



MA Marine Fisheries Advisory Commission November 22, 2022 Meeting Summary

This document serves as a brief summary of the November 22, 2022 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held virtually via Zoom. All meeting materials are available on the [MFAC's past meeting website](#) and a recording of the full meeting is posted to [DMF's YouTube channel](#).

Action Items and Final Recommendations

Atlantic Mackerel Management. The MFAC unanimously approved DMF's recommendation to adopt a 20-fish Atlantic mackerel recreational fishing limit. This new limit will go into effect in 2023. It will apply as a per angler daily harvest limit and a per angler possession limit while fishing. Recreational fishers will not be subject to this limit when holding mackerel in a freezer, fish car, or shore-based bait well or holding car. Additionally, DMF indicated it would establish a new commercial regulated fishery permit endorsement for Atlantic mackerel beginning in 2023. This permit will be open entry and will be required to retain, possess, or land Atlantic mackerel in excess of the recreational mackerel limit or to sell, barter, or exchange Atlantic mackerel.

Recreational Tautog Slot Limit and Trophy Fish. The MFAC unanimously approved DMF's recommendation to a 16" to 21" recreational slot limit for tautog with an allowance for each angler to retain one trophy fish per calendar day exceeding the 21" maximum size. This will bring Massachusetts' recreational limits into phase with neighboring Rhode Island. In doing so, the new rule may protect older and larger trophy size fish and prevent a potential eastward shift in fishing effort in Massachusetts waters to target these fish.

Electronic Trackers in the Commercial Lobster and Crab Trap Fishery. For May 2023, DMF will require all Offshore and Coastal Lobster Permit holders with a federal lobster trap permit to install and have operational and approved electronic tracking device onboard the vessel named on the federal and state lobster permit. The only exempt group of permit holders are those whose federal permits are held in CPH; permit holders who have a VMS requirement in another federally managed fishery are not exempt from this new electronic tracker requirement. The purpose of this is collect high resolution spatial data regarding where the fishery is occurring to address a variety of ongoing and emerging issues, including marine spatial planning, protected species management and risk assessment, and stock assessments.

Whelk Gauge Size Schedule. The MFAC unanimously approved DMF's recommendation to revise the whelk gauge schedule whereby the gauge width is increased by $\frac{1}{8}$ " every third year (instead of every other year), achieving a terminal gauge width of $3\frac{5}{8}$ " in 2033 (rather than 2029). In doing so, the pending $\frac{1}{8}$ " from $3\frac{1}{8}$ " to $3\frac{1}{4}$ " will occur in 2024, not 2023. This action was brought forth through an industry petition from the Massachusetts Conch Association and Big G. Seafood. The new gauge schedule will delay milestones for protecting spawning stock, but should provide additional time for whelks to recruit into the fishery to offset negative economic impacts associated the gauge increases.

Protected Species Management. The MFAC unanimously approved three recommendations from DMF regarding protected species management. The first recommendation allows the Director to annually rescind the opening of the May 16 – October 31 buoyed recreational trap fishery for lobsters and edible crabs on a dynamic basis in response to the presence or absence of right whales. This dynamic management authority currently exists for commercial fixed gear fisheries. The second recommendation rescinds the requirement that commercial and recreational trap fishers install a 600-pound weak link where the buoy line connects to the buoy. There is little evidence in the entanglement record that shows this gear modification works as intended and NOAA Fisheries recently removed the weak link requirement for trap gear from the federal Atlantic Large Whale Take Reduction Plan. Lastly, the definition of the term buoy line was amended to enhance enforcement and compliance.

Extension of Area 1A Mobile Gear Fishing Season. The MFAC unanimously approved DMF's recommendation to extend the mobile gear fishing season in Area 1A (Gloucester/Rockport) from February 1 – March 31 to February 1 – May 15, with the caveat that if the Director opens the commercial trap fishery closure of Gloucester and Rockport prior to May 15 that the allowance for mobile gear fishing in Area 1A will expire concurrently. DMF anticipates this will provide additional seasonal access to inshore sea scallop resources in the area.

Shortfin Mako Sharks. The MFAC unanimously approved DMF's recommendation to prohibit the retention, possession, and landing of shortfin mako taken from state waters and allow DMF to exempt fish lawfully caught in federal waters should NOAA Fisheries allow for harvest in the federal zone in the future. This aligns state regulations with recent federal actions and interstate mandates.

