



MSB Monitoring Committee Meeting Summary – Atlantic Mackerel Rebuilding

March 18, 2022

Webinar

The Mid-Atlantic Fishery Management Council's (Council) Mackerel, Squid, and Butterfish (MSB) Monitoring Committee (MC) met on March 18, 2022 at 1:30 pm. The purposes of this meeting were to develop recommendations regarding 2022 *Illex* Specifications and Atlantic mackerel (just "mackerel" hereafter) rebuilding. Given the different topics, two summaries were created – this summary is for mackerel rebuilding topics.

Monitoring Committee Attendees: Jason Didden, Carly Bari, Lisa Hendrickson, Kiersten Curti, Daniel Hocking, and Julia Beaty.

Other Attendees: Greg DiDomenico, Aly Pitts, Meghan Lapp, Pam Lyons Gromen, Katie Almeida, Sonny Gwin, Zachary Greenberg, Kelly Whitmore, Purcie Bennett-Nickerson, Dan Farnham, Melanie Griffin, Megan Ware, and Will Poston.

The Monitoring Committee discussed a variety of topics related to mackerel rebuilding. The results of those discussions have largely been incorporated into the current draft mackerel rebuilding public hearing document, but additional editing of that document will occur before hearings. MC Meeting highlights included:

-With a mackerel Management Track Assessment planned for 2023, which would inform 2024 specifications, it makes sense to only set specifications through 2023. Given the demonstrated imprecision of previous projections, setting now for 2024 is likely to convey an inappropriate sense of what 2024 specifications will actually be. If there is some unexpected delay, 2023 specifications would roll over into 2024 until any associated rulemaking takes effect.

-The plan for Canadian landings is to describe likely specifications outcomes of assuming either 4,395 MT for Canada for 2023 or half of that, 2,197 MT, and then the Council can make a decision in June 2022 after hopefully knowing at least the 2022 Canadian quota. Canadian catch predictions for 2023 may be imprecise because Canada will base its 2023 quota on their assessment update in early 2023. The wording of their 2022 quota announcement should be considered when making an assumption about 2023.

-Given the uncertainty about recreational responses to bag limits (or any other measures), and the uncertainty about state actions, it is reasonable to just continue deducting the recent 5-year average recreational catch of 2,582 MT. Another reasonable approach would be to deduct half of the theoretical reduction from any bag limit. The effect of this would be to assume some reduction from a bag limit, but also assume that angler behavior adapts in response to a bag limit to still optimize their catches. The Monitoring Committee shared state concerns about the complexity and enforceability of different bag limits for private/shore/for-hire modes.

-There is still some ambiguity regarding permitting and reporting. The regulations state that:

“The owner of any party or charter boat that fishes for, possesses, or retains Atlantic mackerel, Illex squid, longfin squid, or butterfish in or from the EEZ or Atlantic chub mackerel in or from the EEZ portion of the Atlantic Chub Mackerel Management Unit, while carrying passengers for hire must have been issued and carry on board a valid Federal vessel permit...”

“Mackerel, squid, and butterfish vessels. Any vessel of the United States, including party and charter vessels, that fishes for, possesses, or lands Atlantic mackerel, Illex squid, longfin squid, or butterfish in or from the EEZ or Atlantic chub mackerel in or from the EEZ portion of the Atlantic Chub Mackerel Management Unit must have been issued and carry on board a valid Federal mackerel, squid, or butterfish vessel permit...”

“Vessel and operator permits. It is unlawful for any person to do any of the following: (1) Fish for, take, catch, harvest or land any species of fish regulated by this part in or from the EEZ, unless the vessel has a valid and appropriate permit issued under this part and the permit is on board the vessel and has not been surrendered, revoked, or suspended.” (*Under Prohibitions Section*)

The tricky aspect is that since the word “possess” is not in the prohibition section, one could apparently argue that a mackerel on board was caught in state waters, though there is generally a presumption that fish on board in the EEZ were caught in the EEZ. To completely close this possible permitting and reporting loophole, the Council could consider adding that possession of any Atlantic mackerel in the EEZ, including as bait acquired through any means, by any commercial or for-hire vessel, requires a mackerel permit. Pre-purchased bait would not have to be reported but would trigger permitting (open access permits are available). Once a vessel has **any** NMFS GARFO permit requiring vessel trip reports (VTRs), all catch of all species must be reported via electronic vessel trip reports (including on any private trips). NMFS GARFO may have additional input on this topic.

-There is minimal information to evaluate a 3-inch mesh for mackerel. The general literature on selectivity would support that some additional escapement of small mackerel should occur. Most Atlantic mackerel catch observations (raw data) in the observer data in the last 10 years occur from 48mm (1.9 inches) to 60mm (2.5 inches), with less than 10% of observations by weight occurring with mesh over 60mm (2.5 inches), making the observer data of limited usefulness for exploring an increase to a 3-inch mesh. Staff will further evaluate observer data to see if any additional information can be developed.

-For Alternatives 1 and 2, given the extremely low ABCs, even completely closing the U.S. EEZ would not achieve the ABCs, but would come closest.

-For the P* Option, Alternative 3 in the draft public hearing document, refer to SSC summary for why the SSC recommended the P* approach. With likely assumed Canadian catch and recreational catch, catch for the U.S. commercial fishery may still be negative with P*. Starting with a commercial fishery closure (20,000 pounds for directed limited access permits and 5,000 pounds for open access permits) and a 5-fish recreational bag limit could be placeholder

measures, but would still not hold to the resulting ABCs. The question becomes if even these measures would not hold to an ABC, does this option become infeasible. The MC discussed whether going to a 5-fish bag limit might reduce “other” catch to where enough quota could cover incidental commercial mackerel catches. Calculations in the draft hearing document indicate that even at a 5-fish bag limit, there would still be minimal commercial quota.

Public comment summary:

-Given the status of mackerel, how are we going to monitor and manage the other fisheries? Recreational and bait especially.

-Ecological and socioeconomic concerns need to be fully considered by the Council.

-The Council should consider alternatives that rebuild mackerel by 10 years from the original rebuilding date.