

## **MARINE FISHERIES ADVISORY COMMISSION**

**October 3, 2017**

**DFW Field Headquarters**

**Westborough, MA**

### **In attendance:**

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

*Division of Marine Fisheries:* David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Jared Silva; Story Reed; Melanie Griffin; and Tiffany Vidal.

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

*Office of Law Enforcement:* Lt. Matt Bass and Lt. James Cullen.

*Members of the Public:* Attorney William Henchy; John Verissimo; Allen Rencurrel; and David Kelly.

## **INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane welcomed everyone to the October 2017 MFAC business meeting. He then requested a moment of silence in honor of the victims of the recent Las Vegas shooting.

## **APPROVAL OF OCTOBER 3, 2017 MFAC BUSINESS MEETING AGENDA**

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

**Sooky Sawyer moved to adopt the agenda as provided. Lou Williams seconded his motion. The agenda was approved unanimously.**

## **REVIEW AND APPROVAL OF THE AUGUST 24, 2017 MFAC DRAFT BUSINESS MEETING MINUTES**

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

**Lou Williams moved to adopt the agenda as provided. Sooky Sawyer seconded his motion. The August business meeting minutes were approved unanimously.**

## **CHAIRMAN'S COMMENTS**

Chairman Kane did not provide any comments.

### **COMMISSIONER'S COMMENTS**

Commissioner Amidon stated that he had been visiting DMF facilities and acquainting himself with the agency's work. He looked forward to his continued interactions with the agency and the MFAC.

### **DIRECTOR'S COMMENTS**

Director Pierce began his comments by recognizing staff. The Fisheries Dependent Research Program recently received the Performance Recognition Award from the Department of Fish and Game. He congratulated his staff for their work, noting the award was well deserved.

He then moved on to discuss two recent events. The first was Miracles At Sea, which Governor Baker attended and was presented an award for his support of the commercial fishing industry. The second event was last week's ribbon cutting at SMAST East. There were numerous notable attendees at the ribbon cutting, including Congressman Keating, State Senator Montigny, State Representative Cabral and Secretary Beaton. This facility will host both the SMAST and DMF's New Bedford field office. Most DMF staff will be moving into the new building around February 1. However, the Shellfish Program is moving into the SMAST West facility once the building is refurbished. David stated that the new facility would provide great opportunity for collaboration. In fact, the building will be hosting a workshop in early November to address accountability measures in federal fisheries management.

Kalil Boghdan stated that the November workshop conflicted with the MFAC business meeting. David noted that the MFAC meeting would be rescheduled. **The revised date for the November MFAC business meeting is: Wednesday, November 1.**

The Director moved on to discuss the Industry Based Survey. Field work for the fall/winter survey had begun. Additionally, staff had prepared a white paper on the findings from the first year. This paper was presented to the Northeast Fisheries Science Center (NEFSC). The paper was discussed and well received by the NEFSC. David stated the next steps were to collaborate with the NEFSC to determine how to utilize the information for benchmark and operational assessments and with SMAST to dovetail these survey results with the video trawl survey work led by Dr. Kevin Stokesbury.

Sooky Sawyer asked if funding for the IBS was secured for 2018. David stated that the survey was funded through the remainder of this fiscal year, which would allow for work

to continue through the spring. With the help of DFG, DMF would then have to secure additional funding for the next fiscal year and beyond.

Mike Pierdinock asked if DMF could provide him with the white paper. David stated that staff would provide Mike with the document.

In the early fall there was an atypical abundance of sea herring in state-waters off Cape Ann. This prompted purse seiners to target the fish. As seining for herring is conducted at night, there were gear conflicts with the lobster fishery. DMF issued permit conditions to permit holders restricting night fishing. The restriction is temporary, but DMF is considering amending state regulations to make it permanent.

David then moved on to discuss interstate fisheries management. The Atlantic States Marine Fisheries Commission (ASMFC) was currently holding public hearings on an Amendment to the Menhaden Fishery Management Plan (FMP). Recognizing the species role as forage, this Amendment seeks to establish eco-system based reference points to be used when setting the quota. It also addresses other quota management issues, such as rollover and state-by-state shares. David expected the hearings would be contentious. The ASMFC Annual Meeting was also scheduled for the third week of October. A preliminary agenda has been posted on their website. Lastly, David stated that a Montauk based party boat was recently cited for substantial violations of recreational fishing regulations for black sea bass, scup and fluke. Unlike in MA, NY does not hold the for-hire permit holder accountable for patron violations. David stated there needed to be more accountability and he was going to pursue this through the ASMFC.

