



The Commonwealth of Massachusetts
Division of Marine Fisheries
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TO: Marine Fisheries Advisory Commission (MFAC)
FROM: Dan McKiernan, Director
DATE: February 4, 2026
SUBJECT: **Emergency Regulations and Future Public Hearing on Atlantic Mackerel Commercial and Recreational Rule Changes**

Emergency Action

The Division of Marine Fisheries (DMF) seeks to liberalize the state waters recreational and commercial fishing limits for Atlantic mackerel (Table 1 and 2) to complement federal rule changes [approved by the Mid-Atlantic Fishery Management Council \(MAFMC\) at their December 2025 council meeting](#). NOAA Fisheries is expected to approve this MAFMC action and implement final rules by the start of the federal fishing year on May 1, 2026.

For the recreational fishery, DMF seeks to increase the per angler daily bag limit from 20 fish to 25 fish for anglers fishing from a private vessel or shore and 50 fish for anglers fishing from a permitted for-hire vessel. No changes are being considered to amend the current recreational minimum size (none) or season (open year-round).

For the commercial fishery, the state waters trip limit will continue to match the federal open access permit trip limit. Whereas the existing initial trip limit is 5,000 pounds reduced to 2,500 pounds once 80% of the annual quota is taken, the new framework establishes a three-phase system based on the amount of commercial Domestic Annual Harvest (DAH) remaining. The initial Phase 1 trip limit of 20,000 pounds will decrease to 5,000 pounds once the fishery enters Phase 2 and 2.4 million pounds (1,100 mt) of the federal DAH remains to be harvested. Once the fishery enters Phase 3 — and just 485,017 pounds (220 mt) of the DAH remains to be harvested— the possession limit will drop to 2,500 pounds. No changes are being considered to amend the current commercial minimum size (none) or season (open year-round).

Given the timing of these federal actions, DMF is going to have to rely on its emergency rule making authority if it is to implement these adjustments by May 1. Emergency regulations are effective when filed and stay in effect for a 90-day period. Using this process will allow DMF to dispense with the public comment period prior to implementing the rules on an emergency basis. Then within the 90-day emergency period, DMF will host a public comment period and public hearing, return to the MFAC with a final regulatory recommendation at a late-spring business meeting, and promulgate final regulations. Given this is a deviation from the normal rule making process, I seek the MFAC's consensus support for this regulatory approach.

Background and Rationale

The Commonwealth of Massachusetts last engaged in Atlantic mackerel rulemaking after a 2021 stock assessment concluded a lack of rebuilding. At that time, the MAFMC identified the lack of recreational measures and significant catch in state waters as a focus area. Subsequently, in 2023, [DMF established a 20-fish recreational limit and a commercial permit endorsement](#) for anyone wishing to possess greater than the recreational limit. Soon thereafter, in 2024, [DMF adopted commercial trip limits for Atlantic Mackerel](#) that complement federal open access commercial limits.

A new [2025 stock assessment](#) shows improved rebuilding with the Atlantic mackerel stock at 56% of its biomass target. This prompted the MAFMC to approve a [revised rebuilding plan](#) in December of 2025. Based on the improved stock trends and consequent higher allowable catches (Table 3), the MAFMC approved higher Atlantic mackerel commercial catch limits (Table 4) and increased the federal recreational possession limit to 25 fish for anglers aboard private boats and 50 fish for for-hire patrons¹ (currently 20 fish for all).

The proposed recreational catch set-aside of about 5.5 million pounds (2,500 mt) is slightly higher than current, tied to the higher recreational possession limits approved for FY2026 and FY2027. However, when the 20-fish limit was adopted in 2023, the ABCs were expected to be around 17.6 and 19.8 million pounds (8,000 MT - 9,000 mt). When the ABC was reduced to about 7.1 million pounds (3,200 mt) in 2024, the recreational possession limit was not changed. With 2026-2027 ABCs expected to increase and given the variability of recreational catch estimates, an incremental change was approved.

Table 1. MAFMC Approved Recreational Limit Adjustments

Recreational Mode	Current Possession Limit	Proposed Possession Limits
For-hire	20 fish	50 fish
Private	20 fish	25 fish

Table 2. MAFMC Approved and DMF Proposed Commercial Limit Adjustments

Current Possession Limits	Proposed Possession Limits
5,000 lbs. with <80% of federal DAH harvested	20,000 lbs. with >1,100 mt of federal DAH remaining
N/A	5,000 lbs. with 1,1000 mt of federal DAH remaining
2,500 lbs. with 80%+ of federal DAH harvested	2,500 lbs. with 220 mt of federal DAH remaining

¹ Although opposed continuously by New England states (ME, NH, and MA), the higher for-hire possession limit responds to industry comments that customers are discouraged from booking trips at lower possession limits.

Table 3. Federal commercial quotas and expected recreational catch (2025-2027)

	FY2025	FY2026	FY2027
Commercial Quota	868 mt (1.9 million pounds)	11,237 mt (24.8 million pounds)	13,210 mt (29.1 million pounds)
Expected Recreational Catch	2,100 mt	2,500 mt	2,500 mt

Table 4. Federal Commercial Limits by Permit Category and DAH-Based Phase

Federal Permit Category	DAH Phase 1 (Start of Year)	DAH Phase 2 (<1,110 mt of DAH)	DAH Phase 3 (<220 mt of DAH)
Tier 1	200,000 pounds	20,000 pounds	10,000 pounds
Tier 2	135,000 pounds	20,000 pounds	10,000 pounds
Tier 3	100,000 pounds	20,000 pounds	10,000 pounds
Open Access	20,000 pounds	5,000 pounds	2,500 pounds