

MARINE FISHERIES ADVISORY COMMISSION

March 9, 2017

DFW Field Headquarters

Westborough, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Kevin Creighton, CFO; Jared Silva; Nichola Meserve; Story Reed.

Department of Fish and Game: George Peterson, Commissioner; and Mary Lee King, Deputy Commissioner.

Secretariat of Energy and Environmental Affairs: Matthew Beaton, Secretary.

Office of Law Enforcement: Lt. Matthew Bass.

Members of the Public: Jefferson Bolin; Tom Turner; Phil Coates; Drew Kolek; Eric Morrow; and Keith Baker.

INTRODUCTIONS AND ANNOUNCEMENTS

There were no introductions or announcements.

APPROVAL OF MARCH 9, 2017 MFAC BUSINESS MEETING AGENDA

There were no comments.

Kalil Boghdan made a motion to adopt the March 9, 2017 business meeting agenda as provided. Sooky Sawyer seconded the motion. **The motion was approved unanimously.**

REVIEW AND APPROVAL OF THE FEBRUARY 17, 2017 MFAC DRAFT BUSINESS MEETING MINUTES

Mike Pierdinock asked for DMF to further clarify his comments regarding the ASMFC addendum that was initiated to consider increasing striped bass fishing mortality in response to the recent stock assessment update (page 10).

Mike also asked about for DMF to further clarify the term “cod-end” in reference to the mid-water trawl fishery. Director Pierce explained that the term referred to the end section of any trawl net where fish are retained. In the mid-water trawl fishery the mesh

size is 1” in this section of the net but larger mesh is used towards the mouth of the trawl.

No further comments were made. Andrew Walsh made a motion to accept the February 2017 MFAC business meeting minutes as amended. The motion was seconded by Lou Williams. **The motion was approved unanimously.**

CHAIRMAN’S COMMENTS

The Chairman thanked the MFAC for their attendance at DMF’s winter public hearings.

COMMISSIONER’S COMMENTS

Commissioner George Peterson began his comments by recognizing a member of the public, former DMF Director Phil Coates.

The Commissioner then highlighted two positive DMF related matters. First, the Secretariat and Governor’s Office requested DFG build a legislative strategy to move forward the statutory amendments to marine fishery fines and penalties. Second, he acknowledged Dan McKiernan and Jared Silva. They recently met with members of Secretariat and the Governor’s Office to discuss the regulatory recommendations that MFAC would be voting on today. The Commissioner received a tremendous amount of positive feedback, noting that DMF’s presentation was very effective and the Governor’s office wanted to use their presentation method as a state-wide model.

DIRECTOR’S COMMENTS

Director David Pierce also commended Jared and Dan for their hard work on these regulatory issues and was happy to hear their methodology for presenting these regulations may be adopted state-wide.

David then noted he recently attended the Stellwagen Bank Advisory Council (Council) meeting. DMF biologist Brad Schondelmier provided the Council with a presentation on the mid-water trawl research-set aside (RSA) fishery, similar to what was presented to the MFAC in February. The presentation was very well received. The Council asked DMF to consider revising the Responsible Fishing Agreement for the mid-water trawl herring RSA fishery to not allow trawling in waters shallower than 124’. David acknowledged that the mid-water trawl fishery is controversial, but he highlighted that it was an important source of lobster bait, so it was necessary to strike balances to allow this fishery to occur.

The Director then moved on to discuss the Gulf of Maine Cod Industry Based Survey (IBS). The IBS had just concluded its first year of work and DMF biologists recently presented their findings to Secretary Matt Beaton. DMF biologist Micah Dean used the IBS data to develop a model that may help sector fishermen be more efficient in their use of quota(s). Micah would be providing this presentation to fishermen and eventually

the Governor's office. David noted that Governor Baker was supportive of the IBS study and David was optimistic that this presentation would affirm the Governor's support for this project.

The Director then concluded his comments with a few updates. First, DMF's comprehensive bi-annual newsletter was recently published and copies were distributed to the MFAC. Second, DMF recently brought on Tiffany Vidal to work on stock assessments, particularly for scup, black sea bass and fluke. Lastly, David noted that Carlos Rafael was expected to plead guilty on federal tax evasion and fishery charges. The terms of the plea were unknown at this time.

Ray Kane asked if Nichola Meserve's role on black sea bass, scup and fluke would be affected with the hiring of Tiffany Vidal. David stated that it would not. Nichola would continue to work on management and policy for these species; Tiffany was hired to replace Mike Bednardski and serve on the technical committees.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass noted that marine enforcement was still focused on the Large Whale Seasonal Trap Gear Closed Area. Working with DMF, about 75 traps were hauled out of the closed area in Cape Cod Bay. Enforcement was still working to identify the trap owners.

An individual was arrested twice in 2016 for severe violations of the state's black sea bass regulations. These arrests received a large amount of public interest on social media. Lt. Bass reported that the individual was found guilty. Additionally, Law Enforcement was pursuing an adjudicatory hearing to revoke the individual's commercial fishing permit.

Jared Silva explained that DMF had received and approved the request for a hearing. The Magistrate was in the process of scheduling a hearing. Jared added that it may take six-months to one-year from receiving the request for a hearing to a final action. This timeline may be expedited if a settlement can be reached.

Mike Pierdinock asked where this individual fished. Lt. Bass stated he fished in Buzzards Bay, Vineyard Sound and Nantucket Sound.

Lt. Bass also informed the MFAC that a sea scallop case also under investigation. He provided no further details on this enforcement activity.

ACTION ITEMS

Whelk Minimum Size Management

Deputy Director Dan McKiernan covered this item for DMF. He stated that this was likely the most debated issue that went to public hearing. He compared the whelk fishery to the lobster fishery and noted that in the lobster fishery there is no question as

to how to gauge an animal; this was not the case with whelks. Part of the purpose of this management item was to address this and create a reproducible method of measurement, particularly as minimum size management was the core of the state's whelk conservation management program. Additionally, DMF remained concerned about the status of this fishery and was moving forward with gradual minimum size increases to eventually provide protections to spawning stock biomass.

The recommendations provided by DMF were consistent with what was proposed at public hearing. The recommended commercial fishery gauge increase for 2017 was more conservative given public comment. Dan also highlighted due to the asymmetry of the animal, DMF was going to move away from a minimum shell size. Instead, DMF intended to specify a gauge size and method of measurement to move forward the size standard.

