

## **MARINE FISHERIES ADVISORY COMMISSION**

**November 1, 2017**

**DFW Field Headquarters**

**Westborough, MA**

### **In attendance:**

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

*Division of Marine Fisheries:* David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Robert Glenn, Senior Biologist; Story Reed, Permitting and Statistics; Anna Webb, Statistics; Melanie Griffin, Policy Analyst; Nichola Meserve, Policy Analyst; and Jared Silva, Policy Analyst.

*Department of Fish and Game:* Ron Amidon, Commissioner; and Mary Lee King, Deputy Commissioner.

*Members of the Public:* Phil Coates, John Verissimo; Edward Barrett, Maneula Barrett and Chris Chadwick.

## **INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane welcomed everyone to the November 2017 MFAC business meeting. He recognized former DMF Director Phil Coates as a member of the public.

The Chairman noted that there were several expected absences resulting in only five members attending the November meeting. However, Charles Quinn was expected to attend, but had not yet arrived. Accordingly, they were one member short of a quorum until he arrived. Accordingly, the MFAC could not vote to approve the November agenda or October minutes. However, in order to conduct a timely meeting, he asked if any MFAC members objected to the opening comments being provided prior to Mr. Quinn's arrival.

There were no objections.

## **CHAIRMAN'S COMMENTS**

Chairman Kane noted that until the Governor's office could fill the vacant seat on the Commission, the MFAC would function with only 8 members. This made attendance even more critical. He added that it was inappropriate for Commission members to only attend meetings with action items on the agenda. He stated that DMF conducts these meetings in a manner whereby they introduce items for discussion, then (if necessary) elevate them to draft public hearing proposals and then finally action items. So attendance was important for MFAC members to stay apprised of the various and

complex fishery management issues and fishery management proposals facing the state.

The Chairman then recognized DMF for their effort at the recent Atlantic States Marine Fisheries Commission (ASMFC) where they worked hard to look out for the state's fishing interests and fishery resources.

### **COMMISSIONER'S COMMENTS**

Commissioner Ron Amidon stated that the Department was in the process of reviewing candidates for the vacant MFAC seat. He noted that they had narrowed the field down to three applicants who would be interviewed in the next month or so. He was optimistic that an appointment could be made expeditiously.

Commissioner Amidon stated that Secretary Beaton had received the MFAC's recent letter regarding the use of the Wetlands Protection Act to regulate fisheries in certain municipal waters. He stated that the Secretary's office was reviewing the issue but had not reached a resolution.

The Governor's office was concerned with the state budget. He expected this may affect how agencies deal with staffing needs. Accordingly, he expected the hiring process would be difficult in the short term.

### **DIRECTOR'S COMMENTS**

Director David Pierce began his comments focusing on the federal Magnuson Stevens Act, which US Congress was in the process reauthorizing. DMF prepared a number of critical concerns for Secretary Beaton and Governor Baker. These points, and others, were being raised with the US Congressional delegation.

The Marine Fisheries Institute (MFI) is a collaborative effort between DMF and S Mast to improve fisheries science and management. The MFI recently held a ribbon cutting event for the new joint DMF/S Mast facility in New Bedford. The Director distributed a pamphlet describing the MFI. David noted that on November 2 and November 3, the MFI would be hosting a workshop at the new S Mast facility. The workshop was to address issues regarding the impacts of accountability measures in federal fisheries.

The Industry Based Survey (IBS) in the Gulf of Maine had entered its second year and were in the middle of the fall/winter survey. The Northeast Fisheries Science Center (NEFSC) had received and reviewed a white paper prepared by DMF staff which described the findings of this survey during its first year. A subsequent meeting was held between DMF and NEFSC staff to discuss the potential for this survey data to be used in future assessments. The Director was happy to report that the IBS data would be used in future benchmark assessments for certain northeast multispecies groundfish species.

