



Mackerel Rebuilding 2.0 Hearings Summaries

April-May 2022 – 5 Hearings DRAFT

Jason Didden of Council Staff attended all hearings. Peter Hughes, the Mackerel, Squid, and Butterfish (MSB) Committee Chair, also attended all of the in-person hearings.

#1: April 25, 2022 – New Bedford, MA

Attendees:

Katie Almeida
Dan McKiernan
Kelly Whitmore

Summary:

Staff provided an overview. No comments for the record were provided at this hearing.

(other meetings continue next page)

#2: April 26, 2022 – Plymouth, MA

Attendees:

Steve Wood
Raymond Kane
Melanie Griffin
Matt Ayer
Rich Antonino
Mike Pierdinock
John Bunar
Richard Barbieri
Greg Sears
Bob Lavallea
Kevin Simon

Tim Brady
Mark Petitt
Tracy Terrin
John Parkinson
Steve DiPillo
Brian Curry
Tom DePersia
Eric Morrow
Jeff DePersia
Taylor Sears

Summary:

Staff first provided an overview. Some staff clarifications are noted in the comment summary.

Comments:

Brian Curry (Stellwagen Captain and member MV Fishermen's Preservation Trust):

The egg survey is missing the inshore areas where fishermen see a lot of mackerel, all the way to the beach. If you don't measure in the right place, you could really be missing what's going on. Mackerel are showing up in more and more areas. If you don't improve the survey you'll just keep missing fish, and you need to improve reporting (and communicate the need for reporting) so it's not assumed there's no fish just because you're not getting information from people. You didn't collect the data that you are presenting... We're catching these fish and seeing it and you're saying "Don't believe your eyes." We would like to talk to the people doing the science – they need to step towards us. With how short the eggs are eggs, seems easy that you would just miss spawning in your survey. Couldn't the Canadian's fishing during spawning be reducing the eggs? It would be great to see the distribution of egg survey stations, and when the survey starts and stops.

Ray Kaine: Are we really seeing an Eastward shift that governance bodies are not addressing?

Greg Sears (Mass Bay Guides): We support managing these stocks to make sure we have a fishery for the next generation. We oppose the scientific conclusions and the potential economic impacts, which is why you should stay away from the recreational and charter/for-hire industry. The MSA's mission statement includes increasing long term economic and social benefits. 10-15 fish might cover live bait, but it's very hard to know what's happening with the meat/chum components. Related to science, we haven't been reporting – we didn't know we were supposed to. We need to report. But the science is flawed because we haven't reported even close to what we've had for mackerel catches – we didn't know about the reporting. Regarding low catches,

you are not accounting that a lot of boats just no longer exist. You are going too fast – use the 2023 assessment and don't make harsh decisions now. We need to show the amount of recruitment occurring because we'll be locked into low numbers in the future. I don't know how you're going to enforce bait and chum rules. You're also going to hurt the commercial fishery because now a recreational guy won't be able to buy a flat of mackerel. Why are you attacking the highest social and economic impact businesses when it would cause the least impact to get the needed deductions from the commercial fishery? There will be wide array of repercussions by restricting the recreational/for-hire fishery to achieve overall reductions. Coming out of the pandemic and now this, there's already a lot fewer people here at this meeting than there would have been years ago. You're also going to take away an opportunity for folks to go out and learn about nature.

It seemed like from your presentation the thing driving all this is the catch data. [Staff clarified the different inputs used by the assessment]. I laugh when I hear the MRIP interviews – clients will tell them they caught halibut when they caught haddock – they just don't know the difference. So the data is BS. We can give the information. I didn't know before I had to report mackerel, now I am and trying to spread the word. The communities will tell you the best. Make sure people know they have to report and then make sure they do report. Stop the estimating, we know what we see and can report it.

Mike Pierdinock (President Stellwagen Charter Boat Association): I'm representing over 100 members, primarily for-hire captains also recreational anglers. With mackerel and other species, we've been seeing fish arrive sooner and leave later. With mackerel we used to have a spring run but now they stay here all season. Nearshore and offshore. The surveys cover the same areas at the same times, but with the changes in the timing and location of fish we've seen, you're not consistently capturing the biomass. We see tremendous amounts of with – small fish inshore and larger offshore. There's no lack of mackerel – to see cuts is inconsistent with our observations. And like other species, they seem to be moving NE. We worry that if the next assessment uses data from the same area and time of year, are you going to further restrict while we still see tremendous amounts of fish in our waters. We wish you'd reach out to us for data and look to us as allies and not the enemy. We fill out VTRs and could provide more information to help out with the stock assessments.

