



## Mid-Atlantic Fishery Management Council

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## Mackerel, Squid, Butterfish Advisory Panel Webinar Meeting

February 22, 2019

**Advisory panel (AP) members in attendance:** Katie Almeida, Eleanor Bochenek, Greg DiDomenico, Joseph Gordon, Jeff Kaelin, Pam Lyons Gromen, Gerry O'Neill

**Others in attendance:** Julia Beaty (Council staff), Purcie Bennett-Nickerson (Pew Charitable Trusts), Doug Christel (GARFO), James Fletcher (United National Fishermen's Association), Mike Luisi (Council chair), Kate Wilke (The Nature Conservancy), "Me"

### Summary of AP Comments

Advisors were asked to respond to all staff recommendations. They did not discuss certain staff recommendations in detail; however, they said they did not oppose those recommendations (i.e., mackerel, squid, butterfish specifications process (alternative 2.A.ii), no separation of commercial and recreational catch limits (alternative 1.C.i), and no management uncertainty buffer).

#### General Comments

No advisors spoke in favor of the no action alternative, though one member of the public favored this alternative.

One advisor said he supported all the staff recommendations.

One advisor said he was disappointed that the staff documents and presentations did not characterize the chub mackerel fishery as an emerging fishery.

One advisor recommended that the management measures implemented through this amendment apply to the 2019 fishing year.

#### Essential Fish Habitat (EFH)

One advisor questioned the staff recommendation that EFH for all life stages include intertidal areas. She said this may be too far inshore for this species.

#### Maximum Sustainable Yield (MSY)

One advisor recommended that MSY be defined as the acceptable biological catch level (ABC) equal to the annual catch limit (ACL).

#### Status Determination Criteria (SDC)

One AP member asked why staff didn't recommend an average of the two overfishing SDCs described in the staff memo dated February 15, 2019. The staff recommendation is the lower of

the two options. Given that both are justifiable, she said an average of the two may be appropriate.

One advisor expressed support for the staff-recommended overfishing SDC of 3,026 mt (6.67 million pounds). Another advisor said he supported the alternative SDC of 3,736 mt (8.21 million pounds) developed using the revised Only Reliable Catch Stocks (ORCs) approach.

One advisor said the Scientific and Statistical Committee (SSC) should review the SDCs. Based on the SSC's recent discussions of summer flounder, they may not support the approach of generating an overfishing limit (OFL) without a p\* (i.e., probability of overfishing derived from the Council's risk policy). He noted that the SSC has used the ORCs approach for deriving OFLs in the past.

### Management Unit

One advisor expressed support for a management unit of Maine through the east coast of Florida (alternative 2.B.i). She reminded the AP that the SSC said they may revert to a lower ABC in the future if certain data cannot be collected. Some of their research priorities are specific to the South Atlantic. She expressed concern that a management unit of Maine through North Carolina could effectively separate the data collection programs. She also noted that many species are moving north and the South Atlantic and Mid-Atlantic Councils should be working together to better align information collected from fishermen.

Another advisor said a management unit of Maine through North Carolina is sufficient. Rather than including the South Atlantic in the management unit, the Mid-Atlantic Council could ask the South Atlantic Council and the Atlantic States Marine Fisheries Commission to request that states improve their reporting of chub mackerel catches. He also said the proposed in-season commercial fishery closure when 90% of the total allowable landings limit (TAL) is projected to be landed should be sufficient to accommodate South Atlantic catches, which have been much lower than Mid-Atlantic and southern New England catches over the past 20 years. Given the scale of the South Atlantic fishery, he did not think it would be worth the effort for the Mid-Atlantic Council or the Greater Atlantic Regional Fisheries Office (GARFO) to monitor chub mackerel catches in that region.

### In-Season Closure And Possession Limits

One advisor said the potential for chub mackerel being a choke species in other fisheries should be avoided. He noted that choke species have been an issue in the Atlantic mackerel fishery and these problems could be exacerbated by recent reductions in the Atlantic herring quota. He asked if a possession limit above 40,000 pounds could be considered.

### Permit Requirements

One advisor asked if permits could be required only for fishermen possessing greater than a certain amount of chub mackerel, with other fishermen granted *de minimis* status which would not require a permit. GARFO staff reminded the AP that vessel trip reports are only required for individuals with federal permits and it is hard to monitor catches and landings without permits and reporting.

One advisor expressed support for the staff recommendation to require any existing GARFO mackerel, squid, butterfish commercial or party/charter permit.

One advisor said allowing anyone to obtain a permit to fish for chub mackerel seemed inconsistent with the intent of this amendment and the Unmanaged Forage Omnibus Amendment. She preferred that the directed fishery be limited to those who have participated in the past, for example, by allowing vessels which currently possess *Illex* squid permits to fish without a possession limit prior to in-season closure due to an accountability measure, with all other fishermen restricted to an incidental possession limit.

#### Optimum Yield (OY)

One advisor asked if setting OY equal to the ABC would be a permanent decision. Council staff said that both OY and the ABC can be modified each year through the specifications process, even when they are set for three years at a time (as proposed).

One advisor said the decision regarding the chub mackerel quota implemented through the Unmanaged Forage Omnibus Amendment was similar to an OY argument for not allowing the fishery to expand.

Staff noted that maintaining a *status quo* total allowable landings limit (TAL) of 2.86 million pounds (i.e., the commercial quota implemented through the Unmanaged Forage Omnibus Amendment) would represent a 36% reduction compared to setting the TAL based on the SSC recommended ABC of 5.07 million pounds.

One advisor said there would be no economic benefit for taking a 36% reduction and noted that there is no evidence that the small chub mackerel fishery has had impacts on marlins or any other predators. He argued that the highly migratory species of concern are opportunistic predators and past work has shown that they are no more than 20% dependent on any prey species. He saw no justification for a deviation from the SSC's ABC. He also noted that localized depletion and user conflicts are two different issues and the Council should be more concerned about user conflicts. He said the chub mackerel fishery avoids user conflicts to the extent they can.

#### Discards

One advisor noted that the recommended 10% discard rate applied to the annual catch target results in almost 500,000 pounds of expected discards in a single year, which he considered to be too high.

#### **Summary of Comments from Other Attendees**

One member of the public asked how much chub mackerel catch occurs outside of the exclusive economic zone and asked if the species is managed by the Northwest Atlantic Fisheries Organization (NAFO). He noted that the species is found across a very broad area spanning multiple continents. He also asked why the Council has not looked into the impacts of chemical pollutants on eggs and instead has focused on preventing a fishery. He said his organization, United National Fishermen's Association, supports the no action alternative (alternative 2A).