

MARINE FISHERIES ADVISORY COMMISSION

May 10, 2018

DFW Field Headquarters

Westborough, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Jeff Kennedy, North Shore Shellfish Program Chief; Story Reed, Permitting and Statistics; Cate O'Keefe, Policy Analyst; Nichola Meserve, Policy Analyst; Melanie Griffin, Policy Analyst; and Jared Silva, Policy Analyst.

Department of Fish and Game: Ron Amidon, Commissioner.

Massachusetts Environmental Police: Maj. Patrick Moran; Captain Tony Khabir; and Lt. Matt Bass.

Members of the Public: John Verrissimo.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane welcomed everyone to the May 10, 2018 MFAC business meeting. The Chairman then called the meeting to order.

REVIEW AND APPROVAL OF MAY 10, 2018 BUSINESS MEETING AGENDA

No comments were made.

Sooky Sawyer made a motion to approve the May 10, 2018 business meeting agenda. Andrew Walsh seconded the motion. The agenda was approved unanimously.

REVIEW AND APPROVAL OF APRIL 12, 2018 DRAFT BUSINESS MEETING MINUTES

No comments were made.

Bill Doyle made a motion to approve the April 12, 2018 MFAC business meeting minutes. Sooky Sawyer seconded the motion. The minutes were approved unanimously.

COMMISSIONER'S COMMENTS

Commissioner Ron Amidon began his comments by discussing offshore wind energy development. He stated that Governor Baker had established a fishing stakeholder committee. This committee would be integral in reviewing energy plans and assisting the state in providing comments to the Bureau of Ocean Energy Management.

Next the Commissioner stated that he had reached out to the MA Fisherman's Mobile Gear Alliance to invite them to further discussion their petitions and concerns regarding derelict gear with DMF and DFG. A meeting would be scheduled for late-May or June.

The Commissioner then discussed the FY18 budget. He stated that DFG was working to address issues regarding the 2018 Contaminated Shellfish Relay Program and fees paid to source municipalities; he expected DMF would have regulations on the book by 2019 that would address this issue. He also stated that they were working on a number of earmarks regarding marine genomics, Cape Cod shellfish, the Whitman Pond herring run, a Great Marsh green crab trapping program and a fishing academy.

Lastly, the Commissioner noted he was able to get out in the field with DMF's Anadromous Fish Program and assist with some of their fish passage and survey work.

DIRECTOR'S COMMENTS

Director Pierce began his comments by noting that the state and federal government and the Massachusetts Lobsterman's Association were currently being sued by a whale advocate, Max Strahan. Mr. Strahan was arguing that these entities were derelict in the legal responsibility to protect endangered whales from entanglements with fishing gear and was seeking injunctive relief. Deputy Director McKiernan was not in attendance at today's MFAC meeting in order to assist DFG's legal staff with this suit. The Director expected that a compelling defense would be provided.

Sooky Sawyer asked if there was a timeline for the case. Jared Silva stated that a hearing on the Temporary Restraining Order to constrain the setting of fixed gear was scheduled for Monday, May 14, 2018.

The ASMFC's policy board ruled in favor of DMF and the other northern states appeal of Addendum XXX to the Black Sea Bass Fishery Management Plan. The Director noted that following this finding the states were able to reach a compromise that would avoid further antagonism and potential non-compliance. Nichola Meserve would address this further in her discussion of 2018 recreational black sea bass limits later in the meeting.

While discussing the recent ASMFC meeting, the Director also added that Deputy Director McKiernan received an achievement award for management and policy.

contributions. The Director also raised concerns regarding the status of funding for the Joint Enforcement Agreement (JEA).

The Director then moved to discuss offshore wind energy development. He provided the MFAC with DMF's comments on the EIS for the Vineyard Wind Energy Project NOI. Cate O'Keefe would be presenting on this further at lunch and Kathryn Ford would be providing another presentation at the June meeting.

LAW ENFORCEMENT COMMENTS

Captain Tony Khabir introduced himself to the Commission. He provided a brief update on recent shellfish incidents on the north shore and metro-Boston area. He also stated that staffing remained a problem for the agency.

Commissioner Amidon asked if the MEP budget was still intact to bring on 10 additional hires. Captain Khabir stated that the funding remained. However, officer numbers were at historic low levels, these new hires may not reach the field for 12-18 months and there were concerns about additional attrition as many officers were getting close to retirement.

