



**MA Marine Fisheries Advisory Commission
May 16, 2023 Meeting Summary**

This document serves as a brief summary of the May 16, 2023 Marine Fisheries Advisory Commission (MFAC) business meeting. This business meeting was held at DMF's South Coast Field Station located at 836 South Rodney French Blvd in New Bedford. All meeting materials are available on the [MFAC's past meeting website](#).

Action Items

DMF provide the MFAC with a series of regulatory recommendations for their review and approval. These recommendations addressed commercial summer flounder, menhaden, groundfish, and horseshoe crab management. These issues were taken out to public hearing on April 24 and April 25 and subject to a March 31 through May 1 written public comment period.

Summer Flounder. DMF made numerous recommendations to the MFAC regarding the management of the commercial summer flounder fishery. The MFAC voted in favor of six of DMF's seven recommendations. The actions taken by the MFAC are described in the bullets below. DMF anticipates these actions will be enacted by regulation during the early summer of 2023. DMF will also renew its consecutive daily trip limit pilot program on June 1.

1. The trip limit for Period I (January 1 – April 22) will increase from 3,000 pounds to 10,000 pounds. This action was approved unanimously.
2. The trip limit for net gear during the summertime fishery (April 23 – August 31) will increase from 500 pounds to 600 pounds. This action was approved 6-1. The lone dissenting vote on this recommendation expressed concerns about increased removals on inshore recreational fishing conditions.
3. The trip limit for hook gear during the summertime fishery (April 23 – August 31) will increase from 300 pounds to 400 pounds. This action was approved unanimously.
4. The trip limit for the September fishery for all gears will remain status quo. The status quo rules allow for the trip limit to increase from the summertime fishery limits toto up to 800 pounds for all gear types if 20% or more of the quota remains available on August 31. DMF recommended increasing this trip limit to 1,500 pounds. However, the MFAC did not support any increase to the existing 800-pound trip limit due to concerns about how further trip limit increases may impact the inshore fishery and inshore fishing conditions and DMF withdrew its recommendation.
5. The trip limit for the fall fishery (October 1 – December 31) will increase from 3,000 pounds to 10,000 pounds. This action was approved unanimously.
6. The landing window for summer flounder will be extended from 6AM–8PM to 6AM–10PM. This action was approved unanimously.
7. The small mesh bycatch rule will be adjusted so the 100-pound summer flounder bycatch limit applies only when fishing with small mesh thereby eliminating the additional threshold requiring the limit apply if in possession of more than 250 pounds of squid. This action was approved unanimously.

Menhaden. The MFAC unanimously approved DMF's recommendations regarding the management of the commercial menhaden fishery. Additionally, DMF informed the MFAC it would be taking certain discretionary actions on permitting and reporting, which do not require MFAC approval. DMF anticipates the actions enumerated below will be implemented by regulation during the early summer of 2023. However, to ensure rules are in place in advance of the start of the fishery this season, DMF will issue all fishery participants a set of permit conditions to immediately implement these management measures, serving as a stop gap until such a time that the regulations are implemented.

