



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

Mackerel, Squid, Butterfish Advisory Panel and Committee Meeting Summary

May 15, 2018

The Mid-Atlantic Fishery Management Council's (Council's) Mackerel-Squid-Butterfish (MSB) Advisory Panel (AP) and Committee met jointly on May 15, 2018 to discuss goals and objectives, the management unit, considerations related to acceptable biological catch (ABC), and other aspects of the Chub Mackerel Amendment. Unless otherwise noted, statements summarized in this document are not consensus or majority statements.

Advisory Panel members in attendance: Katie Almeida, Vito Calomo, Gregory DiDomenico, Joseph Gordon, Jeffrey Reichle

Committee members in attendance: Peter Hughes (Committee chair), Sara Winslow (Committee vice chair), Terry Alexander, Peter Christopher, Roger Mann, Stew Michels, Laurie Nolan, Adam Nowalsky, Eric Reid

Others in attendance: Julia Beaty (Council staff), Purcie Bennett-Nickerson (Pew Charitable Trusts), Douglas Christel (GARFO), Taylor Daley (University of Southern Mississippi), Jeff Kaelin (Lund's Fisheries), Meghan Lapp (SeaFreeze Ltd.), Robert Leaf (University of Southern Mississippi)

Goals and Objectives

Council staff summarized the Fishery Management Action Team's (FMAT's) recommendations for amendment goals and objectives. She also reminded the Committee and AP of the goal of the Unmanaged Forage Omnibus Amendment¹ (through which the Council developed the first management measures for chub mackerel), the Council's ecosystem approach to fisheries management (EAFM) goal statement,² and the current MSB fishery management plan (FMP) goals and objectives.³ The Unmanaged Forage Amendment and EAFM goal statements describe

¹ To prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

² To manage for ecologically sustainable utilization of living marine resources while maintaining ecosystem productivity, structure, and function. Ecologically sustainable utilization is defined as utilization that accommodates the needs of present and future generations, while maintaining the integrity, health, and diversity of the marine ecosystem.

³ 1) Enhance the probability of successful (i.e., the historical average) recruitment to the fisheries. 2) Promote the growth of the U.S. commercial fishery, including the fishery for export. 3) Provide the greatest degree of freedom and flexibility to all harvesters of these resources consistent with the attainment of the other objectives of this

a precautionary approach, while the MSP FMP objectives are more focused on promoting fishing opportunities.

One AP member, two Committee members, and one member of the public argued that because this amendment will add chub mackerel to the MSB FMP, the goals and objectives for the chub mackerel amendment should be more in line with the MSB FMP objectives than the Unmanaged Forage Amendment and EAFM goals. Further, the Council treated chub mackerel differently than the other species in the Unmanaged Forage Amendment, providing additional justification for applying the MSB FMP objectives, rather than the Forage Amendment goals and objectives.

The Committee approved two specific modifications to the FMAT-recommended amendment goals and objectives (see Committee motions at the end of this document). The goals and objectives recommended by the Committee are listed below.

- **Goal 1:** Maintain a sustainable chub mackerel stock.
 - **Objective 1.1:** Prevent overfishing and achieve and maintain sustainable biomass levels that achieve optimum yield in the fisheries and meet the needs of chub mackerel predators.
 - **Objective 1.2:** Consider, to the extent practicable, the role of chub mackerel in the ecosystem, including its role as prey, as a predator, and as food for humans.
- **Goal 2:** Optimize economic and social benefits from utilization of chub mackerel, balancing the needs and priorities of different user groups.
 - **Objective 2.1:** Allow opportunities for commercial and recreational chub mackerel fishing, considering the opportunistic nature of the fisheries, changes in availability that may result from changes in climate and other factors, and the need for operational flexibility.
 - **Objective 2.2:** To the extent practicable, allow the *Illex* squid fishery to proceed without additional limiting restrictions.
 - **Objective 2.3:** Balance social and economic needs of various sectors of the chub mackerel fisheries (e.g. commercial, recreational, regional) and other fisheries, including recreational fisheries for highly migratory species.
- **Goal 3:** Support science, monitoring, and data collection to enhance effective management of chub mackerel fisheries.
 - **Objective 3.1:** Improve data collection to better understand the status of the chub mackerel stock, the role of chub mackerel in the ecosystem, and the biological, ecological, and socioeconomic impacts of management measures, including impacts to other fisheries.
 - **Objective 3.2:** Promote opportunities for industry collaboration on research.

