

May 6, 2022

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

Re: Comments on the Atlantic Mackerel Rebuilding Amendment

Dear Dr. Moore,

The States of Massachusetts, New Hampshire, and Maine provide the following comments to the Mid-Atlantic Fishery Management Council on the Atlantic Mackerel Rebuilding 2.0 Draft Amendment. The three states appreciate the efforts of the Mid-Atlantic Council staff to engage with New England stakeholders during the development of this Draft Amendment given the importance of this stock to many of our coastal communities.

### **Rebuilding Alternatives**

Rebuilding Alternatives 1, 2, and 3 appear to be largely infeasible for US fisheries given they result in quotas which are below anticipated Canadian landings and the recreational catch deduction. Further, these options could lead to an increase in discards if no quota is allocated to the commercial fisheries. As a result, the New England states support the adoption of either rebuilding Alternatives 4 or 5, with a preference for Alternative 4 (61% Rebuilding Probability in 10 Years) given Alternative 5 has the lowest probability of increasing stock size by 2025. Alternative 4 balances the practicalities of landings and discards in US fisheries with a slightly higher probability of rebuilding in recognition that Atlantic mackerel play an important role in the ocean food web.

### **Canadian Catch Deduction**

The three New England states recommend that the Mid-Atlantic Fishery Management Council deduct 2,197mt for Canadian landings in the 2023 specifications. Canada recently announced the closure of their commercial Atlantic mackerel fishery in 2022. While a new stock assessment will be used to determine Canadian quotas in 2023, it seems unlikely that Canadian catches will significantly increase given the status of the stock. As a result, a 2,197mt deduction provides some buffer for the Canadian fishery to potentially re-open in 2023 but also recognizes the recent management decisions of Canada.

### **Recreational Bag Limit**

Of the two options provided, the New England states recommend the Mid-Atlantic Fishery Management Council adopt a 15 fish bag limit in the recreational fishery. The lack of recreational measures to-date in the Atlantic mackerel fishery means a bag limit could have severe consequences on individual businesses, including those who participate in HMS fisheries which rely on mackerel for bait and the for-hire fleet. These for-hire vessels often catch bait ahead of a client trip, meaning a possession limit will impact the amount of bait that can be caught by a captain before a trip. The introduction of a bag limit also poses several management questions. For example, several for-hire businesses in New England have noted that they traditionally use bait pens at the dock to hold live mackerel. If a possession limit is instituted, can multiple for-hire businesses co-mingle their mackerel possession limit in a single bait pen? The New England states note that a 15-fish bag limit is more conservative than the 20-fish bag limit recently implemented by Canada.

The New England states express concern with several of the assumptions related to the expected impact of the recreational fishery. As has been noted several times in public meetings, the assumption of a 100% discard mortality rate in the recreational fishery does not reflect industry's reports and use of mackerel. If mackerel has a 100% discard mortality rate, for-hire businesses would not hold live mackerel in bait pens at the dock or in livewells on their boat. While historically discards have not been a large portion of total mortality, given the likelihood of very low catch, the New England states encourage the Mid-Atlantic Fishery Management Council to conduct studies which investigate the discard mortality rate of Atlantic mackerel.

In addition, the New England states raise concerns regarding the Monitoring Committee recommendation to either maintain the current 2,582mt deduction for recreational catch, or take only half credit for any calculated catch reduction. While the three states acknowledge the role that angler behavior can have on catch, both options appear to be arbitrary in nature. As previously mentioned, the introduction of a bag limit will have severe consequences on many businesses in New England and assuming a discounted effectiveness of the measure undermines the expected impact on the recreational fishery. Further, should the Mid-Atlantic Fishery Management Council assume there is no impact from the implementation of a bag limit on recreational catch (i.e., maintain the current 2,582mt deduction), it places the New England states in a very difficult position as we consider management measures in state waters. Moreover, the states would be proposing management measures which, on paper, are expected to have no impact on catch. This very easily raises the conundrum at a public hearing where the states are asked why a management change is being proposed if there is no expected benefit. The New England states strongly recommend that the Mid-Atlantic Fishery Management Council assume an impact on recreational catch from the implementation of a bag limit, and preferably assume the full effectiveness of the measure.

### **Commercial Mesh Minimum**

Given the limited information available to determine the impact of a 3-inch minimum mesh requirement in the commercial Atlantic mackerel fishery, the New England states do not support

adoption of this measure at this time. It is unclear what the magnitude of the biological benefit would be, particularly at very low quotas. It is also unclear how many permits would be impacted by this measure and the potential economic repercussions. Given the questions remaining, the New England states do not support adoption of a 3-inch minimum at this time but do support continued investigation and research on its impacts.

### **River Herring and Shad (RH/S) Cap**

The New England states support the Mid-Atlantic Fishery Management Council continuing to maintain the 129mt river herring and shad catch cap (Sub-Option 1). The original intent of the river herring and shad catch caps in Amendment 14 was to “limit the mortality of the relevant RH/S species in the mackerel and longfin squid fisheries.”<sup>1</sup> The current 129mt catch cap achieves this goal and avoids the challenges of monitoring a very small cap. As noted in the draft Amendment, the impacts of an outlier trip can have large consequences on the estimation of river herring and shad catch when the catch cap is set very low. The New England Fishery Management Council has taken a similar approach to their river herring and shad catch caps in the Atlantic herring fishery; the catch caps have remained steady in the midst of significant decreases in Atlantic herring quota. Given this approach has worked in the Atlantic herring fishery, the New England states recommend a similar approach in the Atlantic mackerel fishery.

### **Permitting Option**

In general, the three New England states support the clarification of regulations to improve compliance in any fishery. The potential benefit of the proposed permit clarification is that, for vessels possessing mackerel in federal waters, all mackerel catch on a trip would need to be reported via an eVTR. That said, the expected benefit of this requirement is somewhat obfuscated by the fact that Atlantic mackerel purchased on the dock and then transported to federal waters would not be reported on an eVTR. As a result, while the permit clarification proposed would increase federal reporting requirements for potentially 1,000-2,000 permit holders, it would only improve the reporting of mackerel landings for boats who: 1) intend to possess mackerel in federal waters; and 2) catch, as opposed to buy, mackerel on a trip.

Outside of the proposed permitting clarification, there are several factors at play which will likely result in increased reporting of mackerel catch. The New England states forecast that some anglers who traditionally use mackerel as bait in federal waters and who catch them in state waters will likely purchase state and federal open-access commercial permits to possess mackerel in excess of the recreational bag limit. The purchasing of these permits will trigger reporting requirements for these harvesters. In addition, for-hire operators in state waters may purchase state open-access commercial permits to be able to possess mackerel above the recreational bag limit to catch bait for their clients ahead of a fishing trip. This too will trigger reporting requirements at the state level for additional participants in the mackerel fishery.

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<sup>1</sup> Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. Final Environmental Impact Statement. Submitted to NOAA on February 26, 2013.

<https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/53e3d5f5be4b0e88e72d231c6/1407440379012/Am14FEIS.pdf>

In closing, we appreciate the opportunity to comment on the draft Atlantic Mackerel Rebuilding 2.0 Amendment. We particularly thank the Mid-Atlantic Fishery Management Council's for their responsiveness to the New England states' original concerns regarding stakeholder engagement in Massachusetts, New Hampshire, and Maine. Management of the Atlantic mackerel fishery is a critical issue for many fishers in New England, and the informational webinars and public hearings have provided an opportunity for individuals to learn, ask questions, and provide comments on this important issue.

Sincerely,



Dan McKiernan  
Director  
MA DMF



Pat Keliher  
Commissioner  
ME DMR



Cheri Patterson  
Chief, Marine Division  
NH FGD

cc: Jason Didden, MAFMC  
Tom Nies, NEFMC  
Eric Reid, NEFMC

15 Comments Submitted as Emails (EM1 – EM15)

### EM1

The following is the written comment of Maine resident Thomas P. Atherton; MS Marine Ecology and Earth Sciences; and lifelong {1958 to present fishermen}.

I started Mackerel fishing in 1963 along with many other species.

To date my landings recreationally along the midcoast of Maine (Hancock County) is the same trip level catch as the last 50 years. I land between 50-150 mackerel a trip and freeze, smoke and salt my catch and it does wonders to lower my grocery bill. We have taught and encouraged many of our friends to join us over the years and the area we fish still produces lots of fish and lots of recreational enjoyment for communities throughout the state. On a calm morning you can see schools of mackerel surfacing all around the dock and floats around the public landing. There are far more fish than 20+ years ago after Russian fishing vessels (Glasnost) decimated every species of fish on shore and around the bays of midcoast maine.; Thanks US Gov't.!!

So your report actually uses no anthropological data like the story I just told. There is no such thing as "anecdotal" fishing knowledge. Instead what you scientist are doing is avoiding anthropology as a legitimate way to evaluate fisheries. What do other fishermen have for recreational info up and down the east coast?? My knowledge base has included predicting the east coast mussel collapse as early as 1983, using only anthropology as a guideline, I proved all the so-called experts wrong. My grandfather and I when I was just a boy told fishery managers the collapse of smelts in certain bays was a certainty, true again. You folks are just plain wrong on this one too. I have heard nothing about a lack of mackerel in Maine, instead we all see and hear differently and our catch illuminates that fact as some years we actually land two species of mackerel.

Here is another long list of potential errors and misleading ideas you all like to use.

1. The idea that stock rebuilding according to Magnussen Stevens is unlikely because the parameters have changed
- 2 What is the status of natural predation from larval to juvenile compared to your so-called target level years
- 3 what about fecundity of the egg and sperm population
4. how does ocean acidification effect the life-cycle and health
- 5 good old warming oceans are also unaccounted for and it's impacts

6 don't forget ocean currents, how are thermo and haloclines changing and how do they repress/enhance recruitment

7 Stock rebuilding is an inexact science that rarely leads to the chosen stock goals even under zero fishing pressure

8. Trawl data and the way you go about it raises lots more questions, because if you have different people running the gear you can get all sorts of outlier info that is not viable.

Here is the one tool scientists lack it is insight, feelings, ESP' it's the same way a shaman with no training has an ability to heal. There are fishermen like that who just have a nose for what is going on. I would never attempt a research project without their input. The leads those folks send me on are usually right.

There is no scientific substitute or data for thousands of days at sea and an inborne instinct for what you do.

Remember fishery managers said oyster reefs were not in danger

mussel reefs are in fine shape, now most are gone

lobster is overfished and unsustainable for the last 25 years, not true

green crabs are wiping out everything/ they come and go

smelts are in danger, not on my property in my brook i fished all my life

The list just keeps going

Lastly I would like to say that the onshore mackerel recreational fishery is statistically insignificant. You have no clue what landings are compared to historical data, You are totally out of touch with value added income and local culture. Your way of gathering data can never be trusted for an onshore closure because you leave the people that know what is going on out of the data stream. In maine the DMR is not that good at getting data because those resources are too expensive and are unreliable. Like much of the historical data, soft stats.

Sincerely

Thomas Atherton

MS Marine Ecology and Earth Sciences

**EM2**

May 4, 2022

Christopher M. Moore, Ph.D.

Executive Director

Mid-Atlantic Fishery Management Council

800 N. State St, Suite 201

Dover, DE 19901

RE: Comments to the Atlantic Mackerel Stock Status and Rebuilding

Dear Dr. Moore:

I am again writing on behalf of the 100 plus members of the Cape Cod Charter Boat Association relative to the Atlantic Mackerel Stock Status and Rebuilding Efforts. Our previous submittal was in January of 2022, but we believe it is imperative to offer additional feedback.

- Our members, who spend countless days on the water - Cape Cod Bay and the Atlantic Ocean - quite honestly are perplexed some organizations and scientists believe a major decline in mackerel stocks has occurred. This is based on their recent history of being able to harvest mackerel basically whenever they target them, as well as observing larger commercial boats filling their holds in very short time.
- We also, yet again, strongly object to flawed MRIP being used to add to the justification for needing bag limits. Many fishery organizations, as well as ours, continue to point out how flawed MRIP data is used for decisions affecting other fisheries as well, with minimal corrective actions being taken. The continued use of such data to make fishery decisions which impact the livelihood of many is perplexing.
- The for-hire charter fleet depend on mackerel in a number of different ways;
- Live-lining for striped bass and bluefish
- Live-lining for bluefin tuna
- Chum when fishing for other, larger species
- Providing youngsters and novices with excitement, catching 2,3,4 at a time
- Providing leftover mackerel to population in economically depressed areas, soup kitchens, and families who use mackerel in recipes handed down through their ancestors

- To impose bag limits on for hire vessels would have a detrimental impact on the above activities, resulting in less successful charters, thereby potentially reducing the number of charters being taken, thus affecting the economic liveliness of Captains and staff. Additionally it would have a negative social impact - minimizing the joy of fishing for children and depriving people of healthy sustenance.

In conclusion, we believe prior to any bag limits being contemplated more study is needed on the mackerel biomass, including the shifting areas of where mackerel are actually concentrated due to changing water temperatures. Further, additional scientific data, better than MRIP data and egg larvae surveys, must also be utilized.

Very truly yours,

Captain Rich Wood

President, CCCBA

Beth Ann Charters

[captainrichwood@comcast.net](mailto:captainrichwood@comcast.net)

860-716-0202 cell

Captain Rich Wood

Beth Ann Charters

860-716-0202

<https://bethanncharters.com/>

Beth Ann Charters would love your feedback. Post a review to our profile.

<https://g.page/r/CcAsbLMs2zN2EB0/review>



### EM3

Good Morning,

My name is Jim Geaumont. My wife Amy and I own Maine Way Outfitters out of Scarborough, ME. We specialize in running inshore fishing trips, primarily targeting Striped Bass.

Our most productive fishing method is with bait, primarily Atlantic Mackerel. We often live-line fresh mackerel caught on each for-hire trip. Whatever bait we use and retain is frozen for lobster bait or future chunk bait. Retained live ones are released at the end of each trip. We consider ourselves excellent stewards of this valuable resource, and let nothing go to waste.

Amy and I, as well as many fellow Charter Captains throughout New England are generally in favor of rulings which can better all aspects of a fishery that we are involved in.

However, in this case when discussing retention, there is widespread belief that the proposed measures are way too aggressive. This will effectively remove mackerel as a viable resource for fisherman (both for-hire and recreational).