On the federal side, the New England Fishery Management Council (NEFMC) recently met. One of the biggest issues discussed was a potential whiting limited entry scheme. DMF had received a letter from groundfish Sector II based in Gloucester expressing concerns about how their members, who historically participated in the whiting fishery, would be precluded from future participation under the proposal. David introduced an alternative, which addressed these concerns, and the alternative was adopted into the proposal by the NEFMC. David also stated that the Michael and Andrew Walsh made a request to the National Marine Fisheries Service to land skates taken as bycatch when fishing for yellowtail flounder in the NAFO area on the Flemish Cap. David supported their request.

New Bedford Mayor John Mitchell was very interested in turning the area in the south end of the city near the SMAST facilities into an innovation district to attract emerging industries to the city. Aquaculture was among the emerging industries the mayor was interested in. DMF staff was working with the Mayor and other local stakeholders to determine obstacles the city may face.

The Director also touched on a number of other issues. He noted that DMF staff had met with wind energy development companies to raise issues germane to the state's fishing industry. DMF signed a MOU with the Atlantic White Shark Conservancy

formalizing the relationship for shark research. David and staff were working on a response to address Lou William's request to allow the transfer of gillnet permit endorsements. Staff, led by Dan McKiernan, would also be meeting with the surf clam industry this winter to address pressing management issues.

### **LAW ENFORCEMENT'S COMMENTS**

Lt. Matt Bass handled Law Enforcement's comments. He stated that there were a number of incidents involving both recreational and commercial fishermen along the Cape Cod Canal for striped bass and sea bass violations. He noted that the Canal had been a hot spot for activity this year. Staffing issues made it difficult for there to be consistent and appropriate enforcement presence in the area.

There were also a number of shellfish harvest and handling violations.

Lt. Bass stated that some of the incidents involving sea bass from earlier in the year received favorable court rulings.

Law Enforcement was also working with DMF staff to enact permit sanctions for a number of the egregious violations.

### **PUBLIC HEARING**

The Commission unanimously agreed to temporarily suspend the October business meeting to hold a public hearing. The public hearing was on commercial tautog permitting, which included a proposal to establish a commercial tautog permit endorsement and implement a control date of August 28, 2017.

Deputy Director McKiernan reviewed the proposal.

DMF received one public comment from John Verissimo. John supported DMF's action. However, he was concerned about the future utilization of a control date. He noted that draggers working in the Sounds catch tautog. However, they are regulatory discards because the commercial tautog fishery is typically not open at the time when draggers are working in these areas. Utilizing the control date would likely preclude draggers from participating in this fishery in the future.

Law Enforcement expressed their support for DMF's proposal.

Following the public hearing the Commission unanimously agreed to reopen the business meeting.

### **ACTION ITEMS**

### Winter II Scup Limits

Jared Silva reviewed the Director's proposal to establish an 18,000 pound commercial trip limit during the federally managed Winter II period (November 1 – December 31). This limit would match the federal limit, thereby allowing lawfully harvested quantities of scup to be landed in MA ports.

Deputy Director McKiernan and Mike Pierdinock discussed how the quota is managed and how the state-by-state summertime quota shares were developed. Dan noted that the Winter II fishery occurs offshore and most participants are large draggers. These vessels would likely be restricted from fishing in state waters because they exceeded the 72' maximum vessel rule.

Sooky Sawyer asked Jared what happens if there is no quota rollover from Winter I to Winter II. Jared stated that the trip limits would have been set at 12,000 pounds.

No further comments were made. **Lou Williams moved to adopt the Director's recommendation as provided. Sooky Sawyer seconded his motion. The Director's recommendation was approved unanimously.**

## **DICSUSSION ITEMS**

### Tautog Permitting and Control Date

Director Pierce stated he was looking for the MFAC to review his public hearing proposal regarding the commercial tautog permit endorsement and control date. He stated that he did not need the MFAC to vote on this item, but would like their consent to move forward.

There MFAC unanimously consented to the Director moving forward with his proposal to establish a commercial tautog regulated fishery permit endorsement for 2018 and to implement a control date of August 28, 2017.

Deputy Director McKiernan stated that DMF would come back to the MFAC in 2018 with a proposal to implement the commercial tautog tagging program required by the ASMFC. This would likely include a proposal to utilize the control date, as limiting participation in this fishery is probably necessary to administer a point-of-harvest tagging program. Dan was optimistic that this tagging program would improve the conservation management of the commercial fishery and reduce poaching.