Chairman Kane asked about the cooperative relationship between DMF and OLE. Captain Khabir stated that the agencies worked together on a number of issues. He added that his officers were increasingly utilizing DMF's adjudicatory hearing process to deal with severe violations.

The Chairman then asked if it would be possible to obtain more officers in coastal communities, particularly in high traffic areas (e.g., the Canal), during the summertime. The Major and the Captain stated that given current staffing levels this would be difficult. They equated that this was effectively robbing Peter to pay Paul, as it would move officers out of other areas and other duties. To make up for a lack of personnel, they were encouraging the utilization of adjudicatory proceedings (in addition to criminal and non-criminal citations); the loss of the permit was seen as a strong disincentive to poaching.

Sooky Sawyer and Mike Pierdinock asked if the MEP could expand on the potential loss of JEA funding. Major Moran stated that the program was funded through 2019 under the current contract. However, funding could be eliminated for 2020. If so, MEP may lose approximately \$1M in available funds, which are used towards enforcement initiatives, the maintenance of vehicles and vessels, and even payroll. Director Pierce added that the ASMFC was putting together a strongly worded letter to the Secretary of Commerce and congressional leadership. David added that this would just not impact MA but all Atlantic, Gulf and Pacific coastal states.

Mike Pierdinock asked if JEA funding was used for the enforcement of right whale protections. The Major stated that it was.

Andrew Walsh asked if MEP could provide a breakdown of their budget. The Major and Captain could not provide this off-hand. They stated that the budget was likely around \$9-10M, which was the average operating budget in recent years. The Major noted that this was for coastal, inland, boat registration, vessel and vehicle maintenance and civilian employees. The Chairman asked if the MEP could provide a breakdown of their budget at a future meeting. Captain Khabir said they could likely do that.

DISCUSSION ITEMS

Review of May 2018 ASMFC Meeting

Southern New England Winter Flounder

Director Pierce began the review of the May 2018 ASMFC Meeting by discussing winter flounder. He stated that the board reviewed and rejected a request by Rhode Island to allow their state-waters vessels to fish under a weekly limit. DMF and other states objected due to the fact that the status of this resource remained poor and such an allowance would likely increase harvest and effort.

Andrew Walsh asked if this weekly limit would apply only to non-federal permit holders. David stated that it would. He noted that given the issues MA was facing with its state-waters groundfish fishery in the Gulf of Maine, he was sensitive to how this may impact federal permit holders if the weekly limit contributed to an exceedance of the state-waters set-aside.

Sea Herring

Director Pierce stated that recent assessment data shows that the spawning stock biomass (SSB) for sea herring has decreased substantially. This was the result of poor recruitment and year class availability. Accordingly, the Atlantic sea herring TAC could be decreased from 110,000 mt in 2018 to between 15,000 – 20,000 mt in 2019.

David then speculated that this decrease in quota availability may drive changes to fishing effort in the menhaden fishery (and other bait fisheries) to meet summertime lobster bait needs.

Kalil Boghdan asked for DMF to further clarify why this drop in SSB was occurring. He also stated his concerns about the impacts this drop in SSB may have on forage availability. Mike Armstrong and Cate O'Keefe explained that there have been four consecutive years of poor recruitment. These below average year classes are about to age into the exploitable biomass, while the large year classes that were carrying this fishery for several years are aging out.

Cate added that the past assessment was also considered to be overly optimistic and the new assessment more robust.

Sooky asked if this decline in SSB may be driven by predation. He noted that in the past there was thought to be a correlation between a large biomass of haddock and future poor recruitment in the herring fishery.

Mike A. stated that there are a number of environmental factors to consider. This included haddock predation on herring eggs, as well as changes to ocean currents and warming water temperatures. Cate and Mike A. noted that herring populations are cyclical and the population has rebounded from low levels in the past.

Sooky Sawyer and Mike P. asked if this would prompt emergency actions to reduce the 1A herring quota for 2018.

Cate stated it would not. Director Pierce and Cate stressed that these findings were preliminary and the assessment had not yet been subject to peer review. Once the findings were finalized it would be used to set specifications for 2019-2021.

Ray Kane stated that he has heard that once the assessment is peer reviewed the TAC may move closer to 30,000 mt.

Mike P. asked if this would move the ASMFC closer to ecosystem-based management.

Mike A. stated that ecosystem-based management is still a long way off. He noted that the take home message was that management is promptly and appropriately reacting to emerging science and that environmental factors have a serious impact on the health of fish stocks.