In early October, the MA/NH Sea Herring Spawning Area was closed. Recent joint sampling efforts by DMF and Maine's DMR demonstrated a continued presence of spawning herring in the area and the closure was extended for two additional weeks.

The Director and staff recently met with MFAC member Michael Pierdinock to discuss the mako shark assessment. Following this meeting, DMF wrote a letter to the US Secretary of Commerce to raise the issues discussed at this meeting.

A number of years back, under Director Diodati, DMF issued OCEARCH a scientific research permit allowing for the capture and tagging white sharks in state-waters. This research was collaborative with DMF. In 2016, OCEARCH again requested a scientific research permit from the agency. The agency denied the permit because of concerns related to how their efforts may affect white shark behavior and interfere with DMF's ongoing research efforts with the Atlantic White Shark Conservancy. Despite our concerns OCEARCH conducted their research in the adjacent federal zone. To avoid a similar incident in 2017, DMF agreed to issue OCEARCH a scientific research permit with the condition that they would not begin conducting their research until DMF's white shark field work was finished for the season in November.

Lastly, the Director addressed Joe Vaudo's recent seafood dealer permit application. Several years back Mr. Vaudo had his wholesale dealer permit revoked by the DPH for unlawfully purchasing stolen oysters. Due to concerns regarding his prior business practices, Mr. Vaudo was issued a retail dealer permit without a primary buyer authorization. This would allow Mr. Vaudo to purchase seafood from wholesale dealers and sell the seafood to the public. He would be prohibited from selling seafood to other dealers or buying fish or shellfish directly from fishermen.

Mike Pierdinock stated that he was recently made aware of the fact that MRIP data indicates that the 2017 Gulf of Maine (GOM) cod recreational fishery had exceeded the recreational harvest limit (RHL). He noted the high percent standard error (PSE) around the GOM cod MRIP data. Mike P. was very concerned that to reduce cod mortality below the 2018 GOM cod RHL, the Council would substantially constrain GOM haddock limits. The Director agreed that this was a concern.

Chairman Kane noted that the recreational GOM cod fishery was closed and asked if this reflected high levels of observed discards in the haddock fishery.

Mike P. stated that it may be. However, there were a couple other issues. First, the high PSE's indicate a small sample size may be skewing the estimates. Second, the state's 1-fish allowance for state-waters private anglers may be inflating the estimates.

David stated he doubted the data was influenced by the state's one fish private angler allowance. However, he would have staff review the MRIP data and then further address the issue, if appropriate.

Chairman Kane expressed two concerns regarding Law Enforcement's presence at MFAC meetings. First, the agency's representative had missed several meetings and 2017 and he felt their presence was critical when discussing a variety of enforcement and compliance issues. Secondly, he felt regular attendance by a ranking member was necessary to give a more complete overview of issues affecting the agency. He stated his respect for the Lieutenants that had been attending and their input on issues within their expertise, but felt a more senior person should also attend, such as Major Moran if possible.

Ray asked if there were any objections to this letter being drafted requesting such attendance. There were no objections. He then asked to whom it should be written. It was suggested that the letter be written to Major Moran. This was supported by the MFAC.

### **APPROVAL OF NOVEMBER 1, 2017 MFAC BUSINESS MEETING AGENDA**

Chairman Kane asked if there were any amendments to the November business meeting agenda. No amendments were made.

**Kalil Boghdan moved to adopt the agenda as provided. Andrew Walsh seconded his motion. The agenda was approved unanimously.**

### **REVIEW AND APPROVAL OF THE OCTOBER 3, 2017 MFAC DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked if there were any changes to the October 3, 2017 draft business meeting minutes. No amendments were made.

