



# **Unmanaged Forage Omnibus Amendment Public Hearing Summary and Comments**

## **Table of Contents**

Summary of comments.....	2
Transcriptions of public hearing comments (arranged chronologically).....	8
Individual written comments (arranged alphabetically by last name).....	43
Comment letters from organizations (arranged alphabetically by organization name).....	191
Sign-on letters.....	281
Drawings, poems, and pledge wall from Wildlife Conservation Society.....	284

## Summary of Comments

### Demographics

- The Council received 130 written comments from individuals, 29 letters from organizations, 21,052 signatures on three separate petitions, 437 poems and drawings, and images of a “pledge wall” with 228 drawings. Sixty-eight members of the public attended public hearings.
- 130 individuals submitted personal written comments and 31 individuals provided comments during public hearings. Of these,
  - 33 individuals identified themselves as recreational anglers
  - 1 individual identified himself as a recreational and a commercial fisherman
  - 3 individuals identified themselves as commercial fishermen
  - 7 individuals identified themselves as “fishermen” without specifying if they were commercial or recreational fishermen
  - 10 individuals identified themselves as employees of environmental NGOs
  - 3 individuals identified themselves as scientists
  - 2 individuals identified themselves as retired fishery managers
- 71 organizations submitted 29 comment letters
  - American Fisheries Society
  - Brooklyn Urban Anglers Association
  - Coastal Conservation Association Maryland
  - Delaware River Shad Fishermen’s Association
  - DelMarVa Fisheries Association, Inc.
  - Earthjustice
  - Fish Hawks Salt Water Anglers
  - Greater Egg Harbor Watershed Association and River Council
  - Garden State Seafood Association
  - Herring Alliance (submitted a single letter signed by 43 organizations)
  - Herring Ponds Watershed Association
  - Hi-Mar Striper Club
  - Ipswich River Watershed Association
  - Jersey Coast Anglers Association
  - Manasquan River Marlin and Tuna Club
  - Mystic River Watershed Association
  - National Marine Fisheries Service Greater Atlantic Regional Office (GARFO)
  - The Nature Conservancy
  - New England Aquarium
  - New York Aquarium, Mystic Aquarium, The Maritime Aquarium at Norwalk, and the Virginia Aquarium and Marine Science Center (co-signed a single letter)
  - New Jersey Council of Diving Clubs

- North Carolina Marine Fisheries Commission
  - The Pew Charitable Trusts
  - Recreational Fishing Alliance
  - The Safina Center
  - Seafreeze Ltd.
  - The Town Dock
  - Virginia Saltwater Sportfishing Association
  - Wild Oceans
- 16,198 individuals signed an online petition created by the Pew Charitable Trusts, 1,415 of whom personalized their comments.
  - 4,156 individuals signed an online action alert created by the Wildlife Conservation Society. Ninety-four of these individuals submitted edited versions of this action alert.
  - The Wildlife Conservation Society submitted a petition signed by 698 visitors to their four parks (i.e. the New York Aquarium, Central Park Zoo, Queens Zoo, and Prospect Park Zoo).
  - The Wildlife Conservation Society submitted images of “pledge walls” with 228 drawings, as well as 437 poems and drawings made by visitors to their four parks.

### General Comments

- 77 individuals and four organizations expressed general support of the amendment but did not provide recommendations on any of the alternatives under consideration.
- One organization opposed the amendment as a whole.
- One individual supported the no action alternative, but recommended that the Council work to ensure that catches are more accurately documented.

### Species to be Included in the Amendment

- 41 individuals (including 30 who submitted virtually identical comments) and six organizations recommended that the Council **not remove any species** from the list of species currently under consideration for inclusion in the amendment.
- One individual thought the list of species under consideration was too restrictive and should include more species.
- 48 individuals (including 30 who submitted virtually identical comments) and 10 organizations stressed that **false albacore** should remain on the list. Three organizations recommended that false albacore be removed from the list.
- Four individuals and four organizations requested that **frigate mackerel and bullet mackerel** remain in the amendment. Three organizations recommended that the Council not include these species in the amendment.
- One organization recommended that the Council initiate a separate management action for frigate mackerel, bullet mackerel, and false albacore if these species are not included in the Unmanaged Forage Omnibus Amendment.

- One organization recommended that the amendment only include forage species which are found in the diet of Council-managed species.
- Three organizations argued that a nexus to a Council Fishery Management Plan is not needed and that any ecologically important forage species can be included in the amendment.
- Four individuals and one organization requested that **Atlantic bonito** be included in the amendment. Atlantic bonito are not on the list of species under consideration.

#### Alternatives for species other than chub mackerel

- Eight individuals supported alternative 2A, which would **prohibit possession** of all forage species listed in the amendment (with the exception of chub mackerel).
- 21,008 individuals and 22 organizations supported an **incidental possession limit** for all species included in the amendment (except chub mackerel).
  - 36 individuals (including 30 who submitted virtually identical comments) and three organizations supported an incidental possession limit for all the species included in the amendment (with the exception of chub mackerel; i.e. alternative 2B) but did not specify what the incidental possession limit should be.
  - The 16,198 individuals who signed the letter submitted by the Pew Charitable Trusts recommended a “limit on the combined catch of these species for each fishing trip (without any loopholes that could allow the limit to be easily changed)”, but they did not recommend a specific amount of pounds for the limit.
  - Two organizations expressed support for alternative 2Bi, which would implement an incidental possession limit of **1500 pounds per species**.
  - 4,767 individuals (including 4,062 who signed the online pledge created by the Wildlife Conservation Society and 698 who signed a Wildlife Conservation Society petition at a park or zoo) and 16 organizations supported alternative 2Bii which would implement an incidental possession limit of **1700 pounds for all of the species listed in the amendment combined** (with the exception of chub mackerel).
  - Six individuals and one organization supported a combination of alternatives 2Bi and 2Bii, which would create an incidental possession limit of **1500 pounds per species up to a total amount of 1700 pounds for all species combined**.
  - One individual requested that the 1700 pound possession limit apply on a per-species basis, rather than to all species combined.
- One organization recommended that the Council implement an annual landings limit per vessel in addition to incidental possession limits for the forage species included in the amendment.
- Two organizations requested that the language of alternative 2B be modified to say “prohibit directed fishing and implement an incidental possession limit”.

## Alternatives for chub mackerel

- Eight individuals and seven organizations recommended that chub mackerel be managed as an **ecosystem component** (EC; alternative 3A).
- One individual and seven organizations requested that if the Council manages chub mackerel as an EC, this be considered a temporary measure while the supporting analysis and decision-making process are carried out to determine if chub mackerel should be managed as a stock in the fishery.
- 16,240 individuals (including 30 who submitted virtually identical comments and 16,198 who signed a letter submitted by the Pew Charitable Trusts) and 48 organizations (including the 43 which signed the letter submitted by the Herring Alliance) either recommended that chub mackerel be managed as a **stock in the fishery** (alternative 3B) or implied support for managing chub mackerel as a stock in the fishery with phrases such as “initiate full federal management now”.
- One individual and three organizations supported alternative 3C, which would manage chub mackerel under the Council’s **discretionary authority** under the Magnuson-Stevens Act without designating chub mackerel as either an EC or a stock in the fishery.
- **Annual landings limit for chub mackerel**
  - 16,207 individuals (including the 16,198 individuals who signed a letter submitted by the Pew Charitable Trusts) and 53 organizations (including the 43 which signed the letter submitted by the Herring Alliance) either recommended an annual landings limit of **900,127 pounds** of chub mackerel (which is equivalent to the average landings from 2006-2016), or they recommended “the lowest level being considered”.
  - 30 individuals (all of whom submitted nearly identical comments) and two organizations recommended an annual landings limit of **1.75 million pounds** of chub mackerel, which is equivalent to the average landings from 2011-2015.
  - One individual recommended an annual landings limit of **2.86 million pounds per year**, which is equivalent to the average landings from 2013-2015.
  - One individual and three organizations supported an annual landings limit of **5.25 million pounds** of chub mackerel, which is the amount landed in 2013 and the maximum reported chub mackerel landings in the northeast over the past 20 years.
  - 8 individuals and 45 organizations (including the 43 which signed the letter submitted by the Herring Alliance) said that **once the annual landings limit is met, possession of chub mackerel should be prohibited**.
  - 35 individuals (including 30 who submitted nearly identical comments) and six organizations recommended that **an incidental chub mackerel possession limit be enforced either after the annual landings limit is met or when landings approach the limit**
    - Three individuals and three organizations recommended that the incidental

- possession limit be 10,000 pounds.
    - One individual and three organizations recommended an incidental possession limit of 40,000 pounds.
  - 34 individuals (including 30 who submitted nearly identical comments) recommended that the Council implement landings and/or possession limits for chub mackerel in the near term but carry out further biological analysis to determine if these limits should be revised in the future.

### New fisheries and expansion of existing fisheries

- Four individuals and one organization supported alternative 4B, which would **not allow any new fisheries or expansion of existing fisheries**.
- 38 individuals (including 30 who submitted nearly identical comments) and 51 organizations (including the 43 which signed the letter submitted by the Herring Alliance) supported alternative 4C, which would **require use of an exempted fishing permit (EFP)** before any new fishery is allowed or any existing fishery could expand. Of these, 36 individuals and 50 organizations expressed support for alternative 3Cii, which would establish a process for **Council review of EFP applications**.
- 16,205 individuals (including the 16,198 who signed the letter submitted by the Pew Charitable Trusts) and 47 organizations (including the 43 which signed the letter submitted by the Herring Alliance) recommended a combination of alternatives 4C and 4D, which would **require both use of an EFP and consideration of whether the stock should be a stock in the fishery** before a new fishery is allowed to develop or an existing fishery is allowed to expand.
- Two organizations thought Council review of EFP applications was not necessary and the Council would be better served to review the data collected as part of the EFP.
- One organization recommended that if the Council were to require use of an EFP prior to allowing any new fisheries or expansion of existing fisheries, that they specify the steps to be taken after the EFP has been used.

### Administrative alternatives

- 33 individuals (including 30 who submitted nearly identical comments) and five organizations expressed support for alternative 5A, which would **update the list of authorized fisheries and gear types** at 50 C.F.R. 600.725. One organization requested that the Council allow public comment on any changes to the list and also reach out to sport divers if the list is updated.
- 16,240 individuals (including 30 who submitted nearly identical comments and the 16,198 who signed the letter submitted by the Pew Charitable Trusts) and 50 organizations (including the 43 which signed the letter submitted by the Herring Alliance) expressed support for alternative 5B, which would require individuals to obtain **a federal commercial fishing permit from GARFO** in order to retain any of the species included in the amendment as ECs.

- 33 individuals (including 30 who submitted nearly identical comments) and 52 organizations (including the 43 which signed the letter submitted by the Herring Alliance) recommended that the Council work with GARFO to develop a process to provide the Council with regular updates on landings of ECs within the mid-Atlantic (alternative 5Ci).
- 35 individuals (including 30 who submitted nearly identical comments) and 50 organizations (including the 43 which signed the letter submitted by the Herring Alliance) recommended that the Council work to ensure that all of the species included in the amendment are visible in all relevant electronic reporting systems (alternative 5Cii).
- 44 individuals (including 30 who submitted nearly identical comments) and 52 organizations (including the 43 which signed the letter submitted by the Herring Alliance) recommended that **Cape Hatteras** be the southern boundary of the management unit for the amendment (alternative 5Dii).
- **Frameworkable items**
  - Three individuals and three organizations expressed support for the entire list of frameworkable items.
  - Two individuals recommended that recreational fishing regulations not be implemented through future framework actions.
  - Six organizations recommended that the list of species included in the amendment be frameworkable. One individual and four organizations thought frameworks should only be allowed in order to add species to the list and that removing species should require an amendment.
  - Four individuals and 45 organizations (including the 43 which signed the letter submitted by the Herring Alliance) recommended that possession and landings limits not be modified through future frameworks. One organization recommended that frameworks only be allowed if the landings and/or possession limits were to decrease and that an amendment be required in order to increase the landings and/or possession limits.
  - Three organizations supported the use of framework actions to implement spatial and seasonal closures to protect unmanaged forage species. Three organizations thought spatial and seasonal closures should not be implemented through framework actions.
  - One organization did not think any of the proposed items should be listed as frameworkable.

#### Other comments

- One individual and one organization asked if the Council intended to include transit provisions in the amendment for vessels which catch forage species outside of the mid-Atlantic but travel through mid-Atlantic waters to reach a port to land their catch.
- Two individuals and two organizations criticized the Council for developing this amendment with a limited amount of supporting scientific analysis.

- One organization argued that the amendment will have severe negative economic impacts.
- One organization recommended that NMFS add the forage species included in the amendment to their port-side biological sampling program.
- One organization recommended that laminated booklets with species identification keys for the species included in the amendment be sent to all potentially affected fishermen and seafood dealers.
- GARFO reminded the Council that they have not yet determined which level of analysis will be required to comply with the National Environmental Policy Act. If GARFO determines that an Environmental Impact Statement is required, then the timeline for development of the amendment will need to be extended.

## Public Hearing Summaries

The Council held seven public hearings on the Unmanaged Forage Omnibus Amendment in May and June 2016. Verbal comments provided by attendees at each of the hearings are transcribed below.

### Washington, North Carolina

**May 17, 2016**

No members of the public attended this hearing.

### Virginia Beach, Virginia

**May 18, 2016**

**Attendees:** Mike Avery, Julia Beaty (Council staff), Steven Epstein, Nick Gallegos, Jake Hiles, Rick Robins (Council member)

**Comments:**

**Steven Epstein:** I'm with the Chesapeake Bay Defenders. I want to thank the Council for taking this amendment into effect and moving forward with protecting our forage fish.

**Jake Hiles:** I'm with Matador Charters in Virginia Beach. I'd like to thank the Commission for having us here. I appreciate you opening this up to comment. It seems like a lot of the regulations we get, there isn't as much of a comment period. I appreciate you guys taking the time and going out of the way to make sure you get our input and make the right call. I own and operate Matador Charters out of Virginia Beach. I've charter fished here for about 20 years, 70 to 100 days a year on average, going to the Norfolk Canyon. I spend a lot of time there. I would say I'm an expert on what goes on out there. I would think that you're going to see lobbyists saying there's a surplus of forage fish. They're going to say that there can be a sustainable forage fishery. I don't

foresee there being a sustainable forage fish fishery because there's no surplus of forage fish. Every forage fish dies from predation. It doesn't die of natural causes. Even if it does die in some way that would be considered natural, those forage fish are all eaten by something lower down on the food chain. Each forage fish taken will have a direct effect on the species above it in the food pyramid. I would think this really should be an easy decision for the Commission. Typically when these meetings are held and managers and regulators come up with closing a fishery, it affects livelihoods. No livelihood will be affected if these fisheries for forage fish are essentially closed. Nobody makes their living catching forage fish now. Anything that is made catching forage fish is incidental, in most cases. I make my living fishing for the fish that feed on these tiny fish. Opening a forage fishery would have a direct and serious effect on charter, sport, and recreational fisheries up and down the coast at a time where up and down the coast you can see all the fisheries facing tighter regulations. The Commission cannot consider opening a fishery that will potentially destroy other fisheries. Basically, when the forage fish are caught it will lead to local depletion of forage fish in that area. Pelagic fish that feed upon those fish will travel elsewhere. Pelagic fish travel throughout the ocean. Nothing holds them in one specific spot except for forage fish. If you take the forage fish away, they won't be there. As I said earlier, forage fish are not valuable monetarily. They are extremely important to the food pyramid but it takes a very large quantity of forage fish. They're small. It takes a large quantity of individual fish to be valuable. You're talking about risking a \$100 million plus a year charter recreational industry for a couple million dollars a year at best worth of forage fish. I believe that's short sighted. I ask the Commission to please consider a complete closure on commercial fisheries for forage species and consider the future effects on the ecosystem and the livelihoods affected if the gamble that forage fish are abundant enough to provide a sustainable fishery is wrong. Basically, if you open up these fisheries and they do become a directed fishery or a targeted fishery it will be too late to repair the problem. The fisheries that forage fish support will collapse. You just can't do that. In the presentation, what I saw, the goal was spot on. The need for the amendment, I understand, and takes proper considerations. I have a couple of questions. There's very extensive commercial fisheries for herrings and sardines and squid. Many of those are already regulated. They migrate into and out of state and federal waters. I was wondering if this amendment is also going to be forced upon the states. I know that this is for federal waters, but up north, for example, they have state directed herring and squid fisheries. I didn't know whether this would have an effect on that.

**Julia Beaty:** The Council talked about this early on and decided not to include state waters. If it were to include state waters, the Council would have to work with the Atlantic States Marine Fisheries Commission. One of the ASMFC staff did a poll of all the member states about, do you like this idea? Do you already have regulations on forage species? It was basically along the lines of do you think this should apply to state waters as well? It was a real mixed bag in terms of some states said no we don't have anything in place and we think this is a great idea and other states said we think our regulations are good enough the way they are. In terms of moving things along the Council thought it was best to focus on mid-Atlantic federal waters and then the

ASMFC could follow suite or individual states could follow the example. There was also talk of working with the New England Council and/or the South Atlantic Council in federal waters. The idea was to start in the mid-Atlantic. If the amendment moves along, then maybe other states or Councils will follow suite.

**Jake Hiles:** I'm not going to jump into a wormhole here, but I noticed on the forage fish list, menhaden was conveniently absent. Menhaden is probably the most important fish that we have. I think that allowing - of course this is a much bigger issue than what we're dealing with here, but I think allowing the states to individually regulate menhaden, which is a forage fish, many of these states don't take into consideration the environmental impacts on the entire ecosystem. I know this will never have anything to do with menhaden, but menhaden need to be regulated in a manner that considers the environmental impacts.

**Rick Robins:** Jake, if I can just offer one more follow up. The amendment is focused on unmanaged species. What falls out of that - you mentioned the squid in state fisheries. The squid fisheries even though some of them are being prosecuted in state waters, like around Nantucket, are still subject of federal management. The *Loligo* fishery, for example, is already subject to an existing federal FMP that we manage. So that falls outside of the scope of this action. The herring fishery is managed by the New England Fishery Management Council. The sardines, actually Spanish sardines are not currently managed in our region so they are on the list. Spanish sardines of course being important for the system. Those are just a few species as examples but as Julia pointed out we'll look forward to a stepwise approach where we'll do this first in our jurisdiction and work with our management partners in the South Atlantic Council and the New England Council and the states to further advance the issue, or coordination of the issue. More broadly the question of how to most appropriately manage forage species in our region is also a broader point of discussion in our Ecosystem Approach to Fisheries Management Guidance Document. That's something that we'll finalize along the same timeline. I see that as being an area where a lot of work is being done to determine what the most appropriate policies are for that. As you point out, menhaden are not federally managed. Someone might catch those if they are in federal waters, as you know. Right now there's no effective coordination on the federal side. There is through the ASMFC, but not directly in coordination with the Councils. Just a few follow up points on those management aspects.

**Jake Hiles:** My point was that a lot of species interchange - they move out of state waters and federal waters. Right now the bulk of menhaden are right out here, out of bounds. Whereas if they move in a couple of miles they are completely destroyed. It has an effect on the entire ecosystem when these forage fish are taken out.

**Steve Epstein:** Supposedly these menhaden are born in the bay and then move up and down. There's no separate menhaden factions that stay in one certain area. They migrate together up and down the coast. When they're breeding inside they all get scooped up and they don't get to go other places.

**Jake Hiles:** We'll get way off topic if we talk about menhaden. I believe this is a great – just looking at your options. I thought that 2A was definitely favorable over 2B. The 2B option always leads to a directed fishery because when possession limits are implemented, price jumps are inevitable. If you make something so that it has a limit on it, that is going to increase the value of it. If you say you can catch 1500 pounds, those guys are going to catch 1500 pounds every time and the reason being is just because bay anchovies right now may be worthless, but they're not worthless any more. There's going to be a finite amount of them that can be brought to the dock. The price of them is going to jump. That's a targeted fishery. Even if its 1500 pounds. For chub mackerel I would say 3A is my preferred. Chub mackerel are an ecosystem component and should not be a targeted species. Opening chub mackerel to a targeted fishery with retention limits is opening Pandora's box. Once you tell them they can have so much, in the future they'll ask for more. Chub mackerel will become more valuable and it will become a directed, targeted fishery. I don't believe there should be an incidental possession limit because once there's a possession limit, price inevitably rises. For me the 4B option would be most favorable. And as I suggested earlier, potentially, if there's resistance to any of those, I believe there should be an EFP to allow vessels with reported landings up to their past landings, or an average. Make that non-transferable. You can say that the industry guys that have been reporting landings are not cut out of the fishery; however, there will be no new landings and there will be no new fishery. I don't believe there should be a GARFO permit because there should be no landings, commercially, either targeted or incidental for forage fish. Recreational fisheries regulations need not be explored because there's basically minute landings of these. It's just one more thing for recreational fishermen to try to report and keep track of how many mackerel a day they are catching. That's it.

**Rick Robins:** Jake, can I ask you a question real quick? You said you spend 70 to 100 days a year out there at Norfolk Canyon. I know you participated in a chub mackerel live bait fishery. Can you provide us with a synopsis of that? Describe the interactions in Norfolk Canyon between chub mackerel and other species of fish?

**Jake Hiles:** Well, first of all, that's a very small fishery. Very few boats partake in that fishery. It only occurs in very small areas around the edges of the canyon where chub mackerel are concentrated. As a result of those chub mackerel being concentrated there, that's why the predatory fish are concentrated there, which are the fish that people who charter my boat over the last several years - we've developed a live bait fishery in the Norfolk Canyon. Basically we use live chub mackerel, which we catch at the mouth of the canyon, which we use to fish for pelagic fish, mostly marlin, mostly white marlin, but we also catch blue marlin, sail fish, spear fish from time to time, yellowfin tuna, bigeye tuna, wahoo are regularly caught on the chub mackerel. Essentially, in an average day there may be as many as 15 boats on a weekend, on a nice summer weekend, out there that are live baiting with chub mackerel. On average those boats catch a dozen to two dozen chub mackerel a day. It's not a massive amount of fish. I might do in an average year, 20 live bait trips. It's highly effective. There's no waste. Every chub mackerel that

is used for the most part turns into a bite. At the end of the trip any chub mackerel that I have left in my live well aren't of value to me and they'll stay in my live well and they're released alive. There's very small areas where these chub mackerel exist around these canyons. If you open up a directed fishery, commercially, for them we're going to see these small areas get wiped out. We will see the pelagic fish that are in those areas because the chub mackerel are there, we're going to see those pelagics leave. That will happen. No question. That will happen. If you take the chub mackerel away from the corners of the canyons, the fish that are eating the chub mackerel will go away. They've got tails. They swim very quick. They will be completely across the ocean in a matter of days.

**Nick Gallegos:** My name is Nick Gallegos. I'm actually with the Cousteau Society. My biggest concern is environmental impacts. That's why I'm here, of course. Naturally we are really concerned with overfishing. I know you guys are talking about allowing a new fishery. That's generally a concern with us. I also actually sit on the board as a vice chairman for Surfrider Foundation Virginia Beach. There's is definitely a concern and we'll definitely follow this.

[Galloway, New Jersey](#)

**May 19, 2016**

**Attendees:** Fred Akers, Lars Axelsson, Stefan Axelsson, Tom Baum (Council member), Julia Beaty (Council staff), Patty Doerr, Paul Eidman, Jeff Kaelin (Council member), Adam Nowalsky (Council member), Don Marawtz, Josh O'Connor, Greg DiDomenico, Tom Pagliaroli, Rick Web

**Comments:**

**Steven Axelsson:** Steven Axelsson. Fishing Vessel Flika. Basically all of my comments are going to be about chub mackerel. When you go to the graph that you had with the high landings, the reason they were high landings is because there was absolutely no *Illlex* around that summer. It saved that season. It helped the next season. And 2015, that bar would be a lot higher but I was broke down. When I say it saved that season, it funded the business. It paid me and my family and it paid my crew. If we take that away, coming into this next season, which will be next week. *Illlex* might not be there. Not that this is going to be in effect then. But it's another resource that I can use to make money. When I caught it, I reported it. It was funny because I was actually questioned to make sure it was chub mackerel. But it is chub mackerel. The impact that we have on the amount of chub mackerel out there is minimal. When I went after it hard in 2013, the size of the schools in the spots where I caught them, they were enormous. I wasn't retaining a third of what was there. As far as I know at the time there were two boats going hard. That was me and my cousin. The Flika and Dursten. There were two other boats that did catch them, but not in the volume that we did. The commercial fishing impact on chub mackerel isn't going to be that high because there's only a few boats that are equipped to do it. They are a very fast fish. You have to have horsepower to catch them. Speed is the thing to catch them. Most commercial fishing vessels just aren't going to be able to catch them in any amount to make it worth it. Basically, if you look at the *Illlex* fleet in the past six years, that's the fleet that's going to be targeting chub

mackerel. Six boats on the entire mid-Atlantic aren't going to make a dent in anything. So I don't think we're going to have that big of an impact on the ecosystem, but I've taken a few here and there. The only other thing I want to ask, is I think it was in 2A and B. You were talking about silversides and anchovies. I don't know if round herring falls into that. Silversides and anchovies. I don't know what the ranges of round herring are, but I've personally never seen them inshore. I might not be inshore at the right time of year. I'm talking summer time. Round herring, you do run into them. I guess 1500 pounds, yeah, you're not going to want to keep it because it's not going to be worth it. You can catch more than that. Even by mistake. I was just wondering if there was a differentiation between inshore species and pelagic fisheries. Like bay anchovies versus round herring. Is there a difference? Like inshore versus offshore or are they all getting lumped together?

**Julia Beaty:** They're all getting lumped together here, yeah.

**Stephen Axelsson:** I just think that's something that needs to be considered. Inshore versus offshore. Because, like chub mackerel, you didn't see them in the '90s because they weren't here in the numbers they were in the past 5 years. The *Illlex* haven't been here. Maybe that has something to do with it. But chub mackerel took over so we fished for them. My summer season has been my season so I need to make it work one way or the other, whether it's *Illlex* or chub mackerel. I think you really need to consider the fishermen on this one when it comes to that. I would prefer to catch squid but they weren't there. Just think about that when you do all this.

**Tom Baum:** I do have a question for you, Stephen. As a member of the Council, I'd be interested in which alternative for chub mackerel you would be more interested in, as an ecosystem component, as a stock in the fishery, or as neither? The alternatives, ecosystem component and neither are temporary, or possibly temporary until more information came, so what would you give advice to the Council?

**Stephen Axelsson:** If you could explain the stock in the fishery –

**Julia Beaty:** Sure. The key difference is all the requirements for stocks in the fishery. The Council would have to consider biological information and set an ABC, set an ACL. If it's an ecosystem component, none of these things are required. The Council is considering doing these different annual landings limits if it's not a stock in the fishery. But if it is a stock in the fishery, it would take a lot more time to implement any regulations. The Council would have to consider the biological information. Also, ecosystem components are technically supposed to be a non-target stock. No one's really said that this is the regulation, but stock in the fishery might be a better long-term solution for a relatively large-scale directed fishery because it would require that the Council assess MSY and ABC and could potentially ensure that these measures have a biological basis. But the ecosystem component, the Council could just pick something like this.

**Jeff Kaelin:** I just have a comment. The list of things that you have for ecosystem components, for ACLs and AMs and so forth, would be the same list that would be adopted for any species

that would be adopted for management under the discretionary provisions, like blueline tilefish for example. So it's not that that third option would eliminate the requirement for ACLs and AMs. That list would also be appropriate that would use the discretionary authority of the Council. It absolutely would be required in a freestanding FMP.

**Julia Beaty:** OK. But 3C doesn't necessarily mean it's its own FMP.

**Jeff Kaelin:** It could be. The list is the same. The ACL, AM, EFH. All that would be the same whether it's an ecosystem component or whether it's managed under the discretionary authority of the Council.

**Julia Beaty:** Yes, if it has its own FMP. If it's added through the amendment, if it's not stock in the fishery, then it doesn't need all those things.

**Jeff Kaelin:** It would be if the Council proceeded to manage chub mackerel separately under its discretionary provisions. Absolutely. You can't manage a stock as an FMP without ACLs and AMs and so forth. It's assumed by the Council that that third option would also lead to ACLs and AMs.

**Julia Beaty:** That's not my understanding.

**Jeff Kaelin:** That's my understanding. I've been doing this since 1976. I think that the intent of the Council is that that option would require ACLs and AMs. What else would it require?

**Julia Beaty:** When the Council talked about that, they talked about the example of shad and river herring, saying they're not an ecosystem component or a stock in the fishery.

**Jeff Kaelin:** But those are managed by the Commission. That's the primary reason why the Council didn't go in that direction.

