

MARINE FISHERIES ADVISORY COMMISSION

**August 15, 2019
DFW Headquarters
Westborough, MA**

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; William Doyle, Clerk; Arthur “Sooky” Sawyer; Tim Brady; Lou Williams; Charles Quinn; and Kalil Boghdan.

Division of Marine Fisheries: David Pierce, Director; Daniel McKiernan, Deputy Director; Michael Armstrong, Assistant Director; Kevin Creighton, CFO; Jared Silva; Nichola Meserve; Cate O’Keefe; Anna Webb; Tracy Pugh; and Kelly Whitemore.

Department of Fish and Game: Ron Amidon, Commissioner.

Massachusetts Environmental Police: Lt. Matt Bass.

Members of the Public: Mark Plachowicz, Ron Borjenson, Bob Dutra and Russ Cleary.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Kane called the August 2019 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW AND APPROVAL OF AUGUST 15, 2019 BUSINESS MEETING AGENDA

Chairman Kane asked if there were any amendments to the August 15, 2019 MFAC business meeting agenda. No amendments were offered. The Chairman moved for a motion. **Tim Brady made a motion to approve the agenda. The motion was seconded by Bill Doyle.** The Chairman fo a vote. **The motion was approved unanimously.**

REVIEW AND APPROVAL OF JUNE 13, 2019 DRAFT BUSINESS MEETING MINUTES

Chairman Kane asked if there were any amendments to the June 13, 2019 MFAC draft business meeting minutes. No amendments were offered. The Chairman moved for a motion. **Sooky Sawyer made a motion to approve draft minutes as provided. Tim Brady seconded the motion.** The Chairman called for a vote. **The motion was approved unanimously.**

COMMISSIONER’S COMMENTS

Commissioner Ron Amindon provided updates regarding two ongoing public access projects. The Winthrop boat ramp reopened after renovations in late July and a ribbon-

cutting ceremony was held to commemorate it. The Deer Island fishing pier broke ground this summer. The Department of Fish and Game (DFG) was working to develop an MOU with the Massachusetts Water Resources Authority regarding access to the pier site.

Commissioner Amidon also spoke briefly about the recent menhaden kill in the Charles River locks, PSP shellfish closures, and the nearshore presence of white sharks. Lastly, Ron stated he was attending a junior conservation camp in Russell, MA on August 16 where youth would be educated on conservation, hunting, fishing and using firearms.

DIRECTOR'S COMMENTS

Director David Pierce began by noting that the Division of Marine Fisheries recently released and published a 5-year Strategic Plan, the 2018 Annual Report, and it's January – June 2019 Newsletter. David thanked Dan McKiernan, Sam Andrews and Nichola Meserve for their work on these documents. He added that the MFAC's role in regulating, managing and sustaining the state's fisheries was highlighted in the plan and the lead article in the newsletter dealt with the striped bass license plate. Additionally, the Marine Fisheries Institute (MFI) – a cooperative venture between DMF and UMass Dartmouth's School for Marine Science and Technology - also published its annual report. David thanked Cate O'Keefe for her contributions.

Regarding personnel, DMF hired Dr. Sam Truesdale, formerly of the Gulf of Maine Research Institute, to serve as a stock assessment scientist focusing on a number of the state's southern finfish species. He was currently working on the black sea bass assessment. Sam replaces Tiffany Vidal who left the agency earlier this year for a research job on New Caledonia in the South Pacific.

With a potential bait shortage attributable to the decline in the herring stocks, and resulting cuts to the commercial herring quota, bait related issues were becoming increasingly important. The Atlantic States Marine Fisheries Commission (ASMFC) convened a working group to address the possession and use of certain non-native baits and potential impacts on bio-security. The MFAC would receive a presentation on this working group later in the meeting. DMF was also in discussions with Maine and New Hampshire's marine fishery agency's to consider the cooperative management of sand lance in order to constrain the potential development of an unregulated industrial bait fishery.

The Director reviewed the Vineyard Wind Project's fisheries mitigation plan. He felt it addressed many of the concerns raised by DMF and the fishing industry.

Lastly, Director Pierce noted several recent articles in Cape Cod news publications regarding Greg Skomal and his white shark research and Massachusetts Environmental Police's (MEP) striped bass enforcement efforts on the Cape Cod Canal.

LAW ENFORCEMENT COMMENTS

Lt. Matt Bass provided the comments for MEP. Lt. Bass stated that striped bass fishing along the Cape Cod Canal was currently very active. A number of citations for striped bass violations were issued. Law enforcement would continue to actively patrol this area. Chairman Kane appreciated this work and noted the importance of having enforcement present in this popular fishing area.

On the personnel side, recently hired officers were making their way through training and into the field. MEP was also looking at candidates to fill the remaining vacancies.

Tim Brady asked how the MFAC could help enhance the number of officers in the field. Lt. Bass noted that the 2018 letter from the MFAC to Secretary Beaton was well supported. Chairman Kane and Commissioner Amidon suggested a similar letter be drafted for the MFAC to approve and sign. Ron also suggested MFAC members speak with their state legislators. There was a brief follow-up discussion regarding a proposed Senate budget amendment to increase MEP funding that did not make the final budget.