**Charles Quinn moved to adopt the minutes as provided. Kalil Boghdan seconded his motion. The October business meeting minutes were approved unanimously.**

### **UPDATES ON ASMFC MANAGEMENT ISSUES**

#### October 2017 ASMFC Annual Meeting

Director Pierce began by noting two accolades. First, former Director Paul Diodati received the Hart Award from the ASMFC for outstanding achievement in fisheries policy and science. David stated that Paul had a long been involved with the ASMFC, first as a biologist working on northern shrimp and striped bass, and then as Director when he served as the Commission's Chair for several years. During his tenure as Chair, Paul enacted substantial changes to improve how the ASMFC was run. The award was well deserved. Second, Dr. Mike Armstrong was appointed Chair of the Striped Bass Management Board. David noted Mike Armstrong would show strong leadership with a focus on science based management.

#### *Lobster*

Deputy Director McKiernan stated there were two important issues addressed by the Lobster Board.

The first issue was improving the precision of data collected from fishermen, particularly spatial fishing effort data. He noted that this was one of the most substantial data issues when trying to analyze the impacts of the Obama Administration's offshore monument designation. Dan added that he would be discussing this with the lobster industry at the MA Lobsterman's Association's Annual Weekend in January.

Dan added that increasing harvester reporting and the precision of the data was also problematic because ME, the state responsible for a large majority of the US lobster fishery, only requires 10% of their harvesters to report.

ME likely faces substantial staffing and political challenges to enhance their harvester reporting program. They argue that their current system, when coupled with dealer sampling, is effective at estimating commercial harvest. However, moving forward it may not be sufficient at addressing emerging issues.

He was hopeful that technology would ease this burden on ME. He noted that ME has 100% harvester reporting in their scallop and elver fisheries. While these are much smaller in scale than their lobster fishery, swipe card technology has helped them efficiently reach that level of harvester reporting.

Kalil Boghdan asked how many MA lobster fishermen report. Dan noted that MA has 100% commercial harvester reporting for all species. There are time lags in the state's harvester reporting and there has been some discussion about potentially incentivizing electronic harvester reporting to improve efficiency.

Kalil asked who set the permitting fees. Dan stated that ANF sets all fees. However, the agency has input. There was some discussion regarding resident versus non-resident fees and potential legal challenges to excessively increasing non-resident fees.

Kalil then asked how ME's reporting system works. DMF Biologist Bob Glenn stated that it is a random draw. He thought that the system should be based on a random stratified draw to increase the precision of the data and the estimates it is used to develop. However, he was impressed by the accuracy of the harvest estimate data produced by this program.

The second issue the Lobster Board addressed was the management of the Southern New England (SNE) lobster. He reminded the MFAC that earlier in the year the ASMFC delayed adopting additional fishery management measures to address this depleted stock. This was done principally because the ASMFC did not feel they could sufficiently address how to rebuild a stock that was depleted due to environmental factors. To address this, the Lobster Board requested the Climate Change Working Group help provide the Board with potential biological reference points for this stock.

### *Tautog*

Deputy Director McKiernan stated that the Tautog Board approved Amendment 1 to the Tautog FMP. This would require DMF adjust its recreational fishing limits for 2018 (see table). Additionally, a commercial tagging program would be implemented for 2019.

#### **Approved MA/RI Recreational Tautog Limits for 2018**

<b>Season</b>	<b>Bag Limit</b>	<b>Minimum Size</b>
April 1 – May 31	3-fish per angler	16”
June 1 – July 31	1-fish per angler in MA	16”
	Closed in RI	N/A
August 1 – October 14	3-fish per angler	16”
October 15 – December 31	5-fish per angler	16”
January 1 – March 31	Closed	N/A

