermen. He expected that if the lobstermen worked with the dredge boats they could co-exist in this area. Given the size of the dredge gear (less than 4 feet across), dredge operators should be able to navigate

around lobster gear and lobstermen should be able move their gear to accommodate towing in certain discrete areas. He did not think the conflict justified DMF and the MFAC taking action to close the area.

Director Pierce stated that his first inclination was to have the fishermen resolve this conflict. However, after meeting with the parties, he did not feel they could reach a resolution and that the conflict was bound to escalate further. Accordingly, he wanted to temporarily close this area to de-escalate the conflict. DMF would then reengage with industry members to determine how best to resolve the issue moving forward.

Andrew asked if it was possible to plot out where the surf clam fishery and lobster fishery are likely to occur given the habitat preferences of the target species. This may then allow dredge boats access to discrete areas where there is likely to be clams but not lobsters.

Mike Pierdinock asked if Law Enforcement had the manpower to enforce such a spatial closure system. Lt. Bass stated that they did not.

Sooky Sawyer stated that he did not think Andrew's proposal was tenable. He did not believe the state could adequately delineate or enforce such surgical spatial closures in the immediate future. He was very concerned that if the dredge gear encountered newly molted lobsters it would negatively impact their survival. He preferred a strategy that kept dredge fishermen out of the area until late fall when any lobsters in the area would have a hard shell. As the clams do not migrate, they would still be able to be harvested at this later date.

Andrew asked if DMF had any data or analysis on the lobster molt in this area. Dan stated that DMF did not monitor the local density of soft shell lobsters. However, the shed occurs during the summer when the lobsters move inshore; the exact timing varies annually based on water temperatures. Accordingly, it is reasonable to expect concentrations of molted lobsters in this area during the mid-summer through the early-fall (this coincides with when the fishermen are targeting lobsters in this nearshore area).

Mike Pierdinock asked how long this conflict had been occurring for. Lt. Bass stated that he began hearing about this gear conflict in June and noted that it had escalated again recently. Based on this Mike argued that this conflict appeared to be persistent and that it would not resolve itself. Accordingly, he supported DMF's proposal.

Kalil Boghdan asked for clarification regarding the timing of the closure and the ability for dredge boats to harvest the clams. Dan McKiernan stated that the dredge boats would be able to fish in the area again on November 1, 2017. Andrew Walsh speculated that the winter fishery was less profitable due to weather and shorter days.

Mike Pierdinock stated that he would like the MFAC to have an opportunity to hear from the affected surf clam dredge fishermen, who were in attendance, before they voted. Andrew Walsh agreed.

Chairman Kane stated he was not in favor of opening the MFAC's business meeting to public comment. DMF held a public meeting on this issue where all stakeholders were given an opportunity to discuss these issues in front of DMF and the MFAC.

Sooky Sawyer agreed with Ray. Sooky stated that had lobstermen been informed they would have an opportunity to speak directly to the MFAC they would have come.

The Chairman indicated that he would not open the item up for public discussion. He then called for a motion on the matter.

Sooky Sawyer made a motion to adopt the Director's recommendation as provided. Bill Doyle seconded the motion. No further comments were made. **The motion passed 6-1.**

Andrew Walsh spoke strongly against the MFAC's vote on this issue. He believed it set the poor precedent that if you are accused of creating a gear conflict you are guilty until proven innocent and the state will take a quick action affecting your business without providing the accused an opportunity to speak.

David stated that this was an unfair characterization. He did not believe it should be viewed as precedent for future actions, but rather as a specific response to a specific issue. Moreover, he noted that DMF held a public meeting where stakeholders were allowed to speak and encouraged to resolve this issue without DMF's direct involvement. It was only after this meeting was held and a resolution was not brokered that DMF decided to take action in order to prevent the further escalation of this conflict.

PRESENTATION

Seafood Marketing Program

Wendy Mainardi, DMF's Seafood Marketing Program Coordinator, provided an overview of DMF's marketing program and reviewed projects funded by micro-grants provided by the program.

Bill Doyle stated that he worked with DMF's marketing program in the 1980s and one of the things they focused on was popularizing calamari. He stated that these types of programs can produce good results and would like to see similar programs focus on other underutilized species. Ray agreed. However, he noted one of the biggest impediments to creating markets for underutilized species is having seafood dealers invest in building them.