Ray Kane then asked DMF about the setting of fishing days in the 1A herring fishery and potentially slowing harvest early in the summer to ensure that quota remains available into the fall.

Cate O'Keefe stated that the Section established four open fishing and landing days to start the fishery on June 1 with a 480,000-pound limit. She noted that these limits were higher than those set in 2017. Projections on when this quota could be taken are uncertain this early on, but the Section can act to slow harvest if necessary.

Cate and David added that Maine and New Hampshire tend to prefer to take the 1A quota earlier in the season, as this benefits their seiners. MA tends to prefer a more conservative approach to ensure bait availability for its lobstermen. MA typically ends up out-numbered and on the losing side of the debate. The Director stated that there is a fail-safe in the plan that allows decisions to be voted on by the full section, which would include southern states. This had not been utilized in the past, but it remained an option.

Northern Shrimp

Mike Armstrong stated that the northern shrimp stock had collapsed due to environmental conditions driving poor recruitment. As a result a moratorium was put in place several years back. The stock remains depressed. Maine wanted to discuss

potential harvest options, but ultimately it was determined to let the moratorium continue.

Striped Bass

Mike Armstrong stated that the benchmark assessment was moving forward. One of the biggest issues with this assessment is where biological reference points would be set. At present, these reference points were set conservatively and on a stock-wide basis, which favored a recreational fishery. However, the Chesapeake Bay states disagree with these reference points and prefer they be liberalized and/or area-specific (i.e., separate reference points for the Chesapeake Bay), which would benefit their stakeholders and fisheries.

Mike P. asked about the timing of the assessment.

Mike A. stated it would not be concluded until early-2019. Changes in management would then be considered based on the results. He noted that the model being used was more complex than past models and he was uncertain how it would perform until data were inputted.

Menhaden

Nichola Meserve stated that the primary issue addressed by the Menhaden Board was Virginia's non-compliance with Amendment 3, particularly the Chesapeake Bay Reduction Fishery Cap. She noted that the Virginia Legislature manages menhaden and they did not implement a law that would have established the new higher state quota and lower Bay cap. The Board stayed a non-compliance vote until August, and approved sending a letter to the VA Legislature. The Board will revisit this non-compliance issue at the August ASMFC meeting if the VA Legislature has failed to move a law forward.

Kalil Boghdan asked about the non-compliance process.

Nichola stated that once the full Commission finds a state out of compliance, the ASMFC sends a letter of this determination to the state and the Secretaries of Commerce and the Interior within 10 days. The Secretary of Commerce has 30 days to respond to a Commission non-compliance referral and determine if the state is out of compliance with the FMP, and it jeopardizes the conservation of the resource. If so, NMFS must declare (within 6 months) a harvest moratorium on the species in question in the non-compliant state. The Director expressed concerns regarding the willingness of the Commerce Department to intercede following the fluke non-compliance issue with New Jersey in 2017.

Mike Pierdinock questioned the decision by the Menhaden Board to allow Virginia to go out of compliance given that they hold a majority of the quota.

Nichola noted that while this is a non-compliance issue, it may not be a conservation issue. The state's total quota was compliant. Moreover, the reduction fishery had been

fishing under the level set by the new cap for several years, as their fishery had been occurring outside the Bay. Considering these factors, the Board determined it would be appropriate to give the state time to address it on its own.

Mike P. asked if DMF anticipated Virginia would comply. Nichola stated that she expected they would, and if the state did not take the appropriate action, the industry would be smart to enact a self-imposed restriction to avoid potential future closures.

Tautog

Nichola Meserve stated that a Connecticut proposal to not reduce their commercial fishery as required under Amendment 1 was approved by the Tautog Board. The state's commercial fishery is very small and the required reduction was expected to have a negligible impact on mortality. Nichola speculated that Connecticut may consider going to game fish once a tagging program was implemented because the administrative costs would not be in balance with the value of the fishery.

Summer Flounder

Nichola Meserve stated that a draft amendment was approved for public hearing that would address commercial quota allocations.

MRIP

Mike Pierdinock, Ray Kane, Mike Armstrong, and Nichola discussed new improvements to the MRIP survey.

Mike Armstrong stated that the effort component of the survey was going back to a hard mailing, rather than a phone call. This was due to the fact that the hard mailing had better response rates and bias may have been introduced by the fact that phone calls are not typically answered due to the proliferation of robo-calls. Mike A. added that new survey methods were also being implemented in the field survey; the field survey contributes the harvest component.

