



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: 7/18/18
To: Mackerel, Squid, and Butterfish (MSB) and River Herring and Shad (RH/S) Committees
From: Jason Didden
Subject: 7/17/18 MSB + RH/S Joint AP Meeting Summary

MSB-Only AP Members in Attendance: Meghan Lapp, Bill Bright, Jim Lovgren, Hank Lackner, Gerry O' Neill, Howard King, Mark Krause, Leif Axelsson, Sam Martin, Stephen Weiner.

Members of both APs in Attendance: Katie Almeida, Joseph Gordon, Emerson Hasbrouck, Jeff Kaelin, Pam Lyons Gromen, Peter Moore, Eleanor Bochenek.

RH/S-Only AP Members in Attendance: Shawn Kimbro, Frank Florio, Fred Akers.

Other: Jason Didden, Peter Hughes, Sara Winslow, JM, Erica Fuller, Kiersten Curti, Eric Reid, Vinny Florio, Steve Weiner, Douglas Christel, Aly Pitts, Zack Greenberg, Megan Rodrigo, Christian Berardi.

J. Didden first provided a summary of the recent mackerel assessment followed by technical questions and answers (Q&A). J. Didden then provided a summary of each alternative set, followed by technical Q&A and then the AP members provided input on the alternatives. Recent RH/S information was also reviewed before discussion of the RH/S cap alternatives. Input from the APs and others is summarized below.

Alternative Set 1 – MSB AP Members

Joseph Gordon (for self and PEW): We need to be cautious about projections particularly given the uncertainty in the terminal year. The fishery has declined by about 90%-95% since Magnuson and there's been overfishing for at least the past decade. None of the major recent recruitment events, including ones much higher than 2015 have materialized into a substantial enduring increases in biomass. Some options would really increase risk and catch. We support 1b with a 50-50 split with Canada. My read of the Magnuson Act is that this is the only approvable option due to the requirement to rebuild as quickly as possible and the other options are slower than what's possible. I haven't seen any economic analyses but it's hard to see what the damage of not

increasing would be. Mackerel's role as forage also should be factored in and suggests a lower catch/faster rebuilding.

Jeff Kaelin (Lunds): The assessment considers mackerel's role as forage. The 10,000 MT deduction for Canada makes a lot of sense. I like the reduction of the management uncertainty buffer reduction but might also like status quo on the closure triggers. Are they linked? (Staff: yes, from staff's perspective) We support the staff recommendation 1c at this time. The boats have been maintained and can harvest substantial quotas. This assessment seems to be getting to what the productivity of this stock is and we've been the victim of historical misestimation of the quotas. There's been no 50-50 history of sharing this fishery with Canada.

Pam Lyons Gromen (Wild Oceans): We support 1b with the 50% Canadian reduction. It follows the Council's risk policy and it's troubling that the Council would move the line when the risk policy kickstarts an action. 1b rebuilds biomass and will increase biomass to 150% of Bmsy. The 50% Canadian deduction involves more precaution which is warranted given the state of the stock and can be adjusted lower later depending on Canadian actions. The Council should consider that Atlantic herring stocks appear to be in decline, and mackerel may soon be more important as forage, further warranting caution.

Emerson Hasbrouck: I would go with the staff recommendation (1c) given the available analyses. It rebuilds in a timely manner and considers the needs of fishing communities.

Gerry O'Neil: I prefer 1c with the 10,000 MT Canadian deduction. It provides for timely rebuilding but allows the fishery to get what it can, and mackerel will be more important to this fishery given what appears to be coming with herring (much lower quotas).

Bill Bright: I represent the fishing vessels Enterprise and Retriever and we support 1c, the staff recommendation with the 10,000 MT Canadian deduction. Need to remember that there are large areas in the Gulf of Maine that we don't have access to. We would have definitely caught the full quota last year (Staff: the RH/S cap shut the fishery slightly before the quota would have).

