



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor


REBECCA L. TEPPER
Secretary

THOMAS O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: December 14, 2023

SUBJECT: **Proposal to Adopt a State Waters Commercial Trip Limit for Atlantic Mackerel**

Proposal

DMF intends to go to public hearing this winter to adopt a state waters trip limit for Atlantic mackerel of 5,000 pounds until 80% of the fishing quota is taken that is then reduced to 2,500 pounds for the remainder of the fishing year. DMF will allow federal permit holders to possess and land non-conforming quantities of mackerel lawfully taken in federal waters. This allowance will specify that when lawfully in possession of non-conforming quantities of fish the federally permitted vessel may steam directly through state waters to port for the purpose of landing mackerel provided further that the vessel does not set gear or conduct any fishing activity in state waters. This is similar to what is authorized in other federally managed fisheries for which there are disparate state waters trip limits (e.g., sea scallops and groundfish).

Background and Rationale

At its December business meeting, the Mid-Atlantic Fishery Management Council (MAMFC) adopted Acceptable Biological Catch¹ (ABC) limits and specifications for FY2024 and FY2025 to limit directed Atlantic mackerel fishing without creating excessive regulatory discards. Particularly relevant for state waters is the newly established open access permit trip limit of 5,000 pounds until 80% of the quota is taken then reduced to 2,500 pounds for the remainder of the fishing year. DMF strongly supported this action, as evidenced by our recent letter to Executive Director Moore (Attachment 1).

With this action approved by the MAFMC, I now seek to adopt a state waters trip possession limit that complements the federal open access trip limit. This would control fishing activity by both state-only fishers and federally permitted vessels fishing in state waters. Based on landings data, this proposed limit should not constrain current state waters fishing activity as most trips do not land in excess of 1,000 pounds. Keeping state-only limits consistent with federal open access trip limits is a best management practice employed across numerous fisheries to ensure state management does not undermine federal conservation and management objectives—as required by the Magnuson Stevens Fishery Conservation and Management Act (16 U.S.C. 1856)—and by preventing vessels from entering Massachusetts state waters to avoid federal open access catch limits. Lastly, by controlling possible displacement into state waters, we will be limiting the potential for user group conflicts between any prospective new entrants and existing recreational and commercial fishers in state waters.

¹ NOAA Fisheries defines Acceptable Biological Catch or ABC as, “a scientific calculation of the sustainable harvest level for a species or species group, and is used to set the upper limit on the range of potential total allowable catch.”



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

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

RE: Atlantic Mackerel Possession Limits

Dear Dr. Moore:

As an epicenter of Atlantic Mackerel fishing, the Commonwealth of Massachusetts remains an interested partner in rebuilding a sustainable Atlantic mackerel fishery. Recently, the Commonwealth worked closely with the Council and our neighboring states to ensure sustainable regulation of recreational fishing for Atlantic mackerel in state waters. At its December meeting, the Mid-Atlantic Council will consider final Acceptable Biological Catch (ABC) and fishery specifications to limit directed Atlantic mackerel fishing without creating excessive regulatory discards. The Commonwealth of Massachusetts would like to express support for measures that best achieve this goal while most equitably distributing the consequent economic impacts.

Preliminary specifications set by the Mid-Atlantic Council call for a 5,000-lb incidental limit for limited access permit holders and a 1,000-lb year-round limit for open-access permit holders. While the 5,000-lb incidental limit established in FW12 was expected to constrain directed trawling for Atlantic mackerel, it has sustained a jig fishery; a fishery with little bycatch that is highly dependent on Atlantic mackerel. The preliminary proposal of 1,000-lb Atlantic mackerel possession limit for open access permit holders we believe would likely result in the shuttering of a few, small, highly dependent businesses engaged in the jig fishery here in Massachusetts. Moreover, it is strategic to retain these small-scale fisheries as we plan for future fisheries development in offshore wind development areas.

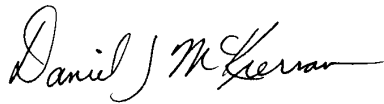
In December, the Mid-Atlantic Council will receive final ABC advice from its Science and Statistical Committee and a full range of specification alternatives from its Monitoring Committee. That advice includes an option to set the ABC based on an average approach and corresponding trip limits as follows:

	2024	2025
ABC	868mt	868mt
Initial Trip Limits in pounds (Limited Access/Open Access)	20,000 /5,000	20,000/5,000
Trip Limit in pounds after 80% Catch Trigger (Limited Access/Open Access)	10,000/2,500	10,000/2,500

I strongly urge the Mid-Atlantic Council consider final specifications for 2024 and 2025 that establish an incidental possession limit no lower than 2,500-lb for the open access fishery. Staff analyses indicate these measures keep the fishery within the commercial quota and allow for the same 61% probability of rebuilding by 2032 as the year-specific ABCs and Council's initial trip limit recommendation. But unlike the initial recommendation, the average ABC approach and consequent trip limits benefit from avoiding an extremely low ABC in 2024 that could result in excessive regulatory discards. Constant catch advice for all gear types should help stabilize fishing operations over the next two years while avoiding disproportionate negative economic impacts to any one gear. And ultimately, these measures should support our shared goal of rebuilding a sustainable Atlantic mackerel fishery.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. McKiernan". The signature is fluid and cursive, with the first name "Daniel" and last name "McKiernan" clearly legible.

Daniel J. McKiernan
Director, Massachusetts Division of Marine Fisheries

Cc: Peter Hughes, Chair MAFMC MSB Committee
Jason Didden, MAFMC
Cate O'Keefe, NEFMC Executive Director
Eric Reid, NEFMC Chair
MA Marine Fisheries Advisory Commission