Dan then raised a few items relevant to the recreational tautog fishery. He noted that tautog were not a federally managed species. He explained how he thought this was beneficial to MA. Without a complementary federal FMP, states are not subject to accountability measures resulting in potential annual limit adjustments based solely on MRIP harvest estimates for the past year and the upcoming year’s RHL (e.g., black sea bass). Accordingly, MA would likely have these limits in place for several years, which provides the for-hire fleet with the regulatory consistency needed to market their services. Moreover, the lack of a federal plan allows for states to rebuild stocks on a different time period. While this is not an issue for MA or RI, as our stock is not overfished and overfishing is not occurring (additional conservation measures are not necessary). However, it is an issue for the Long Island Sound (LIS) states, as their stock is depleted. These states have been afforded the ability to take a more gradual approach to rebuilding, rather than having to dramatically reduce harvest in 2018. Dan was concerned that a dramatic reduction in fishing opportunity in LIS would result in a displacement of fishing effort into MA and RI waters, where the limits are more liberal. That additional effort could then potential affect local tautog abundance and impact management in MA and RI following the next stock assessment.

The lack of federal management also produced some challenges. Without a federal FMP, the federal government does not have to adopt federal tautog rules. Dan drew a parallel to striped bass fishery management. Many years back, the federal government did not manage striped bass in their waters and it created a loophole that produced substantial angst about enforcement and compliance. As a result of this, a federal law was passed that prohibited striped bass fishing in the federal zone. Dan hoped a similar situation could be avoided with tautog by having NMFS at least implement the least restrictive rules among the coastal states.

Before concluding, Dan noted that one of DMF’s biggest challenges moving forward was to convince the lobster fleet to not use tautog caught in their traps as bait.

Chairman Kane and Vice-Chairman Pierdinock commended DMF for their work on this issue.

### *Spiny Dogfish*

Director Pierce noted that there were no changes to the spiny dogfish quota or trip limit.

Chairman Kane stated that the discussion regarding spiny dogfish needed to move beyond where the limits should be set, and include how to develop markets for this fish.

Deputy Director McKiernan and Story Reed stated that DMF was accepting applications for its 2018 seafood marketing grants and marketing and utilizing dogfish was a priority project.

Andrew Walsh strongly supported moving away from the 6,000 pound daily limit and instead adopting a weekly limit. This would allow offshore trawlers to not have to avoid and discard dogfish. Additionally, he argued that “flooding the market” could be useful in eventually developing new markets for the fish.

Chairman Kane disagreed. He argued that a high volume dogfish fishery was not beneficial. The dogfish fishery was complicated for a number of reasons - including the handling and processing of the fish in relation to their excretion of uric acid - and a large volume fishery would produce a low quality product.

There was an at length discussion, primarily between Ray and Andrew, over the different perspectives on dogfish trip limits and the potential development of markets.

In conclusion, Dan McKiernan noted that the agency was prioritizing a dogfish marketing and utilization grant. This would allow someone to analyze the supply chain and help address the various issues Ray and Andrew were discussing.

### *Shad and River Herring*

Mike Armstrong stated that the ASMFC would be conducting a benchmark assessment for American shad for 2019. He noted that MA's stocks were in good condition compared to other stocks coast-wide (most of which are depleted).

### *American Eel*

Dan stated that Maryland was pushing for a reconsideration of quota allocation. He expected this would be an issue in Mid-Atlantic, as most of the harvest occurs there. He did not expect it would affect MA, which has the de minimis quota of 2,000 pounds.

ME was also allowed to continue their elver harvest.

### *Atlantic Sturgeon*

Mike Armstrong stated that the moratorium on this species had been in place for 19 years, but he did not expect the moratorium would be lifted in the next 20 years.

While the assessment was showing a slight increase in abundance, the abundance indices were low and the stock was widely considered depleted.

Mike A. noted that MA does not have a Section 10 permit for sturgeon taken incidentally in other fishing gear. If sturgeon show up in MA fisheries as bycatch, this could be problematic. Other states have spent a tremendous amount of money and resources dealing with this issue.

There was some discussion about the increased presence of sturgeon along the Merrimack River and the sturgeon reported near in the Connecticut River near the Vermont border.

### *Northern Shrimp*

Dr. Armstrong stated that the moratorium on this species remains in place. ME was pushing for it to re-open with a small quota. Mike A. was doubtful that the fishery would re-open due to the poor condition of the stock and the persistent environmental conditions negatively impacting recruitment.