DICSUSSION ITEMS

Commercial Scup Management Periods

Director Pierce stated that the scup resource was in good condition and the quota was underutilized. The MAFMC is also developing a strategy to promote the commercial scup fishery. Part of this strategy was to increase the time period when the federal winter fishery occurs by allowing the Winter II period to include October. This will allow entities to land higher levels of scup along the coast than is allowed during the state managed summertime periods.

Accordingly, DMF has to adjust its commercial fishery management periods to accommodate this adjustment. David did not anticipate that this would negatively impact the state's fishery. He expected DMF would hold hearings on this proposal as part of a larger quota managed species regulatory adjustment during the winter of 2018.

Chairman Kane was curious why scup had become underutilized.

Bill Doyle posited two ideas. First, the market categories were not tight enough. Scup, unlike bream and other species, come in mixed boxes with a variety of sized fish that may not have the uniformity end users are looking for. Second, scup are not filleted and are sold as whole fish. Accordingly they end up in non-traditional markets where there is not a premium price paid. Wendy Mainardi stated that Rhode Island was looking into improving the marketing and marketability of scup.

Dan McKiernan added that when the scup resource was going through a rebuilding period in the 1990s, much of the US scup market was lost to imported farm raised, like tilapia.

Review of August ASMFC Meeting

Summer Flounder

Director Pierce stated that the fluke specifications for 2018 were set. The commercial quota was set to increase by 19% and the recreational harvest limit was set to increase by 17%. The ability for us to liberalize our recreational fluke limits will be dependent on 2017 harvest estimates and it was too early to speculate on where harvest estimates would end up. David expressed concerns that New Jersey will not be able to meet their harvest reduction goals, given they implemented an approach that the ASMFC found not to be compliant with the interstate plan.

The MAFMC was also working on a fluke amendment to address: (1) latent effort through requalification; (2) state-by-state commercial quota allocations; and (3) adopting a federally managed winter fishery period (similar to scup). A provision that would allow vessels to land limits of fluke taken against multiple states quotas in one state was removed; the MAFMC preferred to have states pursue this through formal agreements. David noted MA fishermen requested DMF develop such an agreement with states to our west and south. DMF was working with Law Enforcement and our counterparts in these states to develop such a program.

Black Sea Bass

Black sea bass limits would decrease slightly for 2018 as the 2011 year class phased out of the fishery. David expected that this should be a short term reduction given upcoming year class strength. However, he was concerned that if recreational catch rates are high again, Massachusetts' recreational fishery would continue to be constrained to low harvest limits despite the relatively strong health of the stock. DMF staff was working to improve the equity of limits across states. The focus of this was to ensure that states that continually exceed their harvest target are limited in their ability to have their overage shared across the northern region.

Mike Pierdinock wanted to see DMF push for changes in regional allocations that reflect changes in stock distribution. David stated that he was pushing for this, but recognized it was politically difficult to achieve.

Mike Pierdinock asked if consideration was given to a management strategy that would close recreational fisheries based on preliminary harvest information. Dan and David both stated that such a strategy had not been considered. Such a system would rely on preliminary MRIP data within a single wave and this data was not reliable enough at this resolution to be used in active management.

Ray Kane asked if the New York/New Jersey request for an experimental Wave 1 fishery. David stated that it did not.

Bluefish

The 2018 annual catch limits were set to increase by about 6%. How this will impact the 2018 commercial quota and recreational harvest limit depended on how much of the 2017 recreational harvest limit that will ultimately be transferred to the commercial fishery.

Lobster

Deputy Director Dan McKiernan stated that there were two take home points from the ASMFC meeting. First, the proposal to increase egg production for the Southern New England (SNE) lobster stock was not moved forward. The proposed 5% increase was viewed as a token gesture, particularly as the fishery was going through an aggressive trap cut schedule. A committee will be put together to further review how to address this stock. Second, the most recent stock assessment considered the Georges Bank/Gulf of Maine to be one stock. With settlement for this stock trending downwards, there is interest in building in some resiliency. An easy way to start to do this is to increase the consistency among the rules affecting the LMAs within this stock area, e.g., v-notching requirements and sizes limits.

Mike Pierdinock asked if the ASMFC considered the impact that black sea bass predation may be having on the SNE lobster stock. Black sea bass have been at record levels of abundance in recent years and are a lobster predator.