ACTION ITEM

Chairman Kane expected the action items would generate public interest. Accordingly, DMF would present its recommendation; he would allow a small number of members of the public to briefly speak for or against the recommendation, and then would allow discussion by MFAC members. Members of the public would not be allowed to participate in the MFAC's discussion unless requested by the MFAC or DMF to provide additional expertise.

2019 Recreational Fishing Limits Cod and Haddock

In mid-May 2019, the National Marine Fisheries Service (NMFS) proposed the recreational cod and haddock limits for fishing year 2019 (Table 1). By the June 13, 2019 MFAC business meeting, NMFS had yet to implement final rules. To expedite the state's eventual rule making process, and to avoid potentially more restrictive state regulations, Director Pierce made a two-fold recommendation. First, if NMFS were to implement final rules that were consistent with their proposed regulations, DMF would file complementary state regulations. Second, if NMFS filed final regulations that differed from their proposed limits, DMF would file emergency regulations to complement the federal measures, but would bring a final recommendation back to the MFAC for additional consideration.

In early July 2019, NMFS implemented measures that differed from their initial proposed measures. The proposed April 15 – April 30 spring fishing season for Gulf of Maine (GOM) cod was not included in the final rule. According to the federal register notice, this was done due to uncertainty in the bio-economic model's projections, in response to

the persistent poor condition of the GOM cod stock, and to address the potential negative impacts on spring spawning cod.

Fishery	Open Season	Bag Limit	Minimum Size
Gulf of Maine Haddock	May 1 – February 29	15 fish	17"
	April 15 – April 30	15 fish	
<i>Gulf of Maine Cod</i>	<i>September 15 – September 30</i>	<i>1 fish</i>	<i>21"</i>
	<i>April 15 – April 30</i>	<i>1 fish</i>	<i>21"</i>
Georges Bank Cod	January 1 – December 31	1 fish	21"

Despite the Director’s frustrations with the federal rule making process, as well as the final outcome, he recommended the MFAC vote to adopt final state rules to complement the final federal measures (Table 2). He noted that the driving factor in this recommendation was that having consistent rules across jurisdictions is critical to ensuring we have enforceable regulations and collect the best possible MRIP data.

Fishery	Open Season	Bag Limit	Minimum Size
Gulf of Maine Haddock	May 1 – February 29	15 fish	17"
	April 15 – April 30	15 fish	
<i>Gulf of Maine Cod</i>	<i>September 15 – September 30</i>	<i>1 fish</i>	<i>21"</i>
Georges Bank Cod	January 1 – December 31	1 fish	21"

Chairman Kane asked if there were any comments from the public. No comments were provided. Chairman Kane then asked the MFAC to discuss the recommendation.

Mike Pierdinock and Tim Brady both thanked DMF for their continued work to advocate on behalf of providing the recreational fishery with nominal access to GOM cod.

Mike P. expressed his continued frustrations with the management of federal recreational fisheries. Inter-annual variability in recreational fishing limits, in response to MRIP data and recreational harvest limits, did not provide the charter and head boat fleet with the regulatory stability necessary to run their businesses from year-to-year. This untenable situation was exacerbated this year by the substantial delays NMFS encountered when setting the recreational cod and haddock limits. Moreover, Mike P. was exasperated by the process, as NMFS and the New England Fishery Management Council’s (NEFMC) Groundfish Committee did not seem to consider any of the advice or recommendations provided by the NEFMC’s Recreational Advisory Panel.

Chairman Kane suggested that Mike P. raise this issue with the NEFMC’s Groundfish Plan Development Team.

Director Pierce understood Mike P.’s frustrations and added that he thought final decision making on recreational fisheries issues should be done at the NEFMC level and not through NMFS.

Mike P. noted that DMF can react to commercial quota underages and make in-season adjustments to commercial fishing limits to provide the commercial fleet with additional access to the available resource. He felt it was inequitable to manage the recreational fishery differently, particularly as many in the for-hire fleet now report using electronic vessel trip report (EVTR) technology.

Director Pierce appreciated the comment. However, he noted that there are critical differences in the reporting systems for each sector. Commercial quotas are monitored through dealer reported commercial sales and are uploaded at least weekly into the SAFIS database. This provides managers with third-party data in near real-time to use in making in-season management decisions. Harvest in the recreational fishery is estimated through MRIP, which includes a dockside component to assess catch and an end-of-the-year survey to assess effort. This data set is not designed to be used in real-time, and needs to be audited for quality control before it can be used at the year's end. David added that for the recreational data to be used to make in-season adjustments, recreational fishermen - including private anglers - would have to be required to report their catch on a near-real time basis.

Bill Doyle suggested that the for-hire fishery is in fact a commercial, as they represent a for-profit sector of the fishing economy. Accordingly, they should advocate to be split out of the recreational sector. In turn, this would allow them to be managed more like a commercial enterprise, and be able to take advantage of reporting on EVTRs.

Director Pierce stated this was discussed in the past, particularly with regards to black sea bass. However, it was a contentious topic given that it would likely result in substantial changes to how the fishery is managed and the quota is allocated. Mike P. added that there are a variety of perspectives among the for-hire sector regarding this notion, and it had not gathered traction.