Despite this, the Northern Shrimp Section supported a proposal that would implement a state-by-state quota management system (for ME, NH and MA) if the commercial fishery were to re-open. Based on historic landings, ME would receive most of the quota; MA would get 10%. Mike A. speculated that with current environmental conditions, MA fishermen would not likely be able to even take that small quota allocation.

### *Black Sea Bass*

Nichola Meserve stated that the Summer Flounder, Scup and Black Sea Bass Board dealt almost exclusively with the 2018 recreational black sea bass fishery. She provided a brief presentation on the recreational black sea bass issues discussed by the Board. There were three main components: (1) 2017 MRIP harvest estimates and the 2018 RHL; (2) the optional February 2018 fishery; and (3) the development of Addendum XXX to set the recreational management approach for 2018.

With regards to the MRIP data, preliminary Wave 3 and Wave 4 estimates show that harvest (in pounds) is down about 23% coast-wide. Using 2016 harvest data to predict the 2017 harvest for Wave 5 and Wave 6, coast-wide harvest may come in near the 2017 RHL. Note, however, that the 2018 RHL is about 15% lower than the 2017 RHL. Nichola advised that this prediction be viewed with caution because of interannual variability in harvest estimates by wave.

The MAFMC and ASMFC approved a proposal for a February recreational fishery. The fishery would allow for a 15 fish bag limit at a 12.5" minimum size. States opting into the fishery would be accountable for a harvest reduction elsewhere in the year to account for a projected harvest for this fishery of 100,000 pounds; although there are no details regarding how this projected harvest would be divided among participating states. Additionally, no MRIP sampling would occur.



Nichola and David felt that the projected harvest was too uncertain given the lack of complete harvest data to use as a projection, and likely an underestimate. Additionally, without the benefit of MRIP sampling, the only harvest estimates would be for the for-hire fleet (based on VTRs). Lastly, there is no mechanism for accountability if harvest exceeds the 100,000 pound projection. Given these factors, and the fact that this fishery does not benefit MA fishermen, DMF did not vote in favor of it.

Addendum XXX is being developed by the ASMFC and will provide the framework for setting state recreational black sea bass limits for 2018. There are a variety of regional allocation proposals being evaluated, as well as new methods for utilizing MRIP data for evaluating regulations and their impact on harvest.

### *Striped Bass*

Mike Armstrong stated that work on the 2018 Benchmark Assessment had just begun. The Board was discussing a reconsideration of the biological reference points used. States along the Chesapeake Bay believe the fishing mortality threshold (F) is set too low and could be increased. Mike A. opined that F could be increased, but it was really a question of what the ASMFC wants the fishery to look like. Accordingly, the Board was polling states to provide feedback to this question.

Additionally, the Chesapeake Bay states were also proposing to develop a conservation equivalent measure that would allow them to reduce their recreational minimum size from 20" to 19". Mike A. was skeptical that such a measure could be developed and did not think closed seasons would be a viable means of doing so considering their migratory patterns.

Mike A. and Dan then discussed the unique political machinations of the Striped Bass Board. The Board was more or less split between the Atlantic Coastal states and the Chesapeake Bay states. Both regions have very different fisheries and different interests. While there are several more Atlantic Coastal states compared to the Bay states, the Potomac River Commission and Washington DC also have voting seats on the Board, which creates an interesting management dynamic.

### Review of Amendment 3 to the Menhaden FMP

The ASMFC just concluded taking public comment and holding public hearings on Draft Amendment 3 to the Menhaden FMP. A special meeting of the ASMFC Menhaden Board was scheduled for November 13-14 in Baltimore to vote on a final Amendment. The Amendment covered a number of management issues including: setting biological reference points; re-allocation of the commercial quota; quota transfers between states; quota rollovers; incidental catch and small scale fishery allowances; the set-aside for episodic events; and the Chesapeake Bay reduction fishery cap. DMF would review the outcome at the December meeting.