**Julia Beaty:** But the Council does have regulations related to bycatch. Those regulations don't rely on river herring and shad being stocks in the fishery and the Council doesn't have an ABC or AM for shad and river herring.

**Jeff Kaelin:** That's right. Because they're not under Council management. And the Commission does not require ACLs and AMs. That's the difference. So that's my comment as a Council member. I didn't want to testify tonight. But I just wanted to clarify.

**Tom Baum:** Thank you, Jeff. That would be good for discussion and clarification at the Council meeting.

**Rick Weber:** As a layman, I'm not in this fishery - I'm Rick Weber, South Jersey Marina. Though I'm somewhat involved with management, I don't know these fisheries at all. But the difference between what you two are saying is critical. I was already leading towards 3C, saying don't label it until you know better. But that had to do with you saying it would be more like a

3A but doesn't do anything, and Jeff saying it triggers a 3B. And those two things – that would swing my – all I want to say is you're taking a lot of species under management at one time and you're swinging a really big axe. I would say to do the thing that is cautious for the fish and cautious for the fishermen until you have better information one way or the other. This is a learning opportunity, as I see it, for the next few years. My gut, when it comes to you [Stephen], is if they give you an ACL you might find that you get more. If you actually make them go out and do the science. It may be that it looks like, oh they're going to give us an ACL! If you're right, and if you're barely touching it, you might find that if you go out and force them to go out and get an ACL. You're not touching that at all, let's take that up to 10! By the same token – my gut is if you say you're not touching these things at all anyway, it's the direction you should be going. Say, let's get the science going because I am convinced that we are not touching them. Having been around it, I'm saying I've seen it done. If you're blowing smoke, don't go in that direction! Greg, coming back to your moving the 1500 to 1700, again, to me it's a research opportunity. I don't like the 1500 of any individual species because you could end up with tons and tons if someone did, and I know it's not being done right now, 1500 and 1500 and 1500. That said, I really don't like the way they set 1700 at all because it was 1700 of what was reported and they're going to cap you at what was reported and throw all these species on that were not reported and cap you at the old reporting level. When I wrote down 2Biii, myself, it was give you 2500 or 3000 combined so there's room to go up from what was reported, because it had to be reported, plus add in what wasn't reported in the past to give you that buffer. Personally, my gut, again I do not know this fishery, also if I'm saying anything offensive, forgive me, but my gut just from a management standpoint is give you more space and take this opportunity to learn what will be reported once you're forced to report it. That's my fear for the Council is you're throwing so many species in it at one time. I had circled 3C just because I thought don't label it until you know what to label it, but what it triggers is huge.

**Jeff Kaelin:** We'll have to have this discussion at the Council, but I don't think that the public hearing document fully explains that 3C, it's not 3 million pounds forever or 5.25 million pounds forever. It will trigger a management action that would manage chub as a separate fishery, not necessarily as a stock in the *Illlex* fishery. Not necessarily a stock in the mackerel fishery. But a chub FMP. Just like what we did for blueline, which eventually became part of the tilefish fishery, but it's managed separately. That is absolutely, in my understanding, the intent of that option. We would go in front of the SSC and we would look at the biological information. Rick was absolutely right. The TAC could be more than 5.2 million pounds. It's not that that option would eliminate the potential for an ACL or AM to be established. It would have to be if the Council managed it because we're required to establish ACLs and AMs for everything under management. That's my understanding. I don't know about you, Adam. But I think that's why that option's in there. It isn't necessarily that it's going to be a stock in the fishery and some of us believe it can't be an ecosystem component species even though the agency has said, well it can be an ecosystem component species for a year or two and then you would make a change. I think the industry's perspective is we need an ACL, we need an AM, and the 5.25 million

pounds would be a holding pattern until the Council decides whether it's going to be a free-standing FMP, whether it's going to be a stock in the *Illex* fishery or some other option. But that an ACL and AM would be anticipated.

**Lars Axelsson:** One question I have: what is the goal of the Council? Is it to put me and mine out of business? It's a question that each Council member has to answer. We're the only boats that have the capability of preserving the fish out to sea in marketable condition. The word picture that I use for chub mackerel, they are the offshore menhaden. They are as plentiful when the currents and temperatures are correct, like menhaden is close to shore. That, as we all know, is a huge stock that has never been in trouble for a hundred years. And yet, based on perception, a quota was put in place. I don't want a low number like that, 5.25 million pounds, set in place to stop me from fishing, as my son just said. We were only one boat fishing for part of one season. Conceivably, we could catch upwards of 200 tons per week and there's roughly fourteen weeks out of the year. You multiply that up. That's one boat. Now I remember in the past when the Council used to consider tonnages and maybe keeping the foreigners out from catching mackerel. They figured out the total capacity of what could be caught by existing, similarly equipped vessels. That 5.25 million pounds is just a drop in the bucket because it was just one boat. In reality there's four boats that can freeze and keep those fish in marketable condition on the east coast. You put a 5.25 million pound figure as a cap and cease all fishing after that then you have put another cut on my body that I'm dying of a thousand cuts. We all know my stories from way back when. My frustration is this. In the mid '80s the Council wanted us to maximize the underutilized species. What was an underutilized species? It has been relabeled now to what? It's on the board. Forage fish. Every species was considered an underutilized species. The Russians were here, the Poles were here, the Japs were here. They all caught the underutilized species. There were hundreds of vessels. I went through them when I first started fishing. All this resources, all this energy of forage management, ecosystem management is developing a huge bureaucracy to be placed on whom? Four vessels? Maybe five? I agree with this gentleman here saying this could be an ideal research time. Rather than cap us, say OK, we're going to keep an eye on you. Let's force you to report every pound you take, but have at it. And see in reality what can be landed. In my opinion, one or two or four boats, when the fish are there, much like *Illex*, based on the current, the gulf stream currents and the eddies spinning offshore. Some years you have great availability of *Illex*, some years you have great availability of chub mackerel. At times even anchovies have been a scourge that has never been reported, but a scourge out on the edge when you're trying to *Illex* fish, the amount that's out there when the conditions are right. We have to exercise our ability to steer clear of them and yet you're treating like this one boat is going to wipe out the resource. My next question is, since I took the Council's advice in the mid-'80s and invested \$20 million in our vessels and got them online in the mid-'90s to late '90s, suddenly now the Council has done an about face and is doing everything possible to put my ability to pay off my loans. So what compensation am I going to get when you shut me down? When I say the resource is more than what it is but your computers based on people staring at them. How do we know? Because we don't know, we're going to stop them. I can go on and on.

One more word picture and then I'm going to stop. Back in the mid '80s the Russians wanted to come over here and catch herring. We in the Cape May area, there were quite a few vessels who had done some joint venturing we wanted to fish for a Russian vessel. We were not allowed because there was not a management for herring done at that time. And since there was no management done at that time, we were refused the ability to deliver herring to that Russian vessel in federal waters. So to get around that vessels tied up in state waters and some business was able to occur. We were able to eke out a little season to pay ourselves an income. Because when we don't fish we don't eat. Period. We can't collect unemployment. We can't collect even food stamps. If we don't fish, we don't eat. And all these management levels that are coming down, this is a new buzzword, ecosystem management and forage fish management. The goal is to put commercial fishing out of business, in my biased opinion. Back to the herring thing, because we didn't have a plan, therefore you can't fish them. So we called up to the forum that existed up in the Gulf of Maine. "Oh, they're our fish! You can't have them!" So they never made a plan so we weren't able to go after them hard core so we concentrated on mackerel, mainly. Which fortunately we were able to do because there was a plan on mackerel. We could have done just as well or better on the herring. Later on when all the quotas started setting up shop in the Gulf of Maine, suddenly a plan came out of nowhere and herring became a management plan and people were able to go back to work again up in the Gulf of Maine. It's sad but when you say until Council can assess, until the Council can do this, all fishing ceases to exist and I'm out of business. My boats should have been paid for 10 years ago. They're not because of all this business that's going on. 20 years ago there were 10 managers for every single commercial fisherman. Now there's over 200 telling every single commercial fishermen what to do, when to do it, and how to do it. All I can say is, am I allowed to fish or not? How are you going to include me within the plan to really see what's out there? That's my frustration. To be honest I've lost full faith in the Council system because the information that comes from rooms like this where we have individuals coming from different views of bias can be put on the table and then it's cherry picked by either the SSC or Council members and then what is a reality is not what's put on paper. I've been highly disenfranchised with what's going on. I don't like going to meetings anymore because I don't feel like my input is properly being used. Instead my words are being twisted to fit a narrative. An example, let's say now the anchovies, we're out there *Illex* fishing, you put 1500 pounds as a limit. Sometimes I could get 50% catch of *Illex* and the other. We don't like that because it's very labor intensive. But if I had a government observer with me, "Oh, you caught your 1500 pounds! You've got to stop fishing!" So everything becomes a cap. This past winter –

**Tom Baum:** Lars, two minutes. We've got other people who want to speak.

**Lars Axelsson:** I understand. But this is important to me. It's my livelihood. To you it's just a meeting and it's time, I have to get home. To me, it's my existence. This process is taking away my existence. I've got both boats up for sale. If I get rid of one, maybe I can make an existence on one. There's no reason on god's earth why these two boats couldn't work steady on and not

hurt any of the species on this coast. My request is much like what's happened with the Marine Mammal Protection Act. You're not allowed to kill mammals. It's highly against the law. There is an amount you're allowed to take because it happens. Deer get run over on the road. It happens. Why can't you include our two vessels or the four vessels that are here and let us fish like normal but keep accurate records for five or ten years and say, "Oh yeah, now we see what they're talking about." What we're going to do in one year or two years isn't going to touch the stocks or hurt them, as I see it. But how you chose which plan to put that in, which A, B, C, D, and E – we think we should do this and now you've locked yourself into a position and suddenly I can't fish anymore. The bunker shut me down this winter from catching mackerel. New Jersey says, "Oh, we've reached half of our limit!" And yet Leif couldn't go out for any more mackerel because the bunker were shut down because there were times when we had 40% bunker, 40% mackerel. So it's becoming catch caps. Every time you put a number up there it becomes a catch cap. And we're using all our abilities to catch fish to avoid fish rather than to catch fish. I'm finished and I'll walk right out the door. I'm done. I am frustrated. I don't see any end to what's going on. You're out to kill what we've invested in, what the Council wanted us to do 20 years ago, 15 years ago.

**Greg DiDomenico:** Greg DiDomenico, Garden State Seafood Association. It's getting late so I want to be as succinct as possible. We support alternative 2B. Let me just explain briefly why I'm comfortable with not only recommending 1700 pounds, but also making sure that it's 1700 pounds for each individual species. Really, Rick, you brought up a really good point. I initially didn't support this. I supported something else at the advisory panel, something more conservative. But there is an enforcement component to this that is really driving this issue. The other part to this is that – I'm just going to use two completely off the wall species, but they are included here – lanternfish and bobtail squid. You're talking about two fish that are so completely different in time and space and depth and everything else that are so completely different that no one's going to take one and then another and then another. It's just not going to happen. So I feel comfortable with my recommendation. I just want to tell you that as how we made up our mind. Alternative set 3, we support 3Cii and I feel very strongly that limiting the fishery temporarily to our highest landing there of 5.25 million pounds for the meantime is acceptable. I fully expect that it will be temporary and that we will derive some management and some science and hopefully an FMP to manage it more correctly. Look at a species with this life history, I think it's a very conservative estimate because of its life history. I think this is a fish that probably at some point is both not only off of New Jersey, but probably in another hemisphere. You're talking about a very large stock. So we can support that for now in the hopes that we get it up higher. Alternative set 4, we support alternative 4Cii, having EFP applications go through the Council. Alternative set 5, we support alternative 5Ci and 5Cii for reporting of landings. Alternative 5Dii, which is the boundary option. And lastly we do not support that any new restrictions or regulations in these fisheries be done by framework. Specifically, any additional regulations, especially on the commercial guys should require a little more than just a framework and should go through a full plan amendment because these are going to be serious

changes and I'd much rather have it go through the normal process of a full amendment process.

**Adam Nowalsky:** If I may for a minute, thank you for focusing on options. I'm guessing Lars that if you had to pick an option in this document you're in favor of *status quo*/no action. Do you support any of this?

**Lars Axelsson:** Except keeping track of what we're catching. And then if you feel that an issue is arising, then make it happen. But to pen us before we even get started – like I said, we target whatever is available to make a week's pay.

**Adam Nowalsky:** So, coming back to your 3C for a minute. A couple times I've heard this idea of, well maybe we'll get an assessment and we'll get a higher number. Are you really going to look me in the eyes and tell me, with everything you know about the Northeast Science Center and their constraints and budgetary requirements that they're going to do a full blown assessment based on science that we all in this room buy into, as opposed to an FMP being put in place that the SSC's going to look at nothing more than catch history, which provides no opportunity to exceed 5.25 and in all likelihood is going to be significantly lower? You really believe that and you're willing to roll the dice on that outcome?

**Greg DiDomenico:** I'm willing to roll the dice that when this comes to the SSC, we will do better than 5.25 million pounds.

**Adam Nowalsky:** I'm willing to go to bat for what you want, but I'm telling you, I can't sleep at night with that assumption. If you tell me what you want, I'll say OK and I'll go on record as saying this is what my industry has told me that they wanted, not necessarily what I believe in.

**Greg DiDomenico:** And I know the most recent example doesn't give you a lot of positive thoughts. But I have to tell you that I feel differently. I know what happened on blue line –

**Adam Nowalsky:** So what's the one example that you can point to that had a positive outcome for you and the people you represent?

**Greg DiDomenico:** On my gamble? I think that after hearing Rich Seagraves talk about customizing the Council's approach and to consider life history, I think that given the life histories that we know from other fisheries and the same species in other areas, given what we know about the abundance of this species in our area and the availability, I'd be much more willing to bet that we'd have a better outcome than what we did with blue line tile.

**Adam Nowalsky:** You all heard him.

**Lars Axelsson:** So that means that if the 5.25 million, which is just part of a season for one boat, we need a thousand tons per season per boat to exist. That doesn't represent 2,000 tons of fish, that number right there, 5.25. So that means we're going to hit the 5.25 and stop. No *Illex* in town. What do we do now for the next 40 weeks? That's what's so frustrating to me. Unless you

figure out a way to say, you know what, we'll give you that letter of exemption and keep track of it. But how do you fit that into a plan, pick 3A, B, C? I don't know how to do that. I am not a lawyer. My job is to catch fish. I know what I see out on the ocean. I used to have a credible input in the system. It's no longer being believed. It's being drowned out by special interests. I can't win. I'm just one in a thousand. It's to the point where I spent 40 years on the water and I know what's out there and yet I'm watching this and it seems everything is just geared to just shoot me out of the water. So if you're going to shoot me out of the water, at least pay off my bank loan. It'd be cheaper. You wouldn't have to invest all this money in all these meetings.

**Fred Akers:** I'm Fred Akers from the Great Egg Harbor Watershed Association. I've made categorical comments, I'm not going to put them in on the record. I'm just going to say an additional comment that we don't think any unmanaged fish should be removed from the marine ecosystem without sustainability measures or sound science. We appreciate this amendment to protect unmanaged fish in federal waters.

**Paul Eidman:** I'll keep it real brief and submit my comments in writing. My name is Paul Eidman. I'm a charter boat captain in the Sandy Hook area and I also represent an organization called the Anglers Conservation Network, which is all recreational fishermen. I'm trying to keep it really sweet. I could probably do it Greg DiDomenico style if I wanted.

**Greg DiDomenico:** No you couldn't!

**Paul Eidman:** I'll agree with that! First of all, I want to commend the Council for taking this progressive move. Because this is huge. It's really big. I completely respect what this gentleman over here [Lars] is saying. I feel in my heart that this is a major, major issue here. I also really agree with what Rick was saying, that we should continue to fish to keep these guys afloat and keep track of what's going on. They're the scientists. I'm going to take their word for it, to a point. And I do believe, as Greg feels, if they're going to catch this and we do invest some time and some money and some effort, proving that there are enough fish to sustain however many boats, that's a great move. And they could potentially wind up with a good fishery that is sustainable. And in my opinion, I feel that the movement behind this entire thing is a global effort. The global population is completely expanding and this effort that is being done here is trying to prevent catastrophe before it strikes. When you look at all the other continents in the world and you see inshore industrialized fishing, small mesh, taking everything in sight and then the native people around these areas collapse. What we're trying to do here is prevent that by bringing this to light. If a fish like chub mackerel rises to the top, then we're going to pay attention to that and make it into a viable fishery. I don't agree with what he said about we're trying to slice everything off. I think what we're trying to do here is we're trying to identify fish that are currently unrecognized that are being caught incidentally, but we're also trying to prevent further investment in small-mesh gear that could potentially remove a fish like a sand eel or a bay anchovy from the ecosystem and then collapse everything else that these same commercial fishermen rely on to catch. Real quick, I'll go down my list of what alternatives we

were thinking of. The first one would be we would like alternative 2B.

**Julia Beaty:** Do you have a preference for the 1500 or the 1700?

**Paul Eidman:** No. I'm OK with dividing it up. The third one is we like 3Aii. And that is basically what I just said. At first we're labeling it as an EC species, but ultimately we're going to let the fishery happen and determine once science is implemented what works and what doesn't. I certainly for one don't want to see anyone go out of business. We like alternative 4Cii. We like alternative 5B. And then 5Dii, looking at Cape Hatteras versus north of there. Lastly, we like 5E.

**Julia Beaty:** So, all of those?

**Paul Eidman:** Yeah. We're into the frameworkable thing. Just because I guess it works better with ecosystem-based species and it also fits into the recreational fishing regulations. Once again, thank you so much.

**Greg DiDomenico:** I just remembered, we would like to see false albacore removed from the list.

**Adam Nowalsky:** To that end, because this has been a hot topic, if you don't want to be put on the spot, don't participate, but I'd like to see a show of hands of who wants false albacore off the list as an unmanaged species and then a show of hands for who wants it on the list as an EC species, if you're willing to participate. Off as an unmanaged species? [*2 raise hands.*] And on the list? [*3 raise hands.*]

**Unknown:** My livelihood depends on that fish.

**Julia Beaty:** So what about another option - maybe that's what you were just going to say - where the Council doesn't include it in this action but does a section action for false albacore? [*No one raises hands.*]

**Adam Nowalsky:** I would encourage anyone who is going to submit written comments who hasn't yet to address the list of species. Even though it's not explicitly one of the options, I would encourage you to address that species list, for or against.

**Unknown:** I'd include false albacore on the list.

[Narragansett, Rhode Island](#)

**May 23, 2016**

**Attendees:** Katie Almeida, Julia Beaty (Council staff), Bob Cavanagh, Anthony Cherry, Hank Lackner, Meghan Lapp, Eugenia Marks, Bill McWha, Laurie Nolan (Council member), Peter Paton, Suzanne Paton, Eric Reid, Jim Riggs, Linda Riggs,

**Comments:**

**Katie Almeida:** Katie Almeida. Town Dock. I have a couple of comments. I just want to add on to the question that I had for adding species to the biological sampling program. I would think that would be the easiest way to gather biological data from the species that are coming across the docks, like chub mackerel. I'd like to follow on Meghan's comment about identification issues. Back when I was a biological sampler they were having issues with unclassified skates. People were reporting unclassified skates. They wanted to get it down to actually reporting the species on the vessel and the dealer side of things. So what they did is they sent out a laminated piece of paper essentially of what those skates looked like by wing and whole. I realized that's just five species of skates that we're dealing with, but it did make a big difference. I think that if we're going through with this, so people do not get in trouble or get violations for mis-identification on the dealer or the vessel side I think what Meghan suggested, having a pamphlet, and I realize that's a lot of work and a lot of copies to put out there, but I think if we really want accurate reporting, that's the way to go. And perhaps a grace period. A learning period.

**Meghan Lapp:** Meghan Lapp, Seafreeze Limited. As far as the chub mackerel alternatives. I do support, I think it's 3Cii, which is manage chub mackerel with the discretionary authority. Set a landings limit at the highest in the time series while biological data can be gathered to create an FMP. And there should be an incidental possession limit of 40,000 pounds per vessel. And as far as the EFP application goes, I did want to make a comment on that. I did do some digging on that and its relevance to what the Pacific did. The reason that the Pacific had that, they have a very lengthy process that you go through, a lot of details, the reason that they have that is that they did that before they did any EC kind of stuff because that was how they managed part of their groundfish fishery. It was all done through research set asides. So you had to apply for an EFP to get a research set aside for groundfish during the specs process when the Council was setting the specs so you can go fish for groundfish. That's why that's in there. That was not created for this, for anything like this. The reason why they threw it on to this is because they were already doing it anyway. It was not anything they created new because of this amendment that they did. That's not why it was there. I think that instead of having the Council review an EFP, prior to issuing an EFP, because there already has to be consultation, it can already be a long, drawn out process regardless. Having the Council look at it is not going to expedite the process because GARFO still has to do all of their requirements. An EFP is to just go see if there's a possibility of doing something. It's not saying that there is going to be a fishery or even that there's even a definite possibility that you could. It's just like, hey, let's go try this thing and see if it works. I don't think that having a lengthy Council review process prior to getting the EFP is appropriate. I don't think it really serves a purpose. If the Council was going to consider allowing a fishery on any of these things at a later date, you would be better off having the Council review something like that, the creation of a fishery, after the EFP has run its course. Because at that point the person has applied for the EFP and actually done anything is going to be able to say either it's viable or it's not. Don't go through all that process if it's not going to be viable. Only go through it if it's something that could be viable down the road.

**Jim Riggs:** My name is Jim Riggs. I'm from Westerly. I'm retired. I'm a recreational fisherman. I'd like to applaud the Mid-Atlantic Fisheries Council for doing this. It's historic and a step in the right direction, in my opinion. I would encourage you to be careful when you hear the word "if" in any discussion. Because "if" is the biggest word in the language. I would hope that you move forward with this and protect these resources, which have been overfished forever. Nature will have a way of healing itself if you give it the opportunity. That's something I firmly believe in. If you have any sway with the states which you deal with, I would urge you to use whatever muscle you have to help them and encourage them to do the same thing. Just as a footnote, I went out on – I'm a disabled veteran. I went out on a disabled veteran charter in Bristol Bay. You could see Providence. The last day of herring season, a purse seiner came in from out of state, in Rhode Island Waters. You go out in the morning with treble hooks and bait. We were lucky we got four. That's one hand without the thumb. So an out of state trawler comes in with the permission of Rhode Island DEM, with a purse seine with a plane above them, and took everything in the bay. They did four sets. We watched them do four different sets. When they left, the boat had about this much water in the back. I don't know how much it takes to sink a boat that far. They took them all. That's wrong.

**Hank Lackner:** My name's Hank Lackner. Fishing Vessel Jason and Danielle. I guess the first thing I'd like to talk about here is the Council's goal statement. I'm just very concerned about how the Council's going to get the scientific data to look at some of the species that may be harvested in the future and may be harvested. How are they going to find out the abundance? Also, the time frame that it's going to take to do that. I think the Council should be looking toward, or even GARFO at some point, the use of industry boats. I'm very fearful of the data we're getting out of the Bigelow, if the Bigelow even runs. It should be a big point of concern for the Council going forward on any FMP or amendments that they do consider addressing. It seems like this whole amendment too is directly about commercial fishing. Is the Council thinking about, if they really want to protect ecosystem based components, for some of their other FMPs are in place, there's other things that are going to harm some of these ecosystem components besides fishing. I look at regulations and I look at the whole dogfish thing. Dogfish are going to do far more damage than any of the small fishing fleet that's left up and down this coast. Maybe another way of going about this is looking at some of those regulations. An unlimited trip limit for dogfish if you really want ecosystem based components. As far as dogfish, get rid of some of them. I really am concerned too about how the whole process has been rushed. It seems like there's a big hurry to get this done. And get some important data out of stakeholders moving forward that could be available to the Council, and should be addressed during the June Council meeting. It's a fairly important amendment and if the information is there from stakeholders it should be discussed long before the Council meeting, not at the Council meeting and then go ahead and make a shotgun decision. The statements should be read and digested and talked about, talk amongst themselves for a month and a half or two months. Not just thrown out there and OK, we've got an amendment. The decision's made already. It is. Maybe somebody's pushing really hard to get this done and get it done by August. I'm really

concerned that the potential for this amendment to create choke species. If it's truly the Council's goal, they should not turn this into any way to allow some of these species to turn into choke species for species that are being harvested now. If you catch too many chub mackerel it shuts down the *Illex* fishery or if we see too many lanternfish in our net it shuts down *Loligo* fishing. It should never lead to anything like that. Lastly I'd like to say that I am in favor alternative 3Cii. I'm also in favor of using the 5.25 million pounds as the criteria there for the annual catch limit. I'm also in favor of the 40,000 pounds per vessel, should that ever be caught.

**Meghan Lapp:** Meghan Lapp. Seafreeze Limited. I would like to reiterate some of my questions from before. I do not support spatial and seasonal closures as a frameworkable item. I don't see how that won't turn into a bycatch amendment later on. I have expressed multiple times at AP meetings, committee meetings, and Council meetings that there should be a statement in this amendment that the intent of the amendment is not to constrict or constrain existing managed fisheries. If that isn't in there and 10 years down the road we have a different Council, somehow something of this could shut down existing managed fisheries and that's not the intent of this Council or the amendment. I think that needs to be made very clear in the document. I also don't support the rushing of the amendment either. I think if the Council isn't going to get – I actually didn't realize that the public comment period didn't end before this Council meeting. I think that the Council should receive all of the comments in a presentation, not at the final action meeting, but at the Council meeting prior to that. Usually a framework happens at that meeting. But usually an amendment, it happens at the meeting prior to final action so that people can digest it, can go over it, really think about it. Really dig into the issues. Because if you're going to have an ecosystem meeting, even if it's right before the Council meeting, that's no good. Nobody's going to have time to think about that. But not every Council member is on that committee. Everybody needs to have a presentation of all of it summarized and look through all of that, not at the final action Council meeting. At a meeting prior to the final action Council meeting. So I didn't actually realize that discrepancy in timing. Because I know quite a few people who do wait until the last minute to send comments... I don't think there's any rush that anything earth shattering or ground breaking is going to happen with this amendment if it's delayed a little bit. There's nothing really pressing. It's not like there's something really bad happening here. I think we should use the proper process and take our time to do it right.

**Hank Lackner:** You need more data to add to the whole thing. Especially with chub mackerel. You can see if fishing pressure is ramping up or dropping down. It might be the same as well. It might be beneficial for the chub mackerel end of things by putting it off until the December meeting or October.

**Jim Riggs:** I don't understand why delaying something that's taken so long to get this far would serve anybody or anything. What is looking at this longer going to do for you? You've got all the data you want or need to go this far. Now you want to stop?

**Julia Beaty:** I think it depends on what the Council would want to look at in addition. There's

some information that they could request that we haven't looked at yet.

**Jim Riggs:** But that's a never ending circle. That never ends. I've seen it in industry. You can look at it until the market changes. Guess what? The train has left the station. It's time to move forward.

**Peter Paton:** Peter Paton. I'm a professor of natural resource science at URI. I applaud your efforts for ecosystem based science. I think it's a needed approach. As an aside, all the species on your list, the unmanaged species are kind of the critical species for the seabirds. I think your list covers the species. I'm an ornithologist. I applaud your efforts to consider these issues.

**Julia Beaty:** So there were no glaring missing species?

**Peter Paton:** No. I'm a little bit surprised that for example roseate tern, which is federally listed as endangered, about 80% of their diet is sand lance. That's a critical species on your list. I'm just surprised that if an unmanaged fisheries could impact a federally impacted species, but there's no regulations now, so that's why I'm glad that you're considering management for those species. Just as an ecologist I'm a little bit surprised that you're using the pounds that have been harvested over the last three years with no information about what impact that's having on the population as your metric for that's what you should be able to harvest.

**Julia Beaty:** Yeah. I think the biggest reason for that is it's difficult to look at that. The Council hasn't considered much in the way of data on impacts. They've only considered landings data. They've had discussions of potential impacts but they haven't considered data on what the impacts might be or any sort of model about what could happen if X amount of pounds were removed. They've talked about how that would be useful. If it were a stock in the fishery they would at least consider the sustainability of the chub mackerel stock itself. But they haven't considered much in the way of data on impacts to the ecosystem just because it's difficult to get at to some extent.

**Meghan Lapp:** I just want to mention that the National Marine Fisheries Service encouraged a fishery on chub mackerel in 2004. They reported that to congress and they were saying that they wanted to develop it as an under-utilized fishery. It's one of the top ten fisheries in the world. It's a world-wide stock that can sustain increased fishing pressure. There is a lot of science on it but we don't have a stock assessment survey in this particular region because it isn't caught by the government research vessel because they're too fast and they can't catch them. They're going to be able to get more information as the fishery continues. They can do more sampling, they can do more ageing. They can do survey assessment type of things because the government has no platform by which to gain that information.

