

**MEETING OF THE MARINE RECREATIONAL
FISHERIES DEVELOPMENT PANEL**

July 13, 2016

Hanover, MA

Attendance:

Panel Members: Kalil Boghdan, Mike Moss, Patrick Paquette, Mike Pierdinock, Bill Smith

Department of Fish and Game: Commissioner George Peterson, Deputy Commissioner Mary-Lee King, Assistant to the Commissioner Doug Christel

Division of Marine Fisheries: Director David Pierce, Deputy Director Dan McKiernan, Assistant Director Mike Armstrong, Chief Fiscal Officer Kevin Creighton, Policy Analyst Nichola Meserve, Senior Biologist Greg Skomal, Biologists Brad Chase, Dave Martins, John Boardman and Matt Ayer, Coordinator Ross Kessler

Office of Fishing and Boating Access: Director Jack Sheppard, Assistant Director Doug Cameron

Call to Order

David Pierce called the meeting to order at 1:05pm. David noted that the Panel has two new members who replaced the two outgoing Marine Fisheries Advisory Commission members. Mike Pierdinock of Plymouth is a charter boat captain who serves on the Stellwagen Bank Charter Boat Association's Board of Directors. Kalil Boghdan of Hamilton is a charter boat captain specializing in fly fishing and light tackle, who formerly taught high school biology. Introductions were made.

Elect Chair

Bill Smith nominated Patrick Paquette to serve as the chair of the Marine Recreational Fisheries Development Panel (Panel); Kalil seconded the motion. The motion was unanimously approved.

Approval of Agenda and Minutes

The Panel approved the agenda with three additions to Other Business: 1) Mike Armstrong added an introduction to an initiative on electronic reporting for the charter fleet; 2) Patrick Paquette requested an update on the timeline for reopening river herring runs; and 3) Bill Smith requested an update on recouping funds spent on the rescinded West Island, Fairhaven pier proposal.

The Panel approved by consensus the draft minutes from its November 13, 2015 meeting without modification. Kalil and Mike P. abstained because they were not Panel members at the time.

Update on CY16 Recreational Permitting

Kevin Creighton provided a summary of the electronic permitting system, permit issuance trends, and donations to the Marine Recreational Fisheries Development Fund (Fund). A new six-year contract went into effect on December 1, 2015 with Active Network to be the Commonwealth's vendor for electronic permitting of saltwater fishing, fresh water fishing, and hunting permits. Through the new contract, the transaction fee dropped from \$1.50 to \$1.34

beginning calendar year 2016, and duplicate permit holder profiles were eliminated as of May 2016. Other improvements, such as creating a more user friendly interface and adding I & E (information and education) capabilities, are ongoing. Prior year improvements included an enhanced version of the interface for mobile devices. A direct link to the permitting application is now up on the Mass.Gov webpage. These types of improvements are critical given that about 65% of permits are issued online. For the third year, DMF has worked with the Recreational Boating & Fishing Foundation (RBFF) to send out reminders about permit renewal to lapsed anglers. RBFF previously hailed MA's permitting system as one of the best nationwide.

Regarding permit issuance, there has been steady growth of about 2.5% per year. The number of permits issued in 2015 totaled over 167,459; issuance in 2016 is tracking this. Based on 2015 data, most permit holders (59%) are in their 40s to 60s. The proportion of younger permitted anglers (16–29) was just 15%. Kevin noted that the I & E Project has a focus on encouraging more youth involvement.

Donations to the fund have been relatively steady at about \$40,000 per year (\$38,000 in 2015; the peak occurred in 2012 at just over \$41,000). Kalil asked how donations are solicited. Kevin explained that the online application has an option to make a donation. Anglers that buy a permit from one of our offices are often asked if they'd like to make a donation, but it's unlikely that 3rd party vendors (e.g., bait and tackle shops) ask this.

Fund Overview

Kevin continued with an overview of the Fund's balance since its inception, noting that FY16 data are preliminary because payments out of the Fund are still being made. The balance carried forward into FY16 was \$2.567 million. FY16 revenue from permit sales (both private angler and for-hire vessels) was \$1.288 million. The other input into the fund was a \$175,000-reimbursement from RTI (NOAA Fisheries contractor) for the state conducting the MRIP sampling. Total FY16 expenditures were estimated to be \$1.202 million. A fringe assessment of \$138,000 was levied by the state for employee benefits (based on a rate of 27%; fringe is taken from the Fund outside of the annual appropriation). All combined, this results in an estimated Fund balance of \$2.730 million to carry into FY17.

