

MARINE FISHERIES ADVISORY COMMISSION

October 6, 2016

DFW Field Headquarters

Westborough, MA

In attendance:

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

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Story Reed; Nichola Meserve, Jared Silva; Melanie Griffin; Micah Dean; and Devon Winkler.

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

Office of Law Enforcement: Lt. Matt Bass

Members of the Public: Kevin Slattery and Drew Kolek.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane brought the October MFAC business meeting to order. No introductions or announcements were made.

APPROVAL OF OCTOBER 6, 2016 BUSINESS MEETING AGENDA

The Chairman noted an adjustment to the October agenda. DMF requested the menhaden trip limit trigger be handled as an item for future public hearing and not a discussion item. There were no further comments or adjustments. **Vice-Chairman Bill Adler made a motion to adopt the October 2016 MFAC business meeting agenda as amended. The motion was seconded by Andrew Walsh. The October 2016 MFAC business meeting agenda was approved unanimously.**

REVIEW AND APPROVAL OF THE SEPTEMBER 15, 2016 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any comments or corrections to the September 2016 MFAC draft business meeting minutes.

Bill Adler noted that Director Pierce provided an update on groundfish management during his comments.

Mike Pierdinock asked if DMF could further clarify his comments on page 12 regarding draft Amendment 10 to the Highly Migratory Species Fishery Management Plan. He wanted his comments to reflect his concern that a federal Essential Fish Habitat designation for sand tiger sharks in state-waters could have a preempting effect on the state's authority to manage marine fisheries in this area.

No further comments or corrections were made. **Kalil Boghdan made a motion to approve the September 2016 MFAC draft business meeting minutes with these amendments. The motion was seconded by Charles Quinn. The motion was approved unanimously.**

CHAIRMAN'S COMMENTS

The Chairman requested DMF work to develop a short meeting summary document that would highlight for the public the actions taken and items discussed at the monthly MFAC business meetings. This would be similar to current documents being produced by the New England Fishery Management Council (NEFMC). Director Pierce stated that he would work with this staff to meet this request.

COMMISSIONER'S COMMENTS

Commissioner George Peterson provided brief comments. He reminded the MFAC that surf clam dredge fishermen were involved in litigation with the town of Provincetown. The case dealt with the authority of the Conservation Commission to regulate the use of dredge fishing gear in town waters under the authority of the Wetlands Protection Act. In one case, the judge found that the Department of Environmental Protection (DEP) needed to better define "dredge" in the CMR to determine if it was inclusive or exclusive of "dredge" fishing gear. DFG and DMF will be meeting with DEP and the Secretariat to discuss these issues. This case is of interest to the MFAC because DMF and the MFAC have statutory authority to regulate the surf clam fishery and resource.

DMF and DFG were also scheduled to meet with the Governor's office regarding President Obama's recent National Monument designation for certain offshore canyons and seamounts. The purpose of the meeting is to determine if there are any potential avenues for recourse that would peel back the commercial fishing restrictions associated with the designation.

DIRECTOR'S COMMENTS

Director David Pierce briefly covered a number of topics during his comments. These topics included: (1) the state's revolving loan fund to assist groundfish fishermen in quota leasing; (2) DMF's white shark tagging project and emerging conflicts with OCEARCH; (3) the development of President Obama's monument designation and potential impacts on ongoing efforts by the Councils to develop deep sea coral management plans; (4) sea herring spawning on George's Bank and Nantucket Shoals and public interest in developing spawning protections in these areas; (5) an update on

DMF's Gulf of Maine cod industry based survey; (6) the Northeast Regional Ocean Plan; and (7) the upcoming Atlantic States Marine Fisheries Commission's (ASMFC) annual meeting in Bar Harbor, Maine. At the conclusion of the Director's comments, the MFAC provided questions and comments.

Mike Pierdinock stated that he had just attended the Stellwagen Bank Sanctuary meeting. At this meeting, it was clear that certain ENGOs were planning to petition the federal government to designate other deep sea canyons (e.g., Hudson, Norfolk, Baltimore) as sanctuaries. Mike expressed concern that these unilateral designations were undermining the more democratic Council management process.

