



May 9, 2022

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

**Re: Atlantic Mackerel Rebuilding 2.0 Amendment**

Dear Dr. Moore and members of the MAFMC:

Thank you for the opportunity to comment on the Atlantic Mackerel Rebuilding 2.0 Amendment, which considers several alternatives concerning rebuilding plans and additional commercial and recreational measures.

Our organizations represent for-hire fishing guides, small fishing-related businesses, and conservation-minded private anglers who recognize the importance of science-based approaches that ensure long-term stock health in order to sustain a vibrant recreational fishing economy. Our members and supporters rely on Atlantic mackerel (hereafter “mackerel”) both directly—as a source of bait for species such as striped bass and bluefin tuna—and indirectly given their ecosystem role as forage for popular recreational targets and other marine species.

We are concerned by the troubling findings of the 2021 management track assessment, which revealed persistent low biomass, truncated age structure (lack of older fish), and continued depressed recruitment.<sup>1</sup> Even as spawning stock biomass (SSB) is estimated to have tripled from 2014-2019, the fact that the stock continues to be at less than 25% of the target SSB—coupled with the requirements of the Magnuson-Stevens Act (MSA)—makes additional action necessary at this time. While mackerel have been classified as a species that is vulnerable to climate change impacts,<sup>2</sup> and northward shifts in the resource have been documented, the poor findings of Canada’s assessment for the northern mackerel contingent, whose 2020 SSB was the lowest on record, demonstrates that depressed abundance for the species is occurring across its range in the

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<sup>1</sup> NOAA Fisheries. June 2021. Northwest Atlantic mackerel: 2021 Management Track Assessment Report [Draft]. [https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/612c54d5f1970e234ac3dcce/1630295254487/c\\_2021+Atlantic+Mackerel+MT+assessment+report.pdf](https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/612c54d5f1970e234ac3dcce/1630295254487/c_2021+Atlantic+Mackerel+MT+assessment+report.pdf).

<sup>2</sup> NOAA Office of Science and Technology. Northeast Fish and Shellfish Climate Vulnerability Assessment. <https://www.st.nmfs.noaa.gov/data-and-tools/northeast-fish-and-shellfish-climate-vulnerability/index>.

northwest Atlantic.<sup>3</sup> In recent years, many of our members have witnessed high mackerel biomass in the western Gulf of Maine from Cape Cod to Maine; however, that observation is not inconsistent with the relatively stable results of the egg survey in the region (i.e., hyperstability) even as the overall survey index (used to estimate SSB) has declined.

In deciding on both a preferred rebuilding alternative and recreational measures, we are in favor of an approach that effectively recovers this critical species while distributing the burdens of doing so across the different sectors that rely on this fishery. Given the uncertainties associated with future mackerel recruitment and Canadian landings—which are “taken off the top” of U.S. landings due to lack of a transboundary agreement—a risk-averse approach that maximizes the probability of success amongst these unknowns is needed.

### Preferred Rebuilding Alternative

In principle, we would be supportive of Rebuilding Alternative 3, which is based on the MAFMC’s standard P\* risk policy and was recommended by the Scientific and Statistical Committee. However, as the Public Hearing Document mentions, this alternative (along with Alternatives 1 and 2) does not appear practicable at this time given that it would result in zero or negative commercial quotas in 2023. A related concern with Alternative 3 is the possibility that, depending on the assumption regarding Canadian landings, it could also lead to a closure of the recreational fishery in 2023. We certainly appreciate the need for all sectors to make sacrifices when a stock is overfished. However, to suddenly move from a completely unregulated recreational fishery for mackerel to a prohibition on harvest in a single management action—especially given the high observed biomass of mackerel in the Western Gulf of Maine—would undermine the recreational community’s faith in the Council and jeopardize its engagement on future issues.