## **PRESENTATION**

### Jonah Crab Resource, Fishery and Research

DMF Senior Biologist Bob Glenn provided the MFAC with a presentation on the jonah crab resource, fishery and ongoing research.

Bob highlighted that the fishery had grown by approximately 3 times in value and size since 2005. This was driven by favorable market conditions and the loss of the SNE lobster fishery. Most of this fishery occurs in MA waters or in federal waters just south of Martha's Vineyard and Nantucket. New Bedford is the hub for landing and processing (some processing is now being outsourced to ME due to in-state capacity issues).

With this increase in fishing effort and landings, there was a need for management. Initial management measures focused on tying this fishery to the lobster fishery to prevent a proliferation of new trap gear fishing effort coast-wide. It also set a minimum carapace size to meet processor demands. Management did not focus on fishery biology because there was very little knowledge of the species biology and life history at the time.

This produced research opportunities, which DMF spearheaded. This research is focusing on size at maturity within certain geographic regions. It is notable that the existing minimum size protects mature males and females across all regions. There is also tagging research being conducted to determine stock areas, movement and growth. There are also research gaps regarding life history (e.g., molting, mating, spawning and settlement). With these research gaps and limited sources of abundance indices, assessing stock size is difficult.

Dan McKiernan asked if there was a correlation between spikes in young of the year settlement and warm water temperatures. Bob stated that this area was data poor, but the available data suggested there may be.

Ray Kane asked if there was the potential that jonah crabs were a source of juvenile lobster predation. Bob stated that they could be. However, these species tend to compete for territory with little spatial overlap in distribution.

Ray then noted that the resource seemed to be most abundant in the GOM, but the fishery occurred primarily in SNE and questioned why this was. Bob explained it was likely a result of fishery economics. He noted that lobster was far more valuable than jonah crabs and lobster was at a high level of abundance in the GOM. So, fishermen preferred to target lobster. However, south of Cape Cod the lobster resource is depleted making the less valuable jonah crab resource more attractive. Ray speculated that with recent poor young of the year recruitment of GOM lobster, the lobster trap fishery in the GOM may begin to target jonah crabs in the near future.

Director Pierce noted that based on the size at maturity study findings and with the current minimum size, the fishery takes almost exclusively male crabs. He was curious if there were any concerns about skewing the adult sex ratio. Bob stated that on its face there was some cause for concern, but more data was needed (particularly on

reproductive behavior) to analyze potential impacts. However, his concerns were somewhat mitigated by the fact that the minimum size sufficiently protected a spawning stock biomass.

Bob added that another concern regarding future year class productivity was the claw only fishery. These crabs are temperature sensitive, so in states to our south they do not retain the whole crab and instead break the claws. There is no minimum claw size, so claws can be broken from any size crab and males without claws cannot cradle females when mating. While the claw fishery is small, if it were to grow in scale it could create problems affecting crab reproduction.

## **DICSUSSION ITEMS**

### Gillnet Permit Endorsements

Director Pierce stated that MFAC member Lou Williams requested DMF review and reconsider its longstanding moratorium on the transfer of gillnet permit endorsements. DMF spent this fall analyzing this request. David summarized the memorandum provided to the MFAC and stated that he planned to continue the moratorium. The rationale was that allowing the transfer would activate latent effort. This would likely have serious impacts state and federal groundfish management, as well as produce new bycatch, entanglement and gear conflict issues.

Andrew Walsh commented that the continuation of this moratorium would inevitably result in the end of the gillnet fishery in state-waters. Andrew asked if this was DMF's end goal.

David stated it was not the end goal. However, he preferred there be more attrition and that the number of permits may eventually decrease to a point where other considerations may be made. However, given current issues, particularly regarding the state-waters groundfish fishery, it was not appropriate to allow transfers.