Chairman Kane asked if General Counsel Lehan could attend an upcoming MFAC business meeting to provide a briefing on the Monomoy National Wildlife Refuge issue. Commissioner Peterson stated that he would discuss this with the General Counsel. He noted that the MA Attorney General had just filed a law suit against the USFWS regarding the refuge's underwater boundary. So, there was a question as to when it would be most appropriate to discuss this issue. The Chairman asked that it be clearly stated on the agenda, because it would likely create substantial interest in the Town of Chatham and residents would want to attend the presentation.

Mike Pierdinock asked if the area was already a refuge or if this was a new designation. Commissioner Peterson, Director Pierce and Deputy Director McKiernan responded. They explained that Monomoy had been a bird refuge since the 1940s. The USFWS recently developed and implemented a new conservation plan for the refuge. This plan implemented new rules to govern fishing activity within the refuge, specifically shellfish as it is a source of food for the birds. This prompted concerns from fishermen, as well as local and state authorities regarding the refuge's western boundary and the resulting authority for USFWS's to regulate fishing activity in this area. The Town of Chatham and the USFWS were unable to develop a Memorandum of Agreement to resolve these issues. As a result, the AG's office has filed suit to resolve the boundary dispute and the state has six months to file relevant documents.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass provided the comments for law enforcement. He noted that during the early fall there were a number of small enforcement cases across a variety of fisheries. Additionally, some of this spring's black sea bass cases were disposed with fines usually in the \$500 - \$1,000 range.

GULF OF MAINE COD INDUSTRY BASED SURVEY PRESENTATION

DMF senior biologist Micah Dean gave a presentation on preliminary data from the spring (April – July) 2016 GOM Industry Based Survey. Micah's presentation focused on survey design, tow location, abundance of key species (e.g., cod, haddock, pollack, flounders and redfish) and compared these initial results to the results of the 2007 IBS.

At the conclusion of the presentation, Micah fielded questions and comments from the MFAC.

Bill Adler mentioned that he recently attended a meeting of the Stellwagen Bank Sanctuary. There was some discussion regarding the ability for research to be conducted on the Bank because of the Sanctuary's rules regarding the disclosure of artifact and wreck sites. Bill asked Micah if the IBS survey had encountered such problems. Mike Pierdinock stated that he also attended the recent Sanctuary meeting. Both he and Frank Mirachi highlighted the importance of the IBS being able to tow on the Bank. Micah acknowledged that such conflicts exist. He stated that fishermen are reporting abundances of cod on the Bank. Therefore, it is critical for the IBS to survey the area. To resolve this conflict, DMF staff was developing an algorithm that would allow tow stations to be identified while obscuring artifact and wreck locations.

Director Pierce asked Micah to elaborate on the Sanctuary's role in reviewing and approving tow locations on the Bank. Micah stated that scientific research cannot occur on the Bank without review and approval of the Sanctuary due to concerns about disclosure of artifact and wreck locations. Commercial fishing access is not similarly restricted because regulating fishing is outside the authority of the Sanctuary. This rule existed historically but was seemingly dormant until the spring of 2016 when a new research review process was put into effect by the Sanctuary. Micah was uncertain if the NMFS survey was subject to similar restrictions or if they are trusted with artifact and wreck locations because they fall under the federal umbrella. Director Pierce stated that he would push the Sanctuary to expediently resolve this issue, noting its importance to legitimizing the findings of the IBS.

Bill Doyle asked for Micah to describe the parameters of the survey. Micah stated the survey design is based on the initial (2007) IBS design. The vessel is a commercial fishing vessel and trawl doors and ground cables are designed to generate good bottom contact to enhance flatfish catchability. The trawl net is based on a commercial fishing design but utilizes 2" mesh to obtain a broad size spectrum of fish. Tow locations are randomly stratified within the survey area, but the parameters of the survey area are based on where commercial fishing effort is occurring (e.g., western Gulf of Maine). Tows are standardized to a 30 minute ½ mile tow.