The Committee discussed the significant overlap between the chub mackerel fishery and the *Illex* squid fishery. Given that the two species are often caught together, measures to constrain chub mackerel harvest have the potential to also constrain the *Illex* squid fishery. Objective 2.2 is intended to minimize the potential for negative impacts of chub mackerel management measures

FMP. 4) Provide marine recreational fishing opportunities, recognizing the contribution of recreational fishing to the national economy. 5) Increase understanding of the conditions of the stocks and fisheries. 6) Minimize harvesting conflicts among U.S. commercial, U.S. recreational, and foreign fishermen.

on the *Illex* squid fishery. The Committee and AP discussed examples of how this could be achieved. For example, if an incidental possession limit is used as a chub mackerel accountability measure, then that limit could be set at a level that does not cause chub mackerel to become a choke species for the *Illex* squid fishery. One AP member said some refrigerated sea water vessels can retain up to 300 tons of *Illex* squid at a time. Chub mackerel are typically not mixed in with *Illex* squid to a great extent; however, when high volumes of squid are retained, a small percentage of chub mackerel mixed in with squid could quickly add up. One Committee member said the Council's considerations of longfin squid catch in the *Illex* squid fishery could be looked at as an example of how to minimize the potential for creating a choke species.

One Committee member asked how the Council could succeed in meeting objective 1.1 given existing data limitations. He asked if an inability to address this objective could be an argument for not managing chub mackerel at all. Another Committee member said objective 1.1 reflects National Standard 1 and the Council's actions must be consistent with the National Standards. Another Committee member said even if it is not possible to measure success in meeting a goal or objective, these aspirational statements still help guide Council actions.

Management Unit

The National Standard 3 guidelines define the management unit as "a fishery or that portion of a fishery identified in an FMP as relevant to the FMP's management objectives". The ABC should apply to the entire management unit and could also apply to areas outside of the management unit. For example, catch from Maine through Texas could count towards the ABC but the management unit could be Maine through Texas, Maine through Florida, or Maine through North Carolina. All these options could be considered as management alternatives in the amendment.

Atlantic mackerel was briefly discussed as an example of the ABC applying to a larger area than the management unit. Canadian catch counts towards the Atlantic mackerel ABC; however, Canada is not part of the management unit. The annual catch limit (ACL), or domestic ABC, is derived by subtracting expected Canadian catch from the ABC. Canadian catch is not considered when determining if the ACL has been exceeded and if accountability measures are triggered.

If chub mackerel catch from Maine through Texas counted towards the ABC, the management unit could include that entire area, or a smaller area such as Maine through North Carolina or Maine through Florida. Management measures do not need to be uniform across the entire management unit. The AP and Committee focused discussion on management measures applicable only from Maine through North Carolina.

The Mid-Atlantic Council might establish specific management measures for all vessels that have an MSB permit regardless of where they fish. Other Councils do not necessarily need to approve management measures developed by the Mid-Atlantic Council, depending on the specifics of those measures, even if the measures apply to areas typically within the jurisdictions of other Councils. For example, the regulations for bluefish and dogfish require GARFO fishery permits and catch reporting through Florida.

Multiple FMAT members recommended that the South Atlantic and Gulf of Mexico be included in the management unit given that they may be used more extensively by chub mackerel than the mid-Atlantic and New England, they likely include spawning areas, and there is some amount of commercial and recreational harvest in those regions. However, the FMAT also noted that it may

be more difficult to control catch and implement measures for a management unit from Maine through Texas and a smaller management unit could simplify development and implementation of this amendment.

One Committee member said vessels based in New England have harvested chub mackerel in the Gulf of Mexico.

Multiple Committee members said they were not comfortable recommending a management unit without knowing the catch limit that would be associated with that management unit. The Committee had concerns about catch in the South Atlantic and Gulf of Mexico counting towards an ABC that is shared with Mid-Atlantic. One Committee member summarized these concerns by saying it's difficult to discuss different management unit options without considering regional allocations. When considering allocations, it is essential to start with the "right" number for the catch limit.

ABC

The SSC plans to discuss chub mackerel ABCs in July 2018. One Committee member asked if the Council will be required to manage chub mackerel as a stock in the fishery once the SSC recommends an ABC. Another Committee member and GARFO representative said the Council may have to decide to manage chub mackerel as a stock in the fishery with an ABC and other required measures, or not manage it at all. Managing chub mackerel as neither a stock in the fishery nor an ecosystem component may not be justified under the Magnuson-Stevens Fishery Conservation and Management Act. Given the existing targeted commercial fishery, it is not appropriate to manage chub mackerel as an ecosystem component.

One AP member said the Council already indicated that they plan to manage chub mackerel as a stock in the fishery. Through the Unmanaged Forage Omnibus Amendment, the Council developed temporary management measures without designating chub mackerel as a stock in the fishery or an ecosystem component. This approach was justified because it was intended to be temporary and the Council planned to develop a separate amendment to manage chub mackerel as a stock in the fishery.

Given existing data limitations, the SSC may recommend an ABC based on catch history. One committee member said the recent fishery operates in just one small area, but the stock covers much of the Atlantic. He said the SSC should consider catch data from the eastern Atlantic when developing ABC recommendations. Another Committee member questioned the logic behind developing an ABC for Maine through Texas based on catch history when only four boats are capable of targeting chub mackerel in profitable quantities.

One Committee member suggested that the Council request multiple ABC options from the Scientific and Statistical Committee (SSC) based on multiple management unit options (e.g. Maine through Texas, Maine through Florida, and Maine through North Carolina).

One Committee member said the ad hoc approaches used to develop ABCs based on catch history, rather than stock assessments, for black sea bass (prior to 2016) and blueline tilefish had negative impacts on the fisheries. He said careful consideration needs to be given to how fish caught in one area but landed in another count towards the ABC.

Multiple Committee members expressed support for an ABC of at least 5 million pounds, which is approximately the historic high for annual commercial landings in the mid-Atlantic and New England.

One Committee member put forward the following suggestion, which was not intended to be a motion as by this point in the meeting there was no longer a quorum:

“The Committee recommends the SSC consider a range of ABC options to include the current ABC to a maximum landings not to exceed 5,000 MT. In the event that the ABC is reached in three consecutive years, potential management options to limit the ABC will be considered by the Council and implemented through frameworking or changes to the FMP.”

“The current ABC” refers to the 2.86 million pound annual landings limit implemented through the Unmanaged Forage Omnibus Amendment. No Committee members voiced opposition to a 5,000 MT ABC (about 11 million pounds). One Committee member said it is fine to recommend a range of ABCs for consideration; however, the SSC will recommend whichever level of catch they deem most appropriate. The Council cannot direct the SSC to consider only a certain range and once the SSC recommends an ABC, the Council is bound by that recommendation.

Another Committee member was concerned that the statement above does not include an automatic reaction to exceeding the ABC in three consecutive years (e.g. an accountability measure). One AP member agreed and asked why the Council would commit to not modifying measures until the ABC is reached in three consecutive years instead of modifying measures as appropriate as new information becomes available. Two other Committee members clarified that the intent was not to have no paybacks for ABC overages.

After much discussion of current data limitations, the group agreed that the main intent behind the statement above is to have a high ABC to allow for as much fisheries-dependent data collection as possible. The high ABC could be coupled with extensive data-collection requirements. Chub mackerel catches in fisheries-independent surveys are generally low and sporadic, likely due to their fast swimming speed and preference for warm temperatures. Fisheries-dependent data are especially valuable given this lack of fisheries-independent data. Restricting the fishery to a low ABC would limit the amount of data that could be collected. However, one Committee member said the SSC shouldn’t set an ABC based on a data need.

One Committee member suggested that the Council suspend development of this amendment until more data is available to support development of ABCs.

One Committee member asked what options are available to use a constant catch limit, besides managing chub mackerel as a stock in the fishery. Staff asked if the measures implemented through the Unmanage Forage Amendment could remain in place for an additional three years in the hopes that more information to support management as a stock in the fishery would become available during that time. One Committee member said the legal justification for this is uncertain.

Spatial/Temporal Management

The AP and Committee discussed the possibility of removing spatial/temporal closure alternatives from consideration in this amendment. Specifically, these alternatives would address concerns about the potential for localized depletion of chub mackerel and displacement of recreationally-important predators such as marlins and tunas.

As discussed earlier in the meeting, there is little scientific information to support claims that a commercial chub mackerel fishery could result in displacement of marlins and tunas. A scientist who attended the meeting summarized an evaluation of 16 studies of the diets of highly migratory species such as marlins and tunas. None of those studies identified a single chub

mackerel in the stomachs of the predators sampled. A separate study found that predators tend to consume smaller, younger chub mackerel than are harvested by the fishery.

Most AP and Committee members present agreed that spatial/temporal management alternatives aimed at protecting marlins and tunas should not be pursued at this time given the lack of scientific data to suggest that chub mackerel are important prey. One Committee member said he did not necessarily support removing this type of management alternative from consideration at this time. One AP member said he did not support it.

Committee Motions

I move to modify objective 2.2 to say: “To the extent practicable, allow the *Illex* squid fishery to proceed without additional limiting restrictions.”

Reid/Alexander: 8/0/0 motion carries

I move to change “promote” in objective 1.1 to “achieve”, as recommended by the FMAT.

Alexander/Winslow: 8/0/0 motion carries

Move to change “practical” to “practicable” in obj. 1.2

Moved by consent