\*\*\*\* 10-15 fish bag limit seems very low, considering a previous unlimited bag limit with no size requirement. In comparison to other bait sources which have higher or unlimited bag limits (pollock, herring, alewives, menhaden), this seems to be a drastic change.

We propose a continuation of an unlimited OR 25+ daily bag limit, with a possession limit of 50-75 fish per person.

In addition, there should be stipulations regarding for-hire trips and retention of used bait from trips. This will eliminate waste of mackerel that would otherwise have to be retained by the passengers, or worse... discarded.

In passing comment on the commercial side of this resource; Once again it would seem that this proposal has the burden shouldered by the recreational and for-hire fleets.

As a former commercial fisherman, I am by no means placing a lesser value on this resource in their regard. A 3" net mesh requirement would do very little if anything to reduce catch numbers. This is not from any partially funded studies or science, just real world experience. I make this statement as I speak

from many years of experience in net fishing including gill nets, seines and dragging. It would seem that commercial quotas are not even being discussed in this proposal????

Please consider these ideas as this proposal moves forward. This is a valuable resource that is a hinge in recruitment in our fisheries. I do not believe that this is as simple as a flat bag limit for all.

I welcome any dialogue, and I am available at any time moving forward. Thank you for your attention to this matter.

Best,

Captain James G. Geaumont

VP, Maine Way Outfitters, LLC

(207)286-6658

#### **EM4**

Hello,

I would like to submit these comments as public comments concerning the current rebuilding of the very important Mackerel Stocks. It has gone on for way too long to not have limits on Mackerel Recreationally. In the state of Maine there has not been any Mackerel Take limits and it is clear people take everything they catch for whatever reason. It is unreasonable to assume that Fish Stocks can handle such heavy pressure. There should be no problem with putting a Bag limit on Mackerel like every other baitfish. Something like 10-15 a day seems very reasonable, and may even cut down on the poaching and illegal selling of Mackerel.

Commercially Fishing Mackerel should be scaled back some as well to help the rebuild. There are many boats that use the excuse of targeting mackerel just so they can net menhaden. So clearly there is a flawed system that is allowing too much netting of ALL baitfish. This is why we are in the situation we are today with a lot of overfishing occurring.

I would look to Alternative 1: Eliminate most catch to rebuild as much as possible in 10 years. This is the most aggressive approach and is often this kind of action that is needed to rebuild fish stocks. Thank you for your time and I hope what's done is what is best for the Fish sake.

Thank you,

Germain Cloutier

## EM5

Thank you for the opportunity to provide comments in support of the MAFMC Public Hearings, regarding Atlantic Mackerel Rebuilding.

The focus of my comments is to request that the traditional inshore, Cape Ann Mackerel Trap Fishery be given sufficient quota to continue what has been a traditional spring-time fishery for over 150 years.

Long before the advent of pair trawling or super-sized offshore seiners, the mackerel traps along the Cape Ann shore have been landing very high quality, fresh mackerel for the retail and foodservice markets in New England.

The trap fishery is unlike most any other fishery, in that the mackerel are dipped live from the trap and delivered to the wharf within an hour, (before rigor has even set in), creating a very high quality food fish.

Unlike the relatively new forms of large scale, mobile gear, fish traps are fixed, anchored along the shore, so as to lead the mackerel into the trap on the falling tide. A combination of wind, tide, water temperature and migrating mackerel schools must be in sync for the traps to be effective. On many days, the conditions are such that catches are small or non-existent. Fish traps are only viable if the catches on good days are supported by quotas that are structured and sufficient to support this traditional fishery. As such, it is critical that when conditions line up, that the quota is available for the trap fishermen to land their catch.

I appreciate that mackerel enjoy a wide geographical range, but request that providing quota for this traditional Cape Ann fishery be prioritized in light of its long history, the small boat nature of its operation and the very high quality mackerel that it delivers to New England consumers.

Thank you for considering my comments.

David Jermain

5 Walker Street

Gloucester, MA 01930

**EM6**

Hi. Mackerel are a very important bait used for runa fishing so I really hope there is a way to allow retention of at least a dozen recreationally through December. I also hope there is a plan in place to restrict where the midwater boats can fish now that they are again allowed to fish inshore off Cape Cod.

Sincerely.

James Goodwin

21 scotlin way

East harwich MA 02645

**EM7**

From: Michael Polisson <mikepolisson@yahoo.com>

Subject: Mackerel Rebuilding

Im curious why there is no meeting in Gloucester mass where there is usually a meeting

2 meetings in southern mass and none in the biggest fishing port in mass Gloucester

Then it jumps to Portsmouth NH ????????

Seems like you don't want to hear from us!!!!

**EM8**

Hello Jason,

My name is Captain Costa Moreshead. I own and operate Hard to Port Fishing in Kennebunkport Maine, we are a for hire charter fishing boat. We target inshore species like Striped Bass and Mackerel as well as scenic lobster tours. My business relies on Mackerel as bait and a sportfish species.

A limit of 10-15 mackerel needs to be clarified: per angler? per vessel? Live baits vs. dead baits? To make my day viable the boat would need at least 25 live bait per angler as well as a decent quantity of dead baits. I keep all the leftover baits from the trips and use them as chunk bait the next day or as bait in my lobster traps. Having 10 Mackerel for recreational lobstermen in the state would mean 2 fish per trap, that makes having recreational traps absolutely pointless.

The proposed regulation would kill my business as well as kill saltwater recreational fishing in the state of Maine. For recreational fishing the regulation should be decided by the state.

I plan on attending the meeting on Thursday the 28th.

Thank you for your time reading my input. If more questions or comments are needed please feel free to contact me via email at [hardtoportfishing@gmail.com](mailto:hardtoportfishing@gmail.com) or by phone at (207) 205-1257.

Thank you again.

Capt. Costa Moreshead

Hard to Port Fishing LLC.

**EM9**

Good afternoon,

Being a charter boat captain, Mackerel fishing is a very big part of the fishing experience I provide for my sports.

Many memories are created for young anglers catching mackerel, most of which are bigger than any fish they've ever caught.

On my vessel, these same mackerel are often used to help catch their first striper.

Farther up the coast of Maine, many boat and shore anglers don't have the opportunity to catch stripers due to the fact that they don't migrate that far north. Mackerel fishing is one of the only species they can target.

I feel strongly that the best way to help rebuild the fishery is to control the commercial quota.

I understand that there will need to be limitations to the recreational quota as well. I strongly disagree with a closed season for mackerel. This would directly affect my business which only lasts 3-4 months. I would be in support of a bag limit of 20 mackerel per angler.

Thank you for listening,

Captain Dan Couture

**EM10**

As a recreational lobsterman and commercial charter and bass guy, I catch mackerel as bait. As long as we are still allowed to catch a 5 gallon bucket of bait a day maybe max 1 tote I'm ok with limits. On the other hand, if we are going to allow mid water trawling in close then a recreational limit seems misguided from a conservative perspective.

Thanks,

John Herrick

**EM11**

Mr. Didden, I recently listened to your presentation on the status of Atlantic mackerel to the NEFMC and have read through the Public Hearing Document. I definitely agree that there is a need for action to help rebuild this important stock. However, I am really writing to make a comment on one small section of this proposal. Under Alternatives 4 and 5, I believe, there is a section about permitting and the need to close reporting loopholes.

While, this is a good idea, I believe there already is data being collected that covers the HMS Gen and CH/HB Category fisherman. And that is NOAA's Large Pelagic Survey (LPS). As has been stated mackerel is caught and used in the bluefin tuna fishery very regularly and this catch information on mackerel is recorded in the LPS. While I don't believe the survey produces an official estimate of mackerel harvest at this time I think they very easily could. It might be worth checking in with their group about it.

Thank you,

Chris Uraneck

## EM12

From: Justin Boyce <impared@hotmail.com>

Sent: Thursday, April 14, 2022 6:38 AM

To: Didden, Jason <jdidden@mafmc.org>

Subject: Mackerel Rebuilding

I find it very ridiculous to be limiting recreational fishing to try to save a fish stock. I commercial fish for herring and Manhatten in Maine state waters and have seen a massive amount of mackerel in recent seasons both mixed with other fish as well as by themselves. I understand limiting commercial fishing efforts because that is what will hurt the fishery in the long term but for the hundredth of a percent recreational fishing is going to impact the fishery is just seems like a waste of time and money to try to enforce. Mackerel are not like ground fish and many of the fish are going to die even when released back into the water because of poor fishing tactics.

It would be interesting to see where stock numbers are coming from for the mackerel and even the herring populations. I have fished inshore waters for herring since the early 90s using stop seining and purse seining tactics and I honestly haven't every seen the amount of fish I have seen the past two years inshore. My problem has been that river herring have made a huge rebound and are mixed with the herring and mackerel at a rate of about 20 percent which is too high for me to be able to land. I think some of the science should be based on the stock that is moving closer to shore rather than just in federal waters. I think the population of all fish species right now is a lot better than we give them credit for just because the science is being skewed based off where surveys are being done. Fish move and change habits so we have to adjust and move with them not just push rules hoping to make them come back to places they have left...



**EM13**

From: Karen Chin-Mancini

Subject: Mackerel Rebuilding

When are they going to help us the Recreational fisher people? We need help because the Commercial fishing people have an advantage! Karen Chin-Mancini

**EM14**

Dear Mid-Atlantic Fisheries Management Council,

I am writing, in the case of Atlantic mackerel, as a recreational fisher. My catch area is Cape Cod Bay. I would like to encourage control and limits to the recreational fishery. Having bag limits and size limits or whatever governmental regulation should address both the 1. stock management aspect and 2. the prevention of wanton waste which I think is related.

Generally in recreational fishing the mackerel is caught on sabiki or like rigs that have multiple single hooks. So to fish mackerel, the fish is so often targeted several at a time and shaken off the hook to the deck. There are deads, stunneds and those that are ok for the bait well. Bait fishing for live bait mackerels to go in the well is therefore indiscriminate in nature, especially as fishers "catch the fever" when a school moves through, as speed is prioritized over care in handling. A catch limit will require of a fisher more care in handling for its specific use if that is live bait.

That said, as a concerned citizen, bycatch control is long overdue in all pelagic fisheries for river herring. Sympatric schooling should pretty much end Sea Herring fishery until river herring rebound (and reduction menhaden should also be ended). As to commercial mackerel fishing directly I can only say that river herring protection should be a top priority. Setting the catch cap is manifestly overdue because after negative review of river herring for the U.S. endangered species list in 2019 the health of the Atlantic population is not clearly appreciated or understood. Lack of comprehensive understanding combined with still low population numbers of itself spells jeopardy. Thus the need, clearly, is conservation over any other usage.

Sincerely,

Chris George

Yarmouth, MA

(508) 310-3021

**EM15**

Thank you thank you thank you.

I'm a recreational fisherman out of Plymouth and have noticed a drastic drop in the amount of mackerel in the areas I fish over the last few years. And it's no wonder as I see people abusing the resource including 6 or 7 guys on the same boat three days in a row fishing for Mack's for hours filing tote after tote.

I am 100% for a bag limit on recreational anglers. I don't know enough about commercial to comment other than saying they need to be capped too!

I don't think a recreational fisherman needs more than say 10 Mack's for a good day of striper fishing.

Thank you for attention to this!!

Also I'm all for catch and release on stripers too but I don't know if that's on the table.

Have a nice weekend

Jeff norton

Comments submitted via the mafmc.org web-form follow...

Name	Category	States	Comments
Seth Murray	Commercial, For-Hire, Private Recreational	Maine, New Hampshire, Massachusetts	never in my 24 years of fishing have i had an easier time finding or catching mackerel. full string after full string of sabiki constantly, was great. led to more time fishing for other species
French Jon	Commercial	Maine, New Hampshire, Massachusetts	I have been fishing the Gulf of Maine for over forty years out of the Merrimack. This has to be the most under studied project in the history. There is no shortage of mackerel and I will be happy to show you any time. Jon French F/V Ranger
earl sheesley	Private Recreational	Maine, New Hampshire, Massachusetts	I am in favor of a commercial quota, if necessary to regulate the stock. I am not in favor of a recreational bag limit. The fish belong to everyone not just the commercial people. While you are at it limit the commercial herring and pogie catch and watch the fish populations expand rapidly.
Tyler McLaughlin	Commercial, For-Hire	Maine, New Hampshire, Massachusetts, Rhode Island	I've been fishing my entire life. And have spent every year since childhood waiting for the spring mackerel run I'm now 34 years old and am seeing more mackerel of various sizes than I ever have. That being said I have noticed the spots the are at may be changing.