Ray Kane asked what the spring survey saw for size range on haddock. Micah stated that there was a large size distribution for haddock. Ray then followed up and asked if a presence of "choke" species bycatch was found when large tows of haddock occurred. Micah stated that the presence of choke species was area-dependent and the survey was finding that there were areas in the western Gulf of Maine where you can fish for haddock without catching cod and flounder species. An end goal of the IBS may be to develop "heat maps" to assist fishermen and managers with developing bycatch avoidance strategies. Ray strongly supported this idea.

Kalil asked Micah to summarize the data being collected. Micah stated that the catch is sorted then weighed and measured. Otoliths and genetic samples are taken for some

species (e.g., cod). The marketable catch is then sold to assist in the funding of the survey and the rest of the catch is discarded.

Gus Sanfillipo spoke to the need for survey information to be credible to fishermen, so the survey must be reflective of where fishing activity is occurring. Accordingly, access to Stellwagen Bank is critical. Gus also criticized the NMFS survey because survey locations often do not occur where fishing activity is taking place.

Director Pierce and Commissioner Peterson spoke to the importance of both the IBS and the open cod end survey. Ultimately, these surveys should be able to complement the federal trawl survey and could make the survey data more credible to fishermen.

Lou Williams stated that with the decline in groundfish fishing, lobster gear is now fished in places where it previously was not. He was curious if this presence of lobster gear was impacting the IBS' ability to make tows. Micah agreed that there was more lobster gear now than there was when they conducted the first IBS. However, they had been successful in working around the gear. In fact, they had successfully performed tows on 85% of the sites, which was higher than the initial IBS.

ITEMS FOR FUTURE PUBLIC HEARING

Menhaden Trip Limit Trigger

Nichola Meserve explained the existing menhaden quota and trip limit management system. She noted that the limited entry fishery was managed by trip limits that are adjusted downward when certain quota thresholds are reached. This system was admittedly conservative and designed to ensure the fishery remained open throughout the period when the resource may be in our waters. This was done to ensure a local bait supply was available to meet demand.

Since the quota and trip limit management system was implemented, the state had not taken its full quota share in any year. Accordingly, DMF wanted to provide additional access to the quota. At present the trip limit is reduced from 125,000 lbs to 25,000 lbs when 75% of the quota is taken; the proposal would increase that trip limit trigger to 85%. DMF was not concerned about this action resulting in quota overages because limited entry permit holders are required to report nightly as bait dealers, so DMF can monitor the quota in near real time.

Nichola and Dan McKiernan described the fleet. In summary, there are a variety of vessel classes that can land menhaden in Massachusetts. The 125,000 lb trip limit represents essentially the landing capacity of the larger purse seine fleet. Once the trip limit is reduced to 25,000 pounds these larger seiners no longer participate in the state's fishery. The remaining quota is then de facto set aside for the smaller purse seine fleet, as well as cast netters and surface gillnetters. However, their level of participation in this fishery is highly variable depending on a number of factors (e.g., price, availability, alternative fishing opportunities). In fact, many of the smaller purse seiners may target

lobster in the late summer and fall when catch is good and therefore do not take advantage of remaining available menhaden quota. If this additional quota were made available to the larger seiners by adjusting the trip limit trigger, then more of the quota would be taken and landed in Massachusetts, allowing more bait to meet local market demands.

Kalil Boghdan asked who the trip limit increase would benefit. Dan stated that it would benefit the small number of larger purse seiners who can fish at this higher capacity and it would also benefit the local bait market.

Mike Pierdinock noted that menhaden are a critical forage fish and they are just beginning to become abundant again in Massachusetts waters. Accordingly, he believed any action that may increase fishing mortality is premature.

Director Pierce stated that this action would not increase fishing mortality or the state's quota. Rather, it would provide additional access for fishermen to land the state's quota in Massachusetts. When MA has had a quota underage in the past, the underage is typically transferred to another state (e.g., Rhode Island). So this fish is being caught and landed, just not in Massachusetts.

Andrew Walsh supported the proposal. He noted the state only has 0.84% of the state's overall quota. So providing additional access to this small quantity of fish would have a negligible effect on the resource but it would be beneficial to these MA fishermen and bait market.