No further comments were made. The Chairman called for a motion. **Sooky Sawyer made a motion to adopt the Director's recommendation as provided. Bill Doyle seconded the motion. The motion was unanimously approved.**

In-Season Adjustments to Commercial Fluke Limits

Director Pierce provided a brief presentation to review the initial proposal and final recommendation.

The Director stated the 2018 benchmark stock assessment showed the stock was in good condition, and it was not overfished and overfishing was not occurring. In response, MA's commercial quota was increased by 80%. However, the federal specifications to increase the coast-wide quota were not set until March 2019. Considering the timing, DMF was not afforded the opportunity to increase the Period I (January 1 – April 22) fishery's access to the state's 2019 commercial quota. The Period I fishery only landed 3% of the overall quota and the target is 30%. The remaining 97% of the quota was therefore available to the Period II fishery (April 23 – December 31). As of August 14, 2019, SAFIS dealer data indicated that only 40.4% of the quota had been

taken. Accordingly, DMF proposed to eliminate closed fishing days (Fridays and Saturdays) and increase the daily trip limit for both mobile gear and hook and line fishermen. Most of the public comment, specifically those comments from the summertime inshore trawl fleet, did not favor this approach. They felt additional fish may further depress the ex-vessel value, and instead preferred having the quota available through the fall.

Consistent with this public comment, Director Pierce was proposing to take no action to adjust the commercial fluke limits through October 31. However, he recommended eliminating closed fishing days and increasing the trip limit to 1,000 pounds beginning on November 1. This would allow the large boat offshore fleet to fish on the remaining quota at elevated levels once the fish migrate out of nearshore waters. The recommended rules were also commensurate with that currently being proposed for all of the Period I fishery in 2020.

Chairman Kane took comment from the public.

Mark Plachowicz, Robert Dutra and Ron Borjeson generally supported the Director's recommendation regarding trip limits.

Robert and Mark thought DMF should consider eliminating closed fishing days in the fall to account for weather. Mark added that this would provide draggers with the ability to retain fluke when fishing for conchs. Ron advocated that DMF consider increasing the trip limits above 1,000 pounds on November 1 if a substantial amount of quota remained available.

Mark Plachowicz also noted that the fish were off Nantucket this year and there was no buy-boat to transport fish from the island to the mainland. This resulted in long days steaming to and from port, increased fuel costs, and a reduction in their efficiency. The economic impacts of these factors were exacerbated by a low ex-vessel value. Accordingly, Mark proposed DMF accommodate a pilot program to increase the efficiency of the inshore trawl fleet. The pilot program would allow trawlers to fish on consecutive open fishing days without having to land fish on a daily basis, but not possess more than 600 pounds per trip and retain more than 300 pounds per day. This would allow participating trawlers to lay-up overnight off or in Nantucket to reduce their steaming time and associated overhead costs. Fish taken on the first day of the trip could be stored and locked with a sealable tag to prevent non-compliance with the daily limits.

Chairman Kane allowed DMF to address the public comment.

Deputy Director Dan McKiernan stated that he spoke with Mark on the phone regarding his idea for a pilot program. Historically a buy boat transported fish from the trawlers off Nantucket to the mainland on a daily basis, which allowed the vessels to lay up closer to the fishing grounds. For whatever reason, this has not happened for the past few years. Dan thought such a pilot program could help fill this void and accommodate the fleet.

Dan appreciated Mark and Robert's interest in potentially adding an extra commercial fishing day in the fall. However, he noted that there were some concerns. In public comment - and through informal conversations with dealers – there was limited interest in sending trucks to Cape Cod to buy fluke on Fridays and Saturdays. Yet, if Saturday were added as an open fishing day, and a pilot program was adopted, some of these concerns could be potentially ameliorated as it would allow Saturdays fish to be landed on Sundays.

Jared Silva spoke to Ron Borjeson's comment. He noted if the Director's recommendation were approved today, it would not limit their ability to further liberalize limits at a future meeting.

Kalil Boghdan asked for DMF to elaborate on why the commercial fluke fishery was not taking the available quota. Jared Silva stated that it was likely driven by several factors. Foremost was the fact that the quota was increased by 80% compared to 2018 and that due to the timing of the quota increase the Period I fishery was not afforded additional access to the available quota.

Kalil then asked what the ex-vessel price for fluke was. Jared referred Kalil to the memo, where it stated that the average price per pound was about \$4.20 this year compared to \$4.56 in recent years. Kalil asked what could be driving this reduction. Jared speculated this reduction in ex-vessel value may be related an increase in the coast-wide supply due to the additional quota available.

Deputy Director McKiernan asked Robert Dutra to speak to what the industry was experiencing in terms of the market. Robert stated that depending on the size class he was receiving as little as \$3.00 per pound. Additionally, dealers had told him that the price was driven down by the additional landings from New York.

Sooky felt DMF and the MFAC should consider increasing the number of open fishing days consistent with the comments provided by Robert Dutra and Mark Plachowicz. Jared Silva reiterated concerns from dealers about the marketability of fish caught on Fridays and Saturdays. Ray Kane added that it also may create a user group conflict with the recreational fishery.