Andrew Walsh shared David's concerns with the groundfish fishery. He stated that the state-waters fishery continues to exceed its set-asides for a number of species and this could trigger accountability measures affecting the federal fishery.

Melanie Griffin noted that this was a possibility for 2018. She just received a report that stated the ACLs for a number of groundfish stocks had been exceeded for fishing year 2016. This would likely trigger federal accountability measures for these species. Melanie noted GOM cod was among the stocks with harvest in excess of the ACL and the state harvested 214% of its set-aside in 2016. Without all the data available, she was uncertain to what extent the state waters fishery was responsible for the ACL being triggered.

Andrew argued that there was not sufficient accountability in the state-waters fishery. He stated that DMF must prioritize improving the management of this fishery, particularly if it is going to impact quota available to the federal fishery.

David agreed with Andrew. He stated this would likely be an issue addressed at the MFI accountability measure workshop. Once the data was analyzed, he would have this be a topic for further discussion at an MFAC meeting. Chairman Kane concurred with this approach.

The Chairman then took limited comment from the public.

Ed Barrett stated that the MA Fisherman's Partnership recently set objectives for 2018. One of these objectives was addressing the graying of the fleet and the transferability of permits. He invited DMF to collaborate on this issue.

Ed also criticized DMF's data regarding the state-waters fishery. He was skeptical that the state-waters fishery could be responsible for this harvest given their small daily limits. He suggested that there was either an anomaly in the data or that it was the result of illegally harvested fish.

Story Reed explained the data used were taken from fisherman catch reports. He added the state-waters set asides were very small amounts of fish and if you account for the number of active participants it does not seem plausible that these quantities of fish were legitimately caught by state-waters only fishermen.

Chris Chadwick, a commercial gillnet fishermen, agreed with David's determination to not allow permit transfers. He noted that it was already difficult enough to make a living in the state-waters fishery with the current level of effort, incentivizing new effort would be very problematic. Chris was also critical of DMF allowing the transfer of mobile gear permits with groundfish endorsements. He stated that the state-waters mobile gear groundfish fleet is small but participation has doubled in recent years. This is a factor in the escalation of state-waters harvest numbers.

Director Pierce stated that he could not address that complaint at this moment because he lacked the appropriate data. However, he would have staff analyze Chris' concern. Then he would meet with Chris to discuss it in the future.

John Verrissimo also expressed concerns regarding latent effort.

#### 2018 Seafood Marketing Grants

Story reminded the MFAC that DMF's Seafood Marketing Program Coordinator, Wendy Mainardi, provided them with a presentation over the summer that reviewed the products produced by the 2017 seafood marketing grants. This year, DMF was prioritizing underutilized species. As discussed earlier in the meeting there was particular interest in reviewing supply chain issues and building markets for dogfish and scup.

No additional comments were made by the MFAC. The Chairman then took limited comment from the public.

Ed Barrett stated that he was a member of the Seafood Marketing Steering Committee that oversees these grant projects. He noted that historically valuable species like cod and winter flounder were currently underpriced in terms of ex-vessel value, particularly when considering the cost of leasing quota in the federal sector system. He criticized DMF's focus on underutilized species. He stated that the focus should instead be on undervalued species and more generally improving the value of MA wild caught fish.

#### 2017 Commercial Striped Bass and Black Sea Bass Fishery Performance Analysis

Story Reed provided a brief presentation reviewing 2017 commercial fishery performance in the striped bass and black sea bass fisheries. The presentation focused on quota utilization and ex-vessel value. Story, with comments from Dan McKiernan and Jared Silva, highlighted key take-away points.

With regards to black sea bass the Wednesday fishery tended to have a lower ex-vessel value. It was speculated that this was because Wednesday were the third fishing day of a calendar week and the second of back-to-back open days. So there may be a supply issue that is creating a weaker ex-vessel value that day. Based on this, DMF was considering adjusting the commercial fishing days either to change the fishing days or reduce the number of days per week.