Continued Next Page

Name	Category	States	Comments
Jack Patrican	Commercial, For-Hire	Maine, New Hampshire, Massachusetts	<p>My name is Capt. Jack Patrican and I am a 27 year old commercial &amp; charter fisherman from Gloucester, MA. I'm currently featured on National Geographic's "Wicked Tuna" as the youngest captain fishing on the smallest boat, Time Flies. Wether I am filming for Wicked Tuna or running a fishing charter, I completely rely on catching Atlantic Mackerel to use as bait, which are very plentiful and easy to catch inshore as well as offshore. In fact, they have been so plentiful over my lifetime that I decided to invest in hook &amp; line gear to catch and sell them commercially, which has accounted for more than half my yearly income. On a daily basis, I am able to "fill the boat" with Atlantic Mackerel from May-December, and almost half of my catch are medium-large grade.</p> <p>I understand that Atlantic Mackerel aren't as abundant in the Mid-Atlantic as they once were, but it's a similar case for many species. Striped Bass no longer are caught in Virginia Beach and Lobsters have crawled out of Connecticut, just to name a couple. As water temperatures rise and windmill industrialization becomes more prominent, its no surprise that the Mackerel are moving North. I believe the biggest issue is that we have a predominately North Atlantic stock that is governed by a Mid-Atlantic Council. I also believe there were serious inadequacies with the MRIP survey's. I personally was interviewed over a dozen times last year, however I know other fisherman that have never even seen a surveyor. I have personally witnessed marina staff that do not let the interviewers on the property because they are thought to bother fisherman and their crews. I believe this has led to very skewed survey data that should not be relied on to make such important decisions for our fishery.</p> <p>On a final note, I find it very discouraging that a hook &amp; line fisherman, practicing the most sustainable fishing methods possible, could be shut out of the fishery while mid-water trawlers are given the go-ahead to completely wipe out our stocks. The mid-water trawl fleet catches more mackerel in one day than a hook &amp; line boat does all year. How is it fair and equitable to allow one party such a massive allocation of the resource? I personally have witnessed what the mid-water boats can do to an area such as Stellwagon Bank and it is very sad to see. One day Stellwagon is teeming with Mackerel and Herring, and after a couple days of mid-water trawling it becomes a barren wasteland. I truly believe that if the Atlantic Mackerel stocks are actually in decline, limiting the mid-water trawlers has to be the first action to recovery.</p>
Jo Jones	Commercial, Private Recreational	Maine	We know All fish need to be regulated. Put a limit on mackerel you be better do it for everyone including all trawls and sieners. Just is not right. A fish is a fish no matter who catches it.
Todd Prock	Private Recreational	Maine	I have been fishing the coast of Maine for years and in the past 3 years I have never seen so many mackerel. There are mackerel of all sizes, no shortage that I have seen. I primarily fish around Monhegan Island.
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Name	Category	States	Comments
Eric Salamon	Private Recreational	Massachusetts	I'm in favor of the most aggressive measures taken for recovery. Recreational represents a very small percentage of the overall impact but I support the lower bag limits. Commercial fishing however is the main reason we are in such dire circumstances. Until there is a full recovery and a sustainable harvest can be maintained a full ban should be implemented
Neal E Melanson	Private Recreational, Other	Massachusetts	<p>NOAA and MDMF need to develop and publish a plan to mitigate the impact of the GRAY SEAL population explosion.</p> <p>I have observed that last year, the Spring of 2021, just 4 GRAY SEALS decimate the population of Winter Flounder in Plum Island sound. I have not seen ANY gray seals in the Sound this year, BECAUSE THERE IS NO MORE FOOD FOR THEM!!!</p> <p>The same situation exists for the local mackerel fishery, and inshore lobster fishing. My catch in the early season 2021 was near ZERO. It did pick up a little in the late summer and early Fall, then cratered again at the start of October.</p> <p>Neal Melanson Rowley Ma.</p>
Nicholas Scalli	Commercial, For-Hire, Private Recreational	Massachusetts	More mackerel last year then I've seen in the past 22 years of fishing. Not sure who does your surveys but they are clueless. Stocks are higher then ever before!!!!
Ryan Kane	For-Hire	Massachusetts	<p>The assumption that mackerel numbers are declining is based off a point in time sample that does not adequately address the warming sea state forcing mackerel to the colder waters south of cape cod and to the north in the gulf of Maine.</p> <p>I fish primarily out of Boston and South shore for Bluefin Tuna on Stellwagen Bank and Cape Cod Bay. I have fished 30 plus days a year since 2015 and have never not gotten brought mackerel to make bait for a trip. Lots of small juvenile tinker mackerel and mediums mostly. Larger horse mackerel more common south of cape cod.</p> <p>Please do not penalize small scale commercial, charter and recreational anglers for the sake of rewarding a few mid water trawlers in a dying industry in Gloucester and New Bedford. Not only does this wipe out a biomass of fish as by catch targeting Herring, it prolongs an inevitable collapse of all fisheries due to depletion.</p>

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Name	Category	States	Comments
Tyler Parisi	Private Recreational	Massachusetts	There are plenty of Mackerel and Herron in the ocean. Please choose humans/fisherman!
Joseph Scalli	For-Hire	Massachusetts	I do not understand why there would be a limit on mackerel. I have fished my entire life off of Gloucester and have never seen a lack of mackerel. By contrary, its often an over abundance. Ive fished on charter boats and commercial boats for the past 10 years and mackerel have always been very abundant and plentiful. It makes absolutely no sense to regulate the mackerel fishery and it would crush the commercial and charter bass and tuna fisheries along with mackerel fishermen. This is not right.
Alan Murray	Commercial, Private Recreational	Massachusetts	I primarily fish recreational for striped bass and haddock; however, I also fish commercially for bluefin tuna. I have not experienced a lack of finding mackerel for bait. Not sure I understand the science used to determine the quantity of available mackerel and certainly do not understand how someone that fishes like i do should be limited to 10 to 15 mackerel per trip!?!? Most bait not used are returned to the ocean with the exception of some used as chum which is not significant. Go after the guys that may be depleting the stock that fish for Mackerel solely.
Dylan Webb	Private Recreational	Massachusetts	Can walk on the amount of mackerel out there. There are so many and they seem to be together in the millions. Any mackerel that aren't used are released to live another day.
Jared Morris	Commercial	Massachusetts	How can someone possibly make a living off of these ridiculous rules and regulations
Paul T Morrison	Private Recreational	Massachusetts	Commercial overfishing is killing off the striped bass, the bluefish, and the atlantic mackerel. Place a commercial moratorium of at least a few years on those fish before the few percent that are left are wiped out.
Timothy Peles	Private Recreational	Massachusetts	Fishing for Striped bass and Tuna in Massachusettes and over never seen so many mackerel on the fishing grounds. The mackerel population is alive and well. Don't touch it. Please.

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Name	Category	States	Comments
Michael Scalli	Commercial	Massachusetts	Good morning my name is Michael Scalli I'm an avid fisherman I've been fishing since I was three years old I'm 36 now I'm telling you guys right now there are so many mackerel out there it's not even funny from Maine to the Cape is where I fish . I heard a lot of stuff is going on trying to close it down saying there's no mackerel I disagree I'm sure you're going to hear a lot of this but me and a lot of fishing buddies are very avid fisherman we fish every day of the season possible ,before you guys think about shutting anything down you should really listen to the fisherman because we are out there every day trying to make a check we need the Mackerel thank you.
Jeffrey Fortin	For-Hire	Massachusetts	There is more mackerel in our waters than you could even imagine. I fished all the way through December and everywhere I went weather it was the bank or out east of Chatham it was stacked with macks.
Tim Jones	Private Recreational	Massachusetts	There is so many mackerel out there we can walk across them. I've been fishing in mass the last 20 years and have never seen any Tim where there was lack of mackerel around in cc bay and points north. Stop with the leftist bullshit trying to control everybody's lives and let the people who are out there everyday have a say in this fishery. Because none of you have a clue to what's going on out there.
Alex Brown	Commercial, For-Hire	Massachusetts	I have seen more mackerel from dinks to jumbo in the past few years than in the previous 15 years. Whomever is trying to implement this is not out there like we are.
Ira Shank	For-Hire	Massachusetts	There is no evidence that charter or recreational fisherman impact the body of mackerel that enter and leave our waters So any attempt to change things must mean they have data that can and will be questioned ..

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Name	Category	States	Comments
Michael Fallon	Commercial, For-Hire, Private Recreational	Massachusetts	<p>Mackerel fishing from my port in the Merrimac River in Massachusetts has been the best I have seen the past few years. I'm a charter captain, commercial bass fisherman, and a recreational angler. Limiting the mackerel take for any group below 25/person would be extremely detrimental to our fishing which is primarily based on live bait and dead bait mackerel fishing.</p> <p>Some will say that if you're fishing a long day you can run back out to catch more mackerel, but that requires a lot of time and fuel, which will be extremely expensive this season. On top of that, many days they are very easy to catch at first light but difficult in the afternoon when they spread out.</p> <p>Not that anyone is asking, but my suggestion would be a 100 mackerel boat limit for charter and commercial boats, and 25/person for recreational anglers.</p> <p>The commercial mackerel boats are harvesting many times over what recreational anglers harvest. We are also able to return unused live mackerel from our livewell after each trip. The money put into the economy from commercial mackerel fishing is FAR surpassed by money put into the economy by For-hire, commercial, and recreational striped bass fishing, all of which relies HEAVILY on mackerel.</p> <p>The past few years have been the easiest mackerel fishing my local fisherman and I have ever seen. It's very difficult to believe the data being presented is relevant and accurate based on how it's being collected. I fully understand the need to protect fisheries and it's really a shame that the idiots who came up with the 2 @ 28" striped bass limit are still forming policy decisions, but cutting off mackerel fishing or reducing below a certain threshold is certainly a step too far, and unlike striped bass who are in dire need of policy reform, mackerel are not.</p>
tucker henderson	Commercial	Massachusetts	I use mackerel for bait almost every day of my life. I can assure you the population is strong. Although i will say, some of the draggers out there don't have a care for anyone but themselves. this could use some regulation.
Philip Gulino	Private Recreational	Massachusetts	<p>The mackerel population is strong. I have seen first hand, no change in the amounts of small tinker size to large jumbos for tuna over the last five years.</p> <p>Do not allow this overreach to continue to legislation</p>
Steve Mcnally	Commercial, For-Hire	Massachusetts	I fish north and south of Gloucester and I see and catch all the mackerel that you want . There were school after school of mackerel all over Stellwagon bank all the way into Boston harbor. They are on Jeffries ledge from Gloucester to Maine

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Name	Category	States	Comments
Damon Sacco	For-Hire	Massachusetts	<p>I have been a very active offshore charter captain since 2000. I regularly fish the waters in and around Cape Cod Bay. There are more mackerel in Cape Cod Bay and on the back side of the Cape now than there were 10 years ago. Each season there are masses of fish that stay all summer and fall season. There is absolutely no reason to curtail the rod and reel mackerel fishery.</p> <p>Thank you</p> <p>Damon Sacco</p>
putnam maclean	Commercial	Massachusetts	<p>I have been a commercial bluefin tuna fisherman for 50 years in the Gulf of Maine, mostly on Stellwagen Bank. Where we fished for tuna ,summer and fall we would hardly ever see a large Mackerel, for decades. Only some fingerlings in the fall.. It was as if they were overfished. I suppose they were elsewhere- The larger Mackerel started to show up in great numbers in the inshore water some 10-15 years ago. It was a slow progression. We wanted to use them for tuna bait and would spend hours trying to catch a couple for live bait.. Worked hard at it.. Now the entire Coastline is awash in Mackerel, for 8 or 9 months of the year, maybe more. what works is that they are protected from large scale industrial fishing. In part because of Herring restrictions, and in part because inshore waters are a minefield of fixed lobster gear, or other, anchored tuna boats , whale zone and all manner of activity.. Mackerel sanctuary.. There did develop some of the jig gear fishery for mackerel, day boat fishery that was hook and line and could operate within fixed gear in shallow water(70-100ft). Maybe use airplanes for assessment counts. ? I have never seen more or larger mackerel , than now.</p>
Jp Anusewicz	Commercial, Private Recreational	Massachusetts	<p>The amount of mackerel in cape cod bay is mind boggling. When I go out at sunrise most mornings as far as you can see is massive schools of mackerel on the surface. When I'm fishing at stellwagen bank trying to catch bait more times than not I can't reach the bottom nevermind drop down 50 feet before I get a full stringer of mackerel even with a 24 ounce weight. I seriously think this talk of the mackerel is foul and completely corrupt. This system is insane!!!</p>
Derek Gauron	Commercial	New Hampshire	<p>So you won't enforce the mid water boats from coming into the exclusion zone, but you're going to pick on the charter, party and rec guys that probably land 1% of a the species, a species that is overall fine.. I've been fishing mackerel my whole life and while some years they don't come in choose to shore, I've seen huge numbers where these big boats tow for bait/mackerel... You're seemingly hurting us on purpose, at a time when we need the inshore fishery the most. Stop 🚫!!!!!!!!!!!!</p>

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Name	Category	States	Comments
Daniel Wilson	Private Recreational	New Hampshire, Massachusetts	This is total bullshit, another way to ruin fun and the local economies that depend on these highly abundant fish.
Angela LaGross	Private Recreational	New Hampshire, Massachusetts	Another way to ruin family fun !
Tom Mccrosson	Private Recreational	New Jersey	In favor
Eric Van Lill	Private Recreational	Other	<p>I used to fish for them back in the 80's, and I do believe the stock has suffered, but other policies should have a positive impact. I fish out of Maryland.</p> <p>You already shutdown the sharking. The only time I use mackerel is for Bait / Chum. With the sharking closed I don't plan to target them.</p>



May 9, 2022

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

**Re: Atlantic Mackerel Rebuilding 2.0 Amendment**

Dear Dr. Moore and members of the MAFMC:

Thank you for the opportunity to comment on the Atlantic Mackerel Rebuilding 2.0 Amendment, which considers several alternatives concerning rebuilding plans and additional commercial and recreational measures.

Our organizations represent for-hire fishing guides, small fishing-related businesses, and conservation-minded private anglers who recognize the importance of science-based approaches that ensure long-term stock health in order to sustain a vibrant recreational fishing economy. Our members and supporters rely on Atlantic mackerel (hereafter “mackerel”) both directly—as a source of bait for species such as striped bass and bluefin tuna—and indirectly given their ecosystem role as forage for popular recreational targets and other marine species.

We are concerned by the troubling findings of the 2021 management track assessment, which revealed persistent low biomass, truncated age structure (lack of older fish), and continued depressed recruitment.<sup>1</sup> Even as spawning stock biomass (SSB) is estimated to have tripled from 2014-2019, the fact that the stock continues to be at less than 25% of the target SSB—coupled with the requirements of the Magnuson-Stevens Act (MSA)—makes additional action necessary at this time. While mackerel have been classified as a species that is vulnerable to climate change impacts,<sup>2</sup> and northward shifts in the resource have been documented, the poor findings of Canada’s assessment for the northern mackerel contingent, whose 2020 SSB was the lowest on record, demonstrates that depressed abundance for the species is occurring across its range in the

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<sup>1</sup> NOAA Fisheries. June 2021. Northwest Atlantic mackerel: 2021 Management Track Assessment Report [Draft]. [https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/612c54d5f1970e234ac3dcce/1630295254487/c\\_2021+Atlantic+Mackerel+MT+assessment+report.pdf](https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/612c54d5f1970e234ac3dcce/1630295254487/c_2021+Atlantic+Mackerel+MT+assessment+report.pdf).