Mike Pierdinock expressed concerned that this may drive harvest estimates up.

Mike A. was less certain that this would be a concern. He stated that higher catch may demonstrate that biomass has been underestimated in the past. Moreover, it may encourage managers to make shifts in allocations towards the recreational fishery.

Ray Kane stated that the Academy of Sciences supported this new survey. Mike A. concurred.

Law Enforcement Committee (LEC)

Major Moran stated that the LEC reviewed rope-less fishing technology, which was not recommended. Additionally, there was a push for vessel monitoring devices on state-waters vessels.

Final Resolution on Use of Carrier Vessels in Menhaden Fishery

Director Pierce reminded the MFAC that at the April meeting there was a discussion about menhaden fishing rules for 2018. Out of this discussion there was a debate regarding the need to balance the removal of forage fish with the economic efficiency of the commercial purse seine fleet.

At the April meeting, DMF proposed limiting the use of one carrier vessel per purse seiner (harvester vessel). This approach was similar to what is required in the Trimester II (May – August) purse seine sea herring fishery in Area 1A (inshore Gulf of Maine). In response to this proposal, some MFAC members argued that it would make the commercial menhaden fleet too inefficient and the agency should work to accommodate economies of scale. Other MFAC members argued that allowing more than one vessel to unload to single carrier vessel could result in a proliferation of catch and effort that would negatively impact nearshore recreational fisheries. DMF determined that it would suspend decision making on this proposal pending further review and analysis.

Now DMF was proposing to allow two vessels to unload to one carrier. Each harvester vessel would be limited to offloading one 125,000 pound daily limit to the carrier. The carrier would then be restricted from accepting menhaden from more than two vessels; accepting more than 125,000 pounds from any one vessel; and possessing and landing more than 250,000 pounds per day or trip. All carriers were to be permitted as bait dealers and report the fish acquired on a nightly basis. This carrier rule would remain in effect until 75% of the quota was taken. At that time, the one-carrier-to-one-harvester rule would go into effect.

The Director expected that this compromise should address concerns regarding both the proliferation of effort and economies of scale. David then noted that this would be implemented by permit conditions. Accordingly, if this approach was determined to be problematic, DMF held the authority to expediently address it in season.

Kalil Boghdan asked how many permit holders were authorized to fish in the limited entry menhaden fishery.

Story Reed stated that there approximately 60 limited entry menhaden permit holders. However, this was not an adequate representation of participation. He noted that not all vessels gear up to participate; not all permit holders are authorized to fish in the inshore areas where menhaden are typically abundant; and not all vessels have the capacity to utilize a carrier or take a 125,000 pound limit.

In any given year about 10 vessels may participate in the limited entry fishery. A small sub-set of these vessels are large scale operations capable of taking 125,000 pounds per day. The remaining permit holders are small scale vessels - typically converted lobster boats - that are usually capable carrying no more than 25,000 pounds.

Kalil then asked how many carriers there were in the state capable of taking up to 250,000 pounds.

Story stated that in recent years there was only one. However, this number could increase, but may not due to the potential expense associated with converting a vessel into a carrier.

Kalil followed up asking if DMF anticipated the new carrier vessel provision would result in additional fishing effort.

Story did not anticipate it would result in an increase to the number of participants, but noted that those participants could potentially land more fish per trip.

Mike Pierdinock expressed his concerns that this proposal may lead to localized pulses in large scale commercial menhaden fishing effort, which would negatively impact local forage availability and recreational fishing opportunities. He preferred that the effort be spread out and thought that reducing the efficiency of the commercial fleet by limiting the carrier vessels could accomplish this. For these reasons, he did not support DMF's proposal. Tim Brady concurred with this reasoning.

David appreciated Tim and Mike's perspective and expressed a shared concern for potential impacts to localized forage. However, he felt that this proposal struck a balance between allowing the commercial fleet to be efficient and reducing the potential for any localized depletion to occur. David further added that DMF would be paying close attention to effort and activity in the menhaden fishery, particularly as there are concerns about changes in herring fishing effort in 2019 in response to quota cuts.

Mike P. then asked if the menhaden fishery could occur 24-hours a day.

Jared Silva explained that the landing limit applied per 24-hour day or trip (whichever period is longer). However, the fishery was functionally a day fishery, as the use of purse seine gear was subject to a night closure (in effect ½ hour after sunset to ½ hour before sunrise).

Recent Emergency Regulations Affecting Right Whale Conservation

Jared Silva reviewed recent actions taken by DMF to implement restrictions to protect right whales. This included extending the trap gear closure for a portion of Cape Cod Bay through May 15th. Additionally, within the same area of Cape Cod Bay, DMF implemented a 10 knot vessel speed limit for vessels less than 65' length (a similar federal rule applies to vessels 65' and greater) through May 15th. The period when these emergency rules were in effect could be extended or shortened based on whether or not aerial and habitat surveys demonstrated that the whales remained in the Bay or were likely to remain in the Bay.

Jared then reviewed recent survey work. He noted that aerial surveys conducted in late-April and early-May demonstrated approximately 100 whales were in the Bay. Concurrently, habitat surveys showed that plankton counts remained high; this presented a strong likelihood that the whales would remain feeding in the Bay into mid-

May. The most recent aerial survey counted a smaller number of whales (31), but it was difficult to determine if this was attributable to a migration out of the Bay or poor sighting conditions. Accordingly, DMF was waiting for additional information to be made available before making decision to rescind either the trap gear closure or the speed limit. Jared expected the next survey would be conducted over the weekend or early the following week and this data could be more determinative.

There was some discussion regarding the enforcement of the federal or state vessel speed limit on whale watch boats and ferries. It was determined that these vessels were not exempt and that reports of speeding vessels should be directed to the USCG.

Sooky Sawyer stated that it may be appropriate to consider subsidy funding for affected lobstermen if it becomes commonplace for the state to extend the trap gear closure well into May. Director Pierce stated that the first step would be for his staff to determine what overall economic impact was felt by Cape Cod Bay lobstermen due to the closure. He anticipated that the impact would be more that of delayed income, rather than loss of income.

Review of Law Enforcement Sub-Committee Meeting

Jared Silva reviewed the brief memo provided to the MFAC recapping the April 24, 2018 MFAC Law Enforcement Sub-Committee Meeting. He noted that DMF was moving forward to research and analyze several items discussed at this meeting including the issues pertaining to enforcement across jurisdictions and gaffing of fish with a minimum size. He expected DMF would provide public hearing proposals for the MFAC to review in the early fall, which would allow new rules to be implemented for 2019.

PRESENTATION ON OFFSHORE WIND ENERGY DEVELOPMENT

Cate O'Keefe provided a presentation updating the MFAC on offshore wind energy development. Her presentation focused on wind energy development within the MA Wind Energy Areas (south of Martha's Vineyard) and the Vineyard Wind construction and operation plan submitted to Bureau of Ocean Energy Management (BOEM). DMF submitted comments to BOEM regarding the Vineyard Wind construction and operation plan, which would be considered by BOEM in the drafting of the Environmental Impact Statement.

With regards to Vineyard Wind, Cate noted that they were currently planning on constructing 106 fixed turbines on an area of their lease site (more turbines could be constructed at a later date). Per the operations plan, these 106 turbines were expected to be operation by 2021. The turbines would be spaced approximately 0.8 nautical miles apart. There are two proposed navigational corridors that would be 1 nautical mile wide. These turbines would each produce 8-10 mw of electricity. The electricity would be delivered to shore through cables buried 6-8 feet below the surface. In areas where the cables cannot be buried under existing substrate, they will be buried under concrete

structures. There are a variety of options for laying these cables out through Muskeget Channel and for landfall on Cape Cod.

Cate noted the next major step for Vineyard Wind would be securing a power purchase agreement. Failure to secure such an agreement could delay construction. She noted this was where efforts to develop Cape Wind had previously fallen through. However, she expected a power purchase agreement would be reached in May or June 2018.

Cate reviewed DMF's comments to BOEM on Vineyard Wind. The agency's comments focused on impacts the turbine spacing may have on fishing activities, fishery resources, navigation and fisherman safety. DMF's comments also addressed that Vineyard Wind did not adequately characterize species and fisheries that utilize this area or fishery economics that may be impacted. This was in part due to some fisheries being data poor. Lastly, DMF noted that there was a lack of coordination between wind energy companies and their site design that further complicates analyzing the cumulative impacts of potential wind farm development.