For 2017, the commercial fishery would be required to use a 2 7/8" internal chute gauge using the any orientation method of measurement. DMF studies indicated this adjustment corresponded to an approximate 1/10" increase to the effective minimum size, resulting in a potential 10% loss in landings. This is less than the proposed use of a 3" gauge and the any orientation method of measurement, which would have produced an effective 3/16" minimum size increase and an estimated 30% loss of catch.

DMF also intended to move forward biennial gauge increases beginning in 2019. However, additional work needed to be done to determine what gauge sizes will approximate 1/8" minimum shell width increases.

DMF was exempting dealers from the gauge size standard for product imported into Massachusetts from other states where smaller sized whelks may be harvested. New Bedford was a processing hub for whelks and DMF did not want to interfere with interstate commerce. All containers of whelks are required to be tagged with information regarding state of origin, so DMF did not believe this would undermine the enforcement of the state's commercial fishery's gauge standard.

Lastly, DMF wanted to clarify that whelks are considered a shellfish under state law. Accordingly, harvesters must tag their whelks. While this is understood through interpreting the statutes, DMF wanted to make it expressly clear in its regulations.

Bill Doyle made a motion to adopt DMF's recommendation as provided in the memorandum. Charles Quinn seconded the motion. The Chairman opened the item up for discussion.

Sooky Sawyer asked if there was a manufacturer for these gauges. Dan stated there was not. Industry members would have to obtain them through a machine shop of their choice. However, DMF would find out where Law Enforcement was obtaining their gauges and let industry members know. Dan added that this was part of the reason why DMF was codifying the minimum gauge dimensions in the regulatory text. Bill Doyle expressed his support for this approach.

Andrew Walsh asked if there was a public health reason why whelks had to be tagged like other shellfish. Dan stated that whelks are a shellfish predator, so it is possible for biotoxins to accumulate in whelks and it takes them longer to purge the toxin than other shellfish (e.g., bivalves). So, it presents a potential public health issue. However, biotoxin closures for whelks are uncommon in Massachusetts, largely because common biotoxins (e.g., psp in red tide) do not often reach the waters south and west of Cape Cod where whelks are typically harvested.

Andrew followed up his question and asked if there were cases where whelks caused illnesses. Dan was uncertain. However, the management system is set up to prevent illnesses, rather than respond to them.

Mike Pierdinock stated that there were some concerns mentioned at public hearing regarding raising the minimum size to 3 7/8". Two of these concerns were that at this size the fishery would harvest only spawning females and that female whelks may be spawning at smaller sizes.

Dan McKiernan stated that the science regarding size at maturity was sound. DMF biologist Steve Wilcox conducted two separate size at maturity studies and demonstrated 50% size at maturity occurs at 3 7/8". Ray Kane added that biologist Brad Stevens also conducted a size at maturity study for Buzzards Bay. Steve Wilcox stated Brad's study produced very similar results.

Dan stated that DMF was also concerned that too high a size limit may skew sex ratios. However, until a 3 1/2" minimum size is reached, no female spawning whelks are protected. So, DMF was first interested in getting to a point where some spawning stock biomass was being protected. Director Pierce added that the current gauge increase schedule gets us to an approximate 3 7/8" minimum size in 2029, so there is plenty of time to consider using harvest controls in lieu of minimum size increases at the end of the gauge increase schedule.

Andrew Walsh asked if there was a size where some spawning stock biomass was protected but the fishery would not harvest only females. Steve Wilcox stated that the growth of males begins to wane at the size the females begin to sexually mature. So there is a very narrow window where this may occur.

Ray Kane stated that there was interest in potentially going to a slot limit in the future to prevent skewing sex ratios. Steve noted that one issue with a slot limit is that all whelks bigger than the upper limit then cannot be harvested and will die off naturally.

Ray asked when DMF would develop a schedule for gauge increases. Dan stated that staff would be spending this year developing this schedule and public hearings would be held in late 2017 or 2018 for rule changes prior to the 2019 fishing season. Steve Wilcox added that next likely gauge increase would be to 3". So, fishermen should be encouraged to retain the 2016 chute gauge for use in 2019 and 2020.

Mike Pierdinock and Ray Kane also raised comments from Martha's Vineyard fishermen regarding having DMF conduct sea sampling on the island. Mike stated that if DMF were to do this in 2017 and 2018 it could build consensus around the science in anticipation of gauge increases in 2019. Dan stated that he understands the divide on this issue and it is likely that honey holes do exist where larger whelks are caught. However, nearly all the fishing activity is now condensed in Nantucket Sound, so it's unlikely that Vineyard fishermen are seeing something totally different than DMF is seeing sea sampling with mainland fishermen. Director Pierce stated that DMF will explore the extent to which sea sampling can be expanded. Dan added that if sampling were to occur with Vineyard fishermen it would have to be during the fall when costs are reduced.

Director Pierce noted that he gave this recommendation a lot of thought. He is very concerned about the status of the whelk resource and the future of the whelk fishery. While he initially favored a more aggressive conservation management approach, he chose to recommend a conservative option for economic reasons only.

No further comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Conch Pot Haul-Out Period and Whelk Fishery Closure

Deputy Director McKiernan stated that DMF was recommending that no action be taken on this public hearing proposal. DMF needed to conduct additional research to better understand the relationship between turtle entanglements and the various trap gears. DMF would work on educating conch pot fishermen to voluntarily comply with a haul-out period in August if they were not actively fishing the gear.

Dan added that NMFS expressed concerns to DMF about sea turtle entanglements in the state's trap fisheries. DMF will likely have to continue discussions with NMFS and consider filing for a Section 10 permit to safeguard the state and trap fishermen from lawsuits. If a Section 10 permit is granted, Massachusetts will be required to reduce the number of "takes" from prior levels and will have to develop proposals to accomplish this.

Lastly, as a corollary piece, DMF also proposed enacting a whelk closure during the haul-out period. This would have kept mobile gear fishermen from targeting whelks when the fixed gear was out of the water. It could have also provided some spawning protections as whelks drop their egg casings during this period. However, as DMF was not moving forward with the conch pot haul-out, there was similarly no recommendation to advance the closure.

Opening River Herring Spawning Runs

Director Pierce noted that public comment reflected a desire to provide DMF with the authority to open certain river herring spawning runs, but with more comprehensive regulations that set baseline rules for harvest and possession and reference the need

for a spawning run to have an ASMFC-approved Sustainable Harvest Plan to be opened. Consistent with this comment, DMF put forth its recommendation, as described in the memorandum.