Lou Williams agreed. He stated that the state's quota is ~3 million lbs. Increasing the trip limit trigger by 10% may result in only an extra 300,000 lbs of menhaden being landed; this amounts to only about two additional trips by larger purse seine vessels. He further opined that it would benefit Massachusetts to land this additional fish rather than transfer it to another state. Lou added that this will likely not negatively impact the smaller purse seine fleet. Many of the small Boston and North Shore purse seiners switch over to fish for lobster in the late summer and fall and do not take advantage of the remaining menhaden quota.

Bill Adler asked if the ASMFC's episodic event set-aside had been taken for 2016. Nichola explained that the episodic event set-aside represented 1% of the coast-wide quota. This set-aside is made available to northeast states if they land their entire quota early in the year, but fish remain abundant in their waters. In 2016, a number of states - including ME, RI and NY - declared into the episodic event set-aside. However, she was uncertain if the entire set-aside had been taken.

Director Pierce stated that he wanted to hear the public comment on this proposal and would be moving this item forward to public hearing this winter. Following the public comment period, the MFAC would be able to further debate a final recommendation from the agency and vote it up or down.

Whelk Fishery Management Proposals

Director Pierce stated that DMF intended to take a number of proposals affecting the whelk fishery to public hearing during the winter for potential rule changes in 2017. He noted that these recommendations represented the most conservative range options and based on MFAC discussion and public comment, he may propose less conservative final recommendations.

Deputy Director McKiernan reminded the MFAC that DMF provided a presentation at the August business meeting covering the conservation and management issues affecting the whelk fishery. DMF then provided a similar presentation at industry scoping meetings in early September. Subsequently, DMF is putting forth the following proposals for public hearing:

- Require use of chute gauge and dimensions.
- Utilize an “any orientation” method of measurement.
- Gradual increases of effective minimum size:
 - 2017: 3” gauge width utilizing an any orientation method of measurement resulting in an effective 3/16” minimum size increase
 - 2019-2029: Biennial increases to effective minimum size of 1/8” (corresponding gauge width increase to be determined).
- July 27 – Sept 6 whelk closure and conch pot haul out period.
- Night closure (½ hour after sunset to ½ hour before sunrise) for fish pot and conch pot gear.
- Reduce black sea bass trap limit from 200 to 100.

Dan then reviewed the rationale for the proposals provided in the memorandum.

Kalil Boghdan asked if DMF would require conch pot fishermen to remove their gear from the water during the proposed late summer closure. Dan confirmed that this would be a requirement.

Kalil then asked what the purpose of the night closure was. Dan stated that if a fisherman is hauling trap gear at night, chances are they are fishing illegally and trying to avoid detection. So, a night closure would enhance enforcement and compliance.

Bill Adler highlighted the issue of ghost gear. Dan stated that historically conch pots were wooden and biodegradable; however, now most are wire coated. With the level of reported gear loss in this fishery, there is certainly ghost gear issue. Bill asked if DMF’s proposal should include a ghost panel or escape vent requirement. Dan stated this was a longer term goal; DMF wanted to work with the conch pot fishery and conch pot manufacturers to develop an appropriate proposal to enhance escapement in lost gear.

Bill then asked if there was a stock assessment for whelks. Dan stated there is not a stock assessment for either whelk species. He likened whelks to horseshoe crabs, in that they are localized populations that can be prone to local depletion. Decreases in

abundances are demonstrated through changes in fishing behavior, fishery dependent and sea sampling data, as well as in DMF's trawl survey's relative abundance indices.

Bill asked if DMF was certain in its size at maturity data. Dan stated that DMF biologist Steve Wilcox conducted two separate two-year size at maturity studies and the results are the same – ~50% of female whelks become sexually mature around 3 ¾". He then noted that the historic 2 ¾" minimum size was not a biological based metric, but reflected the smallest marketable whelk that dealers would accept. Bill then asked if there was variability in size at maturity based on area. Dan stated that whelks mature around 8 years of age and while growth may be variable based on location and water temperature, this variation is slight.

Andrew Walsh raised a number of concerns. First, he noted that a 3/16" effective minimum size increase in 2017 could result in a substantial loss of catch. He was curious if DMF could require the use of a previous gauge size (e.g., 2 7/8") to mitigate some of this loss of catch while still increasing the minimum size. Second, he advocated for not moving forward with the entire gauge increase schedule at once, but implementing it on a more piecemeal basis in case impacts on industry were more severe than projected. Lastly, he noted that the turtle entanglement issue was the driving force in the late summer closure proposal. This issue is specific to trap gear. Accordingly, he does not see why mobile gear should be subject to a late summer closure, particularly as they are the only gear type subject to a whelk trip limit.

In response, Dan McKiernan stated it was DMF's preference to implement the entire minimum size increase schedule at once, rather than through multiple rule making attempts. DMF took the later approach when it first raised the minimum size based on an industry request to confirm the size at maturity data. DMF is confident that the size at maturity data is correct and does not see the benefit to utilizing this approach again.

With regards to the late summer closure, Dan stated that the concern is not just turtle entanglement but providing some spawning protections for a stock that is experiencing declines. Additionally, enacting a closure for all gears will ensure that the conservation benefits from restricting conch pot fishing during this period are not impacted by other gears recouping that catch. Andrew argued that draggers principally catch knobbed whelks and conch potters take channeled whelks, so draggers would not be impacting the resource the conch pot fishery fishes on. Dan noted that DMF the proposed closure would be the most restrictive option and DMF could liberalize the proposal based on testimony and information provided at public hearing.

Bill Adler asked if the cost of the gauge increases would be deferred to industry. Dan stated that it would, with each gauge increase resulting in a ~ \$40 investment in a new gauge. He added that industry has indicated that they would rather pay out of pocket for more gauges than be subject to larger gauge increases.

Kalil attended the Bourne scoping meetings and found it interesting that industry members were noting that sub-legal sized whelks made up a large portion of their catch and were not seeing large whelks like they once had.

Ray Kane stated that DMF was proposing to cut the black sea bass trap limit to better reflect the trip limits. However, DMF was not proposing to other changes to the management of the commercial fishery. He noted that some fishermen he spoke with were interested in cutting the number of open fishing days in the black sea bass fishery to extend the open fishing season. Specifically, they were interested in eliminating Sunday.

Jared Silva stated that DMF could also take comment on adjusting the commercial fishing days for black sea bass. He noted that similar testimony was received at the recent whelk management scoping meetings with a preference for an every other day approach.

There was then some discussion regarding the best days to potentially eliminate. Bill Doyle stated that Mondays and Tuesdays are the best days for price because the fish gets to the New York market on Wednesday and Thursday when there is strong demand. The New York market tends to try to clear out product by the end of the week, so the price declines as the week progresses.

Jared stated that DMF would put together a strawman proposal to address open fishing days.

Ray Kane asked if DMF would be able to move forward with a shorter late summer closure and haul-out period than what was being proposed. Jared stated that they would. He explained that the status quo and the proposed rules represent the scope of potential options and a final rule within this spectrum is possible provided there was public comment in support of it.

DISCUSSION ITEMS

Update on Recreational Black Sea Bass Management

Nichola Meserve provided a presentation on coast-wide recreational black sea bass management, fishery performance and expectations for 2017.

Ray Kane expressed concern about the 700% increase in CT's estimated Wave 3 (May – June) harvest. Nichola stated that this seasonal increase was to be expected to a certain extent because their minimum size increase allowed them to open the season earlier in Wave 3 than they had in 2015. Moreover, the warm winter and spring period may have accelerated the inshore migration in to Long Island Sound, resulting in high catches. Expectations are that their harvest should decline over the rest of the year. If it does not, then it may influence fishery limits in 2017.

Nichola added that in 2016 most states (including MA) implemented a minimum size limit increase to obtain longer seasons and higher bag limits. DMF believed this would be a risk prone management strategy because of the size distribution of black sea bass and the availability of large fish. This is something that DMF will be monitoring as we review 2016 catch estimates.

Bill Doyle asked if CT's recreational catch allocation was 1%. Nichola stated that under the state-by-state management approach, CT's allocation was only 1% of coast-wide harvest target. Under the ad-hoc approach, their harvest increased. If we go back to a state-by-state approach, CT will likely have a larger allocation of the coast-wide harvest target.

Ray Kane stated that he would like to see MA removed from any management region with the states on Long Island Sound because of their inability to adequately constrain their recreational catch. Nichola stated that this is possible but it would require the development of an Addendum by the ASMFC this winter. She reiterated that it was too early to advocate for a certain management approach because DMF did not have 2016 catch estimate data and the stock assessment had not been released.

Commissioner Peterson asked if states were looking at recreational fishing effort. Nichola stated that MRIP provides effort estimates through numbers of trips taken, not numbers of active participants.

Mike Pierdinock then asked if the stock assessment would reflect changes in species distribution providing more northern states with a greater share of the harvest target. Nichola stated that the stock assessment would not do this. However, if a state-by-state or sub-regional approach is taken, northern states will likely use documented changes in geographical distribution to advocate for larger shares.

Mike followed up and asked if anything was done to resolve the charter boat VTR issue that almost produced an in-season cut to the black sea bass fishery in 2016. Nichola stated that NMFS does not incorporate charter boat VTR data into the initial catch estimates used to develop rules. In past years, this did not produce substantial changes to catch estimates, but in 2016 it did. NMFS made verbal agreements to improve the process, but she was uncertain what exactly was being done. Mike was curious what the cause of this was and speculated that perhaps limited groundfish fishing opportunities in southern New England were pushing NY and CT charter boats to target black sea bass, driving higher than anticipated catch rates.

Kalil Boghdan asked how state-by-state shares were developed. David Pierce stated that when state-by-state shares were implemented in 2011, the ASMFC reviewed a variety of options based on historical harvest estimates. DMF did not support the use of state shares in 2011 because the survey estimates had high error bars. Accordingly, DMF pushed hard for an option that would give MA a large percent share and ultimately advocated for an option that would benefit MA but was also palatable to other states. The option provided in Nichola's presentation was ultimately approved. David expected

similar negotiations this year if a state-by-state management approach is moved forward.

Andrew Walsh asked for clarification regarding the use of hard quotas in commercial fishery management versus the soft quotas in recreational fishery management. Nichola explained that it was a result of the means and scale of reporting requirements.

Menhaden Coast-wide Total Allowable Catch

David Pierce stated that at the August ASMFC meeting the Menhaden Board voted on a number of options to set the 2017 menhaden quota. All motions failed, including a motion for status quo management, which was supported by the MA delegation. As a result the Menhaden Board will revisit this issue at the upcoming October ASMFC meeting. David expected there would be support for a relatively small quota increase of ~5%.

Ray Kane stated that he did not think the quota should be increased until a new Amendment is passed, which would address biological reference points and state allocations. Bill Adler made the point that the Amendment process may take years, and the stock assessment shows the stock to be in good health, so it is reasonable to increase the quota to meet bait demands.

Kalil asked what would happen if motions in October failed to pass. David stated that the FMP does not allow for status quo to continue if motions do not pass, so Board members are in a position where they have to find some common ground.

Petition to Eliminate Spring Commercial Tautog Fishery

Director Pierce acknowledged Drew Kolek and stated that he received a petition from Drew's organization, the Dartmouth Anglers Association. The petition requested DMF eliminate the spring commercial tautog fishery and move the quota allocated to this fishery to the fall.

He noted that DMF received a similar petition in 2015 from the Dartmouth Anglers Association. While there was support to move this petition forward at the time, DMF ultimately chose to delay any action. At the time, the ASMFC was in the process of developing an Amendment to the Tautog FMP, which may have produced quota reductions that should be considered when setting commercial fishing limits. However, the Amendment development process is slow going and its timeline is uncertain, so the Director supported moving the petition forward for 2017.

Jared Silva provided a review of the commercial tautog regulations. The spring fishery opens on April 16 and receives 28% of the state's annual quota and the fall fishery opens on September 1 and receives the remainder of the quota. During an open season, commercial fishermen may take 40 tautog per day that are 16 inches or greater.

Jared noted that there are quota monitoring and enforcement issues in the spring fishery resulting from catch and effort rapidly escalating when the fish begin feeding. Director Pierce and Deputy Director McKiernan explained that moving the fishery to the fall may help alleviate some of the quota monitoring and enforcement issues that occur during the spring. Director Pierce also noted that the petition is also consistent with DMF's action to move the commercial black sea bass fishery to the summer after the fish had spawned.