Peter Moore: I support the staff recommendation. The limitations on the fleet in terms of spatial access are really important to keep in mind. The 50-50 split with the Canadians seems unprecedented.

Katie Almeida: I support the staff recommendation.

Howard King: I prefer the staff recommendation.

Leif Axelsson: I support the 1C option with the 10,000 MT Canada allocation

Alternative Set 1 – RH/S AP Members and Public

Fred Akers (via email): It is not clear in the existing documents how any of the options would rebuild mackerel. Based on those the best alternative offered by staff is "Alternative 1b. 3-Year Rebuilding based on P* with no risk policy change" with the 2019 catch reductions, but the 2020

and 2021 DAH catch increases under 1b appear just as arbitrary and capricious as in the other alternatives. Discussion on the call provided more explanation of how the projections were done and how they might rebuild mackerel.

Alternative Set 2 – MSB AP Members

Gerry O’Neil: Is there a provision where underages roll over? (Staff: No) At 80% or 85% it seems like we’ll be leaving a lot of quota on the table. At a 40,000 pound or 30,000 pound trip limit the traditional directed fishery won’t do anything with that and you’ll leave a lot of fish uncaught from year to year. Also need to avoid repeat of possible total closure.

Jeff Kaelin: I agree with Gerry and we like the status quo closure at 95%. Could we close at 95% and have incidental permits go to 5,000 pounds at that point (Tiers would still go to 20,000 pounds)? (Staff: the Council could do that). I suggest a modification to closing at 95% with a 5% management uncertainty buffer and have incidental permits go to 5,000 pounds at the 95% closure buffer. At 100% everyone would go to a 5,000 pound trip limit. More of the quota will not be caught under the current alternatives versus this modified approach.

Leif: Could use the system proposed by staff but close initially at 90% and have a 40,000 pound trip limit. I think that would get the directed fishery closer to the quota and leave a enough of a buffer without fear of going over. You could also reduce the trip limits for the different Tiers.

Pam Lyons-Gromen: It was troubling that we had to change this year to allow harvest over the DAH so these options seek to avoid that. I’m very interested in the jig fishery and think that the Council should consider ways to encourage this fishery and should not select options that would discourage this fishery or take them out of the system.

Emerson Hasbrouck: I support Jeff’s proposed modified option.

Peter Moore: I also support Jeff’s proposed modified option.

Alternative Set 2 – RH/S AP Members and Public

Fred Akers (via email): I agree with the staff recommendation for this 2c. alternative, but modified with a 30,000 pound trip limit for directed permits after the 1st closure on the basis that it should allow landings to get near DAH and cover most incidental catch during closures.

Alternative Set 3 – RH/S AP Members

Peter Moore: Is there a way to show a satellite photo of these river systems to show how the rivers interface with the ocean and how this relates to spawning habitat. I'm thinking about Mike Armstrong's work on the importance of sufficient precipitation and outflow for juveniles. People need to be aware of the habitat and other issues (predation) while they are making decisions about caps limiting fisheries. As the RH/S stocks recover, there will be more in the ocean, and there needs to be a mechanism that allows industry to operate given the efforts they are making. I would support an approach of allowing the cap to increase as RH/S stocks increase. Of the available options and given the lack of assessment information, I would go with 3c.

Shawn Kimbro 2: I am in support of 3a based on severe depletion.

Jeff Kaelin (Lunds): Most offshore surveys are as high as they've been. Maine has increased spawning areas that have seemed to help. The Southern state surveys aren't as positive as the federal surveys and I was surprised by NEAMAP. The mid-water trawl fishery is taking a small fraction of these fish overall. In the offshore region we see what the Federal surveys are seeing that there are more river herring, though we're trying to avoid them. We'd like the Council to consider individual vessel accountability because only a few bad actors can negatively impact the whole fishery. Initially supported staff recommendations. Industry deserves credit for implementing the shore-side monitoring program and avoidance. The RH/S cap should be responsive to both the mackerel quota and RH/S being very hard to avoid. Upon further reflection only 3c is the fairest way to go in order to catch the quota. I'm concerned about 3d – what happens if we trigger the lower cap before 10,000 MT – are we then shut down for the rest of the year (Staff: Yes). That doesn't make sense to me. 3c is conservative enough.

