



**Mid-Atlantic Fishery Management Council**  
800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org  
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** 5/22/2018  
**To:** Council  
**From:** Jason Didden  
**Subject:** 5/17/18 Joint MSB Committee and Advisory Panel Meeting (webinar) summary; Mackerel Closure Provisions Framework

### Participants

Committee Participants: Peter Hughes (chair), Sara Winslow (vie-chair), Warren Elliott (ex-officio), Pete Christopher, Laurie Nolan, Roger Mann, Maureen Davidson, Eric Reid, Peter deFur, Terry Alexander, Stew Michels, Adam Nowalsky, Sonny Gwin.

Advisory Panel Participants: Peter Moore, Greg DiDomenico, Joseph Gordon, Pete Kaizer, Katie Almeida, Steve Weiner.

Other Participants: Jason Didden, Michael Pratt, Christian Berardi, Tim Krusell, Meghan Lapp, Zack Greenberg, John Maniscalco, Jeff Kaelin, Deirdre Boelke, Doug Christel.

### Summary

J. Didden (MAFMC staff) provided an overview of the options for new commercial mackerel trip limits once 100% of the landings quota is reached. Currently at that point the trip limit becomes zero, and the options being considered are 5,000 pounds and 10,000 pounds per trip/day. Staff, in a briefing memo (attached) recommended 5,000 pounds because any landings quota overage at a 5,000-pound trip limit is unlikely to result in an Annual Catch Limit (ACL) overage, and higher trip limits may be more difficult to predict in terms of landings overages.

The Committee, by a vote of 9-1-1, passed the following motion: "I move that the Committee recommend to the Council that the post-100% mackerel trip limit be changed from zero to 5,000 pounds for all permits." The rationale was that this limit appears likely to minimize negative impacts from a zero-possession limit (especially on the Atlantic herring fishery) while likely avoiding an ACL overage. The Committee discussed a motion for a 7,500 pound trip limit but that motion was amended to the final 5,000 pound recommendation.

Several other issues were discussed:

- There is some concern about recent increases in directed landings by handgear fishermen with open access incidental permits. After the call, staff examined landings by this gear type in more detail, which includes automatic jigging machines. Landings by this gear type increased in 2014/2015 and have been in the 1.5-2.0 million pound range from 2015-2017 (11%-16% of total mackerel landings). 73% of landings by this gear type were made by 10 vessels with open access incidental mackerel permits fishing out of SE Massachusetts (including Cape Cod) and landing on average at least 50,000 pounds of mackerel per year. 4 of those 10 vessels landed more than 100,000 pounds on average 2015-2017 and accounted for about half of the landings for this gear type.
- Only 1% of mackerel landings came from vessels with no federal permits, but the proportion of landings made in federal vs state waters can not be calculated due to the spatial scale of required reporting in VTR or dealer data. If federal waters close or have a lowered trip limit, effort could be pushed into state waters where there are currently no trip limits. There was some discussion of sending a letter to the state of Massachusetts asking them to mirror federal mackerel trip limits.
- If the Council wants to develop measures prohibiting targeting of mackerel by holders of the incidental permit or further consider access by different permits types, that could be considered as a Council action. Given the challenges in implementing this action by November/December 2018 (when the relevant measures might be needed), adding any access-control alternatives could prohibitively delay the effective date of this action. This concern would also apply to an alternative that set a post-closure trip limit of 10,000 pounds for directed permits and 5,000 pounds for incidental permits.
- There remain concerns that mixed Atlantic herring and mackerel catches could occur, forcing mackerel discarding due to a low landing limit. This may be unavoidable to a degree if there are low mackerel trip limits (including zero possession). There was also a question about how river herring and shad (RH/S) bycatch could be affected – the existing RH/S caps on the Atlantic herring fishery would remain in place; only trips above 20,000 pounds of mackerel count against the mackerel fishery’s RH/S cap. After the call, staff calculated that during the July-Dec portions of the years from 2015-2017, trips with greater than 5,000 pounds of mackerel accounted for 6% of herring landings in that time period, or 4% of overall herring landings. Trips with greater than 10,000 pounds of mackerel accounted for 5% of herring landings in that time period, or 3% of overall herring landings.