Some public comment suggested that DMF not open any runs until all runs can be opened. David opined that under the current management strategy this would be impossible. Many of our runs are data poor and do not have local management. Therefore, the ASMFC would not approve harvest plans for them.

David added that the Nemsaket Run currently has an ASMFC -approved Sustainable Harvest Plan and the Middleborough-Lakeville Herring Commission was requesting DMF open the run.

Gus Sanfilippo made a motion to adopt DMF's recommendation as provided in the memorandum. Sooky Sawyer seconded the motion. The Chairman opened the item up for discussion.

Mike Pierdinock noted that the regulations did not explicitly prohibit the sale of river herring. Jared stated that in order to possess river herring a person needs to hold a harvest permit and a daily harvest card. Accordingly, transactions could only occur between two properly permitted entities and this population is likely limited. Lt. Bass agreed with Jared. Director Pierce noted the regulations were sufficient to address this. However, DMF would be specific in the advisory announcing the rule change that sale of river herring is not allowed.

Mike then asked David to clarify the bycatch tolerance in the existing river herring regulations. David stated that this is a long-standing regulation to accommodate bycatch in the mid-water trawl fishery that occurs in federal waters. This keeps mid-water trawl vessels from having to sort high volume catches at-sea.

No further comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Commercial Scup Limits

Director Pierce stated that three recommendations were being made to improve the utilization of the commercial scup quota. The first recommendation was to establish a 10,000 pound weekly limit and eliminate closed landing days for draggers. The second recommendation was to eliminate no fishing days for directed pot and hook and line fisheries after July 1. The last proposal was to increase the weir set-aside from 275,000 to 300,000 pounds.

Dan McKiernan added that DMF was already running a weekly aggregate program for draggers under a letter of authorization. This limit allows for about 6,000 pounds to be landed weekly. Increasing this limit to 10,000 pounds will make Massachusetts limit consistent with Rhode Island's, thereby encouraging draggers with permits in both states to land in Massachusetts ports.

The Chairman asked that each recommendation be handled by a separate motion.

Andrew Walsh made a motion to adopt the Director's recommendation relevant to scup limits for trawl fishermen, as provided in the memorandum. The motion was seconded by Lou Williams. The Chairman opened the item up for discussion.

Mike Pierdinock asked if commercial and recreational limits were established from the same quota. David stated that under the federal plan the annual catch limit was divided between the commercial and recreational fishery. The commercial fishery receives 72% and the recreational fishery receives 28% of the annual catch limit.

Commissioner Peterson asked if commercial quota can be allocated to the recreational fleet. David stated that this is not allowed under the federal plan. However, he has supported this type of allowance in the past.

George followed up and asked if the recreational fleet was harvesting its scup allowance. David stated that catch estimates were just under the recreational harvest limit in recent years.

Mike Pierdinock stated that he could not support the Director's recommendations. He was concerned that increasing the dragger limits would increase scup catch and effort. This could potentially result in additional small mesh fishing effort and reduce the inshore availability of scup to party and charter boats. Additionally, the scup price was already deflated, so increasing harvest would only further erode market conditions.

Andrew Walsh disagreed with Mike's concerns that this would increase dragger effort. He stated that draggers are not targeting scup and this increase in their limits will not result in them targeting scup. This increase to the limits will, however, reduce regulatory discarding in the small mesh squid fishery. Occasionally draggers encounter a large tow of scup when squid fishing and this will allow them to retain this catch, rather than forcing them to discard them. Andrew added that scup are the number one bycatch and discard in the squid fishery and if draggers can reduce discard rates through improved regulation the perception of the squid fishery may improve.

Kalil Boghdan asked about the other discards in the squid fishery. Andrew stated that the other species commonly discarded were crabs and black sea bass. Black sea bass is another regulatory discard issue because the fishery is currently closed until August, so they cannot be retained during the squid fishery. Andrew added that by volume, seaweed was the most predominant bycatch and discard.

Kalil asked if fishermen could differentiate between scup and squid with the electronics. Andrew stated that they could and they avoided towing on scup to the greatest extent possible. However, often by the time the scup appear on the electronics it may be too late to haul the gear and catching them becomes unavoidable. Dan McKiernan noted that he did a lot of sea sampling in the squid fishery in the 1990s and recalled that scup

are most vulnerable to being caught in squid around dawn and dusk. Their behavior changes during daylight making them less likely to be caught.

Dan then added that the quota was underutilized and DMF was sensitive to regulatory discarding, particularly with the recent criticisms of the squid fishery. So, it is beneficial if the state can improve its regulations and turn some amount of discards into harvest.

Kalil was supportive of the regulation if it were to reduce regulatory discarding. However, he was also concerned about the impacts the increased limit may have on the inshore availability of scup.

Lou Williams stated that due to market conditions he did believe this action would result in increased catch and effort. However, landings may increase due to additional retention. Lou thought the recommended weekly limit addressed an important regulatory discarding and bycatch retention issue and supported it.

Mike Pierdinock stated that if this results in directed fishing effort on scup, other problems will sprout up likely impacting recreational fishing.

No further comments were made. The Chairman called the motion to a vote. **The motion passed 6-1-1 to Mike Pierdinock opposed and Kalil Boghdan abstaining.**

Sooky Sawyer made a motion to adopt the Director's recommendation to eliminate closed fishing days for the scup hook and line and pot fisheries beginning on July 1, as provided in the memorandum. The motion was seconded by Charles Quinn. The Chairman opened the item up for discussion.

Sooky Sawyer asked why DMF was proposing to increase the catch limits just for dragnets and not fishermen using other gears. Jared Silva explained that DMF proposed the weekly limit to address a bycatch retention issue and felt comfortable doing this based on the pilot program that was conducted for several years prior. Jared then noted that the hook and line and pot gear trip limits for scup were low during the spawning period in May and June and then the limits increase to 1,500 pounds on July 1 (post-spawning). Dan McKiernan noted that hook and line and pot fishermen did not request DMF increase the existing scup trip limits or make comments to that effect.

No further comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Sooky Sawyer made a motion to adopt the Director's recommendation to increase the weir set-aside to 300,000 pounds, as provided in the memorandum. The motion was seconded by Andrew Walsh. The Chairman opened the item up for discussion.