Pan Lyons-Gromen (Wild Oceans): When looking at the river herring landings, need to remember that's mostly from Maine alewives, but the SNE and M-A alewife and particularly blueback herring stocks are of great concern and in poor shape and are under review for endangered species status. We support 3A. The high catch level of "Herring, NK" in 2017 also calls into question whether the cap is fully limiting RH/S catch so we need to stay as conservative as possible. Would like more information on the Herring, NK data. It's also troubling that we can't fully bin RH/S into fisheries so we're not sure if we're being equitable in which fisheries are reducing RH/S catch. Especially American Shad and small-mesh bottom trawl. If the staff recommendation is used, would strongly support 3d to still limit RH/S catch at low mackerel landings.

Joseph Gordon (PEW): The Maine alewives are genetically distinct so the landings information, dominated by Maine, doesn't accurately represent the populations that this Council is looking at. We support 3a. The two protective measures in place are the anti-slippage provisions and the cap. Taking out Maine alewives we are at a very low stock status for the other genetically distinct stocks, blueback in particular, and a large portion of the catch is SNE and Mid-Atlantic. There's no science that suggests if mackerel increase in abundance you'd expect RH/S to increase in abundance. If you stick with a scaling approach and mackerel rebuilds, you're looking at doubling the amount of RH/S being taken out of the ocean and there's no science to suggest that's sustainable so we suggest keeping the cap where it is to drive a reduction in bycatch. There's no evidence that there is a widespread increase in abundance driving higher cap catches. If we're committed to RH/S rebuilding to support fisheries, can't just look at them as bycatch in the

mackerel fishery. RH/S should be managed under Magnuson so that catch limits do get tied to abundance. Absent that we support 3a.

Fred Akers (Greater Egg Harbor Watershed Association): We recommend 3a (keeping the cap where it is). We're hoping the cap results this year are an outlier and in future years the RH/S are avoided and it's not a problem. By email: After participating in today's webinar and hearing the discussion and comments, I think that adding some background information about Amendment 15 would be helpful in informing newer folks how the Council considered and rejected making river herring and shad stocks in the fishery which would have required the building of the abundance information, while at the same time adding conservation measures like catch caps, 100% observer coverage, and voting to address additional conservation measures for river herring and shad through an interagency working group. (I was there, and I recall that John Bullard cast the deciding vote against stocks in the fishery). I think it is important for the Council to recall, and stakeholders to be informed, that the RH/S catch caps in the mackerel fishery and increased observer coverage to conserve RH/S were not some "whim" by the Council, but were instead compromise measures to avoid designating RH/S as stocks in the fishery with abundance estimates, stock assessments, EFH determinations, and the development of an FMP that could have been even more restrictive than adjustable bycatch caps.

Emerson Hasbrouck: Cornell also runs a RH/S bycatch avoidance program and mackerel fishermen can and should report to that program also to help everyone avoid RH/S and it is easy to report on BOATTRACS. Contact Emerson for more information (ech12@cornell.edu).

Gerry O'Neil: I would support 3c. We need to tie the cap to the fishery or else you'll close the fishery that much earlier. Need to move to a biologically-based cap – the federal trawl survey is showing more fish and there will be more interactions. It doesn't seem right to shut the fishery down with all the effort we've put in to avoid RH/S.

Alternative Set 3 – MSB AP Members and Public

Mark Krause: I support 3A

Meghan Lapp: I support either 3b or 3c. The cap was scaled down when the quota went down and if we're going to have a sliding scale down we need to have one up that is not punitive to the fishery. It won't be possible to achieve optimum yield otherwise.

Leif Axelsson: I will also be in support of 3c, and share Jeff's concerns regarding 3d.