Lou Williams noted that without an active buy-boat, most vessels are probably aggregated closer to the Cape. However, a pilot program may have the unintended benefit of spreading the fleet out spatially, in turn reducing the density of fishing activity and limiting interactions with recreational fishermen.

Mike Pierdinock asked when the recreational fluke fishery closed. Nichola Meserve stated that it closed on October 9th. Mike stated he could not support any change to the open fishing days until after the recreational fishery closes.

Sooky asked why the commercial limits were being increased, but not the recreational limits. Director Pierce noted that any such change to the recreational fishing limits would have to be done through the ASMFC. Nichola Meserve stated the 2019 recreational harvest limit was also increased by about 80% for 2019. However, 2018 MRIP data indicated that under status quo rules, recreational harvest had already increased to the 2019 recreational harvest limit. Accordingly, states were not afforded the ability to liberalize.

Director Pierce stated that he intended to maintain his recommendation provided earlier. However, he tasked Dan McKiernan and Jared Silva with developing a potential LOA program.

Chairman Kane asked David for a timeline for developing such a program. After consulting with staff, David stated that he expected DMF could accommodate the program by Labor Day.

No further comments were made. Chairman Kane called for a motion. **Tim Brady made a motion to adopt the Director's recommendation as provided. The motion was seconded by Charlie Quinn. The motion was unanimously approved.**

In-Season Adjustments to Commercial Striped Bass Limits

Director Pierce presented several slides to review the initial proposal and his final decision regarding potential in-season adjustments to the commercial striped bass fishing days.

On July 31, DMF issued an advisory stating it would take comment on potentially increasing the number of open commercial striped bass fishing days from two days per week to as many as four days per week. The most recent SAFIS dealer data demonstrated that 19.4% of the state's 869,000 pound quota was landed, with daily landings averaging about 18,000 pounds. Extrapolating this forward, and considering the fact that catch rates historically have waned in the fall for numerous reasons, it was unlikely that the fishery would take its available quota before the fish migrate out of state-waters in late October. Accordingly, DMF determined that there was a strong likelihood that the state would leave a substantial amount of the available quota unharvested and related revenue unrealized. Given these factors, and the fact that fall fishing opportunities can be limited due to weather, DMF proposed providing the commercial fishery with additional access to the available quota by increasing the number of open fishing days per week.

However, conditions in the fishery changed since the July 31 proposal was announced. Average daily landings increased from about 18,000 pounds to about 30,000 pounds. If these landing rates persisted through the end of the summer and into the early fall, DMF anticipated the quota may be taken by early October. Therefore, it was likely premature to adjust the commercial striped bass fishing limits.

Director Pierce informed the MFAC he had decided to forgo any recommendation at this time. Instead, DMF would closely monitor commercial striped bass landings. Depending on fishery performance in the interim, he reserved the authority to recommend liberalizing the commercial fishing limits at the September 19 MFAC business meeting. Given the concerns expressed in the public comment regarding the status of the striped bass stock, any such recommendation to liberalize the commercial striped bass limits would be designed to constrain the fishery to not exceed a self-imposed 713,000 pound threshold. This threshold coincides with the expected 18% cut to the commercial quota for 2020, which accounts for the findings of the 2018 benchmark stock assessment.

Chairman Kane took comment from the public.

Russ Cleary found the Director's position to be reasonable. The current commercial striped bass regulations were not designed for conservation purposes, but were instead developed in 2014 to slow daily catch rates, eliminate market gluts, and ensure quota was available throughout the summer to satisfy consumer markets. It had accomplished this goal, and it would be appropriate to relax the commercial fishing limits if the commercial fishery was not expected to take its quota. Russ took exception to much of the public comment received. He stated that the question put out for comment was whether it was appropriate to increase the number of fishing days per week. However, nearly all of the public comment received addressed concerns regarding the overall level of harvest, and much of this was from anti-commercial fishing interests.

No further public comments were made. Chairman Kane opened this item up for MFAC discussion.

Tim Brady, Kalil Boghdan, Mike Pierdinock, and Lou Williams all supported Director Pierce's decision.

Mike P. thought water temperature, forage and predation from seals and white sharks were likely affecting the availability of large striped bass. These factors may impact the spatial distribution of striped bass typically found in Cape Cod waters, as well as along the south coast and the islands. The fishing off Boston and Cape Ann on north had been good. There has been no lack of forage fish, including menhaden. There were also reports of large fish in the cooler waters off Block Island and offshore in federal waters. Mike P. added that fishing in state-waters at night with bait increases the chance of landing striped bass; the increased daytime water temperature may have a limiting effect upon commercial catch rates from those fishermen who prefer fishing during the day.

Chairman Kane asked if the Director would be willing to consider moving forward a recommendation that would accommodate additional fishing opportunity in early September if catch rates regress back below 20,000 pounds at the end of August. The Chairman suggested three open fishing days per week beginning the Tuesday after Labor Day. Director Pierce stated that he was not willing to make that recommendation at this time.