**Peter Paton:** I appreciate that very much, the comments you're making. There's very little data to back up the science. There's no data.

**Meghan Lapp:** There's a lot of data. Not a stock assessment for right here, but there's a lot of science on these fish, a lot, because they're fished world-wide. A lot of people have a lot of science on these fish and more is being collected.

**Laurie Nolan:** But not in our region. And the reason is just the range of alternatives is just to cover no take and what was the most take. The Council just develops a range that covers everything that happens. As Julia said, depending on the timeline that you look at, would depend on what's the right number. Because the right number right now is not being based on science. The whole list, the development of the list is in the document right now, the line that keeps getting used at the Council level is it needs to pass the "straight face test". Like Julia said, the stomach contents went away because some digest quicker, you know, what are you going to base it on? So it's really been Council members' knowledge. Those that are more forthcoming and pushing this issue and wanting to see something in place. What species do we all know are important? But again, it's pretty subjective. It's in the eyes of the beholder. It's a shame there's not more science to go with the document. As a Council member, I wish there was. It makes you feel more confident about the decisions you make. And this one is very grey.

**Meghan Lapp:** There is some science in the mid-Atlantic though, as far as when and where and stuff like that and what ties.

**Peter Paton:** Just to clarify my comment. My comment was just a general statement about using – it doesn't have to be this species – it could be any species that you say let's just use what's been harvested over the last 10 years. And I'm not saying for this species, but I'm just saying for species in general. I can speak more about waterfowl. If you're using the number of waterfowl that are harvested and you use that as the basis rather than – you could go down the wrong route taking that path. That's my comment.

**East Setauket, New York**  
**May 24, 2016**

**Attendees:** Mary Arnold, Julia Beaty (Council staff), Terri Cohen, Mike Ferrigno, Joel Filner, Jeff Hammel, Steve Heins (Council member), John McMurray (Council member), Jake LaBelle, Carl LoBue, Angelo Peluso, Jamie Pollack, Steve Townsend, Byron Young

**Comments:**

**Carl LoBue:** Julia, I'm just going to ask this so it's on the record because I've gotten a couple of calls about it. It was pretty clear on your map that showed the extent. But if you're an inshore bait fisherman in Long Island estuaries, under no circumstances that are being considered are your inshore activities if you're bait seining for silversides, impacted?

**Steve Heins:** Well, you could be. The way you could be is if you are also a federal permit holder who also seines for bait in state waters.

**Carl LoBue:** So if you have a permit and you go in the summer time hook and line fishing for sea bass out in the ocean and you're permitted to do that and in the spring you're a bay seiner, in the bays, is this going to impact you? Those are the calls I'm getting.

**Steve Heins:** Any federal permit holder can always be bound by the most restrictive rule, whether they fish in state waters or in federal waters. So if I hold a monkfish gillnet permit but before I go monkfish in the spring I catch some silversides in the creek my house, well, if there's a prohibition in federal waters on any take of silversides, then I won't be able to take them in the creek by my house because I'm a federal permit holder.

**Unknown:** But a state-licensed fisherman can?

**Steve Heins:** If he holds no federal permits, a state-licensed fisherman can. So if someone holds a New York commercial fluke fishing permit and they regularly go out and they seine for bait and they don't have any federal permits, they'll be able to continue to do that. That wouldn't apply.

**John McMurray:** That's not really how I understood it. Maybe I'm wrong. If you have a federal permit and you seine for silversides inshore, that's fine. You just can't be caught outside of three miles with those fish on board.

**Steve Heins:** No. If you're a federal permit holder, your obligation continues into state waters. So if a federal fishery closes – we have that issue with black sea bass recreationally. For-hire vessels – there's a federal closure period. When it's closed federally, they can't even fish in state waters if they hold a federal for-hire vessel permit.

**John McMurray:** I understand that. But I thought for this amendment – I'm not questioning you, but I think we should be clarification on that. Because I don't know if that's what the intent of the Council was.

**Steve Heins:** It's not my intent, I know that. But I also know that's my understanding.

**John McMurray:** It's probably something we can clear up and address it in the document.

**Steve Heins:** Well if it's silversides and you have a 1500 pound limit, you're fine.

**Unknown:** No one's coming out with 1500 pounds.

**Mike Ferrigno:** Yeah, they are.

**Steve Heins:** A federal guy though?

**Mike Ferrigno:** Well, a local...

**Steve Heins:** Yeah, the guys that are real hard-core bait fishers.

**Mike Ferrigno:** They could in theory catch 2,000 pounds in a day. 1500's a fair number, but they could catch more.

**Carl LoBue:** I just wanted people to be cognizant of that. Because guys don't bait seine all year long, it'd be a shame to put them in a screwy spot because that's not what the intent is. So be cognizant of that when you guys are having these conversations at the Council and hopefully do it in a way that doesn't affect the inshore bait fishermen.

**Steve Heins:** We can certainly ask Mike Pentony to make that point on the record at the June meeting, to get that clarification.

**Mike Ferrigno:** From a purchasing standpoint too, if I buy the product from the fishermen, do I have to question whether they're federally-permitted versus state?

**Steve Heins:** I wouldn't think so. I think the federal guys should be selling to a federal dealer. But maybe not if it's not under a federal fishery management plan.

**Unknown:** Go to regal bait.

**Joel Filner:** My name is Joel Filner. I'm a board member of a group called Salty Flyrodders of New York. I've been fishing in salt water since 1986. I fish with a fly rod almost exclusively. I represent the club. The club is about 140 people, give or take 10 or 12 depending on what's going on. We do concentrate on fishing and our emphasis is on catch and release. This program presentation is a necessary progressive action by the council to protect the bait for important predators and the recreational fishing community applauds this. We support the Council's list of ecosystem component species as listed in the document but would like to emphasize the continued inclusion of false albacore. False albacore are indeed prey for an array of predators, most notably sharks, billfish, tunas, and in some cases bluefish. There have been rumors for years of large-scale fisheries targeting them for cat food. Their schooling behavior and poor eating qualities make them particularly vulnerable to such large-scale fisheries. And they are very important to the recreational fishing industry. There is little reason not to protect them here and now and it's certainly within the Council's jurisdiction. Anything that protects my false albacore fishing in the fall is welcome. As far as alternatives go, we support alternative 2B, designating unmanaged forage as ecosystem component species and implement an incidental possession limit with a 1700 pound total cap and a 1500 pound cap on individual species. Re chub mackerel alternatives, we support 3Aii, manage chub mackerel as an ecosystem component species and enforce an incidental possession limit after a landings limit is met. The landings limit should be based on the most inclusive alternative, a 10 year average of landings. The incidental limit should not exceed 10,000 pounds. Re alternative set 4, the development of new fisheries and/or expansion of existing fisheries, we support alternative 4Cii, having the council develop a new policy for council review of exempted fishing permit applications, and 4D, consideration of stock in the fishery designation prior to development of new or expansion of existing fisheries for ECs. Re permitting, we support alternative 5B, requiring commercial fishing vessels to obtain

a commercial fishing permit from GARFO in order to possess any species designated as an ecosystem component species in the amendment. For jurisdictional boundaries, we support alternative 5Dii, defining the southern boundary at Cape Hatteras. That's where our stripers come from. The main reason we enjoy our fishing is we catch and release. We don't keep. If false albacore were taken away last year we would have had a horrible season. The stripers were so sparse. So we recommend that you follow our request or at least consider them in the best way.

**Angelo Peluso:** My name is Angelo Peulso. These days I'm a full-time outdoor journalist. I'll also admit to being an albie addict and a member of Albies Anonymous. I just love fishing for false albacore. But the fact, relative to the forage consideration, throughout the world's oceans, unless the species is at the apex, all other species are forage. It's fair game. It's open season. Albacore are in fact forage, as Joel mentioned. Grander species like billfish, sharks, other marine mammals do prey upon false albacore. So to that extent, within the context of your plan, it is my belief that they should be contained within that and retained within the forage species definition. Little tunny, false albacore also have a dual purpose in life. They are a valuable recreational sport fish. And their value goes beyond helping to maintain the balance of nature and healthy predator/prey relationships. Inshore pelagic species like little tunny are especially important to a fishing industry that spans the geography from Maine to Florida, the Gulf Coast, and the open Atlantic. No other northeast species, with the possible exception of striped bass, generates such excitement and enthusiasm among anglers. Especially light tackle and fly anglers. That's in that sense what little tunny does during the fall season. In that regard, the species itself has substantial economic multiplier effect that supports a vibrant segment of the recreational fishing industry. Tackle sales, guiding and charter businesses, lodging, restaurants, boats, marinas, gasoline sales, etc. And since little tunny are not necessarily viewed as having high appeal as table fare, commercial value as a source of food is low. And most if not all recreational anglers who fish for them fish with a catch and release approach. As a consequence, over years little tunny as a biomass has not really been quantified nor measured, as have other species that come under your management jurisdiction. There's an old corporate management adage that you can't manage what you can't measure. Without fully understanding both the economic and environmental impact of little tunny, as both a forage species and a sportfish, I personally appeal to the Council at this point to proceed with caution and continue to include little tunny as part of the unmanaged forage amendment. I believe this could be a prudent decision so that tunny as a resource can be proactively managed now and not reactively managed in the future.

**Jake LaBelle:** My name is Jake LaBelle. I work for the New York seascape program at the Wildlife Conservation Society at the New York Aquarium in Brooklyn. WCS is a global conservation organization devoted to protecting the world's largest wild places in 15 priority regions accounting for more than 50% of the world's biodiversity. We also manage the New York Aquarium in Brooklyn and four zoos in New York City: the Bronx Zoo, the Central Park Zoo, the Queens Zoo, and the Prospect Park Zoo. In total those attract more than four million

visitors a year. As both a conservation organization and a consumer dependent on forage species, the New York Aquarium would like to commend the council for pursuing a precautionary and proactive amendment. The alternatives being considered have the potential to help ensure the long-term health and productivity of our local ocean by protecting the base of the food chain for marine mammals, sea birds, and many predatory species, as well as the target species that our commercial and recreational fisheries depend on. WCS trained over 120 docents at the Aquarium, Prospect Park Zoo, and Queens Zoo to educate visitors and gather public comments on this amendment. We will be submitting these comments from our visitors by the June 17<sup>th</sup> deadline. Specifically, we would like to show support for alternative 2B, incidental possession limit of 1700 pounds combined of all species per trip. We'd also like alternative 3Ai with an annual landings limit based on the 10 year average. We would also like to strongly encourage the Council to manage chub mackerel as a stock and develop the necessary reference points within three years of this amendment. We would also like to encourage the Council to continue to include false albacore in the amendment. We have been educating our visitors that forage species come in all sizes, as illustrated by this fish. As mentioned before, these species are important prey species for a variety of large pelagic fishes. As I mentioned before, WCS has a unique role here. We're not only a conservation organization, but also a consumer of forage species, which we use to feed animals in our zoos and aquariums. As a consumer of forage species, we strongly support this amendment and use the Council's work to spur discussion with other institutions across the region. On May 31 we are convening a meeting with aquariums from North Carolina to Massachusetts to discuss best management practices for sustainable sourcing of forage species to feed our collections. We'll also be discussing this proposed amendment and evaluating whether as a community aquariums can weigh in collectively. Again, we'd like to thank the council for their precautionary work on this amendment.

**Jeff Hamil:** Hi, my name is Jeff Hamil. I'm a recreational angler. I speak for no one other than myself. It's actually my first time at a meeting like this so I appreciate being invited. I also speak on behalf of the beloved false albacore. I applaud the Council for considering including it and continuing to include it. I won't reiterate what's been said other than to say, clearly it's a forage species. On many occasions I've hooked a false albacore on a fly rod and brought in its head only. So clearly something's eating it. I've seen them in shark bellies. I don't think there's really much debate about its status as a forage species. As a sport fishing species, as you've heard, it's almost unparalleled in inshore waters around here. You should see the smile on my 11 year old son's face when he hooks one, you'd recognize that. One footnote that was mentioned earlier about the striped bass fishery, I know that's not what we're talking about but I will say in the last year or two in the fall, out in Montauk if it wasn't for the striped bass, I think that the amount of anglers, the amount of charters that had been booked by the light tackle fleet would have been much less so that really speaks to [*inaudible*] it was almost all false albacore [*inaudible*]. And so I strongly support the inclusion of it. I won't go through the provisions that I support, but the ones that the gentleman from the Salty Flyrodders cited seem to be the ones that make sense to me. And again I applaud the Council for doing this.

**Carl LoBue:** We're going to submit written comments. Carl LoBue with the Nature Conservancy in New York. It's a little challenging for us because I have to coordinate with a bunch of different states to get comments and I'm not going to go into all the detail. We'll get those to you. I guess I just want to thank the Council. The Mid-Atlantic Council stands out for a number of reasons. Its fisheries stand out and its management stands out. One of those reasons is the Council's interest and energy with being proactive and trying to get ahead of these issues. Congratulations. We support the Council moving forward with this forage fish amendment. I heard the debate in Montauk about false albacore and now I guess you've brought up the halfbeaks and so – and the reason I'm mentioning this now is – if something happens, I know there's some Council wavering on this, an alternative needs to come forward. We're supportive of the list on there. If things get dropped off the list it would be a really productive conversation if alternative approaches are put forward in lieu of just taking no action on some of the things that are on the list. So hopefully you guys can put some thought into it.

**Terri Cohen:** I'm Terri Cohen and I'm speaking on behalf of Shark Angels and the Herring Alliance. Shark Angels is a non-profit organization dedicated to protecting and saving sharks. We're also a member of the Herring Alliance which is a coalition of over 100 organizations working to protect and restore ocean wildlife and ecosystems along the Atlantic coast of the United States through precautionary and science-based management of forage fish such as herring, mackerel, menhaden, river herring, and shad. A robust forage base can help ensure abundant predator populations like sharks, a healthy Atlantic Ocean and a thriving sustainable fishing economy in our region. It is essential to examine the potential impacts before directed fishing occurs, especially when so little is known about the many forage species listed in the amendment. Your proactive work to create protections for these crucial species and the ecosystem they support sets an example for modern fisheries management. Forage fish are the prey of some species of shark. Sharks are needed to keep the oceans in healthy balance. They maintain the entire food web. Please keep the unmanaged forage amendment moving forward without delay and pass the strongest protections for every species on the proposed list. They're all important prey for predators in our region and deserve protection. Chub mackerel has already become a large fishery so the Council should set a temporary cap on catch at the lowest level being considered and initiate full federal management now. For the other species on the list, set a limit on the combined catch of these species for each fishing trip without any loopholes that could allow the limit to be easily changed that prevents large-scale fishing. The council should require a permit for retention of any listed species as well as detailed reporting. Finally, the Council should review any proposal for additional fishing of species on the list even on an experimental basis and there must be full federal management in place before any large-scale fishing begins. I appreciate your leadership in forage protection and urge the council to set precautionary protections for all forage species under consideration. Please protect these valuable fish and Atlantic ecosystems and coastal economies they support.

**Jamie Pollack:** Jamie Pollack, executive director of Shark Angels. I applaud the Council for taking this effort. It's awesome and I do love the Council. You guys are awesome. I'm going to read the alternatives that we support. Alternative 2B, classify all proposed forage species as ecosystem component species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1700 pounds for all ecosystem component species. Alternative 3Bi, manage chub mackerel as a stock in the fishery and prohibit possession after a cap of 900,127 pounds per year is met. The unmanaged fishery for this species that has developed over the last few years should not be expanded until more info is known. Alternative 4Cii and 4D, require development of a new policy for the Council to review applications for exempted fishing permits for ecosystem component species and require an EFP followed by consideration of stock in the fishery prior to development of new or expanded existing fisheries for ecosystem component species. Alternative 5B, require that vessels obtain a NOAA Fisheries permit in order to possess any ecosystem component species included in this amendment. Alternative 5Ci and ii, require comprehensive reporting of landings of EC species in this amendment provided to the Council and updates to at-sea reporting systems. Alternative 5Dii, create a southern jurisdictional boundary for this amendment of Cape Hatteras, North Carolina. Alternative 5Ei, allow the list of ecosystem component species to be changed through a framework only for the addition of species. Do not adopt alternative 5Eii. Possession and landings limits should not be frameworkable. I also have one other comment about false albacore, I'm not a fisherman, I'm a scuba diver, so I can't speak directly to how cool they are to catch and all that stuff, but I do know that they are really important, especially to sharks, as prey out there. I also want to bring this up, I know a lot of Council members were concerned that false albacore didn't really go under forage species, maybe because they were too large or something like that. But just think of the great white shark. The great white shark eats a seal, that's true. That's their forage. So something at any time obviously is a forage. I think false albacore is very important and I strongly urge the Council to keep it in the list.

## Ocean City, Maryland

**June 6, 2016**

**Attendees:** Justin Ancheta, Julia Beaty (Council staff), Paul Fottner, Joseph Gordon, Monty Hawkins, Howard King (Council member), David Maginnes, C. L. Marshall, Finn McCabe, John McFalls, John Prather, Buddy Seigel, Ron Smith, David Sikorski, Brad Taylor, Ken Wolf.

### **Comments:**

**Joseph Gordon:** I'm Joseph Gordon. I'm the mid-Atlantic manager for the Pew Charitable Trusts. I'm also on a couple of APs: the river herring and shad; squid, mackerel, butterfish, and ecosystems and ocean planning AP that's been the lead in developing this amendment. We're going to submit detailed comments so I'll stick to more personal comments. I'm also a Maryland resident. I had the opportunity today and the pleasure to go out fishing with Monty Hawkins and his crew. And I can tell you just being out there, seeing black sea bass, seeing false albacore schools - what they were catching was sand lance, sand eels. It was an interesting ride because

we were with a Mennonite family. It just shows you, it's not just about money, it's about what it means for families, what it means for tourism, what it means for local economies. We often talk about what the oceans are or what they were before. But what this Council's doing, I think is amazing, which is to take a step ahead and think about what we do have. And being smarter than we've been before. About if we're ever going to allow a very large fishery on very small species, the species that are the foundation of the food web, let's be careful about it. So I was thinking about sand eels but also false albacore. When this Council started out this amendment, Dave Sikorski and a number of people in the room may have been there, were looking at what are the species that school in large numbers that could be targeted by large-scale fisheries and that if they're gone would have a huge impact on the ecosystem. And the process of developing this amendment to where it is now, and I give Julia and the Council, Howard King, great credit for the development of this amendment, it looks complex, but that's because it's a complex thing. But we were able to get together a list of species that Councilman John McMurray says passes the straight face test. You have 50 to 100 species, which you've got to say those are the forage species. And even false albacore or the larger species like bullet or frigate mackerel, they're important forage to other species and if those species are gone, the top predators, the billfish, the sharks, the ones that may not be managed by the Mid-Atlantic Council, they'll be eating something else. And if you imagine what this coast would be without that school of false albacore, it would be different and it would be a loss. I think this would be an opportunity for the Council to think ahead. No one on our AP, none of the industry members say that they're going to target little tunny or false albacore, none of them say they're going to target bullet or frigate mackerel on a scale that would exceed the incidental limit. So I think this is an opportunity to protect every one of those 50 to 100 species for future generations, to make an investment to set up a process that you've done. I think we came to an agreement with industry, and I was a part of that meeting. 1700 pounds will serve the purpose of preventing large-scale directing. It will allow current activities that are being done for the most part to be done. But what you don't want is a vessel that can come in, and they exist on our Atlantic coast, that can catch half a million pounds of fish in one trip from setting on a new species before there's science or management in place. So I think a lot of this amendment's been developed. The next stage is some of the later alternatives that we've talked about, which is, what's the experimental fishing permitting process? What's the Council's role to be able to determine that the fishery is sustainable to the extent of their power? And then I think, really thinking hard about what's frameworkable. If you want to set a limit at 1700 pounds that everyone can agree that's what directing is, should that ever change? That's a policy decision. What's directing? So why should we make it, in six to eight months the Council could decide let's make it 10,000 or 20,000 pounds? Maybe we want to make those limits, which are the core of this amendment, permanent. So I congratulate you and the Council, I think this is awesome. This is historic, as historic as what happened with the deep sea corals last year. Food is habitat too. To protect 50 to 100 species, silversides, sand lance. When this amendment started every bit of that was not clear that any of that would be protected. We had a huge list and a lot of people like many of you who came to the earlier hearing

contributed and I think we came to a really good place. I hope everyone that came speaks and I really appreciate the opportunity to speak.

**Howard King:** Before someone suggests that false albacore should be included in the highly migratory species national plan of the National Marine Fisheries Service, they're not interested. So false albacore falls through the cracks unless the Council picks them up as part of this amendment.

**David Sikorski:** David Sikorski. I'm government relations chairman of CCA Maryland. I'll echo a lot of what Joseph said. I've been following this since the beginning. I spoke at the first meeting that initiated the action. I think it's been a good example of industry working with various other groups, recreational fishermen, environmental groups, and others to kind of whittle through the basics and see what passes the straight face test of forage and figure out how to avoid things like choke species which is kind of what you guys have been talking about, things that limit the industry in what they're already doing, because that's not the intent. Since you just mentioned false albacore, I'll make my first comments on that. I think falling through the cracks is – I understand the technical limitations and the legal limitations of defining them as forage – because they are predators. They are forage as well. It's hard, given the current system that captures diet data, you're not going to find false albacore in something's stomach in the species that are generally sampled in the diet data. It's either going to be bit to pieces, it could be a shark, they get eaten by other fish, they get eaten by all sorts of things. Anything in the ocean of course gets eaten. Not to kind of belabor the point of whether they're forage or not, because I guess everything is at some point in its life, but they're really important as a recreational species. Knowing the economic value of them, whether they're caught and harvested or caught and released, there's a tremendous economic benefit from them in our coastal communities. So something needs to be done to protect them. I think this is a reasonable way to do it, especially given the opportunity for directed fisheries given scientific guidance in the future as the process is laid out. From there I'll go on to the mackerel species, the frigates and bullets. I think the recreational fishermen, especially out of towns like this, we call them tinkers. We don't get into the water and figure out what they are. By the time we see them they're either partly processed or we might see big schools of them being attacked by tunas and sharks and marlin and all that kind of stuff. But they're really important forage at a time and place for the species that we pursue. I thought through the chub options quite a bit and thought about their importance in the ecosystem and I kind of laughed at the fact that they're considered an under-utilized species because they are absolutely utilized every day by the fish that eat them, so there's no loss by them being out there and us being careful about how we go in and harvest those species. Especially because of the large biomass of managed species that are already harvested in the same areas. I thought about some of the industries comments throughout the process about why the chub mackerel landings look like they did. I know some of the old landings might not be accurate but the more recent landings spiked around 5 million pounds and that's concerning for me because some of those comments – it was the squid fleet out there catching squid. Well,

when you don't find squid you direct on chubs and they pay for the fuel to get home and they're making a profit for the trip. Of course I want them to be able to have a profitable trip but it also leads back to the profitability of our trips, the charter captains and everybody else that come out of towns like Ocean City. Because if that is the biomass of food that's available to the tunas, the marlins, and the sharks, we need to be careful that we're not just letting a boat turn to them and take whatever they can catch without scientific guidance or some concern of the socioeconomic impacts on other groups. And so there's a lot of complexity in that that leads to our position on this. Our official position is to go with the ten year average. We will provide this in a more detailed letter as well. But doing that because of the unknown, because of the unknown negative impact that could happen. I'm fortunate to be able to get out and fish. Some of the guys in this room probably get out there more than I do, offshore. No question, these large abundances have been important in recent years. And if the squid fishermen are right and there aren't squid out there, then they are even more important as a food source. One last one on option 4. In 4Cii where it goes to the Council early in the process makes sense. I think any time we can take a process and make it better for the industry or anyone who's involved with dealing with government for going about their job, it makes sense. And so by allowing the council to be involved in the beginning and to give guidance to the agency on how to regulate it or how to allow these permits I think makes sense. It kind of lets everybody get to the table and talk it out rather than going through a long process and then telling the industry no at the end.

**Monty Hawkins:** Monty Hawkins. Ocean City, Maryland. Party boat skipper. In 1990 I was running a party boat and we caught mackerel, Atlantic mackerel, not chub mackerel. It was a really important fishery then. Five weeks and four days we caught mackerel. In 1991 in the spring of the year I was down in Florida building a boat. In 1992 I was fishing that boat for mackerel and there were processor boats in Delaware Bay. Commercial trawlers. It was the last of the underutilized species programs. Commercial trawlers were selling to the processor boats in Delaware Bay. By 1994 we couldn't sell it, we couldn't give away a ticket for the mackerel. We went from the best fishery in 1990 to a completely trash fishery, absolutely gone. I know NMFS is going to come out and say it was climate change that done it. But it wasn't. It was processing. If a market is developed for these chub mackerel, even for cat food, on a world-wide basis, this fishery could be destroyed so fast. I really encourage the Council to continue of the path they're on. Protect the stocks that are out there. It's really the last truly robust ecosystem component that's left. They haven't figured out how to sell them, that's why. The more moderate 2.8 million pounds. There are a lot of them, let the boys catch some, but boy don't let it get away and also don't let it all happen in one area. Don't go out there and whack a mole and watch them [*inaudible*] and then wonder what happened to all the fish. For the rest of the species, any new fine-mesh fisheries are a concern to me. Fine-mesh fisheries are a concern and I would appreciate if the Council would take special concern in developing those fisheries. Don't just allow them to run rampant. Bycatch in the squid fishery is just astounding. We don't need it bigger. I truly believe the catch restriction has said and done what it can. I appreciate the Council's move towards ecosystem-based fishery management. Thank you.

**C.L. Marshall:** C.L. Marshall. Eastern Shore Anglers Club. I'd like to encourage the Council to pick up false albacore, little tunny, as a component of this thing. I think it's important for a lot of us. As a recreational species the value of it is truly under-recognized. It's not something that we just do here in Ocean City, but all through the region. It's an active fishery even in the bay, right there by the bridge tunnel. As far as bycatch, I think 1700 pounds is a good number as opposed to a total [*inaudible*]. And I agree with Joseph here that that number should be set firm and fast and not allowed to slide as time moves on. That's all I have to say. Thank you. I support your actions.

**Ron Smith:** I'm Ron Smith with MSSA, Atlantic Coast Chapter in Ocean City. Basically I'm concerned with boats once they catch their limit, disposing of anything they land because then there's no means of determining how much is caught. I'd rather see a system where it's brought in, it's counted, and it's taken off next year's total allowable catch.

**Fin McCabe:** Fin McCabe, also with MSSA Atlantic Coast. I want to go through some of the points specifically here. Looking at 2B. I think actually the 1500 and 1700 combined is a rather large take for it to be considered incidental. Anything over a few hundred pounds to me is no longer incidental. Those numbers should be looked at once more to be more restrictive. The list itself, I think is too restrictive, as I mentioned earlier. I have concerns with the definition of the ecosystem component. We're missing things like the false albacore even though it has been listed here wouldn't traditionally fall into that definition. There will be other species that do not meet the definition of forage fish but might develop a commercial industry and commercial value to them that currently fall through the cracks and would continue to be unmanaged and could be harvested whole sale and essentially destroyed as a species in our ecosystem the minute a commercial value is found for them if there's not appropriate regulations put in place for them. On the chub mackerel, I would agree with 3B, specifically 3Bi, so that once there's an annual fishery wide landings limit met, that no additional landings are made. From there I would advocate a combination of 4C and 4D so that while species are looked at as to whether or not the stock should be thoroughly assessed and it should be treated as a stock species, that there is a limited ability for commercial anglers to have some catch through the EFP program. I do think that there should be some additional revisions to that in terms of 4Cii as well. Beyond that, in terms of the administrative alternatives, I think there should be as much leeway for the Council as possible to take administrative measures to look at gear types, especially because of the possibility for bycatch mentioned earlier but regional areas, etc. are not wholesale areas like the canyons, or specifically one reef cite is wiped out of an entire species. And through that the frameworkable items I think are quite appropriate as well.

**Monty Hawkins:** I would recommend to the Council that they move to close the chub mackerel fishery from Hatteras south. The South Atlantic Fishery Management Council, have them take care of them themselves.

**Joseph Gordon:** Similar to what he said, the way the alternatives for chub mackerel are written, it's hard to place yourself on them, but I think conceptually it's pretty simple. We should set a pretty low limit and a ten year average seems like actually pretty high when you talk about a million pounds of fish that you have no science or management in place for otherwise. You have no idea where it's being caught. It seems like that's an awfully high amount to give. But a 10 year average I suppose is reasonable. But it's largely driven by one year that I know from the committees that I'm on that industry said was basically a one-time event. They felt like it was a one-time set of conditions so I think having that drive the average up would be a mistake by the Council. Having that short-term cap very low, as low as possible, and then having full federal management if it's going to be that large of a fishery seems reasonable, but we want to make sure, like the other fisheries that you manage under federal law, that full conservation and management are in place before it gets any bigger.