<sup>2</sup> NOAA Office of Science and Technology. Northeast Fish and Shellfish Climate Vulnerability Assessment. <https://www.st.nmfs.noaa.gov/data-and-tools/northeast-fish-and-shellfish-climate-vulnerability/index>.

northwest Atlantic.<sup>3</sup> In recent years, many of our members have witnessed high mackerel biomass in the western Gulf of Maine from Cape Cod to Maine; however, that observation is not inconsistent with the relatively stable results of the egg survey in the region (i.e., hyperstability) even as the overall survey index (used to estimate SSB) has declined.

In deciding on both a preferred rebuilding alternative and recreational measures, we are in favor of an approach that effectively recovers this critical species while distributing the burdens of doing so across the different sectors that rely on this fishery. Given the uncertainties associated with future mackerel recruitment and Canadian landings—which are “taken off the top” of U.S. landings due to lack of a transboundary agreement—a risk-averse approach that maximizes the probability of success amongst these unknowns is needed.

### Preferred Rebuilding Alternative

In principle, we would be supportive of Rebuilding Alternative 3, which is based on the MAFMC’s standard P\* risk policy and was recommended by the Scientific and Statistical Committee. However, as the Public Hearing Document mentions, this alternative (along with Alternatives 1 and 2) does not appear practicable at this time given that it would result in zero or negative commercial quotas in 2023. A related concern with Alternative 3 is the possibility that, depending on the assumption regarding Canadian landings, it could also lead to a closure of the recreational fishery in 2023. We certainly appreciate the need for all sectors to make sacrifices when a stock is overfished. However, to suddenly move from a completely unregulated recreational fishery for mackerel to a prohibition on harvest in a single management action—especially given the high observed biomass of mackerel in the Western Gulf of Maine—would undermine the recreational community’s faith in the Council and jeopardize its engagement on future issues.

**As a result, at this time, we are supportive of Rebuilding Alternative 4, which would use a constant fishing mortality (F) of 0.12 and has a 61% probability of rebuilding the stock in 10 years.** Alternative 4 would still lead to substantial decreases in commercial landings—28-80%—and thus put the stock on a path to rebuilding while recognizing the challenges and uncertainties that are unique to this fishery. Given that the next Atlantic mackerel management track assessment (MTA) is scheduled for 2023, our understanding is that the selection of a preferred rebuilding alternative at this time is largely for the purposes of setting fishery specifications for 2023. If the results of the 2023 MTA indicate some improvement in stock status, we recommend that the MAFMC revisit the possibility of implementing the P\* rebuilding approach (i.e., Alternative 3).

### Preferred Recreational Management Measures

As commercial landings have decreased in recent years, landings from the recreational sector, which have averaged about 2,600 mt since 2017, have become a relatively larger proportion of removals. This development, along with MSA’s requirement that restrictions be allocated “fairly

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<sup>3</sup> Fisheries and Oceans Canada. July 2021. Assessment of the northern contingent of Atlantic Mackerel (*Scomber scombrus*) in 2020. <https://waves-vagues.dfo-mpo.gc.ca/Library/4098865x.pdf>.

and equitably” among fishery sectors,<sup>4</sup> underscores the need for recreational measures to be implemented as part of this amendment.

At the same time, it is important to recognize that some retention of mackerel is valued by the recreational community, both for personal consumption and for use as live and dead bait by anglers and for-hire captains targeting striped bass and pelagic species such as bluefin tuna and sharks. For charter captains during the summer months, a livewell full of mackerel can be the difference between an action-packed trip and repeat clients or a long, trying day on the water.

Moreover, as noted previously, the recreational mackerel fishery has never been subject to regulations; the prospect of moving from “nothing” to “something” has not only caused concern among members of the recreational community but could lead to management uncertainty regarding what the conservation impact of new measures would be. As the Public Hearing Document mentions, “there have been no recreational limits for mackerel before, so angler responses may be difficult to predict.” As this amendment will only be used to set specifications for 2023, Marine Recreational Information Program (MRIP) estimates will be available in early 2024 to assess what impact any new measures may have had in 2023.

In balancing the importance of mackerel to the recreational community with the need for anglers to bear some of the burden in rebuilding the stock, **we are supportive of a 15-fish per person possession limit for the 2023 season.** Such a measure would provide some opportunities for harvest and enable live-bait anglers/charter captains to continue using mackerel while also making a meaningful contribution to stock recovery. Given the dynamic nature of the live-bait fishery for mackerel and the enforcement difficulties it can engender, we believe the limit should be for possession (i.e., how many fish are in the livewell at any one time), rather than a bag limit. As with the rebuilding plan, these measures could be revisited following an assessment of their impacts in 2023 (along with the findings of the 2023 mackerel MTA).

In addition to implementing a possession limit, we recommend that the Council consider provisions that account for the fact that anglers often use frozen mackerel (either purchased or caught on a previous trip) as chum or chunk bait. While we do not have any clear solutions to this challenge at this time, we are of the opinion that such bait should not count toward the per-person possession limit.

#### Permitting/Reporting

**We are supportive of additional outreach and compliance assistance by NOAA Fisheries regarding the need for commercial and for-hire vessels possessing mackerel in federal waters to obtain the appropriate permits and report catch on vessel trip reports (VTRs).** This information is critical for better understanding the “universe” of fishermen fishing for and catching mackerel and could eventually be used to develop catch estimates from the for-hire fleet. Better data will lead to a more favorable long-term outlook for this species.

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<sup>4</sup> Magnuson–Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1854 (2012).

Thank you for the opportunity to submit our comments, and we look forward to working with you to recover this stock.

Sincerely,

A handwritten signature in cursive script that reads "Willy Goldsmith".

Willy Goldsmith, Ph.D.  
Executive Director  
American Saltwater Guides Association

A handwritten signature in cursive script that reads "Greg Vespe".

Greg Vespe  
Executive Director  
Rhode Island Saltwater Anglers Association

Jason Didden  
Fishery Management Specialist  
Mid-Atlantic Fishery Management Council

RE: Atlantic Mackerel Stock Status and Rebuilding

First, accept my second-hand apologies on behalf of some of those participating in the public information webinar on Tuesday, January 12, 2022. Their behavior was embarrassing and is a bad reflection upon those of us willing to participate in a productive dialog. I would add that some fault lies in the moderation or lack thereof. You were obviously trying to do your best in handling a contentious issue.

Hopefully my comments below will be more constructive.

First and foremost I would echo the sentiments of commissioners from the three New England states: As we would feel the greatest impact of any proposed changes. “It is concerning that such a substantial and contentious action could be taken with little public input.... It would be instructive to New England stakeholders and decision-makers to conduct initial information-gathering hearings with the public to better understand potential impacts of a reduction before designing specific management actions.”

**1) No shortage up north** - As you’ve heard, and will no doubt continue to hear, anecdotal observations from the recreational and commercial fishermen in state and federal waters of Maine are that there has been no lack of mackerel, from small to large, in these waters in the past several years. In recent years in Casco Bay and nearshore waters of the Gulf of Maine I have observed shoals of mackerel in late May and early June covering tens of acres, and spread out over several miles. I’m on the water from April through October and maintain regular contact with recreational fishermen other charter captains and there are always mackerel available as a directed catch or for bait. We catch them regularly offshore when fishing for bait from the surface to the bottom and while size is often variable, the last two years have produced a lot of larger fish, some up to 2 pounds.

**2) Relocation** - You may have addressed this in your presentation but the circus was a little distracting. Clearly, the stock has shifted farther north, as it has for several species, e.g. black sea bass. Fewer mackerel landings in the Mid-Atlantic may well be due to stock relocation to cooler waters rather than poor stock status. Continuing to survey for them in other areas, outside the Gulf of Maine might be something of a self-unfulfilling prophecy. If you don’t look where they are, you won’t find them.

**3) Flawed Data** - Have you looked at CPUE instead of just total catch? Since the commercial herring quota has been significantly reduced, fewer mackerel are being landed due to reduced effort, which could explain a substantial reduction in commercial mackerel landings.

**4) More Flawed Data** - The National Academy of Science recent MRIP review would suggest

that this MRIP data needs to be reassessed and revised for it to be at all reflective of the New England fishermen's catch. A lack of dockside intercepts and/or telephone interviews necessitates flawed assumptions regarding recreational landings and distorts MRIP recreational data. We recently addressed this with regard to bluefin, which led to a second consecutive assessment and updating of models used to assess data.

**5) Still More Flawed Data** - It's difficult to substantiate without empirical data but the 100% mortality assumption seems grossly inaccurate. Clearly more research is needed here but I can offer that when caught on a Sabiki and run on an 8/0 hook all day as tuna bait, mackerel remain quite healthy and alive. I find it hard to believe that being flipped off a Sabiki hook and released would result in 100% mortality.

**6) Impact** - The recreational, for-hire and commercial fishing communities in Maine rely heavily on mackerel for bait and as an alternative recreational fishery. We lack the variety and diversity of gamefish found in other regions like the mid-Atlantic. Striped bass are the foundation of Maine's for-hire fleet and recreational saltwater fishery. Taking away the primary method of fishing - live mackerel as bait - could be financially devastating, and is unnecessary considering the minimal impact compared to that of the commercial fishery. Furthermore, implementing measures on New England fishermen without consideration of their input will most certainly create a loss of support and confidence in fisheries management in general, and resentment for distant council control.

I sincerely hope the MAFMC will consider taking a step back and slowing down the timeline to consider potentially flawed assumptions and the potential impact proposed measures could have on northeast fisheries.

Respectfully,

Capt. Bob Humphrey  
President, Casco Bay Bluefin Bonanza  
Member, Maine Association of Charterboat Captains  
NOAA Fisheries Highly Migratory Species Advisory Panel  
ASMFC Striped Bass Advisory Panel  
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May 9, 2022

Re: Mackerel rebuilding

Chris Moore, Ph.D.,  
Executive Director, Mid-Atlantic Fishery Management Council,  
800 North State Street, Suite 201  
Dover, DE 19901  
[jdiddden@mafmc.org](mailto:jdiddden@mafmc.org)

Dear Dr. Moore,

We are writing on behalf of two Canadian environmental NGOs. Both of our organizations have a focus on sustainable fisheries management and vibrant coastal livelihoods. We are members of the Atlantic Mackerel Advisory Committee and attend science and management meetings for Atlantic mackerel in Canada. Thank you for the opportunity to provide comments on the proposed U.S. amendment to rebuild Atlantic mackerel.

We have been concerned about the status of the Atlantic mackerel populations and corresponding management decisions from both Canada and the U.S. for years. According to the latest Canadian stock assessment, the northern mackerel contingent has been in Canada's "critical zone" since 2011, with spawner abundance reaching record lows in 2020. Against the backdrop of this overwhelming evidence of stock depletion, Canada reduced the Total Allowable Catch (TAC) to 4000 metric tonnes in 2021 and took the unprecedented step of closing the commercial and bait fisheries for 2022. We were encouraged that the U.S. reduced the commercial catch limit for 2022 to 4,963 metric tonnes. However, as this stock has been in decline for decades and given its critical importance as a forage fish for so many marine species, it is critical that fishing mortality be held to the lowest possible level. This should preferably be in conjunction with a closure of the commercial fishery throughout the entirety of the Atlantic mackerel stock range.

Fisheries and Oceans Canada (DFO) undertook a multi-year participatory Management Strategy Evaluation analysis which was completed in 2019. It concluded that the stock was unlikely to rebuild above our limit reference point with high probability (>75 percent) within the next 10 years if the catches—which included Canadian TAC and unaccounted-for mortalities—remained near recent levels. It is our view that DFO's 2021 Atlantic mackerel stock assessment results

combined with the MSE assumptions and conclusions most closely resemble those in rebuilding alternative 1 provided by the Mid-Atlantic Fishery Management Council.

The level of fishing activity in the U.S. for Canadian-spawned Atlantic mackerel is a concern for both the future sustainability of this stock and for the future prosperity of Canadian harvesters. Canadian management decisions to encourage rebuilding could prove negligible if many of the same mackerel are still harvested when they migrate south in the winter months. U.S. scientists provided a preliminary estimate that perhaps 50 percent of mackerel caught in the U.S. winter fishery may be from Canada (the northern contingent). The U.S. has recently been establishing a TAC in their fishery that is double the recent Canadian established level (before this year's closure). It is imperative for the future health of this population and for harvesters on both sides of the border that the U.S. and Canada take commensurate action to rebuild.

We are concerned that in some of the proposed alternatives, the amount of catch that Canada is leaving in the water for rebuilding is in essence being made available to U.S. fishermen. We understand that U.S. law requires that Canadian catch be removed from the ABC. However, in the case that catches are deliberately kept low for the purpose of leaving the fish in the water, we think this is a problematic application that could hinder rebuilding.

In 2021, Canada passed a regulation pertaining to the recreational fishery. It put in place a seasonal closure (from January to March), a minimum size of 268 mm, and a bag limit of 20 fish per day per person. We support the U.S. going forward with a proposed 10 or 15 fish bag limit to mirror these efforts.

In, conclusion, we urge the Mid Atlantic Fishery Management Council to follow Canada's lead by eliminating most catch and closing the commercial fishery, as this is the fastest way to rebuild the stock and sustain thriving fisheries once again.

Sincerely,

Sebastián Pardo  
Sustainable Fisheries Coordinator  
Ecology Action Centre

Katie Schleit  
Senior Fisheries Advisor  
Oceans North



May 09, 2022

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

**Re: Atlantic Mackerel Rebuilding 2.0 Amendment**

Dear Dr. Moore and members of the MAFMC:

On behalf of the members of the Maine Association of Charterboat Captains [MACC], thank you for the opportunity to comment on the Mid-Atlantic Fishery Management Council [MAFMC] Atlantic Mackerel Rebuilding 2.0 Amendment.

Our members are split on aspects of our input to the MAFMC regarding next steps for mackerel management.

Not a topic of debate is the importance that mackerel play to many of our operators. They are far and away the primary and preferred live and dead bait choice for striped bass, bluefin tuna, and sharks. Here in Maine we don't have much else to target. Mackerel are also the primary target species on many "family fishing charters" and in regions of Maine where we don't have a reliable striped bass fishery and distance to tuna/shark grounds is substantial. Our members are also acutely aware of the role that mackerel play as forage for striped bass, bluefin tuna, and sharks.

Our members fall into two general categories regarding recommendations to the MAFMC that are well represented by two separate comments submitted by others.