Mike P. stated that were reports of striped bass in traditional Canadian salmon runs. He was concerned how mortality in Canada may impact the US fishery. Mike Armstrong stated that genetic work had been done and the fish in Canada are a separate genetic stock from the Miramichi River spawning grounds. This stock had grown in recent years, likely in response to climate change. Mike A. speculated that warming water trends may result in stock mixing in the future. Dan McKiernan added that the seafood dealer, John Nagle Company, purchased wild striped bass from Canada late last fall and DMF worked with them to develop a tag for this fish so that it could be imported into Massachusetts for processing and distribution.

The Chairman asked if a vote was necessary. Jared Silva stated that as Director Pierce was not making a recommendation, a vote was not necessary. The Chairman asked if there was consensus among MFAC members in support of the Director's position. The MFAC supported the Director.

FUTURE RULE MAKING INITIATIVES

Clarification of For-Hire Permit

Jared Silva stated that when DMF was developing the recreational saltwater fishing license, the question was posed as to whether for-hire permit holders would have to obtain a second recreational fishing permit to cover their private fishing activity. Former Director Diodati's January 2011 memorandum to the MFAC was clear that the for-hire permit covered the named individual's private recreational angling. This is also stipulated in DMF's annual notice to all for-hire operators. However, this allowance was never codified in regulation and DMF intended to codify it for 2020.

Mike Pierdinock stated that he was corresponding with a charter boat captain who wanted clarification as to whether or not the for-hire permit would cover private trips on his vessel.

Jared Silva stated that the regulations explicitly exempt patrons onboard for-hire vessels from having to hold a recreational fishing permit. This exemption was established because many for-hire patrons are tourists and an individual permit requirement could have a limiting economic impact on the for-hire industry. DMF did not intend for the for-hire permit to cover this activity. If allowed, it would effectively establish a recreational boat permit for any person who holds a USCG Captain's License and would run counter to the purpose of the recreational fishing license, which was to create a coast-wide directory of anglers to help estimate recreational fishing effort. Chairman Kane suggested that Mike P. and Jared discuss potential scenarios after the meeting.

Emergency Regulations Affecting Lobster Processing

Dan McKiernan stated that the FY20 budget contained language to amend G.L. c. 130 §44, the state's processed lobster law. These amendments liberalized the law to allow for additional lobster processing opportunities and to enhance commerce in processed lobster parts (e.g., shell-on claw). These changes were consistent with the

recommendations DMF set forth in its 2018 lobster processing report. In response, DMF needed to update the state's lobster processing regulations to accommodate the additional activities now allowed under state law. Accordingly, DMF intended to file emergency regulations to do so as soon as possible.

Jared Silva added that the emergency regulations were currently under executive branch review. If approved, DMF would file the regulations and they would become effective immediately, and Jared speculated that a public hearing would be held immediately prior to the October MFAC business meeting.

Update on Fall Public Hearing and Rule Making Schedule

Jared Silva stated that a public hearing was scheduled for September 11 at the MA Maritime Academy. The focus of this public hearing was the commercial tautog tagging program and limiting entry to the commercial tautog fishery. Additionally, DMF would accept public comment on a control date for the coastal lobster permits for use in Lobster Management Area 1 (LMA1) (Gulf of Maine); coastal shark conservation measures; liberalizing Period I fluke fishery limits; adjusting ocean quahog trip limits; establishing a retail farmer's market seafood dealer permit category; and addressing several regulatory house-keeping issues.

Moving forward, Jared reiterated that a public hearing would likely be held on new lobster processing regulations immediately prior to the October MFAC business meeting. He also forecasted that DMF would hold early winter public hearings focused on striped bass conservation measures following the ASMFC's approval of Addendum VI.

Sooky Sawyer stated that North Shore lobstermen were frustrated that the public hearing on the LMA1 coastal lobster permit control date was being held in Buzzards Bay. Dan McKiernan stated that DMF would schedule a second hearing for Gloucester.

DISCUSSION ITEMS

Review of Recent ASMFC Meeting

Director Pierce provided an overview of the state Director's meeting. This meeting focused on the federal budget and its impacts on the ASMFC and individual states. The Directors also addressed how the Interjurisdictional Fisheries Act could be used to obtain support from federal fisheries scientists to address inshore fisheries management priorities.

Deputy Director McKiernan stated that the ASMFC's Horseshoe Crab Board met. The most recent stock assessment found that the CT/NY stock unit is in poor condition. New York and Connecticut were struggling to develop conservation measures, and New York was insisting that the stock status is attributable to New Jersey fishing activity. The MA/RI stock unit was considered to be in neutral condition, largely because population indices in Massachusetts were strong. Dan speculated that this was likely due to the conservation gained by the lunar spawning closures implemented in 2010. RI similarly

has lunar closures, however, they were also considering additional closed areas to improve conservation.

Chairman Kane asked for an update on commercial horseshoe crab landings. Anna Webb, DMF's Statistics Project Leader, stated that landings were similar to past years. Dan added that DMF has a self-imposed bait fishery quota of 160,000 crabs and the commercial bait fishery typically lands about 130,000 – 150,000. He anticipated the commercial bait fishery may close this year due to fluke remaining open for a longer period allowing for more opportunities for trawlers to land crabs taken as bycatch.

Nichola Meserve reported that the Menhaden Board maintained a status quo TAC for 2020. The Board favored this because an updated menhaden stock assessment will be released in early 2020 and ecological reference points are expected to be developed. On the state side, DMF anticipated that 95% of the state's quota had been taken, which triggers reducing the trip limit from 25,000 pounds to 6,000 pounds.