Patrick asked about the confidentiality of angler information that is collected during permitting. Kevin responded that it is considered public information, so requests can be made, although the Division prefers to block email addresses and telephone numbers, and all minors' information is redacted.

Mike P. asked how saltwater permit issuance compares to fresh water. Kevin indicated that fresh water sales are generally 30,000 to 40,000 permits higher. Reasons that salt water issuance is lower include that anglers onboard permitted for-hire vessels or in possession of a neighboring state's permit are exempt from the saltwater permit requirement.

Mike P. asked if the level of issuance is close to what it should be. Mike A. noted that MA Office of Law Enforcement has reported good compliance with the permit requirement. While our initial projections based on NOAA Fisheries information for issuance were much higher than what we see now, issuance does correspond well with a Fish & Wildlife estimate that is

generated every five years using other methods that puts the MA angler estimate at about 250,000 individuals. Patrick added that he remembered an expectation that it would take about five years to get near 100% compliance, meaning we should be close to that now.

CY17 Free Fishing Days

Nichola Meserve summarized the history of the free fishing days. By law, the Director of DMF may appoint two such days per year when a permit is not required. For the first four years, the Director had selected to mirror the freshwater free fishing days, these being the first Saturday and Sunday in June. With the Panel's support, the Director had selected the Saturday and Sunday of the 4th of July weekend for the 2015 free fishing days, and the Saturday and Sunday of Father's Day weekend (June 18–19) for the 2016 free fishing days.

The Panel agreed to continue with Father's Day weekend for the 2017 free fishing days, based on some positive feedback, general fishing and weather conditions at that time, and the inherent emphasis on family. However, the Panel encouraged the Division to consider conducting a survey to help guide selection for future years.

The Panel also discussed how the free fishing days are advertised, which is currently to traditional fishery participants (via listserv of permit holders, social media), and encouraged the Division to better advertise the free fishing days with an emphasis on reaching the general public. The Panel asked to receive a cost estimate for any such advertising before the Division proceeded. It was suggested that RBFF may have relevant guidance about reaching the general public. The continued use of social media was supported given the age demographics of social media users.

Recap of FY16 Projects

Mike A. reviewed the purpose of the seven projects that have been supported by the Fund, and for which the Division would be recommended a continuation of funding. In brief: (1) the Permitting Project supports the administration of recreational permitting; (2) the MRIP Project enhances the sample size of the recreational fisheries survey to improve the precision of catch and effort estimates; (3) the I & E Project provides for dedicated and effective outreach to recreational constituents; (4) the Diadromous Fish Project doubles the size of the Division's staff and equipment dedicated to diadromous fish, greatly enhancing our ability to monitor and manage river herring and other species; (5) the Public Access Project receives 1/3 of the annual Fund appropriation and typically supports one large infrastructure project and multiple smaller projects per year; (6) the Artificial Reef Project supports maintenance and monitoring of reefs; and (7) Recreational Stock Assessment provides for a specialist dedicated to stock assessments and research for numerous important recreational fisheries (e.g., black sea bass, fluke, tautog). Presentations were then given on four projects' major achievements in FY16.

Mike A. presented on the I & E Project. He was filling in for Elaine Brewer, the I & E Coordinator, and Maren Olson, the half-time Angler Education assistant, who were unable to attend. In FY16, the project continued to focus on social media to connect with recreational constituents, using YouTube (over 50 videos posted), flicker (over 1,000 photos posted), twitter (over 1,700 followers and 85,000 impressions made), and Facebook (over 1,700 followers, mostly age 25-55, and 35% female).

The project develops various brochures and publications, including in FY16 a circle hook educational pamphlet as part of the Division's ongoing education to encourage the use of circle hooks, and an updated pamphlet on the Division's salt water derby to help reverse the trend of declining entries. Regarding circle hooks, plans including working with bigger retailers to ensure they are for sale. The project will update an old brochure on public access rights this coming year. Elaine's time is also invested on other publications like the saltwater guide, the recreational rules poster, and the saltwater fish poster (the Fund isn't used to make copies), as well as the Division's website.

The project grew its Angler Education component significantly. There will be a total of six youth fishing clinics in 2016 (Newburyport, Salem, Yarmouth, Cape Cod Canal x2, and Boston), up from just one the past two years. Elaine and Maren hope to expand the program to include adult clinics soon.

A new part of the project includes a monofilament recovery and recycling program. Staff will be trying to partner with fishing groups for maintenance (e.g., emptying out of collection bins).

