

MARINE FISHERIES ADVISORY COMMISSION

December 20, 2022

Via Zoom

In attendance:

Marine Fisheries Advisory Commission: Raymond Kane, Chairman; Michael Pierdinock, Vice-Chairman; Kalil Boghdan; Shelley Edmundson; Bill Amaru; Arthur “Sooky” Sawyer; Bill Doyle; Lou Williams; and Tim Brady

Division of Marine Fisheries: Daniel McKiernan, Director; Mike Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jared Silva; Julia Kaplan; Nichola Meserve; Melanie Griffin; Kelly Whitmore; Jeff Kennedy; Derek Perry; Steve Wilcox; and Alex Boeri

Massachusetts Environmental Police: Lt. Col. Pat Moran; and Major Chris Baker

Members of the Public: Mark Plachowicz, Maureen Ward, Jamie Bassett, Sharl Heller, Phil Coates, Carol Amato, Francis M, Lizzie Roche, Beth Casoni, Matthew Belson, Deborah Cramer, and Mark.

INTRODUCTIONS AND ANNOUNCEMENTS

Chairman Ray Kane called the December 20, 2022 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

REVIEW OF DECEMBER 20, 2022 BUSINESS MEETING AGENDA

No changes to the agenda were requested.

REVIEW AND APPROVAL OF NOVEMBER 22, 2022 DRAFT BUSINESS MEETING MINUTES

Mike Pierdinock stated asked DMF to amend the minutes to add ‘properly permitted’ to one of his statements. He also stated he sent Jared Silva some additional minor typographical changes.

Chairman Kane asked for a motion to approve the amended November 22, 2022 draft business meeting minutes. **Shelley Edmundson made the motion to approve the amended November 22, 2022 business meeting minutes. Tim Brady seconded the motion. A roll call vote was taken and the motion passed unanimously 7-0 with Chairman Kane abstaining and Bill Doyle absent at roll call (late arrival).**

CHAIRMAN’S COMMENTS

Chairman Ray Kane thanked everyone for their attendance and commenced the meeting.

COMMISSIONER'S COMMENTS

Commissioner Ron Amidon was not in attendance.

LAW ENFORCEMENT COMMENTS

Lt. Col. Pat Moran stated the Massachusetts Environmental Police (MEP) did not have anything to report at the time.

DIRECTOR'S COMMENTS

Director Dan McKiernan started his comments by highlighting recent scoping meetings to discuss commercial summer flounder and horseshoe crab management. He then moved on to discuss how DMF's [Port Profile Project](#) has proven valuable for several municipalities.

DMF's Seafood Marketing Committee met on December 19, 2022. The main topic of discussion was the "red-listing" of American lobster by the Monterey Bay Aquarium due to concerns about right whale entanglements. The Committee requested DMF highlight the efforts the government and industry have taken to significantly reduce entanglement risks. Dan welcomed any questions from the Commission.

Sooky Sawyer asked about the status of a letter of support from Governor Baker advocating to NOAA Fisheries that Massachusetts' commercial trap fisheries be credited for the Massachusetts Restricted Area in the development of new amendments to the Atlantic Large Whale Take Reduction Plan (ALWTRP). Director McKiernan noted there was emerging development relevant to this and ongoing ALWTRP rule making that DMF would discuss in more detail during the Protected Species Update.

Chairman Raymond Kane asked if Fish Day at the State House will be occurring in the coming months. He thought it represented a great opportunity to expose people to underutilized fish species and raise awareness about Massachusetts' seafood industry. Dan stated that he will look into the 2023 state house schedule and see if anything is on the calendar.

ACTION ITEMS

Period I Summer Flounder In-Season Adjustment and Trip Limit Increase

Director McKiernan recommended increasing the summer flounder commercial possession limit for the 2023 Period I (January 1–April 23) fishery from 3,000 pounds to 10,000 pound to allow the fleet to continue fishing at the elevated limits adopted for the October 1 – December 31 fishery in 2022. He then went on to explain the rationale behind the recommendation, which included improving the utilization of annual quota, setting 2023 Period I limits commensurate with current limits, and incentivizing vessels

fishing offshore during the winter to target summer flounder and land this product in Massachusetts.