**David Sikorski:** You made a comment about frigates and halfbeaks slipping through the cracks because of your diet data not existing on that.

**Julia Beaty:** In terms of finding that link to the fishery management plans – because NMFS said, why would you amend a fishery management plan to include something that has nothing to do with that plan? They said it has to either be in the diet or caught in the existing fisheries managed by the council. So we looked at stomach contents from the NMFS trawl surveys for the diet link and then we looked at observer data for catch in the managed fisheries. We were able to find a link for bullet mackerel, but not for frigate mackerel. We didn't find a link for halfbeaks in the family hemiramphidae using those methods, but we did find a literature source saying that hemiramphidae are prey for bluefish. We haven't done an extensive literature search.

**Fin McCabe:** Just for the halfbeak family, it's obviously very frequently used as bait species. You see ballyhoo for sale everywhere. It's quite frequently taken by tuna or just about any species out there when you put them in your trolling spread. So there's a little bit more than anecdotal evidence there that it's a regularly targeted fish of forage, whether or not it meets the definition.

**David Sikorski:** The ballyhoo are harvested in the south.

**Fin McCabe:** I was actually looking in the document where it listed hemiramphidae as a family and ballyhoo under that.

*[Inaudible comment about ballyhoo management from unknown individual.]*

**Joseph Gordon:** We had a big debate about whether you should do each species but the reality of diet data is they can't differentiate so that was it.

**Unknown:** I've caught them in the bay with a cast net.

**Julia Beaty:** There's some confusion because the picture on the top is Atlantic saury and in some places like New York they're called halfbeaks, but they're not in the halfbeak family. So that was a little bit confusing. But it sounds like you guys know the difference between the things on the screen here.

**Unknown:** Yeah.

**Dave Sikorski:** I think that goes back to what I was saying about deep-sea mackerel being known as tinkers. We know they're important. We know we're going to catch fish if we find them. Therefore they are an ecosystem component species without a doubt. John was just saying you see these in the region?

**John Prather:** Yeah. We see halfbeaks up [*inaudible*]. You see halfbeaks more than you see ballyhoos. I've seen halfbeaks in the bay. I can't say I've seen them offshore. I don't know if I've ever seen ballyhoo swimming offshore. But I've seen halfbeaks in the bay. I caught them in a cast net. They were true halfbeaks, not ballyhoo. In Miami, Palm Beach, we've caught thousands of ballyhoos, hundreds of thousands. Maybe we got halfbeaks mixed in. But I guess I agree it should be managed. I agree it's definitely going to be [*inadublie*]. You're obviously having a problem finding them in your nets and seeing it. They're just worth managing because of the amount. It's more of a southern species, by far. Halfbeaks – I've never seen a ballyhoo up here. I'm not saying they're not there. I've heard that they're up here. But I've seen halfbeaks. I've caught them with a cast net.

**Unknown:** But they could show up here.

**John Prather:** They definitely could show up here. Look at houndfish now. I saw houndfish in [*inaudible*] yesterday. I'm sure they've been here a lot but –

**Fin McCabe:** Gag grouper are showing up. And one that wasn't on there was flying halfbeak, flying fish I believe are quite prevalent. I see quite often jumping through those swells offshore.

**Dave Sikorski:** One more thing, with regard to the boundary, I think the Cape Hatteras boundary makes the most sense because it's an ecological boundary, essentially. You have cold water currents coming from the north and warm water currents coming from the south. We didn't draw the Virginia/North Carolina line based on the animals. Totally different situation there.

**Joseph Gordon:** I just want to say one more thing, which is if you add up menhaden, herring, Atlantic mackerel, and the other forage species that are currently caught, you have almost a billion pounds of fish that are taken out of the Atlantic every year. 700 million, maybe more. That's just estimates. Do we need to take more fish out of the ocean? Do we need to add more stress to the system? Do we use what we take better? This amendment is a change from anything I've ever seen in fishery management. As you mentioned earlier, we don't have data. That's true and that often plagues us. Here's a chance to say we want the data and the information first

before we're going to allow a large-scale fishery that can threaten the balance of the ecosystem. We want the information first. I think the Council deserves a lot of credit for going down that road.

## Webinar

**June 8, 2016**

**Attendees:** Mike Avery, Julia Beaty (Council staff), Purcie Bennett-Nickerson, Frank Bonanno, John Dwayne, John Despres, Warren Elliott (Council member), Stan Hupert, Aaron Kornbluth, Meghan Lapp, Paul Long, Ed Liccione, Pam Lyons-Gromen, Joyce Rowley, David Sikorski

### **Comments:**

**Stan Hupert:** Will I still be able to use some of the fish on the list as longline bait for mahi fishing? I buy them as bait and use 2500-3000 pounds each trip.

**Julia Beaty:** I think it would depend on where you get your bait from. So, for example, I've heard from some people that they use ballyhoo for bait, but they're harvested in Florida and they get shipped up here and they buy them up here. So if it's something like that and it's caught outside of the mid-Atlantic, it wouldn't be subject to this amendment. If it's harvested in state waters, there's a little bit of a complication where if someone fishes in state waters but they also have a federal permit for another fishery, there's some complications about whether or not that would be affected, but if someone fishes commercially in state waters and they don't have any federal permits, that won't be affected by this amendment. So I guess it depends on where you're getting them from.

**Stan Hupert:** So imports are better and what about crossing from one management area to another? I get them from a variety of packers in the south and mid-Atlantic.

**Meghan Lapp:** Meghan Lapp, Seafreeze Limited. Julia made the comment earlier that if it's harvested outside the mid-Atlantic region, basically that the amendment doesn't apply. But if the amendment is going to be GARFO permit based, then it will apply. There are no transit provisions in the amendment and our vessels, which have GRAFO permits, have fished before in the Gulf of Mexico. If we choose to fish in the Gulf of Mexico again for some of these species which may be more prevalent down there, we may be prohibited from possession because we have a GRAFO permit. I do want to state that on the record because that is a problem. There are no transit provisions. And also if you have a GARFO permit and the amendment is currently permit-based, a New England vessel fishing in New England waters would also be prohibited from catching any of these species if they have a GARFO permit and this is supposed to apply to mid-Atlantic federal waters only so I don't see any alternatives in the amendment that would take care of that issue.

**Mike Avery:** This is Mike Avery. I'm the president of the Virginia Saltwater Sportfishermen's Association. I will clarify that for now the comments I'm going to offer are just my own personally. We'll get you a formal letter from our organization by the 17<sup>th</sup> deadline. I've still got to get that approved by my board, which I don't have yet. So these comments are just my own for now. I support 2B, designation of the entire list of proposed species as EC and to implement the incidental possession limit of 1700 pounds for all EC combined per trip. On the chub mackerel, I'm still kind of split. I definitely support designating chub mackerel as a stock in the fishery, 3Bii. Strictly because if it's a stock in the fishery we know that you guys have definite mechanisms in place that would more forcefully prevent overfishing and you set a hard ABC. I guess what I'd like to see if it's possible, maybe if the Council could explore this, maybe for now in this particular document, maybe you could make it an EC to get the forage amendment on the street faster, but then down the road separate out chub mackerel as stock in the fishery so kind of the best of both worlds I guess if that's even possible. We definitely like the stock in the fishery just to prevent overfishing because chub mackerel is very important bait fish in the mid-Atlantic waters, particularly for the white marlin fishery that's pretty prevalent for us. On 4C, I support requiring an EFP prior to the development of new or expansion of existing fisheries for ECs. I also support 4Cii where a new policy for the council to review the EFPs to make sure they're consistent with the amendment to get you guys more formally involved. On 5, I think all of those alternatives will strengthen the amendment. I don't have any specific comments on there, although I do like extending the management all the way down to Cape Hatteras. I think that's 5Dii. I would like to see you include all the fishermen that fish from Cape Hatteras up, so we don't exclude that area. That's all I have.

**Pam Lyons Gromen:** Pam Lyons Gromen. I'm the executive director for Wild Oceans. I want to start off by congratulating the Mid-Atlantic Fishery Management Council for this amendment. I've been on the Ecosystem and Ocean Planning Advisory Panel for four years now and this is the second amendment that I have been able to work on and provide feedback on that has looked outside that single species box and has sought to advance ecosystem based approaches to fisheries management in the region. I'm so appreciative of the Council's leadership in this area. Once finalized and implemented this amendment could protect a broad array of forage species that are important to Council-managed predators and the ecosystem as a whole. I am going to submit detailed written comments so I'm not going to bore you with details tonight. I'll be brief. I really wanted to speak to the issue of keeping all of the species in the amendment, including the species for which a prey link has not been found for a Council-managed predator. Frigate mackerel, bullet mackerel, false albacore, and I guess the halfbeaks we might have a link for now, which is great. All of these are prey. Maybe not classic forage fish, but they certainly are important prey for highly migratory species in the mid-Atlantic region. We continue to strongly disagree with the position of the Greater Atlantic Regional Fisheries Office that any forage species include in this amendment as an EC must be linked directly as prey for a Council-managed predator or bycatch in Council-managed fisheries. In fact, National Standard Guidelines avoid being overly prescriptive about the use of EC designations providing discretion

and flexibility for Council's to address other ecosystem issues in FMPs. Advancing ecosystem-based approaches to fisheries management demands that we take a broad view of the ecosystem as a whole and avoid a narrow linear focus such as looking solely at direct links between council managed predators and their prey. Competitive indirect energy pathways must also be taken into consideration. Predation and fishing can influence competition amongst species in a food web. We urge GARFO and the Council to take into account that the Council manages forage species through the Atlantic mackerel, squid, and butterfish fishery management plan. Protecting unmanaged forage species from exploitation logically could prevent increases predation on managed forage since predators of squid, mackerel, and butterfish also prey on the unmanaged species on the Council's list. Just an example, bluefin tuna preys on Atlantic mackerel but also dines on sand lance. White marlin, round herring is one of the species it dines one but also it feeds on squid. There are many instances. Blue marlin also feeds on bullet mackerel or bullet tuna but again, also feeds on council-managed squids. There are many instances where we have these HMS predators that feeding on Council-managed forage, but also on these unmanaged prey. So the link in fact is absolutely to Council-managed species, but to Council-managed forage. We urge the Council to move onward by maintaining false albacore, bullet mackerel, frigate mackerel, and the halfbeaks on the list of EC species to be protected. Thank you. I'll be submitting comments on the other alternatives.

**Purcie Benett-Nickerson:** Purcie Benett-Nickerson with the Pew Charitable Trusts. I would like to echo pretty much everything that Pam said. But specifically, this is a phenomenal thing that you're doing here. I really love that the fact that we're moving beyond single species management. You've put together an amazing amendment. It's something you guys should be really proud of. It's going to do some really great for the fisheries, the communities, and the ocean ecosystem. It's really great that you guys are getting this done. I also wanted to echo here sentiment about keeping all species in the list. There's no question that the frigate mackerel, bullet mackerel, and false albacore are important forage for lots of species in our ecosystem. They don't have to be forage for a managed predator in order in order to be included in the amendment, they just need to be important forage for the ecosystem. There's not much question that that's the case. You can ask pretty much any marlin, swordfish, billfish fisherman on the east coast and they'll give you the same answer. We're hopeful that you guys are going to keep everything in the amendment and move forward. The other thing that I wanted to point out, I sort of saw as an oversight – we will be submitting more detailed comments by the 17<sup>th</sup>, but one of the oversights that I thought was notable, and I've actually already spoken with staff about it a little bit, but alternative 4Cii, the one that requires council review of an EFP, or even anything of 4C, if you leave the language the way that alternative is written, ultimately there's a little bit of a loophole that's created that I don't think was intended. Ultimately it does seem to imply that someone could apply for an exempted fishing permit or an experimental fishing permit and that at the conclusion of that open a fishery without any other sort of another process. I don't think that's what the Council intended. Obviously I'm not in the mind of the Council, but it didn't sound like at the EOP AP meeting or the committee meeting that that was what the intent was

behind creating that, that they were intending that as a prerequisite for an FMP or an FEP and maybe just create some clarification in the document as to whether that was really the intent. The other loophole that I thought was notable was that in alternative 2B, the main one, it was that incidental possession is allow for forage species that are considered EC species but there's nothing in the language of that that actually prohibits directed fishing. I think for clarity that probably ought to be remedied as well. If you read CEBA-1, the Pacific coast version of the same, they clarify that. They go a step further and say fishing is prohibited on these species unless and until we open up a fishery through an FMP and that's a formalized process. I think that would have to be codified through 4D. I just wanted to point out that I think some of the language of alternative 2B was changed in the last Council meeting just because it said possession prohibited and incidental possession allowed, which sounded confusing so they edited it. It may have created a loophole that the Council didn't intend. I just wanted to point out those two things quickly. You guys are doing great work. Keep it up. We hope you guys will implement the strongest protections possible.

**Frank Bonanno:** I will also say thank you for bringing this to fruition. It's really some good work. I'm Frank Bonanno. I'm a recreational fisherman in the mid-Atlantic area. I'm also a member of CCA. I'm speaking as a recreational fisherman today. I just wanted to say highly migratory species angling has brought an estimated economic output of 256 million for the Atlantic coast in 2011. You add in other coastal anglers and fisheries and we're talking a lot more money here from an economic output standpoint. Forage is the foundation of most of these fisheries so by protecting the species on the list, is an important part of ensuring economic and ecological sustainability of the region. Magnuson-Stevens calls us to review the economic benefit of our fisheries. Recreational fishing in the mid-Atlantic, it's one of the most accessible regions for a large portion of our nation's anglers. An abundance of forage will translate to an abundance of predators which will have economic benefits throughout the fishing community.

## Beaty, Julia

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**From:** Eric Abrams <1969oldblue@gmail.com>  
**Sent:** Monday, June 06, 2016 6:25 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Eric Abrams  
6 Surrey Drive  
Bow, NH 03304

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 9:54 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Recreational fishing along the eastern seaboard, from Maine to Florida is far more valuable to the nations economy compared to commercial fishing. Over foraging for low on the food chain species equates to declining numbers in game fish. Between water pollution, loss of habitat (healthy habitat), and commercial over fishing, game and forage species, have everything against them. Obviously commercial fishing will never go away but why put so much pressure on an already declining populations of multiple species. Strictly regulated and reduced catch limits and quotas for both commercial and recreational fishing will ensure healthy population rebounds for all species of fish. Not only will increasing numbers to populations improve the fishery for humans but will improve ecosystems that rely on fish. Commercial fishing for species like herring, menhaden, anchovie hurt the entire fishery and surrounding ecosystems, many birds, mammals and top game fish rely on these fish to survive. This is not new science and this country is stupid to not see what has happened in the past with over harvesting any species land or sea. Please set strict laws governing the forage and game fish industry and reduce catch limits and quotas it's all us conservation minded sportsmen ask for.

**Name:** James Angley

**Email Address:** jangle7@aol.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

**Beaty, Julia**

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, May 17, 2016 7:44 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Support Alternative 2B: Designate unmanaged forage as Ecosystem Component Species and implement an incidental possession limit, with a 1700 pound total cap and a 1500 pound cap on individual species.

**Name:** Chris Arfsten

**Email Address:** c.arfsten@verizon.net

(Sent via [\*Mid-Atlantic Fishery Management Council\*](#))

## Beaty, Julia

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**From:** thomas armbruster <thomasarmbruster320@comcast.net>  
**Sent:** Tuesday, June 07, 2016 12:11 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

thomas armbruster  
454 west shore drive #3  
Brigantine, NJ 08203

Julia,

My name is Mary Arnold, I am currently a graduate student earning my masters in Marine Conservation and Policy from Stony Brook University. Growing up on Long Island has led me to a life dedicated to the protection of the ocean and educating others on its importance to our lives. First, I would like to state that, the Mid-Atlantic Fishery Management Council (MAFMC) should be commended for their efforts to manage forage fish species. Above all, as a conservationist it is for the upmost importance to acknowledge that we are targeting the management of these species before it becomes a problem. All of the species listed deserve protection under this amendment.

Large pelagic fish have always been of great interest to me and are the focus of my studies. Forage fish species are the soul of the ecosystem, serving at a crucial trophic level, allowing energy to move throughout the food web. All of these species provide energy to the bigger fish that not only do we humans rely heavily on, such as tuna, but that our ecosystem relies heavily on. The controversy of the False Albacore is tricky, as they do not technically fall under the definition of a forage fish. To some inshore, smaller ecosystems, this fish may be seen as a predator. But when you consider the ocean ecosystem at large this fish is definitely a forage fish. It is a target prey for many of our beloved large pelagic fish including striped bass, bluefish, billfish, tuna, shark species, such as the mako shark. And therefore false albacore should be kept in this amendment with the same protections as the other species.

The threats our oceans face only get more frequent and more severe as we wait, its time to give them the protection they deserve. If we lose our oceans, we lose ourselves.

With that being said I am in support of the following alternatives:

- **Alternative 2B:** Classify all proposed forage species as an ecosystem component (EC) species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1,700 pounds for all EC species.
- **Alternative 4Cii and 4D:** Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require an EFP followed by consideration as a stock in the fishery prior to development of new or expanded existing fisheries for EC species.

I believe it is also in the best interest not to adopt **Alternative 5Eii**.

Sincerely,

Mary Arnold  
[maryclairearnold@gmail.com](mailto:maryclairearnold@gmail.com)  
17 S Montgomery Avenue  
Bay Shore, NY, 11706

## Beaty, Julia

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**From:** ROD ARNOLD <rodspace53@aol.com>  
**Sent:** Wednesday, June 01, 2016 4:34 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

ROD ARNOLD  
2441 S Goldcrest  
Ontario, CA 91761

## Beaty, Julia

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**From:** Norman Baker <ntbakerphd@gmail.com>  
**Sent:** Thursday, June 02, 2016 12:33 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Norman Baker  
3789 Lost Mountain Road  
Sequim, WA 98382

## Beaty, Julia

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**From:** Bob Ballance <oghbob@yahoo.com>  
**Sent:** Friday, June 10, 2016 7:41 PM  
**To:** Beaty, Julia  
**Subject:** Fw: Weekend Alert- Forage Species Need Protection

Dear Ms. Beaty:

I thoroughly agree with the NJOA response to the study of and appropriate management of all of the forage species on the list. This will be a difficult task but the rewards are well worth the effort.

Sincerely

Robert Balance  
179 West Lake Shore Drive  
Rockaway, NJ 07866

On Friday, June 10, 2016 6:26 PM, New Jersey Outdoor Alliance <clido@njoutdooralliance.org> wrote:



Dear NJOA Advocate,

The Mid-Atlantic Marine Fishery Management Council is requesting input from recreational anglers in regards to the management and conservation of "Unmanaged Forage Species". There is an extensive list of forage fish species including sand eels, bay anchovies (rain fish), silversides, eels, sardines, krill and false albacore that are listed in their draft proposal. Full details can be viewed [Here](#).

We urge that comments be sent to the Mid Atlantic Marine Fisheries Council. We all know the importance of these bottom of the food chain species and the need to protect them from commercial over fishing. This is an opportunity to allow the voice of the recreational angler be heard. There is strength in numbers so please take the time to submit your comments.

Below is a copy of the text of a letter sent to Dr. Moore by the Jersey Coast Angler's Association. Please feel free to copy any part of it. You can send him a letter as well or fax him at 302-674-5399. Comments may also be emailed to Julia Beaty, Fishery Management Specialist at [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org). Be sure to write UNMANAGED FORAGE PUBLIC HEARING COMMENTS in the subject line. Comments must be received by Friday, June 17th.

Thank you for your support.

June 7, 2016  
Dr. Chris Moore  
Executive Director Mid-Atlantic Fishery Management Council  
800 North State Street Suite 201  
Dover, Delaware 19901

Re: Unmanaged Forage Public Hearing Comments

Dear Dr. Moore,

The NJOA and JCAA strongly agrees that the Council should take measures to protect all species of forage fish listed in the Amendment throughout the entire region over which the Council has jurisdiction. Forage fish are extremely important to the entire marine ecosystem. Healthy stocks of predator species pursued by the recreational and commercial fisheries could not be sustainable without them. We are also pleased the false albacore is included as an ecosystem component as they are a very popular gamefish worthy of inclusion. We agree that no new or expanded directed commercial fisheries should be allowed until such time as the Council can assess accurate scientific data to evaluate future impacts. As we all know, decisions made will not only affect the species themselves, but will have significant socioeconomic ramifications as well. We applaud the Council for being proactive in trying to conserve our fisheries. The NJOA and JCAA thanks you on behalf of the thousands of saltwater anglers we represent in New Jersey.

**Unsubscribe**



## Beaty, Julia

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**From:** Greg Belcamino <greg.belcamino@gmail.com>  
**Sent:** Wednesday, June 08, 2016 2:45 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

Julia,

I would like to encourage the Mid-Atlantic Council to include false albacore in its list of forage species as it considers impacts to existing fisheries, communities and the marine ecosystem. False albacore may not be prey in shallow-water environments, but they are an important forage species in pelagic environments. In addition, they have a real, independent, economic value as a game species, and should be protected on that basis, as well. I have fished for them, and I would hate to see them excluded from the list of forage species eligible for protection. They are absolutely worthy of study, management and protection; please consider this in amending MAFMC's Fisheries Management Plans.

Greg Belcamino  
14 Horatio Street, Apt. 9E  
New York, NY 10014

## Beaty, Julia

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**From:** Eldredge Bros. Fly Shop <info@eldredgeflyshop.com>  
**Sent:** Wednesday, June 08, 2016 1:56 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Hello Julia,

I sending this mail to voice my opinion that I want you to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

Thanks,

Jim Bernstein  
Eldredge Bros. Fly Shop  
PO Box 69  
1480 US Rt 1  
Cape Neddick, Maine 03902  
1-207-363-9269  
1-877-427-9345  
e-mail [info@eldredgeflyshop.com](mailto:info@eldredgeflyshop.com)  
website [www.eldredgeflyshop.com](http://www.eldredgeflyshop.com)

**Beaty, Julia**

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**From:** William Bishop <wbishop38@verizon.net>  
**Sent:** Friday, June 17, 2016 5:57 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

Friday June 17, 2016

To: Julia Beaty, Fishery Management Specialist

Dear Julia,

I am writing you about my sincere concern for the future of forage fish that are not being managed for the future well being of our game fish. There are no catch limits on hundreds of species of fish at the bottom of the food chain that are feed for our popular game fish that we as fishermen and fisherwomen would like to see controlled.

We need you to speak up for the future of all species that are not being protected. Our fisheries managers need to know that we don't want any new fisheries developed without proper science and ecosystem consideration before harvesting begins.

The Chub Mackerel is just one of these species that could disappear in time without being properly managed. I have watched our prized fishing species dwindle over my 69 years of life. Please help preserve these species

so all may enjoy the sport of fishing on a level that is enjoyable.

Thank you Julia for any help you can provide.

Sincerely,

William Paul Bishop Sr.

## Beaty, Julia

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**From:** Frank Breakell <captfb68@gmail.com>  
**Sent:** Friday, June 17, 2016 2:53 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty,

As a fishing guide and avid fisherman, I would hope that guidelines would be put into place to limit the taking of any species. With commercial vessels being ever more skilled in the taking of species from our waters, the need to regulate them is paramount.

I have noticed a huge difference in the abundance of bunker in our back bays and in our Inshore waters since the inception of regulations. The striped bass and bluefish have been more prevalent, and even whales. Careful consideration needs to be given prior to taking any species, regarding the impact it would have on predators, the ecosystem, and any other players involved.

Thank you for your time.

Tight Lines!

Capt. Frank Breakell

Brynnie-B Inshore Fishing, LLC

Brown Dog Bombs

609-425-9402

[www.brynnie-binshorefishing.com](http://www.brynnie-binshorefishing.com)

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## Beaty, Julia

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**From:** Julie Brown <julie.elizabeth.brown@gmail.com>  
**Sent:** Wednesday, June 01, 2016 3:11 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Julie Brown  
2616 SW 34th Ave  
Miami, FL 33133

## Beaty, Julia

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**From:** Larry Brown <lbrownxx@earthlink.net>  
**Sent:** Wednesday, June 01, 2016 3:10 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

Without food we all die. That is true in the ocean as well. Forage fish are being decimated by commercial fisheries for use in animal feed, aqua-farm food, fertilizer and other industries. We have already seen huge reductions in the shoals of forage fish upon which the entire oceanic food chain depends for life. Whales, dolphins, sharks, turtles, sea birds and all other marine animals, fishes, birds and reptiles need a healthy system of forage fish. Currently forage fish are unmanaged or mismanaged and your leadership to protect these forage fish is required to protect the entire oceanic food chain and all oceanic life.

Thank you for recognizing the important role of forage fish in the ecosystem and acting to protect this critical system of the food chain. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Larry Brown  
7020 Earldom Ave  
Playa Del Rey, CA 90293

## Beaty, Julia

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**From:** abuechler1@cox.net  
**Sent:** Friday, June 17, 2016 5:34 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty,

We have protected those species of fish that are in danger of declining and possibly becoming extinct such as fluke, striped bass, black sea bass, cod, etc., by setting size and number limits on them. This is all well and good. We can all live with that BUT it is not enough if we fail to protect those fish down the food chain upon which the protected species require to exist. It is, I think, also our responsibility to protect the unmanaged forage species and set limits on them also.

I am concerned that, if the WHOLE food chain is not properly accounted for, our fisheries may reach the point of no return and become a thing of the past. As a young fisherman in the 1950's I can remember when our fisheries were a vibrant part of our economy. In the 1970's as an officer in Coast Guard Cutters on Offshore Fisheries Patrols I witnessed the rapid decline of our fisheries. The protection of unmanaged forage species is an important part of managing the protected species and, hopefully, the recovery of all our fisheries.

Thank you for your time and concern.

Sincerely, Albert C. Buechler

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 10:54 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please protect forage fish. Our ocean food web depends on them.

**Name:** Bob Burton

**Email Address:** bobburton2012@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Paul Cairoli <pkrp21@hotmail.com>  
**Sent:** Wednesday, June 08, 2016 11:27 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

It makes no sense regulating a fish species with no regard to its food source. Uncontrolled decimation of bait fish used as a food source will do as much harm as over fishing the the protected species!!!

Paul Cairoli

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 14, 2016 6:06 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** With the demands of an ever-increasing population and deteriorating water quality worldwide, it is time for the fishing industry to fall into step with the logging and oil industries, the auto and appliance manufacturers and sportsmen worldwide. The bounty of the sea, like our atmosphere and other resources belong to EVERY ONE OF US - not just to those who profit from it. Time and time again, unregulated harvesting of marine resources has invariably led to disaster. The definition of insanity is endlessly repeating the same behavior and expecting a different outcome. They do nothing to protect the resource they depend on until COMPELLED to do so and have a long history of raping the ocean and moving on to the next victim when it collapses. SELF-REGULATION DOESN'T AND HASN'T WORKED - EVER!!!!

The commercial fishing industry is the only industry that is not required to practice some form of husbandry beyond mandated catch limits. This mentality needs to change and fast. Boundless harvest without regulation is a thing of the past- it's about sustainability now. NO COMMERCIAL HARVESTING OF ANY RESOURCE SHOULD EVER BE ALLOWED UNLESS AND UNTIL GUIDED BY RELIABLE SCIENTIFIC DATA - PERIOD!! EVERY LINK IN THE CHAIN IS VITAL TO ITS (and our) SURVIVAL!!

Furthermore, the industry MUST be compelled to directly fund the necessary scientific studies and exert significant financial efforts BEFORE exploiting any natural resource!!. That's called "paying it forward." Significant funds specifically ear-marked to support the necessary research. THE HEALTH OF THE RESOURCE MUST DICTATE THE HARVEST- HOW CAN THAT BE DETERMINED WITHOUT STUDY???? This topic isn't isn't even worthy of debate- remember Nero Ceasar, Marie Antionette, the Great Lakes, Love Canal and innumerable other ecological disasters? This topic isn't isn't worthy of debate- Rome is burning while we fiddle!!- close the barn door BEFORE the animals escape this time- our future depends on it.

**Name:** Timothy Carlin

**Email Address:** fishamon@optonline.net

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Stephanie Choate <stephosgood@gmail.com>  
**Sent:** Monday, June 13, 2016 2:48 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

As a professional female angler, these forage fish are my future. I have been fishing since I was a little girl, caught my first sailfish when I was 6, and have continued fishing my whole life- now 30 yrs old and calling this my business and my life. The pure joy that comes from taking many young girls fishing and showing them they can do something the men continue to shut us out of, is life changing. These forage fish are the most important factor to my future children being able to catch the incredible species and the size of fish their mother has been so lucky to see. The amount of fish and their sizes has noticeably decreased in my lifetime and I am terrified to see what might happen in the future. Please help.