### ASMFC Amendment 1 to Tautog FMP

Dan McKiernan stated that the MA/RI tautog stock is not overfished and overfishing is not occurring. So, when regionalizing the recreational fishery additional conservation measures were not necessary. This provided the states with some flexibility. This resulted in the MA and RI making the proposal in the table below to the ASMFC. The Tautog Board was scheduled to review and approve this at the October annual meeting.

### MA/RI Recreational Tautog Limits Proposed to ASMFC

Season	Bag Limit	Minimum Size
April 1 – May 31	3-fish per angler	16"
June 1 – July 31	1-fish per angler in MA	16"
	Closed in RI	N/A
August 1 – October 14	3-fish per angler	16"
October 15 – December 31	5-fish per angler	16"
January 1 – March 31	Closed	N/A

Dan noted that other regions were facing additional conservation measures. The stock in Long Island Sound was in poor condition and NY and CT were likely going to have to enact some very stringent management measures. This may result in additional fishing effort coming into the MA/RI region where the rules will be more liberal.

Chairman Kane commended DMF staff, particularly Deputy Director McKiernan, for their work on this Amendment. He stated that many recreational fishery participants were very happy with the efforts.

Dan introduced Tiffany Vidal to discuss how the MA/RI proposal was developed.

Tiffany stated that technical staff reviewed annual MRIP data for 2013 – 2016. This allowed them to determine how bag limit changes may affect harvest in any given year. Based on this analysis the proposed limits were expected to not increase harvest. In fact, the model results forecasted a nominal (2%) reduction in harvest.

Dan McKiernan, Mike Armstrong, Mike Pierdinock and Tiffany Cunningham discussed the inter-annual variability in the MRIP tautog harvest data.

Mike Armstrong made the point that the MRIP data is more variable for a species like tautog because there is a small sample size compared to species like striped bass. This is a result of the recreational fishery being smaller, occurring at a time when less there is less sampling and observations of catch occur less frequently.

Mike Pierdinock suggested that given this variability, there may be an opportunity for additional liberalizations.

Tiffany Vidal noted that while the MA/RI stock was in good shape, we were approaching the overfishing threshold. So while additional liberalizations were considered, a conservative approach was deemed more appropriate.

Mike Armstrong noted that variability works both ways and we may be underestimating harvest. As a result, we may be closer to the overfishing threshold than we anticipate.

Deputy Director McKiernan stated that one of the benefits of this plan is uniform rules with RI. He expected that this would improve compliance. Improved compliance may

reduce the observed incidents of non-compliance in the MRIP data, which would improve the accuracy of the MRIP harvest estimates.

Dan also noted that management of this species is less affected by MRIP data than other species because there is no complementary federal plan resulting in mandated accountability measures. As a result, there are no annual adjustments, like there are for black sea bass. Instead, limits are set to avoid overfishing and are reevaluated after a stock assessment is conducted.

Mike Armstrong added that the assessment looks more at biomass estimates, rather than harvest estimates. As a result it is less influenced by MRIP's statistical noise.

Tiffany explained the data sources for biomass estimates in the assessment. She stated that the MA trawl survey was used as an index for relative abundance. However, it is not a great source of data given that tautog prefer structure where trawls are not fished. So, the data is supplemented by vent-less trap surveys. Additionally, DMF recently received a Saltonstall-Kennedy Grant to conduct a rod and reel survey. She was optimistic about the data being provided by this survey. However, she noted it was costly.

Kalil Boghdan asked how harvest data was collected. Tiffany stated commercial harvest data was collected through dealer reporting and recreational harvest data through MRIP.

Ray Kane asked if DMF expected these recreational limits would be approved at the October ASMFC meeting for 2018. Dan confirmed this. He also stated that he expected the commercial tagging program would also be approved for implementation a year later, in 2019.

### Striped Bass Compliance Issues

Chairman Kane stated that he had received complaints from commercial fishermen regarding fishing practices along the Cape Cod Canal. Over the summer there were reports of floating dead fish along the eastern entrance of the Canal, presumably from fish that were either discarded due to high-grading, or were gaffed and undersized.

Lt. Bass confirmed these reports. He noted from a regulatory standpoint, high-grading and the use of stringers is already prohibited. However, there was no prohibition on the use of gaffes.

Ray noted that historically the MFAC did not support a prohibition on gaffing; however, he always felt such a prohibition was appropriate.