As for striped bass, DMF changed the management structure of the fishery in 2014 to improve fishery conditions. Changes included a reduction in daily catch limits and the number of fishing days per week. Following these rule changes the length of the season increased, as did the ex-vessel value. Even with substantial quota reductions (~20%), the fishery has maintained its value. These trends remained consistent in 2017.

Ray asked if most black sea bass landed in MA are destined for out-of-state markets. Story stated that DMF does not track this data, but based on conversations with seafood dealers it seemed to be the case. Dan noted that certain dealers, such as Red's Best, were trying to build local markets.

Jared Silva stated that DMF would likely provide the MFAC with draft rule changes for these commercial fisheries in December. Sea bass proposals would like focus on fishing days, limits and seasons. The striped bass proposal would be to prohibit commercial fishing on the 4<sup>th</sup> of July and Labor Day if those days were to be an open fishing day. Dan McKiernan noted that the commercial fishery was open on the 4<sup>th</sup> of July this year and there were serious congestion at marinas and boat ramps.

Ed Barrett criticized DMF for not establishing a dragger bycatch limit for black sea bass during the spring squid fishery.

#### **COMMENTS FROM THE PUBLIC**

Phil Coates provided the MFAC with a letter describing the Cape Cod Canal fishery in 2017. He noted that it was a banner year for the fishery. However, this came with a

number of compliance issues. He suggested that steps needed to be taken to improve angler outreach and enforcement in this area. He suggested DMF produce signs in various languages that describe the striped bass fishing regulations.

Director Pierce stated that DMF could work to improve signage.

Mike Armstrong and Ray Kane stated that based on past law enforcement reports, it did not appear the issue was lack of knowledge, but instead intentional non-compliance. This could only be addressed by enforcement.

Dan McKiernan noted that for the first time DMF has begun to sanction recreational fishing permits. He noted that an individual involved in the Canal fishery may have both his recreational and commercial permit either suspended or revoked. There were other cases of recreational poaching that the agency was seeking permit sanctions for.

### **COMMISSION MEMBER COMMENTS**

Charles Quinn agreed that it was great year for fishing on the Canal. He noted that the fishery is often most active in the middle of the night, which makes enforcement difficult.

Mike Pierdinock stated that he would be going to the upcoming ICCAT meeting in Morocco. The key issue here was the Atlantic bluefin tuna quota. To that point, Mike P. noted that DMF had distributed a letter from rod and reel and charter boat fishermen regarding changes to federal rules regarding the utilization of the bluefin tuna quota.

Ray stated he would provide Mike P. with the contact information for the individual who drafted the letter and the proposal.

Dan McKiernan stated that in the past DMF provided comment to HMS rules based on input from the MFAC. The agency would be willing to do this again.

Andrew Walsh thanked the Chairman for allowing the public to comment during the meeting.

Kalil Boghdan stated he continues to be impressed with the work and professionalism of DMF staff.

Chairman Kane repeated his earlier statement regarding the importance of attending MFAC meetings.

**Kalil Boghdan made a motion to adjourn the November 1, 2017 MFAC business meeting. Mike Pierdinock seconded the motion. The meeting was adjourned.**

### **Meeting Documents**

- November 1, 2017 MFAC Business Meeting Agenda
- October 3, 2017 MFAC Draft Business Meeting Minutes
- October 2017 ASMFC Meeting Summary
- Presentation on Recreational Black Sea Bass Management
- Presentation on Amendment 3 to the Menhaden FMP
- Presentation on Jonah Crab Biology, Fishery, Management and Research
- Memorandum on Gillnet Permit Transferability
- Letter from Phil Coates Regarding Compliance and the Cape Cod Canal Striped Bass Fishery
- Letter from Fishermen Regarding Federal Rules and the Federal Bluefin Tuna Quota Utilization

### **Next Meetings**

**December 14, 2017  
DFW Field Headquarters  
1 Rabbit Hill Road, Westborough**