



December 8, 2021

Dr. Christopher M. Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Re: Atlantic mackerel rebuilding

Dear Dr. Moore:

The States of Maine, Massachusetts and New Hampshire are in receipt of your letter of November 3, 2021, requesting the three states reduce recreational Atlantic mackerel catch in their waters by half. Having no seat at the Mid-Atlantic Fishery Management Council (Mid-Atlantic), this is the first formal interaction on this topic. Like the Mid-Atlantic, the three states support the sustainable management of Atlantic coast fisheries and recognize the importance of rebuilding the Atlantic mackerel stock. That said, we'd like to share a few initial thoughts and concerns based on the letter we received.

Basis for Reduction

First, it would be helpful to receive more quantitative analyses supporting the 50% reduction of recreational catch. State staff have informally discussed background information leading to the request with Mid-Atlantic staff; however, this is no replacement for Council-developed rationale grounded in the best available scientific information. It is our understanding that the Mid-Atlantic's Science and Statistical Committee will be meeting in March to provide ABC recommendations and peer-review of the potential rebuilding plans. To better understand the basis for a recreational reduction, we request that you provide more detailed information on mackerel stock condition, management, and fishery performance of commercial and recreational sectors. A deeper understanding of survey coverage, potential stock geographic shift, and uncertainties in available data would also assist in our interpretation and ability to respond. We also ask that you deliver frequent updates on the status of the rebuilding program to both the New England Fishery Management Council and Atlantic States Marine Fisheries Commission.

State Fisheries & Feedback

It is concerning that such a substantial and contentious action could be taken with little public input. The nature of the current recreational fishery and lack of regulations other than permitting requirements works against any built-in communication pipeline with fishing communities outside of the Mid-Atlantic region. We anticipate that many recreational users and subsistence fishers, particularly in New England, will be blind-sided by a final action in April of 2022. It would be instructive to New England stakeholders and decision-makers to conduct initial information-gathering hearings with the public to better understand potential impacts of a reduction before designing specific management actions. We are

cognizant that some commercial and recreational users have experienced and adapted to unprecedented local availability of mackerel in recent years and their views should be considered.

We are specifically concerned by the suggested seasonal closure of August 1st for several reasons. First, it is unclear how the use of mackerel as bait on a striped bass or tuna fishing trip, for example, would be treated under a possession prohibition. Also, would the commercial fishery remain open during a recreational closure, potentially enticing a shift of effort under the open-access federal commercial permit (Category 4)? While the assumed discard mortality rate for recreational catch (100%) rules out many of the usual management tools, a seasonal closure must be carefully designed to be effective. Based on preliminary analyses, we understand that the likelihood of a single season throughout the range achieving equitable reductions is unlikely.

Regulatory Timeline

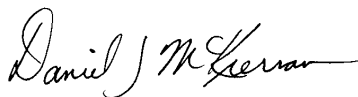
The need to communicate with an under-engaged fishing community outside of the Mid-Atlantic region and state regulatory timelines do not speak to a quick and easy process. It is our understanding that the Mid-Atlantic will take final action in April 2022 for implementation by January 1, 2023. The three states each have rulemaking timelines that require several months to support an effective public process.

Participation on Mid-Atlantic Atlantic Mackerel Issues

Finally, the issue of formal engagement by the three states in the Mid-Atlantic's regulatory process for Atlantic mackerel needs to be addressed. Significant commercial and recreational Atlantic mackerel landings occur outside of the Mid-Atlantic region and this trend will likely persist even after resolution of this action. Participation at the Mid-Atlantic on these issues should be addressed beyond the Committee level.

We look forward to working through these issues with you. The following staff can be contacted if you have any questions and should be included in ongoing communications: Melanie Griffin of the Massachusetts Division of Marine Fisheries (melanie.griffin@mass.gov; 978.853.1196), Megan Ware of the Maine Department of Marine Resources (megan.ware@maine.gov; 207.446.0932) and Cheri Patterson of the New Hampshire Fish and Game Department (cheri.patterson@wildlife.nh.gov; 603.868.1095).

Sincerely,



Dan McKiernan
Director
MA DMF



Pat Keliher
Commissioner
ME DMR



Cheri Patterson
Chief, Marine Division
NH FGD

cc: Robert Beal, ASMFC
Jason Didden, MAFMC
Tom Nies, NEFMC
Michael Pentony, GARFO
Eric Reid, NEFMC