Ray then asked Lt. Bass about the number of violations that were written for striped bass violations observed on the canal.

Lt. Bass stated that he did not know the exact number off-hand. However, he noted that citations were issued for a variety of violations, including high-grading, undersized fish,

exceeding limits and failing to display fish. Penalties ranged from warnings, to non-criminal citations, to criminal charges, to requests for permit sanctions. He added that OLE had received a number of unfounded complaints as well.

Deputy Director McKiernan asked what the most common violation was. Lt. Bass stated that the most common violations were of bag limits and minimum sizes.

Ray thought that DMF could work to improve angler education to prevent these non-compliance incidents.

Lt. Bass stated that most non-compliance incidents were intentional and not a product of ignorance. He advocated that there were not sufficient disincentives to curb these illegal fishing activities. However, implementing the proposed increase to the fine schedule would be helpful. Also, OLE was working with the District Attorney's office so that more violations may result in the seizure of gear.

Commissioner Amidon stated that on the inland side there was a private non-profit organization call Operation Game Thief. This organization offers rewards to citizens who turn in poachers. He thought that a similar program could be helpful on the marine side.

Dan stated that DMF was also considering taking actions to sanction recreational fishing permits for egregious violations. This is not something the agency has done before. However, he thought it may improve compliance and it would be consistent with the sentiment of the angling public.

Mike Pierdinock and Lt. Bass voiced their support for this approach by DMF.

Director Pierce stated that a fishing column in a local newspaper reported that the Army Corps of Engineers was considering closing the Canal to fishing. He stated that DMF was looking into the veracity of the claim.

Mike Pierdinock encouraged DMF to reach out to angler groups if this claim was true. Note: Subsequent correspondence between DMF and ACOE confirmed this rumor to be false.

#### Winter Fluke Pilot Program

Director Pierce stated that for the past several years DMF authorized a pilot program for the wintertime fluke fishery allowing weekly limits. This program allowed participating vessels to land 1,000 pounds per week, rather than 500 pounds per day regulatory limit. This past year, some fishermen have expressed an interest in being able to possess both MA and RI limits at the same time and be allowed to either land one limit in MA and then steam to RI to land the other limit, or to land both limits in one state and have it count towards a shared quota.



The Director stated that he has a number of concerns regarding this request, particularly as it relates to quota monitoring and availability and enforcement and compliance. However, he had begun discussions with his counterparts in RI. He intended to continue these discussions at the upcoming ASMFC meeting. Following the ASMFC meeting he would further discuss this request with OLE and staff.

#### Follow Up on Recent Meetings Regarding Mobile Gear Closures

Jared Silva stated that DMF recently held meetings with industry to discuss modernizing how existing mobile gear closures are described in regulation. DMF's initial proposal was to eliminate outdated references in favor of using lines between coordinates. The agency was also interested in potentially modifying these lines to simplify the boundaries to improve enforcement and compliance, to better fit existing fishing practices and to accommodate new seasonal fishing opportunities.

Lou Williams wanted to see DMF consider a wintertime exemption for scallop gear inside the North Shore Mobile Gear Closure. He thought a pilot program may be appropriate for the 2018. This would allow DMF to address gear conflicts and consider if gear modifications are appropriate.

Sooky Sawyer asked DMF to provide the coordinates to the closures in "degrees, minutes, seconds" or "degrees, decimal minutes" rather than "decimal degrees". Jared stated that he would do these conversions.

#### Quota Monitoring Update

Story Reed provided an update on 2017 quota managed fisheries. He reviewed the performance of each fishery to date and took questions from the MFAC.

Kalil Boghdan asked how DMF monitored quotas.

Story stated that this was done by aggregating weekly data from dealers. This data was then used to predict daily catch rates, which could then be used in a predicative model to project when the quota would be taken. As landings begin to reach the quota, DMF staff reach out to the top dealers to get a better understanding of daily landings. This information is then used with the predictive models to aid in determining when quota closures should be enacted.

Ray Kane stated that this process seemed cumbersome.

Story stated that the process was not as cumbersome as it sounded. However, initiatives were underway to improve the agency's ability to monitor quota availability in real time. This included the potential implementation of a swipe card system.

Ray then asked if compliance with harvester reporting deadlines had improved.

Story stated reporting was done in a more timely fashion now, as compared to when trip level reporting was first implemented at the start of the decade.