Capt. Bob Humphrey [MACC member] submitted comments [copy attached] to the MAFMC that lays out an eloquent argument **against any of the 5 Rebuilding Alternatives** presented in the 2.0 Amendment. It includes important concerns held by many of our members regarding:

- Findings of local abundance
- Climate-driven geographic shift of stock
- Data limitations associated with stock assessment, MRIP, and release mortality
- Economic impact to our fisheries in Maine

- Limited impact to mackerel mortality by our sector
- Lack of representation from Maine on the MAFMC

Dr. Willy Goldsmith [American Saltwater Guides Association] and Greg Vespe [Rhode Island Saltwater Anglers Association] make an excellent case [comment letter attached] for **Rebuilding Alternative 4 and a 15 fish per person possession limit that** summarizes the perspective of many of our members, highlighting:

- Concern regarding disappointing findings of the 2021 Management Track Assessment
- Acknowledgement and support of the requirements of the Magnuson-Stevens Act and that all previous cuts to mackerel harvest have only affected the commercial sector
- Canadian findings challenging the assumption that mackerel have just moved north
- First time regulation of the fishery for the recreational sector is both an opportunity and a challenge, especially regarding permitting and reporting

Additional comment from another MACC member who's been active in fisheries management for a long time includes observations that:

- Mackerel science overall is inadequate
- Stock assessments and management measures should be conducted regionally not as a coastwide, international stock
- Displaced effort as a result of mackerel limits will increase harvest of river herring for bait

MACC members with disparate views on next steps have expressed common desire to treat frozen mackerel [previously caught or purchased] as separate and distinct from any daily bag or possession limit.

The 2022 National Saltwater Recreational Fisheries Summit provided an excellent forum on the need for improving recreational data collection and usage. Mackerel permitting requirements serve as the introduction to federal reporting for many inshore for-hire operators in Maine who focus on state managed striped bass. It behooves both the MAFMC and NOAA Fisheries to consider the “first impression” these regulations and outreach efforts will make on long-term acceptance of permitting/reporting requirements. Additionally, making good use of data collected through mackerel permitting/reporting will build buy-in from for-hire operators.

Going forward, you can expect good-faith participation in the mackerel management process from the Maine Association of Charterboat Captains. We're committed to continued engagement with the MAFMC, NOAA Fisheries, and Maine Department of Marine Resources. We stand ready to participate in cooperative research and support investment in advancing the science behind mackerel stock assessments and investigation into advancing better understanding of release mortality.

Thank you again for considering our input as you and the MAFMC make decisions as part of the Atlantic Mackerel Rebuilding 2.0 Amendment.

Sincerely,

Capt. Peter Fallon

President, Maine Association of Charterboat Captains  
207-522-9900  
pfallon@mainestipers.com



May 9, 2022

Chris Moore, Executive Director, MAFMC  
Mike Luisi, Chair, MAFMC  
Peter Hughes, Chair, MSB Committee  
Sara Winslow, Chair, RH/S Committee  
Mid-Atlantic Fishery Management Council  
800 N. State St, Suite 201  
Dover, DE 19901

**Re: Comments on Mackerel Rebuilding Version 2: Amendment to the Mackerel, Squid, and Butterfish Fishery Management Plan: Measures to Rebuild the Atlantic Mackerel Stock Including 2023 Specifications and the River Herring and Shad (RH/S) Cap (Mackerel Rebuilding Plan Version 2)**

Dear Mr. Moore, Mr. Luisi, Mr. Hughes, and Ms. Winslow:

We are writing on behalf of The Pew Charitable Trusts (Pew), Bennett Nickerson Environmental Consulting (BNEC), and Conservation Law Foundation (CLF) to provide comments on the draft Mackerel Rebuilding Plan Version 2. A healthy forage base is essential to the ocean ecosystem of the Northwest Atlantic. The Atlantic mackerel (mackerel) stock, like stocks of many other important forage species, has declined dramatically since 1970, in large part due to overfishing. Management decisions that ignored a strong retrospective pattern of low recruitment and overfishing resulted in mackerel being overfished for over 30 years<sup>1</sup> and a stock that, at its lowest point, had decreased to less than 10 percent of its target biomass.<sup>2</sup> The Mid-Atlantic Fishery Management Council's (Council) previous attempt to rebuild mackerel was based on decision-making that allowed overfishing to continue when managers should have been stewarding mackerel's rebuilding and recovery. In the Mackerel Rebuilding Plan Version 2, selecting a rebuilding plan with the greatest likelihood of success is paramount.

The Council should follow the best available science before long-term harm to the mackerel population and broader ecosystem occurs and while impacts on the fishery remain only temporary. Taking a precautionary approach to rebuilding will deliver the best chance to return this fishery to greater abundance and high value for the nation, which for fast growing species of forage fish like mackerel, can happen relatively quickly if fishing is set appropriately low. Following the best available science, the Council should select Alternative 1 for the Mackerel Rebuilding Plan Version 2, because it presumes lower, post 2009 recruitment persists throughout

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<sup>1</sup> March 2022. MAFMC. [Mackerel Rebuilding Version 2: Amendment to the Mackerel, Squid, and Butterfish Fishery Management Plan: Measures to Rebuild the Atlantic Mackerel Stock Including 2023 Specifications and the River Herring and Shad \(RH/S\) Cap](#). P. 9. (2022 Mackerel Rebuilding Plan Version 2).

<sup>2</sup> [2021. NOAA. Management Track Assessment for Atlantic mackerel](#)

the rebuilding timeline and has the “highest overall probability of rebuilding.”<sup>3</sup> The lower recruitment timeframe accurately represents the current status of the mackerel stock and should be the basis for determining how much, if any fishing should occur during rebuilding. While the Public Hearing Document deems Alternative 1 as “impractical,” because under Alternative 1 directed U.S. catch would have to be brought down to essentially zero, we strongly believe this is the only viable alternative to recover this essential species of forage fish. Canada closed its fishery for 2022 and will follow the science for 2023. The Council must now make the necessary and difficult decision to close directed commercial and recreational mackerel fishing in the Exclusive Economic Zone (EEZ) to ensure the recovery of the stock. Additionally, the council should apply the P\* deduction to Alternative 1 to comply with the Council’s risk policy, scale the RH/S catch cap down when directed fishing resumes, and set an upper limit for the RH/S catch cap that prevents overexploitation if the mackerel stock thrives once more.

**Specifically, the Council should:**

- **Select Alternative 1 that presumes lower, post 2009 recruitment to calculate rebuilding Atlantic mackerel, because it represents the best available science, has the highest overall probability of recovering the stock, and essentially sets commercial and recreational directed fishing in the EEZ at zero;**
- **Apply the P\* deduction to Alternative 1 to comply with the Council’s risk policy;**
- **Follow the decision from the Mackerel Rebuilding Plan Version 1 and scale the RH/S catch cap to the mackerel Domestic Annual Harvest (DAH) with a lower limit of 89 mt and an upper limit of 155 mt;**
- **Implement a 10 fish bag limit for the recreational fishery; and,**
- **Require a minimum codend mesh size of 3 inches.**

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**The Council should select Alternative 1 that presumes lower, post 2009 recruitment to calculate rebuilding Atlantic mackerel, because it represents the best available science, has the highest overall probability of recovering the stock, and essentially sets commercial and recreational directed fishing in the EEZ at zero**

Alternative 1 is the only alternative offered in the rebuilding plan that represents the best scientific information available and presumes low recruitment when determining the rebuilding trajectory and allowable catch throughout the plan. All the other alternatives in the Public Hearing Document initially use the 2009-2019 low recruitment—the best available science—until spawning stock biomass (SSB) reaches 50 percent of the target, then they use an expanded timeframe of 1975-2019 to introduce the higher recruitment of the 1970s, 80s, 90s, and early 2000s to justify increasing catch during rebuilding. The higher recruitment levels prior to 2009 are not the best available science and have no bearing on the current status of the mackerel stock and should not be used to determine the allowable level of catch—especially when the stock is overfished and overfishing has been occurring for 30 years.<sup>4</sup> The two-tiered process used in alternatives 2 through 5 employ outdated recruitment data to justify increased catch levels that will undermine recovery by increasing fishing at the very moment the population is expected to

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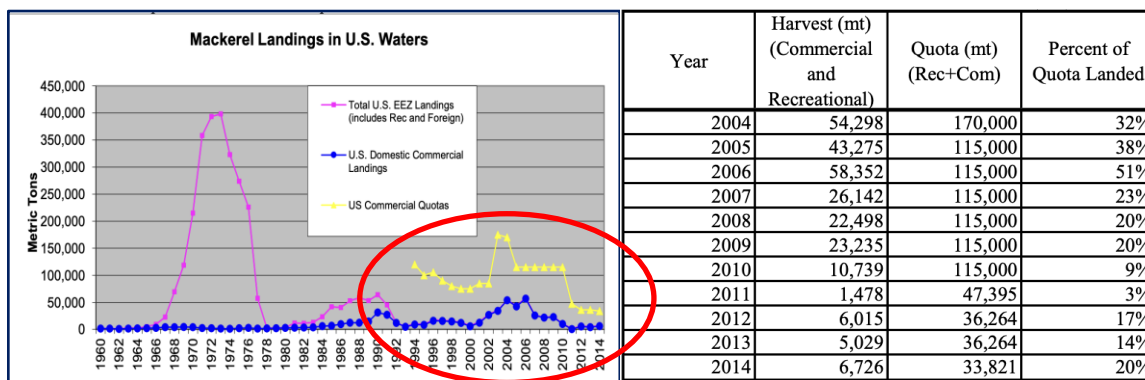
<sup>3</sup> 2022 [Mackerel Rebuilding Plan Version 2](#). P. 21.

<sup>4</sup> 2022 [Mackerel Rebuilding Plan Version 2](#). P. 9.

rebound. This is a demonstrated path for failure—the unsuccessful “Version 1” rebuilding plan took a similar approach, necessitating the now contemplated “Version 2”—for both the mackerel stock and the directed fishery. Instead, the Council must follow the best available science that indicates mackerel recruitment and SSB are alarmingly low and that “long-term rebuilding will be required for this stock.”<sup>5</sup> Alternative 1 accomplishes this by essentially closing directed commercial and recreational fishing in the EEZ, which is necessary to allow for the stock to rebuild in earnest and to comply with Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Background – Mackerel management and overfishing

There has always been uncertainty in management of mackerel. Prior to the 2018 Atlantic Mackerel Stock Assessment, the most recent assessment of the Atlantic mackerel stock was the Transboundary Resources Assessment Committee in 2010 (TRAC 2010) that analyzed data through 2008.<sup>6</sup> The results of that transboundary stock assessment were so uncertain that the TRAC agreed that “short term projections and characterization of stock status relative to estimated reference points would not be an appropriate basis for management advice.”<sup>7</sup> The 2010 TRAC determined that assessments prior to 2010 were also unreliable and thus, until the 2018 Atlantic Mackerel Stock Assessment became available it was unknown if the stock was overfished or if overfishing was occurring.<sup>8</sup> Because underlying data was unreliable in guiding management, decades of management decisions were not rooted in science based determinations of how much fishing pressure the stock could sustain. Instead, Acceptable Biological Catch (ABCs) and U.S. quotas were based on average landings from previous years.<sup>9</sup> Specifically, for 2013, 2014, and 2015 the 80,000 mt ABC was based in landings data from 2006-2008.<sup>10</sup> And then for the decade from 2004-2014, there was only one year when commercial landings exceeded 50 percent of the quota. (See Figure 1) In fact: the U.S. quota has never constrained the fishery and has allowed overfishing to hammer the stock year after year.



**Figure 1:** US commercial quota versus actual Mackerel landings<sup>11</sup>

<sup>5</sup> 2022 [Mackerel Rebuilding Plan Version 2](#). P. 3.

<sup>6</sup> 2010, O'Brien L, Worcester T. 2010. Proceedings of the Transboundary Resources Assessment Committee [Mackerel Benchmark Assessment](#); 2015. Didden, J. MAFMC [Mackerel AP Information Document](#).

<sup>7</sup> 2015. Didden, J. MAFMC [Mackerel AP Information Document](#). P. 2.

<sup>8</sup> 2015. Didden, J. MAFMC [Mackerel AP Information Document](#). P. 2.

<sup>9</sup> 2015. Didden, J. MAFMC [Mackerel AP Information Document](#), 2014. Didden, J. MAFMC [Mackerel AP Information Document](#), 2013. Didden, J. MAFMC [Mackerel AP Information Document](#).

<sup>10</sup> 2015. Didden, J. MAFMC [Mackerel AP Information Document](#), 2014. Didden, J. MAFMC [Mackerel AP Information Document](#), 2013. Didden, J. MAFMC [Mackerel AP Information Document](#).

<sup>11</sup> [2015 MAFMC. Mackerel AP Fishery Information Document](#). P. 3 and 8.

These risky management decisions continued even as precipitous declines in Spawning Stock Biomass (SSB), recruitment, and egg count were apparent. (See: Figure 3). Setting ABCs and U.S. specifications based on how mackerel was fished in previous years allowed overfishing to persist for decades, ultimately causing stock collapse and driving SSB so low that recovering the stock in 10 years will be challenging and managers are limited to only hard choices.

It is the Council’s policy to manage Atlantic mackerel and all forage species with a precautionary approach when the stock is healthy, but even more importantly when the stock is in peril. The Council committed to “support the maintenance of an adequate forage base in the mid-Atlantic to ensure ecosystem productivity, structure and function and to support sustainable fishing communities.”<sup>12</sup> Maintaining healthy forage stocks is essential for ocean ecosystem health and productivity and the economies of coastal communities along the mid-Atlantic coast. Atlantic mackerel is a key part of the forage base of the mid-Atlantic that supports the populations of many larger fish and their associated fisheries including bluefish, sharks, and tunas. A successful recovery of this species will improve more than just this species’ population and its reliant fishery, it will also improve overall ecosystem health, and help support many other predator species that contribute to the ocean ecosystem and communities along the mid-Atlantic coast.