**As a result, at this time, we are supportive of Rebuilding Alternative 4, which would use a constant fishing mortality (F) of 0.12 and has a 61% probability of rebuilding the stock in 10 years.** Alternative 4 would still lead to substantial decreases in commercial landings—28-80%—and thus put the stock on a path to rebuilding while recognizing the challenges and uncertainties that are unique to this fishery. Given that the next Atlantic mackerel management track assessment (MTA) is scheduled for 2023, our understanding is that the selection of a preferred rebuilding alternative at this time is largely for the purposes of setting fishery specifications for 2023. If the results of the 2023 MTA indicate some improvement in stock status, we recommend that the MAFMC revisit the possibility of implementing the P\* rebuilding approach (i.e., Alternative 3).

### Preferred Recreational Management Measures

As commercial landings have decreased in recent years, landings from the recreational sector, which have averaged about 2,600 mt since 2017, have become a relatively larger proportion of removals. This development, along with MSA’s requirement that restrictions be allocated “fairly

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<sup>3</sup> Fisheries and Oceans Canada. July 2021. Assessment of the northern contingent of Atlantic Mackerel (*Scomber scombrus*) in 2020. <https://waves-vagues.dfo-mpo.gc.ca/Library/4098865x.pdf>.

and equitably” among fishery sectors,<sup>4</sup> underscores the need for recreational measures to be implemented as part of this amendment.

At the same time, it is important to recognize that some retention of mackerel is valued by the recreational community, both for personal consumption and for use as live and dead bait by anglers and for-hire captains targeting striped bass and pelagic species such as bluefin tuna and sharks. For charter captains during the summer months, a livewell full of mackerel can be the difference between an action-packed trip and repeat clients or a long, trying day on the water.

Moreover, as noted previously, the recreational mackerel fishery has never been subject to regulations; the prospect of moving from “nothing” to “something” has not only caused concern among members of the recreational community but could lead to management uncertainty regarding what the conservation impact of new measures would be. As the Public Hearing Document mentions, “there have been no recreational limits for mackerel before, so angler responses may be difficult to predict.” As this amendment will only be used to set specifications for 2023, Marine Recreational Information Program (MRIP) estimates will be available in early 2024 to assess what impact any new measures may have had in 2023.

In balancing the importance of mackerel to the recreational community with the need for anglers to bear some of the burden in rebuilding the stock, **we are supportive of a 15-fish per person possession limit for the 2023 season.** Such a measure would provide some opportunities for harvest and enable live-bait anglers/charter captains to continue using mackerel while also making a meaningful contribution to stock recovery. Given the dynamic nature of the live-bait fishery for mackerel and the enforcement difficulties it can engender, we believe the limit should be for possession (i.e., how many fish are in the livewell at any one time), rather than a bag limit. As with the rebuilding plan, these measures could be revisited following an assessment of their impacts in 2023 (along with the findings of the 2023 mackerel MTA).

In addition to implementing a possession limit, we recommend that the Council consider provisions that account for the fact that anglers often use frozen mackerel (either purchased or caught on a previous trip) as chum or chunk bait. While we do not have any clear solutions to this challenge at this time, we are of the opinion that such bait should not count toward the per-person possession limit.

#### Permitting/Reporting

**We are supportive of additional outreach and compliance assistance by NOAA Fisheries regarding the need for commercial and for-hire vessels possessing mackerel in federal waters to obtain the appropriate permits and report catch on vessel trip reports (VTRs).** This information is critical for better understanding the “universe” of fishermen fishing for and catching mackerel and could eventually be used to develop catch estimates from the for-hire fleet. Better data will lead to a more favorable long-term outlook for this species.

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<sup>4</sup> Magnuson–Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1854 (2012).

Thank you for the opportunity to submit our comments, and we look forward to working with you to recover this stock.

Sincerely,

A handwritten signature in cursive script that reads "Willy Goldsmith".

Willy Goldsmith, Ph.D.  
Executive Director  
American Saltwater Guides Association

A handwritten signature in cursive script that reads "Greg Vespe".

Greg Vespe  
Executive Director  
Rhode Island Saltwater Anglers Association