At present, DMF was trying to encourage electronic reporting for harvesters. Those harvesters who report electronically tend to do so more expediently. Additionally, electronic reporting reduced the need for dedicated staff to key punch the paper reports into the electronic system. Dan noted that RI implemented a surcharge for paper reporting. Story added that this resulted in doubling the number of electronic reporting fishermen.

### *Bluefish*

Story stated that the MA bluefish quota was increased for 2017. However, catch rates were slower this year than in recent years past and he did not expect the state would take its full quota.

Ray Kane stated that the fish came into state-waters late, which resulted in lower catch rates than previous years. Had the fish been available earlier in the season, the quota would have likely been taken.

Kalil Boghdan asked where the commercial bluefish fishery occurred. Story stated that it occurred along Cape Cod, particularly Cape Cod Bay.

### *Tautog*

Catch rates were just beginning to pick up in the tautog fishery. Story expected the fishery would close in early-to-mid October.

### *Menhaden*

The fishery was very active during the summer months under the 125,000 pound limit. The limit has since been reduced to 6,000 pounds, as 95% of the quota has been taken. Landings continue to come in from smaller capacity vessels. Although, it appeared that the fish were migrating out of state waters and becoming less available to MA fishermen.

Ray Kane asked if this 6,000 pound limit was the incidental limit allowed under the ASMFC's Menhaden FMP.

Nichola Meserve stated it was not. DMF took a more conservative approach when developing its menhaden regulations. The state allows a 6,000 pound directed fishery limit after 95% of the quota is taken. Then once 100% of the quota is taken, a 1,000 pound incidental limit goes into effect. When fishing under this incidental limit the weight of menhaden cannot exceed 5% the total weight of the catch. The ASMFC was also reviewing the suitability of the 6,000 pound incidental limit allowed under the FMP as part of Amendment 3.

### *Black Sea Bass*

Story reminded the MFAC that the quota was increased by about 50% in 2017 and the season started in July, rather than August, to accommodate this increase in quota. Trip limits and fishing days were liberalized at the end of September to ensure the quota

would be taken before the fish migrated south. Based on quota projections, the fishery was scheduled to close after today (October 3).

Story noted that DMF would provide a more in depth analysis of the black sea bass fishery at a future meeting. This analysis would be used to generate discussion regarding whether additional adjustments to commercial fishing limits are appropriate for 2018.

### *Fluke*

The fluke quota was reduced substantially in recent years. In 2017, it closed in late-July, about one month earlier than it has been. While the quota was scheduled to increase in 2018, DMF still expected the quota would be taken around the same time.

Dan stated that he was having discussions with a number of commercial draggers who target fluke. He stated that this fishery was facing serious challenges. With a short season and the high cost of dockage, many participants were no longer finding it profitable to pursue. This raised important concerns about the future of this fishery and the need for commercial fishing infrastructure on Cape Cod.

Ray Kane stated the loss of commercial fishing infrastructure was a serious problem. It was particularly problematic for summertime fisheries, as towns catered more towards the recreational fleet and tourism.

### *Striped Bass*

Ray Kane stated that it appeared the management measures taken by DMF and the MFAC several years back to slow striped bass catch rates and extend quota availability seemed to be working.

Story agreed. He stated that DMF would run an economic analysis to determine how it impacted the value of the fishery.

Ray asked if the new management system improved enforcement.

Lt. Bass stated that it was easier to manage with fewer fishing days per week.

Dan stated that he had received requests from harbormasters and municipal officials to not allow the commercial fishery to occur on holidays, such as the 4<sup>th</sup> of July and Labor Day. This occurred in 2017 and it resulted in substantial issues with access to boat ramps.

### *Scup*

Story did not anticipate the state would take its scup quota. This has been a consistent issue since the quota was increased several years back. MA had also transferred some quota to CT.

Dan noted that during the quota setting years, night trawling and pair trawling was allowed. This was a very effective means of fishing for this species and produced large landings in MA. These landings resulted in MA receiving a substantial quota share. This activity has since become prohibited due to vessel length restrictions and night fishing prohibitions.

## **OTHER BUSINESS**

Attorney William Henchy spoke to the MFAC at length regarding Provincetown using its municipal authority under the Wetlands Protection Act (WPA) to control surf clam dredge fishing within town waters.

He represented surf clam dredge fishermen who were cited by the town for violating Con-Com regulations that prohibited dredge fishing activities in town waters. This resulted in litigation that was recently resolved by a ruling of the MA Appeals Court. The MA Supreme Judicial Court declined to hear an appeal by the fishermen of the MA Appeals Court's decision.

