



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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### MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)  
FROM: Daniel J. McKiernan, Director   
DATE: June 10, 2022  
SUBJECT: **Atlantic Mackerel Recreational Possession Limit and Commercial Permit**

#### Overview

I plan to take to public hearing two proposals regarding Atlantic mackerel:

1. Establish a 20-fish per person recreational possession limit for Atlantic mackerel. Exempt from this will be recreational anglers in possession of mackerel lawfully purchased from a bait dealer from which they have a receipt.
2. Establish a commercial open entry regulated fishery permit endorsement for mackerel, which would be required to sell mackerel, as well as catch, possess, and land mackerel in quantities that exceed the recreational possession limit.

#### Background

Over the past several months, DMF has briefed the MFAC on the Mid-Atlantic Fishery Management Council's (MAFMC) ongoing efforts to develop an Atlantic Mackerel Rebuilding 2.0 Amendment with Specifications. This responds to the 2021 stock assessment that found Atlantic mackerel ("mackerel") was overfished with overfishing occurring and demonstrated the initial rebuilding plan implemented in 2019 was unlikely to meet its goals.

At this week's MAFMC meeting, the Council approved a specification package which establishes a recreational possession limit of 20 fish for Atlantic mackerel, effective in 2023. This possession limit was approved with the expectation that the New England states—who have inshore state-waters fisheries—would adopt a complementary possession limit consistent with their obligation under the Magnuson Stevens Act.

Accordingly, I am taking out to public hearing a proposal to adopt a 20-fish recreational possession limit for mackerel. The possession limit will apply like the recreational lobster limit and the recreational eel limit, meaning it will restrict a person's harvest of mackerel to 20 fish per day and prohibit a person from possessing more than 20 mackerel when fishing. This allows for fishermen to accumulate and store mackerel for later use. I will also propose allowing fishermen to possess non-conforming quantities of mackerel if the fish was bought as bait and the person in possession of the fish can produce a valid receipt documenting it was purchased

from a lawful bait dealer. If a final regulation is approved later this year, the possession limit will go into effect for 2023.

Additionally, I am proposing to establish an open entry regulated fishery permit endorsement for Atlantic mackerel for the 2023 season. This permit will be required for any person to sell mackerel or to harvest, possess, and land mackerel in a manner that does not conform to the recreational possession limit rule. This permit will allow us to better monitor and collect data on the commercial fishery in Massachusetts. As DMF has regulations prohibiting the mixing of recreational and commercial trips, this permit cannot be used by recreational anglers to exceed the recreational possession limit. The one exception to this would be the bluefin tuna fishery. In this situation, a person permitted to commercially and recreationally fish for tuna could use the commercial mackerel endorsement to retain more than the recreational limit and end up retaining a recreational sized tuna. If this is the case, then the mackerel catch is to be reported on the permit holder's commercial trip level reports.

I intend to take these proposals out to public hearing during the late summer period. A final recommendation will likely come back to the MFAC at a September business meeting. If approved, the final regulation will be filed in time to have the new mackerel endorsement listed on the 2023 commercial fisherman permit application. As stated above, the recreational possession limit will not go into effect until January 1, 2023.