Dan stated that they did not. The ASMFC boards function very much in a single species manner. Moreover, while sea bass predation may factor into lobster abundance dynamics, it is not a driving factor. It was well documented that the decline in the SNE stock was driven by the effects of increasing inshore water temperatures on lobster behavior, shell disease, spawning and recruitment. Dan did not expect the ASMFC would support increasing harvest on sea bass to mitigate a decline in the lobster population driven by the environment.

Menhaden

Dan stated that the ASMFC would be holding hearings on an Amendment to the Menhaden Plan in the early fall. The ASMFC was then scheduled to hold a special meeting after the October ASMFC meeting to vote on it. The Amendment addresses not only state-by-state quota shares, but also how conservative the approach should be to setting the overall quota. He expected these public hearings would be contentious.

Chairman Kane stated that this was an important issue for Massachusetts.

Tautog

Dan noted that most of the Amendment passed. However, states were given more time to come up with common management measures within regions. This was helpful to DMF as staff was working with Rhode Island managers to establish uniform recreational management measures.

On the commercial side, the point-of-harvest tagging program was approved. However, Dan was unsure if it would be implemented for 2018 or 2019. As a first step of moving towards being able to administer this tagging program, DMF had adopted a control date of August 28, 2017 and was taking comment on establishing a permit endorsement

Mobile Gear Closures and the Line of 1881

Jared Silva stated that he would be scheduling public meetings during the end of September to discuss the state's existing mobile gear closures. At present, these closure regulations have numerous references to LORAN-C lines and the Line of 1881. DMF wanted to update these regulations and instead describe the same closure boundaries using lines between coordinates.

Lou Williams and Andrew Walsh supported the initiative.

Lou suggested simplifying the boundaries in certain areas. He also suggested DMF should consider increasing seasonal mobile gear fishing opportunities, particularly during the winter along the North Shore for scallops.

Sooky Sawyer stated that the boundaries provided using coordinates were in line with his expectations of where the line should be. He felt moving to the use of coordinates would be beneficial and help resolve gear conflicts.

2017 Commercial Menhaden Fishery Issues

Story Reed stated that the menhaden fishery in state-waters was particularly active this year. One issue that came up was the use of a carrier boat by multiple purse seiners. DMF reviewed its regulations and did not view this as problematic, provided the carrier vessel had a bait dealer permit. One menhaden fisherman took issue with DMF's interpretation of its regulations.

Once the trip limit was reduced from 125,000 pounds per day to 25,000 pounds per day the larger scale fishing activity died down. Accordingly, complaints about the use of carrier boats and bait removal seemed to resolve themselves. DMF intends to meet with the menhaden fishery participants in advance of the 2018 season to discuss the management system.

Mike Pierdinock stated that he received complaints from recreational anglers concerned about the menhaden fishing activity in state-waters, particularly Ipswich Bay, and the impacts it may have on the presence of target recreational species. He was encouraged to see the geographic distribution of fish and the variety of sizes this year.

Dan, David and Mike briefly discussed size distribution and migratory patterns. David noted that we are starting to see larger fish in the population, which results in a greater geographic distribution. Accordingly, DMF was making the argument to the ASMFC for a conservative ecological reference points to be used when setting the quota. This will work to ensure large fish continue to remain present in the population.

Mike Pierdinock stated that he also heard complaints that certain seiners were working in areas of Boston Harbor where they are prohibited from fishing. Dan stated that there was a new operator in the area who was not aware of how the Boston Harbor area closures worked. DMF was reaching out to the individual to resolve the issue.

Andrew Walsh and Sooky Sawyer asked if DMF wanted to allow the continued use of carrier boats moving forward. Dan noted that it may increase the capacity of some of the smaller vessels in the fishery and as a result increase the consumption of the quota. However, considering how small the permitted fleet is, he did not expect it would produce a derby fishery. He opined that consuming the quota more quickly may actually reduce user-group conflicts, which would be beneficial.

Experimental Mobile Gear Horseshoe Crab Fishery

Deputy Director McKiernan explained that to meet the bio-medical industry's demand for horseshoe crabs there were prior discussions about establishing a bio-medical trawl fishery. However, a number of factors made this difficult to implement. This year a dragger, working with the sole Massachusetts horseshoe crab bio-medical firm – The Associates of Cape Cod, invested in designing a crab net that would not have a bycatch of finfish. These crabs would be landed as bait crabs and count against the commercial quota. The bio-medical firm would then borrow the crabs on an as needed basis before they were sold as bait.

