

MARINE FISHERIES ADVISORY COMMISSION

June 14, 2018

SMAST East

New Bedford, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Kathryn Ford; Robert Glenn; Story Reed; Steve Wilcox; Matt Camisa; Jared Silva; Nichola Meserve; Sam Andrews; and Melanie Griffin

Department of Fish and Game: Ron Amidon, Commissioner (by phone).

Massachusetts Environmental Police: Lt. James Cullen and Lt. Matt Bass

Members of the Public: Susanne Altenberger and Kevin Slattery.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the meeting to order and welcomed everyone.

REVIEW AND APPROVAL OF JUNE 14, 2018 BUSINESS MEETING AGENDA

No comments were made.

Tim Brady made a motion to approve the business meeting agenda. Michael Pierdinock seconded the motion. The agenda was approved unanimously.

REVIEW AND APPROVAL OF MAY 10, 2018 DRAFT BUSINESS MEETING MINUTES

No comments were made.

Tim Brady made a motion to approve the April 12, 2018 MFAC business meeting minutes. Michael Pierdinock seconded the motion. The minutes were approved unanimously.

COMMISSIONER'S COMMENTS

Commissioner Ron Amidon stated that DMF's Deer Island fishing pier project was progressing. However, he noted that some Winthrop residents were concerned that the pier will create a local nuisance. A public meeting had been scheduled by the MWRA for 7PM on June 28, 2018 at Winthrop High School to listen to these concerns. The Commissioner asked that MFAC members try to attend the meeting.

The Commissioner also stated that DFG State House Day would occur on June 21, 2018 from 10:30AM to 12:30PM. DFG staff would be setting up booths at the state house and presenting projects to legislators and their staffs.

DIRECTOR'S COMMENTS

Director Pierce noted that the presentation of the Belding Award to Arthur DeCosta had been postponed. An upcoming meeting will be held at DMF's New Bedford office to issue the award.

The Captain Leroy head boat operation out of New Bedford was recently the subject of a high profile black sea bass non-compliance incident. The incident was picked up by the local media including the Boston Globe. The Director was considering administrative penalties, such as a permit suspension. Additionally, he recognized that non-compliance during the spring and early summer recreational black sea bass and scup fisheries was a broader problem than just the Captain Leroy. He expressed particular concern about those for-hire operations that have traditionally catered to so-called "meat fishermen" - clientele (often from out-of-state) who want to take home large quantities of fish. He questioned the viability of this business model moving forward. The Director intended to meet with for-hire operators later in season to discuss measures necessary to improve compliance.

One of the impacts of this non-compliance incident is that it may influence MRIP data. DMF had two samplers onboard the Captain Leroy on the day the non-compliance incident occurred. Accordingly, the data collected may skew recreational fisheries catch and harvest data and impact future harvest limits for all recreational fishermen in Massachusetts.

David added that there was a pervasive distrust among the for-hire fleet for the MRIP survey. As a result, some operators were encouraging their clients to not cooperate with samplers due to perceived concerns that the data will be used to constrain future fishing limits. This perspective was wrongheaded and may actually be contributing to a loss of fishing access. Their cooperation is needed for a more robust data set. Having more robust data would reduce the variability of the catch estimates (percent standard error) and create more confidence in using the data for management.

On the topic of the for-hire industry, the Director took his annual meeting with the Cape Cod Charter Boat Association (CCCBA). This year the focus of the discussion was on the development of artificial reefs in Cape Cod Bay. DMF had sited four potential areas

for reefs to be deployed. CCCBA members were excited about these developments and future reef construction.

DMF staff, including the Director, recently met with the Massachusetts Fisherman's Mobile Gear Association (MFMGA). The purpose of the meeting was to discuss a variety of surf clam dredging issues in state and federal waters. The focus of the meeting was the pending actions by the NEFMC that may limit surf clam dredge fishing on Nantucket Shoals and the Great South Channel beginning in May 2019. The MFMGA also raised their interest in some state-waters management issues, such as night fishing and spatial management. The MFMGA also strongly supported the adoption of enhanced vessel monitoring technology and were piloting the use of a cellular based technology that had the capability to "ping" on a 1-minute basis; DMF is piloting the same technology on the R/V Gloria Michelle on its 2018 trawl survey.

David explained his decision to not extend the state-waters small mesh trawl squid fishery beyond June 9. He stated that staff had compiled recent federal observer data from small mesh squid tows in Nantucket Sound and south of the islands. These data demonstrated large bycatches of scup and river herring. David viewed the quantities of fish being caught and discarded as problematic. This concerned him and made him question whether or not the fishery should continue to occur in state-waters.

Andrew Walsh asked about the timing and quantity of observer data reviewed by DMF. Deputy Director Dan McKiernan stated that the data came from 19 tows in state-waters that occurred on four trips from May 25 to May 29. Mike Pierdinock and Andrew Walsh were interested in obtaining this data. Director Pierce indicated that he would provide the MFAC with his staff's analysis.

Andrew Walsh stated that scup discards this year are likely inflated as a result of DMF having to reduce its scup trip limits from 10,000 pounds per week to 200 pounds per day to comply with the FMP. He noted that if the rule were changed back to a higher limit, scup discards would likely be way down. Andrew argued that questioning the future of the squid fishery based on this data was misplaced; the "problematic" discarding was likely the result of flawed management that forced the regulatory discarding of a highly abundant and underutilized species.

Dan McKiernan agreed with Andrew that the discarding data was likely inflated due to recent management changes forced upon DMF by the interstate plan. He stated that DMF was looking to address this through the MAFMC's 2019 scup specification process. Dan noted that this proposal to the MAFMC was an agenda item for today's MFAC meeting and DMF intended to discuss it in more detail later.

Kalil Boghdan asked about how many vessels participated in the squid fishery. Dan stated that about 2-3 dozen vessels usually participate. Andrew Walsh agreed with this figure.

Mike Pierdinock and Kalil agreed with the Director's concerns regarding the squid fishery and suggested management changes may be necessary. Chairman Ray Kane stated that DMF needed to further analyze this data and provide management options before this issue is further debated by the MFAC.

David moved on to briefly discuss offshore wind development. He noted that a meeting would be hosted in New Bedford next week related to construction of Vineyard Wind and the laying of the cables to these turbines. Additionally, Kathryn Ford was scheduled to provide the MFAC with an overview of the progress of offshore wind farm construction later in the meeting.

David closed his comments by reviewing recent decisions by the NEFMC regarding sea herring. The benchmark assessment showed very poor recruitment. As a result the NEFMC was looking at potentially cutting the allowable biological catch (ABC) from 110,000 mt to about 15-30,000 mt for 2019-2021. Moreover, the NEFMC took an emergency action to cut the 2018 ABC from 110,000 mt to 55,000 mt. He noted that the cut to this year's ABC was not expected to have a big impact on the Gulf of Maine fishery because the quota available in this area was underutilized in recent years and this cut is consistent with status quo landings. However, it may have substantial impacts on the Georges Bank fishery. David expected that the lack of herring in future years would likely drive effort in other bait fisheries, such as menhaden.

LAW ENFORCEMENT COMMENTS

Lt. Cullen's comments focused on the recent Captain Leroy incident previously discussed by Dr. Pierce. He noted that there were 35 customers on board and 15 individuals were issued citations for a variety of fishery violations, mostly regarding the recreational black sea bass minimum size and bag limit.

Chairman Kane expressed his frustrations with non-compliance in the recreational fishery, particularly among charter and head boats. He advocated for stronger enforcement and penalties.

Lt. Cullen agreed with the Chairman that there are widespread compliance issues within the recreational charter and head boat fishery for black sea bass.

Mike Pierdinock took exception to these comments regarding non-compliance among the charter and head boat fleet. He stated that many operators run tight operations that do not turn a blind eye to non-compliance. However, he supported calls for stronger penalties for non-compliance, which should include not only fines but the seizure of gear and permit suspensions and revocations.

Tim Brady previously ran a head boat operation that participated in the May/June black sea bass fishery. He acknowledged how problematic the meat-fishery clientele can be with regards to non-compliance and how difficult this made the job of the operator. He

felt it was incumbent on the operator to contact the MEP if they cannot control their patron's activities.

Tim and Mike P. also expressed their concerns regarding how non-compliance may impact future fishing limits.

Lt. Cullen stated that DMF, MEP and the for-hire industry needed to discuss how to improve compliance across the fleet. Director Pierce agreed and noted that if the head-boat industry could not figure out how to improve compliance they may not have a future in Massachusetts. Lt. Cullen added compliance issues were also observed among the charter boat fleet.

Mike P. opined that non-compliance was only common among a select number of operators who typically cater to a meat-fisherman clientele. Otherwise, compliance was generally good in the for-hire industry.

Tim Brady asked about the potential for permit suspensions. Jared Silva and Dan McKiernan stated that DMF has taken action on for-hire permits in the past and that Director was weighing administrative actions against the Captain Leroy.

Tim noted that other fishermen were frustrated that this incident could occur and then the same vessel could be back out fishing the next date. Dan and Jared explained the due process issues regarding permit suspensions. Jared stated that the Director has authority to suspend a permit before a hearing is held under certain circumstances. This is considered to be an "immediate suspension". However, the name is misleading because it typically takes at least a week to 10-days after the incident for DMF to have all the information and paperwork necessary to enact such a suspension.

Lt. Cullen then provided the MFAC with a presentation on MEP personnel, spatial and temporal distribution of officers, agency responsibilities and their hiring process.

Director Pierce asked how much time officers typically dedicated to fisheries enforcement. The Lieutenant responded that it was seasonally dependent, but estimated that about 50% of his staff's time was dedicated to fisheries issues and the rest was spent handling their other various responsibilities.

Chairman Kane asked how the agency handled overtime. Lt. Cullen stated that overtime was not available to his officers through their operating budget. Any overtime obtained by his officers would have to be funded through the outside, such as by the federal government for work related to the joint enforcement agreement (JEA). He noted that in the past overtime had been made available internally on limited occasions related to substantial enforcement incidents.

Mike P. asked about continued federal funding for the JEA. Lt. Cullen stated that funding was secure for next year. Beyond 2019 it became more uncertain.

The Chairman thanked Lt. Cullen for the presentation and felt that the legislature and administration would benefit from better understanding how thinly stretched the MEP were.

Lt. Cullen stated that calls for more funding is better coming from the constituents rather than the agency. He cited the recent letter from the Massachusetts Lobsterman's Association requesting more officers in the field.

The Chairman asked if it would be appropriate for the MFAC to draft a letter of support. The Lieutenant stated that it would. He also encouraged those stakeholder groups that MFAC members represent write similar letters.

ACTION ITEMS

2018 Recreational Fishing Limits

Director Pierce reviewed his recommendation to the MFAC to approve the 2018 recreational fishing limits for black sea bass, scup, fluke and cod. These limits were previously enacted by emergency regulation and are described in the table below.

Fishery	Open Season	Bag Limit	Minimum Size
Scup, Private	May 1–December 31 (245 days)	30 fish	9"
Scup, For-hire	May 1–June 30 July 1–December 31 (245 days)	45 fish 30 fish	9"
Black Sea Bass	May 19-September 12 (117 days)	5 fish	15"
Fluke	May 23–October 9 (140 days)	5 fish	17"
Gulf of Maine Cod	Closed Year Round	0 fish	N/A
Georges Bank Cod	Open Year Round	10 fish	23"

Chairman Kane asked for a motion. **Andrew Walsh made a motion to adopt the recommendation and it was seconded by Kalil Boghdan.** The Chairman opened the item up for debate.

Tim Brady stated that he could not support DMF's recommended prohibition on the retention of Gulf of Maine cod. The federal zero possession limit the last several years had a devastating effect on the charter and head boat industry. Moreover, Tim stated that cod are all over Massachusetts' waters of the Gulf of Maine and the zero possession limit has contributed to unnecessary regulatory discarding in the haddock fishery. He urged DMF to push NMFS to allow some amount of cod retention for the recreational fishing limit

Mike P. expressed similar frustrations to Tim Brady. He noted that these were common concerns raised by members of the Stellwagen Bank Charter Boat Association.

Mike added that cod are so prevalent in certain areas that it is difficult for recreational fishermen to avoid them, even when fishing in deeper waters for haddock.

Mike P. was also critical to the stock based management of cod. He believed that the stock boundary was arbitrary and cod regularly moved between stock areas. However, as a result of geographical stock management, fishermen north of Cape Cod were prohibited from taking cod and fishermen south of the Cape could take 10-fish. Mike added that this was hurting the Gulf of Maine for-hire fleet, as patrons prefer cod to haddock and instead booked trips with southern New England operations. He pushed DMF to prioritize improving the stock structure science for cod. Tim agreed with Mike's argument regarding the stock based management approach.

The Director responded to Mike P. and Tim's comments. He was sympathetic to their positions and noted that DMF had pushed for a nominal allowance for cod and even previously allowed private anglers fishing in state waters to retain 1-fish. However, he was forced to enact a zero possession limit to prevent cuts to the federal haddock fishery.

Regarding the status of Gulf of Maine cod, David agreed that they are abundant in areas where they are aggregated. However, they remain depleted throughout the region. Surveys, namely the IBS, were not finding cod in areas or in quantities that they had previously been found by the IBS a decade ago.

Lastly, Director Pierce noted that Dr. Steve Cadrin from SMAST, along with Dr. Greg DeCelles and Micah Dean from DMF were working on cod stock structure issues. He was hopeful that this study would ultimately inform better management practices.

Mike P. suggested that DMF consider keeping a 1-cod limit for 2018 and Kalil Boghdan asked what would happen if the MFAC did not approve the cod limits today.

Jared Silva stated that the Director's recommendation was to approve limits for cod, fluke, sea bass and scup. If this motion failed, the Director could either reconsider his motion or he could walk away. If he were to walk away, the limits for all these fisheries would revert back to 2017 limits once the emergency regulations expired in July 2018. This would result in more conservative rules for black sea bass, scup and fluke. If the Director modified his motion to allow for the retention of 1-cod, and it was approved, then it is likely that NMFS would come back and restrict the fall haddock fishery.

The Director agreed with Jared. He then reminded the MFAC that the reason DMF was moving to zero possession for Gulf of Maine cod was to avoid constraining the haddock fishery. This decision was made following extensive public input. Comment received demonstrated a preference for eliminating the cod fishery in favor of maintaining the haddock fishery.

Ray Kane asked the Director to confirm that a no vote on this motion due to concerns about cod may impact the fluke, scup and black sea bass fisheries. David stated that it may. He had not yet determined how he would proceed if the current motion failed.

Kalil asked if the motion could be amended to stay the decision on cod to allow a vote on the other species. Jared explained that the existing motion would have to fail. Then the Director would have to choose whether or not he would modify his recommendation. All recommendations must be made by the Director; an MFAC member may only make a motion on the Director's recommendation and cannot move forward motions on their own recommendations.

Andrew Walsh stated that he does not agree with the assessment science on Gulf of Maine cod, nor does he agree with the resulting management measures being debated. However, this is what the management scheme dictates must be done, so it's appropriate to do it. He noted that if we try to solve the management and science problem through willful non-compliance then we only make more problems down the line for all fishermen. He noted that if the MFAC decided to liberalize recreational fishing rules for cod it would limit their access to haddock. Moreover, it could also negatively impact the commercial fishery if it was the reason that the overall TAC was exceeded. Director Pierce agreed with Andrew's analysis.

Based on this further discussion, Mike P. stated that he felt compelled to vote in favor of the motion. He noted that even though he disagrees with the Gulf of Maine cod prohibition, he did not think that non-compliance was worth the ensuing problems it would create.

On black sea bass, Mike P. stated that he supported the motion for 2018. However, he would like DMF to conduct an analysis to split out the for-hire mode in 2019.

No further comments were made. The Chairman moved the motion to a vote. **The motion was approved 4-1.**

PRESENTATION ON OFFSHORE WIND ENERGY DEVELOPMENT

DMF Habitat Program Leader Dr. Kathryn Ford provided the MFAC with a presentation on the wind energy development leases and projects from New Jersey to Cape Cod. The presentation reviewed the various potential lease sites; state commitments to green energy development that are prompting the development of offshore wind energy projects; and interactions these projects may have with fish resources and fisheries.

At the conclusion of the presentation, the MFAC was afforded an opportunity to ask Kathryn questions.

Mike P. asked how the cumulative impacts associated with various wind development projects are assessed on fisheries and fishery resources. Kathryn stated that studies

are currently being conducted at a project specific level. Region-wide studies are also being scoped and there are questions about research parameters and study prioritization.

Tim Brady asked if security zones were expected to be developed around the wind turbines. Kathryn stated that this was not anticipated, except during construction. She noted that the US Coast Guard conducts a navigational assessment and provides recommendations for vessel safety around wind turbine arrays. However, they do not promulgate rules to restrict vessel traffic.

Kalil Boghdan asked how long it takes for a wind farm to be constructed and bring electricity to the grid. Kathryn stated that most projects are looking at 2-year time frames for approximately 100 turbines.

Tim asked about the life-span of the turbines and plans for decommissioning. Kathryn stated that the life-span is approximately 30-years. Prior to construction they must be assured for decommissioning up to 25 feet below the seafloor.

Andrew Walsh asked for Kathryn to further clarify how cables would be buried. Kathryn stated that they are buried at 2-8 foot depth depending on the substrate. If the cable cannot be buried then they will utilize concrete mats.

Director Pierce, Andrew and Kathryn then further discussed the use of cobble to bury cables rather than concrete mattresses. Kathryn expected that mattressing will have to occur on some of the harder bottom around the Bay State Wind and Offshore Wind farms. Andrew speculated that the use of cobble may impact mobile gear fishing as the bottom gear may move or snag cobble depending on its size and deployment.

Director Pierce asked about the amount of cabling between turbines. Kathryn stated that there are smaller cables that connect the turbines, then these cables are daisy chained together and connected at the main board. From there a large main cable runs the power to shore.

Kalil Boghdan asked if there was a link between decommissioning turbines and the development or expansion of farms. Kathryn stated that these issues were not coupled. Lease areas will be developed or expanded based on energy demand. Sites will be decommissioned independent of that. Whether or not sites will be redeveloped following decommissioning is a question to be answered in the future. She noted that MA was advocating that BOEM not expand their existing lease site footprint until impacts and demand can be better estimated.

Ray Kane asked if a fisheries impact assessment had been conducted on the small wind farm off Block Island. Kathryn stated that studies have been conducted. The findings were generally positive. However, there were concerns about mobile gear snagging on cables and the responsiveness of the energy company to fisherman's

concerns. There was also general skepticism that the findings of these studies are applicable to other sites because of the difference in the scale of the projects.

Mike P. asked if Kathryn knew when Vineyard Wind would address the issue of turbine spacing. Kathryn said that deep booring would occur this summer and based on these findings they will likely develop a turbine spacing plan.

Mike P. added that Denmark fishermen had been protesting the impacts of offshore wind energy development on fish distributions. Director Pierce stated that he was aware of these protests but had yet to see scientific evidence detailing why the spatial distribution of fish species may be changing.

Kathryn noted that the Secretariat of Energy and Environmental Affairs was drafting a letter to BOEM regarding fishery issues. This memo was provided to DMF and DMF had forwarded it to the MFAC. She encouraged the MFAC to review the letter and make sure all issues had been addressed.

The Chairman allowed for comments from the public. Susanne Attenburger asked two questions. First, had there been any discussion regarding the projects potential benefit to fish habitat due to the creation of structure. Second, had there been any discussions about using the foundations of the structures as fish pens for offshore finfish aquaculture.

Kathryn stated that it was assumed that the base of the turbines would serve as artificial reefs for fish, which may attract reef fish. Moreover, transforming sandy bottom to hard bottom may impact species distribution and composition. There was no certainty about the net impacts (positive or negative) regarding turbine development.

There also had been no discussion regarding using the turbine bases as supports for fish farms. She was skeptical that this would be considered due to the distance from shore and the fact that these bases are not designed to support the additional weight.

DISCUSSION ITEMS

Whelk Fishery Update

DMF Senior Biologist Bob Glenn provided the MFAC with an update on the channeled whelk fishery. This update included an evaluation of whelk fishery trends; a summary of the recent DMF stock assessment that demonstrated MA's channeled whelk resource was overfished with overfishing occurring; and a review of the upcoming gauge increase schedule and its projected impacts on the commercial fishery.

Andrew Walsh and Bob Glenn discussed the stock assessment models used; size at maturity data; and the impact of recent minimum size increases on fisheries dependent data.

Chairman Kane suggested that if DMF does move forward with biennial gauge changes that they find a machine shop willing to make them to ease the burden on fishermen.

Mike Pierdinock asked how a small size at maturity may affect the stock assessment results, noting that some Vineyard fishermen argue that whelks are maturing at sizes smaller than DMF's studies demonstrate. Bob Glenn stated that it would change the spawn per unit recruitment analysis in the assessment. However, he was very skeptical of this counter argument. He noted that in order to determine the sexual maturity of a whelk, it has to be cracked open and removed from the shell; it cannot be determined from looking at the animal while in its shell. Moreover, DMF sampled thousands of whelks when conducting a size at maturity analysis and did not find any evidence that whelk have the physiological capability to reproduce at these smaller sizes.

The Chairman stated that DMF should go to the Vineyard to discuss these issues with the island's whelk fishermen. Dan stated that DMF was already scheduled to go to the island on Monday, June 25th to meet with whelk fishermen. The Chairman encouraged MFAC members to attend.

Andrew Walsh noted that to date DMF had principally managed knobbed and channeled whelk jointly. Current analyses driving future gauge changes focused exclusively on channeled whelk. He added that the Nantucket Sound dragger fleet caught almost exclusively knobbed whelk and very few channeled whelk. A gauge increase would represent another cutback to this fleet, which was already dealing with reductions to the fluke quota, cuts to scup trip limits and threats to the inshore squid fishery. Accordingly, he suggested that unless DMF had evidence that knobbed whelk were similarly depleted that the minimum size management of these species be decoupled.

Deputy Director McKiernan noted that the size at maturity data demonstrated that both species reach 50% size at maturity at roughly the same size – 3 7/8". So applying the gauge increases to the knobbed whelks was a reasonable approach to ensure some spawning stock biomass was protected.

Andrew countered that the catch and effort of knobbed whelks are limited by other factors (e.g., economics, regulations, seasonal access). Accordingly, harvest at current rates may not require a minimum size that protects sexually mature females in order to protect spawning stock biomass. This may already be achieved by other means.

Dan stated that DMF would consider this. Additionally, staff would work to collect and analyze more fisheries dependent data on knobbed whelk.

Ray Kane recognized the importance of increasing the channeled whelk gauge size to protect spawning stock biomass. However, he was concerned that increasing it to 3 7/8" would create a female only fishery, as males do not grow as large. Accordingly, he advocated that DMF consider a slot limit.

Director Pierce agreed with the Chairman's logic in theory. However, channeled whelk were in dire condition and it is likely necessary to expediently protect spawning stock biomass in order to ensure the fishery can continue at some level. The Director opined that the proposed gauge increase schedule may not even be sufficiently aggressive to prevent a collapse.

Scup Specifications

Nichola Meserve stated DMF submitted two proposals to the MAFMC to review and consider when setting of the 2019 scup specifications.

- The first proposal was to allow a tolerance to the recreational minimum size. This tolerance would let recreational anglers take five scup measuring more than 6" but less than 9" to be used as bait. Considerations would need to be given to determine if these fish could be landed or if they could only be possessed while fishing.
- The second proposal was to increase the scup bycatch tolerance in the summertime small mesh squid fishery from 200 pounds to 4,000 pounds to reduce regulatory discarding and enhance access to available quota. This was jointly submitted with RI.

Dan McKiernan noted that the 2018 federal observer data (collected in late May from small mesh tows in state-waters south of Cape Cod) reviewed by DMF showed that much of the scup discards by weight were legal sized fish. Therefore, by revisiting the scup bycatch limits, discarding could be effectively reduced.

Andrew Walsh appreciated DMF's work to reduce the regulatory discarding of scup in the squid fishery. He was curious if other states would support the measure. Nichola was uncertain, but felt that if it passed through the MAFMC's Monitoring Committee it would be supported. If approved, then it would change both the interstate and federal FMPs.

Andrew then asked whether DMF considered a seasonal minimum size reduction for the commercial fishery. He noted that this would further reduce discarding in the squid fishery and could meet bait or reduction market demand. Dan indicated that DMF had not considered a commercial minimum size reduction; the recreational minimum size tolerance was being proposed based on comments from charter boat captains.

Mike P. questioned the marketability of small scup. Andrew stated that if it is landed, there will be a market for it. He noted that with herring quotas being lowered, there will be a high demand for bait that scup could help fill. He noted that monkfish and hake heads were being retained to meet bait market demands.

Mike P. opined that the need to increase the bycatch limit for scup in the squid fishery was evidence that the squid fishery was dirty. Tim Brady agreed and stated that while he does not support regulatory discarding, he felt that DMF should not be

accommodating bycatch retention for small mesh fisheries with incidental catch issues. Both Tim and Mike advocated that DMF consider action to further restrict this fishery due to bycatch and discarding.

Deputy Director McKiernan explained that scup have historically been the most common bycatch in the squid fishery. They are typically caught in large quantities during tows at certain times of day (sunrise and sunset). DMF had allowed higher bycatch limits for scup in the past to accommodate this bycatch, noting the weekly limit had been as high as 10,000 pounds for several years. However, the federal and interstate FMPs have a long-standing provision – dating back to when the scup resource depleted - that limited scup bycatch retention in small mesh fisheries to 200 pounds from May - September. This provision was brought to DMF's attention in a 2017 compliance audit and as a result DMF was required to amend its rules and reduce its scup bycatch allowance in 2018 to comply with the FMP. Therefore, the increase in discarding observed in 2018 was likely a result of management changes prompting more regulatory discards and not a product of the fishery encountering more scup. Considering the status of the scup stock and the underutilization of the commercial quota, DMF was comfortable increasing the bycatch retention limits to reduce regulatory discarding in the squid fishery.

Director Pierce agreed with Dan. However, he noted that he shared some of Mike P. and Tim's concerns regarding the squid fishery. DMF staff would be conducting an analysis of how the squid fishery is being conducted and based on this the Director would make recommendations if he determined management changes were necessary.

Mike P. and Nichola discussed whether the tolerance would apply per angler or per vessel and if there was a need for the 6" threshold.

Lt. Matt Bass stated MEP's concerns regarding the recreational minimum size tolerance. If approved, he would like to see DMF require that the small scup (<9") be kept live, and when in possession of this scup, no large scup (>9") be allowed on the vessel.

Chairman Kane stated that he thought this recreational minimum size tolerance proposal would also require the use of circle hooks when fishing small scup as bait. Nichola stated the purpose of DMF's proposal to the MAFMC was to have the concept generally reviewed. If approved, further restrictions could be considered in the final state rule based on feedback from MEP, the MFAC and the public.

Chairman Kane requested that MFAC members deal directly with Nichola if they wanted to raise concerns or comments regarding either of these proposals.

ASMFC Eel Addendum V

Deputy Director McKiernan reviewed the ASMFC's Draft Addendum V to the American Eel FMP. This addendum looked to address ME's elver quota; elver possession for aquaculture; and yellow eel state-by-state quotas. Chairman Kane and Vice-Chairman

Pierdinock attended the recent ASMFC public hearings on this addendum and expressed strong opinions on the proposals. Based on this, a comment letter was drafted from the MFAC to the ASMFC.

The Chairman asked the MFAC to review the letter and determine if there was support to send it out under the Chairman's signature. The letter opposed changes to ME's elver quota and liberalizations to elver possession rules for aquaculture; supported changes to the yellow eel quota trigger that limited the potential for state-by-state quotas to be implemented; and opposed changes to potential state-by-state yellow eel quotas.

Dan stated that DMF supported these positions. If the MFAC did not support the letter, DMF would send the same letter out under the Director's signature.

Director Pierce objected to many of the proposals presented in the addendum and expressed his frustrations that this addendum had even gone out to public hearing considering the status of the American eel population.

The Director then asked Deputy Director McKiernan if Dan thought the addendum would pass. Dan did not think the provisions regarding elvers would pass. However, he expected changes to the yellow eel quota trigger would pass and he was very concerned about the proposed changes to the yellow eel quota. Chairman Kane stated that if MA ever intended to move to have its yellow eel quota increased, then it was critical that the yellow eel quotas stay status quo at present.

Mike P. stated that he supported this letter. He noted that the Recreational Fishing Alliance (RFA) would be submitting a comment letter as well. This letter would support even more conservative positions than those identified in the proposed MFAC comment letter. This included calling for a closure to ME's elver fishery given concerns about an Endangered Species Act (ESA) listing. He noted the impacts a potential ESA listing would have on dams, marinas and private property rights.

The Chairman stated that the ASMFC would be addressing this addendum at the August meeting. He noted the RFA had a strong presence in NJ and opined that they should lobby the NJ ASMFC delegation to make a motion to close ME's elver fishery. If such a motion was made, Ray would second it.

Dan noted that closing ME's elver fishery was not an option in the addendum. Accordingly, he did not think it should be commented on in the MFAC letter and did not expect a motion would be allowed to that effect at the Board meeting in August.

The Chairman asked if there was support among MFAC to send the comment letter out under his signature. There was no opposition.

Quota Monitoring

Story Reed provided a presentation on how commercial fisheries data is collected and commercial quotas are monitored. He reviewed the differences between harvester and

dealer data in terms of collection, timeliness and resolution and how this affects what data is used in certain analyses. He noted how this system creates challenges for DMF's initiative to more closely monitor state-waters groundfish landings. Lastly, he touched on the future of reporting and DMF's interest in tying catch reporting to electronic monitoring to obtain higher resolution spatial catch data.

Andrew Walsh noted that area fished is difficult to parse out from dealer data. Accordingly, he was curious as to how this impacted DMF's ability to monitor groundfish landings, as there are numerous separately managed stock units based on geographic boundaries. Story stated that nearly all of the state-waters fishery occurs in the Gulf of Maine, so stock area does not present a huge issue in that regard. Deputy Director McKiernan stated that when NMFS was tallying state-waters harvest this past year, they were using dealer data and assigning stock units based on homeport. This created some accounting issues where landings of some species (e.g., cod and winter flounder) were attributed to the wrong stock area. Accordingly, DMF now works more closely with NMFS to audit state-waters catch data at the end of the fishing year based on harvester reports.

Andrew asked if DMF would update the MFAC on its ongoing efforts to improve the real-time monitoring of the state-waters groundfish harvest. He stated that this was critical to improving the management of the GE fishery and ensuring the state-waters fishery lives within its set-asides and does not impact federal permit holders. Story stated that DMF may be in a position to audit and analyze May and June data for the July meeting. If not, an analysis would be ready for the September meeting.

Ray Kane asked about commercial reporting in ME. Story stated that ME has progressive reporting requirements in some fisheries (e.g., elvers and sea scallops) where they do swipe card reporting. In other fisheries (e.g., lobster) they do not yet require mandatory reporting. However, they are being forced by the ASMFC to move in that direction.

Mike Pierdinock asked if homeport was being used on the recreational side to attribute stock units to recreational catch. He was particularly interested in EVTR data, as spatial information is provided. Mike Armstrong was uncertain. Chairman Kane asked Mike A. to look into this and provide an answer to Mike P.

COMMISSION MEMBER COMMENTS

Andrew Walsh asked for DMF to further clarify the purpose of its proposed analysis of the small mesh squid fishery. Dan McKiernan stated that DMF anticipated that the legislature would be requiring DMF conduct this analysis. As a result, there may be funding for it to dedicate staff hours to it. Andrew asked about the timeline for completion. Dan stated that DMF was eyeing the end of the calendar year. Director Pierce stated that he would solicit input from the MFAC and the public prior to conducting the study and would provide the MFAC with periodic updates.

Andrew noted that spring black sea bass landings by the trawl fleet during the squid fishery were surprising low. He noted that this spoke to the fact that boats were not targeting the fish or catching large amounts as bycatch, which were concerns expressed at public hearing.

Andrew then asked how scup landings in May and June differed from 2017 to 2018. Jared Silva stated that he did not have the exact figures in front of him, but based on DMF's quota monitoring charts, it appeared that scup landings were depressed in 2018 compared to recent years. Andrew noted that this was likely attributable to changes in the scup bycatch limits in the squid fishery.

Kalil Boghdan continues to be impressed with the DMF staff and their work. He asked if information was available regarding the structure of the agency. Dan stated that staff would provide Kalil with links to the agency's annual reports.

Mike P. thanked DMF for their letter to NMFS HMS office regarding the monitoring of commercial Atlantic bluefin tuna landings. He stated that precise real-time monitoring, reporting and management was necessary to ensure quota remained available to New England fishermen in the fall.

PUBLIC COMMENTS

Susanne Attenberger spoke briefly to the MFAC about the need to link the commercial fishing fleet's energy consumption, to vessel design and the industry's bottomline. Her desire was to see the development of a strategic vision regarding a 21st century low-carbon sustainable fishing fleet. While she had success working with the US Navy in the past, she had made little traction with the fishing industry through the NEFMC and local industry leaders. Susanne was looking to DMF and the MFAC to take a leadership role on this issue and requested the opportunity to speak to the MFAC at a later date.

Chairman Kane suggested she speak with Jared Silva. Jared indicated that he would coordinate with Susanne and Director Pierce to determine how to proceed.

MEETING DOCUMENTS

- **June 14, 2018 MFAC Business Meeting Agenda**
- **May 10, 2018 MFAC Draft Business Meeting Minutes**
- **Recommendation on 2018 Recreational Fishing Limits**
- **Joint DMF – RI Letter to MAFMC on 2019 Scup Specifications: Net Mesh Minimum Size and Incidental Trip Limits**
- **DMF Letter to MAMFC on 2019 Scup Specifications: Recreational Minimum Size Tolerance**
- **Draft Comment Letter to ASMFC on Addendum V to the American Eel FMP**

FUTURE MEETINGS

9AM
July 19, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
September 13, 2018
SMAST West
706 S. Rodney French Blvd.
New Bedford, MA

9AM
October 11, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
November 8, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
December 13, 2018
Division of Fish and Wildlife Field HQ
1 Rabbit Hill Road
Westborough, MA