For a typical striped bass or tuna fisherman, 15-20 fish would accommodate most for live bait, but may have more fish in a pen they use throughout the week. Severe restrictions on mackerel would significantly impact these fisheries and associated indirect economic activity. The 100% discard mortality is not consistent with our observations – maybe 10%-15% if you handle them right. There needs to be accommodation for fish to be used as chum. Mackerel can also save the day fishing with kids and families if nothing else is biting. Zero possession would be devastating. 10-15 fish would not accommodate some not represented here that take bucket-fulls home to eat – they won't go out anymore. If you were accurately capturing the biomass the limit could be 50-60-100. We're looking at 15, wish it was 20. You have to be an attorney to understand all the various state/federal requirements – you need more public outreach. We promote eVTRs and safety requirements but you need to clarify what's required and do more outreach. It's not really clear what's required. Since none of us have confidence in MRIP, the harvest control rule

approach could be applied to this as a solution, or maybe a management strategy evaluation, and we need to ground truth the MRIP data.

John Bunar (Tackle Shop Owner): When you put up data like there's 20% of catch coming from shore, or don't have survey locations publicly available, you lose the confidence of people who see the fish all the time. You need to tell us exactly where this shore catch is occurring. So you won't get compliance until people have confidence that you've ground-truthed the data – hardly any fish are caught from shore as a proportion. If the biomass location trends continue, maybe you should wash your hands of it and send it to the New England Council. You're not going to obtain these reductions when people see what they see. Have you been fishing in New England in the past 10-15 years to see what's happened to the mackerel stock in New England waters? It's amazing. The mackerel have destroyed the sand eel population on Stellwagen Bank – if a sand eel sticks its head out of the gravel it's annihilated. There's no whale bubble feeding or juvenile tuna on Stellwagen – the mackerel have changed that ecosystem incredibly. There's a line from Cox's ledge over to Chatham, outside of that line without mackerel there's still the ecosystem without mackerel with bubble feeding and tuna. I've seen big humpbacks learn to feed on mackerel the last few years with aggressive charging of bubble feeding. I'd never seen that before. Mackerel have changed the ecosystem. Whale watching boats will tell you that whales had fed for 100s of years with bubble feeding but they are not seeing that because of mackerel. We haven't seen bubble feeding since the mackerel wiped out the sand eels. There's science that needs to occur to understand what's going on with mackerel and what they are doing. You have to explain the science – people have told me this is crazy. Give us something to tell these people. As a charter captain we want these fish – it's great fishing. We're willing to help but what we see is amazing. An August 1 closure would be a death sentence. What would have to take place to slide management to the New England Council? You are pulling stings from a long ways away and considering where the stock is now...

Brian Sears/Multiple: 15 years ago we had no mackerel, we had to go elsewhere for bait. Now we could catch your proposed limits in minutes.

Jeff DePersia (Charter Captain): Is there a possibility of getting changes made for the 2023 assessment? For example different areas and times for the surveys? [Staff described the kinds of changes potentially evaluated in different assessments.] There's a huge biomass out there and you are seeing them too – I was out today on Stellwagen there were mackerel all over the place and they are here all throughout the fall now. MRIP comes to our marina for collecting charter effort – they are not over at the town pier.

Mark Petit (Charter Captain): Looking at the 2021 egg survey track, there's no data collection around us south of Gloucester. Looking at the track you actually did a good job of avoiding the mackerel. May to early June when we pull mackerel out this orange stuff comes out – we can tell you when we're seeing that and could help your survey.

Keith Baker: In Cape Cod Bay there is a ton of spawning in May. I'm out every day, I go from Cape Cod Bay to Buzzards Bay to south of the Vineyard to east of Chatham and I've seen more mackerel in the last 3-5 years than I've seen in the last 50 years at a range of sizes. Looking at

your egg survey they don't do any testing where I am and I cover a lot of ground. We used to have mackerel a few weeks in the spring and another shot in the fall but now it's all season.

Tom DePersia (Charter Captain): Is surveying in the Mid-Atlantic dragging us down because we've never seen so many fish. Is this just a warming and distribution issue? We've seen the same issue with tuna and shifting stocks. Maybe there are just as many fish. We're not seeing fewer fish – we've never seen this many – to cut us down with what we have, something is wrong with this science. Maybe there should be different regulations north and south of Cape Cod, like with cod. We are overloaded with mackerel. We have zero confidence in MRIP. We need a better way of getting data and VTRs is the better way. Asking our customers what we caught and/or released, they don't know. The interviewer is just going to put big numbers down.

Missed name: Seems like you may just be missing the spawning – if your survey was better aligned with actual spawning everything could be different.

