

MARINE FISHERIES ADVISORY COMMISSION

September 13, 2018

DFW Headquarters

Westborough, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Jared Silva; Story Reed; Anna Webb; Robert Glenn; Tracy Pugh; Derek Perry; Steve Wilcox; and Mike Trainor.

Department of Fish and Game: Ron Amidon, Commissioner.

Massachusetts Environmental Police: Major Patrick Moran and Lt. Matt Bass.

Members of the Public: Arthur DeCosta; Linda DeCosta; Domenic Santoro; David Kelly; Beth Casoni; Phil Coates; Phil Michaud; and John Verissimo.

INTRODUCTIONS AND ANNOUNCEMENTS

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

REVIEW AND APPROVAL OF JULY 19, 2018 BUSINESS MEETING AGENDA

The Chairman asked if there were any adjustments to the September 2018 MFAC business meeting agenda. Director Pierce stated that there were not. Chairman Kane asked for clarification regarding agenda item covering the recently enacted amendments to marine fishery fines and penalties in relation to the discussion at the July meeting regarding legislative updates. Jared Silva stated that this was not a legislative update but rather a item that he would provide an overview on and the MFAC could discuss.

The Chairman asked that a motion be made to approve the agenda as provided. **Andrew Walsh made a motion to approve the September 2018 MFAC business meeting agenda. The motion was seconded by Bill Doyle. The motion was approved unanimously.**

REVIEW AND APPROVAL OF JUNE 14, 2018 DRAFT BUSINESS MEETING MINUTES

The Chairman then asked if there were any corrections or refinements to the July 2018 draft MFAC business meeting minutes. No corrections were made.

Kalil Boghdan made a motion to approve the draft July 2018 MFAC business meeting minutes. Andrew seconded the motion. The motion passed unanimously.

CHAIRMAN'S COMMENTS

Chairman Kane did not provide any comments.

COMMISSIONER'S COMMENTS

Commissioner Amindon noted that while it would be covered more thoroughly later in the meeting the Governor had signed into law the Environmental Bond Bill, which included modernizations to the marine fisheries fines and penalties schedule that the MFAC had assisted in developing. He noted that initial feedback, particularly among sportsmen groups, had been overwhelmingly positive and he thanked DMF and the MFAC for their work and support to amend the penalty schedule.

The Commissioner then discussed public access projects. The Deer Island project was moving forward and DMF was beginning to work to develop sites in Wareham and Newburyport.

DIRECTOR'S COMMENTS

Director David Pierce welcomed the MFAC to the DMF West facility. He noted that the building housed the agency's south coast shellfish program.

The Director stated that DFG had recently issued its annual Pride and Performance Recognition awards. The award winner for DMF was Jared Silva for his work on a number of policy issues. Nichola Meserve was also nominated and recognized for her work, particularly on black sea bass issues. The MFAC congratulated Jared for his recognition.

David then briefly touched on several federal fisheries management issues:

- The NEFMC's pending Habitat Amendment would likely close a portion of Nantucket Shoals to surf clam dredge fishing. This closure is expected to substantially impact the small boat near shore fishery. It will also likely affect the

state-waters fishery if vessels are displaced from the new closed area into state-waters.

- The herring fishery was also facing several challenges. In addition to the recent stock assessment prompting substantial cuts to the quota, the NEFMC was expected to implement buffer zones to move the mid-water trawl fishery further offshore. David expected this would impact both forage and bait availability.
- Wind energy development remained front and center in federal fisheries management, as discussions continue on how to accommodate wind development while addressing potential impacts on the fishing industry.

The Director noted that in addition to the fines and penalties being passed in August, there were a number of other pieces of legislation filed this summer affecting marine fisheries. The Environmental Bond Bill also included provisions to develop a Fisheries Innovation Fund and Committee, and an Ocean Acidification Commission, and required DMF to conduct a study on impacts of further liberalizing state-law to accommodate lobster processing and the sale of processed lobster product. The 2019 budget also included a provision that DMF conduct a study on the inshore small mesh squid fishery and participate in a task force to study the impacts of the whale closure. He noted that he provided the MFAC with a memo that detailed the various pieces of legislation.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass stated that August was a busy month for the MEP. They received thousands of calls related to marine fishery issues, particularly contaminated shellfish fishing and recreational saltwater fishing licenses.

Major Moran noted that two new officers were hired and were currently in training. This would help mitigate the pending loss of three officers from the field. MEP also had the financing to hire 10 additional officers in 2019; they were currently conducting background checks on 27 applicants. He expected it would take about a year to get these officers into the field and was uncertain how many of these new hires would end up in the Coastal Bureau.

Mike Pierdinock asked if a letter was sent from the MFAC to Secretary Beaton regarding resources available to the MEP. Jared Silva confirmed that a letter was drafted and sent. Commissioner Amindon stated the letter was well received by the Secretary and MEP was expected to have funding to backfill positions and bring on 10 additional officers.

Chairman Kane asked if MEP officers received overtime for fisheries enforcement. Major Moran stated that for certain activities overtime was available but there was not a dedicated fund for marine fisheries enforcement. The Chairman thought that this was a critical issue to address.

Lt. Bass and Major Moran then went on to review a number of enforcement cases.

In Fall River, an individual was found operating an unpermitted and illegal retail fish and charter boat operation. In addition, the individual was found running a charter in possession of undersized sea bass. A bust was made and the individual was cited.

In Yarmouth, a whelk pot fishermen was found in possession of over 1,000 undersized whelks, approximately 92% of his catch. The individual was arrested and is facing permit sanctions. All undersized whelks were returned alive to the ocean.

In Falmouth, an individual was found harvesting shellfish for commercial purposes in a contaminated area and misrepresenting the area of harvest on their shellfish tags. The individual was facing criminal charges. Moreover, their permit was immediately suspended by DMF and the harvester is facing a permanent permit revocation.

There was a commercial lobster incident in LMA1. The permit holder was found in possession of egg bearing lobsters. The permit holder claimed it was common practice to pick the few remaining eggs off the lobster after the shed. However, he was cited for possession of egg bearing lobsters and for failure to v-notch egg bearing females.

Lastly, over Labor Day weekend in Cape Cod Bay, there was an incident between two lobstermen. A student lobster permit holder was found hauling another permit holders' lobster gear and was suspected of stealing their catch. This resulted in a chase between the two lobstermen that ran from Billingsgate to Provincetown. The student lobster permit holder was summonsed for molesting gear.

ACTION ITEM

In-Season Adjustments to Commercial Striped Bass Fishing Days

Director Pierce reviewed the memorandum. He was recommending an additional open fishing day (Tuesdays) be added to the existing Monday/Thursday schedule. This was proposed to increase the probability that the striped bass quota is taken before the fish migrate out of our inshore waters.

Deputy Directory McKiernan provided a brief overview of the management of the fishery. He highlighted that in 2014, DMF adjusted the bag limits and number of fishing days per week from 30-fish on Tuesdays, Wednesdays and Thursdays and 5-fish on Sundays to 15-fish on Mondays and Thursdays for fishermen fishing from permitted vessels and 2-fish on Mondays and Thursdays for all other fishermen. This action was taken to slow catch rates and extend the commercial fishing season.

Since this rule change, the fishery lasts approximately two-to-three weeks longer than it previously did, extending from late-June to late-August. With slightly slower catch rates this year, about 25% of the quota remained. Recent bad weather had constrained fishing activity and further slowed weekly catch rates and as the calendar moved further into the fall we could expect that weather would continue to impact fishing activity.

So, to mitigate the potential loss of fishing days due to weather and enhance the probability that the quota is taken, DMF was proposing to increase the number of fishing days per week. DMF was proposing to add Tuesdays based on discussions with some of the larger fish buyers.

Dan noted that three open fishing days per week with a 15-fish bag limit was more conservative than the management strategy prior to 2014. Even still, most of the written comments received did not support the change. He added that most of these comments came from recreational anglers who were generally critical of having a commercial fishery and were concerned about the status of the stock. Dan believed these concerns were unfounded based on the assessment data.

Kalil Boghdan asked DMF to compare quota utilization in 2018 to quota utilization in 2017. Jared Silva stated that the 2017 and 2018 quotas were the same. However, the 2017 was taken just before Labor Day, whereas about 25% of the 2018 quota remains available at present.

Kalil then asked why catch rates were slower in 2018 compared to previous years. Mike Armstrong stated that this was likely occurring for three reasons. First, assessment data shows that there are modest year classes moving through the commercial fishery purely and two particularly strong year classes (2011 and 2015) have not aged into the fishery yet. He noted that year class effect is driven by factors such as environment and is not a good indicator of the overall health of the stock. Second, big aggregations of large striped bass have not shown up in our waters like they have in past years, but are being seen elsewhere. This may be a result of water temperature and forage availability. Lastly, this year had record inshore water temperatures around Cape Cod, so given the species' thermal preferences they were likely aggregating in deeper waters in the federal zone, which is closed to bass fishing.

Kalil asked if the future of the striped bass fishery was resting entirely on the two large year classes moving forward. Mike A. stated that it was not. Before 2011, there were a series of below average year classes and these are the fish that are currently making up the commercial fishery. The 2011 and 2015 are exceptionally large and the other recent year classes have been slightly above average. There has been steady recruitment in recent years and the upcoming stock assessment looks to be very favorable.

Kalil asked DMF further describe the impact of weather on catch rates. Deputy Director McKiernan stated that wind and rain events tend to depress effort as fewer people will go fishing. Several bad weather days recently coincided with open commercial fishing days driving down catch rates. Moreover, as we move into the fall there tends to be fewer good weather days compared to July and August, so the probability that an open fishing day gets "rained out" becomes increasingly likely.

Kalil asked what occurs if the quota is not taken. Dan stated that the unused quota is not rolled over and is not transferrable between states, so it is left on the table.

Kalil asked if the state would lose its quota if it was not taken. Dan stated that if the quota was underutilized for several consecutive years, the ASMFC may reconsider existing quota shares. However, he did not expect quota utilization to be an issue beyond 2018. Moreover, he noted that this was not a consideration that was driving this recommendation. Chairman Kane expressed his concern that the ASMFC may revisit quota shares based on quota underutilization. Andrew Walsh asked whether or not potentially losing quota was an issue on the table. Dan stated that from DMF's perspective this potential issue had no influence on its decision making in this recommendation.

Kalil noted that he was not opposed to leaving the quota on the table. He noted that the striped bass fishery was not among the most valuable commercial fisheries in MA and that many fishermen are not full-time watermen, but fish commercially to pay for seasonal boating expenses. Mike P. stated that this fishery is important for a lot of for-hire fishermen who use it to piece a season together, particularly with the loss of access to other fisheries (e.g., codfish).

Kalil then asked if DMF had a breakdown of how the quota is taken. Story Reed and Mike Armstrong stated that this analysis had been done previously. The analysis showed that most of our active striped bass permit holders only took a few fish per year, but there are a number of high-liners who take a good proportion of the quota. Story noted that DMF could re-do this analysis this winter.

Andrew Walsh stated that he supported DMF's recommendation to add an extra fishing day. However, he expressed some frustration that management changes were made in 2014 to extend the season and that the fishery may be too constrained at this point in time. He stated that he did not think that DMF or the MFAC should manage fisheries to manipulate markets, but should focus on protecting the resource and making sure available quotas are taken.

Mike Pierdinock stated that he heard a variety of opinions on this proposal and ultimately supported it. He felt that the assessment data backed up DMF's recommendation, and the lack of big fish inshore was likely due to environmental factors (e.g, water temperature and predation) and not indicative of the stock's health.

Bill Doyle expressed his support for the measure. He felt the striped bass fishery was among the most well managed fisheries in the US. He stated that if the Chairman wanted a motion, he would be willing to make it.

Lt. Bass asked if DMF considered starting the fishery earlier in June. Dan stated that this is something that could be discussed over the winter. However, Dan felt the current management system was developed on sound rationale and is viewed favorably. Therefore, he did not favor tinkering with it to address potential one-off changes in availability. Instead, he found it preferable to use existing regulatory discretion to make in-season adjustments if necessary.

Lt. Bass then asked if DMF felt that potentially allowing the in-season sale of undersized fish from other states such as Maryland may impact local markets. Dan stated that this issue needed to be analyzed further and was not being considered at this time. Dan then informed the MFAC that the ASMFC was currently reviewing a request from Maryland that would allow them to sell fish legally caught in their state into states with a larger minimum size where it would not conform. DMF currently allows this outside the MA commercial season, but if it moves forward it could then occur in-season, as well.

Chairman Kane asked about the utilization of the remaining quota with 3-open days per week. Jared Silva stated that approximately 225,000 pounds of quota remained. Catch rates in the summer were about 20,000 – 25,000 pounds per day. If catch rates slow to about 15,000 – 18,500 pounds per day and fishing occurs three days per week, then it would take about 4 weeks to take the remaining quota. However, it was likely that even with this change that quota would remain available well into October. Dan noted that having quota available in October may help accommodate a commercial fishery if we have a late fall run, which is typical in the southern part of the state.

No further comments were made. The Chairman called for a motion. **Bill Doyle made a motion to adopt the Director's recommendation to add Tuesdays as an open fishing day in the commercial striped bass fishery. Andrew Walsh seconded the motion. The motion passed 5-1.**

FUTURE PUBLIC HEARING ITEMS

State-Waters Groundfish Management

Director Pierce stated that in recent years, MA's state-waters groundfish fishery had exceeded the federal state-waters set aside for several stocks, including Gulf of Maine cod and winter flounder and grey sole. While this had occurred historically, it was becoming more problematic. As federal allocations were now more fully utilized there were no longer buffers to absorb the overharvest of the state-waters set-aside. Accordingly, over harvest by the state-waters fishery may trigger accountability measures for the federal fishery and reduce their access to available quota. This was of particular concern for Gulf of Maine cod, given the status of the stock and the resulting low quotas that were making it a choke species in the federal fishery.

The Director then reviewed the analysis set forth in the memorandum. Based on this analysis he was proposing to close state-waters to groundfish fishing for the month of April between Plymouth and the MA/NH border. Based on recent fishery performance, the April closure should effectively cut landings (particularly for cod and winter flounder) so that the state-waters fishery performs closer to the set-asides for these stocks.

The Director also noted that there are only a few participants in the state-waters fishery. Therefore, landings can be influenced greatly by small changes in fishing behavior by existing participants or by the activation of latent permits. This effect is clearly observed

in DMF's analysis of grey sole catch. Accordingly, the Director felt action needed to be taken to address the activation of latent effort in the groundfish fishery. For this reason, he was also proposing an owner-operator rule be adopted. He added that owner-operator rules are also thought to enhance enforcement and compliance.

Lou Williams recognized the need for DMF to address these issues. However, he stated that he could not support it in principal. Lou expressed his severe frustration with the management of groundfish, particularly at the federal level. He felt that over the past 25-years, and more so since the implementation of sectors, that a main objective in federal groundfish management was to slowly eliminate the small boat fleet. This proposal was just another cut being forced on MA by the federal government that would continue to make the small boat fleet unprofitable. He added that at this point the state-waters groundfish fishery is no longer a full-time fishery and is just a seasonal fishery that supplements other fishing income.

Lou also objected to the owner-operator rule if it would apply to the gillnet fishery only.

Director Pierce recognized Lou's frustrations. He expected he would hear similar frustrations at public hearing and these comments would help him craft a final rule. David also clarified that the public hearing proposal was to consider an owner-operator rule for the entire state-waters groundfish fleet, but noted that the gillnet fishery was an obvious starting point for the reasons outlined in the memo.

Andrew Walsh stressed that DMF should address these two proposals separately. Dan McKiernan asked if Andrew was requesting DMF hold separate public hearings. Andrew stated that he was not. However, he wanted the notice to clearly state that these are different proposals being put forth to address different issues. Meaning that the April closure was to address over-harvest of the state-waters set-aside and the owner-operator rule was being proposed to address the activation of latent effort.

Andrew also expressed his objections to the owner-operator rule, particularly as it would apply to the trawl fleet. He did not feel this was an appropriate measure given the composition of the fleet. He stated that he would rather see DMF consider a control date.

With regards to the April closure, Andrew stated that it was likely necessary to address the state-waters set-aside issue. However, he shared Lou's frustration with groundfish management and hated having to support a measure that would further constrain the inshore fleet. To this point, Andrew stated that he would like to see the April closure proposal include a provision that would allow the Director to lift the closure if landings data demonstrated that the state-waters set-aside would not be exceeded or if it were to be exceed that this overage would not trigger accountability measures for the federal fishery. Director Pierce expressed his tentative support for such a provision.

Andrew recognized these limitations but noted that fisheries were moving towards more real-time data collection and this may be feasible in a few years. David concurred.

Lou, Andrew, David and Dan then discussed the holding of permits in corporate names in relation to permit leasing and owner operator provisions. Andrew suggested DMF investigate NY's tiered permitting approach in advance of the public hearing.

The Director thanked the MFAC for their comments. However, unless there were strong objections, he did not intend to amend proposals. Instead, he would consider comments at public hearing before crafting a final recommendation. No such objections were made.

Scup Bycatch Limits in Springtime Small Mesh Trawl Fisheries

Director Pierce reminded the interstate and federal scup FMP limited draggers fishing with small mesh (<5") to 200 pounds per day during the spring and summer and 1,000 pounds per day during the fall and winter. This was an old provision implemented at a time when scup quotas were low and the FMP was trying to allocate the available quota to the directed fishery.

Unaware of this old provision in the FMP, DMF promulgated a rule several years back that established a 10,000 pound weekly limit for scup. This was done primarily to accommodate the occasional large bycatch incident in the small mesh squid fishery and allow the vessel to land this fish rather than discard it.

Coming into 2018, DMF was informed it was out of compliance with the FMP and had to adjust the rule. Accordingly, DMF adopted the 200 pound and 1,000 pound seasonal scup bycatch limits for small mesh trawls. However, given that the scup quota is largely underutilized and this would result in the unnecessary regulatory discarding of a rebuilt stock, DMF proposed that the MAFMC and ASMFC amend the FMP. DMF proposal was that through the specification the springtime incidental catch limit for small mesh trawls be increased to 4,000 pounds. This proposal was jointly submitted with RI, who also have a similar weekly aggregate limit.

The ASMFC and MAFMC recently reviewed the proposal. There were concerns about how this may change fishing behavior, result in increased scup discarding and unintended consequences in fisheries outside of the MA/RI squid fishery. As a result, a modified limit of 2,000 pounds per day during the period of April 15 – June 15 was approved. DMF was proposing to go out to public hearing with a proposal to adjust its regulations accordingly for 2019.

Andrew Walsh expressed his appreciation for DMF's work on this issue. He asked DMF to how this regulation would apply. Jared stated that the proposed language would only affect the bycatch rule and would not adjust the weekly limit rule.

Mike Pierdinock stated that he would not support the rule change and favored staying at 200 pounds. He felt that this action was placating the squid fishery and covering up how dirty it is.

Director Pierce stated that DMF would be conducting a study on the squid fishery this fall. The study would focus on analyzing existing observer data to better describe bycatch and discards in state-waters. He felt this study would help better inform decision making regarding the state-waters squid fishery.

Mike P. asked if the study would be complete before the public hearings on this scup proposal. David stated that was doubtful.

Andrew Walsh asked if DMF could further elaborate on the study. Dan McKiernan stated that DMF was receiving \$20,000 to conduct the study. The funding would go to staff resources to review existing observer data and attempt to describe catch composition in state-waters throughout the spring fishery. DMF felt that considering the breadth of existing observer data, it was a better use of funding to mine into this data, rather than hire sea samplers to acquire more data to analyze.

Andrew Walsh stated that at the June meeting DMF stated it would provide the MFAC with the data used in the agency's determination not to extend the squid fishery. This data had not yet been disseminated and he was curious if it was available. David stated that DMF would have to review the data to determine if the data could be disseminated or if it was confidential. Dan noted that this determination was made in real time based on a small number of observed trips that occurred at the very end of May and late June in 2018.

REVEIW OF AUGUST ASMFC MEETINGS

Sea Herring

Director Pierce discussed the most recent benchmark assessment findings and resulting quota cuts. The impacts of these cuts may be further compounded by the buffer zone proposals being considered by the NEFMC. He expected that bait availability may be an issue in 2019 and this may drive participation in other bait fisheries (e.g., menhaden).

Chairman Kane noted that the ASMFC Herring Section also voted to become a management board. He opined that this would give even more influence to ME. David concurred. He noted that the NEFMC will get a seat on the ASMFC and this seat will likely be granted to Terry Stockwell of ME, thereby giving ME an extra vote.

Aquaculture

Deputy Director McKiernan stated the ISSC is an interstate commission that deals with the public health aspects of shellfish management. However, an interstate authority does not exist to address other management issues, specifically those related veterinary healthy concerns related to hatchers and seed distribution. Additionally, with the coastal growth of aquaculture there is a seeming need for more interstate coordination. To this end, DMF had requested the ASMFC become involved in this and

the ASMFC was considering taking on the responsibility. Dan did not expect that the ASMFC would regulate aquaculture, but instead would provide a forum for coordination between regulatory bodies.

Menhaden

Dan reminded the MFAC of the compliance issues facing VA regarding the Chesapeake Bay cap. He noted the ASMFC was concerned about issuing a non-compliance finding, particularly as NMFS was telegraphing they may not be able to support it given the lack of supporting science in the FMP on this issue. Given the Secretary of Commerce's recent decision to not enforce an ASMFC non-compliance finding on NJ regarding the recreational fluke fishery, the ASMFC was fearful another similar action could weaken the power of the interstate compact.

Accordingly, the Menhaden Board voted to postpone a non-compliance vote until February 2018. Dan noted that VA manages the menhaden fishery through its legislature and not its fishery agency. So there was a political aspect to the issue. The VA delegation was optimistic that the cap would be implemented and a non-compliance situation avoided by delaying a vote until February. By this time VA will hold assembly elections and Board members believe there will be ample time to gather the necessary support.

Mike P. asked about the status of landings from the Bay. Dan stated that VA was not expected to exceed the cap for this year and the state seemed committed to avoid exceeding the cap.

Mike P. asked if there were concerns about the harvest of forage fish in primary striped bass spawning ground. Dan stated that concerns did exist and that drove the development of the cap. However, like other localized forage issues, it's a data poor field. Therefore, the Amendment implementing the cap did not have strong supporting science.

Ray asked about how other states are managing their quotas. Dan noted the abundance of menhaden in coastal waters this year. He stated that MA has quota controls in place to manage to its quotas. Other states do not have similar controls and have blown past their quotas and are allowing their fisheries to continue on the episodic set-aside, and through quota transfers from other states.

Eels

Dan McKiernan stated that Board voted against an increase in ME's glass eel quota. However, in a controversial decision, a local ME aquaculture firm did get a small glass eel allowance for domestic aquaculture. The yellow eel quota was also increased slightly and the state-by-state quota share trigger provision would only impact states that harvest more than 1% of the quota. Accordingly, MA would be unaffected. Dan thought his was positive because if state-by-state quotas were triggered, MA would have only received a quota of 2,000 (or potentially less).

Tim Brady asked if there was a commercial glass eel fishery in MA. Dan stated that the harvest of glass eels was illegal and subject to a \$10,000 fine.

Bill Doyle asked MEP about the outcome of the glass eel poaching case from last winter. Lt. Bass was uncertain. Enforcement sat on the poachers and it appears the eels were likely never sold and instead died. Lt. Bass added that elver poaching cases are often multi-year inter-jurisdictional investigations and state MEP are not always kept apprised its status.

Black Sea Bass, Scup, Fluke and Bluefish

Dan stated that the MAFMC and ASMFC just released the initial 2019 specifications for the species. Scup harvest limits will remain status quo; the overall bluefish catch limit is status quo but the exact recreational and commercial harvest limits will depend on 2018 recreational harvest estimates; and the black sea bass and fluke specifications are expected to be amended following the release and review of the upcoming assessment this year.

Dan also noted that there was continued interest in a Wave 1 (Jan-Feb) fishery among some Mid-Atlantic states. This may move forward as an optional program states may choose to opt into.

Mike P. noted that the black sea bass specifications show about a 10% reduction in harvest for 2019. He was concerned about how this would impact the recreational fishery and noted that if the recreational fishery is forced to endure further cuts while the fish remain so abundant it will severely diminish trust in the management system and assessment. Dan advocated caution in response to the black sea bass specifications. He stated that the specifications will be revised once the benchmark assessment is complete, so these are not final numbers. Moreover, so much of the management of the recreational fishery is contingent on harvest data, which has not yet been compiled or analyzed.

Chairman Kane added that word at the ASMFC was that the revised MRIP estimates may show a greater abundance of the species than previously projected. In turn, the assessment may show a larger biomass than previously estimated and the limits set by specification could be increased as a result.

The Chairman noted that the MFAC meeting was moving ahead of schedule. As lunch had not yet arrived he proposed adjusting the agenda to allow for some discussion items to be brought up before lunch. Andrew Walsh adamantly opposed this proposal. The Chairman then called for a brief break until lunch was delivered.

BELDING AWARD

Director Pierce introduced the 2017 Belding Award recipient Arthur DeCosta. Arthur recently retired from being a commercial trap fisherman for over 30-years and was receiving the award for his contributions to research and conservation.

DMF Senior Biologist Bob Glenn then presented the award to Arthur. Bob applauded Arthur for his work as a pioneer in cooperative research. Since the mid-1990s, Arthur volunteered his vessel to be used for DMF's commercial sea sampling program, ventless trap survey and other studies on lobster larval settlement and reproduction. Additionally, Arthur also served as a representative to the ASMFC's Lobster Conservation Management Team for Lobster Management Area 2.

Arthur thanked the MFAC for the acknowledgment and noted how much he enjoyed working with the Division over the years and getting to know DMF's biologists.

DISCUSSION ITEMS

Fines and Penalties

Jared Silva noted that Governor Baker signed the Environmental Bond Bill into law on August 8, 2018. Embedded in the bill were changes to the marine fisheries fines and penalties schedule that DMF and the MFAC Enforcement Sub-Committee drafted. These changes become effective on November 7, 2018. Jared reviewed the various changes to the penalty schedule and highlighted several other modernizations and adjustments to DMF's enabling statute (G.L. c. 130). In conclusion, Jared thanked DFG, the MFAC and MEP for their work in developing these changes and the Governor's office and the Secretariat for supporting these changes through the legislative process.

Quota Monitoring Update

Story Reed provided a brief presentation that updated the MFAC on the performance of the various quota monitored commercial fisheries in 2018. In his presentation, he highlighted the menhaden fish kill in Everett this summer.

Kalil asked how DMF notifies the public on fishery closures and adjustments. Dan McKiernan stated that DMF e-mails the notices through its e-mail list serve and notifies dealers directly. Notices are also posted on DMF's website. Jared Silva added that it is also common for DMF to e-mail the notices directly to the affected commercial fishermen permit holders for whom we have e-mail addresses for. Jared also added that we try to get these notices out several days in advance of the closure to make sure word of the closure spreads.

Ray Kane appreciated the good work DMF has done in recent years projecting quotas. Ray then recalled that reporting compliance was a problem several years back and he was curious if it remained an issue. Story stated that it has gotten better, particularly on the dealer end, but it could still improve. He expected that these improvements will come with emerging technologies to produce real-time electronic reporting. Dan added that electronic reporters tend to report on a more timely basis than paper reporters and

DMF was considering measures to discourage paper reporting. He noted that RI charged a fee for paper reporters.

Mike P. asked if harvest area was included in the quota monitoring data. Dan stated that it was not. Dealer data is used for quota monitoring and this data does not include harvest area (port of landing is recorded by that is insufficient to attribute an area of harvest). DMF relies on harvester reports for harvest area data and this data is currently not due until the 15th of the following month. Harvest area information will typically be used in year-end reports on fishery performance, but is typically not used to justify changes in management because where fish are abundant change from year-to-year based on a variety of unpredictable factors.

Dan and Mike P. then briefly discussed the underutilization of the bluefish quota coast-wide.

Review of Sub-Committee Meeting on For-Hire Compliance Issues

Dan McKiernan stated that the meeting focused almost entirely on the springtime scup and black sea bass fishery. He then provided a brief summary of the meeting and reviewed the issues in play. He noted that the meeting focused on developing regulatory strategies to create passenger manifests; assigning angler catch to the passenger manifest; segregating catch by angler and by species (or at least scup and other species); creating standardized containers; and restricting crew from fishing during charters. There was also some discussion about joint DMF-MEP inspections and targeted enforcement efforts.

Tim Brady stated that he felt the meeting was productive. He supported moving forward the measures described by Dan and would like to see some flexibility be provided to allow companies how best to set up their compliance programs.

Mike P. also felt the meeting was productive and supported the measures discussed at the meeting. He added that there was some discussion of an annual or biannual DMF hosted charter-head boat forum to discuss rules, permit requirements, MRIP and other pertinent issues.

Chairman Kane asked if this would result in new regulations. Jared Silva stated that DMF would likely be putting together a proposal at an upcoming fall 2018 MFAC business meeting for implementation by permit condition or regulation in 2019.

Mike A. noted that these measures are likely going to change this fishery. He expected that some operations may not be viable under a model where non-compliance is not tolerated.

COMMISSION MEMBER COMMENTS

Andrew Walsh recognized that meetings may move ahead or behind the schedule based on the amount of discussion that may occur. However, he felt it was important

not to change the order of the agenda. He noted the public travel to these meetings to be part of certain discussions and we should keep to the schedule as best as possible to accommodate these individuals

Kalil Boghdan wanted to clarify that he did not mean to be disparaging to part-time striped bass fishermen earlier in the meeting. He also asked if DMF could produce a list of species by ranked by commercial value. Story Reed stated that DMF would distribute this list to Kalil. Anna Webb noted that some data may be confidential because of the number of harvesters or dealers involved.

Mike Pierdinock appraised the MFAC of two issues germane to HMS management. First, comments on proposed commercial and recreational mako shark measures are due by October 1. Second, he noted that NOAA's HMS program, the USCG and MEP were working on ensuring that commercial Bluefin tuna operations complied with USCG safety and HMS reporting requirements.

Mike P. also noted his frustration with NOAA's management of the commercial bluefin tuna quota. He noted that MA fishermen and DMF advocated that NOAA set a low daily limit (e.g., 1-fish) to ensure the quota remained available into the fall. However, NOAA set the limit at higher level (i.e., 3-fish) and the fishery was expected to close in September. This early closure would limit the ability for New England fishermen to participate in a fall commercial fishery when the fish migrate back south through our waters. Mike P. added that addressing the recreational trophy fish issue and creating a 4th quota management zone for the Gulf of Maine could help resolve this issue. Dan McKiernan noted that potential proposals should be reviewed and revisited for the spring HMS meetings and DMF would work with Mike on this again.

Bill Doyle stated his interest in working on contributing to the Fisheries Innovation Committee and Ocean Acidification Commission. Bill was particularly interested in permit banks and other methods to attract younger people to the fishing industry and addressing how climate change and ocean acidification affect shellfish fisheries.

Tim Brady stated that he shared Lou and Andrew's previously shared frustration with groundfish management. He noted that the recreational haddock fishery is scheduled to close on September 17. After that, anglers on his charters forced to discard haddock, cod, black sea bass, ocean pout and wolffish. Director Pierce noted that work was being done on spatial applications that could provide greater access to the haddock resource by limiting interactions with codfish.

Chairman Kane stated his interest in DMF preparing fishery performance summaries this winter that review ex-vessel value and overall revenues. There was then some discussion among Andrew Walsh, Chairman Kane and Director Pierce regarding to what extent the MFAC and DMF should consider market factors when managing fisheries.

PUBLIC COMMENTS

Beth Casoni thanked DMF and DFG for reaching out to MLA regarding the Everett fish kill. She was hopeful that in the future sieners could be involved in clean-up efforts. She also thanked MEP for their efforts regarding the gear molestation incident in Cape Cod Bay. She also asked if there could be more coordination between USCG and MEP regarding enforcement inspections noting that people have been boarded multiple times in the same day recently. Beth stated that she was working to disseminate information regarding DMF's trawl survey to her fleet so they could avoid setting gear in survey stations and was hopeful DMF could send the R/V Craven to help with any gear conflicts. Lastly, Beth informed the MFAC that Seafood Day at the State House was scheduled for October 2 from 11-1.

Phil Coates encouraged DMF to implement a previously approved striped bass control date and consider limiting entry into the striped bass fishery.

Phil Michaud echoed previously stated frustrations with federal groundfish management. He noted that he does not support owner-operator rules for the trawl fleet and instead preferred if DMF addressed latent effort. Phil also expressed concerns regarding the ability for DMF's survey vessel to complete tows in Cape Cod Bay due to the presence of fixed gear and how this may be affecting survey data.

MEETING DOCUMENTS

- September 13, 2018 MFAC Business Meeting Agenda
- July 19, 2018 Draft Business Meeting Minutes
- Memorandum on Recent Legislation Affecting DMF
- Recommendation on In Season Adjustments to Commercial Striped Bass Open Fishing Days
- Updated on Proposed Rulemaking for State-Waters Groundfish
- 2018 ASMFC Summer Meeting Summary
- ASMFC News Release on 2019 Scup, Black Sea Bass, Fluke and Bluefish Specifications
- Memorandum on Updated Fines and Penalties for Marine Fishery Violations
- Memorandum on Recent Party Boat Violations and Future Modifications to For-Hire Regulations

FUTURE MEETINGS

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