

MARINE FISHERIES ADVISORY COMMISSION

August 18, 2022

Via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Bill Doyle, Clerk; Kalil Boghdan; Shelley Edmundson; Bill Amaru; Lou Williams; Sooky Sawyer; and Tim Brady

Division of Marine Fisheries: Daniel McKiernan, Director; Kevin Creighton, CFO; Story Reed; Bob Glenn; Jared Silva; Nichola Meserve; Melanie Griffin; Julia Kaplan; Jeff Kennedy; Anna Webb; Nick Buchan; and Scott Schaffer

Department of Fish and Game: Ron Amidon, Commissioner

Massachusetts Environmental Police: Lt. Matt Bass

Members of the Public: Phil Coates, Heather Haggerty, John Moran, and Beth Casoni

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the August 18, 2022 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF AUGUST 18, 2022 DRAFT BUSINESS AGENDA

No amendments were made to the August 18, 2022 MFAC agenda.

REVIEW AND APPROVAL OF JUNE 16, 2022 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked for comments or edits to the June 16, 2022 MFAC draft business meeting minutes. No comments were made. Chairman Kane sought a motion to approve the meeting minutes.

Tim Brady made the motion to approve the June 16, 2022 business meeting minutes as provided. Shelley Edmundson seconded the motion. The motion passed unanimously 7-0 with Bill Doyle abstaining.

CHAIRMAN'S COMMENTS

Chairman Kane thanked everyone for their attendance at the 60th anniversary celebration of the MFAC in New Bedford.

COMMISSIONER'S COMMENTS

Commissioner Amidon discussed his work to have the MFAC members reappointed. He asked Commission members to complete all required paperwork and background checks in a timely manner to ensure reappointment.

LAW ENFORCEMENT COMMENTS

Lt. Matthew Bass provided comments for the Massachusetts Environmental Police (MEP). On fisheries enforcement, there were minor violations during the commercial striped bass season. MEP were also seasonally focused on boating safety, particularly concerning the aggregation of humpback whales and striped bass fishing activity off Plymouth.

Lt. Bass then moved on to discuss personnel. Three new officers started field training this summer. Chairman Kane asked if these officers were adding to the ranks or backfilling vacant positions. Lt. Bass stated they were backfilling vacancies.

DIRECTOR'S COMMENTS

Director Dan McKiernan followed up on Lt' Bass' comments regarding the aggregation of humpback whales off Plymouth. He noted whales and striped bass had been aggregated off Plymouth feeding on a dense school of menhaden. In turn, this produced a lot of boating activity in the area and presented public safety and whale safety issues.

Mark Amorello was surprised to receive the 2022 Belding Award. He appreciated receiving the award and enjoyed the award ceremony and celebration.

On the state budget, Dan discussed earmarks for shellfish propagation, sediment removal, a winter flounder study, white shark tags and transmitters, marsh restoration and revitalization, and funding for dual lobster permit holders to offset costs associated with the required buoy line marking schemes.

Dan welcomed questions from the commission.

Sooky asked if monies were appropriated to fund the Cape Cod Bay dissolved oxygen study. Kevin Creighton stated there is earmarked funding for this year.

Bill Amaru supported the funding to better understand winter flounder genomics, as this may in turn better inform time-of-year harbor dredging restrictions to safeguard winter flounder spawning.

Dan then discussed some federal funding issues. This included disaster relief for Atlantic sea herring disaster. The monies were allocated and the states needed to coordinate distribution efforts. Congress also appropriated funding to help fishermen

cover costs related to gear modifications to protect right whales and electronic tracking devices.

Dan moved on to discuss the challenges regarding the 2022 horseshoe crab fishery. Among other things, this included increased demand for crabs from the biomedical sector and supply and demand in the bait fishery. DMF had scheduled meetings with the biomedical firms and was working to schedule meetings with bait dealers, harvesters, and conservation interests early this fall. Then DMF would hold broader meetings later this year to discuss potential management changes moving forward.

Dan briefly discussed the 2022 menhaden fishery. He noted the ASMFC was considering an addendum to the FMP for 2023, which may affect the management of the fishery moving forward. DMF intended to host a public hearing for the ASMFC addendum and an industry scoping meeting in September.

ITEMS FOR FUTURE PUBLIC HEARING

Jared Silva provided a brief presentation to the commission regarding upcoming items for public hearings. Prior to the next commission meeting, there will be an 8AM public hearing to finalize the recreational cod and haddock limits to match federal limits for this fishing year. Jared then discussed a potential fall omnibus public hearing that will take place in October.

Vessel Trackers for Federal Lobster Permit Holders

Director McKiernan reminded the MFAC that the ASMFC recently passed addendums to the Jonah crab and lobster FMPs requiring the installation of electronic trackers on vessels associated with commercial lobster and Jonah crab trap operations with federal lobster trap allocations. This measure will enhance resolution of spatial data collected from this fishery to better understand the industry's offshore footprint. This was of critical importance when considering emerging challenges related to marine spatial planning (e.g., development and siting of offshore wind energy, aquaculture, and marine protected areas), stock assessment and stock exploitation estimates, and risk management for protected species. Given these pressing spatial data needs, DMF was proposing to adopt this electronic tracking requirement for May 1, 2023 to begin collecting the data this upcoming season. This is earlier than the mandatory January 1, 2024 implementation date established in the FMP.

Congress has appropriated funding to the industry to cover the costs of the installation of the electronic tracking device and potentially two-to-three years of data service. DMF was working with coastal states and the ASMFC to develop a program to distribute this funding to affected fishers.

Whelk Gauge Schedule Petition

Dan described a petition from Heather Haggerty of Big G Seafood (a New Bedford based whelk processor) and the Massachusetts Conch Association. The petition

requested DMF amend the schedule to increase the whelk gauge by: delaying the next gauge change from 2023 to 2024; and having future increases occur every three years rather than biennially. The petitioners argued this was necessary to allow for additional recoupment into the fishery following gauge increase to address severe declines in whelk fishing effort and landings in Massachusetts that jeopardize shoreside infrastructure.

Dan invited Heather Haggerty to speak on her petition. Chairman Kane indicated he would afford Heather several minutes to speak to the petition.

Heather described decreases in local fishing effort and increased reliance on product from out-of-state for processing. The petitioners felt an additional year would not only allow for additional recoupment but would provide an opportunity for additional scientific investigations into the state's whelk resource and discussions about how to better manage the fishery.

Chairman Kane asked if any members of the public wanted to speak in opposition to the petition. No comments were made. The Chairman opened the discussion up to the MFAC.

Lou Williams supported the petition. He voted in opposition to the original gauge increase schedule approved in 2019 because he expected it would negatively impact the industry in the manner described by the petition.

Mike P. asked about how warming waters may affect growth and recruitment into the fishery. Bob Glenn explained that marine snail species are slow growing and sedentary. As such, they are prone to localized depletion, in this is a trend seen in marine snail fisheries globally. Massachusetts is the northeast extent of the species range. As such, whelks reach maturity more slowly and at a larger size here, as compared to areas to our south and west. With these factors in mind, Massachusetts' whelk population is very susceptible to overfishing without spawning stock biomass protections, which is what we have observed over the past 10-20 years. The current 3 1/8" gauge size does not protect any female spawners. Based on DMF's size-at-maturity work, the gauge width will not protect any female spawners until it is increased to 3 3/8"; this gauge width will not occur until 2025 under the current schedule or 2027 under the petitioned schedule. With fishery dependent data showing catch is truncated around the gauge size, harvest is almost exclusively on juvenile animals. Bob opined that even if warming local waters influenced size-at-maturity he would expect to see these changes occur over a long time-series and generations of animals. Moreover, if this were to occur, he would not expect to see female spawners at the current minimum gauge width.

Shelley Edmundson was concerned about the potential impacts the current size-at-harvest management strategy may have on male-to-female population ratios. With females growing larger than males, as the gauge size increases the expectation is the harvest will become increasingly dominated by female animals. Shelley advocated for

more research into how skewing sex ratios may affect the resource and fishery moving forward. Ray Kane and Shelley then discussed her ongoing whelk research.

Kalil Boghdan noted DMF's stock assessment demonstrated the stock was overfished with overfishing occurring and questioned whether the decline in fishery performance was also related to the status of poor status of the resource.

Mike Pierdinock asked about natural predation on whelks. Bob Glenn stated black sea bass and tautog are whelks primary natural predators in Massachusetts. Bob added that larger the whelk are generally less susceptible to predation.

Heather Haggerty stated that fishermen are claiming their pots are coming up full of sub-legal sized whelk. Bob Glenn explained it is typical of a heavily exploited stock, because catch becomes truncated around the minimum size. This is because larger animals are caught and removed from the population once they reach size-at-harvest, leaving only those at or below the legal size in the catch. Bob was concerned about this observation in the whelk fishery because exploitation is occurring before the animal has had the ability to reproduce and few animals are reaching sexual maturity before harvest is occurring.

Heather then asked about specific sex-ratio data. Bob Glenn stated he did not have this data on hand. However, his staff could query it and he could reach out to Heather on the subject.

Protected Species Regulatory Amendments and Clarifications

Dan reminded the MFAC that when it recently enacted its buoy line modification regulations, DMF sought to enact rules in advance of the federal Atlantic Large Whale Take Reduction Plan to advance the state's Incidental Take Permit Application. As such, DMF retained the requirement that commercial trap fishers rig their buoy lines with a 600-pound weak link at the buoy. The weak link requirement was subsequently removed from the federal rule with the federal implementation of the weak buoy line requirements. However, the weak link rule remains in state regulation. Accordingly, DMF sought to similarly eliminate this requirement for the state's commercial trap fishery. However, it would be retained for the recreational trap fishery, as this gear is not subject to the same weak buoy line requirements as the commercial fishery.

Jared and Bob then highlighted additional proposed amendments and clarifications.

Jared discussed a proposal that would amend the regulations to have the recreational lobster closure subject to the same extension and recission criteria as the other regulated fixed gear closures. This will ensure that future actions to adjust the start of the open season apply uniformly to all affected fixed gear fisheries.

Bob then highlighted an additional aspect of this proposal meant to simplify weak contrivance definitions, adopt a standard definition for buoy line that would accommodate it, and eliminate the redundant language in the weak contrivance rule.

Sooky Sawyer expressed concern this may result in fishermen having to add new modifications to their gear. Bob Glenn stated the intent was not to change how the rule applied (i.e., the same number of contrivances would be required) but to make the application of the rule more simple.

Jared also highlighted some housekeeping proposals that reorganize where the gear marking rules lie in the CMR.

Area 1A (Gloucester/Rockport) Mobile Gear Open Season

Jared Silva stated DMF was proposing to extend the wintertime exemption allowing mobile gear fishing in Area 1A (Gloucester/Rockport). The current exemption is February 1 – March 31; the proposed exemption is February 1 – May 15. This exemption will provide additional access to potentially exploitable inshore sea scallop resource for CAP permit holders. It is unlikely to result in additional targeted groundfish fishing effort, landings, and bycatch because of overlapping groundfish mortality closures, seasonal availability, and gear modification requirements. Jared explained the area was seasonally closed since the 1930s to avoid conflicts with fixed gear fisheries. Now with the February 1 – May 15 trap gear closure in effect, the interest in preventing mobile gear fishing in this area in April and early May was diminished.

Lou Williams suggested the proposal be amended to seasonally open the entire North Shore area to mobile gear fishing. Lou reasoned that as the historic purpose of this mobile gear closure was to prevent gear conflicts with trap fishers, and trap gear is currently prohibited in the area during the late winter and early spring months, there was no reason to maintain the closure. Bill Amaru supported Lou's request to amend the proposal.

Director McKiernan did not support amending his proposal. Dan felt it was better to move forward with a proposal to expand the temporal extent of an existing open mobile gear fishing area than to do this while also proposing to open an area that has been closed to mobile gear fishing for about 100-years. He reminded the MFAC that DMF previously accepted public comment on a pilot program to open up an area off Nahant to wintertime sea scallop dredging and there was a tremendous amount of opposition to the proposal from a variety of constituents.

Sooky Sawyer stated the end date should be pushed up to May 1 due to the possibility of opening the lobster fishery sooner than May 15. Lou supported Sooky's interest in ending mobile gear fishing prior to the start of the trap fishing season.

Mike Pierdinock asked about potential bycatch and discards in this fishery. Jared Silva stated DMF did not have observer data for this specific state waters fishery, but could potentially query federal observer data for NGOM fishery occurring in adjacent federal

waters. That said, given twine top requirements, Jared expected the gadiform bycatch would be limited and the primary bycatch would be flounders. Given the time-of-year, the winter flounder resource may be settled into inshore spawning habitats where dredging is prohibited from occurring. Lou Williams stated he could not recall catching a codfish in his scallop dredge and stated flounders are the principal finfish bycatch.

Jared added the overall ACL for Gulf of Maine winter flounder has been underutilized in recent years. Accordingly, even if the state-waters were to exceed its state-waters set-aside, which it has not recently done, there would be a substantial buffer preventing the triggering of accountability measures. Moreover, given overlapping seasonal groundfish, winter flounder bycatch at this time of year would likely have to be discarded.

Recreational Tautog Trophy Fish

Dan reviewed the proposal to adopt a 21" maximum size for recreational tautog and allow anglers to retain one trophy fish (i.e., 21" or greater) per calendar day. This would make Massachusetts recreational fishing regulations match Rhode Island's consistent with the theme of the FMP. Having complementary rules across these jurisdictions may enhance on the water enforcement and restrict any eastward movement of recreational effort targeting larger fish in Massachusetts. However, Dan acknowledged the frequency of catch of trophy fish in MA is likely low and the expected impact of this proposal may be nominal. A DMF rod and reel study showed only 3% of the tautog caught were greater than 21"; MRIP data showed similar results (but was a less reliable metric given potential sample size issues).

Mike Pierdinock stated that the tautog fishery is not overfished and overfishing is not occurring. Accordingly, he was curious about the impetus for the proposal. Jared stated he spoke to his colleagues in Rhode Island. Their decision to implement this rule for 2022 was not driven by science but by stakeholder interest in preventing an eastward shift in effort to target large fish in Rhode Island waters.

DISCUSSION ITEMS

Updates Concerning the Atlantic States Marine Fisheries Commission

Nichola Meserve provided an update on recent happenings at the ASMFC.

The 2022 Atlantic herring stock assessment maintained the stock status (previously assessed in 2020) as overfished but overfishing is not occurring. Recent fishing quotas, catch and effort are low. There was some discussion about the 2023 – 2025 specifications, quotas, and projection modeling. Lastly, Maine's portside sampling program will no longer receive ACCSP funds and thus alternative sources, including direct multi-state funding, is being discussed.

Director McKiernan provided an update on the happenings at the American Lobster Board. Draft Addendum XXVII was initiated to increase the biological resiliency of the GOM/GBK stock. However, given uncertainty regarding how NOAA Fisheries may address the right whale conservation issue, and the potential for new effort controls in

the lobster industry, the addendum was shelved. On the subject of right whale conservation, Dan also raised NOAA's proposed vessel speed limit rules and the draft Roadmap to Ropeless Fishing.

Mike Pierdinock and Tim Brady expressed strong objections to NOAA's proposed vessel speed limit rules and the impact this would have on all maritime industries coastwide. Kalil Boghdan was curious as to why NOAA did not propose more surgical controls. Bob Glenn provided some background on NOAA's proposals and explained the limitations of monitoring right whales in real time.

Nichola Meserve provided an update on happenings at the Striped Bass Board. Amendment 7 provided flexibility to the Board to immediately address striped bass conservation without initiating an addendum or amendment process should the 2022 stock assessment determine it is necessary. The Board was evaluating several tools to achieve potential fishing mortality reductions. Additionally, there was interest in a draft addendum to allow for state-to-state quota transfers, which would require additional Board review prior to being approved for public comment.

Kalil Boghdan discussed the potential need for additional conservation following the release of the 2022 stock assessment. He was concerned states would be unable to implement additional conservation measures for 2023. His perception is that many striped bass fishers are frustrated by perceived foot dragging at the Striped Bass Board and lack of political will to address striped bass conservation during the Amendment 7 process. Many believe the Board punted its management responsibility when determining to stay more substantial conservation measures until the 2022 assessment was completed. Even with the Amendment's pathway for expedited rule making, Kalil was worried states administrative procedures would prevent them from expediently implementing measures for 2022. If conservation is needed, this would significantly frustrate a large segment of the striped bass community and may become a tipping point with the ASFMC management process.

Ray Kane agreed with Kalil's assessment that it was critical for states to timely respond to the stock assessment and implement measures for the upcoming year, if necessary.

Mike Pierdinock asked when the Maryland juvenile index will be available. Nichola stated it starts in mid-July. Based on preliminary results from the first two weeks, she expected it would again show a weak year class. Mike P. asked that the index be forwarded to him once available. Mike P. then questioned to what extent environmental factors may be leading other spawning areas (e.g., Hudson River) to becoming more productive and potential replacing the Chesapeake Bay.

Nichola moved on to discuss menhaden management. She reviewed the 2022 stock assessment update, which showed the stock was not overfished with overfishing not occurring. She then discussed Draft Addendum 1 to the FMP, which was approved for public comment. DMF would host a public hearing on this addendum in September. The addendum addresses state-by-state quota allocations; the episodic event set-aside

(EESA); and the incidental catch and small-scale fishery provision. Changes to the EESA and incidental catch and small-scale fishery rules may change how DMF manages its state quota, as it may limit the ability for the fishery to continue to operate at an industrial scale once the initial state quota allocation is taken.

Lastly, Nichola discussed the dual MAFMC-ASMFC managed species—bluefish, summer flounder, scup, and black sea bass. The 2023 specifications were recently updated resulting in changes from initial commercial quotas and recreational harvest limits in response to accountability measures and the Commercial-Recreational Allocation Amendment. Nichola then went on to remind the MFAC that the recently enacted Harvest Control Rule will go into effect for 2023 and will impact how recreational harvest limits are set. Additionally, the MAFMC was conducting a management strategy evaluation (MSE) for summer flounder which evaluated stakeholder preferences to potential management actions to improve stakeholder satisfaction in the management of recreational summer flounder.

Updates Concerning Federal Fisheries Management

Melanie Griffin updated the MFAC on federal fishery management issues, particularly at the NEFMC.

Melanie then provided a high-level summary of the recent June NEFMC meeting in Portland, ME and an overview of issues coming before the Council at its September meeting in Gloucester. For Atlantic herring, the 2023 – 2025 specifications were discussed, as well as concerns regarding continued development of the Georges Bank spawning protection measures in Framework 7. For multi-species groundfish, the Council is focused on Framework 65, which addresses the 2023 – 2025 specifications, rebuilding cod and Southern New England winter flounder, and ABC control rule provisions. On sea scallops, the NEFMC will be deciding whether to pursue development of a limited access leasing program, as well as developing Framework 36 to set specifications for 2023 and 2024. For skates and monkfish, the update was on pending annual monitoring reports and Framework 13 to set the 2023 – 2025 specifications. The NEFMC continues to work on the development of Eco-system Based Management and issues relative to habitat management areas, dedicated research areas, as well as offshore wind and aquaculture developments. At the upcoming September NEFMC meeting, Eric Hansen will replace Dr. Michael Sissenwine as a Massachusetts delegate. Dr. Sissenwine has reached his term limit for the NEFMC.

Bill Amaru stated fishermen are concerned about the limited access scallop leasing proposal affecting the general category vessels. Melanie stated these concerns were heard during the initial public scoping process. The NEFMC now had to decide whether or not it would pursue a management action.

Protected Species Updates

Bob Glenn stated DMF had completed initial draft of its Habitat Conservation Plan, which is the foundation of the state's Incidental Take Permit application. DMF would be

submitting this draft plan to NOAA Fisheries in the coming weeks. Bob expected NOAA's review process to be length and iterative.

Bob then discussed the recent federal court decision in the Center for Biological Diversity v. NOAA Fisheries. The judge found NOAA Fisheries violated the Endangered Species Act and failed to satisfy the Marine Mammal Protection Act's negligible impact requirement for setting the authorized level of take in its Incidental Take Statement. Consequentially, the 2021 Biological Opinion for the North Atlantic Right Whale and the recent federal Atlantic Large Whale Take Reduction Plan regulations were invalidated. The court ordered parties to submit a joint schedule on remedies and the plaintiffs requested NOAA Fisheries submit a new final rule that meets potential biological removal within six months. As a result of this, there is great uncertainty regarding the future management of the lobster trap fishery and how this may impact Massachusetts.

Lastly, Bob highlighted an upcoming grant program to provide economic assistance to the commercial trap fishers to help comply with the gear modification requirements to protect right whales. This included funding for weak rope, weak contrivances, and gear marking mechanisms. Priority will be given to dual state-federal permit holders who likely need to configure two sets of buoy lines to satisfy different buoy line marking requirements for state and federal waters.

Sooky Sawyer asked if the recent federal court decision would impact NOAA's listing of the Massachusetts' mixed species trap fishery as a Category 2 fishery on its 2022 List of Fisheries designation. Bob felt the listing was well justified. However, at this point, he was uncertain as to how NOAA Fisheries would achieve additional risk mitigation, how that may impact state-waters fisheries, and to what extent the Category 2 designation would insulate Massachusetts.

Shellfish Program Updates

Jeff Kennedy provided the MFAC with an update on issues affecting DMF's Shellfish Program. The focus of the update was the ongoing annual FDA PEER evaluation. This year's PEER focused on growing areas impacted by wastewater treatment plants in Buzzards Bay and growing areas containing mooring fields in Chatham.

On *Vp.*, Jeff stated that we were midway through the 2022 *Vp.* Control Season. At present there have only been single source illnesses and no outbreaks.

SMAST completed their first draft of the Scituate wastewater treatment plant outflow model. DMF was reviewing the draft and will be requesting some clarification on certain items related to the model. I. DMF was hopeful to apply this model to those wastewater treatment plants around Buzzards Bay.

It has been an active year for biotoxin closures. The Nauset system was closed for about two months for PSP, and then closed again for DSP. There have also been PSP closures along the North and South Shores. However, the bloom waned over the summer with toxicity becoming diminished enough to reopen areas.

Bill Amaru asked if there was an explanation for the prolonged presence of DSP in the Nauset System. Jeff was uncertain at this time. Bill then opined that lawn chemicals may be contributing to extended presence of biotoxin producing algal blooms. to what extent these blooms may be .

Quota Managed Species Update

Story Reed and Anna Webb presented on the performance of 2022 quota managed fisheries.

- Striped Bass. The fishery was closed on August 5 after landing 100% of the annual quota. There was a slight overage this year which will come off of next years' quota. Compared to the previous two-years, the quota was landed much sooner, as the fishery closed on October 1 last year and did not close in 2020. There was a slight overage this year which will come off of next years' quota.
- Bluefish. The state had landed about 50% of its annual quota. DMF did not anticipate needing to acquire quota transfers for other states to keep the commercial fishery open for the remainder of the season.
- Black Sea Bass. About one-third of the quota was a landed so far this calendar year. Quota utilization tracks similarly to how it has in prior years despite liberalizations to the fishing limits and season. DMF anticipated the quota would be underutilized this year.
- Summer Flounder. Similar to black sea bass, about one-third of the quota was landed so far this calendar year. Despite liberalizations to fishing seasons and limits, DMF anticipated the quota would again be underutilized in 2022.
- Horseshoe Crabs. About 50% of the horseshoe crab quota was landed this year. Landings have slowed in recent weeks and are tracking below recent years. This may be related to changes in effort in the fluke trawl fishery and fishermen shifting effort from bait fishery for horseshoe crabs to the biomedical fishery for horseshoe crabs.
- Menhaden. The state's initial quota was taken during the period of June 1 – June 20. Massachusetts then opted into the EESA fishery, which lasted until July 7. Following the EESA fishery, DMF obtained quota transfers from other states allowing he fishery to remain open from July 11 through July 27. The directed fishery closed on July 28 and commercial fishing effort has continued under the incidental catch and small-scale fishery allowance.

Mike Pierdinock asked about the ex-vessel value for black sea bass. Anna Webb stated there has not been a significant change in price in recent years and this year's ex-vessel value tracked with recent years.

Mike P. then asked about gear type specific contributions to this year's landings for black sea bass and summer flounder. Anna stated this data was not yet available. DMF depends on harvester reports to obtain data on things like gear type, as it is more accurately reported by the harvester. Harvester reports are submitted monthly and these data are typically not quality controlled and usable until the following spring.

Kalil Boghdan asked about the relationship between stock health and fishery performance. Bob Glenn then provided an in-depth answer. He explained that quotas are developed using stock assessment information and catch data is factored into stock assessments. However, fishery performance, while certainly affected by stock health, is also influenced by local availability, fishing effort, environmental factors, and regulatory controls. Kalil expressed concern that the performance of this year's striped bass fishery may undermine stock assessment findings if the upcoming assessment demonstrates additional conservation is needed.

Mike P. was concerned about how environmental factors may be influencing opinions and science related to striped bass abundance. He opined that in recent years the biomass of striped bass seemingly shifted offshore to colder and deeper waters. As a result, lack of inshore availability could be misconstrued as decreasing overall abundance. He was also concerned about how a shift in spatial availability coupled with the EEZ prohibition on striped bass may influence the upcoming stock assessment.

Recent Adjudicatory Proceedings

Jared Silva provided the commission with an administrative law program update. He focused on both changes to personnel and roles in the agency's Administrative Law Program, as well as results from adjudicatory proceedings initiated since 2020.

Sooky Sawyer expressed frustrations regarding the timeline for resolving administrative hearings and fishermen being able to continue to fish while facing an administrative proceeding. Jared Silva recognized these frustrations but underscored the critical need to provide parties with due process before sanctioning their permits and affecting their livelihood.

OTHER BUSINESS

Commission Member Comments

Tim Brady discussed a massive school of menhaden off Plymouth. He then discussed the status of the ocean pout resource in Cape Cod Bay and potential for research opportunities that may allow for some recreational retention.

Sooky Sawyer stated he was being targeted by a litigious conservationist who was suing him as both a MFAC member and the President of the MLA. As a MFAC member, he was frustrated by the lack legal assistance from the state. Dan McKiernan stated he would speak to DFG's legal staff on the subject and reach out to Sooky directly.

Kalil Boghdan stated he has offered to help Ben Gahagan count the alewife coming through Alewife Brook. He commended Ben for his work on monitoring the alewife.

Shelley Edmundson thanked Lt. Bass and his fellow MEP officers for attending the waterfront festival and the meet the fleet event.

Bill Amaru stated fishing has been good this summer.

Mike Pierdinock stated the hook and line mackerel fleet has been providing samples which are being forwarded to the Northeast Fisheries Science Center for DNA testing. He concluded his comments by highlighting some areas where he has seen mackerel.

Ray Kane thanked everyone for their participation and asked Jared about an in-person meeting on the Vineyard. Jared stated the September meeting will be virtual due to the public hearing being held beforehand. The location of the October meeting remains to be determined.

PUBLIC COMMENTS

Beth Casoni expressed concerns regarding the lobster market. She had received calls from fishermen stating their dealers may not be accepting their catch this fall. Beth also asked for a copy of DMF's Habitat Conservation Plan once it is submitted to NOAA Fisheries. Lastly, she stated that MLA received a \$1M grant to develop fully formed weak rope with a trace ribbon in it. She was hopeful this may make it easier for Massachusetts' trap fishermen to comply with gear modification and marking requirements moving forward.

Phil Coates discussed the abundance of menhaden off of Plymouth as well as striped bass fishing and some mishandling of fish he witnessed.

Heather Haggerty expressed concern over raising the bait limit for horseshoe crabs given limited demand. Dan McKiernan noted he was trying to create equity between the bait and the biomedical limits to prevent user group conflicts while still meeting end user demands. He noted that if the bait market were to dry up then dealers could inform fishermen that they would not be accepting full limits.

Heather then asked about potential industry meetings for horseshoe crabs. Dan stated staff were meeting with a variety of horseshoe crab stakeholders and he expected to have an industry meeting during the early fall. fa

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the August MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- August 2022 MFAC Agenda
- June 2022 Draft Business Meeting Minutes
- Presentation on Upcoming Public Hearings
- Memo on Requirements for Electronic Tracking Devices in Lobster Fishery
- Memo on Petition to Adjust Schedule to Increase Whelk Gauge Width
- Memo on Proposal to Update and Refine Protected Species Regulations
- Memo on Proposal to Extend Mobile Gear Exemption Area 1A
- Memo on Recreational Tautog Trophy Fish Proposal
- Presentation on Updates from the ASMFC
- ASMFC Summer Meeting Summary
- Presentation on Updates from the NEFMC
- Presentation on Protected Species Updates
- Presentation on Performance of Quota Monitored Fisheries
- Presentation Administrative Law Program
- DMF Comment Letter on Hudson Canyon MPA

UPCOMING MEETINGS

September 13, 2022
Via Zoom

October 18, 2022
TBD