Mike P. inquired about expanding the species list for the catch and release component of the Division's fishing derby. John Boardman said it could be done, but noted that participation in the catch and release component is generally very limited. Greg Skomal added that the Division is looking closely at all the rules right now to see if they need to be refreshed or if other changes should be made, such as adding a youth category. Mike A. noted that focus would also be given to better promotion of the derby.

Project Coordinator Dave Martins presented on the MRIP Project, starting with an introduction to the Access Point Angler Intercept Survey's (APAIS) methods. In MA, the number of survey sites totals 518 where all modes of recreational fishing is sampled, including the 46 permitted headboats, 764 permitted charter boats, and over 167,000 permitted anglers (2015 numbers). Through the project, the Division added 425 sampling assignments in 2015 to the NOAA base number of 774, for a total of 1199. The Division's add-on assignments occurred in May through October (high activity months), with 70% of overall assignments taking place on the weekends. In total, 3,858 anglers were interviewed in the shore, private, and charter modes, and 1,210 in the headboat mode. Dave stressed that the purpose of the survey is science, not enforcement, and provided links to learn more about MRIP.

The Panel discussed the precision of the resulting MRIP catch estimates. Mike A. noted that both precision and accuracy decline when fishery participants refuse to participate in a survey, and that precision can and does vary widely between species, with less commonly encountered species generally having poor precision. Mike P. noted the frustration that for-hire captains feel because the VTRs that they complete are not fully incorporated into the catch estimation methods (only effort data are used). Mike A. stated that one problem with VTR catch data is that they are unverified, but Mike P. considered the same to be true for anglers' released fish estimates. Mike A. reminded the Panel that MRIP was originally created for trend analysis, not the setting of catch limits like it's now being used for. Patrick concluded the conversation by

noting that the poor precision of some MRIP estimates is the exact reason that the Panel supported the use of Fund monies to enhance sampling size.

Project Leader Brad Chase presented on the Diadromous Fish Project. The project has two arms, fish passage and habitat restoration; and fish biology and management. There is a high focus on river herring in both, with 48 towns having river herring runs, 80 river herring runs existing statewide, and 140 fishways needing maintenance. Fish passage and habitat restoration includes such activities as fishway construction and maintenance; issuing fishway permits and O & M plans; river herring stocking; collaborating on channel improvements and dam removal; and conducting habitat assessments and passage feasibility studies. Fish biology and management includes river herring counting and biological sampling, American shad monitoring, smelt fyke net surveys, and glass eel counts.

All activities have been enhanced with additional staff and equipment paid by the Fund. Brad noted that of the 80 river herring runs in MA, 33 have counts, 14 have “census” level data collected, and 8 have biological sampling. The Division’s goal several years ago, to have monitoring of river herring runs in each watershed, has been fulfilled. He displayed the count data for the Nemasket River as an example, noting it is the one run the Division has received a request to reopen. In response, the Division was establishing a policy for re-opening runs and would be submitting shortly to the ASMFC a sustainable management plan to reopen the Nemasket run to limited harvest. If approved as expected, the Division would then have to propose a regulatory change. Only four counts have data going back 20 years; a combined index of these shows an increase from 2012–2015.

Fish passage projects completed in FY15 include smaller fishway crew-built ladders at Seymour Pond, Harwich; Pilgrim Lake, Orleans; Herring Brook, Pembroke; as well as larger collaborative passage projects at Center Street Dam, Winchester; Draka Dam, Taunton; and Great Pond Reservoir, Braintree. Three ongoing projects include Westport River; Fore River, Braintree; and Jones River, Kingston. The project recently began a new initiative to improve stream maintenance by partnering with towns and volunteers because watershed wardens have declined in numbers.

Patrick stated that investment in this project from the Fund results in an expectation that DMF will reopen runs to recreational harvest. He asked why the Division was not also proposing to reopen the Back River, given its similar increasing trend to the Nemasket River. He suggested that Weymouth hasn’t asked the Division because the town is waiting on an indication from DMF that it is possible. Mike A. indicated that once the guidance/policy document was done, towns would be able to make an informed decision about submitting a request. Brad pointed out that towns with reopened runs would have additional management responsibilities, such as permitting and harvest monitoring, which could be dissuading some towns from asking.

Mike P. raised concerns about seals eating forage species, including diadromous species, and voiced disappointment that the subject of seal management was largely avoided by managers.

Project Coordinator Ross Kessler presented on the Public Access Project, which funds both enhancements to existing access facilities and construction/acquisition of new access facilities. Projects fall into three categories: independent DMF projects; collaborative projects, mostly with

the Office of Fishing and Boating Access (OFBA); and small grant projects completed by municipalities with competitively awarded financing. All combined the distribution of access projects across the Commonwealth's coastline is fairly equal, as shown in a map.

FY16 accomplishments of the project include improvements to the Bass River Pier in Yarmouth; deployment of the artificial fishing reef in Nantucket Sound off Harwich; supporting alternative plover management initiatives to reduce beach closures; and funding five municipal access projects through the small grants. These include: a filet station and web camera in Plymouth; maintenance of the Atlantic Path in Rockport; a spotlight at the Green Harbor ramp in Marshfield; new floats at Magnolia Pier in Gloucester; and new floats and gangway at Uncle Freeman's Landing on the Bass River in Dennis.

Patrick asked if there were small grant requests that were denied. Ross replied that there were but he didn't have the list handy. He recalled that one was a feasibility study which the review team had concerns about funding, but otherwise, some projects were denied not because they weren't valid projects but because funds were limited. Patrick reminded him of the Panel's interest in seeing the full list of proposed projects. Bill asked for the allocations to the awarded projects. Ross replied that they ranged from \$1,100 to \$15,000.

FY17 Budget Proposal

Mike A. introduced the Division's spending plan for the FY17 Fund appropriation, expected to be about \$1.32M. The proposed budget is essentially status quo from FY16, with the exceptions of union-negotiated salary increases and the specific access projects to be funded under the Public Access Project.

The Permitting Project proposed budget totals roughly \$107,000, with expenses for two staff (receiving tellers), postage, supplies, and show overtime pay. Tellers also help with MRIP data entry and other sportfish-related tasks.

The MRIP Project proposed budget totals roughly \$393,000, of which approximately \$175,000 is expected to be reimbursed to the Fund. Line-items include the coordinator's salary, pay for 15 contract seasonal, pay for one full-time seasonal (dedicated to headboat sampling), supplies, uniforms, and postage. The Division contracts the seasonals in order to bring them on quickly throughout the season, which it deems worth the small premium (compared to hiring temps through the state system).

The Information & Education Project proposed budget totals roughly \$123,000, and includes the coordinator's salary, the angler education assistants half-salary, angler education small grants, angler education gear and supplies, printing, miscellaneous supplies, software and travel.

The Diadromous Fish Project proposed budget totals roughly \$180,000. Line-items include salary for two biologists, pay for four seasonals, supplies and sampling gear, video counting equipment, and travel, conference fees and publication costs.

The Artificial Reef Project proposed budget totals roughly \$11,000, with expenses including dive pay, boat use, equipment and supplies for reef monitoring.

The Recreational Stock Assessment proposed budget totals roughly \$66,000, with expenses for the Stock Assessment Specialist's salary, travel costs, and conference fees. The specialist, Mike Bednarski, represents DMF on interstate technical committees, leads research on these species, been very effective.

The Public Access Project proposed budget totals roughly \$440,000, one-third of the expected appropriation, as per the Fund's legislation. Carryover line-items include the coordinator's salary, miscellaneous supplies, the Craven's Landing seasonal employee, and the small grants program (continued at \$50,000), leaving about \$305,000 for access and infrastructure investments.

Ross Kessler presented the proposal for the \$305,000, which included:

- Property acquisition in Wareham on the Weweantic River to provide shore and car-top vessel access. The location is one of the last access sites on the river (other than an OFBA ramp), where a number of species can be targeted. The Barnstable County League of Sportsmen and others had suggested the site for purchase for a number of years, and the town seems amenable to maintenance based on early conversations. The asking price is \$220,000, much higher than the tax assessed value of \$80,000. Cost estimate (purchase only): \$100,000+
- First year (of two) of planning, permitting, and engineering for a refurbished or replaced Salem Willows Fishing Pier in collaboration with OFBA. Cost estimate: \$40,000.
- Second year (of two) of engineering for a new Deer Island Fishing Pier in collaboration with OFBA. Cost estimate: \$30,000.
- Rehabilitation of two fishing piers on the Wareham River in Wareham in collaboration with OFBA. DMF invested in the building of these L-shaped piers (near Route 6 and Tobey Hospital) in 2000. Cost estimate: \$75,000.
- Support for alternative plover management. Cost: \$10,000.
- Small grants, with a maximum award of \$15,000. Cost: \$50,000.
- Cravens Landing maintenance (e.g., gravel): \$8,200
- Improved parking area for shore anglers at Swansea access site, in collaboration with OFBA. Cost estimate: \$25,000

Regarding the Weweantic River property purchase, Doug Cameron clarified that OFBA and DMF would want to install a small (about 6 car) gravel parking lot, which was not included in the above cost estimate. It would be designed to avoid any external permitting requirements. The Panel wanted an assurance that the town would not charge for use of the parking lot; this could be built into the Operation & Maintenance agreement. Ross and Doug thought the town would agree to this, but contingencies could be built into the Purchase & Sale agreement. Mike A. noted that state agencies can't legally pay more than the appraised cost of a property. An appraisal has yet to be done, but would be the next step, the result of which would be relayed to the Panel before moving ahead.

Regarding Salem Willows, Doug advised that the evaluation of the existing pier and pilings would inform whether any or all could be salvaged or if a complete replacement was needed. A cost estimate for the actual pier is pending upon the permitting and engineering phase.

Regarding Deer Island, Ross clarified that the proposed pier would not cause any hazards to navigation (far from the channel). He reminded the Panel that an O & M agreement was already in place with MWRA.

The Panel discussed the practicalities of financing the construction of the Salem Willows and Deer Island piers in future years, given that both could be \$1 million or more, and the typical annual infrastructure budget is around \$300,000. George Peterson pledged that if the Panel were to cut infrastructure expenditures for a year or two to build up for a larger expense, he would work with the legislature to get the needed, larger appropriation. He advised that cap slippage would be an unlikely source of funds for several years, but suggested that a Wallop-Breaux reimbursement could offset expenses. Kevin clarified that while recent year Wallop-Breux reimbursements have been around \$1.2 million, the Division could only put about \$200,000 towards a pier project. The Panel requested a multi-year strategic spending plan for financing the Deer Island and Salem Willows pier construction.

With all questions and discussion concluded, the Panel recommended that the Division move forward with the FY17 spending plan as proposed.

Other Business

Charter boat eVTR: Mike A. and Matt Ayer notified the Panel about a grant awarded to the Division to pilot an electronic logbook (or eVTR) for charter boat catch reporting. The pilot program is in anticipation of NOAA Fisheries replacing the MRIP's APAIS with eVTR for the charter boat mode. Similar pilot programs have run in RI, CT and NY. The application runs on a tablet in the vessel, date stamps and uploads entered data to ACCSP in real-time, and generates a VTR that NOAA accepts. In MA, about 30 vessels, both state and federal, will begin using the application next spring, following outreach and training this winter. DMF staff will do ride-alongs on 75 trips for validation purposes. He noted that the application can collect location data, but this feature can be turned off, and users will be well advised about this. Mike P. relayed his and the SBCBA's support for the eVTR, including a willingness to participate, but noted strong opposition to the collection and submission of any data beyond what is required (i.e., location data), for fear that it would be used in future years to close areas. Transiting details are confidential and need to remain as such. He hoped that the Division would support this position.

West Island project costs recoupment: George told the Panel that he'd had several conversations with the Department's chief counsel about how to address the lost funds, ranging from suing the town, to reminding the town via a letter of the agreement it signed, to waiting for a change in town administration and/or public sentiment that would make the project possible (and thus the expenditures wouldn't have been without purpose). His advice was the third approach, which the Panel supported. George suggested that recreational anglers becoming vocal about their support for the project would be helpful.

Timeline for reopening river herring runs: this was discussed earlier and removed from Other Business.

In addition, Mike Moss suggested two locations in need of public access improvements to Ross for his list: lighting for the 195 rest area boat ramp on the Weweantic River, and some potential parking for access in Mashpee at the west end of the Cape Cod Canal on the Cape Cod side.

Lastly, Patrick asked that the Panel and state consider when the best time of year was to have the Panel's primary meeting. Mid-July was much too late (past the start of the FY, prime fishing season for for-hire captains and private anglers).

As there was no other business, the meeting was adjourned at 4:30pm.

Meeting Documents

- ❖ July 13, 2016 Draft Meeting Agenda
- ❖ November 13, 2015 Draft Meeting Minutes
- ❖ Proposed FY 2017 Recreational Permit Revenue Spending Plan
- ❖ MGL c130 §17C and c10 §35NN

Meeting Presentations

- ❖ Update on Recreational Permitting & Fund Overview
- ❖ FY16 Project Achievements: I & E, MRIP, Diadromous Fish, and Public Access Projects
- ❖ FY17 Public Access Infrastructure Proposal