



**MA Marine Fisheries Advisory Commission  
February 13, 2023 Meeting Summary**

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This document serves as a brief summary of the February 13, 2023 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](#).

**Upcoming Public Hearing Proposals**

DMF and the MFAC reviewed and discussed a series of regulatory proposals developed by DMF affecting the management of certain commercial fisheries. DMF intends to take these proposals out to public hearing in late March for implementation of new rules as soon as May 2023. The proposals are outlined below.

*Commercial Summer Flounder Trip Limits.* DMF is proposing draft regulations to: (1) adjust the nighttime (8PM to 6AM) offloading prohibition to allow vessels to offload fish from 6AM until at least 10PM; (2) amend the trip limits for trawlers during the summertime Period II fishery (April 23–September 30) by either initiating a weekly aggregate landing limit pilot program or increasing the daily trip limit from 500 pounds up to 800 pounds with a scheduled increase to 1,000 pounds on September 1 (rather than 800 pounds) if more than 20% of the quota remains; (3) adjust the small-mesh bycatch allowance provision by having the 100-pound summer flounder limit apply only when fishing with small mesh, rather than when fishing with small mesh or possessing more than 250 pounds of squid; (4) increase the fall (October 1–December 31) trip limit from 3,000 pounds to 10,000 pounds when more than 5% quota remains and from 800 pounds to 1,000 pounds if less than 5% of the quota remains; and (5) increase the Period I (January 1–April 22) trip limit from 3,000 pounds to 10,000 pounds.

*Commercial and Biomedical Horseshoe Crab Management.* DMF is proposing draft regulations affecting biomedical horseshoe crab permitting, horseshoe crab conservation, and bait fishery trip limits. Additionally, DMF is proposing to mandate electronic daily reporting for bait and biomedical harvesters beginning in 2024, and to codify existing permit conditions affecting the biomedical fishery as regulations.

On permitting, DMF is proposing to establish a new biomedical horseshoe crab dealer permit authorizing the primary purchase of horseshoe crabs from biomedical harvesters and a biomedical horseshoe crab processor permit authorizing the primary purchase of horseshoe crabs from biomedical harvesters and the processing of horseshoe crabs for biomedical purposes. The biomedical processor permit may be limited in issuance.

To address conservation, DMF is proposing to cap exploitation at near recent levels by establishing a biomedical quota of 200,000 horseshoe crabs (to be allocated equally among biomedical processors) and by reducing the bait quota from 165,000 horseshoe crabs annually to 140,000. Additionally, DMF is proposing to enhance horseshoe crab spawning protections by eliminating the existing lunar closures around each new and full moon from mid-April through June in favor of a January 1–May 31 prohibition on all harvest. DMF developed two proposals affecting bait fishery trip limits. The first is to increase the

bait harvest trip limit up to 500 horseshoe crabs for all gear types. The second is to issue Letters of Authorization to certain mobile gear operators who do not hold a horseshoe crab endorsement and participate in state waters fisheries where horseshoe crabs are caught incidentally to allow them to retain up to the regulatorily set trip limit. These are being proposed to recover landings lost by expanding the spawning closure. Additionally, they may make inshore mobile gear fisheries more profitable and efficient.

*Commercial Menhaden Management.* DMF is proposing a series of changes to commercial menhaden seasons, trip limits, and gear restrictions to address recent changes to the interstate fishery management plan. DMF is also proposing to codify longstanding permit conditions as regulation addressing spatial and temporal closures to purse seining; purse seine size requirements; and the use of carrier vessels. To enhance enforcement and compliance, DMF is proposing limited entry fishery participants have their fish holds inspected and certified to delineate the state's industrial scale trip limits and have their purse seines inspected and tagged to ensure they meet size standards. To improve the timely collection of data and enhance trip limit enforcement, DMF is proposing to mandate electronic daily reporting for the limited entry fishery beginning in 2024. Lastly, DMF is proposing to establish a June 14, 2023 control date for both the Menhaden endorsement and the CAP-Purse Seine endorsement to enable DMF to address latent effort in the future, if warranted.

*Accommodating Federal Maximum Retention and Electronic Monitoring Program.* DMF is proposing regulations to accommodate the federal maximum retention and electronic monitoring (MREM) program. This would be accomplished by exempting participating federally permitted multispecies groundfish sector vessels and federally permitted dealers from the state's minimum size standards for regulated multispecies groundfish, subject to federally established requirements.

## **Discussion Items**

*Interstate Fisheries Management Update.* DMF briefed the MFAC on the January 2023 Atlantic States Marine Fisheries Commission (ASMFC) meeting. Discussion focused on American lobster, winter flounder, and striped bass. The ASMFC approved draft Addendum XXVII to the American Lobster fishery management plan (FMP) for public hearing. This addendum seeks to provide resiliency to the Gulf of Maine/Georges Bank stock by standardizing certain measures within or across Lobster Conservation Management Areas to the most conservative and revising gauge sizes and escape vent sizes on a pre-determined schedule or as triggered by recruitment indices. The winter flounder stock assessments found the GOM stock was not experiencing overfishing and the overfished status was unknown and the SNE/MA stock was not experiencing overfishing and was not overfished. The ASMFC determined to maintain existing state waters measures for 2023 and 2024. The ASMFC delayed action on Striped Bass Draft Addendum I to the FMP. This draft addendum would allow for voluntary transfers of unused coastal commercial quotas among states. Final action is expected in May after additional stock assessment projections are completed assuming full quota utilization. DMF also briefly touched on American eel, spiny dogfish, and bluefish management updates from the meeting.

DMF provided a progress report on the interstate development of recreational scup and black sea bass measures for 2023. Both species are subject to 10% coastwide recreational harvest reductions to be achieved through the regional processes of the ASMFC FMP. DMF is currently developing options to achieve this mandatory harvest reduction and reviewed preliminary options with the MFAC. DMF intends to have an emergency regulation in place for May 1, 2023. The rule making timeline follows: the state's range of options will be subject to ASMFC approval at a March 2 meeting; DMF will host a mid-March scoping meeting to vet the approved options and obtain feedback on preferred options; the MFAC will review DMF's preferred management approach at the March 21 business meeting; and

emergency regulations will be implemented by May 1 to be followed by final rulemaking over the summer.

*Federal Fisheries Management Update.* DMF briefed Commission members on the January 2023 New England Fishery Management Council meeting. Final actions and regulatory recommendations from that meeting included recommendations for recreational groundfish measures (GOM cod, GOM haddock and GB cod); approval of groundfish Framework 65 after correcting Atlantic halibut specifications, monkfish specifications for 2023-2025 (Framework 13); and a recommendation that NMFS adopt a control date in the Northern Gulf of Maine scallop fishery. Other Council discussions included development of the action to allow for possession of aquaculture-reared salmon; planned work on ecosystem-based fishery management for 2023; feedback on mobile gear interactions with ropeless gear; and planning for joint action with the Mid-Atlantic Council to mitigate for sturgeon interactions with gillnet gear in the monkfish and dogfish fisheries. The Council presented its annual award of excellence to Maggie Raymond and is searching for a new Executive Director, after Tom Nies announced his intention to retire this summer.

*Protected Species Management Update.* DMF briefed the MFAC on two issues related to protected species management. First, DMF issued NOAA Fisheries and a series of commercial lobster fishers a Letter of Authorization to conduct research into on-demand (“ropeless”) trap systems within the seasonal trap gear closure this year. Second, DMF discussed NOAA Fisheries closure of the Massachusetts Restricted Area Wedge for this current season and DMF’s advocacy for the closure.

*Public Petitions.* DMF reviewed two recent public petitions with the MFAC. The first petition was from the Dartmouth Saltwater Anglers seeking additional regulation of the black sea bass pot fishery to address concerns regarding the incidental catch and discarding of tautog. DMF did not intend to move forward with this petition and would respond directly in writing to the petitioners. The second petition was to move the start of the commercial striped bass season to early June to the benefit of Buzzards Bay area anglers. DMF had already responded to the petitioner, informing them DMF would not be moving the start date given current quota levels and recent fishery performance.

### **Upcoming Meetings**

The MFAC will meet next on March 21, 2023 via Zoom. Then the MFAC is also currently scheduled to meet in-person on April 11, 2023 at DFW’s Field Headquarters in Westborough and on May 16 at the Emergency Services Building in Tisbury.