The mackerel stock is so severely depleted that its population is a mere fraction of what it was in the 1970’s. Mackerel is not the only struggling forage species in the region. Atlantic herring are fished by many of the same boats as mackerel, and were declared overfished in October 2020 and entered a rebuilding plan in September 2021.<sup>13</sup> Butterfish are considered “below target level”<sup>14</sup> and 2021 specifications for butterfish reduced catch by 72 percent stating that “the 2020 butterfish management track assessment found butterfish to be not overfished with no overfishing occurring in 2019, but if the full ABC had been caught, projections suggest overfishing would have occurred and the stock would have become overfished.”<sup>15</sup> For all these species, more precautionary management is imperative.

### What the Council should learn from the failed Atlantic Mackerel Rebuilding Version 1

After decades of setting specifications based on previous landings and allowing systemic overfishing that resulted in considerable decline in SSB, the mackerel stock reached a low point in 2012-2014 at around 8-9 percent of the biomass target.<sup>16</sup> The 2018 stock assessment declared that the mackerel stock was overfished and overfishing was occurring in 2016.<sup>17</sup> In response to the overfished and overfishing determination, the Council embarked on a mackerel rebuilding plan as required by the MSA. That plan went into effect November 2019. It set out a five-year rebuilding timeline that relied on an overly optimistic forecast of recruitment from the 2015 year

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<sup>12</sup> 2022 [Mackerel Rebuilding Plan Version 2](#). P. 15.

<sup>13</sup> Sept. 2021, NEFMC. [Atlantic Herring: Council Approves Stock Rebuilding Plan](#) and Adjustments to Accountability Measures in Framework 9.

<sup>14</sup> NOAA Species directory. [Butterfish](#).

<sup>15</sup> Fisheries of the Northeastern United States; [Atlantic Mackerel, Squid, and Butterfish Fisheries: Specifications](#).

86 Fed. Reg. 38586, 38587.

<sup>16</sup> July 13, 2021. [Didden, J. Memorandum to C. Moore](#). Mackerel Rebuilding Modification/Re-assessment and Potential Emergency Action; SSC Meeting.

<sup>17</sup> 2018. Northeast Fisheries Science Center. 64<sup>th</sup> Northeast Regional Stock Assessment Workshop: Assessment Summary Report. [Atlantic Mackerel Assessment Summary for 2017](#).



class, and predicted SSB would reach 162,796 mt in 2019.<sup>18</sup> The subsequent Management Track Assessment (MTA) demonstrated that the anticipated recruitment from the 2015 year class never materialized and determined that in fact SSB was only 42,862 mt in 2019, less than 25 percent of the rebuilding target.<sup>19</sup> The lack of a precautionary approach and resulting discrepancy resulted in the stock being overfished with overfishing occurring in every year of the plan,<sup>20</sup> leading to the plan's inevitable failure to rebuild the mackerel stock.

The first mackerel rebuilding plan failed because overly optimistic projections of recruitment guided catch levels for 2019, 2020, and 2021 that allowed overfishing to continue, preventing recovery of the stock. Mackerel catch in these years was significantly below the rebuilding quota, following the same pattern of overoptimistically setting catch and overfishing the stock.<sup>21</sup> The Council is poised to repeat this same mistake. In the Mackerel Rebuilding Plan Version 2, Alternatives 2-5 follow a similar, fatal logic. The two-tiered approach to the recruitment data implies a shift in recruitment that is neither supported by the science or data.<sup>22</sup> The persistent low recruitment in Alternative 1 represents the reality of the situation and has a slow but steady and reliable increase in SSB that recovers the mackerel stock in 10 years.<sup>23</sup> By contrast, the two-tiered approach used in Alternatives 2-5 brings considerable uncertainty in the probability that the stock will recover as projected, if at all. (See Figure 2).

The SSC outlined several other risks inherent in the two-tiered recruitment alternatives. These risks include: the possibility that the stock will not recover without lowering fishing mortality as proposed in Alternative 1; a concern that the shift to the expanded recruitment timeframe is triggered by a SSB threshold, which presumes a relationship between SSB and recruitment when this relationship is unknown for mackerel, and for which there is limited analytical support, and thus is potentially inaccurate; recruitment of mackerel has typically come in pulses and the SSB trigger that allows for increased catch may undermine the pulse of recruitment or be ill timed in relation to it; and the lack of a precedent in this approach makes determining its potential for success challenging. Knowing these concerns, the two-tiered approach is too uncertain and could potentially jeopardize rebuilding (again) and undermine the future of not just the directed fishery, but also the functionality of the northwest Atlantic marine ecosystem.

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<sup>18</sup> 2022 [Mackerel Rebuilding Plan Version 2](#), P. 10.

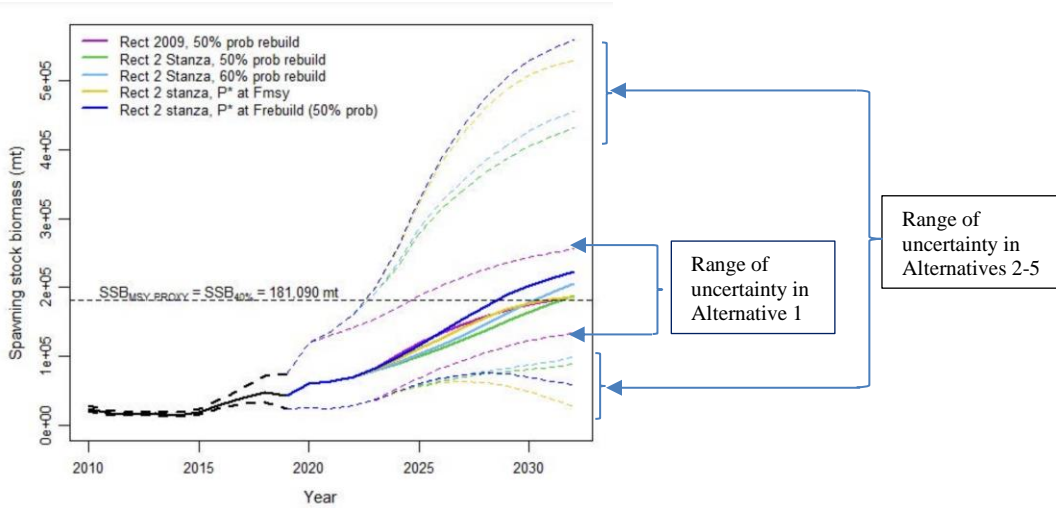
<sup>19</sup> 2022 [Mackerel Rebuilding Plan Version 2](#), P. 10.

<sup>20</sup> 2021, NOAA, [Management Track Assessment for Atlantic mackerel](#).

<sup>21</sup> 2022, MAFMC, Atlantic Mackerel Fishery Information Document ([Showing 2021 quota and landings](#)); 2021, MAFMC, Atlantic Mackerel Fishery Information Document. ([Showing 2020 quota and landings](#)); 2020, MAFMC, Atlantic Mackerel Fishery Information Document. ([Showing 2019 quota and landings](#)).

<sup>22</sup> 2022 [Mackerel Rebuilding Plan Version 2](#), P. 18.

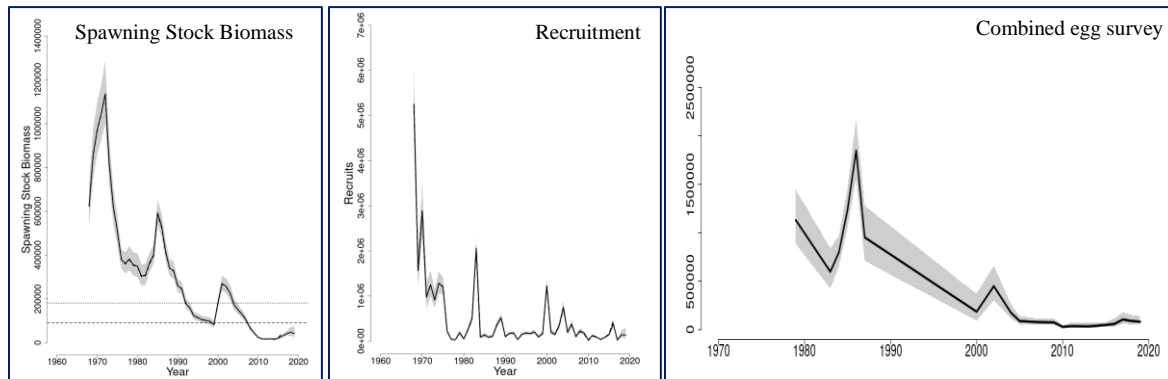
<sup>23</sup> [Staff projections of SSB for the 5 Alternatives](#) in Mackerel Rebuilding Plan V2 as presented to the Science and Statistical Committee at the March 15-16, 2022 meeting.



**Figure 2:** Mackerel SSB rebuilding projections for all alternatives. For Alternative 1 (bright pink) the range of uncertainty and risk of not rebuilding is lowest

Low recruitment represents the true situation of mackerel stock and rebuilding specifications should be based on the low 2009-2019 recruitment levels

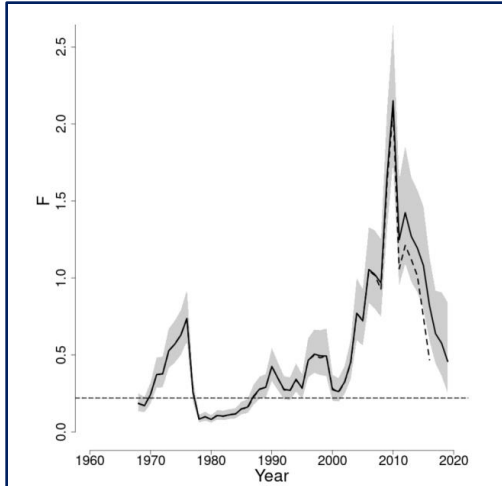
Mackerel recruitment has been low since 2003. The cause of the reduced recruitment is unknown, but it is likely a combination of environmental conditions and reduced SSB. Regardless of cause, the dramatic and continued downward trend of mackerel SSB and its recruitment from 1960 to the present is undeniable.<sup>24</sup> Conversely, fishing has increased over this time period, creating a clear picture that decades of fishing pressure and overfishing coincide directly with the decline and ultimate collapse of the mackerel stock.



**Figure 3:** Precipitous declines in Atlantic mackerel spawning stock biomass, recruits, and egg count as shown in the 2021 Management Track Assessment<sup>25</sup>

<sup>24</sup> 2022 [Mackerel Rebuilding Plan Version 2](#), P. 12.

<sup>25</sup> [2021. NOAA. Management Track Assessment for Atlantic mackerel](#)



**Figure 4:** 2021 Northwest Atlantic Mackerel Management Track Assessment Report of fishing mortality<sup>26</sup>, also found in Atlantic mackerel rebuilding plan Version 2<sup>27</sup>

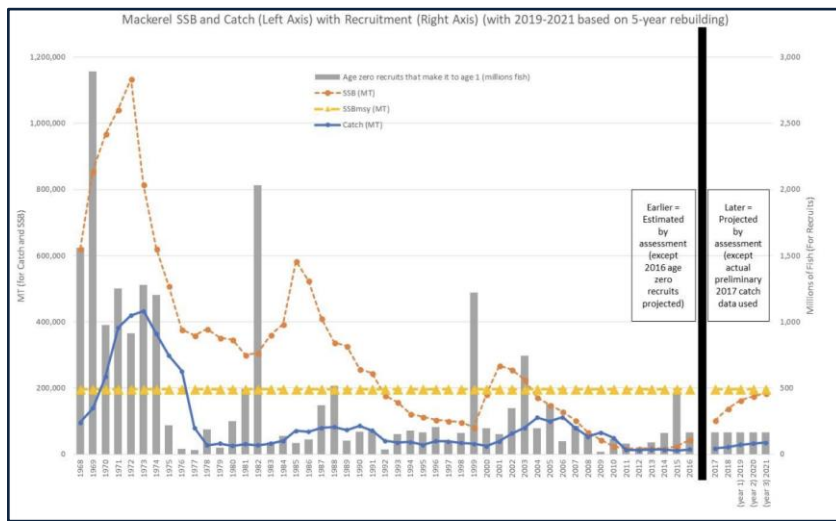
These graphs viewed together provide a clear picture of the impact overfishing has had on the mackerel stock. The health of mackerel in 1970 has no value in determining the ABC for mackerel in 2023, particularly in a revised rebuilding plan. However, these 1970 to present graphs demonstrate two things: 1) continuing the current management trend of setting ABCs based on previous catch levels and overly optimistic stock projections will only exacerbate the downward trend in SSB and recruitment that has been occurring since the mid-1970s; and, 2) if you initially remove and then limit fishing pressure, the stock can recover its historical vitality.

There have been four major recruitment events since 1976. Each of these recruitment events were followed by a spike in SSB, which never materialized into an enduring biomass increase, because fishing was increased shortly after increases in SSB. (See Figure 4). Alternatives 2-5 expand the recruitment timeframe as soon as SSB reaches the 50 percent rebuilt mark, following the historical pattern to allow for an increase in fishing as soon as the stock is beginning to recover—this lack of precautionary management is ultimately preventing enduring increases in SSB and the recovery of mackerel.

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<sup>26</sup> 2021. NOAA. Management Track Assessment for Atlantic mackerel

<sup>27</sup> 2022 Mackerel Rebuilding Plan Version 2. P. 11 and 12.



**Figure 4:** Mackerel SSB and catch, including 2019-2021 rebuilding projections under the initial 5-year rebuilding plan

Canada cut catch by 50 percent last year, and has now closed their 2022 fishery

Mackerel is a transboundary stock, which complicates management, because the mackerel ABC must be divided between the U.S. and Canada and there needs to be coordination as both countries make management decisions. Canada has determined that the mackerel stock has dropped below allowable levels and is implementing its own rebuilding plan. In doing so, Canada determined that none of their harvest control rules would result in the stock recovering to sustainable levels. As a result, Canada closed their directed commercial fishery for 2022, and determined that allowing directed commercial fishing would result in continued stock decline. While the recreational fishery remains open, Canada continues to apply a daily recreational limit that was instituted for the first time in 2021. Canada has a pending stock assessment that is projected for release in early 2023. While we cannot predict the future, we expect Canada to significantly limit future catch to enable rebuilding of the stock as the best available science demands. The U.S. should adopt similar policies and close its directed commercial and recreational fishing in the EEZ for 2023 to allow for recovery of the stock.