No comments were made. The Chairman called the motion to a vote. **The motion passed 7-1 with Mike Pierdinock opposed.**

Commercial Striped Bass Limits

Deputy Director McKiernan stated that in 2014 DMF amended its striped bass regulations and trip limits became a function of the permit held. A 15-fish limit was established for boat permits and lobster permits and a 2-fish limit was established for non-boat permits. Following the 2016 season, Cape Cod based commercial fishermen petitioned DMF to modify the commercial striped bass regulations to limit shore-based angling conducted under a boat permit to the 2-fish. This was proposed to close the loop hole in the existing rule that allowed boat permit holders to fish from shore under the 15-fish limit. There were reportedly user group conflicts on the Cape Cod Canal regarding commercial fishermen with boat permits acquiring fish from anglers for sale or utilizing shore-based anglers as crew.

Kalil Boghdan made a motion to the Director's recommendation as provided in the memorandum. The motion was seconded by Gus Sanfilippo. The Chairman opened the item up for discussion.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Commercial Tautog Season

Director Pierce stated that he recommended eliminating the commercial spring tautog fishery, thereby allocating the entire annual commercial quota to the fall. He noted that the spring fishery quota allocation was difficult to monitor because it was so small and catch rates increase quickly as water warms. As a result, the fall fishery allocation was constrained in numerous years due to springtime allocation overages. In addition to improving quota management, eliminating the spring fishery will reduce fishing mortality on pre-spawning and spawning fish and provide rod and reel fishermen with a source of income throughout the mid-to-late fall.

David added that the ASMFC is developing an addendum to require the tagging of commercially caught tautog. An additional benefit of moving the quota to the fall would be that the tagging program would be easier to manage and administer, particularly with tagging likely to occur at point of harvest.

Sooky Sawyer made a motion to the Director's recommendation as provided in the memorandum. The motion was seconded by Bill Doyle. The Chairman opened the item up for discussion.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Commercial Witch Flounder Trip Limits

Director Pierce stated that the public hearing proposal suggested the limit be reduced from 1,000 pounds to as low as 300 pounds. However, after an update on the status of witch flounder resulting in a substantial increase to the state-waters set-aside, he was

recommending the trip limit only be reduced to 750 pounds. DMF's analysis demonstrated that if effort stays static then state-waters harvest will be within the set-aside with a 750 pound trip limit.

Andrew Walsh made a motion to the Director's recommendation as provided in the memorandum. The motion was seconded by Lou Williams. The Chairman opened the item up for discussion.

Sooky Sawyer asked DMF to confirm that the fishing year 2016 (FY16) state-waters harvest already exceeded the FY16 set-aside by 365%. And that FY16 did not conclude until April 30, 2017. David confirmed both statements. David noted that the FY17 set-aside was slated to increase substantially, so if effort stayed similar he did not anticipate the FY17 state-waters harvest would exceed the set-aside with a 750 pound trip limit. Jared Silva added that the FY16 overage was driven not only by increase in catch and effort, but also ~50% cut to the FY16 set-aside when compared to FY14 or FY15.

Sooky noted that fishermen were concerned about continued increases in effort and the state-waters harvest continuing to exceed the set-aside. Andrew Walsh agreed. He supported the Director's recommendation but noted that witch flounder had a strong market price so effort may continue to enter the fishery.

David noted witch flounder are typically caught in deep water. So, it was unusual to see this species become a targeted species in the state-waters fishery. He noted that at public hearing fishermen alleged that the increase in catch and effort may be attributed to state-waters fishermen fishing in federal waters or federal fishermen handing overages over the rail to state-waters fishermen.

Mike Pierdinock asked if witch flounder could be landed in the squid fishery. Jared Silva stated that there is a 100 pound flounder allowance in the squid fishery. So if a vessel participating in the squid fishery had federal allocation or a state-water groundfish endorsement they could land witch flounder as part of their flounder allowance. However, this was unlikely because witch flounder are not typically caught in the state's southern waters where the squid fishery is occurring. Dan McKiernan, Director Pierce and Andrew Walsh confirmed that witch flounder was not a bycatch in the squid fishery.

No further comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Prohibition on Mixing Recreational and Commercial Trips

Director Pierce reviewed his recommendation memorandum and emphasized that existing regulations lack clarity and Law Enforcement asked DMF to develop an explicit regulation to address the taking of recreational catch during a commercial trip. The MFAC's Law Enforcement Sub-Committee addressed this issue at their October 2016 meeting and developed a series of options for public hearing. DMF was now moving forward a recommendation to prohibit this activity, with an exemption to allow the sale of giant Atlantic bluefin tuna caught by rod and reel when recreational fishing is occurring.

Kalil Boghdan made a motion to the Director's recommendation as provided in the memorandum. The motion was seconded by Bill Doyle. The Chairman opened the item up for discussion.

Sooky Sawyer posed two questions based on comments made at the Gloucester public hearing. The first question was would commercial striped bass fishermen be able to keep bluefish. The second question was would a commercial angler be able to check their recreational lobster traps on a commercial fishing trip.

Jared Silva explained that all commercial fishermen may take bluefish under the commercial fisherman permit and bluefish does not have a minimum size. As the commercial striped bass fishery occurs when the commercial bluefish fishery is open, commercial striped bass fishermen may retain bluefish for personal use under their commercial permit. However, if a fisherman was commercially fishing for bluefish after the striped bass season they would not be able to retain a striped bass caught while bluefish fishing.

With regards to the lobster question, Dan stated that the regulation as written did not explicitly address recreational lobster fishing. So, it would be prohibited to check traps while commercially fishing. However, Dan suggested that an exemption was not inconsistent with the spirit of the regulation and could be simply solved by having the rule apply only to finfish. Lt. Bass agreed.

Mike Pierdinock stated that NMFS HMS program was considering allowing charter boats to conduct harpoon fishing for bluefin tuna. He suggested DMF may want to consider broadening its exemption to anticipate this potential change to federal rules. Chairman Kane stated that it was unlikely that the federal harpooning allowance would move forward. Mike agreed, but wanted to raise the issue nevertheless.

Commissioner Peterson stated that he preferred the MFAC vote on the recommendation as provided before DMF considered making additional exemptions. The Chairman agreed and noted that the MFAC could always come back tweak the regulation as needed.

No further comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Non-Trap Structures Designed to Take Lobster

Deputy Director McKiernan stated that commercial lobster divers from Provincetown have set toilet tank and cement domes along depth contours from Race Point to Herring Cove. These structures attract lobsters seeking habitat while they migrate inshore and offshore. This in turn increases their catch rates. These structures have created gear conflicts with recreational and commercial anglers and shellfish dredge fishermen. Moreover, these structures contributed to the controversy of Provincetown using Wetlands Protection Act regulations to restrict dredge fishing in town waters.