DMF issued the dragger a Letter of Authorization to participate in this experimental fishery. As they would only be targeting crabs, DMF raised their limit from 300 crabs to 600 crabs as part of the conditions of the experimental fishery. In addition to helping meet this important bio-medical demand, this may help DMF begin to address the questions that plagued the development of a bio-medical trawl fishery to date.

Bill Doyle asked if there was a possibility to set up a holding facility for crabs harvested by the trawl fishery. Dan thought such an arrangement would be beneficial, but required capital investment.

Bill then asked if under a bio-medical fishery if the crabs could be returned to such a holding facility or if they had to be returned to area of harvest. Dan stated it was the area of harvest, which was one of the complicating factors for a bio-medical trawl fishery.

Ray Kane asked if DMF would place observers onboard vessels fishing under the LOA. Dan stated that DMF did not have the funding to do so. However, staff was filming the net to determine how it dealt with finfish bycatch. Dan expected that bycatch should be limited given the trawl specifications.

Kalil Boghdan asked how long it takes for the crabs to restore their blood levels; how crabs were kept from being re-harvested too soon after bleeding; and what the mortality rate was.

Dan was uncertain. He suggested Brett Hoffmeister from the Associates of Cape Cod answer this technical question. The Chairman did not object.

Brett stated that it takes approximately three months for the blood count to return to normal. Crabs that are bled are marked to prevent being harvested again for biomedical purposes in the same year. Mortality rates have been estimated to be between 5-35%; the ASMFC recognizes a 15% mortality rate.

Mike Pierdinock asked if marked crabs could be captured as bait harvest.

Dan explained that under current rules bio-medical fishermen may not also hold a bait fishery permit. These bio-medical fishermen principally fish in Pleasant Bay. This area was closed to the bait fishery. Research also indicated that Pleasant Bay may be a localized population. Therefore, because of this separation between the fisheries, it is unlikely that crabs marked as bled by the bio-medical firm may enter the bait stream. However, there are no rules preventing it. This becomes more complicated if a bio-medical trawl fishery emerges because these crabs will be discarded in Nantucket Sound where trawlers with bait permits are fishing. This is one of the issues that DMF is hoping to be able to investigate through this pilot program.

Ray Kane asked about DMF's next steps. Dan stated that DMF had issued the LOA and would review in the data collected over the next year or two and return to discuss future actions with the MFAC.

Andrew Walsh stated his support for the program. He noted that the gear specified in the LOA was tailored to the participant's vessel and these aspects should be flexible if other vessels wanted to participate. He also stated his continued support for DMF to increase the bait crab limit for draggers from 300 to 600 crabs.

Ray Kane asked if DMF would limit entry into this pilot program.

Dan stated that participation in the pilot program would likely be constrained by the cost of investing in this gear to explore if this fishery was successful. So, unless there was more interest than anticipated, DMF was open to issuing LOAs to any interested parties - provided the bio-medical firm was open to working with them. However, if the pilot program paved the way for an eventual bio-medical trawl fishery, that fishery may be limited entry.

Report from July 10 DMF Meeting with Vineyard Whelk Potters

Deputy Director McKiernan reminded the MFAC that a new method of measuring whelks was implemented for 2017. Certain Vineyard fishermen raised concerns that this change in measuring methodology resulted in greater than anticipated loss of harvest; some fishermen cited that their landings had decreased by upwards of 60%. In response, DMF sent sea sampling staff out to the island this summer to verify this claim. DMF did not find any evidence to support their claim. Dan stated it was likely that their perceived loss of harvest was related to incorrect usage of the prior gauge.

DMF biologist Steve Wilcox provided a brief presentation on this issue. He reviewed DMF's size at maturity data, minimum size management strategy and sea sampling efforts on the island. Steve concluded that the size distribution of whelks caught by Vineyard fishermen was similar to that caught by their mainland counterparts. This was consistent with DMF's expectations, considering these fishermen are fishing side-by-side in Nantucket Sound. Landings by weight have been reduced by about 16% for both mainland and island fishermen, which was anticipated using past sea sampling data to extrapolate the impact of the approximate 1/10" gauge increase caused by the change in the gauging technique.

