

## **MARINE FISHERIES ADVISORY COMMISSION**

**July 10, 2023**

**Via Zoom**

### **In attendance:**

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

*Department of Fish and Game:* Deputy Commissioner Sefatia Romeo Theken; and Bob Greco, Chief of Staff

*Division of Marine Fisheries:* Daniel McKiernan, Director; Mike Armstrong, Deputy Director; Bob Glenn, Deputy Director; Kevin Creighton, Assistant Director; Story Reed, Assistant Director; Jeff Kennedy; Jared Silva; Kerry Allard; Nichola Meserve; Melanie Griffin; Anna Webb; Tracy Pugh; Steve Wilcox; Vincent Manfredi; and Derek Perry.

*Massachusetts Environmental Police:* Major Chris Baker

*Members of the Public:* Phil Coates, Maureen Ward, Beth Casoni, Brett Hoffmeister, and Lizzie Roche

## **INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman Ray Kane thanked everyone for their attendance and called the July 10, 2023 Marine Fisheries Advisory Commission (MFAC) business meeting to order.

## **REVIEW OF JULY 10, 2023 BUSINESS MEETING AGENDA**

Chairman Kane asked if there were any amendments to the July 10, 2023 MFAC business meeting agenda. No amendments were proposed.

## **REVIEW AND APPROVAL OF JUNE 13, 2023 DRAFT BUSINESS MEETING MINUTES**

Chairman Kane asked if there were any amendments to the June 13, 2023 MFAC draft business meeting minutes. No amendments were sought. The Chairman then requested a motion be made to approve the minutes. **Bill Amaru made the motion to approve the June 13, 2023 business meeting minutes. Shelley Edmundson seconded the motion. A roll-call vote was taken and the motion passed unanimously 5-0-1 with Chairman Kane abstaining.**

## **CHAIRMAN’S COMMENTS**

Chairman Ray Kane welcomed everyone to the meeting and turned the floor over to the Director.

## **DIRECTOR'S COMMENTS**

Director Dan McKiernan stated DMF was in the process of promulgating final regulations affecting commercial fisheries for summer flounder, menhaden, horseshoe crabs, and groundfish, which were approved by the MFAC at their May business meeting.

DMF's bi-annual newsletter was published last week. Two newly completed grant programs (Massachusetts Lobster Gear Relief Program for Dual Permit Holders and Electronic Tracking Device Assistance Program for federal vessels) were highlighted within the newsletter. He then gave a brief overview of each of the programs. He also noted that DMF had distributed federal sea herring disaster relief payments to affected fishers and dealers.

There was a menhaden fish kill in Salem Harbor. The kill likely resulted from the release of fish by a commercial harvester due to a gear malfunction. On the subject of the menhaden fishery, Dan stated menhaden have been scarce this year compared to recent years, but this fishery has a long history of being episodic.

DMF intended to reconvene the MFAC's Permitting Focus Group in August. Story Reed will be reaching out to the focus group members to schedule a meeting.

Towards the end of the month, DMF intends to meet with the legislature's Coastal Caucus to present on the Derelict Gear Task Force's white paper to enhance efforts to remove lost, abandoned, and derelict gear from our waters and coastline.

NOAA Fisheries is giving its Partner in the Spotlight Award to DMF for the agency's conservation efforts regarding the endangered North Atlantic right whale. The award will be provided to DMF at an event on July 25<sup>th</sup> at the Massachusetts State House. This award is presented biennially to an outstanding partner who has expanded and enhanced recovery of our most imperiled marine species. Dan encouraged Commission members to attend.

## **ACTION ITEMS**

### Recreational Striped Bass Slot Limit

Director McKiernan recommended the MFAC vote in favor of finalizing the 28" to 31" recreational striped bass slot limit previously implemented by DMF through an emergency regulation on May 26. The emergency rule would expire after 90-days (August 25) unless a final regulation was filed.

Dan welcomed Dr. Mike Armstrong to provide additional commentary. Mike stated this action was broadly supported by recreational anglers with push back primarily coming from the for-hire industry. He added that the ASMFC projects moving the maximum size limit from 35" to 31" will protect about 55% of the 2015 year-class from harvest. Mike welcomed any questions from the Commission.

Bill Amaru heard anecdotal reports and concerns that release mortality is likely increasing because of higher-than-normal pressure to catch a slot-sized fish for retention.

Chairman Kane sought a motion to approve the recommendation. **Kalil Boghdan made a motion to approve the recommendation. Bill Doyle seconded the motion. A roll call vote was taken, and the motion was passed unanimously 6-0-1, with Chairman Kane abstaining.**

### In-Season Adjustment

#### *Horseshoe Crab Trip Limits*

Director McKiernan recommend the MFAC vote in favor of an in-season adjustment to reduce the horseshoe crab trip limit for the 2023 bait fishery using mobile gear. For permit holders with a limited entry endorsement, the trip limit would be reduced from 300 crabs to 200 crabs, while the trip limit for the open access bycatch fishery will be similarly reduced 75 crabs to 50 crabs. No action was recommended to adjust the trip limits for hand harvesters, as the hand harvest season functionally concludes in late June as the horseshoe crabs move off spawning beaches.

Kalil Boghdan asked how many hand-harvesters and trawlers are in the industry. Dan stated that there are many limited entry permit holders, however, most permits are inactive. Jared Silva stated there are generally 20-25 active hand harvesters and about 15 trawlers who land horseshoe crabs. Kalil then asked about the value of bait crabs. Dan stated primary buyers typically pay harvesters about \$2.50-\$3 per crab. Kalil raised the issue of the recent die off of horseshoe crabs observed on Harding's Beach in Chatham. Dan explained that decaying horseshoe crabs are not used as bait. Given the high cost of cold storage space and above average harvest this spring, there was likely a market glut resulting in primary buyers holding horseshoe crabs for extended periods of time. This probably contributed to mortality during holding and produced an unusually high number of unmarketable crabs that a bait dealer released back to the sea. As crabs decay, they omit gasses that cause them to float to the surface and prevailing winds likely washed them ashore. Kalil expressed his continued concern regarding springtime harvest of horseshoe crabs, the bait fishery in general, his desire to see the whelk fishery switch to alternative baits, and his interest in the development of a synthetic alternative to the use of horseshoe crab blood in the medical industry.

Chairman Kane sought a motion to approve the recommendation. **Bill Doyle made a motion to approve the recommendation. Kalil Boghdan seconded the motion. A roll call vote was taken, and the motion was passed unanimously 5-0-2, with Bill Amaru and Chairman Kane abstaining.**

#### *Smooth Dogfish Trip Limits*

Director McKiernan recommended the MFAC vote in favor of an in-season adjustment to increase the smooth dogfish trip limit from 100 pounds to 300 pounds. This proposal was developed in response to a request from industry to enhance the utilization of the

state's available quota, was approved by the ASMFC, and was generally supported in the public comment received.

Bill Amaru stated he was happy to see the proposed trip-limit increase and encouraged his fellow Commission members to vote in favor of the proposal.

Chairman Kane sought a motion to approve the recommendation. **Bill Amaru made a motion to approve the recommendation. Shelley Edmundson seconded the motion. A roll call vote was taken, and the motion was passed unanimously 6-0-1, with Chairman Kane abstaining.**

#### *Summer Flounder Trip Limits*

Director McKiernan recommended the MFAC vote in favor of an in-season adjustment to increase the commercial summer flounder trip limits for the remainder of the summertime period (i.e., through August 31) from 500 pounds to 600 pounds for nets and from 300 pounds to 400 pounds for hook and line. This recommended action was consistent with the motion approved by the MFAC at their May 16 business meeting for implementation this year. However, due to administrative delays in the rule making process, the final regulations were not yet promulgated. Therefore, the in-season adjustment would allow the previously approved trip limit increase to go into effect in a more-timely fashion (July 11) and provide a stop-gap until the regulations are implemented.

Bill Amaru commended DMF for this recommendation.

Chairman Kane sought a motion to approve the recommendation. **Bill Amaru made a motion to approve the recommendation. Shelley Edmundson seconded the motion. A roll call vote was taken, and the motion was passed unanimously 6-0-1, with Chairman Kane abstaining.**

#### 2023 Belding Award

DMF's current Shellfish Program Manager, Jeff Kennedy, provided Director McKiernan with a nomination to posthumously give the 2023 Belding Award to John Michael Hickey ("Mike"). Mike was the long-time Shellfish Program Manager for DMF, retiring in 2020 after a near 52-year career, during which he was integral in the development of DMF's Shellfish Program, as well as the founding of the Interstate Shellfish Sanitation Conference.

Kalil Boghdan expressed his support for the nomination based on the detail provided in Jeff's nomination recommendation.

Chairman Kane sought a motion to approve the recommendation to name Mike Hickey as the 2023 Belding Award recipient and provide the award to his family at an upcoming MFAC business meeting. **Kalil Boghdan made a motion to approve the recommendation. Bill Amaru seconded the motion. A roll call vote was taken, and the motion was passed unanimously 6-0-1, with Chairman Kane abstaining.**

### MFAC Letter to Secretary Tepper on Law Enforcement

At a prior MFAC business meeting, Chairman Kane requested a letter be drafted on behalf of the MFAC to the Healey Administration to advocate for additional funding for the Massachusetts Environmental Police to increase their ranks to levels sufficient to meet their mission and thereby enhance marine fisheries enforcement. DMF provided the MFAC with a draft letter to Rebecca Tepper, Secretary of the Executive Office of Energy and Environmental Affairs. Chairman Kane sought the MFAC's unanimous consent to approve the letter. No objections were raised. Jared Silva stated he would finalize the letter and work with the Commissioner's office to send it to Secretary Tepper.

### **OTHER BUSINESS**

#### *Commission Member Comments*

Shelley Edmundson stated Martha's Vineyard Fisherman's Preservation Trust was hosting a meet-the-fleet event at Menemsha Harbor on August 3. She welcomed the MFAC and DMF to attend.

Bill Amaru asked when the in-season adjustments approved by the MFAC today would go into effect. Jared Silva anticipated notices would go out later today allowing for the changes to be made effective tomorrow (July 11).

### **PUBLIC COMMENTS**

Brett Hoffmeister thanked the Commission for their hard work. Brett reminded the Commission that synthetic alternatives to horseshoe crab blood are currently available and used in the medical industry. There are complicated biomedical and public health reasons why the use of synthetics are not more widespread and horseshoe crab blood is preferred. He strongly advocated that the MFAC not take any position on the biomedical application of horseshoe crab blood or synthetic alternatives.

Beth Casoni stated the fourth annual Marshfield Lobster Fest will be held on September 16. She requested DMF staff the event given growing public interest. Jared Silva asked Beth to send him the information.

Beth asked if DMF had looked into the potential state regulatory impacts of the federal courts ruling on NOAA's Biological Opinion for Right Whales. Dan stated the agency was reviewing the court decision with its attorneys. However, the state rules currently in place are unaffected by the court's decision and they would remain in place.

### **ADJOURNMENT**

Chairman Ray Kane requested a motion to adjourn the July MFAC business meeting. **Kalil Boghdan made a motion to adjourn the meeting. The motion was seconded by Tim Brady. The motion was approved by unanimous consent.**

## **MEETING DOCUMENTS**

- July 10, 2023 MFAC Business Meeting Agenda
- June 13, 2023 Draft MFAC Business Meeting Minutes
- Striped Bass Slot Limit Recommendation Memo
- Horseshoe Crab Trip Limit Recommendation Memo
- Smooth Dogfish Trip Limit Recommendation Memo
- Summer Flounder Trip Limit Increase Recommendation Memo
- 2023 Belding Award Nomination Memo
- MFAC Letter to Secretary Tepper Regarding MEP Funding

## **UPCOMING MEETINGS**

**August 16, 2023**  
**Via Zoom**  
**9AM**

**September 19, 2023**  
**DFW Field HQ**  
**Westborough, MA**  
**9:30 AM**