Moreover, setting these structures in state-waters was illegal under existing state laws and constituted the construction of an unpermitted and unlawful artificial reef. This means that Law Enforcement must catch them actively setting these structures. To allow for targeted local enforcement, DMF wanted to establish a straightforward regulation prohibiting the on-the-water possession and setting of such structures. This is analogous to a regulation in Florida prohibiting the use of “casitas” in the spiny lobster dive fishery.

DMF initially proposed to also prohibit taking lobsters from these structures. However, recreational dive groups strongly objected to this. They historically dive on existing structures and plan dive trips around doing so. Additionally, enforcement of a taking prohibition would be difficult, as it would require enforcement to be diving on these structures and witnessing the taking of lobsters from them.

Sooky Sawyer made a motion to the Director’s recommendation as provided in the memorandum. The motion was seconded by Charles Quinn. The Chairman opened the item up for discussion.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Night Closure in Fish and Conch Pot Fisheries

David reviewed the recommendation memorandum. He noted that the lobster and crab trap permit holders has been prohibited at night in state-waters since the 1940s. This rule has numerous benefits (e.g., safety, enforcement) and is strongly supported by the lobster fishery. There is not a corollary rule prohibiting night fishing in these trap fisheries. With fishing businesses being transferred and the decline on the SNE lobster stock, there are some trap fishermen who do not hold a lobster permit and are therefore not subject to a night closure.

For the reasons why it is beneficial to have the night closure in the lobster trap fishery, DMF wanted to have a night closure in these other trap fisheries. Accordingly, DMF recommended prohibiting fish pot and conch pot fishing from ½ hour after sunset to ½ hour before sunrise.

Gus Sanfillipo made a motion to the Director’s recommendation as provided in the memorandum. The motion was seconded by Lou Williams. The Chairman opened the item up for discussion.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Menhaden Trip Limit Trigger

Director Pierce reviewed his recommendation memorandum. He noted that the limited entry commercial menhaden trip limit drops from 125,000 pounds to 25,000 pounds

when 75% of the annual quota is taken. In recent years, the Massachusetts commercial fishery did not take its entire commercial quota and some of the quota underage was shared with other states to cover their overages. However, this inability to utilize the quota has not been a function of availability, but rather regulation. If the trip limits were to remain elevated then the large purse seiners would be able to make a few more trips and increase our harvest of the available quota. This recommended action would allow them to do that, as the trip limit would not be reduced to 25,000 pounds until 85% of the quota is taken.

Dan McKiernan noted that the existing rules were developed when states were first allocated a commercial quota. They were designed to be conservative, in part because DMF did not anticipate being able to track landings in close to real time. Consequently, there were concerns about taking the quota early in the year before the species became available inshore to smaller vessels. However, DMF required that all limited entry permit holders also be bait dealers and report nightly. Compliance with this has been excellent and DMF has a strong working relationship with fishery participants. So, the agency has been able to track landings in near real time. Accordingly, this conservative approach is no longer necessary.

Sooky Sawyer made a motion to the Director's recommendation as provided in the memorandum. The motion was seconded by Andrew Walsh. The Chairman opened the item up for discussion.

Mike Pierdinock stated that he does not have an issue with commercial menhaden harvest, but is concerned about where these fishermen are fishing because they can break up schools of bait and impact recreational fishing opportunities. He also stated his preference for status quo.

Sooky Sawyer noted that Fred Lakeman had passed away. He added that Fred was an active large scale menhaden purse seiner. He was uncertain if the permit would continue to be fished.

Mike Pierdinock opined that the reason Massachusetts fishermen may not be taking the quota is that the fish are not available in an abundance that would allow for this to occur. He thought that the fish were coming back, but were still not at a level where he believed it was appropriate to liberalize limits. He preferred a conservative approach.

Director Pierce noted that Massachusetts represented a small portion of the coast-wide harvest and our quota underage was being transferred to other states at the end of the season to cover their overages. So, this fish was being harvested and removed from the ocean, just not landed in Massachusetts. This action would have a negligible impact on the overall commercial harvest, but would benefit a small number of Massachusetts commercial permit holders.

Deputy Director McKiernan added that the large purse seine vessels carry about 125,000 pounds and are active up and down the coast. So the fish being landed in

Massachusetts is not necessarily caught in Massachusetts state-waters. It may be caught in the federal zone or in another state's waters. What the proposal would allow is for a few additional trips to be landed in Massachusetts before we close our ports to the larger purse seiners and force them to land elsewhere.

Dan also opined that this recommendation was not expected to impact the small scale menhaden fleet. They can fish when the higher limit is in effect and quota would remain on the table for them once the trip limit was reduced. Additionally, the small scale fishery has not been very active in recent, likely because participants were seasonally targeting other more profitable fisheries (e.g., lobster).

Commissioner Peterson expressed his support for DMF's recommendation.

Lou Williams also supported DMF's recommendations. He noted that this adjustment would allow for about 2-3 additional trips to be landed at the elevated level.

Mike Pierdinock asked how DMF manages removals of bait and impacts on recreational fishermen. Dan noted that that limited entry permit holders have a litany of permit conditions that establish spatial and temporal closures to limit interactions with recreational fishermen. These closures occur in our inshore waters where fish may become resident for a period of time; DMF has not adopted open water closures because of the migratory nature of the fish when offshore.

Dan added that DMF has historically worked with menhaden fishermen, recreational fishermen and harbormasters to ameliorate user group conflicts. If there were areas where Mike was concerned about menhaden removals, Dan was willing to discuss this further with him after the meeting.

No comments were made. The Chairman called the motion to a vote. **The motion passed 7-1 with Mike Pierdinock opposed.**

Cancer Crab Bycatch Limits for Net Fishermen

Deputy Director McKiernan stated that the recommendation was to liberalize the existing cancer crab bycatch limit for net fishermen from 200 crabs per day not to exceed 500 crabs on a multi-day trip to 1,000 crabs per trip. This action was consistent with recent changes to the ASMFC FMP. Additionally, as this 1,000 crab limit is a bycatch limit the weight of the crabs cannot exceed 50% the aggregate weight of all other species. Dan noted that these limits do not affect the directed fishery conducted by lobster trap fishermen; this fishery will continue to not have trip limits.