Stephanie Choate

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Stephanie Choate  
1411 Petronia St  
Key West, FL 33040

## Beaty, Julia

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**From:** captgordon@gmail.com  
**Sent:** Thursday, May 19, 2016 4:08 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged forage public hearing comments

Regarding the small unmanaged tuna like species like euthynnus allitatus and sarda sarda and others like them.: they need to be included with the new management plan. Markets for these fish are being developed and they are important as both forage species for larger fish like tuna and billfish but also very important to the recreational community and worth more to more people when left in the water than dead on a dock somewhere.

Thank you

Gordon Churchill  
Morehead City, NC

## Beaty, Julia

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**From:** drsciis@myfairpoint.net  
**Sent:** Friday, June 17, 2016 5:37 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public comments

Although, as currently practiced, fisheries "management" leaves a great deal to be desired, at least it forces us to take into account the impact of exploitative fishing on a given population/stock, and by extension, an entire ecosystem. To allow all species of so-called "unmanaged forage" to be exploited commercially without oversight would be a big mistake. Although the actual importance of such species in the marine food web remains largely unknown, recent research suggests that extensive species redundancy within trophic levels is essential to the stability and resiliency of ecosystems. This means that robust populations of multiple "forage" species are essential to ecosystem health. The potential for forage species, when unmonitored & unmanaged, to be over exploited and their local populations to fall below effective functionality is just too great a risk. We must keep tabs on them all. Moreover, some of them are worthy sportfishes in their own right! So I say, no more open season or open catch limit on our euphemistic "unmanaged forage".

Fred Cichocki

## Beaty, Julia

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**From:** Creedon, James <JCreedon@vno.com>  
**Sent:** Monday, June 13, 2016 9:14 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage hearings

I am writing to voice my concern over the management of menhaden in the Chesapeake Bay. As a Virginia resident I have seen many indications of the depletion of the Menhaden stock in the Bay and its tributaries. I have read numerous articles that say that while the overall East Coast Menhaden population may be stable, the amount harvested in the Bay itself far exceeds on a percentage basis the overall harvest for the Atlantic region. Removing so many of these fish from such a small area certainly has appeared to have had a detrimental effect on the population of fish whose main source of food is Menhaden. I would strongly encourage any steps that can be taken to get the regulation of the Chesapeake Menhaden harvest out of the hands of the politicians in Virginia and into an impartial scientific organization. Thank you for doing whatever you can to address this problem. Jim Creedon

James E. Creedon  
10918 Lake Windermere Dr  
Great Falls, Va. 22066  
Cell: (703) 850-1408  
Email: [jcreedon@vno.com](mailto:jcreedon@vno.com)

 Please consider the environment before printing this e-mail

## Beaty, Julia

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**From:** Mac Currin <maccurrin@gmail.com>  
**Sent:** Monday, May 16, 2016 11:27 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Ms. Beaty-

I wish to provide comments on the subject line referenced actions before the MAFMC. Please share my comments with the council members.

I am a retired fisheries biologist who lives in North Carolina and served 11 years on the NC Marine Fisheries Commission, as well as 9 years on the SAFMC.

I encourage the MAFMC to be very cautious when considering allowing establishment of new commercial fisheries. New markets can develop quickly and uncontrolled harvest can quickly decimate stocks. Our experience in NC with managing our re drum stock is quite illustrative. We began trying to control the commercial harvest by limiting daily harvest to 100 pounds, thinking that no-one would target that species at that level of harvest. How wrong we were, and quickly had to reduce the daily limit to 5 fish (about 30-40 pounds) in order to keep harvest as by-catch. I believe that your managers run the risk of a similar experience with some of your EC species if you allow daily harvest of 1500 pounds or more.

I am in favor of Alternative 2A and Alternative 4C- prohibiting harvest of EC species until approved by the council after an EFP has determined the efficacy and potential impact of a commercial fishery for that species.

I also am in favor of Alternative 5Dii which sets the boundary at Cape Hatteras, NC. This makes the most biological sense as this area is typically an effective biogeographic boundary where shifts in physical and biological parameters occur. Although this does overlap with the jurisdiction of the SAFMC and sometimes causes problems, it makes the most sense biologically.

Although, the council has chosen not to address false albacore and Atlantic Bonita in this amendment, I hope that they will move quickly to provide effective management for these species as they are currently unregulated and subject to growing commercial fisheries.

Thank you for allowing me to provide comments on this amendment.

Mac Currin  
801 Westwood Drive  
Raleigh, NC 27607

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 7:18 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please establish commercial catch limits on forage fish. As a lifetime fly fisher I be noticed that when there is adequate bait there is better sport fishing.

**Name:** Eric Dammeyer

**Email Address:** Ericjrickd@aol.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Andrew J DeAndrade <adeandra@friars.providence.edu>  
**Sent:** Friday, May 06, 2016 10:45 AM  
**To:** Beaty, Julia  
**Subject:** Forage fish

Dear Julia Beaty,

Please do not removing false albacore, frigate and bullet mackerel, and Atlantic bonito from the initial list of species under the Unmanaged Forage Amendment.

These fish are important forage for many larger predator species that depend on them. Their role may not be at the bottom of the food web, however, they are critical to many other species and removing them from the protection afforded them under this amendment would be a terrible mistake...they are indeed forage.

False albacore and Atlantic bonito are incredibly important to the recreational angling community and professional guides depend on these fish each fall to keep their businesses afloat in the face of the declining striped bass population. We cannot afford to have game fish of this status designated as underutilized species and then open the floodgates to commercial exploitation.

Sincerely,  
Andrew DeAndrade

Sent from [Outlook Mobile](#)

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 1:20 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** The single most important aspect of healthy fisheries is the lower and bottom of the food chain, fish such as sand lance, sardines, alewives, squid, winter shrimp and dozens of other species. If we loose the bottom of the food chain we will loose everything. It is essential to protect this part of the environment.

**Name:** Capt. Skip DeBrusk

**Email Address:** sdebrusk@comcast.net

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 9:29 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I support the prohibiting of development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

**Name:** Andrew Dober

**Email Address:** andy.dober@excellus.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

**Beaty, Julia**

---

**From:** Lisa Doricchi <lisadoricchi@gmail.com>  
**Sent:** Tuesday, June 07, 2016 8:06 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

**Please**

**I urge you to provide CATCH LIMITS on bait fish  
or we will lose our fisheries!**

**Lisa Doricchi**

## Beaty, Julia

---

**From:** David Dow <ddow420@comcast.net>  
**Sent:** Friday, June 17, 2016 11:36 PM  
**To:** Beaty, Julia  
**Cc:** David Dow  
**Subject:** Unmanaged Forage Public Hearing Comments

As a retired oceanographer from the Fisheries Lab in Woods Hole where I participated in the EMaX (Energy Modeling and Analysis Exercise) modeling project, I want to support the important role of forage fish in the marine food chain that supports living marine resources. In the EMaX project we had to include the microbial food web and grazing food chain on the Northeast Continental Shelf in order to balance the phytoplankton primary particulate and dissolved production with the yield of living marine; protected and natural trust resources managed by the Fishery Management Councils/NOAA Fisheries.

In more recent times it has become apparent that both eutrophication and climate change have bottom up and top down effects on fish recruitment and yield to commercial fishermen/women and saltwater anglers. I feel that these effects should be included in the estimate of forage fish recruitment and secondary production (as components of natural mortality). Fishing mortality; food chain effects on forage fish and competition/predation on forage fish all have significant impacts on the recruitment/s and growth of managed fish stocks (in addition to standing stock biomass and recruitment estimates used in stock assessments. In Chesapeake Bay some of the forage fish are subject to direct harvest. Hopefully the Mid-Atlantic Fishery Management Council staff will consider these factors in evaluating the important role of forage fish in linking plankton production/respiration to the yield of managed fish stocks (the longer the food chain, the greater the respiratory loss/decreased yield of managed fish stocks).

You might want to consider the “productive capacity” of Essential Fish Habitat in developing an independent estimate of natural mortality (rather than simply estimating by difference in the mass budget). Dr. Joan Browder and other NMFS scientists at the Southeast Fisheries Science Center has developed this concept. Before retiring I served on the NEFMC’s Habitat Plan Development Team and recommended to my colleagues that they include “climate change” in the EFH designations for coastal ocean waters and embayments. This advice was probably premature and thus ignored, but now that the Northeast Fisheries Science Center is proposing a “climate policy”, theMAFMC should explore the effects of increased water temperature; ocean acidity and nutrient enrichment as regional environmental stressors.

This is already evident here on Cape Cod where I live and in the Gulf of Maine to the North. The Mid-Atlantic Bight must be exposed to similar effects of fishing mortality; recruitment and growth; competition and predation and environmental stressors from coastal watersheds/far field ocean forcing. I developed the inshore habitat information for the NEFMC’s Omnibus Habitat Amendment 2 and know that the situation here in the coastal embayments on Cape Cod/Gulf of Maine region occur in the MAB.

Thanks for your consideration of these comments.

Dr.David Dow  
East Falmouth, Ma.  
508-540-7142; [ddow420@comcast.net](mailto:ddow420@comcast.net)

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Sunday, June 19, 2016 3:23 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Unmanaged forage public hearing comments - I witnessed the change during the rise and fall of bait fish in the Delaware river, Barnegat Bay and Delaware state back waters. I've witnessed the change of not only the fish that rely on them for food, but also the many birds, and reptiles that live there also. If the bottom of the food chain is not protected, I think it is very obvious what happens above them. I've seen it vary widely over my sixty years of fishing.

**Name:** Jerry Duffy

**Email Address:** delbassman@hotmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 7:51 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Regulate the allotted amount of fish

**Name:** Louis Falsetta

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

---

**From:** Steve Fleming <stevenbfleming@gmail.com>  
**Sent:** Friday, June 17, 2016 4:09 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Omnibus Amendment

Dear Ms. Beaty,

The fact that these food-chain, base-level fish species are being commercially exploited without any scientific study or oversight is disturbing. If the base of the pyramid is chewed up as if by termites, all the upper-level fish species come seriously into danger. I know you know all this, and I hope you will work toward ensuring that our little fish buddies get some protection.

Thank you for all you do!

*Steve Fleming*

781.264.5230 | h 781.934.2726

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**Alltackle.com, Inc.** 2062 Somerville Road, Annapolis, MD 21401 (410)571-1111

Chairman Rick Robins  
Executive Director Chris Moore  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201,  
Dover, Delaware 19901

**RE: Unmanaged Forage Amendment Input**

Dear Chairman Robins and Executive Director Moore:

I am the owner of Alltackle.com, a brick and mortar and online fishing tackle business with locations in both Annapolis and Ocean City, Maryland. I also operate an offshore charter fishing business based in Ocean City.

As a small business owner in the fishing industry, fisheries management actions can have both positive and negative impacts on my business. I am pleased to see that the Mid-Atlantic Fishery Management Council is taking pro-active steps to protect forage species, and believe that this action will benefit my business.

As a lifelong fisherman, I know that fishing is best when there is an abundance of bait, because the fish I catch rely on it for food. As a tackle business owner, the better the fishing, the more our stores will sell, which equates to an economic benefit that can be spread throughout the community. As a seasonal tourist town, Ocean City relies on a strong summer season to make it through the slower times in the winter.

I am pleased that the council has worked to find workable solutions to protecting forage species in the region, and with minimal impact the existing commercial fisheries. I have customers from both the commercial and recreational sectors, and would not want actions to negatively impact either sector.

I support the inclusion of the full list of species listed in Table 3, and as a charter captain with a great deal of experience offshore, I would like to place a special emphasis on the importance of the mackerel species listed, as well as the false albacore. Offshore fishermen refer to mackerel as "tinkers", and when we find them, we find the tuna, marlin, sharks, and other species that we target. It concerns me to see that there has been a recent increase in chub mackerel harvest and I believe the council should keep the level of chub mackerel at a low level until they have more information on their importance as a forage species.

I know from experience that false albacore are also important as both forage for marlin, tuna, wahoo, sharks, etc., but as a tackle business, I also know that large numbers of recreational fishermen target them. The Council should protect false albacore from large-scale harvest, and I believe that this amendment is their chance to do so.

In closing, I appreciate the Council's consideration of my input as you make your final decisions on this action, and appreciate the opportunity to weigh in on this important and pro-active action.

Sincerely,

Keith Fraser  
President, Alltackle.com & Free Spool Charters

**Beaty, Julia**

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**From:** Ned Gerber <nedgerber@verizon.net>  
**Sent:** Thursday, June 16, 2016 6:18 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

*Hi-Please work to ensure that no new commercial fisheries are developed without proper science and ecosystem consideration before harvesting begins.*

Regards, Ned Gerber

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 6:53 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** There as been a steady decline in the numbers of bait fish as well as typical species of fish that have historically been abundant in our waters. Legislation needs to be put in to place to protect these species as there has been a steady decline . I have personally been fishing in Long Island sound for the past 10 yrs and in that period have seen a steady decline in the populations of all species of fish that were abundant at the time I started. Legislation needs to be put in to place to turn this situation around and the amendment is the key to imposing restrictions that will protect our natural resources and help rebuild our fisheries

**Name:** Ken Gillis

**Email Address:** Kennethgillis@sbcglobal.net

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Ken Goldsmith <Kenconserv@gmail.com>  
**Sent:** Tuesday, June 14, 2016 9:18 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I am a long-time resident who values our natural heritage and wildlife for the enjoyment it brings to my family and its own intrinsic value. Forage fish are the foundation of the rich marine ecosystem we enjoy along the Mid-Atlantic coast. It is important to me that we take positive steps to stop the depletion of these critical resources and protect the ecological health of our ocean.

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Ken Goldsmith  
710 Independence Pl Unit 503  
Raleigh, NC 27603

## Beaty, Julia

---

**From:** Harry Graff <harry.graff3@gmail.com>  
**Sent:** Wednesday, June 15, 2016 7:45 PM  
**To:** Beaty, Julia  
**Subject:** Public Comment - Unmanaged Forage Omnibus Amendment

Please accept my recommendations for the cited Amendment.

Support Amendment 2B – All forage species be designated Ecosystem Component Species and possession be limited to” incidental catch” totaling no more than 1700 lbs combined or 1500 lbs per species.

Support Amendment 5B – All vessels retaining any of the Ecosystem Component Species must have a federal fishing permit.

Support Amendment 5DII - This moves the regulatory boundary between the New England Marine Fisheries and Mid-Atlantic Marine Fisheries Councils from the VA/NC line to Cape Hatteras.

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Harry Graff

## Beaty, Julia

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**From:** Paul Gross <paul.l.gross@valley.net>  
**Sent:** Friday, June 17, 2016 3:22 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

I'm strongly against allowing any new or expanded fishery for forage fish. If anything, we should reduce the limits that we do have. Without forage fish low on the food chain, the whole larger predatory fish chain could collapse. Let's put a stop to it now before any new money is invested in exploiting the unmanaged forage fish, and lets provide the necessary food source for our established fishery.

Thank you,

Paul Gross

Designer Gold  
3 Lebanon St.  
PO Box 945  
Hanover, NH 03755  
603 643-3864  
<http://www.designergoldjewelry.com>  
[DesignerGoldNH@gmail.com](mailto:DesignerGoldNH@gmail.com)

## Beaty, Julia

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**From:** James Hardin <jhardin@gradywhite.com>  
**Sent:** Wednesday, June 01, 2016 2:43 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

James Hardin  
107 Excaliber Dr  
Greenville, NC 27858

## Beaty, Julia

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**From:** John Hausner <johnhausner@outlook.com>  
**Sent:** Friday, June 03, 2016 2:59 PM  
**To:** Beaty, Julia  
**Cc:** harry.graff3@gmail.com; Tony Boynton; Geoff Gold; Ted Williams; John Landry; Brett Joseph; John Pappalardo; fredzigg@gmail.com  
**Subject:** Proposed legislation re: Forage fish species

Dear Ms. Beaty

I am writing to express my hope that proposed rules to further open federal waters to commercial fishing for bait migrations be carefully considered. Already the impact on bait fish from mid-level trawling off our New England coast line have decimated what used to be relatively plentiful runs just a few years ago of herring, menhaden, false albacore, and mackerel on which tuna, stripers, blues, sea bass and fluke all depend. What used to be a common sight in our Massachusetts waters - acres of fish exploding on fish bait is now pretty much limited to sand eel predation, fish which are much lower in oil and nutrients, and the eels now seem to be providing the only significant forage to pelagic predator fish and whales. As a recreational fisherman who has a thirty year background in Cape waters it's easy to see the decline in our fisheries from a combination of overharvesting of bait and an explosion in our seal population of an estimated 50,000 animals at this writing. I am concerned that increasing exploitation of this critical food source for these important food and sport fish will compound an already critical situation.

I would hope that the Mid-Atlantic Marine Fisheries Council will consider banning any mid-level trawler fishing to ban within thirty miles of our New England coast, and will also adopt Amendments 2B, 5B, and 5DII in considering the Unmanaged Forage Omnibus Amendment.

Respectfully submitted,

John Hausner, Chatham, MA 802/734-0487

## Beaty, Julia

---

**From:** Kerry Heffernan <kheffernan212@gmail.com>  
**Sent:** Thursday, June 02, 2016 9:13 AM  
**To:** Beaty, Julia  
**Subject:** False Albacore

Julia,

I am an avid fisherman living in New York and spend a great deal of time between August and November fishing for false albacore

The past three years much of the east end of Long Island has had very few of the traditionally plentiful fall migrations of striped bass .thankfully the false albacore has given recreational fishermen and many many charterboat captain's a great opportunity to be involved in this very exciting fishery

Without abundant false albacore myself and many of my fishing companions would be going elsewhere, and many of the guides I know would be completely out of business for three months

Thank you for continuing to support and protect this amazing resource,

Kerry Heffernan  
252 7th Ave  
New York NY 10001

Sent from my iPhone

**Beaty, Julia**

---

**From:** Sparrow Woods Company, LLC <karen.hluchan@gmail.com>  
**Sent:** Friday, June 17, 2016 3:18 PM  
**To:** Beaty, Julia  
**Subject:** Un-managed Forage Public Hearing Comments

**Julia Beaty,  
Fishery Management Specialist,**

**Dear MS. Beaty,**

**I cut and pasted this alert from Anglers Conservation Network. I fully support it's position to: " prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem."**

**I hope I can count on your support on this important matter.**

**Regards,  
Karen L. Hluchan, Pres.  
Sparrow Woods Company  
Woodbridge, CT**

From Fluke to Mako Sharks, the bait fish that will be protected by this action are essential to all the gamefish we target. As it stands now, there are no catch limits on hundreds of species of fish at the bottom of the food chain. ***Your voice will send a message to our fisheries managers that we do not want any new fisheries developed without proper science and ecosystem consideration before harvesting begins.***

Without taking initiative, it is possible that large scale industrial fisheries could develop for species like sand eels, as they have in Europe, or bay anchovies (rain fish). Yes, even our favorite light tackle superstar like **FALSE ALBACORE** could be netted up and sold for pennies per pound. Already, at least one new fishery in New Jersey is underway without management; millions of pounds of chub mackerel have been removed since 2013 without studying the species abundance and or establishing catch limits. This species is a key food source of tuna and sharks, and catch limits should be established before harvesting continues unchecked.

The Mid-Atlantic Fishery Management Council is soliciting **ANGLER INPUT** on a draft amendment to address management and conservation of Unmanaged Forage Species in the Mid-Atlantic.

The goal of the amendment is to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic

Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

## Beaty, Julia

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**From:** George Horvath <georgerhorvath@yahoo.com>  
**Sent:** Saturday, June 11, 2016 2:07 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

I know someone who killed many tons of forage fish this year. Commercial netting of forage fish should be stopped. Game fish need forage fish in order to survive. Menhaden catching should be stopped.

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 8:42 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Dear Sirs,

The "Bait Fish" that are being harvested in a reckless manner are the basis of our food chain. As they go, so goes the future of the food source for the human race. Act Now to protect them.

Dr. John V. Ioia, MD PhD

bonfixr@gmail.com

**Name:** John ioia

**Email Address:** bonfixr@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

---

**From:** John Jolley <jolleyjw@yahoo.com>  
**Sent:** Wednesday, June 01, 2016 3:44 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

Congratulations to the Mid-Atlantic Council for acting to better conserve unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to all fisheries. The Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

John Jolley  
4925 Pine Tree Dr  
Boynton Beach, FL 33436

## Beaty, Julia

---

**From:** Robert Keiser <skeiser2@bellsouth.net>  
**Sent:** Thursday, June 02, 2016 2:17 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Robert Keiser  
6131 SW 85 St.  
S. Miami, FL 33143

## Beaty, Julia

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**From:** phil kline <fisheadphil@gmail.com>  
**Sent:** Wednesday, June 01, 2016 3:25 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

phil kline  
3924 ingomar st nw  
washington, DC 20015

## Beaty, Julia

---

**From:** Richard Klyver <Zackklyver@yahoo.com>  
**Sent:** Wednesday, June 01, 2016 5:21 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Richard Klyver  
257 Mud creek  
Lamoine, ME 04605

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Wednesday, June 15, 2016 2:27 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I support the goal of the Unmanaged Forage Omnibus Amendment to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem. This action is needed to protect the structure and function of marine ecosystems in the Mid-Atlantic and to advance an ecosystem approach to fisheries management in the Mid-Atlantic. In this context, “unmanaged” refers to species not currently managed by the Mid-Atlantic, New England, or South Atlantic Fishery Management Councils, or the Atlantic States Marine Fisheries Commission.

**Name:** Walter Koda

**Email Address:** walter.koda@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

**Beaty, Julia**

---

**From:** Charlie Kreitler <charlie.kreitler@gmail.com>  
**Sent:** Tuesday, June 07, 2016 9:15 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged forage public hearing comments

To whom it may concern,

I'm writing to express support for the study of impact on commercial fishing for forage fish not currently regulated, and for the regulation of commercial harvest of these fish. While not high on the mind of the average public, these fish represent the lower rungs of the critical North Atlantic food web. Remove them from the seas in any significant quantity will have a magnified impact on the species dependent on these forage fish.

Please consider a moratorium on the harvest of these currently unmanaged species until better information is available about the impact of their harvest.

Regards,

Charlie Kreitler

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~~~~~

Charlie Kreitler  
12 Harborside Drive  
Milford, CT 06460  
203-283-5846 (h)  
203-545-4125 (c)  
Charlie.Kreitler@gmail.com

## Beaty, Julia

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**From:** Andrew Larson <andy@smartbiotech.net>  
**Sent:** Wednesday, June 08, 2016 4:07 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Andrew Larson  
16 Homestead Rd  
Middleboro, MA 02346

## Beaty, Julia

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**From:** Benjamin Lewis <Captcolt45@gmail.com>  
**Sent:** Monday, June 13, 2016 3:07 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Benjamin Lewis  
1405 Hemlock Drive  
Bainbridge, GA 39817

## Beaty, Julia

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**From:** Lewis, Robert <Robert.C.Lewis@morganstanley.com>  
**Sent:** Wednesday, June 08, 2016 9:50 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Omnibus Amendment

Julia,

As a follow up to my emails earlier this year, I would like to confirm my support for amendments 2B, 5B and 5DII. I am currently President of the Cape Cod Flyrodders and serve on the tournament committee at the Osterville Anglers Club. I am an avid fisherman and I do not support large scale exploitation of species such as false albacore, squid, sand eels, etc.

False Albacore have become a very important species for the light tackle/fly fishermen all along the east coast. I know the economic impact to these coastal towns is worth far more than commercial harvesting of said species. Squid and sand eels are very important forage for striped bass, bluefish, sea bass and fluke, which are the major species targeted by fishermen. We have witnessed firsthand the negative impact of wiping out an important baitfish.

### Bob Lewis CFP®

Senior Vice President  
Senior Portfolio Manager

NMLS # 1470297

### The Lewis Group Morgan Stanley Wealth Management

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Hyannis, MA 02601  
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800-347-8057 toll free

[robert.c.lewis@morganstanley.com](mailto:robert.c.lewis@morganstanley.com)

visit my website: <http://www.morganstanleyfa.com/lewisgroup>



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## Beaty, Julia

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**From:** Chris Lish <lishchris@yahoo.com>  
**Sent:** Friday, June 17, 2016 10:11 AM  
**To:** Beaty, Julia  
**Subject:** Please Pass Strong Protections for All Unmanaged Forage Species -- Unmanaged Forage Public Hearing Comments

Thursday, June 16, 2016

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

Subject: Please Pass Strong Protections for All Unmanaged Forage Species -- Unmanaged Forage Public Hearing Comments

Dear Mid-Atlantic Fishery Management Council members and staff,

Thank you for your commitment to protecting forage species. The Unmanaged Forage Amendment is a responsible plan to ensure that managers consider the impacts to the species, ecosystem, and economy before expanding existing fisheries or creating new ones. A robust forage base can help ensure abundant predator populations, a healthy Atlantic Ocean, and a thriving, sustainable fishing economy in our region. It is essential to examine the potential impacts before directed fishing occurs, especially when so little is known about the many forage species listed in the amendment. Your proactive work to create protections for these crucial species, and the ecosystem they support, sets an example for modern fisheries management.

*“Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method.”*

-- Theodore Roosevelt

Please keep the unmanaged forage amendment moving forward without delay, and pass the strongest protections for every species on the proposed list. They are all important prey for predators in our region and deserve protection.

*“As we peer into society’s future, we—you and I, and our government—must avoid the impulse to live only for today, plundering for our own ease and convenience the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.”*

-- Dwight D. Eisenhower

Chub mackerel has already become a large fishery, so the council should set a temporary cap on catch at the lowest level being considered and initiate full federal management now. For the other

species on the list, set a limit on the combined catch of these species for each fishing trip (without any loopholes that could allow the limit to be easily changed) that prevents large-scale fishing. The council should require a permit for retention of any listed species as well as detailed reporting. Finally, the council should review any proposals for additional fishing of species on the list, even on an experimental basis, and there must be full federal management in place before any large-scale fishing begins.

*“Every man who appreciates the majesty and beauty of the wilderness and of wild life, should strike hands with the farsighted men who wish to preserve our material resources, in the effort to keep our forests and our game beasts, game-birds, and game-fish—indeed, all the living creatures of prairie and woodland and seashore—from wanton destruction. Above all, we should realize that the effort toward this end is essentially a democratic movement.”*

*-- Theodore Roosevelt*

I appreciate your leadership in forage protections and urge the MAFMC to pass precautionary protections for all forage species under consideration. Please protect these valuable fish and the Atlantic Ocean ecosystems and coastal economies they support.

*“A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”*

*-- Aldo Leopold*

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,  
Christopher Lish  
San Rafael, CA

## Beaty, Julia

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**From:** Paul Long <paulmiguk@hotmail.com>  
**Sent:** Wednesday, June 01, 2016 7:16 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

Dear Mid-Atlantic Fisheries,

I am a recreational fisherman for over forty years. I have witnessed the decline of our forage fishery stocks, and the subsequent decline in apex feeders.

These fish provide a great economic benefit that far outweighs their value as feed stock, fertilizer, and other commercial uses with low economic returns to just a few.

I urge the Mid-Atlantic Council to act to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Sincerely,  
Paul Long

Paul Long  
30 Schoolhouyse Dr.  
Medford, NJ 08055

**Beaty, Julia**

---

**From:** Michael Maddalena <mikemad@thenethouse.com>  
**Sent:** Friday, June 17, 2016 3:18 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Please protect our unmanaged forage species as they are a very important part of the food chain. This is critical resource to protect.

Thank you.

USCG Capt. Mike Maddalena

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 10:39 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** we do not want any new fisheries developed without proper science and ecosystem consideration before harvesting begins.

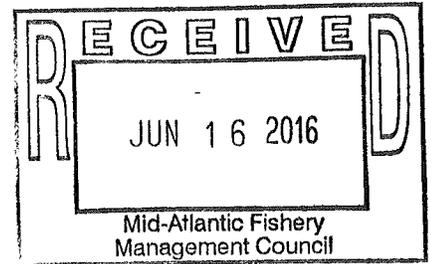
**Name:** Tim Maguire

**Email Address:** timm27@comcast.net

(Sent via [Mid-Atlantic Fishery Management Council](#))

11 Methyl Street  
Providence, RI 02906  
June 11, 2016

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



Re: Unmanaged Forage Omnibus Amendment

Dear Dr. Moore:

I hold a masters degree from Brown University in environmental studies and worked for 35 years for Audubon Society of RI, retiring as Senior Policy Director in December 2015. One area of interest is river herring populations for the ecosystem benefits they provide. I still count river herring on the Woonasquatucket River in Providence. I understand that river herring have a separate management plan.

I attended the hearing held on May 23 at URI, GSO, Narragansett, RI.

I write to support the amendment to manage forage species not currently managed. Providing a secondary or tertiary trophic level, they are a critical link for the populations of larger fish, often of commercial value, of birds, and of marine mammals. Because of their ecosystem importance, designating forage species will be a positive step in restoring the ocean fisheries.