The crux of the court's decision was that state law does not explicitly exempt fishing gear from the WPA, nor does it provide DMF with exclusive authority to manage fisheries at G.L. c. 130. Therefore it was appropriate to interpret state law in manner where both these authorities are meant to co-exist.

Attorney Henchy expressed concerns that the court ruling may lead to local conservation commissions asserting jurisdiction under the WPA over any fishing activity that altered the sea floor. Additionally, he cautioned that the Conservation Law Foundation was encouraging municipalities to take advantage of this rule and utilize this broad authority. In Mr. Henchy's view, this may not only result in towns restricting surf clam dredge fishing, but other dredge fisheries (e.g., scallops) and potentially other bottom tending gears as well (e.g., trawls).

Attorney Henchy thought that this could be resolved through a statutory amendment to G.L. c. 130 to give DMF exclusive authority over managing fisheries and fishing gear. The Massachusetts Shellfish Officers Association recently wrote Governor Baker requesting this legislative resolution. He requested the MFAC take a similar position.

He added that historically the legislature granted DMF the authority to regulate the commercial surf clam and ocean quahog fisheries to prevent the Balkanization of management across municipalities; this may now occur under the WPA.

After brief discussion, the MFAC unanimously agreed to author a letter to Secretary Beaton requesting a legislative fix as suggested by Attorney Henchy.

## **COMMISSION MEMBER COMMENTS**

Mike Pierdinock stated that the MAFMC recently implemented mandatory EVTR reporting in 2018 for federally permitted for-hire vessels taking MAFMC managed species (e.g., sea bass). He asked if DMF would be requiring this at a state level.

David stated that MA would not. However, any MA based for-hire operations with federal permits would be required to under their federal permit if they take MAFMC managed species.

Mike noted his objection to this MAFMC requirement. In particular, he was concerned that the MAMFC had not fully considered potential biases in EVTR reporting. MA and SC were working on pilot programs that were designed to address this issue. However, the MAFMC moved forward with this requirement without the benefit of reviewing the results of the state pilot programs.

David shared Mike's concerns. The NEFMC now had a voting seat on the MAFMC's demersal board and the Director would likely be a voting member. He would use this position to raise these concerns.

Mike then stated that HMS permit holders with shark endorsements were now required to use circle hooks south of Cape Cod. Similarly, he asked if DMF intended to require this at state-level.

David stated that HMS permit holders fishing in state-waters would be bound by the federal rule.

Lastly, Mike brought up that the most recent Atlantic bluefin tuna assessment demonstrated the stock was in better than expected shape. He expected there would be a fight at ICCAT to get quota increases in the US.

Lou Williams asked about the status of DMF's request to NMFS for a state-waters NGOM sea scallop exemption.

Melanie Griffin stated that it was currently under review at the DC office. She did not expect there to be any push back and was optimistic DMF would receive approval prior to wintertime fishing activity.

Lou stated that he had heard concerns regarding this exemption. Some fishermen wanted to see DMF implement gear restrictions during the exemption to keep the fishery profitable for smaller inshore boats and to prevent the resource from being over-exploited.

Ray Kane thanked his fellow Commission members for attending the October meeting. He noted that Gus Sanfillipo had stepped down. David expected a new member would be appointed by the Governor in the near future.

Ray also reminded the MFAC that the November business meeting had been moved to November 1.

**Kalil Boghdan made a motion to adjourn the October 3, 2017 MFAC business meeting. Lou Williams seconded the motion. The meeting was adjourned.**

#### **Meeting Documents**

- October 3, 2017 MFAC Business Meeting Agenda
- August 24, 2017 MFAC Draft Business Meeting Minutes
- 2017 Winter II Commercial Scup Trip Limit Recommendation
- Tautog Permitting and Control Date Proposal
- DMF Proposal to ASMFC on Recreational Tautog Limits
- 2017 Winter Fluke Pilot Program Letter of Authorization
- Memorandum Review Recent Public Meetings on Mobile Gear Closures
- Quota Monitoring Presentation
- Petition from Massachusetts Fisherman's Mobile Gear Alliance Regarding Management of State Waters Commercial Surf Clam Fishery
- MSOA Letter Requesting Resolution to Legal Issues Pertaining to Municipal Use of Wetlands Protection Act Authorities to Regulate State Managed Fisheries
- Letter from Sector II on Federal Whiting Proposals

#### **Next Meetings**

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

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