Andrew Walsh made a motion to the Director's recommendation as provided in the memorandum. The motion was seconded by Lou Williams. The Chairman opened the item up for discussion.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Trawl Fishery Management Measures

Director Pierce reviewed the recommendation memo. He noted DMF was recommending three minor clarifications to existing trawl fishing rules. First, the pull pressure used to measure large net meshes will be increased from 5 kg to 8 kg consistent with federal rules. Second, a 1 7/8" minimum net mesh size will be adopted for the state-waters squid fishery, also consistent with federal rules. Lastly, the reference to windowpane flounder in the squid trawl flatfish bycatch allowance will be rescinded as the retention and landing of windowpane flounder is prohibited under state and federal rules.

The Director asked the MFAC to move forward a motion that would adopt all three recommendations as part of one motion rather than three separate motions.

Kalil Boghdan made a motion to the Director's recommendations as provided in the memorandum. The motion was seconded by Andrew Walsh. The Chairman opened the item up for discussion.

Sooky Sawyer asked DMF to confirm that windowpane flounder was already prohibited species. Jared Silva stated that in 2012 the federal government prohibited the retention and landing and DMF enacted complementary regulations. So, it was already unlawful to land this species. The recommended action was just to clean up DMF regulations by eliminating the reference to this species in the squid fishery flounder allowance rule.

Mike Pierdinock asked if windowpane flounder comprised a large component of the squid fisheries. Based on his limited review of NEFOP data, Jared Silva stated that it comprised a rather small component of bycatch. Director Pierce agreed. Offhand he could not provide the overall size or proportion of windowpane bycatch in the squid fishery. However, he stated he could provide Mike with MAFMC data sets that describe squid fishery bycatch. Andrew Walsh stated that in his experience fishing for squid a small number of tows may turn up less than a handful of windowpane flounder.

David added that windowpane tend to be hard to the bottom. Therefore, they are not as susceptible to catch with squid nets. The species does present a bycatch problem in the sea scallop dredge fishery.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Gillnet Highflyers.

Director Pierce reviewed his recommendation to eliminate the requirement that gillnet fishermen affix tetrahedral radar reflectors to their highflyers. He noted that this came at the request of MFAC member Lou Williams.

Lou Williams made a motion to the Director's recommendations as provided in the memorandum. The motion was seconded by Gus Sanfillipo. The Chairman opened the item up for discussion.

Mike Pierdinock stated that some charter boat captains were concerned about this action. Specifically, if radar reflectors were not required then the gear may not be adequately marked, resulting in gear and props becoming entangled in gillnets.

Lou Williams explained how gillnets are marked and concluded that there are adequate marking requirements to prevent user group conflicts. He explained his reasoning for wanting this rule change was based on fisherman safety, a result of almost getting hit by a ferry.

Kalil Boghdan asked Lou about the length of strings of gillnets. Lou stated that he typically fishes strings that are about 1 mile long.

No comments were made. The Chairman called the motion to a vote. **The motion passed unanimously (8-0).**

Permitting

Director Pierce stated that the following two issues went to public hearing this past winter. As these issues relate to permitting, MFAC approval was not required by law. However, he sought their buy-in on these issues before filing final regulations.

David then reviewed his recommendation on allowing the transfer of Offshore Lobster Permits for LMA1 and the issuance of Offshore Lobster Permits for LMA2. The first aspect of this action would allow federal trap allocation permit holders for LMA1 to transfer their fishing business and their Massachusetts landing permit. The second aspect of this action would allow federal trap allocation permit holders for LMA2 to obtain a MA landing permit to land their lobsters in Massachusetts.

Deputy Director McKiernan stated that the inshore lobster fishery has a transfer program for Coastal Lobster Permits. A similar transfer problem does not exist for the federal lobster landing permit for trap fishermen. This came to light when one individual wanted to transfer their business but DMF could not accommodate the transfer under current rules. With regards to the issuance of Offshore Lobster Permits for LMA2, he noted that this would allow a RI based fisherman with the authority to fish traps in federal waters to land their product in Massachusetts. This type of flexibility may be necessary with the consolidation of the SNE lobster fishery.

Sooky Sawyer asked DMF to confirm that the offshore lobster permit is a landing permit for federal trap allocation holders. Dan confirmed this. Sooky then followed up and asked if DMF would issue a new landing permit for LMA1 federal trap allocation holders or just allow transfers. Dan stated that under this recommendation, DMF would just allow the transfer of existing permits. Sooky then asked if a LMA1 federal trap allocation holder from Maine would be able to get Massachusetts landing permit. Dan stated tat

the landing permit would only be available with the transfer of the federal permit and trap allocation.

No further comments were made.

Dan then moved on to discuss the Bay Scallop Shucking Endorsement recommendation. He stated that during the re-codification of 322 CMR, that DMF inadvertently changed the language regarding this permit endorsement. This permit endorsement was designed to allow fishermen to shuck their bay scallops on land before bringing the product to market. Current language implies that shucking is allowed to occur at-sea. This is not the purpose of the permit endorsement and allowing this activity would impact local constable enforcement. Accordingly, DMF wanted to correct the regulation.

DISCUSSION ITEMS

Commercial Black Sea Bass Limits

Director Pierce stated that in late February 2017, NMFS announced that the coast-wide black sea bass quota would increase by about 53%. As a result, DMF's state share would increase from about 350,000 pounds to 530,000 pounds. Accordingly, DMF wanted to increase access to all gear types. Staff was currently reviewing data to develop a straw-man proposal to accommodate this goal. He was optimistic that DMF would be able to advertise the straw-man proposal and hold public scoping meetings on it in advance of the April MFAC business meeting. This would allow DMF to provide the MFAC with a final proposal that would then be implemented by emergency regulation prior to May 1. David added that he would have liked to have done this through normal rule-making as part of the omnibus public hearing package this winter, but NMFS did not announce the quota adjustment until after the public comment period concluded.

Chairman Kane asked when the scoping meetings would occur. David stated they would occur in late March or early April.

Andrew Walsh asked if the straw-man proposal would address only the directed hook and line and pot fisheries or at all gear types. Jared Silva stated that DMF was looking at adjust limits for all gear types. Dan McKiernan noted that DMF was analyzing NEFOP data to determine the suitability of bycatch allowances for dragnets during the spring and summer squid and fluke fisheries.

Horseshoe Crab Limits for Mobile Gear Fishermen

Deputy Director McKiernan stated that the Associates of Cape Cod (ACC) is a firm that bleeds horseshoe crabs for LAL extraction and use in testing bio-medical devices. In 2016, ACC faced a shortage of crabs available to them in the summertime and wanted to prevent a similar shortage in the future. DMF held a meeting with ACC and members of the mobile gear fleet. Recommendations to increase the horseshoe crab supply available to the firm included increasing the mobile gear trip limits and exempting the fleet from the late spring lunar spawning closures.