Mike Pierdinock asked if the petition were to be adopted when the commercial fishery would be open. Jared Silva stated that there were no requests to change the fishery start date, so the fishery would open on September 1st with 100% of the quota allocated to the fall period.

Andrew Walsh asked if this would have disparate impacts across user-groups. Andrew highlighted that DMF's decision to move the timing of the black sea bass season resulted in the fishery being targeted when the fish are in deeper waters, which impacted who participated in the fishery. Jared Silva was uncertain and expected such details would be teased out through public comment.

Commissioner George Peterson asked what the commercial tautog quota was. Jared stated that the commercial quota was only about 60,000 pounds. Director Pierce provided some brief history on the tautog quota.

Chairman Kane stated that he would like to see a commercial tautog tagging program be adopted, similar to the striped bass program, to enhance enforcement. Director Pierce and Deputy Director McKiernan agreed and noted that this concept was being reviewed by the ASMFC for potential coast-wide implementation. Ray then asked if DMF would bring a proposal to public hearing to address tagging. Dan and David stated DMF's preference for moving forward with a coast-wide approach. DMF could present on the ASMFC's progress in developing this program at the public hearing.

OTHER BUSINESS AND COMMISSIONERS COMMENTS

Bill Doyle stated that he would like to see the MFAC work with DMF, MEP and other partners to develop agreements to improve the enforcement of No Discharge Areas. He thinks that there are substantial violations going on, which impact habitat and shellfish fish.

Chairman Kane asked if this was an issue the Law Enforcement Sub-Committee could review at their October meeting. Jared Silva stated that it would be difficult to add this issue to the agenda for the October meeting because of time constraints and the need to have discussions with the relevant entities in advance of the meeting. However, he deferred to Director Pierce. Director Pierce stated that he would meet with staff to discuss how best to move this issue forward.

Bill Adler made note that the ASMFC hosted a climate change workshop. The workshop was trying to tackle the issue of how to manage catch allocations considering changes in species distribution.

Lou Williams asked if DMF would consider eliminating the regulatory requirement for gillnetters to mark their buoys with radar reflectors. He noted that this was initially designed to prevent gear conflicts with dragnets who were towing at night. However, night fishing is now prohibited in state waters and the rule is out-dated. Director Pierce stated that staff would review this with the goal of moving it forward as part of the next slate of public hearings.

Andrew Walsh asked if DMF had received an updated petition from Nantucket regarding mobile gear closures. David stated that he spoke with the potential petitioners but he had not received a petition.

COMMENTS FROM THE PUBLIC

Kevin Slattery, a charter captain from Onset, expressed his concerns about the interstate recreational management approach for black sea bass. He stated that the current system was untenable for Massachusetts for-hire operators, as the disparate rules made it difficult for MA operators to compete with operators from other states. He also expressed concerns about enforcement and compliance in Long Island Sound.

Bill Adler asked if Kevin had any specific management suggestions. Kevin stated that he had no suggestions at this time; it was too early in the process and there was still too much uncertainty regarding the 2017 recreational harvest limit and 2016 recreational harvest estimates. However, he would like to see DMF and the MFAC advocate for an interstate management approach that provided more fish and a longer season in MA, and enhanced conformity of rules across northeast states.

No further comments were made. **The meeting was adjourned.**

Meeting Documents

- October 6, 2016 MFAC Business Meeting Agenda
- September 15, 2016 MFAC Draft Business Meeting Minutes
- Presentation on the Gulf of Maine Cod Industry Based Survey
- Proposal to Adjust Menhaden Trip Limit Threshold
- Whelk Management Proposals
- Presentation on Recreational Black Sea Bass Management
- 2017 Menhaden Total Allowable Catch Memorandum
- Petition and Memorandum Addressing Commercial Spring Tautog Fishery
- Petition to Adopt a Part-Time Surf Clam Permit Endorsement

Next Meetings

November 10, 2016
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA

December 8, 2016
DFW Field Headquarters
1 Rabbit Hill Road
Westborough, MA