Cate noted that Governor Baker had initiated a MA Fisheries Working Group on Offshore Energy. The Working Group will be headed by David Pierce (DMF Director) Bruce Carlisle (MA Coastal Zone Management Director) and Bill White (Clean Energy Center Director). This working group would assist in addressing areas where the fishing industry and offshore energy development may be in conflict and address potential mitigation strategies.

At the conclusion of the presentation Cate then fielded questions from the MFAC.

REVIEW OF PROPOSALS FOR FUTURE PUBLIC HEARINGS

Update on Recreational Black Sea Bass Limits

Nichola Meserve reminded the MFAC that at the April meeting DMF had stated that it intended to implement a recreational black sea bass season of May 19 – September 1 by emergency regulation. The bag limit and minimum size would remain status quo at 5-fish and 15-inches. However, at the time, the northern states were in the process of Addendum XXX to the FMP. If the appeal were to be approved by the ASMFC Policy Board, the season was potentially subject to further liberalizations.

Per the Director's prior comments, the appeal was approved. As a result, the season would be liberalized and would occur from May 19 – September 12. This would provide an additional 11 open fishing days.

Nichola noted that this appeal allowed DMF to add 15-days to the season compared to 2017. This amounts to a projected 15.5% increase in harvest based on 2017 MRIP data, compared to the 4.6% increase MA was initially allowed. Nichola then reviewed the technical details that allowed MA to arrive at this liberalization.

She added that the appeal also jumpstarted a process that would review both the commercial and recreational management approaches for black sea bass in response to changes in the distribution of the resource. The Plan Development Team was now tasked to look at the impacts of climate change and changes in species distribution.

Mike Pierdinock thanked DMF for their work on Addendum XXX and the appeal. Not only would the extra days in 2018 be beneficial to the fleet, it set the framework to continue to address the geographic redistribution of this species northward.

Shellfish Sanitation, Handling and Relay Regulations

Jared Silva reviewed the memorandum provided to the MFAC regarding DMF's draft shellfish sanitation, handling and relay regulations. This draft proposal would codify (1) DMF's existing process for classifying shellfish growing areas; (2) DMF's permit conditions affecting the sanitary harvest, handling and transportation of shellfish; and (3) DMF's shellfish relay program.

Jared noted that this shellfish proposal was previously discussed with the MFAC in late 2017. At that time, DMF indicated the proposal would also include draft regulations to codify existing shellfish aquaculture permit conditions. However, DMF decided not to move forward with the codification of the aquaculture permit conditions at this time.

There are currently two bodies being developed – the MA Shellfish Initiative and the MEPA Standard Review Process Citizen's Advisory Committee for Aquaculture. These two bodies will have input into aquaculture development in Massachusetts. Accordingly, input from these bodies would be helpful in reviewing and developing shellfish aquaculture regulations.

Jared then reviewed the agency's contaminated shellfish relay program. State law grants authority to DMF to manage contaminated shellfish resources. Consequently, DMF permits, and with the assistance of MEP and local shellfish authorities oversees, a contaminated shellfish relay program. This program is conducted in strict accordance with the National Shellfish Sanitation Program's Model Ordinance.

The program allows receiving municipalities to hire a contracted dredge vessel to remove shellfish from growing areas subject to biological contamination and plant shellfish in another growing area with clean waters. The relayed shellfish are then segregated and the area where they are planted is closed until the shellfish depurate. This provides the municipalities receiving the shellfish with an affordable means of enhancing local wild shellfish populations. This is of great benefit to these communities, who can then afford more shellfish fishing opportunities (principally recreational) in their waters. It also removes large quantities of contaminated shellfish from other waters. This limits the potential for shellfish poached from this area to enter into commerce.

Typically quahogs are removed from the waters of Mount Hope Bay and New Bedford Harbor and are transplanted in the waters of towns along Buzzards Bay and Cape Cod. Certain source municipalities do not see a direct benefit from the removal of shellfish

from their waters and this became controversial. As a result the legislature passed the Acts of 2017 c. 47 §112. This required DMF to establish a fee per bag of contaminated shellfish to be paid to the municipality where the shellfish were removed from. This fee is then to be paid by the receiving municipality to the source municipality.

In response to this legislation, DMF drafted regulations that codify how the contaminated relay program is conducted. Moreover, these regulations adopt a \$1.00 per bag fee to be paid by the receiving municipality to the source municipality.

Bill Doyle asked if DMF's decision to delay codifying the aquaculture permit conditions was affected at all by interest in creating standard aquaculture rules across municipalities.

Jared stated that it was not a driving factor in DMF's decision making. However, the MA Shellfish Initiative was being developed to address and vet issues and proposals relevant to shellfish industry in MA. Accordingly, this new body may be a good place for Bill's concerns on this issue to be worked on.

Modernizing Mobile Gear Closure Boundaries

Jared Silva then reviewed DMF's draft proposal to modernize the state's mobile gear closure boundaries. He noted that the boundaries would not be changing. Instead they would be described in regulation using latitudinal and longitudinal coordinates, rather than historic lines and line-of-sight coordinates. This proposal was vetted by MEP and the MFAC's Law Enforcement Sub-Committee at their April 2018 meeting. MEP stated that the regulations, as drafted would be enforceable.

Jared noted that, if approved by the MFAC following public hearing, these new rules would be in place for 2019. For 2018, the old regulatory language would remain in effect. To enhance enforcement and compliance, DMF would be publishing maps and coordinate tables on their website.

OTHER BUSINESS

MFAC Comments

Andrew Walsh thanked DMF for their reconsideration of the menhaden carrier issue. He felt that the agency reached a reasonable compromise.

Andrew then asked if DMF had considered extending the squid fishery past June 9th to account for the cold spring and late arrival of the fish. Director Pierce stated that he had not yet considered an extension and typically does not until late-May or early-June. However, such extensions had been accommodated in the past if catch rates remained high and bycatch issues were perceived to be limited.

Mike Pierdinock expressed his frustration with NMFS HMS office. In 2017, in anticipation of an offshore fishery, NMFS set a 3-fish bluefin tuna limit for the summertime general category fleet. However, the fishery occurred near shore and the

quota was taken quickly resulting in an overage and limited quota available for the fall tuna fishery. This negatively impacted tuna fishermen in the northeast who rely on a fall fishery. Due to concerns about repeating this, northeast fishermen requested NMFS take a more conservative approach for 2018. However, they set the limit at 3-fish again, but committed to more aggressively monitoring the quota. Mike P. did not find this sufficient, particularly as he felt that NMFS HMS office did not have a strong track record in actively managing tuna quotas.

Chairman Kane agreed. He asked if it would be appropriate for DMF or the MFAC to write a letter to NMFS expressing the benefits of conservative quota management for MA fishermen.

Director Pierce stated that he wanted to discuss this further with Mike and Ray. However, he was open to drafting a letter to NMFS.

Sooky Sawyer reminded the MFAC that they had previously voted in favor of Arthur DeCosta for the Belding Award. However, the award had not yet been presented to him. He was curious as to when this would occur.

David stated that he was planning to present the award to Arthur at the June MFAC meeting. This meeting was scheduled to be held in New Bedford, which is close to Arthur's hometown and would not require he travel a long distance to receive it.

Chairman Kane thanked the MFAC members for the attendance. He stated that strong attendance allowed for informed discussions and deliberate meetings. He also thanked DMF staff for their work at the recent ASMFC meeting.

Comments from the Public

John Verissimo stated that the MFMGA was investigating the use of a cellular technology for vessel monitoring. He noted that the technology was affordable and could potentially provide high resolution monitoring. The implementation of such a tool could be very useful in addressing access and habitat issues. If functional this could replace VMS at the federal level and be adopted at the state level. John added that he provided some information on this system to Director Pierce. It is noteworthy that DMF is investigating the same system on its spring trawl survey.

MEETING DOCUMENTS

- **May 10, 2018 MFAC Business Meeting Agenda**
- **April 12, 2018 MFAC Draft Business Meeting Minutes**
- **May 2018 ASMFC Meeting Summary**
- **Memorandum on Use of Carrier Vessels in Menhaden Fishery for 2018**
- **Memorandum on Recent Emergency Regulations to Protect Right Whales**
- **Summary of April 24, 2018 MFAC Law Enforcement Sub-Committee Meeting**
- **Memorandum on Draft Shellfish Harvest, Handling, Sanitation and Relay Regulations**
- **Memorandum on Draft Mobile Gear Closure Regulations**
- **DMF Comments to BOEM on Vineyard Wind**

FUTURE MEETINGS

**10AM
June 14, 2018
SMAST East
836 Rodney French Blvd
New Bedford, MA**

**10AM
July 19, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA**

**10AM
September 13, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA**

**10AM
October 11, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA**

**10AM
November 8, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA**

**10AM
December 13, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA**