



**MA Marine Fisheries Advisory Commission  
March 21, 2023 Meeting Summary**

This document serves as a brief summary of the March 21, 2023 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held virtually via Zoom. All meeting materials are available on the [MFAC's past meeting website](#) and a recording of the full meeting is posted to [DMF's YouTube channel](#).

**Emergency Rulemaking for Recreational Fisheries**

DMF and the MFAC reviewed and discussed a series of emergency regulatory proposals to implement recreational fishing limits for black sea bass, scup, cod and haddock for 2023.

*Black Sea Bass and Scup.* For black sea bass and scup, recreational harvest must be cut by 10% coastwide compared to 2022 despite robust stock conditions, as harvest under status quo management is projected to exceed the recreational harvest limit. For black sea bass, Massachusetts is achieving this mandatory cut using a state-specific approach. Following a public comment period, DMF's preferred option was to increase the minimum size limit by ½" to 16.5", which would also allow DMF to add several days to the season. The bag limit will remain at 4 fish. For scup, the mandatory cut is being achieved through a regional approach whereby the states of Massachusetts, Rhode Island, Connecticut, and New York are all implementing the same measures. This regional approach will remove January – April from the open season, increase the minimum size by ½" to 10.5" for vessel-based anglers, and decrease the for-hire bonus season possession limit from 50 fish to 40 fish. Under this approach, the states can also reduce the shore-based minimum size by ½" to 9.5" to address environmental justice issues, as shore-based anglers tend to have more limited access to larger sized fish.

Species	Mode	Season	Bag Limit	Size Limit
Black Sea Bass	All Anglers	May 20 – September 7	4 fish	16.5"
		<del>May 21 – September 4</del>		<del>16"</del>
Scup	Private Boat	May 1 – December 31	30 fish	10.5"
		<del>Jan 1 – December 31</del>		<del>10"</del>
	Shore	May 1 – December 31	30 fish	9.5"
		<del>Jan 1 – December 31</del>	<del>10"</del>	
	For Hire Vessel	<del>Jan 1 – April 30</del>	<del>30 fish</del>	10.5"
		May 1 – June 30	40 fish <del>50 fish</del>	<del>10"</del>
		July 1 – December 31	30 fish	

The MFAC ultimately supported DMF's proposed measures. However, concerns were raised about the impacts of these changes on the for-hire industry and the for-hire industry's preferences for alternative measures (e.g., split mode approaches allowing for status quo rules for black sea bass and increasing the scup minimum size in favor of a higher bonus season bag limit). DMF also committed to work through the interstate and federal management system to pursue a new provision for the fishery management plan (FMP) enabling the transfer of quota between the recreational and commercial sectors, similar to what is authorized in the Bluefish FMP.

*Cod and Haddock.* For cod and haddock, DMF was proposing to enact emergency regulations to amend limits consistent with those recently approved by the New England Fishery Management Council. The MFAC did not object to this approach.

Stock	Mode	Season	Bag Limit	Size Limit
Gulf of Maine Cod	All Anglers	<b>September 1 – October 31</b> <del>April 1 – April 14</del> <del>September 1 – October 7</del>	1 fish	22"
Georges Bank Cod	All Anglers	<b>May 1 – May 31</b> <b>September 1 – April 30</b> <del>August 1 – August 30</del>	5 fish	<b>23"</b> <del>22" to &lt;= 28"</del>
Gulf of Maine Haddock	All Anglers	May 1 – February 28 April 1 – April 30	<b>15 fish</b> <del>20 fish</del>	<b>18"</b> <del>17"</del>

### Discussion Items

*Federal Fisheries Management Update.* DMF briefed Commission members on updates from the New England Fishery Management Council (NEFMC) since its January 2023 meeting. The briefing focused on: (1) continued efforts to address sea scallop access to the Northern Edge habitat management area on Georges Bank; (2) the NEFMC risk policy working group; (3) science and statistical committee meetings on Amendment 23 to the Northeast Multispecies FMP and ecosystem based management; (4) an Enforcement Committee meeting to review on-demand fishing gear research by the Northeast Fisheries Science Center, the draft Atlantic salmon aquaculture framework, gillnet interactions with protected species, and law enforcement priorities; and (5) the Loper Bright v. US Secretary of Commerce case likely proceeding to the Supreme Court.

*Protected Species Management Update.* DMF briefed the MFAC on four issues related to protected species management. First, DMF resubmitted a draft Habitat Conservation Plan (HCP) to NOAA Fisheries in February 2023 for their review and deliberation. This review process and pending NEPA analysis may take up to one year. Once finalized, the HCP will serve as the basis for DMF's Incidental Take Permit application for the Massachusetts Mixed Species Trap Fishery interactions with right whales and sea turtles. Second, DMF and MEP commenced joint efforts to remove gear from the state's trap fishery closure. In comparison to 2022, the presence of gear within the closure was greatly reduced and primarily limited to non-commercial gear. Third, DMF submitted a request to the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP) to delist humpback whales under the Massachusetts Endangered Species Act (MESA). This request follows a federal delisting in 2016, as the population was not found to be at risk of extinction, mortalities continue to be below potential biological removal, the stock continues to grow, and high abundance has provided resilience to anthropogenic mortality. Review of this request by NHESP is pending. Lastly, the Southern Massachusetts Pine Barrens Alliance has submitted a proposal to NHESP to list horseshoe crabs as a species of concern under MESA. The proponents claim commercial harvest interrupts breeding activity and threatens sustainability and DMF is mismanaging the resource, which in turn threaten the species ecosystem function. DMF does not agree with the proponent's claims and is conducting an internal review of the proposal and anticipates consultation with NHESP during their review process.

*Update on Grant Programs.* DMF briefed the MFAC on the status of several grant programs for commercial trap gear marking, vessel trackers for federal lobster and crab trap permit holders, seafood industry resiliency, and Atlantic herring disaster relief.

*Shellfish Advisory Panel Summary.* The Shellfish Advisory Panel (SAP) met virtually on March 2, 2023. At this meeting, DMF determined to not pursue a pilot program to expand bulk tagging opportunities for shellfish aquaculturists. SAP members objected to this action and DMF agreed to convene the SAP's sub-committee on bulk tagging again to further discuss the agency's decision. DMF also briefed the MFAC on conversations with the Department of Environmental Protection regarding ongoing challenges state regulated commercial fisheries are facing due to municipal conservation commission regulations filed under the Wetlands Protection Act restricting certain activities (e.g., hydraulic dredging) in wetlands resource areas. DMF will convene a sub-committee of the SAP to investigate questions relevant to municipal programs to transfer shellfish aquaculture licenses. The purpose of this activity is to compile an index of what municipal rules exist and engage with municipal officials on what may or may not be working. Lastly, DMF heard concerns from SAP members regarding seed availability and survival and was considering hosting a round-table with hatcheries and shellfish stakeholders to further discuss the issue.

*Anticipated Public Hearing and MFAC Meeting Schedule.* DMF has been delayed in going out to public hearing with draft regulations affecting commercial horseshoe crab, summer flounder, menhaden, and groundfish management. DMF was hopeful it would be able to announce the draft regulations by late March and accommodate public hearings during the last week of April. DMF anticipated holding two public hearings, with one on the north shore and one on the south shore.

Given the anticipated public hearing schedule, DMF and the MFAC agreed to cancel its April 11 business meeting. The May 16 business meeting would be moved from Tisbury to DMF's South Coast Field Office at SMAST East. Then a June business meeting would be scheduled to be held in Tisbury to discuss management issues germane to the Vineyard. With the April 11 business meeting being cancelled, DMF will re-convene its permitting sub-committee to discuss permitting and permit transfer issues.

*Striped Bass Circle Hook Study.* DMF provided a brief presentation on the initial and unpublished results of its circle hook study and the agency's pending citizens science program on release mortality. DMF staff also provided some preliminary commentary on the implications of increased 2022 harvest.

### **Upcoming Meetings**

The MFAC will meet next on May 16, 2023 at DMF's South Coast Field Office at SMAST East, located at 836 S. Rodney French Blvd, New Bedford, MA 02744.