DMF took these recommendations to public hearing. The comments from the fleet were mixed. Many fishermen argued that it was the poor price, not the regulatory limits, that constrained harvest. Others argued that the crab shortage in 2016 was driven by squid staying around in high abundances into the summer resulting in draggers targeting squid and not the mixed trawl fishery where crabs would be caught. Conservation groups also opposed the relaxation of existing limits. Based on this feedback, DMF was not moving forward with a final recommendation to increase the mobile gear limits or provide spawning closure exemptions.

Dan then briefly reviewed how the horseshoe crab fishery is conducted. There are two fisheries: a bait fishery and a bio-medical fishery. In the bait fishery, hand harvesters and draggers provide crabs to bait dealers; ACC may borrow crabs from bait dealers for bleeding. The bio-medical fishery occurs only in Pleasant Bay. Crabs are taken by a limited number of permit holders, brought straight to ACC for bleeding and then returned to the Bay alive. Bio-medical crabs are not bled twice in the same season.

There was some interest among certain draggers to conduct a bio-medical only fishery. However, this is complicated for a number of reasons. These reasons include bycatch and discarding of non-target species (e.g., fluke), keeping crabs alive after harvest, providing crabs to the firm on an as needed basis and returning the crabs to the harvest area after bleeding.

Kalil asked how horseshoe crab populations are estimated. Dan stated that horseshoe crabs are not unlike whelk, where their populations are localized. DMF conducts population information from spawning beach surveys, as well as the trawl survey. However, there is not a stock assessment for the species. The spawning beach surveys show population variation across survey sites. However, the trawl survey indices show an increase above the time-series median in recent years. This bump up in trawl survey catch may be related to improved recruitment due to the implementation of spawning closures in 2010. Dan added that the state's quota was not based on abundance but rather estimated historical landings and use of crabs by conch pot fishermen.

Andrew was disappointed that DMF did not recommend liberalizations to the horseshoe crab limits, specifically an increase in the trip limit. He argued that in 2014, DMF and the MFAC reduced the trip limits from 600 crabs to 300 crabs in part to increase the price. However, this increase in price has not materialized. In fact, market conditions eroded under the lower limit. He supported increasing the limit back up to 600 crabs noting that supply and price may improve as a result.

Kalil asked about the market for horseshoe crabs. Andrew stated that dead crabs provided to the bait market are worth about \$1.00 per crab; historically this price was as high as \$3.00. He was uncertain about the price for bio-medical only crabs because he did not participate in that fishery.

Bill Doyle stated that part of the problem is that ACC needs crabs to be kept alive, but

does not need the on a steady basis. So, it is incompatible with how crabs are being sold into the bait market. He argued that the firm would benefit from setting up a holding system for live crabs, so that they can have access to crabs when they need them. Dan agreed. He stated that one bio-medical harvester and one bait dealer have systems set up to keep the crabs alive to accommodate demand from ACC. However, he has conveyed to ACC that they may benefit from investing in infrastructure

Andrew, noting a recent grant denial, asked if DMF was still working on conservation engineering solutions that may allow for a biomedical only trawl fishery. David stated that DMF would continue to work on this issue without the grant.

Updates on Recreational Black Sea Bass and Fluke

Director Pierce began the update discussing black sea bass. He stated that initial 2016 coast-wide harvest estimates exceeded the 2017 recreational harvest limit (RHL) by 8%. As this was within the margin of error of the MRIP sampling, the ASMFC proposed status quo for 2017. Final estimates - which include Wave 6 (Nov – Dec) fishery data from New York and New Jersey - came in after the ASMFC's status quota and show that the harvest exceeded the RHL by 24%. This may prompt NMFS to take action to constrain recreational harvest in 2017. However, considering the timing and that the overage was driven by winter time harvest from NY and NY, David was optimistic that MA could move forward with status quo rules.

Despite not having to reduce harvest in MA, David expressed frustration with the situation. The stock assessment demonstrated that the species was at record levels of abundance and that the severe cuts in recent years were unnecessary given the status of the stock. However, limits remained at unreasonably low levels.

Mike Pierdinock agreed. He stated that the stock assessment reflected what fishermen were seeing on the water. However, he was disappointed that despite this improvement to the science, the management still resulted in catch limits that were far too conservative. He expected that status quo for 2017 would have severe impacts on the state's for-hire fleet, particularly small charter businesses.

Ray asked if David expected these final estimates would influence the MAMFC to reconsider potentially allowing a Wave 1 (Jan – Feb) winter time fishery for NY and NJ. David stated that he expected this proposal was now dead on arrival. The 2016 Wave 6 data demonstrates that, despite poor weather during the winter, NY and NJ fishermen can catch these fish at high levels.

Commissioner Peterson asked which states had overages in 2016. Nichola Meserve cautioned against using the term "overage" because there are no state specific allocations. She noted that all states had to reduce harvest by 23% in 2016 to meet the RHL and all states failed to meet this 23% reduction in harvest. Despite the limit adjustments, MA's harvest went up 30% compared to 2015 and harvest in other states (e.g., NY and CT) increased by an even larger amount.

The Commissioner then asked in these states had more liberal limits than MA. She added that some states do have more liberal limits than MA. MA was historically at the northern extent of the range for this species, so our fishery was always much smaller than other more southerly states. This is reflected in each state's limits. While the biomass has moved north, our southern neighbors still have greater access to this resource than we do.

David reminded the MFAC that black sea bass is managed by the ASMFC on an ad-hoc regional basis, with MA-NJ making up the region. This approach initially benefited because the impacts of our harvest increases were spread across multiple states. However, in recent years we have been better at constraining harvest than other states. This left DMF considering if this approach was still appropriate and advocating for greater equity among states.

George noted that this was difficult issue for MA and DMF. He thanked David, Nichola and Ray for their work at ASMFC.

Mike noted a recent e-mail that was sent around to charter captains regarding the use of MRIP data. Specifically, he noted fish weight data that was likely another species (e.g., striped bass) miscoded as sea bass. Nichola had seen the e-mail. She noted that the data in question was queried by a fisherman and he likely took the total weight of black sea bass caught by the for-hire mode and divided only by party boat catch numbers resulting in inflated weights per unit fish. However, when the weight data for the for-hire mode was divided by charter and party boat catch numbers the weight per unit was about 2-3 pounds per fish, which was to be expected.