1. I do not favor the no action alternative.
2. Designating incidental possession limits will be difficult to enforce. Net size could form the basis for a no-possession regulation.
3. Managing chub mackerel as a stock will be beneficial to restoration of fisheries. I favor the no-possession alternative 3Bi.
4. I favor 4C, Exempted Fishing Permit and 4Cii, because once a pattern of exploitation has been established it is harder to manage than if the management is part of the fishery from the beginning.
5. I support all of the alternatives and favor 5Cii, 5Dii, and all of the framework tools.

Fishing is important to the economy of Rhode Island both in commercial catch and recreation. These amendments should create greater abundance of larger fish.

Thank you for this opportunity to comment.

Cordially,

  
Eugenia Marks

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Wednesday, June 15, 2016 1:26 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I have fished off the New Jersey coast in in the Barnegat Bay for over 55 years and I have seen a constant decline in the number and size of fish in these waters. I attribute it to not only the large quotas set on commercial fisherman but also to the unregulated harvesting of so called bait fish. For years, even though the taking of striped bass was heavily regulated, they only came back in numbers when the rampant harvesting of menhaden was reduced. Direct correlation from an observer.  
Uncontrolled harvesting of fish of any kind will have a detrimental affect on the entire ecosystem. We are very quickly killing our oceans.

**Name:** Barry Matiez

**Email Address:** bmat26@aol.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** wjmccorm@gmail.com on behalf of john mccormick <pjmac1@comcast.net>  
**Sent:** Friday, June 17, 2016 8:16 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty

From Fluke to Mako Sharks, the bait fish that will be protected by this action are essential to all the gamefish we target. As it stands now, there are no catch limits on hundreds of species of fish at the bottom of the food chain. ***Your voice will send a message to our fisheries managers that we do not want any new fisheries developed without proper science and ecosystem consideration before harvesting begins.***

Without taking initiative, it is possible that large scale industrial fisheries could develop for species like sand eels, as they have in Europe, or bay anchovies (rain fish).

Yes, even our favorite light tackle superstar like **FALSE ALBACORE** could be netted up and sold for pennies per pound. Already, at least one new fishery in New Jersey is underway without management; millions of pounds of chub mackerel have been removed since 2013 without studying the species abundance and or establishing catch limits. This species is a key food source of tuna and sharks, and catch limits should be established before harvesting continues unchecked.

The Mid-Atlantic Fishery Management Council is soliciting **ANGLER INPUT** on a draft amendment to address management and conservation of Unmanaged Forage Species in the Mid-Atlantic.

The goal of the amendment is to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

## Beaty, Julia

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**From:** kmcder465@comcast.net  
**Sent:** Saturday, June 11, 2016 2:03 PM  
**To:** Beaty, Julia  
**Subject:** forage fish

Dr. Chris Moore ,  
No limit on the amount of pots. Coupled with an unlimited harvest quota , on minnows , crabs and other forage fish. This is taking place in New Jersey, including beautiful Jenkins sound in (Cape May co.). The water quality here is excellent, along with other conditions that would make up a very productive marine estuary. Yet, unlimited harvest is allowed to destroy the entire system. As you know, weakfish and other fish depend on the food chain within these estuaries. Please ensure that regulations are put in place, that will brighten the future of all of our marine resources .

Best,

Ken McDermott III  
[www.kensdock.com](http://www.kensdock.com)  
609.412.3811

## Beaty, Julia

---

**From:** Tm16may@aol.com  
**Sent:** Thursday, June 02, 2016 6:08 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Julia Beaty,

As a recreational fisherman I support the following;

The councils list of ecosystem component species as listed in the document with continued inclusion of False Albacore, Bullet Mackerel and Frigate.

Alternative 2B

Alternative 3Aii

Alternative 5B

Alternative 5Dii

It's all about the bait.

Thank you for your consideration

Thomas Melville  
Staten Island, NY

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Wednesday, June 08, 2016 5:38 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** how about some thought behind the process,, it wouldn't hurt.. in my older years now ,and its the same merry go round every time ,, I'm sorry my ancestors came down from the trees ,, or did the trees throw us out

**Name:** cb moran

**Email Address:** featherbayflyfishing@yahoo.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** jmoy.ospf@gmail.com on behalf of John Moy <jmoy@ospf.org>  
**Sent:** Wednesday, June 15, 2016 8:11 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Dear Mid-Atlantic Fishery Management Council:

Please do not create any new fisheries, or expand any existing fisheries, for unmanaged species unless and until scientific studies have been performed detailing the effects on the ocean ecosystem. Many of these species, such as sandeels, provide important forage for prized gamefish such as striped bass, bluefish and tuna.

Other of these species are prized sportfish themselves, such as false albacore.

I am a recreational angler on Nantucket, and without sandeels or false albacore, fishing on the island would just not be the same.

Thank you for your consideration,

John Moy

25 Eel Point Road

Nantucket, MA 02554

[jmoy@ospf.org](mailto:jmoy@ospf.org) (email)

617-784-1872 (cell)

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Sunday, June 12, 2016 10:36 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Thank you for taking steps to protect our forage fish. Of particular interest are chub mackerel. They are a very important food for our tuna, billfish, wahoo, and sharks and other fish as well as marine mammals. A depletion in the chub mackerel population would have a great impact on our offshore fisheries in the mid-Atlantic. Due to their importance to many other fisheries, the council should consider managing them based on a conservative, 10-year historical average.

Dr. Ken Neill, III  
IGFA Representative  
President, Peninsula Salt Water Sport Fisherman's Association, Inc.  
Associate Commissioner Virginia Marine Resources Commission

**Name:** Ken Neill

**Email Address:** jackcrevelle@msn.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Dave Nyberg <davenyberg@atlanticbb.net>  
**Sent:** Friday, June 17, 2016 5:34 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty, when I think of how the menhaden have been meted in the Chesapeake Bay it really saddens me. They are part of the food chain needed to preserve the bay. When will the senseless killing stop? David Nyberg

Sent from my iPhone

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 8:51 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I support the amendment is to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

In addition, as a frequent Recreational fisherman, the amount of byproduct left dead behind the trolling vessels is a complete unchecked disgrace to our environment. I see, on a weekly basis, miles of dead by catch floating behind these trawlers. It needs immediate attention.

**Name:** William OHern

**Email Address:** [billohern@verizon.net](mailto:billohern@verizon.net)

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Esme O'Kelly <Esme.okelly@gmail.com>  
**Sent:** Monday, June 13, 2016 3:43 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Esme O'Kelly  
2309 Seidenberg ave  
Key West, FL 33040

## Beaty, Julia

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**From:** doug olander <doug.olander@bonniercorp.com>  
**Sent:** Thursday, June 02, 2016 8:33 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
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- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

doug olander  
7665 clementine court  
#200  
orlando, FL 32819

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 14, 2016 1:21 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I cannot believe that the forage species harvest-mostly for cat food or fertilizer-has remained unregulated. These species are imperative to the survival of all game species and the entire marine food chain! I have personally experienced the reduction of harvestable edible marine fish due to the legal and illegal overharvesting of prey species-the second tier of the bottom of the food chain. All marine species must be MONITORED and their harvest studied to see the negative or positive impacts the takings affect the entire marine ecosystem. I would really like to catch a 'Keeper' Summer Flounder soon. I have caught hundreds of releases and two 'Keepers' in the last five years (I am 55); when I was sixteen I caught hundreds of 'Keepers'! in just one week! And the lack of forage fish for all the "Predators" is deplorable in the Sandy Hook area. The netters take them all!

**Name:** Paul Olinski

**Email Address:** pauloski1@msn.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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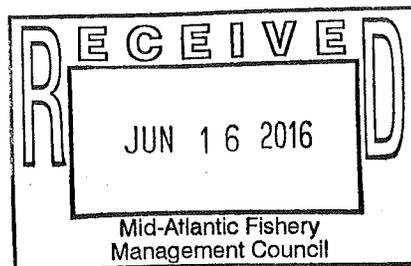
**From:** Militarybiz1 <militarybiz1@aol.com>  
**Sent:** Friday, June 17, 2016 3:09 PM  
**To:** Beaty, Julia  
**Subject:** Menhaden and other fish stocks

I live right on the shore of the Taunton River, ever since I can remember, the menhaden come in to spawn and they are netted up as quickly as they arrive. ARK bait routinely nets in the estuaries where they spawn, they also take herring, bass, bluefish in their nets. I watch them every morning when they are in the bay. This year, two schools of menhaden came in. Thats it. They were quickly scooped up. The boat is now gone, off to New Jersey I suppose to strip that area of their stocks. There is no limit, regulation or oversight with this industry. Yet this fish is the MOST important part of the food chain from the crabs to the bass to the bluefish and sharks. Also the Osprey who nest along the river. I watch them now, trying in vain to find menhaden to feed their chicks, and to no avail, there are no fish. Please enact laws protecting not only the menhaden stocks, but all fish and wildlife that depend on healthy stocks. Thank you

Michael O'Reagan

June 12, 2016

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



Dear Mr. Moore

When Europeans arrived in the Americas and saw the bounty of game and resources they quickly set out to take advantage of them to make their life "better". The problem is you can only take for so long before the structure of what you are taking from collapses. We have seen this happen again and again on our land as many of the game animals that originally inhabited the states disappeared. Then we cry out "why are we decimating our wildlife" and work to restore it. How do we do it? We start by providing habitat. With habitat comes forage necessary for the survival of larger game.

This did not just happen on land but at sea too. Most notably from the early days of this nation was the abundance of Whales (Sperm and Right whales) that inhabited our inshore waters. Cod, oysters, whiting, shad, just to name a few have also fallen victim to our greed. We decimated them like we did the land animals. Why was nothing done to restore them? Can something be done to restore them? Why were there so many whales and other gamefish in our waters?

They were there because the food was there. We can begin to restore the population by following the same lead our land managers used. Provide habitat. Habitat allows forage fish to grow. Forage fish are already present in our waters and if we leave them be they will proliferate and feed every other species of gamefish and mammals up the food chain, including the whales, including human beings.

Protecting our forage is essential to the health of our inshore and offshore ocean species just as the habitat is essential to our land species. Just because we can't see the fish swimming in the water like we can see the animals in the fields and woods around our homes doesn't mean we should turn a blind eye to their existence. We need them and as human beings we have a responsibility to their survival as a species. Forage fish are at the base of the food chain in the oceans. If we start breaking down the base everything on top will begin to collapse.

We know money can make us quickly forget what is really important. As industry finds uses for these forage fish like they have with Menhaden and others what chance will the base of this great structure have against their greed. It is imperative that we act now to protect our base, grow our habitat, and bring back the species that inhabited our great oceans when our forefathers walked the shores. Imagine the bounty of food we can get from a properly managed ocean. Imagine the recreational opportunities and jobs created with the increase in angling along our shores. Let's protect our valuable forage fish and make these dreams happen.

Thank you for listening to my concerns and the opportunity for me to voice them.

Sincerely

John Pagani  
570-421-3432  
john\_kayak@yahoo.com

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Wednesday, June 15, 2016 10:46 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** ANGLER INPUT on a draft amendment to address management and conservation of Unmanaged Forage Species in the Mid-Atlantic.

I understand that the goal of the amendment is to prohibit the development of new, and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem. Environmental impact studies must be done to insure that we maintain healthy numbers of all fish. Shame on you if our Mid-Atlantic Federal Waters unmanaged forage species (moss bunkers, etc) are lost due to your action.

**Name:** Joanne Pannone

**Email Address:** jpatmeadwbrook@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

---

**From:** Charley Pereira <ntsb409@gmail.com>  
**Sent:** Thursday, May 12, 2016 9:46 AM  
**To:** Beaty, Julia  
**Subject:** FW: Mid-Atlantic Fishery Management Council Unmanaged Forage Species Amendment Public Hearings

Hi Julia,

As a charter and commercial fisherman I think all forage species should be protected from overfishing, especially via high-volume methods such as large nets, draggers, etc. other than hand-thrown cast nets.

These forage species are vital to our fisheries for larger predators from inshore species like Spanish macks, bluefish, and cobia on up to offshore species like mahi, tuna, billfish, and sharks.

We used to have much better fishing up until the late 1990s and I'm convinced some of the decline is due to a decline in the availability of forage species due to overfishing and bottom damage/disturbance from large commercial net boats, draggers, etc.

We also need more bottom and mid-water structure such as artificial reefs, wrecks, FADs, towers, rigs, etc., to provide protected structure for such forage species and their micro-forage. Most of the structure we used to have from NC to MD where I fish has been eroded away and no longer marks much if anything on our sonars nowadays, even with our new, fancy CHIRP sonars. Hurricanes, corrosion, and dragger/net damage have probably combined to make this vertical relief and protected ecosystem structure go away. When I fish Florida and Louisiana with friends on vacations they have much more structure down there not only with their natural coral reefs but also their much better artificial reef and wreck construction programs, as well as the Gulf of Mexico oil rig platforms which are incredible FADs and ecosystem builders. If we could get at least windmill rigs and artificial reefs and wrecks placed offshore in the 180 to 600 ft depths then our forage species concentrations and offshore fishing would likely improve dramatically as it has down south in those states.

Thanks,

Capt. Charley Pereira  
Sushi Sportfishing, Inc.  
Island Boat Works, Inc.  
Southeastern Bluefin Tuna Association  
252-216-6291 cell  
[www.sushisf.com](http://www.sushisf.com)  
[charley@sushisf.com](mailto:charley@sushisf.com)  
[www.facebook.com/sushisportfishing](http://www.facebook.com/sushisportfishing)

**NC Address:**

4023 W Soundside Rd  
PO Box 96  
Nags Head, NC 27959

**DC Address:**

4616 Argyle Terr NW  
Washington, DC 20011

---

**From:** Batsavage, Chris [mailto:chris.batsavage@ncdenr.gov]  
**Sent:** Wednesday, May 11, 2016 11:34 AM  
**To:** Charley Pereira  
**Subject:** RE: Mid-Atlantic Fishery Management Council Unmanaged Forage Species Amendment Public Hearings

Yes, you can email comments to Julia Beaty, Fishery Management Specialist, at [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org) (please include "unmanaged forage public hearing comments" in the subject line). The webinar is open for public comments as well and can be accessed via the Internet or you can call the conference line set up for the webinar to listen and comment.

The webinar link is [http://mafmc.adobeconnect.com/forage\\_public\\_hearing/](http://mafmc.adobeconnect.com/forage_public_hearing/) and the conference line number is **1- 800-832-0736, room number 5068871**

Thanks,

Chris

\*\*\*\*\*

Chris Batsavage  
Special Asst. for Councils/Protected Resources Section Chief  
NC Division of Marine Fisheries  
NC Department of Environmental Quality  
(252) 808-8009 (Office)  
(252) 241-2995 (Mobile)  
(252) 726-0254 (Fax)  
[Chris.Batsavage@ncdenr.gov](mailto:Chris.Batsavage@ncdenr.gov)

3441 Arendell St.  
P.O. Box 769  
Morehead City, NC 28557



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**From:** Charley Pereira [mailto:ntsb409@gmail.com]  
**Sent:** Wednesday, May 11, 2016 10:47 AM  
**To:** Batsavage, Chris <[chris.batsavage@ncdenr.gov](mailto:chris.batsavage@ncdenr.gov)>  
**Subject:** RE: Mid-Atlantic Fishery Management Council Unmanaged Forage Species Amendment Public Hearings

Thanks Chris. Can we email comments or speak via the webinar online or conference call?

Capt. Charley Pereira  
Sushi Sportfishing, Inc.

Island Boat Works, Inc.  
Southeastern Bluefin Tuna Association  
252-216-6291 cell  
[www.sushisf.com](http://www.sushisf.com)  
[charley@sushisf.com](mailto:charley@sushisf.com)  
[www.facebook.com/sushisportfishing](http://www.facebook.com/sushisportfishing)

**NC Address:**

4023 W Soundside Rd  
PO Box 96  
Nags Head, NC 27959

**DC Address:**

4616 Argyle Terr NW  
Washington, DC 20011

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**From:** Batsavage, Chris [<mailto:chris.batsavage@ncdenr.gov>]  
**Sent:** Wednesday, May 11, 2016 10:41 AM  
**To:** 'rom@hatterasrelease.com'; David Wilson ([dave@godspeedcharters.com](mailto:dave@godspeedcharters.com)); [andy.piland@gmail.com](mailto:andy.piland@gmail.com); 'stolat12@aol.com'; Charles Foreman ([cqforeman@yahoo.com](mailto:cqforeman@yahoo.com)); Patrick Caton <[info@littleclam.com](mailto:info@littleclam.com)>; [jim@fishpiratescove.com](mailto:jim@fishpiratescove.com); [fin@qualifiercharters.com](mailto:fin@qualifiercharters.com); [billy@tunafever.com](mailto:billy@tunafever.com); [Charley@SushiSF.com](mailto:Charley@SushiSF.com)  
**Cc:** Batsavage, Chris  
**Subject:** Mid-Atlantic Fishery Management Council Unmanaged Forage Species Amendment Public Hearings

Hi All,

The Mid-Atlantic Fishery Management Council will hold seven public hearings in May and June 2016 to solicit public input on the Unmanaged Forage Omnibus Amendment. The Council is also soliciting written comments on the amendment through 11:59 pm on Friday June 17, 2016. The goal of this amendment is to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem. Attached is the public hearing document for this amendment. Table 3 on pages 16 and 17 list the species under consideration, which includes fish such as anchovies, silversides, round herring, scaled sardine, Spanish sardine, Atlantic thread herring, ballyhoo, halfbeaks, and false albacore. The document also includes southern management unit boundary options at either the VA/NC border or at Cape Hatteras (page 44).

Below is the meeting schedule. Hearing locations closest to you are Washington, NC and Virginia Beach, VA. There is also a webinar hearing scheduled in case you are unable to attend one of the hearings.

1. **Tuesday May 17, 2016. 6:00 pm – 7:30 pm.** — North Carolina Department of Marine Fisheries Washington Regional Office Hearing Room. 943 Washington Street, Washington, NC, 27889. Telephone: 252-946-6481.
2. **Wednesday May 18, 2016. 6:30 – 8:00 pm.** — Hilton Virginia Beach Oceanfront. 3001 Atlantic Avenue, Virginia Beach, VA, 23451. Telephone: 757-213-3000.

3. **Thursday May 19, 2016. 6:30-8:00 pm.** — Stockton Seaview Hotel and Golf Club. 401 South New York Road, Galloway, NJ 08205. Telephone: 855-894-8698.
4. **Monday May 23, 2016. 6:00 pm – 7:30 pm.** — University of Rhode Island Bay Campus Corless Auditorium. 215 South Ferry Road, Narragansett, RI, 02882. Telephone: 401-874-6222.
5. **Tuesday May 24, 2016. 6:30 pm – 8:00 pm.** — New York Department of Environmental Conservation Bureau of Marine Resources Hearing Room. 205 North Belle Mead Ave, Suite 1, East Setauket, NY, 11733. Telephone: 631-444-0430.
6. **Monday June 6, 2016. 6:30 – 8:00 pm.** — Hilton Suites Oceanfront. 3200 North Baltimore Avenue, Ocean City, Maryland, 21842. Telephone: 410-289-6444.
7. **Wednesday June 8, 2016. 6:30 pm – 8:00 pm.** — Webinar. [Click here for connection details.](#)

**Written comments may be sent through mail, email, or fax through 11:59 pm on Friday June 17, 2016.**

- **Mail** to Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE, 19901 (please write “unmanaged forage public hearing comments” on the outside of the envelope.)
- **Fax** to Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council at 302-674-5399 (please write “unmanaged forage public hearing comments” in the subject line.)
- **Email** to Julia Beaty, Fishery Management Specialist, at [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org) (please include “unmanaged forage public hearing comments” in the subject line.)
- **Online** at <http://www.mafmc.org/comments/unmanaged-forage-amendment-comments>

The Council will consider the public’s comments and testimony at its August 2016 Council Meeting in Virginia Beach, VA, when it will take final action on this amendment. The hearings and public comment period will be the last opportunities to provide input on the potential management measures for unmanaged forage species in the Mid-Atlantic region before the Council meeting on August 8-11. Please let me know if you have any questions and please pass this along to anyone else who might be interested.

Thanks,

Chris

\*\*\*\*\*

Chris Batsavage  
 Special Asst. for Councils/Protected Resources Section Chief  
 NC Division of Marine Fisheries  
 NC Department of Environmental Quality  
 (252) 808-8009 (Office)  
 (252) 241-2995 (Mobile)  
 (252) 726-0254 (Fax)  
[Chris.Batsavage@ncdenr.gov](mailto:Chris.Batsavage@ncdenr.gov)

3441 Arendell St.  
P.O. Box 769  
Morehead City, NC 28557



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North Carolina Public Records Law and may be disclosed to third parties*

## Beaty, Julia

---

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 11:58 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Thank you for your role in assisting in assessing the value of managing “ Unmanaged forage fish” . With the stress on the forage species that are “ managed” like menhaden, all other forage for the ocean food chain need to be protected from commercial fishing until critical scientific assessments are completed. Ecological reference points need to be established taking into consideration all biological needs for the species. Menhaden is a great example of a species that was harvested unmanaged. It now exists at a level that is 5% of its historical levels. They are purse seined even today without an Ecological Reference point, leaving few in the ocean for Ocean mammals, sea birds, and predator fish, that are harvested by fishermen of all types. Please don't allow other species to become irrelevant to any other needs, than Human needs. We need to do the right thing and protect and improve what remains of our wild oceans. Water quality and food for all species is absolutely essential to the health of our ocean environment. Thanks for your consideration to be a strong advocate for proper forage fish management. Stuvye

**Name:** Rutherford Pierrepont

**Email Address:** [stuvye.pierrepont@marsh.com](mailto:stuvye.pierrepont@marsh.com)

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

---

**From:** Daniel Potrepka <dan.potrepka@starpower.net>  
**Sent:** Wednesday, June 01, 2016 3:42 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Daniel Potrepka  
810 Daleview Drive  
N/A  
Silver Spring, MD 20901

## Beaty, Julia

---

**From:** Tracey Preston <tpreston24@gmail.com>  
**Sent:** Tuesday, June 14, 2016 10:27 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Tracey Preston  
11420 US HWY 1  
STE 118  
North Palm Beach, FL 33408

---

**Beaty, Julia**

**From:** bob pride <bobpride@gmail.com>  
**Sent:** Monday, June 13, 2016 11:19 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments  
**Attachments:** PrideForageManagementOptions.pdf

Julia,

I have attached a copy of the options pages from the PID. The highlighted option are those I prefer and recommend.

In addition, I would prefer that chub be managed with a 900,127 pound (or less) catch limit.

**Bob Pride**

11 Rivercrest Dr.  
Poquoson Va 23662  
[757-675-5010](tel:757-675-5010)

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Table 1. Summary of all management alternatives for the chub mackerel forage fishery.

| Issue                                                                             | Alternative                                                                                                                                     | Sub-Alternative                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1: No action                                                                      | 1: No Action                                                                                                                                    | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2: Alternatives for species other than chub mackerel                              | 2A: Designate forage species (other than chub mackerel) as Ecosystem Components (ECs) and prohibit possession                                   | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                   | 2B: Designate forage species (other than chub mackerel) as ECs and implement an incidental possession limit                                     | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                   | 3A: Manage chub mackerel as an EC                                                                                                               | <p>3Ai: Prohibit possession once an annual fishery-wide landings limit is met</p> <p>3Aii: Enforce an incidental possession limit once an annual fishery-wide landings limit is met</p> <p>3Bi: Prohibit possession once an annual fishery-wide landings limit is met</p> <p>3Bii: Enforce an incidental possession limit once an annual fishery-wide landings limit is met</p> <p>3Ci: Prohibit possession once an annual fishery-wide landings limit is met</p> <p>3Cii: Enforce an incidental possession limit once an annual fishery-wide landings limit is met</p> |
| 3: Alternatives for chub mackerel                                                 | 3B: Manage chub mackerel as a stock in the fishery                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                   | 3C: Manage chub mackerel as neither an EC nor a stock in the fishery through the Council's discretionary authority under MSA Section 303(b)(12) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                   | 4A: No action on new fisheries and expansion of existing fisheries                                                                              | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                   | 4B: No new or expanded fisheries for EC species                                                                                                 | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4: New fisheries and expansion of existing fisheries for unmanaged forage species | 4C: Require Exempted Fishing Permit (EFP) prior to development of new or expansion of existing fisheries for ECs                                | 4Ci: Status quo EFP process<br>4Cii: New policy for Council review of EFP applications relating to ECs                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                   | 4D: Consideration of stock in the fishery designation prior to new fisheries or expansion of existing fisheries for ECs                         | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

Table 1, continued: Summary of draft management alternatives.

| Issue                                | Alternative                                                                                                                                                                                  | Sub-Alternative                                                                                                                                                                                                        |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5:<br>Administrative<br>alternatives | 5A: Update list of fisheries and authorized gear types (50 CFR 600.725)                                                                                                                      | --                                                                                                                                                                                                                     |
|                                      | 5B: Require GARFO permit for possession of EC species                                                                                                                                        | --                                                                                                                                                                                                                     |
|                                      | 5C: Monitoring /reporting                                                                                                                                                                    | 5C <i>i</i> : Develop a process that provides the Council with data on landings of EC species in its jurisdiction<br>5C <i>ii</i> : Add EC species to required reporting mechanisms (e.g. SAFIS, VTRs)                 |
|                                      | 5D: Management unit                                                                                                                                                                          | 5D <i>i</i> : Federal waters, bounded by seaward lines extending from CT/NY boundary and VA/NC boundary<br>5D <i>ii</i> : Federal waters, bounded by seaward lines extending from CT/NY boundary and Cape Hatteras, NC |
| 5E: Frameworkable items              | 5E <i>i</i> : List of EC species<br>5E <i>ii</i> : Possession limits and landings limits<br>5E <i>iii</i> : Spatial and seasonal closures<br>5E <i>iv</i> : Recreational fishing regulations |                                                                                                                                                                                                                        |

## Beaty, Julia

---

**From:** Jean Public <jeanpublic1@yahoo.com>  
**Sent:** Monday, May 02, 2016 4:42 PM  
**To:** Beaty, Julia; INFO@PEWTRUSTS.ORG; INFORMATION@SIERRACLUB.ORG  
**Cc:** INFO@PEER.ORG; INFO@PETA.ORG; INFO@FOA.ORG; INFO@COK.NET  
**Subject:** Fw:PUBLIC comment ON FEDERAL REGISTER

SEEMS LIKE A VERY VERY EXPENSIVE WAY TO GET PUBLIC COMMENT, PARTICULARLY WHEN YOU HAVE SET THESE MEETING IN FISH COMMUNITIES, WHEN THE FISH BELONG TO ALL THE PEOPLE IN THE USA. I SEE NO MEETINGS IN NYC OR ANY METROPOLITAN AREA WHERE YOU CAN GET GENERAL COMMENT FROM AVERAGE CITIZENS OF THE USA WHO DONT MAKE THEIR MONEY FROM COMMERCIAL FISHING. YOU HAE SKEWED THE PUBLIC COMMENT TO LET COMMERCIAL FISHERS CONTIUE TO RULE THE ROOST, HAVENT YOU? I AM WRITING TO SAY THAT I AM IN FAVOR OF PROHIBITING ALL DEVELOPMENT OF ANY EPANSION OF EXISTING COMMERCIAL FISHERY ON UNMANAGED FORAGE SPECIES. I ALSO FAVOR 50% QUOTA REDUCTION IN ALL SPECIESL YOU MANAGE. YHOU ARE MANAGING FOR EXTINCTION OF FISH SPECIES. YOU ARE STEALING FROM OUR CHILDREN. THIS COMMENT IS FOR TH EPUBLIC RECORD. PLEASE RECEIPT. JEAN PUBLIEE JEANUBLIC1@YAHOO.COM

> Federal  
> Register Volume 81, Number 84 (Monday, May 2, 2016)] [Notices] [Pages  
> 26210-26211] From the Federal Register Online via the Government  
> Publishing Office [www.gpo.gov] [FR Doc No: 2016-10237]  
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> DEPARTMENT OF COMMERCE  
>  
> National Oceanic and Atmospheric Administration  
>  
> RIN 0648-XE602  
>  
>  
> Mid-Atlantic Fishery Management Council (MAFMC); Public Hearings  
>  
> AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and  
> Atmospheric Administration (NOAA), Commerce.  
>  
> ACTION: Notice; public hearings.  
>  
> -----  
> -  
>  
> SUMMARY: The Mid-Atlantic Fishery Management Council  
> (Council) will  
> hold seven public hearings in May and June 2016 to solicit public  
> input on the Unmanaged Forage Omnibus Amendment. The Council is also  
> soliciting written comments on the amendment through 11:59 p.m. on

- > Friday, June 17, 2016. The goal of this amendment is to prohibit the
- > development of new and expansion of existing directed commercial
- > fisheries on unmanaged forage species in Mid-Atlantic Federal waters
- > until the Council has had an adequate opportunity to both assess the
- > scientific information relating to any new or expanded directed
- > fisheries and consider potential impacts to existing fisheries,
- > fishing communities, and the marine ecosystem.
- >
- > DATES: The public hearings will be held between May 17, 2016 and June
- > 8, 2016. The dates and times of each hearing are listed in the
- > SUPPLEMENTARY INFORMATION section.
- >
- > ADDRESSES: Addresses for written comments: Written comments may be
- > sent through mail, email, or fax through 11:59 p.m. on Friday, June
- > 17, 2016. Comments may be mailed to: Dr. Chris Moore, Executive
- > Director, Mid-Atlantic Fishery Management Council, 800 North State
- > Street, Suite 201, Dover, DE 19901. Comments may be faxed to: Dr.
- > Chris Moore, Executive Director, Mid-Atlantic Fishery Management
- > Council at fax number (302) 674-5399. Comments may be emailed to Julia
- > Beaty, Fishery Management Specialist, at [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org).
- > If sending comments through
- > the mail, please write "unmanaged forage public hearing comments" on
- > the outside of the envelope. If sending comments through email or fax,
- > please write "unmanaged forage public hearing comments" in the
- > subject line.
- > Council address: Mid-Atlantic Fishery Management Council, 800 N.
- > State Street, Suite 201, Dover, DE 19901; telephone:
- > 302-674-2331; Web
- > site: [www.mafmc.org](http://www.mafmc.org).
- >
- > FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D.,
- > Executive Director, Mid-Atlantic Fishery Management Council,
- > telephone: 302-526-
- > 5255. More information, including background materials, will be posted
- > at [www.mafmc.org/actions/unmanaged-forage](http://www.mafmc.org/actions/unmanaged-forage).
- >
- > SUPPLEMENTARY INFORMATION: The Council will hold seven public
- > hearings.
- > The dates, times, and locations are listed below:
- > 1. Tuesday, May 17, 2016, 6 p.m.-7:30 p.m., North Carolina
- > Department of Marine Fisheries Washington Regional Office Hearing
- > Room,
- > 943 Washington Street, Washington, NC 27889; telephone:
- > (252) 946-6481.
- > 2. Wednesday, May 18, 2016, 6:30-8 p.m., Hilton Virginia Beach
- > Oceanfront, 3001 Atlantic Avenue, Virginia Beach, VA 23451;
- > telephone:
- > (757) 213-3000.
- > 3. Thursday, May 19, 2016, 6:30-8 p.m., Stockton Seaview Hotel and
- > Golf Club, 401 South New York Road, Galloway, NJ 08205;
- > telephone:
- > (855) 894-8698.