Tim Brady: The tool already exists for the for-hire fishery to tell you what we're catching every day – eVTRs. The disconnect continues to be that you're not using it for catch. The only trouble I have with mackerel is deciding what I'm going to target with it – if it's striped bass I want tinkers, if tuna then I have to look around for larger mackerel. Around Plymouth I've never seen as many mackerel and I've been fishing here for the last 58 years.

Eric Morrow (Charter Captain): You just said you agree that there's a lot of fish around here, and that fish have shifted NE. Why are we getting a cut because there are fish here but Mid-Atlantic catches have dropped off and are dragging us down? It seems like the surveys are missing the mark. With the narrow window between spawning and larvae you could easily be missing the spawning in your survey. All it takes is one little thing and exponentially it gets screwed up. Just like saying that 20% of recreational catch is off the beach. You've got four dudes on the end of the canal...that's not 20% of catch. And 100% mortality is impossible. For mackerel crushed in a trawl net sure, but there's no way we have 100% mortality.

#3: April 27, 2022 – Portsmouth, NH

Attendees:

Peter Whelan
Ritchie White
Chris Valaskatgis

Paul Hogg
Dan Diodati
Cheri Patterson

Summary:

Staff first provided an overview and addressed clarification questions.

Staff responses to clarification questions:

MRIP Interviewers do not ask for-hire captains about catch – they ask the anglers, and they ask about all catch, harvested or released.

The assessment counts all released fish as dead though that's not likely the case, but it's a very small component of total mortality regardless, so would not affect the assessment results. This could be an area for future research.

If reporting changes, those changes should be accounted for retroactively to properly assess the stock (so catch is apples to apples across years).

Comments (names missed for some comments that occurred mid-presentation):

MRIP interviewers are not asking about bait like mackerel – they should be more specific about what they are asking and what fish. At the end of the day, a lot of anglers are not going to bother participating.

You should consider pushing management measures back one year and stress that it's important to get better recreational estimates for mackerel. Consider an app to let anglers provide data and mandatory reporting for for-hire fisheries.

Having 20% of recreational mackerel catch coming from shore does not seem right.

Accommodations for fish kept in a pen/freezer at a dock or on land need to be considered. Accommodations for charters to catch bait early in the day for all their customers need to be considered especially given fuel costs. Mackerel are key to successful striper fishing in this area, and we are trying to sell an experience that draws business into the area and benefits multiple businesses in the area.

Ritchie White (recreational angler NH):

I favor a 10-fish limit. This stock is not going to recover quick and is not showing any signs of doing that. If we have another two years of this same recruitment we'll be at a moratorium in my sense. You have to do what you can. If there is a spawning stock – recruit relationship, you're

going to have to build this up some before you get a big year class. You have to take some medicine now, take some hurt, and try to save what you can, because the next step may be severe, like other species. You need to be conservative.

Peter Whelan (Charter boat captain NH):

We all want the fishery to rebuild, but if you shut mackerel down we'll all be out of business. I favor a 15-fish limit, we'll know a lot more with the 2023 stock assessment. We have a lot of mackerel locally but I think that has to do a lot with global warming. I think we need to rebuild this resource and favor going to mandatory for-hire reporting ASAP to get a handle on effort and how many we're using but I'm in favor of a cutback the way the stock looks right now. It looks like every 10 years we get a bump in stock size.

Paul Hogg (Harbormaster, Bait and Tackle operator, charter operator, shellfish constable NH):
Looking at the numbers I agree something has to happen but I agree with Chris that the possession limit needs to be higher to help with multiple charters.

Chris Valaskatgis (Charter captain NH):

We need better data collection – use the various organizations to stress the importance of data collection to anglers. I'm in favor of the 15-fish limit. The stock is low but trending up a bit and the 2023 assessment will be important. There seem to be plenty of bigger mackerel offshore on the bottom. I heard from some Rhode Island friends they found more than they've ever seen in deeper water. I have a good friend with an auto jigger for mackerel and they use the big mackerel trees so they physically don't get the little ones.

Dan Diodati (Commercial Striped Bass – MA & Recreational angler):

Clear something needs to be done but the data collection could be stronger. I would like to see a 25-fish possession limit for recreational anglers. I'm OK with getting a commercial mackerel permit for getting bait for striped bass and I'm open to reporting my mackerel.

#4: April 28, 2022 – Brunswick, ME

Attendees:

Megan Ware
Costa Morehead
Rick Wallace
Daryl Webber
Brett Gilliam

Daniel Harriman
Robert Bernat
Jay McGowan
Doug Jowett
Jay Farris

Summary:

Staff first provided an overview and addressed clarification questions.

Staff responses to clarification questions:

Staff described how MRIP estimates recreational catches.