Dan McKiernan asked if the conch pots had any ability to be size selective. Steve stated that wire traps are becoming more commonly used and these traps are not selective. Wooden traps may have some selectivity given the size of the spacing between lathes.

Dan then asked about catch composition per trap. Steve stated that the average pot haul produces about 60 to 70 animals, of which only a handful are of legal size.

Director Pierce asked how the Vineyard fishermen responded to DMF's analysis of sea sampling data. Steve stated that they continue to disagree with DMF's findings.

Sooky Sawyer stated that the fishery appears to have little future with only 2% of females being sexually mature. Steve stated that DMF intends or continuing to raise the gauge size to a point where 50% of females are sexually mature. Sooky asked what percent of female whelks are sexually mature at the current gauge. Steve stated that 0% were based on DMF's size at maturity study.

Mike Pierdinock stated that he has received phone calls stating the Vineyard fishermen he has spoken with seem to not object to the gauge or gauging technique, but rather the size at maturity findings. Dan stated that DMF has been unable to corroborate their claims about size at maturity. Steve noted that lab work is required to determine whelk maturity.

COMMISSION MEMBER COMMENTS

Sooky Sawyer asked DMF if they have been able to develop an electronic gear loss form. Story Reed stated that the form has been developed. However, the state was revamping its website and publishing it had been delayed as a result.

Bill Doyle stated that a citation was issued to a whale watch boat for illegal holding tank discharge. He noted that this was a step in the right direction, but more work needed to be done to address this concern. He asked DMF to coordinate a meeting with the Environmental Police, the US Coast Guard and the Harbormaster's Association to push the enforcement of illegal discharging.

Andrew Walsh strongly disagreed with the Chairman's handling of public comment earlier in the meeting. He wanted to see public comment be allowed, and if not allowed, then to have this consistently applied.

Ray restated his position that he did not think business meetings should be open to public comment; this should be reserved for public meetings and hearings. His past experience was that allowing public comment at business meetings allowed certain vocal interests to stack the room in an attempt to sway opinion and that it impeded on the ability for business meetings to be conducted in a timely and orderly fashion. He felt it was incumbent of MFAC members to attend public meetings and hearings if they wanted to hear from the public.

Mike Pierdinock noted that MFAC members may not have the flexibility to attend multiple public meetings, and that while DMF does summarize comments it is often beneficial for the Commission to hear from individuals directly or ask questions of the stakeholders. However, he also understood the need to properly conduct a business meeting and not allow it to become a public meeting. Both Mike and Kalil Boghdan felt there may be some middle ground where comment can be allowed in a limited fashion when an agenda item is being discussed.

COMMENTS FROM PUBLIC

Massachusetts Lobsterman Association Executive Director Beth Casoni thanked the MFAC for their support for the temporary surf clam and ocean quahog dredge closure. She thought it would alleviate an escalating gear conflict and set the stage to develop a long-term solution this winter.

No further comments were made.

Kalil Boghdan made a motion to adjourn the August 24, 2017 MFAC business meeting. Bill Doyle seconded the motion. The meeting was adjourned.

Meeting Documents

- August 24, 2017 MFAC Business Meeting Agenda
- June 15, 2017 MFAC Draft Business Meeting Minutes
- Recommendation Memo on 2017 Recreational Gulf of Maine Cod and Haddock Limits
- Recommendation Memo on Temporary Surf Clam/Ocean Quahog Dredge Closure in Southwestern Cape Cod Bay
- Memo on Adjustment to Scup Quota Management Periods
- August 2017 ASMFC Meeting Summary
- Memo Providing Updates on Black Sea Bass, Scup, Fluke and Bluefish Specifications
- Memo on Mobile Gear Closure Boundaries
- Memo Regarding the Use of Carrier Vessels in the Menhaden Fishery
- Memo Regarding Experimental Horseshoe Crab Trawl Fishery

Next Meetings

**October 3, 2017
DFW Field Headquarters
1 Rabbit Hill Road, Westborough**

**November 2, 2017
DFW Field Headquarters
1 Rabbit Hill Road, Westborough**

**December 14, 2017
DFW Field Headquarters
1 Rabbit Hill Road, Westborough**