Sooky Sawyer stated Gloucester menhaden seiners were questioning the state's conservative management of menhaden. He noted that other states, particularly Maine, run a quota overage and then opt into the episodic event set-aside. This allows their fishermen to continue to harvest menhaden after their initial quota is exhausted. However, Massachusetts manages its fishery to not exceed the quota, and therefore, the state cannot access the episodic event quota. Dan affirmed that the state's menhaden management scheme was conservative and was developed to prevent quota overages, and to err on the side of leaving forage in the water.

Dan asked Nichola if she thought the episodic event set-aside would be restructured in the future. Nichola was uncertain, but noted that Maine took all of the episodic event set-aside this year. She added that Massachusetts could seek a quota transfer from another state's and re-open its fishery at a higher trip limit. Dan and Nichola also suggested that the MFAC and DMF could reconsider how the menhaden fishery is managed over the coming winter.

Chairman Kane added that based on his discussions as part of the ASMFC's Sea Herring Section, Maine appeared to be experiencing a bait glut due to the large amount of menhaden taken. In response, the Maine delegation tried to make last minute changes to adjust how the Period II Area 1A herring fishery was managed to slow herring landings and prevent further bait issues.

Dan McKiernan informed the MFAC that the ASMFC would be going out to public hearing with an addendum to the Spiny Dogfish FMP. The primary purpose of the addendum is to allow quota transfers between the northern region and the southern states. Rhode Island was successful in a last minute initiative to have the addendum also scope the concept of eliminating the federal trip limit. Dan noted that if Massachusetts were to host a hearing on this addendum, it would likely occur in the Chatham area.

Ray Kane stated that Rhode Island long supported aggregate limits. This would allow their offshore trawl fleet to land larger quantities of spiny dogfish. This approach was not favored by most of the industry in Massachusetts. Massachusetts' fishermen were concerned that this would drive down the price and make it uneconomical for small boat fishermen to participate. Massachusetts' dogfish fishery has historically been responsible for the lion's share of the harvest and Ray felt that Massachusetts should lead the way on dogfish management. In recent years, the state landed about 12 million pounds of dogfish, compared to Rhode Island who landed about 200,000 pounds.

Dan reported that the Tautog Board approved the final guidelines for the commercial point-of-harvest tautog tagging program. DMF will be holding public hearings during the second week of September to address the 2020 implementation of the program, which includes measures to reduce the permit holder population from about 1,800 to about 200. Dan speculated that this may have ramifications for the striped bass fishery, as it may create a push for DMF to establish the striped bass tagging program at point-of-harvest, which would in turn require a reduction in the number of participants and a limited entry permitting scheme.

Dr. Mike Armstrong informed the MFAC that the ASMFC would be holding public hearings coast-wide on Addendum VI to the Striped Bass FMP. Massachusetts would likely hold two hearings during the first week of October. The addendum is designed to reduce total removals by 18% to end overfishing, either in equal proportions for the commercial and recreational fisheries, or with a greater weighting on the recreational fishery given its larger contribution to total removals.

Options for the recreational fishery include a 35" minimum size and various slot limits. Mike A. anticipated that slot limits would be contentious among for-hire operators and anglers targeting "trophy" fish. He also noted that trying to reduce fishing mortality in the recreational fishery is difficult, given that discard mortality is a driving factor and there are a number of other issues (e.g., inter-annual changes in fishing effort in response to local availability) that cannot be accurately predicted.

Mike A. added that New Hampshire had made a motion to eliminate the ability for states to pursue conservation equivalency. This was proposed because it was thought that states would use this as a loophole to implement measures that may meet conservation objectives in theory, but would result in less conservation. Massachusetts supported this motion, but ultimately it failed and was not included.

On the commercial side, there are two options. First, is to reduce the commercial quota by 18% coastwide. The second option is to reduce the commercial quota only by 1.8%. Mike A. thought the second option was unlikely to pass, but if it did, the recreational measures would need to be more restrictive.

Additionally, a circle hook mandate was being considered for all sectors. Mike A. added that the circle hook proposal lacked a lot of nuance regarding how it would apply. He

expected that public comment would greatly assist final decision making on this proposal.

Mike Pierdinock asked if DMF had considered the impact its 34" commercial minimum size may have on the ability to rebuild spawning stock biomass. Dan McKiernan stated 34" commercial minimum size was implemented to slow the harvest of the quota. It also had the benefit of segregating the commercial and recreational fisheries to avoid user group conflicts; the commercial fishery occurs during the week on larger fish and the recreational fishery predominantly occurs on the weekend on smaller fish. However, if we go to a larger size limit or a slot limit for the recreational fishery, these sectors will be competing for the same sized fish and we may need to reconsider our commercial size limit.

Mike A. noted that in order for this addendum to successfully reduce fishing mortality, the recreational fishery needs to move away from the trophy fish mentality. This will likely put pressure on DMF and the MFAC to adjust the commercial fisheries' minimum size. Chairman Kane agreed.

Mike P. asked if DMF could analyze the commercial striped bass fishery to determine average fish size and where the fishery is occurring. Dan and Mike A. stated that this type of analysis could be done. Anna Webb added that spatial information would require harvester data and 2019 data would not be ready for analysis until mid-2020. Mike P. asked if DMF could provide data on fish size before 2020. Mike A. stated that this could likely be done.

Mike P. asked if any consideration was given to the impact a slot limit may have on fishing tournaments. Mike A. expected this would come out at public hearing and there would be some interest on trophy tags. However, given the size of the recreational fishery, he did not think that the ASMFC would be able to accommodate these requests.

Mike A. added that the Striped Bass Board had delayed the development of an Amendment to rebuild spawning stock biomass, in order to focus on the addendum to reduce fishing mortality. He expected the Board would start finalizing a draft amendment in the spring for implementation in 2021.

Dan McKiernan stated that the final addendum would be voted on at the ASMFC's Annual Meeting in October. The meeting will be held at Wentworth-By-The-Sea in New Hampshire. The MFAC was encourage to attend.

Use of Non-Native Baits

Deputy Director McKiernan introduced Kelly Whittemore, a biologist who works on DMF's invertebrate project. Kelly was tasked by DMF to work on lobster bait issues and to serve on an ASMFC working group on bait related issues.

Kelly stated that the Atlantic sea herring quota was reduced from 104,000 metric tons in 2017 to 21,000 metric tons in 2019. Sea herring is a popular lobster trap bait,

particularly in Maine. Therefore, this severe reduction in the available quota prompted concerns regarding how the resulting bait shortage may be supplemented, and what the biosecurity risks associated with non-native baits may be.

Since 2013, Maine has prohibited the sale of certain baits, and since 2017 has prohibited harvesters from using and possessing these baits. This was based on an analysis paid for by the state of Maine and conducted by a bio-science firm. Kelly reviewed Maine's approved and prohibited bait lists. Then she noted that last fall, at the ASMFC's Lobster Board, Maine's delegation requested other states adopt their bait prohibitions.

Kelly noted a major concern is the spread of pathogens and reportable diseases present due to their persistence in the water column. A reportable disease list is maintained by the Organization for World Animal Health. Of the reportable diseases, viral hemorrhagic septicemia (VHS), is of particular concern. While VHS has not yet been detected in the Gulf of Maine, it is present in more than 50 species of fresh and saltwater fish and has been found on the Pacific Coast and in the Great Lakes.

To address this issue, the ASMFC convened a working group on bait. This is similar to what occurred several years back when it was found that Asian horseshoe crab species were being marketed as bait. These species are known to carry pathogens and neurotoxins. The Atlantic states worked to expediently adopt prohibitions to prevent the use of these species as bait to safeguard public health and biosecurity.

Dan and Kelly discussed some of the issues complexities, including the key differences between the bait market in Maine and in Massachusetts. Kelly stated that the bait industry in Maine is more streamlined. Menhaden and herring being are landed and stored in state, and then are sold directly to fishermen usually by the same dealers they sell their lobsters to. This allows Maine to exert greater control over what available as bait. In Massachusetts, there are more bait options due to the seafood processing sector making a variety of skins and racks from native and non-native fish available to lobstermen. Dan noted that Maine also has a concern about the use of aquaculture raised salmon parts and how this may impact their wild runs; Massachusetts does not have wild salmon runs and does not share this concern.

Kelly added that Asian carp are an invasive species that inland states are trying to eradicate. This could be a potentially be a symbiotic relationship whereby the lobster industry's bait demand provides an economic incentive for the harvest of these carp. However, there are concerns that the carp in the Great Lakes have VHS and this may bring this disease into the GOM. Accordingly, Maine is working to test these carp and determine if they can be approved for baits.

Bill Doyle felt that this was an issue in need of serious investigation. He noted that historically the fish being cut in Massachusetts fish was native to the region. However, as dealers have diversified their operations more non-native fish was getting cut in Massachusetts. These racks and skins have likely ended up in the bait stream. Bill

noted that salmon are likely coming in from all over the Atlantic and Pacific with parasites, sea lice, pesticides and other potentially harmful agents.

Dan asked Kelly if Bill's expertise with the seafood industry would be helpful to the ASMFC's working group. Kelly stated that the working group was currently very small and focused on identifying current practices and specific concerns. However, she expected the working group would evolve as questions are investigated, particularly regarding bio-security, and she felt Bill's inputs would be valuable at that stage.

Ray Kane asked for Kelly if the working group was close to a final product. Kelly stated that they were initially convened to address lobster bait issues, but it has expanded to general bait issues. They are currently scoping the issues, and need to better understand the bio-security component. Then they would likely draft a resolution to present to the ASMFC.

COMMENTS FROM THE PUBLIC

Russ Cleary requested the MFAC and DMF continue to focus on the science based management of striped bass, rather than appeasement of a cantankerous and vocal group of recreational anglers want to eliminate the commercial fishery.

Ron Borjenson thanked the MFAC and DMF for the considerations on fluke.

COMMISSION MEMBER COMMENTS

Bill Doyle stated that he assisted DMF biologist Bob Glenn this summer with black sea bass field research. He thought species like fluke and black sea bass, which were in good condition, presented a unique opportunity to promote sustainable seafood locally. He expressed his interest in having DMF's Seafood Marketing Program focus on this type of marketing activity.