Housekeeping. The MFAC unanimously approved six minor regulatory housekeeping revisions recommended by DMF.

Discussion Items

Interstate Fisheries Management Update. DMF provided the MFAC with a review of the recent November 7 – November 10 meeting of the Atlantic States Marine Fisheries Commission (ASMFC).

- The Striped Bass Board approved the 2022 striped bass stock assessment. The stock assessment found striped bass remain overfished, but the fishing mortality rate has been reduced and overfishing is no longer occurring. As such, no additional management measures are required. However, concerns remain moving forward regarding poor recruitment in the Chesapeake Bay and a retrospective pattern of underestimating fishing mortality in the stock assessment. The Striped Bass Board also approved Draft Addendum I to the fishery management plan for public comment. This addendum considers options for allowing the state-to-state transfer of coastal commercial striped bass quota. A public hearing schedule is anticipated, and Massachusetts will likely host a virtual hearing in mid-December.
- The Menhaden Board set the 2023-2025 total allowable catch at 233,550 metric tons (~515 million pounds), an approximate 20% increase from 2021 – 2022. Additionally, the Board approved Addendum I for implementation in 2023, which amends state-by-state quota shares, prohibits purse seining during the incidental catch and small scale-fishery, and adopts accountability measures for landings after a quota closure. As a result of these actions, Massachusetts will receive an enhanced share of the annual TAC. Given the current TAC, the state's quota should be consistent with state landings in recent years after factoring quota transfers from other states and participation in the Episodic Event Set-Aside Fishery. DMF will host industry scoping meetings during the winter period to explain what this means for the state's fishery and determine what regulatory changes may be appropriate.

- The Lobster Board began to redevelop Draft Addendum XXVII to address management triggers to increase spawning stock protections for the Gulf of Maine/Georges Bank stock. This was previously delayed for a myriad of reasons, including right whale conservation issues.
- The River Herring and Shad Board approved the sustainable fishery management plans for the Nemasket River and Herring River in Massachusetts, which allows the municipal management agents to begin implementing a management program to open these runs to harvest. The Shad Habitat Plan was also updated to include the five-year stocking project for the Tauton River.
- Relevant to Massachusetts, the Horseshoe Crab Board tasked a working group to review best management practices for the biomedical handling of horseshoe crabs. Recommendations are expected in the spring of 2023.

Federal Fisheries Management Update. DMF reported on an upcoming joint meeting of the Mid-Atlantic Fishery Management Council and the ASMFC to address the setting of 2023 recreational fishing measures for summer flounder, scup, and black sea bass. The joint meeting will also see renewed discussions on a recreational sector separation and catch accounting amendment. No update was provided on the New England Fishery Management Council due to a staff scheduling conflict.

Protected Species Update. DMF briefed the MFAC on a variety of protected species issues. Following the federal court's ruling in the Center for Biological Diversity vs NOAA Fisheries, NOAA Fisheries to complete its rule making process by December 2024 to update the Atlantic Large Whale Take Reduction Plan (TRP) to achieve the Potential Biological Removal (PBR) standard for right whales. Additionally, NOAA Fisheries may update its Biological Opinion on right whales following the conclusion of this rule making process. DMF has been engaged with the Atlantic Large Whale Take Reduction Team (TRT) in the development of regulations to achieve the 90% risk reduction threshold necessary to achieve PBR.

The state-waters Massachusetts Mixed Species Pot/Trap Fishery is already very near achieving the requisite 90% through its existing right whale conservation program. This includes the 2021 rule-making initiative to expand the seasonal trap gear closure and implement new buoy line modification and marking rules. DMF is also continuing to advocate that NOAA Fisheries credit the state for the implementation of the Massachusetts Restricted Area in 2015. Achieving the necessary risk reduction in other regulated fisheries may prove more difficult, including the federal waters lobster trap fishery. DMF intends to hold meetings with the lobster trap industry to discuss potential and preferred risk reduction strategies for Massachusetts.

MFAC Sub-Committee Updates. DMF staff briefed the full MFAC on discussions had a recent permitting sub-committee and law enforcement sub-committee meetings.

Upcoming Meetings

The MFAC determined it would virtually convene again on December 20, 2022 at 10AM.