**Apply the P\* deduction to Alternative 1 to comply with the Council’s risk policy**

The Council’s risk policy was adopted to address precisely the situation where a stock is overfished or overfishing is occurring. Additionally, the policy was designed to ensure the Council makes consistent and precautionary management decisions when faced with variable uncertainty. The risk policy was developed by the Council through a public process with input across resource stakeholders and was finalized in 2019. As it pertains to this rebuilding plan, the Council’s risk policy has a sliding scale of acceptable probability of overfishing for a species with a typical life history. Specifically, healthy stocks are managed at a set risk of overfishing, while lower stock sizes trigger a lower probability of overfishing that decreases as the stock becomes more imperiled. Because the mackerel stock is only projected to be 32 percent rebuilt in 2023, the first year of the rebuilding plan, the risk policy would require an 85.5 percent

confidence in avoiding overfishing (or only a 14.5 percent chance of overfishing) in 2023.<sup>28</sup> In this instance, given the huge volume of fish that can be taken in just one tow from the vessels participating in this fishery, the only way to reach that level of confidence would be to simply close the commercial and recreational fishery for 2023 in the EEZ. Even then, because this stock has been managed into its current, overfished/overfishing situation, it is possible that incidental catch and state recreational catch would cause overfishing.

Despite the recently updated risk policy, the Council allowed a “temporary adjustment” to the risk policy in the first, and failed, mackerel rebuilding plan. They chose to adjust the risk policy to implement the preferred alternative that allowed for higher catch and a longer rebuilding timeframe that ultimately resulted in overfishing throughout the rebuilding plan. The Atlantic Mackerel Rebuilding Plan Version 2 should not make a habit of adjusting the Council’s risk policy to justify higher catch rates.

The Council should adjust Alternative 1 and apply the P\* deduction to comply with the risk policy and set directed catch at zero for 2023. It is possible that when you apply the P\* deduction to F at 0.01, the rebuilding timeframe will extend beyond 10 years. This highlights the hard truth that when you use the best available science and apply the appropriate risk of overfishing, this stock is so depleted that it’s possible that it cannot be rebuilt in 10 years, even if directed fishing is closed in the EEZ. The MSA creates an exception to the 10-year mandate if “the biology of the stock of the fish...dictate[s] otherwise.”<sup>29</sup> That is precisely the situation at hand. The Council should select Alternative 1, apply the P\* deduction to comply with the risk policy, and close directed fishing in the EEZ.

**The Council should follow its decision in Mackerel Rebuilding Plan 1.0 and scale the RH/S catch cap to the mackerel DAH with a lower limit of 89 mt and an upper limit of 155 mt**

RH/S are important forage fish that tie our oceans and rivers systems together through their annual migrations. The best available science says that coastwide, RH/S stocks remain at or near historic low population levels, with some individual river systems on the verge of collapse. This is particularly true regarding the distinct population segment of blueback herring in the mid-Atlantic and southern New England that are being caught in the mackerel and Atlantic herring fisheries. Although the Council’s original stated intent was to replace the RH/S cap with a biologically based limit, the Council has not done that, and the current level is *still* not based on the biology of RH/S or the needs of their many predators. The RH/S catch cap remains based solely on the directed catch of mackerel.

The original intent of the RH/S catch cap in the mackerel fishery (even one based in the allowable catch of mackerel) was to create a strong incentive to avoid catching RH/S and decreasing the catch of these species over time so that the RH/S population has an opportunity to recover. The status quo cap of 129 mt will not accomplish this.

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<sup>28</sup> 2022 [Mackerel Rebuilding Plan Version 2](#). P. 16.

<sup>29</sup> Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 304(e)(4)(A)(ii).

First, if rebuilding Alternative 1 is selected, a closure of the directed fishing will be necessary in 2023 and possibly for the foreseeable near future. In that instance, the RH/S cap would also be zero as the cap does not apply to incidental catch. Second, the Council should implement the 0.89 ratio of cap to catch on all mackerel trips with a floor of 89 mt and a cap of 155 mt. If allowable catch for mackerel is 10,000 mt or less, the RH/S cap should be 89 mt. If the mackerel catch is higher than 10,000 mt than the RH/S cap should be scaled up at 0.89 ratio of cap to catch, but not to exceed 155 mt. Additionally, when the mackerel U.S. commercial quota is over 10,000 mt the RH/S cap should start out low at 89 mt, and then when 10,000 mt of mackerel is landed, the RH/S cap scale up using the 0.89 ratio, but again not to exceed 155 mt. This slow start is to maintain a strong incentive to avoid RH/S bycatch early in the season and avoid a closure of the mackerel fishery that would prevent the mackerel fishery from realizing its full mackerel catch. If the 89 mt RH/S cap is reached before 10,000 MT of mackerel had been landed, the mackerel fishery would close. Additionally, if the scaled RH/S cap is reached before mackerel catch is realized, the fishery would close.

### **Implement a 10 fish bag limit for the recreational fishery**

Regulation of the recreational mackerel fishery historically has been limited or absent, and there are currently no recreational management measures in place. While it remains unclear how much the recreational fishery contributed to the decline of the stock, with the future of mackerel in the northwest Atlantic in peril, it is appropriate to look across sectors for conservation gains. In the emergency rule issued this year 2,582 mt was set aside for recreational catch. This number was generated by calculating average catch from 2017 to 2021.<sup>30</sup> Again, this catch allocation was determined by how hard mackerel were fished from 2017 – 2021, not by the level of fishing mortality the stock can handle. In general, recreational catch of mackerel has been relatively low. However, in recent years including the three initial years of Mackerel Rebuilding Plan 1.0 recreational catch was a higher percentage of overall catch, making regulations for recreational catch an important and appropriate part of Mackerel Rebuilding Plan Version 2. Alternative 1 of the rebuilding plan would close all directed fishing in the EEZ, both commercial and recreational, in the near-term. Once mackerel recovers and allowing directed fishing is scientifically feasible, the Council should require a 10 fish bag limit for recreational fishing in the EEZ and encourage the states to follow suit in their waters.

### **Require a minimum codend mesh of 3 inches**

We support the Council's inclusion of a 3-inch minimum mesh requirement that mirrors a similar requirement in the butterfish fishery for trawl vessels possessing more than 5,000 pounds (2.27 mt) of mackerel harvested in or from the EEZ. Selectivity in catch of forage species is important. Increased mesh size would allow for smaller and undersized mackerel to escape giving more individual fish the opportunity to contribute to the SSB, recruitment, and ultimately the recovery of the Atlantic mackerel stock.

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<sup>30</sup> 2022 [Mackerel Rebuilding Plan Version 2](#). P. 14.

## Conclusion

The Council faces a crucial decision with the Mackerel Rebuilding Plan Version 2. The closure of directed commercial and recreational is never an easy choice to make. Allowing management to follow the historic pattern of relying on unsupported recruitment projections inconsistent with the best scientific information available will produce the same result: overfished with overfishing that has been the status quo for decades. The mackerel stock is estimated at less than one fourth of the rebuilding target. Other important forage species like Atlantic herring and butterfish are also struggling despite policy commitments from the Councils. The impacts of a weakened forage base reverberate through the entire ocean ecosystem as well as the fisheries and communities that depend on marine resources. To recover this ecologically important species, directed fishing must cease in the near term to allow for stock recovery. We urge the Council to adopt a rebuilding plan for Atlantic mackerel that will immediately end overfishing and has the highest overall probability of rebuilding this important forage stock to a healthy abundance.

Pew, BNEC and CLF appreciate the opportunity to comment on this action. Thank you for considering these comments in your deliberations and we look forward to the Council's final decision.

Sincerely,



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Zack Greenberg  
Officer, Conserving Marine Life in the U.S. Project  
The Pew Charitable Trusts



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K. Purcie Bennett-Nickerson  
Executive Director and Staff Attorney  
Bennett Nickerson Environmental Consulting



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Erica Fuller  
Senior Attorney  
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April 29, 2022

Christopher M. Moore, Ph.D.  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St, Suite 201  
Dover, DE 19901

**RE: Mackerel Rebuilding**

Dear Dr. Moore:

On behalf of the Stellwagen Bank Charter Boat Association (SBCBA) whose membership includes the for hire fleet, recreational anglers and commercial fisherman that fish the state and federal waters off the coast of Massachusetts, we offer the following comments to the Atlantic Mackerel Stock Status and Rebuilding measures:

- The observations of the recreational and commercial fisherman in state and federal waters from Maine to south of Massachusetts is that there has been no lack of mackerel, from small to large, in these waters in the past several years.
- No doubt, due to increased temperatures, the stock has shifted farther north and/or east. Fewer mackerel landings in the Mid-Atlantic may well be due to stock relocation to cooler waters rather than poor stock status. Northerly shifting stock would be consistent with the movement of multiple other examples of species.
- As a result of lack of mackerel in the MidAtlantic waters a separate bag limit is recommended at the approximate 41 degrees latitude line where there fishery is dominated by sand eels with fewer mackerel found over the past several years and as one proceeds north the mackerel population significantly increases especially north of Cape Cod. A liberal bag limit north of latitude 41 degrees would be reflective of the significant biomass and shifting stock and as a result the reliance and use of such by the recreational, for hire and commercial fleet.
- On the surface most support a 15 fish per person bag limit for use of mackerel as bait to target for example striped bass and bluefin tuna. This does not accommodate those from the for hire fleet that





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catch and keep live bait in bait pen at the dock for use of upcoming trips during the week. As a result a separate for hire or possession bag limit is recommended for the for hire fleet. We also question the 100% mortality assumption that based on our observations is significantly less and more in the range of 15%.

- The present bag limit does not reflect the use of mackerel as chum. There is an accommodation in one has a receipt for a “flat of mackerel” on the boat that we assume would exceed the 15 fish bag limit if using as chum. This does not reflect the fact that many anglers catch and use mackerel as bait on trip and/or freeze them for use later on a trip. As a result there needs to be an accommodation for use of such by anglers.
- The SBCBA recommends that the NMFS as well as each state detail and educate the public of the state and/or federal permitting and reporting requirements if fishing in state or federal waters or both when recreational, for hire or commercial fishing. Such is confusing and the SBCBA continues to reach out to its membership to educate and inform them of such requirements.
- Since the commercial herring quota has been significantly reduced, fewer mackerel is being caught. This has contributed to a significant reduction in commercial mackerel landings. This is the likely main source of the 184% increase in the stock biomass since 2014.
- Continued flawed MRIP results regarding recreational landings, distorts MRIP recreational data. The National Academy of Science recent MRIP review would suggest that this MRIP data needs to be reassessed and revised for it to be at all reflective of the New England fishermen’ experience.
- As set forth above, the recreational and commercial community rely on mackerel for live line or fresh bait to catch striped bass, bluefin tuna and many other species. Many also rely on a day of fishing, especially with kids, catching mackerel when few other species are available.
- There are also those that catch and eat mackerel from a segment of the population that are not economically well off that will no longer have opportunity to feed their families and they will no longer book trips on for hire vessels with a 15 fish bag limit. We know that recreational landings are a drop in the bucket in comparison to the commercial landings. However, with current flawed MRIP landing data, even this reality does not appear evident.



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- The current means and methods associated with the spring and fall trawl survey to effectively land mackerel is questionable and as a result, NMFS also relies on egg larvae surveys with the combination of both surveys to assess the status of the stock. There is lack of egg larvae surveys in state waters that is not capturing the biomass and/or our observations of the tremendous biomass of mackerel of all sizes near or off shore in our waters. The survey limitations and ongoing fall and spring survey locations in combination with a shifting stock and changes in the location and timing of where the mackerel are currently found negatively impacts the results not capturing the actual biomass in US and Canadian waters.
- As a result the SBCBA recommends that the for hire fleet that presently is required to record landings, releases and details of each trip via eVTRs be part of the process. We encourage the NMFS to identify the details needed to assist in the stock assessments via eVTRs concerning the timing, location, egg bearing mackerel observed during each trip, etc. We have observed the change in timing, spatial distribution and extent of mackerel in our waters over many years now especially in state waters that is not reflected in the stock assessment.
- Unquestionably, there is no lack of mackerel in state and federal waters from ME to Massachusetts. Implementing measures on New England fishermen without consideration of their input will most certainly create a loss of support and confidence in fisheries management in general and resentment for distant Council control.
- Future stock assessments should consider alternatives that are less reliant on MRIP data such as the use of the Harvest Control Rule or Management Strategy Evaluation to assess stock status.
- Future recreational measures, if any, need to equitably establish the historically low recreational catch in relation to the commercial catch. Restricted access to mackerel for use as bait will dangerously compound the economic impact of future recreational reductions to seasons and bag limits.



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If you have any questions or comments please email or give me a call.

Very truly yours,

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Ron Amidon, MassF&G  
Barry Gibson, RFA

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- Blue Planet Strategies • Great Egg Harbor Watershed Association
- National Audubon Society • Riverkeeper • Theodore Roosevelt Conservation Partnership
- Wild Oceans

May 9, 2022

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

**RE: Atlantic Mackerel Rebuilding Amendment**

Dear Dr. Moore,

We, the undersigned organizations, appreciate the opportunity to provide input on Mackerel Rebuilding Version 2: Amendment to the Mackerel, Squid, and Butterfish Fishery Management Plan (MSB FMP). There are a number of worrisome findings in the 2021 Management Track Assessment, which assessed both the northern and southern spawning contingents as a single stock: 1) Atlantic mackerel are overfished at just 24% of their target biomass; 2) overfishing has been occurring for the last 30 years; 3) recruitment has been below the median since 2008, with 2017 recruitment being the lowest in the record; 4) age truncation in the stock is apparent; 4) projections in the last assessment overestimated stock size by a factor of four; and, 5) rebuilding by 2023, the original rebuilding date set in the 2019 Atlantic Mackerel Rebuilding Framework, was not possible.<sup>1</sup>

Because of the poor condition of the mackerel stock, new rebuilding plan alternatives follow a 10-year timeframe, the maximum rebuilding period allowed under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Recruitment assumptions on which the alternatives are based are critical to rebuilding success.<sup>2</sup> Given the significant error in the projections from the 2018 benchmark assessment, future management track assessments, scheduled for 2023 and 2025, will be critical for measuring rebuilding progress. Revisions to this rebuilding plan would be warranted if adequate progress is not being made.<sup>3</sup>

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<sup>1</sup> Northeast Fisheries Science Center. 2021. Atlantic Mackerel Management Track Assessment. Available at [https://apps-nefsc.fisheries.noaa.gov/saw/sasi/sasi\\_report\\_options.php](https://apps-nefsc.fisheries.noaa.gov/saw/sasi/sasi_report_options.php).