A recording of this meeting is available at: <http://mafmc.adobeconnect.com/p3ja8ibb1ntt/>.

The Council is scheduled to take action on this issue at the June 2018 Council meeting (“Mackerel Framework – Meeting 2” agenda item, June 5<sup>th</sup>).



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## MEMORANDUM

**Date:** 5/14/18  
**To:** MSB Committee and Advisory Panel  
**From:** Jason Didden *JAD*  
**Subject:** Atlantic Mackerel Closure Options

In April 2018 the Council split off Atlantic mackerel (“mackerel”) closure options from the mackerel rebuilding framework. Instead, the Council is using a separate framework to consider just the mackerel closure provisions. Having a focused framework should allow implementation before any potential closure later in 2018. The April 2018 meeting counted as Framework Meeting 1 and the Council plans to take final action on the mackerel closure provisions in June 2018. The Mackerel, Squid, and Butterfish (MSB) Committee is meeting jointly with the MSB Advisory Panel on May 17, 2018 via webinar to provide input on this issue and make recommendations to the Council on a preferred alternative. A related communication from the New England Fishery Management Council on this issue is attached, and materials from the April 2018 meeting (<http://www.mafmc.org/briefing/april-2018>) include several earlier public comments.

### Introduction/Alternatives

The mackerel fishery closed February 27, 2018 because it exceeded its river herring and shad (RH/S) bycatch cap. The mackerel fishery would have closed soon after due to mackerel landings. For data reported through May 09, 2018, 89.26% of the mackerel landings quota had been caught, leaving 2,173,787 pounds of quota for the rest of the year. All vessels with commercial mackerel permits currently have a 20,000-pound trip limit.

At 100% of the quota, the trip limit currently becomes zero, i.e., no possession. The Council has received multiple communications that not being able to possess mackerel could make Atlantic herring fishing infeasible, and small-scale directed mackerel operations have also communicated that a zero-possession limit will have a negative economic impact for them as well.

The Council is considering changing the possession limit once 100% of the quota is harvested from zero to either 5,000 pounds or 10,000 pounds per trip. There is a separate 2,277,375-pound commercial management uncertainty buffer that can be used to absorb any overages occurring with a 5,000-pound or 10,000-pound trip limit. If 100% of the quota is not harvested, the trip limit will remain at 20,000 pounds for the remainder of the year.

## Analysis

Given the clear potential negative economic impacts of a total mackerel possession ban, the key question becomes whether additional mackerel catches could negatively impact the mackerel stock given the recent assessment findings that mackerel is overfished with overfishing occurring through at least 2016. Rebuilding projections assume that mackerel catch in 2018 will be 21,898 MT, and lead to a fishing mortality rate ("F") of 0.22, which is below the overfishing threshold. A catch of 21,898 MT assumes full utilization of the U.S. acceptable biological catch (ABC), including the management uncertainty buffer, as well as full harvest of the Canadian quota if Canada maintains a 10,000 MT quota (same as 2017). While there is some uncertainty about U.S. recreational and Canadian harvest, if only a portion of the management uncertainty buffer is used then we would expect that allowing a 5,000-pound or 10,000-pound trip limit would not lead to a U.S. annual catch limit (ACL) overage or overfishing in general. The following table describes the current utilization of catch:

2016-2018 (all numbers are in metric tons)	
Specification	Mackerel
Overfishing Limit (OFL)	Unknown
Total Acceptable Biological Catch (ABC) from SSC	19,898
Canadian Deduction (Quota and 10% Management Uncertainty)	8,889
U.S. ABC = Annual Catch Limit (ACL) (Canadian catch deducted)	11,009
Recreational Allocation (6.2% of ACL)	683
Recreational Annual Catch Target (10% less than allocation to account for management uncertainty)	614
Commercial Allocation (93.8% of ACL)	10,327
Commercial Annual Catch Target (10% less than allocation to account for management uncertainty)	9,294
Landings or "Domestic Annual Harvest" (1.26% less than Annual Catch Target to account for expected discards)	9,177

The 1,033 MT gap between the commercial allocation (10,327 MT) and commercial annual catch target (9,294 MT) is the 2,277,375 pound commercial management uncertainty buffer (there are approximately 2,205 pounds in 1 MT).