Mike also expressed concerns with the error bars (percent standard error or PSE) associated with the MRIP data that was being used to develop harvest estimates. David stated that he continues to push technical staff to address this issue. He noted that new staff is finding their way on to technical committees and they are more open to addressing these issues in a common sense manner.

Mike then noted that in 2016 there was a delay in incorporating federal for-hire VTR data into the harvest estimate. This resulted in into delays in the 2016 limits being implemented. He was frustrated by the seeming lack of teeth in enforcing reporting deadlines and the slow incorporation of this data into federal harvest estimates. Nichola noted that she had communicated MRIP staff and there were some delays in VTR reporting, but not to the same extent as the prior year.

David then moved on to discuss the 2017 recreational fluke limits. He noted that the most recent stock assessment for fluke demonstrated fishing mortality was above the overfishing threshold and the biomass was on the verge of being considered overfished. Accordingly, harvest reductions occurred in recent years to constrain fishing mortality. For 2017, the coast-wide recreational fishery had to reduce harvest by 43% compared to 2016.

In February, ASMFC passed an Addendum that required MA increase its minimum size by 1" and decrease its bag limit by 1-fish. This was consistent with what was being required of other coastal states. These cuts were expected to sufficiently reduce in harvest for 2017, when considering harvest estimate error bars.

DMF has since submitted a conservation equivalency proposal that would allow MA to stay at a 5-fish bag limit. Nearly all harvest in MA occurs at a 1-2 fish per angler. In 2016, there were no MRIP intercepts where anglers retained 5-fish. So, considering the minimum size increase having a 5-fish bag limit rather than a 4-fish bag limit should have no impact on estimated harvest. It would benefit the for-hire industry, however, as they rely on high bag limits for advertising purposes. RI submitted a similar proposal. David expected the ASMFC would vote on these proposals by mid-April.

OTHER BUSINESS AND MFAC COMMENTS

Secretary Matthew Beaton stopped by the MFAC business meeting. He noted that he recently received a presentation by DMF on the IBS. He thought the work was outstanding. He was excited for DMF to present it to the Governor. The Commissioner and the Chairman thanked the Secretary for his support of the program and his work to obtain funding to continue the survey.

Kalil Boghdan stated that with his service on the MFAC he better appreciates the difficult balances that need to be struck in fisheries management and the work that DMF does.

Sooky Sawyer asked if DMF had made any advances in describing the otter and beam trawl line. Jared Silva stated that he was hopeful to begin this work towards the end of the month and present something to the MFAC in April.

Lou Williams stated that gillnet permits are the only non-transferable permit issued by DMF. He wanted to see DMF develop transferability criteria for these permits.

Mike Pierdinock stated that he would not be able to attend DMF's meeting on Nantucket because he was attending an ICAT meeting. He also stated that he recently wrote an article on the impacts of wind energy development on fishing. Subsequently, he was in contact with wind companies and their fishery liaisons to initiate discussions on the need to deal with potential impacts before siting development areas.

Andrew Walsh stated that Director Pierce previously discussed a potential meeting in New Bedford with winter fluke fishery participants and was curious if there was more information. David stated that Major Moran reached out to him regarding this meeting, but they had not solidified a date. The MFAC would be provided meeting information once it was available.

Andrew then asked if there had been any progress in scheduling meetings regarding recent surf clam petitions. Dan stated that DMF was working on scheduling these meetings.

Lastly, Andrew asked if there were any updates regarding how ME was going to address their state-waters halibut fishery. David did not recall if the NEFMC took action on this issue. However, there remains a concern at the NEFMC that ME is not doing enough. The ability for ME to address this issue was complicated by ME politics.

Ray reminded the MFAC that the ASMFC would be holding hearings on herring and lobster in MA at the end of March and encouraged them to attend.

COMMENTS FROM THE PUBLIC

Drew Kolek asked DMF to consider allowing the transfer of rod and reel fluke permits.

Eric Morrow and Keith Baker expressed their concerns regarding recreational black sea bass. They stated that MA for-hire businesses were disproportionately impacted by cuts to the fishery in recent years, as compared to other states. They also expressed exasperation that the limits were remaining status quo this year given the stock assessment. They acknowledged that DMF worked hard for the for-hire black sea bass fishery. However, the impacts the federal and interstate black sea bass management system was having on these business needed to be addressed at a higher level, particularly given the cumulative economic impact it may have on southern Massachusetts.

David acknowledged their legitimate concerns regarding recreational black sea bass management and stated that he was not satisfied with status quo management. He reiterated the state was attempting to address interstate inequities and was hopeful that the strong 2015 year class may lead to further liberalizations in the future.

Eric Morrow asked if there was any chance of splitting out the for-hire mode from the private angler mode. David stated that MA did this in the past and considered it as recently as last year. However, there were numerous concerns about this. Foremost among them is that the split would have to apply to all for-hire participants and the interests of the core black sea bass charter boat group were not representative of all the for-hire businesses that catch this species. Despite this, he would have staff review these options.

No further comments were made. **Kalil Boghdan made a motion to adjourn to March 2017 MFAC business meeting. Lou Williams seconded the motion. The meeting was adjourned.**

Meeting Documents

- March 9, 2017 MFAC Business Meeting Agenda
- February 17, 2017 MFAC Draft Business Meeting Minutes
- Whelk Gauging Recommendation
- Whelk Haul Out and Closure Memorandum
- Recommendation on Opening Specific River Herring Spawning Runs
- Commercial Scup Limit Recommendation
- Commercial Striped Bass Limit Recommendation
- Commercial Tautog Season Recommendation
- Commercial Grey Sole Trip Limit Recommendation
- Recommendation to Prohibit on Mixing Commercial and Recreational Trips
- Recommendation to Prohibit Non-Trap Structures to Attract Lobsters
- Night Fishing Prohibition Recommendation for Fish and Conch Pot Gear
- Recommendation to Liberalize Menhaden Trip Limit Trigger
- Recommendation to Adjust Cancer Crab Bycatch Limit for Net Fishermen
- Trawl Fishery Recommendations
- Gillnet Highflyer Radar Reflector Recommendation
- Offshore Lobster Permit Memorandum
- Bay Scallop Shucking Endorsements Memorandum
- Memorandum on Future Rule Making to Adjust Commercial Black Sea Bass Limits
- Memorandum on Horseshoe Crab Limits for Mobile Gear Fishermen
- Update on Recreational Black Sea Bass Management
- Implementation Plan for 2017 Recreational Fluke Limits

Next Meetings

April 10, 2017
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA

May 4, 2017
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA

June 15, 2017
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA