



March 11, 2022

Dr. Christopher M. Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Re: Atlantic mackerel recreational measures

Dear Dr. Moore:

Since the States of Maine, Massachusetts and New Hampshire last wrote to you in December 2021, we have continued to advance analyses in support of Atlantic mackerel recreational fishing rulemaking. The Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish Committee took up feedback from recent public informational webinars on March 2nd and we too have reflected on those comments. In the vein of collaborative, sustainable management we are writing to provide both insight on the states' next steps and feedback on potential regulatory action by the Mid-Atlantic Council.

Recreational Bag Limit vs. Seasonal Closure

As noted in our December 2021 letter, the states do not support a seasonal closure as an effective option for reducing recreational catch of Atlantic mackerel. We understand that the Mid-Atlantic Council will consider a tabled motion to remove this option at its next Mackerel, Squid, and Butterfish Committee meeting in March 2022 and we support the removal of this management tool from consideration. The intricacies of the fishery, especially as used for bait, create complex connections between subsistence, recreational and commercial fishing activity that, along with the use of frozen bait and other practical considerations, make a seasonal closure an inappropriate tool. The Mid-Atlantic Mackerel, Squid, and Butterfish Committee's tasking of staff to analyze compliance gaps in Atlantic mackerel permitting and reporting reflect such intricacies; we fully support gaining clearer insight into the fishery and improving compliance.

The Mid-Atlantic Mackerel, Squid, and Butterfish Committee's tasking of staff to develop a range of recreational Atlantic mackerel trip limit options dovetails with the intent of the states to propose Atlantic mackerel recreational bag limits for public comment in the summer of 2022. We heard support during the Mid-Atlantic's informational webinars for a bag limit approach to reducing catch. The Mid-Atlantic Committee's tasking to analyze various recreational bag limits provides an opportunity for the management approach for Atlantic mackerel recreational fishing to be consistent between state and federal waters, a boon to anglers, regulators, and enforcement, alike.

Split Modes

Based on discussion by the Mid-Atlantic Mackerel, Squid, and Butterfish Committee, it appears the Mid-Atlantic Council may consider disparate trip limits between private and for-hire recreational fishing

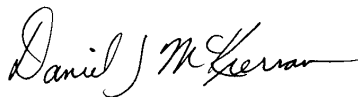
modes (i.e., split modes). The states generally disagree with split mode regulation of individual, recreational anglers depending on whether they fish aboard a private or for-hire vessel. Disparate rules among recreational anglers are not a best practice in support of recreational surveys and collection of best scientific information available. The Marine Recreational Information Program (MRIP) is not designed for such parsing, neither in terms of gathering reliable information on a sub-set of actors nor in terms of providing guidance on potential catch by such sub-sets. Split mode can also undermine effective enforcement, reduce compliance, and blur the lines between recreational and commercial fishing. As a result, the states are passing along our concerns regarding a split mode approach for the Council's consideration.

Regulatory Timeline

It remains our understanding that the Mid-Atlantic Council will take final action in June 2022 for implementation by January 1, 2023. This aligns with the three states' rulemaking timelines; effective public process will require several months but should allow for a January 2023 implementation date of any new state Atlantic mackerel recreational rules.

We look forward to continued work with you. As always, please reach out with any questions to Melanie Griffin of the Massachusetts Division of Marine Fisheries (melanie.griffin@mass.gov; 978.853.1196), Megan Ware of the Maine Department of Marine Resources (megan.ware@maine.gov; 207.446.0932) and Cheri Patterson of the New Hampshire Fish and Game Department (cheri.patterson@wildlife.nh.gov; 603.868.1095).

Sincerely,



Dan McKiernan
Director
MA DMF



Pat Keliher
Commissioner
ME DMR



Cheri Patterson
Chief, Marine Division
NH FGD

cc: Robert Beal, ASMFC
Jason Didden, MAFMC
Tom Nies, NEFMC
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Michael Pentony, GARFO