Staff clarified that vessels without federal permits operating in state waters would only be subject to state rules. ME staff noted that the Council has not requested that states pursue any additional commercial measures, for example regarding inshore pound nets.

Staff described the general stock assessment process.

Comments:

Jay McGowan:

As a guide making my living from this, putting me in with general recreational is extremely unfair. The annual discards from commercial fishing is what all the guides the next 60 years would catch for bait. It's above what all the guides on the east coast would catch for bait. If you set it at 10-15 that's all I could catch for bait. With 10 fish and 6 clients I can only bait their lines 1.5 times for a 4-hour trip – I can't do that. I need fresh bait. With 7 people on my boat I should be able to have 70 fish. Storing fish in a pen won't work for me – I release or keep for lobster bait – I don't think they survive after swimming in my live well for 4-5 hours. You pick them up and there's no slime on them you know they are not going to live. I've tried keeping them overnight and they don't survive. People paying \$450 on a half day trip don't want to go have to catch mackerel. Surveying my anglers drives them away – the minute they see someone in a uniform asking about fish the first thing they say is what did we do wrong. The interviewers need to explain quickly why they are surveying and it's not an enforcement issue but just collecting data to protect the fishery. I'm worried that once it's taken away we won't get it back, or it will get worse.

Name missed:

One of this things people don't realize – it was every cove in the bay had a dory – they'd close it off when the herring came in – you don't see herring – they caught them all at night out there – they learned the science and the fish – they know the herring come up at night and they take it all. Those people are not fishermen – they are the scabs of big business – they don't get where they're at without taking everything. And they have the voices in Congress and the power and the lawyers hammering you all the time. You people are making an effort to learn – listen to us – we don't have the funds to hire lawyers at \$150 an hour to represent us at Congress or give money to get voted to give us a bigger share. Same with tuna – one big Italian family in NJ had all 5 licenses to purse seine. 35-40 years ago they came in the bay, caught 1,500 tuna in one set, that's all there was from Cape Elizabeth to Port Clyde – didn't catch another tuna that summer. That kind of operation can't be done. If they ever allow us to sell lobster licenses the big companies will buy them up because when people get poor they will sell whatever they have. When I was a kid every cove was full of herring.

Robert Bernat (Commercial Fisherman)

Menhaden is a disaster. Herring and Menhaden rules may turn people to mackerel. Could nip that in the bud. (Is a legislative process in Maine)

Doug Jowett (NY, RI, MA, ME guide)

The survey staff don't understand that we don't have for-hire permits in Maine and I'm not going to get in a legal discussion about the difference between for-hire and guiding. That's skewing the data. The guide fishery is not amounting to much mackerel. Regarding permitting, most folks don't know where the EEZ is, you are setting them up to break the law. We have too much government in our face – I'm just standing up for the little guy.

Brett Gilliam (Commercial Pound Net)

I started with gill netting mackerel but had to stop because they got so small. You don't know what's out there. The minute you see size declining you know you're overfishing (*The Unnatural History of the Sea* Callum Roberts). This science is flawed fatally – the cod, haddock, and pollock are gone, now the mackerel are gone. The only thing that survive is what's shut off like halibut. The East Coast must be the most mismanaged fishery in the entire world. Look at Alaska – the biologists are out on the water and look at the sizes. If we want to do management you need to get out on a boat with the people that are catching mackerel and herring brit (young) in harbors because that's what they feed on. All these agencies are looking at these fisheries and they are failing. Something needs to be changed – I only caught 57 bushels I can't even fish it again and they get smaller and smaller. I've got records from the 30s where they caught far bigger fish. Are we ever going to learn? The Gulf of Maine is about a fishless sea. You'll let a mid-water trawler go out and catch more in a night than I'll catch in a lifetime in my pound net. But they'll never get stopped because of money – money drives things and until that stops there will never be fish again. It could be too late now. Gulf of Maine was one of the most productive places for fish but there's been irreparable damage done. The Councils/biologists won't open up to the fact that they don't know what they are doing. This stock has been in trouble since the 1960s. All these years it's gone right to hell. My parents' families were fishermen, it's been my

life and I've watched it disappear. The only thing left is lobster and the environmentalists are going to drive us out of that. I'm done, thanks, you've really done a good job for me. And I hope you take that to the President – if I had my way I'd do away with the Mid-Atlantic Council, the ASMFC, NMFS, and probably Maine DMR. And we'd have just as much fish because they've done nothing to help us, nothing. I'd shut it right down, but let the recreational have theirs within reason, 40-50 fish. They didn't cause this. It's been commercial fishermen and the biologists that have done nothing that's ruined the fisheries. Greed – insatiable greed. The stock should never be open until July 1 after spawning – leave them alone while spawning. All you have to do is look at the landings. We see haddock that are this thick because there's nothing for them to eat. And if you keep letting that squid fishery go on down at Cape Cod there will never be anything. Those squid fishermen are catching those little alewives. It's a dirty fishery, should never be allowed. They can figure out some other way to catch squid. That's what I believe. The Canadians are catching bigger fish – there are no big fish in our schools. If it was in my power there would be no commercial quota. If you could put the Guld of Maine back together it would feed a lot of people.

(see pictures below)

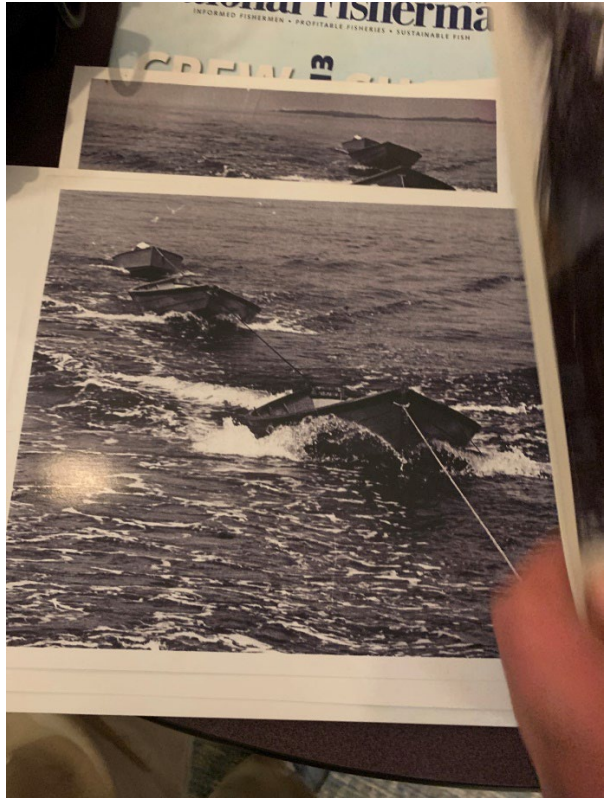
West Point Old ... Rigging Up His ...

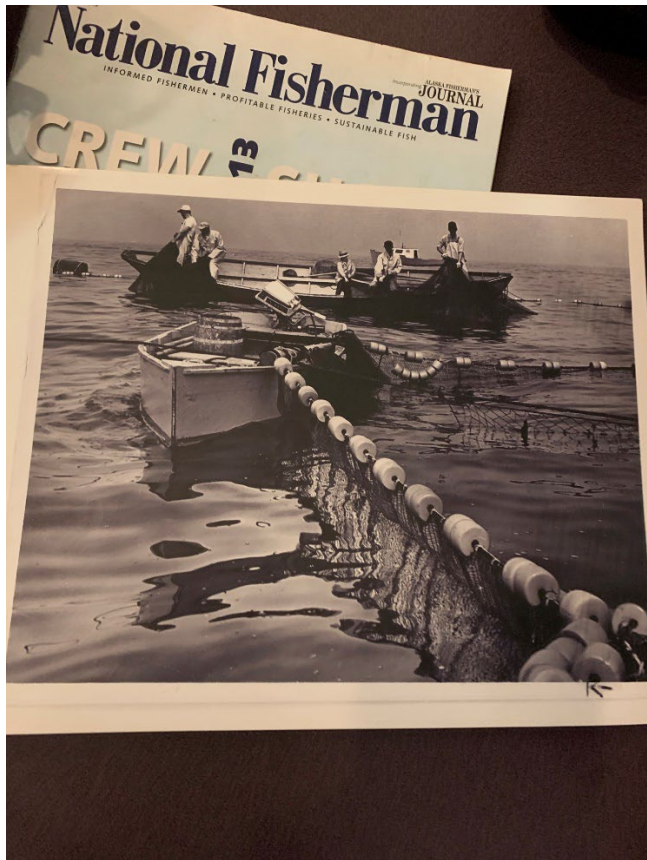
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 Journal of ...
 Journal kept for 1929
 from ... to ...

Date	Species	Unit	Wt	Price	Total
7	Bate	1 Bushel		1.00	
11	Salmon	X 1	21	2.0	42
16	Bate		28	1.00	28
17	Salmon	X 1	10 1/2	3.0	31.5
20	Salmon and mackerel	X 1			7.3
24	Mackerel		42	1.0	42
July 1	Bate		2	7.5	15
1	Mackerel		120	2	240
2	"		180	2	360
3	"		200	3	600
4	"		60	2	120
5	Salmon	X 1	11.94	4.0	47.76
6	"	X 3	2.5	2.5	7.5
11	Mackerel		900	3	2700
11	Mackerel		238	2	476
7	small mackerel		14.75	2	29.5
8	med "		2.05	3	6.15
8	"		2.50	2	5.00
10	small mackerel		700	2 1/2	1750
10	med "		38.00	1	38.00
10	med "		50	3	150
10	med "		2.80	3	8.40
13	Mackerel - small		190	2	380
14	"		610	1	610
14	Mackerel med		58	5	290
14	Bate fish		580	10	5800
15	"		14	10	140
15	Mackerel small		12.5	2	25
15	Salmon	X 1	1.0	2.5	2.5
17	Mackerel and ...		212		212
18	Bate fish and Bate fish		580	2	1160
21	Bate fish and Bate fish		2.5	3 1/2	8.75
21	Mackerel - small		2.5	3 1/2	8.75

Handwritten ledger titled "Yard Stock 1929" with page number "5".

22	Mackerel small		1	34	50	50
23	Mackerel		130	5	50	50
11	Salmon	X 2	21 1/2	25	6	18
12	Mackerel		160	8	8	50
13	"		40	7	8	70
14	"		80	5	5	40
15	Salmon	X 1	12	25	3	00
16	Mackerel small		150	5	2	50
17	Salmon	X 1	14	25	3	50
18	Mackerel		140	8	11	20
19	Bate	subshell	4	50	2	00
20	Mackerel		30	10	4	00
21	"		30	8	4	00
22	Mackerel		105	8	8	00
23	Bate		1	50	1	00
24	Mackerel		1	8	1	00
25	Salmon	X 1	9 3/4	25	2	38
Total Stock 19-29			2664 8		83	11
			8311			
			34959			





**West Point Old Timer
Rigging Up His Pound**
By Ernest Haskell Jr.

WEST POINT—Alvin C. Wallace, 73, will soon be getting ready to tend a mackerel pound for his 47th year. Forty-six years ago Alvin got 2¢ a pound for mackerel. The biggest mackerel he ever caught weighed 4½ pounds. Alvin caught the record fish off South Portland lightship. Alvin has made more money in recent years even though he has caught less fish. Forty-six years ago a mackerel pound cost \$180 and lasted two years. Today the same type of pound lasts but a season and costs \$800. Forty-six years ago Alvin fished in a 20 foot sailboat equipped with a pair of eight foot oars. He sold his fish either at Cundy's Harbor or Portland.

Mr. Wallace was born at West Point. He is the father of two veter-

llace
sons,

Daniel Harriman (Commercial Pound Net):

Things have changed over my life and part was driven by greed. When I was a kid I could see the Russian and Portuguese boats, we pushed them out of the EEZ, we had this huge resource. My older brother had this little wooden dragger – they said look at this resource and they had applications for money to build boats – he wanted to build a 50 foot boat you could be home often, but they told him a 50-foot boat was not economically viable – you needed to build a 100-140 foot steel vessel. And 30 years later they said “Where the hell are the cod?!” “Look at what you’ve done!” My great-great grandfather came from Denmark in 1890, fished pound nets along the Cape. I truly believe everything would have been fine if no one had brought a mid-water boat from Europe and pounded hell out of the herring and mackerel. You talk about economics and saving the fleet – this is my fleet. My father went all the way to Chincoteague, VA in a 32-foot boat chasing mackerel. They fed 3 families off that boat and made a damn decent living. Build a 180-foot midwater boat that can carry 1,000,000 pounds. 5 guys make a half a million and then the corporation makes millions. They sell the fish for 15-20 cents – I average 50 cents to a dollar. 5 families make a living. This is the fleet you ought to worry about preserving. I’m an opportunist myself, but there’s good opportunities for the fleet and the working guys and the islands and the coves and the harbors. If lobster goes to hell we’re screwed, we’re done, we’re going to lose the coast of Maine. Grandpa is going to sell his pier. It’s already happening. We chose a hard life, I don’t mind it as long as we’ve got an equal shot. But when I see a boat come in with a million pounds and they pump fast so you don’t see the haddock going down the chute. I’m allowed 5 river herring per count. It’s been stacked against us. This is our resource. And how does mackerel fall under the Mid-Atlantic and why am I being regulated by...Didn’t we kick the British out... isn’t that regulation without representation? My family’s been doing this for 120 years. Is an international fishery accounted for? (Staff noted it’s not believed there’s foreign fishing on our mackerel stock.) Everybody in the inshore fishery, 100s of families, doesn’t match catch of one large boat.

Daryl Webber:

I grew up on Quahog Bay – late 1980s-90s I fished with Matt Waddle – steel-wood traps – “outside” was inside three miles. There weren’t many people fishing then... We had a old steel tanker from Mississippi the Valencia and out target was 180 MT per day so I have an idea about big amounts of fish. I made a living off the water, clams, shrimp, groundfish. Mackerel is really close to me. I’d fish mackerel as a kid with my father. I pretty much know every year when the mackerel break up and come up in the bay because the moon jellyfish get their white eyes eaten out by the mackerel. Middle May to early June they come in– the one year (I’m 51) they didn’t come up, I fish mackerel with my kids and grandkids it’s my favorite, it was the only year the jellyfish grew to their full size – huge in the tidelines. Every other year the mackerel have come in. I’m mostly fishing recreational now – I’m thinking there’s no doubt it’s overfished, I’ve seen a difference. I’m thinking the 3-mile line and in, I’m tuna fishing and haven’t had bait for hours, then mackerel come through scattered. The inshore fishery, recreational, guides, pound nets...I hate to lose this fishery. I’m just trying to buy some time before I die so I can take my grandkids out fishing...I think everybody should be able to enjoy the ocean. 10-15 fish...It’s starts with a number, I worry it will be shut off in the future. We have almost nothing else in this area, but there’s mackerel out there. I still catch big mackerel outside down deep, but they are depleted overall. There doesn’t need to be a limit around here recreationally given the fishing levels and

looking down seeing the schools. The guides catching mackerel for bait, there's an inshore stock for that. Sometimes you have to move around to different spots. I'm as angry about the trawlers as the other guys. We just don't need to do anything for mackerel recreational and we don't have much else.

Rick Wallace:

How do you stop the processor boats? You should cut them down some. Are the squid boats discarding tons of mackerel? Years ago when I was on them they had 30,000-pounds bags of mackerel, maybe they had room for them maybe not – is that practice still going on?

Name Missed:

People paying \$450 on a half day trip don't want to go have to catch mackerel. They want to catch stripers and they expect you to have the bait.

Costa Morehead (Charter Captain ME):

Customers expect us to have bait and having a 10-15 fish limit would absolutely kill running an efficient trip for any guides in the state, and other businesses would suffer. Mackerel is the most important part of sportfishing in the State of Maine. Without mackerel we won't have bait, same for lobster tours. That limit would not be good for the state in general regarding tourism. 25 per person could work because I need to secure baits. The floating traps don't work.

Possibly Costa Morehead:

Recreational fishing is not having an impact.

Jay Farris (Charter Captain ME):

We have to buy a license. Maybe if you have that then you get to have up to 60 onboard or however many per potential passengers. That would take care of most guides/trips. We ate a lot of mackerel growing up, 15 fish per person would be enough for dinner. The guides in Maine don't scratch the surface of the numbers you're talking about.

Name Missed:

As big as Maine is, it's a criminal act not to have at least 2-3 more meetings along the coast of Maine. It shows you what the federal government thinks about the State of Maine. They are just shoving it down our throat without public input.

#5: May 2, 2022 – Webinar

Attendees:

Ryan Cook	Pam Lyons Gromen
Steve V	Russ
Michelle Duval	Clarisse Brown
Katie Almeida	Betsy Fitzgerald
Zack Greenberg	Al Williams
Earl Small	Purcie Bennett-Nickerson
Willy Goldsmith	Barry Gibson
Wes Townsend	John Paul Bilodeau
Albert Didden	Melissa Smith
Jeff Kaelin	Peter Fallon
Dan Farnham	Brown
Julia Beaty	Nichola Meserve
Katie Schleit	Trevor
Will Poston	Jack Patrican

Summary:

Staff first provided an overview and addressed clarification questions.

Staff responses to clarification questions:

Given performance of our first rebuilding attempt projections, it is very hard to quantify significant differences in rebuilding probabilities among the alternatives other than less catch should lead to more rebuilding.

Alternative 4 and Alternative 5 have built-in one-time risk policy adjustments, similar to the first rebuilding action.

This action will set a rebuilding approach that should rebuild in 10 years, but only sets specifications for 2023, and the information from the 2023 management track assessment (MTA) will have to be integrated as it should constitute new best available science. Depending on how far off of projections the 2023 assessment indicates the stock is, the Council's response will likewise be affected.

The higher recruitments used in Alternatives 2-5 are dependent on stock size and given the thousands of runs that go into making projections, the effect is a slow increase in recruitment as stock size increases, and Alternatives 2-5's projections never fully return to full 1975-2019 median recruitment even when fully rebuilt given the spread of projected biomasses.

Purchased bait in exceedance of the possession limit could be on board a vessel but would require a bill of sale to document purchase. Unusual cases may depend on an officer's discretion and the exact circumstances.

States control the rules in state waters, but **if** a vessel has a relevant MSB permit, then the rules related to that permit follow them back into state waters.

Comments:

Purcie Bennett-Nickerson:

Alternatives 1-3 should not be deemed impracticable. Alternative 1 is best because it has the highest probability of rebuilding and we have a history of being over-optimistic. We need to shut the EEZ down in the short term and let it rebuild. Otherwise we are not acknowledging we're in a low recruitment period and creating a mathematical fiction.

Pam Lyons Gromen (Wild Oceans):

Wild Oceans supports Alternative 3 that was endorsed by the SSC that would close directed fishing in the EEZ at least for 2023, which is a necessary step. With a lower quota from the start, leaves more fish in the water as a key forage and for the past 30 years we've been overfishing. Leaving more fish in the water for a forage fish to rebuild is the right course of action. We need to remember there's not a forage control rule to incorporate predator needs when making projections – it's all very static how natural mortality is accounted for but it's a dynamic need. Alternative 3 also follows the Council's risk policy, which had high levels of public input and we were thinking about overfished stocks and setting risk lowest when the stock had the worst need. Alternative 3 is the only one that follows the Council's P* control rule.

Regarding the river herring and shad (RH/S) cap, strongly opposed to keeping the current 129 MT even just for one year – that cap was scaled for a quota over 17,000 MT. Even if the Council chooses alternatives 4 or 5, quotas will be 1,000-4,000 MT and a 129 MT RH/S cap will allow a much higher ratio – the incentive to avoid RH/S will be eliminated. The original purpose of the cap was to reduce RH/S catch and a static 129 MT cap diverges from that purpose. We have wrestled with lower quotas in the past, including 89 MT when landings were less than 10,000 MT. The 129 MT RH/S cap amount has no scientific basis and should not be in this Amendment.

Jeff Kaelin, Lund's Fisheries:

There's minimal difference in the probabilities of rebuilding among Alternatives 3-5, and it's important to keep getting fishery dependent data to the extent possible. We've adjusted to drastic quota reductions already, and future assessments will continue to require ongoing assessments.

The Council needs to understand how a 3-inch mackerel mesh or brailer is constructed and any regulations need to account for the unique construction of the nets used in this fishery. The

current specific language for the mesh regulations may be premature. The Council should survey the fishery about use of brailers and can't assume the butterfly regulations would be directly transferable.

Katie Schleit (Ocean's North (Canada)):

Canadian Management Strategy Evaluation was pessimistic with no chance of rebuilding in 10 years even with no catch – seems in line with MAFMC's Alternative 1. More recent stock assessment in Canada was even more pessimistic. Canada for 2022 closed its commercial and bait fisheries – we'd be looking for the U.S. to take similar measures. Canada also has recreational measures in place and it would be good for the U.S. to do something similar. There is concern that Canada's efforts may just lead to more fish being available to the U.S. fishery, which is against the spirit of what Canada is trying to do to rebuild the stock.

Zack Greenberg (PEW Charitable Trusts)

Atl mackerel provide a wide variety of benefits – can't overestimate importance of mackerel as prey for the whole regional ecosystem. Stock is overfished and subject to overfishing and the population is in decline, subject to overfishing for most of last four decades. Mackerel is a data rich stock and we need to follow the science / assessments (U.S. and Canada). Next few years are critical - With a precautionary approach mackerel abundance can grow back to support the ecosystem as forage and thriving commercial and recreational fisheries in the U.S. and Canada. We were encouraged to see Canada take tough steps to reduce in 2021 and close their fisheries in 2022. NMFS made right decision to reduce U.S. catch in 2021/2022. We need to embrace this opportunity to rebuild in as short as time as possible and will only get so many chances to go back to the drawing board. We support Alternative 1 using only the lower 2009+ recruitment. We support the U.S. and Canada continue working together. The catch reductions are a wise investment in the longevity of the fishery, which will benefit the fisheries and the shared ecosystem.

Name garbled, likely either Ryan Cook or Steve V:

Accommodations for maintaining bait in a live-car or bait pen attached to a dock or in a dockside freezer would need to be extended to a mooring device, which is used similarly as a dock for securing a bait pen. Because mackerel fishing is better early, many charters will go out early to collect mackerel before a trip to catch mackerel for their charters that day, and could then exceed the individual possession limit that would accommodate their charters for the day. This activity needs to be accommodated, and having a multiplier tied to having a charter/guide license could accommodate the needs of the for-hire fishery.