Jared Silva added the Period I fishery has not taking its full quota allocation (30% overall) during the offshore wintertime fishery in recent years. Given the 1.39-million-pound quota for 2022, the Period I allocation was approximately 418,000 pounds. With a 2,500-pound trip limit in 2022, the Period I fishery landed approximately 214,516 pounds, just over 50% of its quota allocation. Jared also highlighted a low price per pound, as well as other economic factors, reportedly affected fishing effort.

Sooky Sawyer asked about summer flounder landings in state waters. Jared explained that the winter fishery occurs offshore in federal waters, whereas during the summertime fishery occurs primarily in state waters. Summertime fishery participants, specifically inshore draggers, have long preferred low trip limits to the benefit of the dayboat fishery. However, this makes it unprofitable to target fish in the federal zone. There was further discussion among Chairman Kane and DMF staff regarding historical summer flounder quota and factors that influence landings.

Bill Amaru expressed concerns regarding the infrastructure supporting the summertime inshore trawl fishery. He also stated environmental issues have contributed to decreasing effort, specifically the substantial presence of algae in the Sounds, making it more difficult to fish with trawl gear.

Mike Pierdinock agreed with Bill's comments and added that marine fuel costs are a major economic factor for all fishery participants.

Chairman Kane asked for a motion to approve the recommendation from the Director. **Bill Amaru made a motion to approve the recommendation. Sooky Sawyer seconded the motion. The motion was passed unanimously 8-0, with Chairman Kane abstaining.**

Letters from MFAC to Incoming and Outgoing Administrations

Director McKiernan stated the MFAC was asked to prepare correspondence to the incoming and outgoing administrations and drafts were included in this month's meeting materials. The letter to Governor Baker thanks his outgoing administration for their work on important fisheries management issues; the letter to Governor-Elect Healey welcomes the new administration and invites their cooperation on the various challenges facing the Commonwealth's fisheries and seafood industry.

Chairman Kane asked if there were any edits. No comments were made. He then asked if there were any objections to the MFAC sending these letters; no objections were raised.

Jared Silva indicated he would work with the Commissioner's office to distribute these letters to the outgoing and incoming administrations.

DISCUSSION ITEMS

Federal Fisheries Management Update

Melanie Griffin, briefed the MFAC on the happenings at the December 5 – December 8 New England Fishery Management Council (NEFMC) meeting in Newport, RI; provided a preview of the January 24 – January 26 NEFMC meeting in Portsmouth, NH; and addressed other relevant business.

At the December NEFMC meeting, Framework 65 to the Multi-Species Fishery Management Plan (FMP) was approved. This addressed the rebuilding plan for Gulf of Maine (GOM) cod, set 2023-2024/2025 specifications for regulated species, and dealt with the Georges Bank cod recreational catch target. The framework did not include revisions to the Annual Biological Catch rule or additional measures to support GOM cod rebuilding. The Council also approved Framework 36 to the Atlantic Sea Scallop FMP. This framework set scallop access area and open bottom fishery specifications for the Limited Access and Limited Access General Category fleets in the Northern Gulf of Maine (NGOM), Georges Bank and the Mid-Atlantic, It also set the 2023 total allowable catch for the NGOM management area; authorized two 12,000 pound access trips to Area II (Eastern Georges Bank); and set days-at-sea. DMF also reviewed the 2023 spiny dogfish quota; delays in Framework 13 to the Monkfish FMP; and actions to retain dedicated habitat research areas in Stellwagen Bank and Georges Bank.

The preliminary agenda for the January meeting has the Council addressing recreational groundfish management measures and a possible control date form the NGOM sea scallop fishery.