1. The incidental catch and small-scale fishery (IC/SSF) will occur prior to the opening of the directed fishery and after the quota is taken. During the IC/SSF, fishers are limited to 6,000 pounds of menhaden taken from state waters only and there will be an exception for permitted weir fishers to retain and land up to 120,000 pounds taken in their weirs during the spring season before the directed fishery begins. Only certain defined small-scale and non-directed gears are permitted during the IC/SSF seasons, purse seining is prohibited.
2. The directed fishery will open on June 15 and will close on December 31 or once 100% of the quota is taken. The limited entry fishery opens with a 120,000-pound trip limit, is reduced to 25,000 pounds once 50% of the quota is taken, and is again reduced to 6,000 pounds once 90% of the quota is taken provided this occurs prior to September 1.
3. Purse seining is authorized during the directed fishery subject to a variety of closed seasons, closed areas, and closed dates. This includes state-wide closures on Fridays, Saturdays, and Sundays until 50% of the quota is taken and state-wide closures on Saturdays and Sundays thereafter. Additional restrictions on purse seining include state-wide closures on Memorial Day, July 4, and Labor Day; a prohibition on night fishing; prohibition on seining in Buzzards Bay; a Friday closure in Beverly Harbor; discrete closed areas in Boston Harbor; and a maximum purse seine size of 600' length within all restricted waters. DMF has lifted the hand haul requirement and net size limitation (up to the maximum 600' length within all restricted waters) for purse seining in Boston Harbor.
4. Beginning in 2024, vessels participating in the directed fishery will be required to have their fish holds surveyed and marked to demonstrate volumetric capacity at 25,000 pounds and 120,000 pounds. Additionally, if purse seining, they will be required to have their nets inspected by DMF and certified for compliance with net size restrictions. DMF will accommodate net certification in another state if they have a comparable program.
5. Carrier vessels will be authorized during the directed fishery subject to certain limitations. Carrier vessels may only be used during the period when the trip limit is at 120,000 pounds or 25,000 pounds. The carrier vessel may not accept fish from more than one harvester vessel per day, may only land fish once per day, and may not receive, possess, or land more than the applicable trip limit. A harvester vessel may offload to multiple carrier vessels provided the applicable trip limit is not exceeded in the aggregate. The use of carrier vessels in Boston Harbor is prohibited.
6. DMF is adopting an August 1, 2023 control date for both the menhaden endorsement and the CAP-purse seine endorsement. The control date, in combination with other criteria, may be used in the future to limit access to these fisheries. The use of such a control date is subject to future rule making. The MFAC encouraged DMF to advance this control date, rather than the proposed June 1 control date to clearly accommodate individuals who made investments to participate in this fishery for the first time in 2023.
7. For 2024, DMF will require menhaden endorsement holders to submit harvester reports electronically on a daily basis prior to landing.

Groundfish. DMF recommended, and the MFAC unanimously approved, an exception to the state's groundfish minimum size standards for federal sector vessels and dealers participating in the federal maximum retention and electronic monitoring (MREM) program authorized under Amendment 21 to the Northeast Multispecies Fishery Management Plan. Effectively, sector vessels may possess, land and sell groundfish, and authorized dealers may acquire and possess groundfish, that do not conform to the state's minimum size rules provided they were lawfully caught in the MREM program.

Horseshoe Crabs. DMF proposed several recommendations regarding horseshoe crab management to the MFAC. These recommendations broadly addressed conservation and best management practices for the biomedical fishery. Additionally, DMF informed the MFAC it would be taking certain discretionary actions on permitting and reporting, which do not require MFAC approval. Below find a description of each recommendation and the resulting action by the MFAC, as well as the new permitting and reporting requirements being moved forward by DMF. DMF anticipates these actions will be enacted by regulation during the early summer of 2023.

1. The MFAC voted 4-3-2 against DMF's recommended April 21 – May 31 spawning closure. DMF initially recommended an April 1 – May 31 spawning closure but revised this recommendation at the meeting based on feedback from the MFAC. A majority of the MFAC did not support additional spawning protections considering the status of the stock and improving state survey indices and given the impacts it would have on hand harvesters and on bait and biomedical markets. The existing lunar closures will remain in effect.
2. The MFAC voted in favor of capping total harvest and mortality at current levels by implementing a first ever biomedical harvest quota of 200,000 horseshoe crabs and reducing the bait quota from 165,000 crabs to 140,000 crabs. The biomedical quota will be allocated equally among the biomedical processors. These quotas will go into effect for 2023.
3. DMF's recommendation on trip limits was contingent on the MFAC approving the spawning closure. As such, this recommendation was rescinded and status quo rules will remain in effect. Accordingly, permit holders in the hand harvest fishery will be subject to a 400-horseshoe crab limit and permit holders using mobile gear will be subject to a 300-horseshoe crab limit.
4. The MFAC voted in favor of DMF's recommendations to adopt the best management practice (BMPs) for biomedical processors, dealers, and harvesters as regulation. These BMPs were previously established by permit condition.
5. For 2024, DMF will establish a new biomedical processor permit subject to a May 16, 2023 control date. This permit will allow the biomedical processing of horseshoe crabs and may be endorsed for the primary purchase of horseshoe crabs directly from biomedical harvesters. Biomedical processors may also obtain and process crabs from biomedical dealers, biomedical fisheries in other states, and bait dealers as part of the rent-a-crab program. For 2024, DMF will also establish a new biomedical dealer permit. This permit will authorize the entity to purchase horseshoe crabs directly from biomedical harvesters for sale to biomedical processors. Biomedical harvester permits will be limited in issuance to only those individuals who are endorsed by a biomedical dealer or processor and who are not concurrently participating in the bait fishery for horseshoe crabs.
6. For 2024, DMF will require bait and biomedical horseshoe crab endorsement holders to submit harvester reports electronically on a daily basis prior to landing.
7. DMF will require biomedical processors maintain records and report to DMF all observed mortality.

Discussion Items

Interstate Fisheries Management Update. DMF provided the MFAC with an update on the recent May 2023 Atlantic States Marine Fisheries Commission (ASMFC) business meeting.

The focus of the briefing was on the emergency action by the Striped Bass Management Board to implement a 31" maximum recreational size limit. This adjusted the ocean fishery's slot limit from 28" to less than 35" to 28" to less than 31". This action was taken because recreational harvest nearly doubled from 2021 to 2022 and greatly reduced the probability of rebuilding the striped bass stock by 2029, the goal of the interstate fishery management plan. The new slot limit is expected to reduce harvest in 2023 by protecting more than half of the dominant 2015 year-class, which drove harvest in 2022. The 2015 year-class is important to the future of striped bass because it is one of the few large year-classes produced over the past 20-years.

DMF also briefly discussed the American Lobster Management Board passing Addendum VII, which establishes triggers to implement management measures, such as gauge size and escape vent adjustments, to provide additional protection to the Gulf of Maine/Georges Bank spawning stock biomass and to improve the consistency of management measures across Lobster Conservation Areas 1, 3, and Outer Cape which fish on the Gulf of Maine/Georges Bank stock. DMF will take regulatory amendments to implement this addendum out to public hearing this fall for implementation in 2024.

The ASMFC's Policy Board considered possible paths for the management of Atlantic bonito. It is unlikely the ASMFC will develop fishery management plans for this species. Public interest in a minimum size standard has increased in New England as juvenile fish have become more abundant in our waters and people have begun to use this popular sportfish as bait.

DMF intends to pursue changes to its smooth dogfish commercial trip limit to better utilize the available quota and reduce regulatory discarding. Such changes must be reviewed and approved by the Coastal Shark Management Board. DMF was informed this could likely be done through an email ballot, potentially allowing for an in-season adjustment this year.

Update on Ongoing Rule Making and Future Public Hearings. DMF will host a virtual public hearing on its recreational black sea bass and scup limits on the evening of [June 5](#). These limits were enacted on an emergency basis on April 28. A final recommendation will be brought to the MFAC at their June business meeting. DMF anticipates enacting the emergency striped bass slot limit adjustment by Memorial Day. This will likely proceed to public hearing during the summer and then to MFAC approval in August. Lastly, NOAA Fisheries is expected to finalize recreational cod and haddock limits in June 2023. DMF will adopt complementary limits on an emergency basis. The timing of the public hearing and final recommendation schedule will be similar to that affecting striped bass.

Federal Fisheries Management Update. This action was delayed until the June business meeting.

Upcoming Meetings

The MFAC will meet next on June 13, 2023 at 10AM at the Katharine Cornell Theater, 51 Spring Street, Tisbury, MA.