<sup>2</sup> Two recruitment regimes are identified, low recruitment (2009-2019) and long-term “normal” recruitment (1975-2019) on which management reference points are based. Alternative 1 considers persistent low recruitment through the 10-year rebuilding period, and Alternatives 2-5 assume low recruitment (2009-2019 period) unless spawning stock biomass is above 50% of the target. Then 1975-2019 recruitments are used.

<sup>3</sup> 50 C.F.R. § 600.310(j)(3)(iv)

Taking into consideration the MSA rebuilding requirements, the shared nature of the Atlantic mackerel resource with Canada, and the importance of mackerel, river herring and shad in the Northeast Shelf Marine Ecosystem forage base, we support the following options:

- **Atlantic Mackerel Rebuilding Alternative 3:** This rebuilding alternative, recommended by the Council’s Scientific and Statistical Committee (SSC)<sup>4</sup> uses the existing Council risk policy, the P\* approach with the maximum fishing mortality threshold (MFMT) equal to the  $F_{MSY}$  proxy. This risk policy, originally adopted in 2011 and modified in 2020, safeguards stocks that have reached an overfished condition by reducing the risk of overfishing as biomass declines. Under this rebuilding plan for 2023 specifications, an 85.5% probability of not overfishing would be required, calling for near-zero U.S. commercial landings (i.e., the commercial Atlantic mackerel fishery would close). The stock is projected to be rebuilt by 2031.

### **Rebuilding Measures**

- **10-fish Bag Limit for the Recreational Sector.** Recreational mackerel fishing has not been regulated to date because recreational catch historically accounted for a small portion of the overall quota. Because an estimated 90% of recreational harvest occurs in state waters, collaboration to develop complementary regulations in the states of Maine, New Hampshire and Massachusetts, where the bulk of recreational fishing occurs, are necessary for this measure to be effective.<sup>5</sup>
- **3-inch Minimum Mesh Size for the Directed Trawl Fishery.** There are currently no minimum mesh size regulations for the mackerel trawl fishery. A codend mesh size of 3 inches allows for the escapement of juvenile mackerel so they can grow and contribute to the spawning stock biomass. Implementing mesh size requirements to improve size selectivity in trawl fisheries is a proven management tool.<sup>6</sup>
- **No-action / Status Quo for River Herring and Shad (RH/S) Cap.** Under this option, if 2023 specifications allow for directed commercial fishing, the river herring and shad cap would be scaled to the quota using a median of annual RH/S catch to all retained catch ratios on mackerel trips from 2005-2012 (base years used as a reference period when the cap was first implemented with the purpose of reducing bycatch). This method was designed to create "a strong incentive for the fleet to avoid RH/S, allows for the possibility of the full mackerel quota to be caught if the fleet can avoid

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<sup>4</sup> In recommending Alternative 3, the SSC noted, “This alternative, (1) fulfills rebuilding plan requirements; (2) is the most responsive to new information on changes in stock status; (3) produces the highest rebuilding plan 10-year catch yield; (4) is fully consistent with the Council’s P\* risk policy; and (5) would avoid “break points” in catch limit advice, which would reduce year-to-year changes in the ABC.”

<sup>5</sup> Memorandum from Jason Didden to Dr. Chris Moore. July 13, 2021. *Mackerel Rebuilding Modification/Re-assessment and Potential Emergency Action; SSC Meeting.*

<sup>6</sup> Taylor, N., Clarke, L.J., Alliji, K., Barrett, C., McIntyre, R., Smith, R.K., and Sutherland, W.J. (2021) *Marine Fish Conservation: Global Evidence for the Effects of Selected Interventions.* Synopses of Conservation Evidence Series. University of Cambridge, Cambridge, UK.

RH/S, and should reduce RH/S catches over time, compared to what would occur without a cap, given recent data."<sup>7</sup>

### **Atlantic Mackerel as a Shared Resource with Canada**

The U.S. stock assessment findings are consistent with the 2020 assessment conducted by Fisheries and Oceans Canada (DFO), which concluded that the northern contingent has been in the Critical Zone<sup>8</sup> since 2011, age structure has collapsed because of overfishing, and recruitment has been near all-time lows in recent years.<sup>9</sup> In response, Canada closed its directed commercial fishery for 2022 and has implemented minimum size and bag limits for its recreational sector.<sup>10</sup> Canada's rebuilding plan flags potential U.S. catch levels as a threat to the recovery of the northern contingent and the future sustainability of the stock.<sup>11</sup> Scientific studies estimate that as much as 50 percent of mackerel caught in the U.S. winter fishery may be from the northern contingent.<sup>12</sup> Most troubling is that the U.S. specifications process for Atlantic mackerel allows for reductions in Canadian quota to be added to U.S. quota because one Acceptable Biological Catch (ABC) level is specified by the Mid-Atlantic Council's SSC for this shared resource. Alternative 3 best aligns with Canada's rebuilding strategy because it would close directed commercial fishing in 2023 while allowing for incidental catch and restricted recreational fishing.

### **Compliance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA)**

The MSA is clear regarding requirements to rebuild an overfished stock:

For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared...for such fishery shall specify a time period for rebuilding the fishery that shall be *as short as possible*, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and *the interaction of the overfished stock of fish within the marine ecosystem*; and not exceed 10 years,

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<sup>7</sup> Memorandum from Jason Didden to the Mid-Atlantic Fishery Management Council. July 23, 2019. *Updated Annual River Herring and Shad (RH/S) Progress and Cap Review including Mackerel, Squid, and Butterfish (MSB) Monitoring Committee Input*.

<sup>8</sup> A stock in the "critical zone" has fallen below the limit reference point, triggering a rebuilding plan according to the DFO's Precautionary Approach Framework.

<sup>9</sup> DFO. 2021. Assessment of the Northern Contingent of Atlantic Mackerel (*Scomber scombrus*) in 2020. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2021/029. Available at <https://publications.gc.ca/site/eng/9.901360/publication.html>

<sup>10</sup> Canada, Fisheries and Oceans. "Rebuilding Key Forage Fish Stocks for Healthier East Coast Fisheries." *Canada.ca*, Government of Canada, 30 Mar. 2022, <https://www.canada.ca/en/fisheries-oceans/news/2022/03/rebuilding-key-forage-fish-stocks-for-healthier-east-coast-fisheries.html>

<sup>11</sup> Government of Canada, Fisheries and Oceans Canada. "Rebuilding plan for Atlantic mackerel – NAFO Subareas 3 and 4." Government of Canada, Fisheries and Oceans Canada, Communications Branch, 10 July 2020, <https://www.dfo-mpo.gc.ca/fisheries-peches/ifmp-gmp/mackerel-atl-maquereau/mac-atl-maq-2020-eng.html>

<sup>12</sup> Arai, K., M. Castonguay, and D. H. Secor. 2021. Multi-decadal trends in contingent mixing of Atlantic mackerel (*Scomber scombrus*) in the Northwest Atlantic from otolith stable isotopes. *Sci Rep* 11, 6667 (2021). Available at <https://doi.org/10.1038/s41598-021-86116-2>

except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise.

16 U.S.C. § 1854 (e)(4)(A) (emphasis added). Because of Atlantic mackerel's prominent role in the food web as prey for a wide array of predators, including tuna, striped bass, swordfish, sharks, seabirds, seals, pilot whales and dolphins,<sup>13</sup> interactions within the marine ecosystem are considerable, and must be taken into account. All rebuilding alternatives are based on a 10-year rebuilding timeline following SSC advice that long-term rebuilding is required given the current state of the stock.

Compared with Alternatives 4 and 5, which are based on a constant fishing mortality rate strategy, Alternative 3 leaves more mackerel in the water at the onset of rebuilding, allowing fishing mortality to increase with biomass, and best accounts for mackerel's importance to dependent predators. Alternative 3 also produces the highest levels of catch over the 10-year time period, taking into account the needs of the fishing community as the law requires.

#### **Maintaining the Scaled River Herring and Shad Incidental Catch Cap**

We are advocating for a directed mackerel fishery closure in 2023 (Alternative 3). The catch cap does not apply to incidental catches of mackerel (40,000 lb. limit). However, if Alternative 4 or Alternative 5 is chosen by the Council, then a river herring/shad cap becomes an important component of 2023 specifications. **We strongly oppose maintaining the current cap of 129 MT for 2023 (a cap scaled for a commercial quota of 17,371 MT) when commercial quota options under Alternatives 4 and 5 range from 1,002 to 4,864 MT.**

A bycatch cap is only effective if it creates incentive for fishery participants to avoid reaching the cap limit. For this reason, the Mid-Atlantic Council chose to scale the bycatch cap to the quota by applying a median of the values generated using the annual RH/S catch to all retained catch ratios on mackerel trips during 2005-2012 (base years used as a reference period). The higher ratios of RH/S catch to mackerel catch that result from applying the 129 MT cap to the possible range of 2023 commercial quotas under Alternative 4 and Alternative 5 essentially eliminate the incentive to avoid river herring and shad and do not have a scientific basis tied to the purpose of reducing bycatch.

There is no evidence that Mid-Atlantic and Southern New England shad and river herring populations are in a state of recovery. The 2017 river herring stock assessment update concluded that while there were positive signs of recovery in some river systems, river herring populations remain depleted at near historic lows on a coastwide basis.<sup>14</sup> American shad are

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<sup>13</sup> Studholme A. L., Packer D. B., Berrien P. L., Johnson D. L., Zetlin C. A., Morse W. W. 1999. Essential Fish Habitat Source Document: Atlantic Mackerel, *Scomber Scombus*, Life History and Habitat Characteristics. NOAA Technical Memorandum NMFS-NE-141. Available at <https://repository.library.noaa.gov/view/noaa/3138>

<sup>14</sup> ASMFC (Atlantic States Marine Fisheries Commission), 2017. River Herring Stock Assessment Update, Volume 1, August 2017.

not faring any better. The 2020 benchmark assessment found that American shad are highly depressed from historical levels and do not appear to be recovering.<sup>15</sup>

Incidental catch of river herring and shad continues to be a significant contributor to fishing mortality. Since the mackerel fishery cap was implemented in 2014, total river herring/shad extrapolated catch increased by nearly 300 mt (from 178 to 480 MT in 2018).<sup>16</sup> Other measures that have afforded river herring and shad some protection from bycatch, the SMAST Bycatch Avoidance Program and the Atlantic Herring Amendment 8 Buffer Zone, are no longer in effect,<sup>17, 18</sup> making the bycatch caps in the Atlantic Herring and Atlantic Mackerel fisheries the only measures in place in federal waters to protect river herring and shad from incidental catch.

If a static cap is desired because a scaled cap is not possible under low quotas as purported in the Public Hearing Document, it must still meet the original purpose of reducing bycatch as stated in Amendment 14 to the MSB FMP.<sup>19</sup> The median actual extrapolated river herring and shad catch from the Amendment 14 baseline years (2005-2012) is 89 MT, a value that was part of the RH/S cap measures in 2015.<sup>20</sup> The cap should be set no higher, and ideally lower, than this value for quotas under 10,000 MT.

We are at an important crossroads in Atlantic mackerel management, with climate change impacts adding uncertainty about the future of the stock and whether it can indeed build to withstand the high quotas of the past.<sup>21</sup> We urge the Mid-Atlantic Council to prioritize the health of the Atlantic mackerel resource and its role in the ecosystem as it moves ahead with the rebuilding plan. We support the Mid-Atlantic Council's forage fish policy "to support the maintenance of an adequate forage base in the Mid-Atlantic to ensure ecosystem productivity, structure and function and to support sustainable fishing communities,"<sup>22</sup> and call on the

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<sup>15</sup> ASMFC (Atlantic States Marine Fisheries Commission), 2020. American Shad Benchmark Stock Assessment and Peer Review Report, August 2020.

<sup>16</sup> See Note 7, the 2019 Annual RH/S Progress and Cap Review, Table 7.

<sup>17</sup> School for Marine Science and Technology (SMAST). "Bycatch Avoidance Programs." UMass Dartmouth, <https://www.umassd.edu/smast/bycatch/>

<sup>18</sup> NOAA Fisheries. "Court Order Vacates the Inshore Midwater Trawl Restricted Area." NOAA, <https://www.fisheries.noaa.gov/bulletin/court-order-vacates-inshore-midwater-trawl-restricted-area>

<sup>19</sup> MAFMC. 2013. Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) Final Environmental Impact Statement.

<sup>20</sup> In 2015, a cap of 155 MT was set for a mackerel quota of 20,872 MT. The Council included a provision to start the cap at 89 MT until 10,000 MT of mackerel were landed, so there was still strong incentive to avoid RH/S catches even at the low levels of mackerel catch.

<sup>21</sup> Suitable Atlantic mackerel larval habitat in the Northeast U.S. Shelf has changed over the last 40 years with the Mid-Atlantic Bight becoming less suitable over time. [McManus, Michael Conon, "Atlantic Mackerel (*Scomber scombrus*) Population and Habitat Trends in the Northwest Atlantic" (2017). *Open Access Dissertations*. Paper 664. Available at [https://digitalcommons.uri.edu/oa\\_diss/664](https://digitalcommons.uri.edu/oa_diss/664)]

<sup>22</sup> MAFMC. 2016. Mid-Atlantic Fishery Management Council Ecosystem Approach to Fisheries Management (EAFM) Guidance Document. Available at [http://www.mafmc.org/s/EAFM\\_Guidance-Doc\\_2017-02-07.pdf](http://www.mafmc.org/s/EAFM_Guidance-Doc_2017-02-07.pdf)



Council to act on this policy by selecting rebuilding plan options that best conserve Atlantic mackerel, river herring and shad populations.

Sincerely,

Pam Lyons Gromen  
Executive Director  
Wild Oceans

R. Zack Klyver  
Science Director  
Blue Planet Strategies, LLC

Fred Akers  
River Administrator  
Great Egg Harbor Watershed Association

Remy Moncrieffe  
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George Jackman, PhD  
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Chris Macaluso  
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