As for other business, DMF staff discussed NEFMC management priorities for 2023; the federal sea herring industry disaster aid package; portside sampling; and offshore wind energy development. Staff pledged to follow-up directly with Commission member interested in the monkfish discard calculation methodology and the breakdown of Georges Bank cod quota.

Interstate Fisheries Management Update

Nichola Meserve reviewed the outcomes from the December 13 joint meeting of the Mid-Atlantic Council and ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board. The focus of this week was to set the 2023 recreational specifications for the three species.

Nichola described how the 2023 recreational harvest limits (RHLs) and subsequent development of recreational fishing limits were being influenced by a variety of factors. This included: new allocations between the recreational and commercial sectors; RHL overages in 2022 for scup and black sea bass; a new model to project future years' harvest at certain bag limit, season, and size limit combinations that incorporates variables like year class strength and angler preferences; and the use of the so-called "percent change approach" adopted as part of the new harvest control rule.

The management outcomes were as follows: status quo recreational management for summer flounder and 10% harvest reduction for scup and black sea bass. Nichola explained how the reductions for scup and black sea bass would have been greater if the percent change approach was not used.

For scup, the decisions included a change to the federal waters measures, including a January 1 – April 30 closure and a 10-fish reduction in the bag limit. States from New Jersey south, which contribute minimally to coastwide harvest (~5%), are expected to implement a May–December open season, 40 fish per angler bag limit, and 10” minimum size. A number of options were being considered for the Northern Region (New York to Massachusetts) to achieve the 10% harvest reduction. Nichola anticipated substantial adjustments to the fishing limits may be needed, given models show a reducing the bag limit to 15 fish only achieves a 4% harvest reduction.

For black sea bass, the Northern Region (New York to Massachusetts) are not required to have uniform measures across state. However, the states are working together to develop an equitable approach given the varying rules across jurisdictions. Nichola hoped that Massachusetts reduction in black sea bass recreational harvest in 2022 and already conservative measures would assist in minimizing the impact to the state’s anglers and for-hire businesses.

Nichola then discussed the next steps in the management process. Technical Committee meetings will be held in January to establish guidelines and the methodology for the states/regions to use in developing proposals for scup and black sea bass. More clarity is still needed on the timeline for management board approval of state/region proposals, and what opportunity there will be for states to collect public input. However, Nichola was optimistic DMF would be able to conduct a scoping meeting and comment period during the late winter and prior to proceeding to emergency rule making to implement conforming regulations for the start of the recreational fishing season.

Nichola closed her comments with two additional public scoping and comment reminders relevant to ASMFC managed species. Striped Bass Draft Addendum I, which considers allowing transfers of coastal commercial quota, is currently open for public comment with a written comment deadline of January 13; MA’s virtual public hearing occurred on December 19. Additionally, DMF announced the date for its second commercial menhaden management scoping meeting—January 13 at the Gloucester field office.

Mike Pierdinock asked when the public meetings for scup and black sea bass would likely occur. Nichola stated in years past these scoping meetings were held in late-February. However, given the new process for 2023, she anticipated the meetings may be delayed a few weeks.

Mike P. stated his support for maintain status quo management for both scup and black sea bass, if at all possible. Nichola reiterated that the coastwide implication was a 10%

reduction for both species and she did not expect status quo would be possible for Massachusetts.

Mike P. then asked what Nichola anticipated the recreational fishing limits would be. She stated that DMF had not yet run models but would do so in advance of public scoping meetings this winter. There was further discussion between Mike and Nichola regarding PSEs and how they are considered in the development of these regulations.

Kalil Boghdan commended DMF and ASMFC for the way they ran the Massachusetts public hearing on Striped Bass Draft Addendum I.

Protected Species Management Update

Director McKiernan and Bob Glenn provided the MFAC with a protected species update. Bob began his comments with a high-level overview of the deliberations at the recent Atlantic Large Whale Take Reduction Team (ALWTRT) meeting. He then discussed the 2023 federal omnibus spending bill, which contains language to delay the December 31, 2024 deadline for new ALWTRP rule-making affecting lobster and Jonah crab trap fisheries until December 31, 2028. The bill also contains language to support funding for enhanced right whale monitoring efforts, research into whale safe gear technologies, and potential modifications to the Decision Support Tool used to model entanglement risk. Dan and Bob stated that if the proposed bill passes, it would end current ALWTRP rule making efforts affecting the lobster and Jonah crab trap fishery and provide NOAA Fisheries more time to come up with a risk reduction plan. It would not impact pending rule making for other trap fisheries and gillnets. Lastly, Bob added DMF had completed its ITP application and was preparing to submit it to NOAA Fisheries.

Recent Stakeholder Meetings on Horseshoe Crabs and Summer Flounder

On December 13, 2022, DMF held stakeholder scoping meetings on the management of the commercial summer flounder and horseshoe crab fisheries. Jared Silva gave a high-level overview of each meeting. In summary, the summer flounder discussion focused on recent fishery performance and how best to improve utilization of quota at current elevated level. The horseshoe crab meeting focused on changing dynamics of the fishery due to increasing demand from the biomedical fishery in Massachusetts and increasing concerns from the conservation community.

Jared mentioned that the presentations used in each meeting were included in this month's MFAC meeting materials. He then summarized the type of feedback and requests DMF received on each issue.

Summer Flounder

- Analyze potential for decreasing net mesh size from 6.5" (current state-wide standard) to 5.5" for the inshore trawl fishery in the Sounds (minimum size allowed by FMP for directed summer flounder fishing).
- Consider increases to trip summertime trip limits for all gear types, particularly during late-spring and early-summer when price is elevated.

- Potential for an RI-style aggregate weekly landing program involving daily EVTR and vessel tracking.
- Address concerns about need to enhance access to this fishery while balancing concerns raised by commercial fishers regarding permit equity and capital investments.
- Consider status quo management for 2023 given upcoming stock assessment and potential quota adjustments in 2024.
- Reconsider P1 and P2 allocations if quota remains elevated moving forward.
- Liberalize or eliminate the 8PM to 6AM landing prohibition.

Bait Horseshoe Crab Fishery

- Raise the current trip limit for trawlers (300 crabs) to make bait fishery more economically competitive with biomedical fishery.
- Increase access to bait fishery among active trawlers.
- Eliminate lunar closures for mobile gear fleet.
- Demand for bait remains strong despite decreasing effort in Massachusetts' whelk pot fishery.

Biomedical Horseshoe Crab Fishery

- Interest in maintaining current trip limits (1,000 crabs).
- Concerns regarding mortality during harvest, handling, and penning.
- New BMPs being developed at ASMFC focused on harvest and handling.
- Ability to participate in summer flounder aggregate program if also participating in biomedical horseshoe crab fishery.
- Increase participation in rent-a-crab program.
- Improve science on biomedical mortality and the sub-lethal impacts biomedical processing, particularly on spawning.

Horseshoe Crab Conservation

- Increase spawning protections for all participants.
- Close harvest in Wellfleet Harbor.
- Eliminate bait fishery and phase out biomedical fishery.
- Improve metrics for measuring abundance
- Conduct egg density studies on beaches.

Sooky Sawyer noted he spoke with participants in the inshore trawl fleet and heard their concerns regarding their inability to land and offload fish prior to 8PM. Jared mentioned DMF intended to review the nighttime land prohibition. Jared added a weekly aggregate pilot program could also relieve some of the issues related to offload by allowing for dealers and fishers to better stagger offloading over the course of week.

Mike Pierdinock commended DMF for finding ways to utilize the available quota. Mike P. then asked about the additional bycatch that may result from a net mesh size

decrease. Jared stated DMF would review this issue when developing a public hearing proposal.

Mike P. also asked if this inshore trawl fleet was required to come to port once they reached one of their limits or if they could continue to fish and discard species they were already limited out on. Jared stated DMF did not require vessels halt fishing operations and land their catch once they limit out one species. Rather, DMF attempted to set trip limits that would minimize the potential for regulatory discarding on a daily basis and over the course of a season (by using trip limits to manage quota use).

Bill Amaru stated he could potentially support the idea of a weekly aggregate program and mentioned there needs to be a way for newer, younger fishers to gain access to the fishery.

Sooky Sawyer asked about the biomedical bleeding mortality. Bob Glenn stated there are a number of studies that attempt to estimate biomedical bleeding mortality and the study results are variable. The ASMFC uses a 15% figure in their stock assessment.

Sooky then asked if DMF anticipated other biomedical firms would move into Massachusetts. Bob and Dan were not aware of new companies looking to set up businesses in Massachusetts. For many years, Associates of Cape Cod was the sole biomedical processor in the state. However, in 2021, DMF did not anticipate Charles River Labs entering the biomedical fishery in 2022.

Bill Amaru noted the biomedical fishery was using a variety of techniques to properly handle horseshoe crabs and he felt mortality was likely less than 10%. He asked DMF to consider implementing a research program to further investigate this question.

In conclusion, Jared Silva DMF would develop public hearing proposals to be submitted for the MFAC's review at a winter business meeting with the goal of proceeding to public hearing and comment this spring allowing DMF to amend regulations for the start of the inshore fishing season in May.

OTHER BUSINESS

Commission Member Comments

Mike Pierdinock, Kalil Boghdan, Bill Amaru, Shelley Edmundson, Bill Doyle, Lou Williams and Sooky Sawyer wished everyone happy holidays.

Chairman Kane commended the Commission members for their attendance and involvement on the Commission. He closed his comments by wishing everyone happy holidays.

PUBLIC COMMENTS

Sharl Heller commended Dan McKiernan for running a great horseshoe crab stakeholder meeting on December 13 and Jared Silva for accurately capturing comments from the conservation community at today's meeting. She then emphasized the ecological and cultural importance of the horseshoe crab resource and the need for additional conservation.

Beth Casoni thanked Bob Glenn for his efforts at recent ALWTRT meetings. Beth then asked about the timeline for NOAA Fisheries review of DMF's Incidental Take Permit application; DMF has not yet submitted this application and was not able to project the timing of the federal review process. Lastly, Beth added that she was appointed to the American Fisheries Advisory Committee, which oversees the Staltonstall-Kennedy Grant monies and she attended her first meeting last week in Seattle.

Phil Coates asked about when the summer flounder management amendments would take effect. Jared Silva stated DMF aimed to hold public hearings this winter for implementation in May 2023. Phil then wished everyone happy holidays.

ADJOURNMENT

Chairman Ray Kane requested a motion to adjourn the December MFAC business meeting. **Sooky Sawyer made a motion to adjourn the meeting. The motion was seconded by Shelley Edmundson. The motion was approved by unanimous consent.**

MEETING DOCUMENTS

- December 2022 MFAC Agenda
- November 2022 Draft MFAC Meeting Minutes
- Recommendation to Increase Period I Summer Flounder Trip Limits
- MFAC Letter to Baker Administration
- MFAC Letter to Healey Administration
- Presentation on NEFMC Update
- Presentation on Joint ASMFC-MAFMC Meeting
- DMF Presentation on Recent Stakeholder Scoping Meetings
- Horseshoe Crab Stakeholder Meeting Presentation
- Summer Flounder Stakeholder Meeting Presentation

UPCOMING MEETINGS

8:30 AM
February 13, 2023
via Zoom

9:30AM
April 11, 2023
DFW Field HQ
1 Rabbit Hill Road
Westborough, MA 01581

8:30AM
March 21, 2023
via Zoom

10:00AM
May 16, 2023
Emergency Services Building
215 Spring Street
Tisbury, MA 02568