



## **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 and addressed clarification questions.

Staff responses to clarification questions:

**Comments:**

Summary In Progress

### #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 these 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 recreationalists 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)

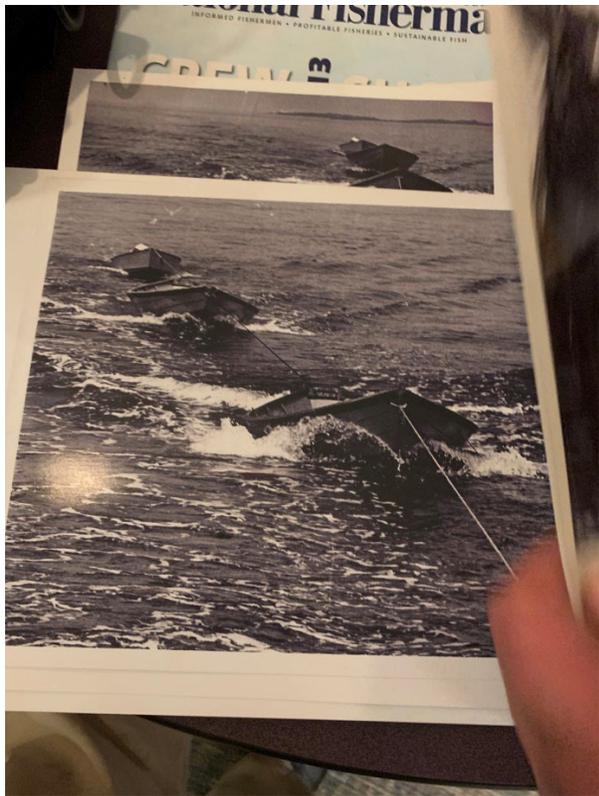
West Point Old ... Rigging Up His ...

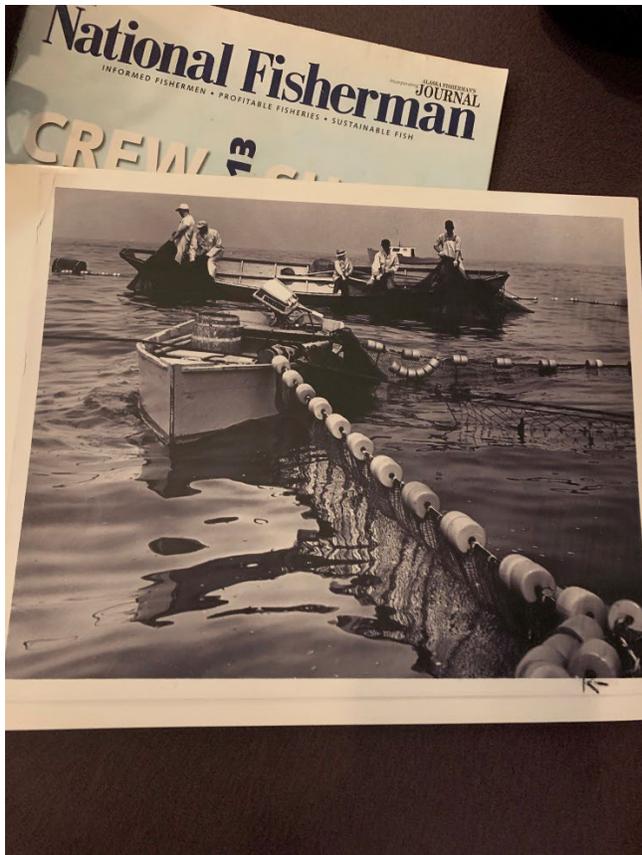
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Date	Species	Unit	Wt	Price	Total
7	Bate	1 Bushel		1.00	
9	Salmon	X 1	21	2.0	42
10	Bate		28	1.00	28
11	Salmon	X 1	10 1/2	3.0	31.5
12	Salmon and mackerel	X 1			73
13	Mackerel		42	1.0	42
14	Bate		2	75	150
15	Mackerel		120	2	240
16	"		180	2	360
17	"		200	3	600
18	"		60	2	120
19	Salmon	X 1	118 1/4	40	4730
20	"	X 3	20	25	500
21	Mackerel		900	3	2700
22	Mackerel		238	2	476
23	small mackerel		1475	2	2950
24	med "		205	3	615
25	"		250	2	500
26	"		700	2 1/2	1750
27	small mackerel		3810	1	3810
28	med "		50	3	150
29	med "		280	3	840
30	Mackerel - small		190	2	380
31	"		610	1	610
1	Mackerel med		58	5	290
2	Bate fish		580	10	5800
3	"		14	10	140
4	Mackerel small		12 1/2	2	25
5	Salmon	X 1	18	25	450
6	Mackerel and ...		212		636
7	Bate fish and Bate fish		580	2	1160
8	Mackerel small		25	3 1/2	87 1/2

Handwritten ledger titled "Hand Stock 1924" with page number "5".

22	Mackerel small		1	34	50	50
23	Mackerel		130	5	50	50
11	Salmon	X 2	210	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	3	00
21	"		30	8	4	00
22	Mackerel		105	8	13	00
23	Bate		1	50	1	00
24	Mackerel		1	8	1	00
25	Salmon	X 1	90	25	2	38
Total Stock 19-24			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 butterfish 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.