Predictions of 2018 commercial mackerel landings under various non-zero trip limits after 100% of the landings quota is reached can be approximated with 2015-2017 data. The following scenarios start with reported landings through May 9, 2018. If later (i.e. after May 9) 2015-2017 landings over 20,000 pounds are set to 20,000 pounds, then based on average monthly landings the 2018 fishery is predicted to hit 100% of the landings quota around December 1. If larger trips after that point are set to 10,000 pounds, then the quota overage prediction is about 514,000 pounds, which would be 23% of the management uncertainty buffer. If larger trips after that point are set to 5,000 pounds, then the quota overage prediction is about 384,000 pounds, which would be 17% of the management uncertainty buffer.

Actual landings may be higher or lower than predicted and there can be considerable variability in late-season mackerel landings. Some larger trips currently being set as smaller trips may not have occurred at all, while additional smaller trips may take place due to the closure. However, the available information suggests that with a 5,000-pound or 10,000-pound trip limit, only a portion of the commercial management uncertainty buffer would be utilized. As such, ACL or ABC overages would not be expected so overfishing should not occur. Any ACL overages must be repaid.

Public testimony, and analysis of landings and portside sampling data suggest that the herring fishery late in the year can operate with a 5,000-pound trip limit – only a small portion of total herring landings have occurred on late-season trips that also landed over 5,000 pounds of mackerel. A 5,000-pound trip limit would also mitigate impacts on smaller-scale directed operations.

Given the relatively small landings quota overage expected with a 5,000-pound trip limit and the associated herring and mackerel opportunities that would result, staff recommends the Council select a 5,000-pound trip limit for after 100% of the mackerel quota is caught. Although a 10,000-pound trip limit would also probably result in a relatively small overage, staff concluded caution appears warranted given the overfished status of mackerel. A 10,000-pound trip limit could also attract unanticipated directed effort and result in a higher-than-expected landings quota overage.



## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

May 7, 2018

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

Dear Chris:

The Council met on April 19, 2018 and discussed the action the Mid-Atlantic Council is working on to address accountability measures in the mackerel fishery. The 2018 mackerel catch is currently at about 90% of the annual domestic allowable harvest (DAH), and once the full DAH is projected to be caught, all vessels are prohibited from possessing mackerel. This is a large concern for the Atlantic herring fishery, as well as small scale mackerel fishing operations in New England. It was explained that the Mid-Atlantic Council is working on a fast-track action to address this issue before it is expected to be a concern (approximately November 2018 when the remaining DAH is projected to be caught).

The New England Council passed two motions supporting this action. Prohibiting the possession of mackerel would be very detrimental to the herring fishery since mackerel is often caught with herring. Furthermore, there are small scale mackerel fishing operations in New England that target mackerel under lower possession limits. Finally, the current regulations include reference to a prohibition to “take” any mackerel if this accountability measure is triggered. It is our understanding that this was an oversight when the regulations were updated and was not the intent of the measure, and therefore, the Council supports removing that text from the regulations as soon as possible.

*That the Council support development of an action by the MAFMC to modify the mackerel possession limit in the range of 5,000 to 10,000 pounds (from zero) when the full mackerel domestic annual harvest (DAH) is projected to be harvested.*

*The main motion **carried** unanimously on a show of hands (17/0/0).*

*When mackerel regulations are adjusted, NMFS should clarify the definition of “possess” (remove reference to “take”).*

*The motion **carried** on a show of hands (16/0/1).*

Sincerely,

Thomas A. Nies  
Executive Director

cc: Mr. Michael Pentony, NOAA Fisheries