Bill thought the decommissioning of the Plymouth nuclear power plant provided a good opportunity for public fishing access. He noted that the plant was likely seeking to generate positive public interest and would be amenable partners. Commissioner Amidon noted that he was already looking into public access opportunities at the facility.

Bill then recalled a recent encounter with a white shark while swimming around Plymouth. This prompted concerns regarding public safety. He was curious if DMF has produced a list of public safety "dos and don'ts", and if he could speak with Greg Skomal about some of his thoughts and concerns.

Sooky Sawyer noted that the Atlantic Large Whale Take Reduction Team was scheduled to hold public meetings over the next few weeks to address managing the lobster fishery to reduce the risk of entangling right whales. He was curious if DMF intended to make any proposals. Dan stated that DMF had been in regular contact with NMFS. However, DMF did not intend to impose anything concrete until Maine (and to a

lesser extend New Hampshire) began to move proposals forward. DMF's focus at this time was two-fold. First, ensure that whatever is moved forward results in uniform rules in the federal waters portion of Gulf of Maine. Second, that conservation credit is given to areas where ongoing closures, effort controls, and trap cuts have been reducing entanglement risk.

Sooky then asked if DMF's proposed LMA1 control date was passed in anticipation of new federal right whale conservation rules. Dan stated the ASMFC Lobster Board passed the control date anticipating that new federal right whale conservation rules are on the horizon. These rules may require maximum vertical line limits or minimum traps per trawl limits on a per permit basis. A control date may be a useful tool in developing future rules.

Sooky expressed his frustration with the state's US congressional delegation's lack of support for the lobster industry at the federal level.

Tim Brady noted that at the June MFAC business meeting, Mike Armstrong stated that Asian seaworms were being imported and sold as bait in Massachusetts. Tim was interested in whether there was additional information on the subject. Mike A. stated that he did not have any additional information and had no evidence that this was widespread. However, this was the type of non-native bait issue he hoped the ASMFC would address and work to resolve.

Tim then spoke about the fish ladder at Town Brook in Plymouth. He found it interesting that eels were also using the ladder. Tim asked who at DMF he could speak to in more detail about it. Mike A. stated that Brad Chase was the appropriate contact.

Mike P. stated that the general category Atlantic bluefin tuna fishery closed early again this year. He noted that the ex-vessel value was rather low due to a lack of Japanese market demand and the poor quality of the fish being brought in. Mike P. was interested in the ability for DMF's Seafood Marketing Program to help build a local market for this fish, so that the state's fishermen were not entirely reliant on the Japanese market. Dan McKiernan noted that Mike P. and Bill's ideas could be targets for next year's seafood marketing grants.

Mike P. noted that fishermen are beginning to see a lot of worms in fish other than cod, such as haddock, black sea bass, cusk and yellowtail flounder. The Woods Hole Oceanographic Institute and the Center for Coastal Studies have volunteered to analyze these worms and determine to what extent their presence may be attributable to seals. Mike P. added that he would serve as a point of contact for any fisherman who finds these worms in their catch.

Director Pierce asked if the presence of worms were severe in any species other than cod. Mike P. stated they were severe in cusk, but were being observed in other species. Lou Williams noted that he had seen this in haddock recently.

Mike P. stated the Highly Migratory Species Advisory Panel and the International Commission for the Conservation of Atlantic Tunas are scheduled to meet in early September. Mike P. was pushing for a white shark stock assessment, which would allow for future management action if necessary.

Lou Williams noted that the state-waters set-aside for Gulf of Maine cod was historically larger than it is today both in total poundage and in proportion to the other quota components. Several years back the set-aside was reduced and this has had a constraining impact on the inshore fleet. He wanted to see DMF work to pursue a change at the federal level to have more cod allocated back to the state-waters set-aside.

ADJOURNMENT

The Chairman requested a motion to adjourn. **A motion was made by Tim Brady to adjourn the August 15, 2019 MFAC business meeting. The motion was seconded by Sooky Sawyer. The motion was approved unanimously and the meeting was adjourned.**

MEETING DOCUMENTS

- August 15, 2019 MFAC Business Meeting Agenda
- June 13, 2019 MFAC Business Meeting Draft Minutes
- Recommendation to Adopt the 2019 Recreational Fishing for Gulf of Maine Cod and Haddock and Georges Bank Cod
- Recommendation to Make In-Season Adjustments to the Commercial Summer Flounder Fishing Limits
- Memorandum on In-Season Adjustments to Commercial Striped Bass Limits
- Regulatory Clarification to Conform that For-Hire Permit Holders May Fish as Private Recreational Anglers under the Authority of their For-Hire Permits
- Update on Lobster Processing Law and Pending Emergency Regulations
- ASMFC 2019 Summer Meeting Summary

FUTURE MEETINGS

9AM
September 19, 2019
DFW Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
November 14, 2019
DFW Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
October 17, 2019
DFW Field HQ
1 Rabbit Hill Road
Westborough, MA

9AM
December 19, 2019
DFW Field HQ
1 Rabbit Hill Road
Westborough, MA