- > 4. Monday, May 23, 2016, 6 p.m.-7:30 p.m., University of Rhode Island Bay Campus Corless Auditorium, 215 South Ferry Road, Narragansett, RI 02882; telephone: (401) 874-6222.
- > 5. Tuesday, May 24, 2016, 6:30 p.m.-8 p.m., New York Department of Environmental Conservation Bureau of Marine Resources Hearing Room, 205 North Bell Mead Road, Suite 1, East Setauket, NY 11733; telephone: (631) 444-0430.
- > 6. Monday, June 6, 2016, 6:30-8 p.m., Hilton Suites Oceanfront, 3200 North Baltimore Avenue, Ocean City, Maryland 21842; telephone: (410) 289-6444.
- > 7. Wednesday, June 8, 2016, 6:30 p.m.-8 p.m., Webinar.
- > Information
- > on how to connect to the webinar will be available on the events page of the Council Web site: [www.mafmc.org/council-events/](http://www.mafmc.org/council-events/).
- > The goal of the Unmanaged Forage Omnibus Amendment is to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem. This action is needed to protect the structure and function of marine ecosystems in the Mid-Atlantic and to advance an ecosystem approach to fisheries management in the Mid- Atlantic. In this context, "unmanaged"
- >
- > [[Page 26211]]
- >
- > refers to species not currently managed by the Mid-Atlantic, New England, or South Atlantic Fishery Management Councils, or the Atlantic States Marine Fisheries Commission. The Council has proposed a range of management alternatives to meet the goal of the amendment. The Council is seeking public comment on these alternatives. More information on the amendment and the management alternatives can be found in the Public Hearing Document, which will be posted to: <http://www.mafmc.org/actions/unmanaged-forage>.
- >
- > Special Accommodations
- >
- > These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the hearing date.
- >
- > Dated: April 27, 2016.
- > Jeffrey N. Lonergan,
- > Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
- > [FR Doc. 2016-10237 Filed 4-29-16; 8:45 am] BILLING CODE 3510-22-P
- >
- >

>

## Beaty, Julia

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**From:** Carolyn Rader <chrader@bellsouth.net>  
**Sent:** Wednesday, June 08, 2016 7:08 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Carolyn Rader  
1801 Coventry Road  
Decatur, GA 30030

## Beaty, Julia

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**From:** Connor Record <crecord20@gmail.com>  
**Sent:** Thursday, June 02, 2016 5:36 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Connor Record  
county route 61  
Greenwich, NY 12834

## Beaty, Julia

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**From:** Richard Redler <richredler@verizon.net>  
**Sent:** Wednesday, June 01, 2016 6:39 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I congratulate the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation. Here are the Unmanaged Forage Omnibus Amendment alternatives that I support.

- ◆ 2B:
- ◆ 3Bii:
- ◆ 4C & 4Cii:
- ◆ 5A, 5B, 5Ci, 5Cii & 5Dii:

In closing, I wish to thank the Mid-Atlantic Council for its leadership in managing the prey base on an ecosystem wide basis safeguarding the long term sustainability of our fisheries. .

Richard Redler  
2801 Mansway Drive  
Herndon, VA 20171

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 11:16 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** As an environmentalist and avid catch and release flyfisherman out of Watch Hill RI and Montauk, NY..I am extremely passionate about our management and protection of all of the various forage fisheries along the Atlantic coastline. Everything in our power must be done to fully understand the various fisheries from sand eels and anchovies to the largest of species and then, and only then, make decisions on how they are to be managed with thoughtful consideration as to the health and future of all of the species by both natural and human predation.

We have seen far too many fisheries come under eminent extinction by lack of foresight and management and I can only hope that the he Mid-Atlantic Fishery Management Council will take the appropriate measures to manage our forage fishery in a mindful and overly conservative way.

Best regards,  
Michael Rich

**Name:** Michael Rich

**Email Address:** mjradvisors@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

**Beaty, Julia**

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**From:** James Riggs <jr5743@gmail.com>  
**Sent:** Thursday, June 09, 2016 9:47 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Julie,

Attended the public hearing in RI and support 2A-3Ai and 4B....Thank you for giving nature a chance...JR

## Beaty, Julia

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**From:** Linda Riggs <linda02891@gmail.com>  
**Sent:** Wednesday, June 15, 2016 4:18 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing

Julie-

I attended the public hearing in RI and support 2A - 3Ai and 4B.

Linda Riggs

## Beaty, Julia

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**From:** Al Ristori <cristori@aol.com>  
**Sent:** Friday, June 17, 2016 4:21 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged forage fish public hearing comments

As a member of the original Mid-Atlantic Fishery Management Council, I urged management of all species, including forage fish, because the language of the Magnuson-Stevens Act states that the council should manage all species within their area. In those days it was hard enough to even get the council to start management plans for summer flounder, bluefish and sharks. Though forage continues to be ignored in management plans for other species, as if they all have sufficient forage, this approach to prevent large scale commercial exploitation without management seems to be a major step forward.

Al Ristori  
Saltwater Fishing, The Star-Ledger, Newark, N.J.  
Conservation editor, The Fisherman magazines  
Regional editor, Salt Water Sportsman

## Beaty, Julia

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**From:** nate root <root.nate@gmail.com>  
**Sent:** Friday, June 17, 2016 4:08 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Just wanted to give an opinion on the lack of management for bait fish around our atlantic coastline. Each year i seem to hear more stories all commercial fishermen who Target more and more Bait fish because other fish are less plentiful in the area. I am writing to tell you to consider stricter management of these practices and hope that you can help us save our Bait fish and save our ecosystem.

Thank you for your time

Nate Root  
9782233557

**Beaty, Julia**

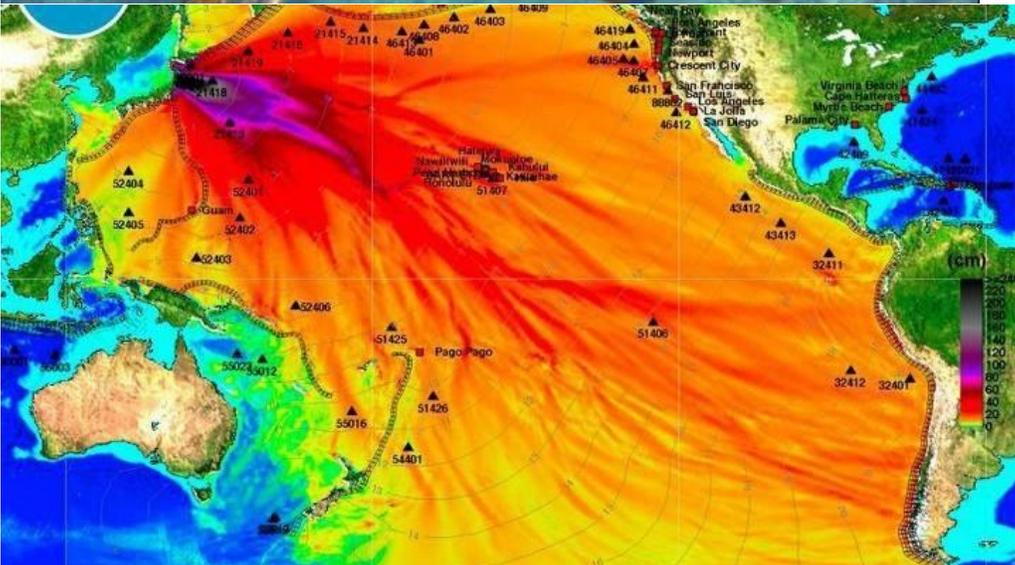
**From:** Dd <scala.sarah@gmail.com>  
**Sent:** Monday, May 23, 2016 2:11 PM  
**To:** Beaty, Julia  
**Attachments:** image1.JPG; ATT00001.txt; image2.JPG; ATT00002.txt

Dear Julia Beaty,

Please, the Pacific Ocean is broken due to Thailand's overfishing, plastic pollution and Fukushima emission and leaking. We only have Atlantic ocean left. PLEASE PROTECT OUR OCEAN  
THANK YOU VERY MUCH AND SORRY FOR MY BAD ENGLISH.

Sarah.

(Here pictures of Fukushima effects)



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**Beaty, Julia**

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 7:24 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments  
**Comments:** Please protect our forage species, they deserve a voice too.

**Name:** Andrew Scanlon

**Email Address:** scanman5@hotmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

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**Beaty, Julia**

**From:** scan man <scanman5@hotmail.com>  
**Sent:** Tuesday, June 07, 2016 7:26 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged forage species public hearing comments  
Please protect our forage species, without them, there will be little life in our oceans. Thank you,  
Andrew Scanlon  
48 Broadway  
Freehold, NJ 07728

## Beaty, Julia

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**From:** James Scarcella <nrpa2@aol.com>  
**Sent:** Friday, June 17, 2016 5:39 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged forage public hearing comments

Please take every step of scientific study and ecosystem considerations before allowing harvest and takings of baitfish and other important species in the marine and estuary environments .

Currently these species are subject to abuse and greed , and there is no way to predict their ultimate fate. Throw in climate change , and these northeast Atlantic denizens could disappear in our lifetime .

Thank you for the work you to protect fisheries and the marine ecosystem

James Scarcella  
400 Delaware Ave  
Staten Island NY 10305

Sent from my iPhone

## Beaty, Julia

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**From:** John <flytroutfish@yahoo.com>  
**Sent:** Friday, June 17, 2016 4:07 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty, Just want to let you know that the unmanaged forage species are as important as the managed species! Without the forage ,the game fish and food fish can't survive! It's not right to allow all these forage fish to be netted and sold for pennies a pound! Sold for non food reasons! The fish that feed on the forage need your help in protecting their food source!

Thanks  
John Scelfo

Sent from my iPhone

## Beaty, Julia

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**From:** Julie Schiowitz <alajuliego@aol.com>  
**Sent:** Friday, May 20, 2016 3:17 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Please protect our oceans from overfishing and pollution. It is imperative that steps are taken to protect fish populations for future generations. We must do all we can, and hold those that profit from illegal, irresponsible, and overfishing accountable.

Thank you,

Julie Schiowitz

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Saturday, June 18, 2016 4:09 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I am in favor of this amendment. As a recreational fisherman, with an interest in ocean resources and the environment, I am well aware of the importance of ALL aspects of the food chain. We simply CANNOT over-fish our resources, we need proper scientific analysis to determine a sustainable level of harvest. Please make sure we do not destroy our fisheries.

Thank you,  
Sam Schneider

**Name:** Sam Schneider

**Email Address:** dearsirsam@hotmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 10:18 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Hello,

It is necessary that we prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

Over fishing of key food sources can and will directly impact the entire marine food web.

Thank you for your consideration,

Michael Scorzelli

**Name:** Michael Scorzelli

**Email Address:** [michaelscorzelli@gmail.com](mailto:michaelscorzelli@gmail.com)

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Hugh Schultz <hschultz@schultzlures.com>  
**Sent:** Saturday, June 18, 2016 7:21 AM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Please prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

Thank You  
Hugh Schultz (a concerned sport fisherman)  
1914 Wheelock road  
Sutton Vermont  
05867

## Beaty, Julia

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**From:** Mitchell Sewell <j.mitchellsewell@gmail.com>  
**Sent:** Friday, June 17, 2016 3:25 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty,

I am contacting you today as a concerned angler. I urge you to protect the unmanaged forage species that are vitality important to a healthy ecosystem. These same species support the fisheries that provide recreation, food, and income to so many anglers and those services and retail businesses that depend upon a healthy ecosystem.

Please stop the development and expansion of commercial fisheries on unmanaged forage species until there is complete understanding of the impact such activities will have upon the health of our fisheries and their impact upon the recreation and businesses that depend upon a healthy balance and forage base.

Thank you for your cooperation and understanding, John M. Sewell  
31 Foxwood Ct.  
Bedminster, NJ 07921

Preferred Voice: 908 234 1566  
Preferred Text: 908 938 7570

## Beaty, Julia

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**From:** Judy Shaw <jauershaw@gmail.com>  
**Sent:** Friday, June 17, 2016 3:15 PM  
**To:** Beaty, Julia  
**Subject:** Protect Unmanaged Forage Species

Hello Julia Beaty,

Please work now to protect the unmanaged forage species that support our Raritan fishery. We need you to stand up for us and for those species that cannot speak in their own defense.

Thank you and Godspeed,  
Judy Shaw, PhD, AICP  
Rutgers, retired

Sent from my iPhone

(330) 412-1449

## Beaty, Julia

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**From:** margaret silver <cattleya@comcast.net>  
**Sent:** Wednesday, June 01, 2016 2:48 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

margaret silver  
1829 sea oats drive  
atlantic beach, FL 32233

## Beaty, Julia

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**From:** Ron Silver <rhinopias@comcast.net>  
**Sent:** Wednesday, June 01, 2016 2:48 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

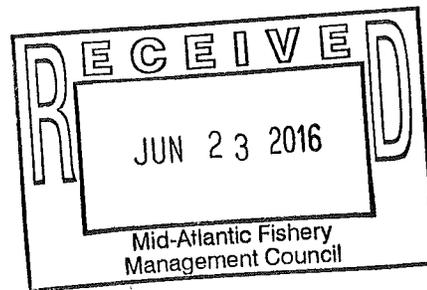
These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Ron Silver  
1829 Sea Oats Drive  
Atlantic Beach, FL 32233

Director Chris Moore  
MAFMC  
800 North State Street  
Suite 201  
Dover, DE 19901



Dear Director Moore,

I have some concerns about how the council is going ahead on the amendment with more than a few unanswered questions. I hope you will provide answers before you go to a vote on this topic.

What has the council done about any kind of TRANSIT PROVISIONS? Even though the actual management area has not even been made final as you may choose to go outside of your range, what are you thinking about:

What will happen when boats catch any of the listed proposed species outside of your chosen box and need to transit thru this area to get to the port where they unload??

What about guys that will enter the yet unknown management area with some of the possible list of forage fish that have been BOUGHT for bait or CAUGHT for bait inside of STATE waters which you have chosen to avoid any management even though you are considering extending your reach into the South Atlantic ??

What is going to be the method of collecting new data on fish that have no data? If you are thinking the Bigelow is the answer I am pretty sure you are mistaken. If you restrict commercial, observed fishing, who will give the council info on the possible new fisheries?

How is it that the council can even consider taking final action when "WE HAVEN'T REALLY EVEN LOOKED AT THE SCIENCE OF FORAGE FISH" according to Miss Beatty? What does that even mean? Haven't looked at the science? Final action in August? Straight face test? There is no way this should happen! Is Chairman Robbins so hell bent on a forage fish feather in his cap to scare the rest of the council members into a final action before his last day? With no look at science? Talk about passing Vice Chairman Murrays straight face test, no way.

When are you council members going to look at the public comments for the scoping hearings? You don't have anything scheduled before your august meeting. Maybe you can spend a few minutes just prior to your final action vote, which will certainly be before august 10<sup>th</sup> Chair Robins last day to answer a lot of questions and change the amendment without more public say on the outcome. Or maybe you can just wing it at the last second and forget about transparency altogether. Or maybe you will have a AP meeting and Chairman Elliot will have a committee meeting and give the full council a report in august and then vote in October. Rubber stamp in action! God forbid you delay the final action one meeting. The public knows when it is being railroaded. So who is going to be the engineer driving the runaway train? Is it Chairman Robbins? Director Moore? Chairman Eliot? Or the whole council? If you decide wrongly to take your final action in august, make sure it is a roll call vote. The public has a right to know how it all went.

So when I go marlin fishing with my neatly sewn forage fish baits, or longlining for mahi mahi with thread herring for bait, or flycasting for albacores, I will know who to thanks for a half done job.

Jeff Simon  
F/V Destroyer  
Fortesque, NJ

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Wednesday, June 08, 2016 7:56 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** manage to endure for fututr generations.

**Name:** walt sloan

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

## **REF: Unmanaged Forage Species Public Hearing Input**

Dear Chairman Robins and Executive Director Moore:

I wish to compliment the Mid-Atlantic Fishery Management Council, (MAFMC) for being pro-active on the subject to protect unmanaged forage species in the Mid-Atlantic Region; for too long we have waited to react after a problem comes to light. Forage fish play a very important role in the marine ecosystem. They are the basic food source for the majority of the larger marine species. I support the MAFMC in trying to prohibit development in new or expanding existing unmanaged species until scientific data can be made available to ensure the ecosystems sustainability. We must manage and protect these forage species to protect our ecosystem. By protecting this primary food source, we are ensuring there is ample food for the larger species that we rely on for both commercial and recreational fisheries. We are also protecting our area to ensure the sustainability of our region for our future.

### **Species List:**

I support the inclusion of the full list included in Table 3 in the Unmanaged Forage Omnibus Amendment Public Hearing Document. I also recommend the MAFMC to continue to include false albacore, bullet mackerel, and frigate mackerel because of their important role as forage to large predators, as well as the importance of False Albacore as a game fish in the region. False albacore has an important role in our ecosystem. Besides being a food source for larger pelagic species, false albacore provides an enormous money generating opportunity for coastal communities when the species occur in large numbers near our inshore waters throughout our region.

**Alternative 2Bi and ii:** Designate unmanaged forage as an Ecosystem Component Species and implement an incidental possession limit, with a 1700-pound total cap and a 1500-pound cap on individual species.

**Justification:** Incidental possession allows flexibility for fisheries to continue to operate as they are at this time. The proposed limited limits were derived through conversations at the Council, Committee, and AP level and represent a level of catch that will not burden already existing fisheries which interact with the species on the list, and are consistent with the Council's intent to prevent the development of new or expansion of existing fisheries.

**Alternative 3Aii:** Manage chub mackerel as an Ecosystem Component Species, and enforce an incidental possession limit after an annual fishery-wide landings limit is met. The landing limit should be based on a 10-year average of landings, until further information about the roll chub play in the regional ecosystem, and biological data guides future changes of landing limits. The incidental limit should not exceed 10k pounds.

**Justification:** Chub mackerel are an important forage species for large pelagic predators and exist in the region where other forage species like squid and butterfish are already harvested on a large scale. We are concerned that by allowing high levels of catch of chub mackerel because high levels of landings that have been reported in recent years are simply based on the availability of the species in the region and ability of the fleet to catch them, rather than their important role in the ecosystem as forage.

Availability and abundance of forage in recent years should not be the only measure of allowed harvest levels for the species. Private and for hire recreational fishermen rely on large amounts of forage species to attract the pelagic predators that they pursue, and the economic benefit because of such fisheries is vitally important to coastal towns in the region. Incidental catch limits should be set at a level to ensure that catch is purely incidental, and not targeted until further information can guide managers to set proper limits.

**Alternative 4Cii:** For the development new fisheries and/or expansion of existing fisheries, the Council should develop a new policy for Council review of EFP applications.

**Justification:** Whenever possible, the Council and NMFS should look to streamline the permitting process, and ensure that the Council is involved with the process from the beginning.

**Alternative 5B:** Requiring commercial fishing vessels to obtain a GARFO permit in order to possess any species designated as Ecosystem Component Species in the amendment.

**Justification:** A GARFO permit will ensure that Ecosystem Component Species included in the amendment are reported and tracked to provide an accurate understanding of levels of catch of the Ecosystem Component Species.

**Alternative 5Dii:** Define the southern boundary at Cape Hatteras.

**Justification:** Cape Hatteras acts as a natural ecological border for the region rather than the state border between VA and NC.

**Alternatives 5E i-iv:** Frame workable items

- List of EC Species
- Possession limits and landing limits
- Spatial and seasonal closures
- Recreational fishing regulations

**Justification:** By making the 4 items above frame workable the Council can make future changes as necessary to stay within the intended scope of this action. Regarding 5Ei: The list of species was determined after a long and thorough process, therefore the EFP process should be utilized for future changes to the list of species.

I am the President of the Atlantic Coast Chapter of the Maryland Saltwater Sportfishing Association. I appreciate the forward thinking and the joint efforts from the various organizations and citizens that have come together at the public hearings to give us the opportunity to voice our opinion's and concerns. I

Sincerely

Ron Smith President ACC/MSSA

## Beaty, Julia

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**From:** Damian Sokol <damiansokol2@gmail.com>  
**Sent:** Tuesday, June 07, 2016 10:17 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged forage public hearing comments

I do not want any new fisheries developed without proper science and ecosystem consideration before harvesting begins. Oceans do not belong to commercial fishermen, whose self interest and short-sightedness will not rest until fish are depleted from our waters. Then what's left? Oh, fish farming: Very sporting and oh so yummy. I think not.

Sincerely,

Damian Sokol  
33 Mill Island Road  
Arrowsic, Me  
04530



## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 17, 2016 4:19 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** In regards to the unmanaged forage fish please apply some regulations to ensure the subject fisheries are not raped as they have been in the past. Most of the companies and waterman involved are in it for the short term gain regardless of the effect it has on the food chain. If you are in a position to stop this I would think it's your duty to do what ever you can. Think of the future without these species and how the entire ecosystem could collapse. Thank you

**Name:** Steve Soverns

**Email Address:** Riverhouse944@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 17, 2016 3:01 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Unmanaged forage public hearing comments:

From Fluke to Mako Sharks, the bait fish that will be protected by the Unmanaged Forage Omnibus Amendment are essential to all the gamefish we fish for. As it stands now, there are no catch limits on hundreds of species of fish at the bottom of the food chain. Yes, even our favorite light tackle superstar like FALSE ALBACORE could be netted up and sold for pennies per pound. Already, at least one new fishery in New Jersey is underway. Without management; millions of pounds of chub mackerel have been removed since 2013 without studying the species abundance and or establishing catch limits. This species is a key food source of tuna and sharks, and catch limits should be established before harvesting continues unchecked.

I would urge you to act in a manner to protect these forage species to the benefit of the recreational angler.  
Respectfully , J. Stone

**Name:** John Stone

**Email Address:** jkstoneage@verizon.net

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 17, 2016 3:02 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please protect forage fish

**Name:** Peter Sullivan

**Email Address:** Petersfisherman@aol.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Scott Surprise <doublesadv@comcast.net>  
**Sent:** Friday, May 06, 2016 2:42 PM  
**To:** Beaty, Julia  
**Subject:** Help our fish

Please stop the unsustainable taking of our fish. It sounds so easy. It is not right that one small group with a very small economic impact cause the destruction and the extinction of everybody else shared resource.

Scott Surprise

Sent from my iPad

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Saturday, June 11, 2016 3:52 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** It's most unfortunate that this subject even requires comment; however due to the seriousness of the situation I have no choice. It's apparent that we won't be content unless we vacuum EVERYTHING out of the ocean for a short term profit. We've working the food chain in the wrong direction! Typical food fish stocks (ie cod, pollock etc.) can be managed to be self-sustaining fisheries only if their food sources remain intact. One only has to see the disaster the menhaden fishery has done to striper stocks in the Atlantic for example. Up to now fisheries management has operated in a vacuum, managing harvest of specific species with a complete disregard for entire food chain that these species depend upon. One could protect a species entirely from harvest only to see it collapse due to insufficient forage. Please protect THE most crucial elements of our planet.

Thank you for your time,

**Name:** Douglas Sylvia

**Email Address:** dsskeeter@aol.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** michael thron <mthron@consortiuminc.com>  
**Sent:** Wednesday, June 01, 2016 2:46 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

michael thron  
18314 dundonnell way  
olney, MD 20832

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 17, 2016 7:29 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** All too often, we do nothing while certain species are fished and over fished and then their stocks get in trouble.

Now we have a chance to do something for unmanaged species like sand eels and bay anchovies and false albacore. We do not want to see these fish being fished commercially so that they end up for fish food in China for their tiliapia ponds.

Please develop management plans for these unmanaged fish before it is too late.

John Toth

President Salt Water Anglers of Bergen County, New Jersey

**Name:** John Toth

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, May 13, 2016 2:10 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** The big fish eat the little fish. It isn't that hard to see. We need to do more to protect, restore and conserve the forage fish species. If you want robust, sustainable fisheries, they need a way to thrive. Less commerce, more conservation.

**Name:** Bob Triggs

**Email Address:** littlestoneflyfisher@mail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Jessica Vargas <Jessicarocks81@gmail.com>  
**Sent:** Tuesday, May 31, 2016 9:29 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Jessica Vargas  
7950 preserve circle  
Unit 821  
Naples, FL 34119

## Beaty, Julia

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**From:** David Walker <dlwalke@bellsouth.net>  
**Sent:** Wednesday, June 01, 2016 10:32 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

David Walker  
1289 Oak Grove Dr  
Decatur, GA 30033

## Beaty, Julia

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**From:** Walsh, Francis J <frank.walsh@fccc.edu>  
**Sent:** Friday, June 17, 2016 9:56 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments"

Hello,

My name is Frank Walsh from Cape May, NJ. I don't pretend to be an expert but over the years I have been witness to many instances where the money grab took precedence of management of our resources. I hope this will not happen with our bait fish the bottom of our marine food chain for if it does all species will collapse. The Most Important Fish In The Sea, the Menhaden preyed on buy reduction boats to the point were the Chesapeake Bay and the Delaware Bay have become wet deserts. Please don't let the greed win out.

Thank You,  
Frank

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## Beaty, Julia

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**From:** Kenneth Warchal <kmwarchal@aol.com>  
**Sent:** Tuesday, June 07, 2016 5:00 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I commend the Mid-Atlantic Council for acting to protect unmanaged forage fish from the threat of unregulated and unsustainable levels of commercial fishing. A healthy forage base is essential to our region's fisheries, and the Unmanaged Forage Omnibus Amendment will make significant strides in forage fish conservation.

Alternatives that I support for best achieving the goal of the amendment include:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Managing chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

In closing, I wish to thank the Mid-Atlantic Council for its leadership in safeguarding the long term sustainability of our fisheries by recognizing the need to conserve our prey base.

Kenneth Warchal  
17 Bay Point Harbour  
Point Pleasant, NJ 08742

**Poems as public comment submitted by Wildlife Conservation Society social media followers**

Jean Gazis @Yestare Jun 12

Dear fishery commission / Protecting sea life is your mission / Forage fish need supervision. #FishHaiku @NYAquarium

Jean Gazis @Yestare Jun 12

Fishermen, don't catch / The little forage species / Bigger fish need food. #FishHaiku  
Share one to save forage fish! @NYAquarium

Jean Gazis @Yestare Jun 12

Smallest species are Important to all sea life We must protect them! #FishHaiku

Jonathan Wexler:

Small fish, big food chain.

Break the chain, break the planet.

Ummm... We're part of that.

#FishHaiku

## Beaty, Julia

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**From:** James Welch <jwelch@chatsworthgroup.com>  
**Sent:** Tuesday, June 07, 2016 9:13 AM  
**To:** Beaty, Julia  
**Subject:** "unmanaged forage public hearing comments"

Dear Julia,

As an avid angler I feel compelled to support this or any amendment that allows us to better understand these unmanaged species more completely. It is essential that we do not get back to the policies that nearly wiped out many recreational fisheries in the past until more science is accumulated. In a world where having the ability to feed increasing populations is so critical I can't see how knowing more about the cause and effect of harvesting these unmanaged species can't be anything but prudent. Thanks for your consideration.

Best regards,

Jim Welch

James L Welch  
Managing Director  
Chatsworth Group LLC  
95 East Putnam Ave  
Greenwich, Ct  
203-413-9978 wk  
347-712-2103 m  
[jwelch@chatsworthgroup.com](mailto:jwelch@chatsworthgroup.com)  
[www.chatsworthgroup.com](http://www.chatsworthgroup.com)



## Beaty, Julia

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**From:** William Gatter <gator4069@gmail.com>  
**Sent:** Monday, June 13, 2016 11:04 AM  
**To:** Beaty, Julia  
**Subject:** UNMANAGED FORAGE PUBLIC HEARING COMMENTS

Ms. Beaty:

I am very concerned about an increase in quota on ANY forage fish, and in this case the chub mackerel. The removal of large quantities of any section of the eco-system has the potential for huge impacts on the food chain that subsists on, or consumed by that forage. As commercial entities deplete fish stocks to a point where deep reductions are made, they are quick to find other species to harvest to fill income lost due to those reductions.

As a person who has been saltwater fishing for over 60 years I have seen mostly negative fluctuations in standard targeted inshore and offshore predator species, many due to commercial exploitation. Despite scientific advances in understanding the sea's biomass, the impact of any increases in prey species can not be known until negative impacts are found through decreases in predator fish, such as tuna.

Mackerel harvest in the EU is now considered overfished. While this is the Atlantic mackerel, it's easy to see that an increased quota of the chubs could quickly follow. Quoting an article published in 2013 from England: "North-east Atlantic mackerel fishery has now joined the three quarters of worldwide stocks that are either declining or being fished beyond a sustainable level." I don't imagine conditions have gotten better in the past 3 years.

I am hoping we would have learned lessons from the above, but I fear we continue to be bound by repeating past mistakes in exploiting what can be exploited until drastic measures need to be taken. I can cite many examples of depleted fish stocks but you know them, probably better than me. So, sadly I assume there will be an increase in the current quota of chub mackerel. If my voice has a vote, I would prefer chub mackerel be considered an eco-system component species while scientific and landing studies are completed.

Respectfully,

William Gatter  
259 Garrington Island Rd  
Shiloh, NC, 27973

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 03, 2016 1:00 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** It is my hope that the Mid Atlantic Council move forward with prohibiting any new or increased fisheries on unmanaged forage species until more and better scientific information is available that helps us understand the impact that such fisheries are having on other fisheries. No part of our ecosystem should be viewed in a vacuum, especially not one that gamefish and other species are so heavily reliant on. Yes there is an economic impact to curtailing further fishing on these species, but there is too a socioeconomic impact that could be far greater by staying on our present course. Commercial fishing stakeholders should weigh in to these recommendations as they too will be negatively impacted if we dont manage for sustainability. Thank you for your time and I applaud the Councils proactive efforts for our fisheries.

Sincerely,  
Mike Wissel

**Name:** Michael Wissel

**Email Address:** mwissel25@yahoo.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

1075 Tooker Avenue  
West Babylon, NY 11704  
June 17, 2016

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

Dear Dr. Moore:

I am taking this opportunity to comment on the draft Unmanaged Forage Omnibus Amendment (the "Amendment"). My comments are based on more than 50 years' experience as an angler. Generally, I fish the waters off the State of New York and, to a lesser extent, southern New England, including all waters extending from the shoreline out to the edge of the continental shelf.

As an active angler, I am aware of the need to maintain an abundance of forage fish, both to support fully-restored populations of recreationally and commercially important fish species, and to support the broader ecosystem.

Thus, I encourage the Mid-Atlantic Fishery Council (the "Council") to move forward and approve the Amendment as soon as reasonably possible, and urge the Council to consider the provisions described below. Alternative 1, no action, thus should *not* be adopted.

#### **ALTERNATIVE SET 2**

#### **THE COUNCIL SHOULD ADOPT ALTERNATIVE 2B, DESIGNATING FORAGE SPECIES OTHER THAN CHUB MACKEREL AS ECOSYSTEM COMPONENTS AND ADOPTING AN AGGREGATE TRIP LIMIT OF 1,700 POUNDS.**

The purpose of the Amendment is "prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information and relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities and the marine ecosystem."<sup>1</sup> It is not intended to shut down existing fisheries. Thus, Alternative 2A, which would prohibit all harvest of forage species, is not an acceptable option.

Alternative 2B would allow the continuance of existing fisheries, at a level consistent with recent harvests of species often landed by commercial fishermen.<sup>2</sup> Adopting the 1,700 pound aggregate trip limit, rather than the alternate 1,500 pound trip limit for any forage species, would assure that the Amendment is successful in "freezing the footprint" of existing fisheries. A 1,500 pound trip limit for any single forage species could permit the development of small-scale fisheries and test markets that do not

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<sup>1</sup> Mid-Atlantic Fishery Management Council, *Unmanaged Forage Fish Omnibus Amendment, Public Hearing Document*, May 2016. p.3

<sup>2</sup> *Ibid.*, p. 34.

exist today, frustrating the Amendment's intended purpose of prohibiting "the development of new...directed commercial fisheries on unmanaged forage species, and thus should be rejected.

### ALTERNATIVE SET 3

#### THE COUNCIL SHOULD ADOPT ALTERNATIVE 3Bi, MANAGE CHUB MACKEREL AS A STOCK IN THE FISHERY, AND POSSESSION PROHIBITED ONCE AN ANNUAL CATCH LIMIT IS MET

Chub mackerel do not clearly qualify as an Ecosystem Component species.

The Public Hearing Document for the Amendment sets out the four criteria used to determine whether a species should be treated as an Ecosystem Component.<sup>3</sup> To qualify, a species must

1. Be a non-target species;
2. Not be subject to overfishing, not be overfished or approaching overfished;
3. Not be likely to become subject to overfishing or overfished in the absence of conservation and management measures; and
4. Not generally be retained for sale or personal use.

Chub mackerel do not meet such qualifications.

While, in many years, chub mackerel landings reflect incidental catch, the 4.37 million pounds harvested from Mid-Atlantic waters in 2013<sup>4</sup> strongly suggests that such fish will be targeted when available in large enough concentrations. Given a lack of data, the current status of the stock is unknown. Thus, it is impossible to say whether the stock is, or likely to become, subject to overfishing or overfished. It is clear from more than fifty years of data that chub mackerel are regularly retained for sale. Mid-Atlantic landings in excess of 250,000 pounds occurred at least as early as 1952. Although the frequency of landings was very sporadic in the past, they are becoming much more regular; in 2014, the last year for which data is available, reported Mid-Atlantic chub mackerel landings were 698,991 pounds,<sup>5</sup> far too high to support a finding that the fish is "generally not retained for sale."

That being the case, chub mackerel must retain "stock in the fishery" status.

As a stock in the fishery, chub mackerel should be managed in accord with the best available science. That means developing appropriate reference points, along with annual catch limits that do not exceed the Allowable Biological Catch. Overfishing must not be permitted. Thus, Alternative 3Bii, which would permit chub mackerel to be retained after the annual catch limit is landed, and thus open the door to overfishing, is not a viable choice.

The Council could manage chub mackerel as neither an Ecosystem Component or a stock in the fishery. However, it would be foolish to manage the species on such an ad hoc basis when better and more structured options are available.

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<sup>3</sup> *Ibid.*, p. 12.

<sup>4</sup> Personal communication, NOAA Fisheries, Fisheries Statistics Division, June 14, 2016

<sup>5</sup> *Ibid.*

## ALTERNATIVE SET 4

### THE COUNCIL SHOULD ADOPT ALTERNATIVE 4Cii, REQUIRING COUNCIL REVIEW OF ANY APPLICATION FOR AN EXEMPTED FISHING PERMIT THAT WOULD ALLOW FORAGE SPECIES TO BE TARGETED

In order to select the proper option among those presented in Alternative Set 4, the Council must refer to the purpose of the Amendment: To “prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information and relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities and the marine ecosystem.”

Inherent in such language is the assumption that the creation or expansion of fisheries for forage species may be created, provided that *the Council* has the opportunity to determine whether such creation or expansion is appropriate. For that reason, Alternative 4A, which contemplates the issuance of Exempted Fishing Permits (“EFPs”) without any input from the Council, and Alternative 4B, which would prohibit any issuance of EFPs, are on their face inconsistent with the intent of the Amendment.

Alternative 4Ci is also inconsistent with the notion of the Council having “an adequate opportunity to assess” the relevant science and the impacts related to an EFP, as only the advice of the Council’s Chair is sought.

Alternative 4D’s requirement that, prior to any directed fishery being developed or expanded, the relevant stock be deemed a stock in a fishery would create a far more burdensome situation for the Council than merely approving the issuance of an EFP for a fishery that, in the long run, may never be developed or expanded. Should the results of fishing under an EFP demonstrate that the development or expansion of a fishery for one or more forage species is both practical and desirable, it would be appropriate to classify the relevant stock as a stock in the fishery. However, making such designation prior to the successful prosecution of an experimental fishery would (except in the case of chub mackerel, where a history of substantial landings already exists) be premature.

Thus, only Alternative 4Cii strikes the proper balance between precaution and practicality. By requiring full Council review of any application for an EFP, such alternative ensures that the Science and Statistics Committee (“SSC”) would be consulted, and that the Council would be able to rely on the advice and expertise of the SSC when making its recommendation. That ability to consult with the SSC better assures that the Council will have an “adequate opportunity to both assess the scientific information...and consider potential impacts to existing fisheries, fishing communities and the marine ecosystem.”

Full Council review of an application for an EFP also assumes that the public would have an opportunity to comment on such application at the relevant Council meeting, and thus better inform the Council on the issue, particularly with respect to any “potential impacts to existing fisheries [and] fishing communities.”

No other alternative is in better accord with the stated intent of the Council with respect to the development or expansion of fisheries for forage species. Thus, Alternative 4Cii should be adopted.

**ALTERNATIVE SET 5**

I have no comments on any of the alternatives considered under this section.

Thank you for considering my views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles A. Witek, III', written in a cursive style.

Charles A. Witek, III

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**Beaty, Julia**

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Monday, May 09, 2016 5:12 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please select option 2a in regard to unmanaged forage species. The effects of a small mesh fishery on other species have been well documented and we should not enable untold amount of discards of game and food fish to be left dead in the water or without food. We must manage our fisheries on the side of caution and opening up this can of worms could be another huge blow to striped bass in particular. Thank you,  
Shane Yellin

**Name:** shane yellin

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

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**Beaty, Julia**

**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 1:37 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please regulate the catch of unmanaged forage species. We should all know from experience that regulation is necessary to prevent overfishing of any species because commercial fisheries are incapable of self regulating. These species are critical to maintaining our food web and feeding our more valuable commercial species. Furthermore, inshore arrival of some species are critical to driving our inshore fisheries like bay anchovies and false albacore. Please ensure our fisheries are maintained properly.

**Name:** shane yellin

**Email Address:** shaneyellin@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 03, 2016 10:59 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** With the advanced technology available to both recreational and commercial fishers today it makes no sense to allow unregulated harvesting of any species without having a management plan for each and every targeted species. Historically we have seen multiple species (Atlantic cod, sand bass, striped bass, various billfish, tuna to name a few, and don't forget whales) that have required emergency action to prevent, or attempt to recover the collapse of a fishery. To allow expanding, or unrestricted harvesting of any species without a management plan for that species is like allowing one to write unrestricted checks without ever balancing a bank account. Cyclic population changes, environmental factors, disease, and other factors which can significantly affect a species population notwithstanding the simple fact remains that the humans population has the technology available to decimate virtually any marine species if enough resources are directed at a specific target species. Allowing unmanaged harvesting of any fishery is an invitation to a collapse of that fishery. And unlike overdrawing a checking account, filing for bankruptcy and starting over is not an option. I urge you to require a management plan to be in place before expanding any existing forage fishery or allowing new species to be targeted.

**Name:** David Zajano

**Email Address:** dzajano@verizon.net

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 03, 2016 12:37 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** All of the species listed in this amendment deserve protection. By biological and ecological standards, they fall under the label of forage fish. Thank you

**Name:**

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Donkey Poop <dpoop@donkeyloaf.com>  
**Sent:** Tuesday, June 07, 2016 9:24 AM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

I want to thank the Mid-Atlantic Council for recognizing and acting to protect the important role of forage fish in the ecosystem. Our region's fisheries depend on a healthy forage base, but many important prey species are unmanaged and subject to unregulated fishing. The Unmanaged Forage Omnibus Amendment, which will prohibit the development of directed commercial fisheries on unmanaged forage, will be a significant achievement for advancing ecosystem-based approaches to fisheries management.

These are the alternatives that I support for best achieving the goal of the amendment:

- Designate the proposed list of forage species, including false albacore, as Ecosystem Component Species and restrict landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii).
- Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring and reporting, 3) requiring a federal permit to retain the protected unmanaged forage species; and, 4) clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

I applaud the Council for its work on the Unmanaged Forage Omnibus Amendment and look forward to final approval at your August meeting.

Donkey Poop  
Ok Then  
Machakka, NY 12345

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 9:50 AM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** I wholly support the council establishing catch limits and quotas around all types of fish which are harvested. As we are all aware, the ecosystem is very interdependent and the removal of a piece of the food chain can have significant consequences across the board.

**Name:**

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

**Beaty, Julia**

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Tuesday, June 07, 2016 2:05 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please stop these Gill Netters ,They are ruining our food supply to Striped Bass ,Tuna and all. Game fish

**Name:**

**Email Address:** Jfkropke@gmail.com

(Sent via [Mid-Atlantic Fishery Management Council](#))

**Beaty, Julia**

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**From:** jsimpson2@hvc.rr.com  
**Sent:** Tuesday, June 07, 2016 2:59 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage public hearing comments

Please do all you can to protect the our forage species. We all know it's the right thing to do to help create a healthy diverse food chain and to make our relationship rational fishing strong.

Sent from my android device.

## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 17, 2016 5:36 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please save our fisheries

**Name:**

**Email Address:**

(Sent via [Mid-Atlantic Fishery Management Council](#))

## Beaty, Julia

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**From:** Rain0063@comcast.net  
**Sent:** Saturday, June 18, 2016 2:09 PM  
**To:** Beaty, Julia  
**Subject:** unmanaged forage

Dear Ms. Beaty and all our fisheries managers -

We do not want any new fisheries developed without proper science and ecosystem consideration before harvesting begins.

As it stands now, there are no catch limits on hundreds of species of fish at the bottom of the food chain. Protecting bait fish is essential to all the targeted gamefish from Fluke to Mako Sharks.

Without taking initiative, it is possible that large scale industrial fisheries could develop for species like sand eels, as they have in Europe, or bay anchovies (rain fish).

Yes, even our favorite light tackle superstar like **FALSE ALBACORE** could be netted up and sold for pennies per pound. Already, at least one new fishery in New Jersey is underway without management; millions of pounds of chub mackerel have been removed since 2013 without studying the species abundance and or establishing catch limits. This species is a key food source of tuna and sharks, and catch limits should be established before harvesting continues unchecked.

We need an amendment to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

Thank you for your consideration.



## *American Fisheries Society*

Organized 1870 to Promote the Conservation, Development and Wise Utilization of the Fisheries

425 Barlow Place, Suite 110 \* Bethesda, Maryland 20814-2199

301-897-8616 \* FAX 301-897-8096 \* [www.fisheries.org](http://www.fisheries.org)

Ronald J. Essig  
*President 2015-2016*

Douglas J. Austen  
*Executive Director*

June 16, 2016

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

Subject: Unmanaged Forage Omnibus Amendment

Dear Dr. Moore,

In regards to the Mid-Atlantic Fishery Management Council's (MAFMC) omnibus amendment regarding unmanaged forage species, the American Fisheries Society (AFS) submits the following comments in support of a combination of the alternatives listed, including: (1) the Council's list of Ecosystem Component Species as listed within the document; (2) alternative 2B; (3) alternative 3Aii; and, (4) alternatives 5Cii, 5Dii and 5Ei-iv as described in the May 2016 Public Hearing Document (Document) for the Unmanaged Forage Omnibus Amendment (Amendment).

Founded in 1870, AFS is the oldest non-profit organization dedicated to improving the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science and promoting the development of fisheries professionals. Through our work, AFS strives to be the objective voice for fisheries science, partnering with other fisheries-related entities to share science across political and geographic boundaries.

### **Summary**

#### 1. Ecosystem Component Species

Defining forage species has varied over the years (Rountos, 2016), and, while not entirely comprehensive, the list of ecosystem component (EC) species listed within the public hearing document methodically lists important forage and prey species within Mid-Atlantic waters; and, creates a manageable list of EC species. Similarly, including species that are generally not included within the lowest trophic level, such as those in the Scombridae family, helps to conserve fish that are used as bait within other fisheries.

#### 2. Alternatives for species other than chub mackerel – AFS Supports Alternative 2B

Within the alternatives provided for the species other than chub mackerel, AFS supports Alternative 2B. The forage species listed within the public hearing document represent important prey species that have an important and fundamental role within the ocean ecosystem (Pikitch et al., 2012). AFS fully supports the Unmanaged Forage Omnibus Amendment's goal (MAFMC, 2016):

*to prohibit the development of new and expansion of existing directed commercial fisheries on unmanaged forage species in Mid-Atlantic Federal waters until the Council has had an adequate opportunity to both assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.*

However, AFS recognizes that the species listed as potential ecosystem component species have interactions with existing commercial fisheries. AFS would like to minimize negative economic impacts while promoting a precautionary approach towards the management of these forage species. Therefore, designating the listed forage species as EC's while keeping an incidental possession limit of 1,700 pounds of all EC's collectively per trip helps to reduce negative economic impacts on commercial fisheries while also capping landings at a historical average level.

### 3. Alternatives for chub mackerel – AFS Supports Alternative 3Aii

Given the significant landings data on the chub mackerel fishery, AFS supports the management as a stock within the fishery. However, there are not sufficient scientific data available to determine an appropriate annual biological catch (ABC) (MAFMC, 2016). Due to the current lack of information, and the significance of the chub mackerel fishery, it would be prudent to designate it as an EC species, and enforce an incidental catch limit, until more data are available to manage chub mackerel as a stock within the fishery. For that reason, AFS supports Alternative 3Aii.

The landings limit for chub mackerel should be based upon the longest average landings data available, which according to the Document is 900,127 pounds per year. Similarly, the incidental possession limit should be based on the longest average landings data available, which is 10,000 pounds per vessel. Given the significant ecosystem impact from fishing at lower trophic levels (Smith et al., 2011; Essington et al., 2015), AFS recommends using both the incidental possession and fishery-wide catch limits until scientific examinations on the fishery are conducted to determine the ABC, along with a complete stock assessment.

### 4. Administrative alternatives – AFS Supports Alternatives 5Cii, 5Dii, and 5Ei-iv

Administrative actions provide the necessary information and flexibility that is needed to take actions to conserve the species listed within the Document. Given the lack of scientific data, and confusion with some landings data for the EC species (MAFMC, 2016), AFS supports alternative 5Cii. To have all the necessary data to support future decisions on these species, managers need a new system to report and collect accurate information on a timely basis. The need to have codes for each species, and for all codes to be activated within online reporting systems, is an important component within the overall reporting/monitoring system. Without accurate data, future determinations on management structures cannot be made effectively.

Similarly, to have the most comprehensive information available, the geographic boundary unit for the amendment should encompass the entire possible range of each EC species. Establishing the southern boundary at Cape Hatteras ensures that the entire Mid-Atlantic waters are included.

Lastly, AFS supports the entire list of frameworkable items listed under subsection 5E. The positive impacts that may be derived from adaptive management techniques through this process over an amendment process will give the MAFMC the flexibility that is needed, ensuring the best information is being used to guide their decisions.

## Conclusion

AFS appreciates the opportunity to comment on the Mid-Atlantic Council's Unmanaged Forage Omnibus Amendment. We commend the Council for taking proactive steps to conserve the lower trophic level fish species that are essential for a fully functioning ecosystem. If there are any questions/concerns with the comments presented above, please do not hesitate to reach out to our office staff.

Sincerely,



Douglas J. Austen, Ph.D.  
Executive Director  
American Fisheries Society

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## References:

Essington, T. E., Moriarty, P. E., Froehlich, H. E., Hodgson, E. E., Koehn, L. E., Oken, K. L., Stawitz, C. C. 2015. Fishing amplifies forage fish population collapses. *Proceedings of the National Academy of Sciences*, 112(21), 6648-6652. doi:10.1073/pnas.1422020112

MAFMC. 2016. Unmanaged Forage Omnibus Amendment [Public Hearing Document]. Retrieved (May 23<sup>rd</sup>, 2016) from: <http://bit.ly/1VfOkHj>

Pikitch, E. K., P. D. Boersma, I. L. Boyd, D. O. Conover, P. Cury, T. E. Essington, S. S. Heppell, E. D. Houde, M. Mangel, D. Pauly, É. Plagányi, K. Sainsbury, and R. Steneck. 2012. Little fish, big impact: managing a crucial link in ocean food webs. Lenfest Ocean Program, Washington, D.C.

Rountos, K. J. 2016. Defining forage species to prevent a management dilemma. *Fisheries*, 41(1), 16-17. doi:10.1080/03632415.2015.1110791

Smith, A. D. M., C. J. Brown, C. M. Bulman, E. A. Fulton, P. Johnson, I. C. Kaplan, H. Lozano-Montes, S. Mackinson, M. Marzloff, L. J. Shannon, Y.-J. Shin, and J. Tam. 2011. Impacts of fishing low-trophic level species on marine ecosystems. *Science* 333(6046):1147–1150.

## Beaty, Julia

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**From:** Michael Louie <mk.louie@gmail.com>  
**Sent:** Friday, June 17, 2016 5:18 PM  
**To:** Beaty, Julia  
**Subject:** Unmanaged Forage Public Hearing Comments

Hi Julia. We sent you the below letter a few months ago regarding forage species and would like to resubmit for comments. Thank you!

Dear Julia,

First off, bravo for the Council's initial forward-thinking move to study and consider the regulation of unmanaged fisheries. We've been down this road so many times when it seemed a constant uphill battle against corporate and commercial interests, at which point the best we could hope for was to mitigate the damage and pray for a stock recovery. Thanks to you and the MAFMC for devoting time toward species like sand eels, silversides, and bay anchovies—fish that are so important to the survival of striped bass, among others, that we at the Brooklyn Urban Anglers Association have advocated for many times in the past.

We are aware that NOAA has looked into some of these fisheries as potentially viable commercial sources before, so we feel it's very important the MAFMC take careful and deliberate steps to studying these unmanaged populations before the rendering plants determine the courses of action for us. You (the MAFMC) have asked that we consider eight questions in our comments. By now, you're probably familiar with Captain John McMurray's response to these eight considerations. In general, we at the BKUAA agree with McMurray's assessments.

1. What is the most appropriate type of action?

We believe amending a current management plan and adapting it to forage species is the best of the three options, out of consideration for time, effectiveness, and deliberate action. Waiting to address new fisheries for forage species as they arise (the third option) would only put us in a difficult, albeit familiar, position.

2. What type of management provisions would be most effective?

We believe adding forage species to the management plan as an "ecosystem component species" is obvious because of their importance to the vitality of other fisheries, and would initially give the unmanaged fisheries the attention they need before possibly opening these fisheries to commercial sources.

3. Which forage species should be included in this action?

Sand Eels. Chub Mackerel. Spearing. Silversides. Bay anchovy. Striped anchovy. Silver anchovy. Round herring. Thread herring. Spanish sardine.

4. What types of fishing should be addressed?

The commercial (especially) trawler fleets. See Omega Protein.

5. What is the most appropriate geographic scope of the action?

What areas the Council has under its jurisdiction would be an appropriate start.

6. What are the most effective ways to prohibit the expansion of existing fisheries?

Scientific studies and research with allowances for proper evaluation before opening the fisheries to the rendering plant. Not bowing to pressure from corporations or people from New Jersey.

7. What is an appropriate process for allowing new fisheries to develop?

McMurray suggested “exempted fishing permits,” which have had documented success on the West Coast fisheries in both data collection and exploring the vitality and sustainability of a controlled fishery.

8. What is the ability of current scientific data and models to inform action?

That’s more of a question for you to answer for us. There’s plenty of examples of poorly managed fisheries that teeter on collapse or have already collapsed (cod, menhaden, striped bass). There’s also examples of properly managed fisheries (Florida comes to mind) that worked and allowed the species to recover. We hope you make the right decisions with regards to the overall health and sustainability of the Atlantic fishery.

Regards,

Michael Louie

Brooklyn Urban Anglers Association

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**RECREATIONAL ANGLERS WORKING TO CONSERVE, PROTECT,  
AND ENHANCE MARYLAND'S MARINE RESOURCES**

*Via email only to: [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org)*

Chairman Rick Robins  
Executive Director Chris Moore  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201,  
Dover, Delaware 19901

**RE: Unmanaged Forage Public Hearing Document Input**

Dear Chairman Robins and Executive Director Moore:

The members of Coastal Conservation Association Maryland (CCA MD) are pleased to be able to provide comment on the Unmanaged Forage Omnibus Amendment. We commend the Mid-Atlantic Fishery Management Council (MAFMC) for taking pro-active action to protect unmanaged forage species in the Mid-Atlantic Region. Forage fish are an important part marine ecosystems, moving energy from the plankton they eat to the larger predators that eat them, and we view protections on such species is a forward thinking and common sense approach to fisheries management. We fully support the stated goal of the MAFMC to *"...prohibit the development of new, or expansion of existing, directed fisheries on unmanaged forage species until adequate scientific information is available to promote ecosystem sustainability". The Council passed this motion to protect the important ecological role that forage species play in the Mid-Atlantic."*

Managing forage species with caution can help provide both ecological and economic stability for our region, and that is of the utmost importance to the members of CCA Maryland and recreational fishing.

CCA MD's preferred alternatives for the issues for consideration contained in the Public Hearing Document are as follows:

**Species List:**

CCA MD supports the inclusion of the full list included in Table 3 in the Unmanaged Forage Omnibus Amendment Public Hearing Document. We especially urge the MAFMC to continue to include false albacore, bullet mackerel, and frigate mackerel because of their important role as forage to large predators, as well as the importance of False Albacore as a game fish in the region. False albacore play an important role in the ecosystem, and also provide a large

amount of economic opportunity for coastal communities when they occur in large abundance in near shore waters throughout the region.

**Alternative 2Bi and ii:** Designate unmanaged forage as an Ecosystem Component Species and implement an incidental possession limit, with a 1500-pound cap on individual species and/or a 1700-pound limit of the species when combined.

**Justification:** Incidental possession allows flexibility for fisheries to continue to operate as they are at this time. The proposed limited limits were derived through conversations at the Council, Committee, and AP level and represent a level of catch that will not burden already existing fisheries which interact with the species on the list, and are consistent with the Council's intent to prevent the development of new or expansion of existing fisheries.

**Alternative 3Aii:** Manage chub mackerel as an Ecosystem Component Species, and enforce an incidental possession limit after an annual fishery-wide landings limit is met. The landing limit should be based on a 10-year average of landings, until further information about the roll chub play in the regional ecosystem, and biological data guides future changes of landing limits. The incidental limit should not exceed 10k pounds.

**Justification:** Chub mackerel are an important forage species for large pelagic predators and exist in the region where other forage species like squid and butterfish are already harvested on a large scale. We are concerned that by allowing high levels of catch of chub mackerel because high levels of landings that have been reported in recent years are simply based on the availability of the species in the region and ability of the fleet to catch them, rather than their important role in the ecosystem as forage.

Availability and abundance of forage in recent years should not be the only measure of allowed harvest levels for the species. Private and for hire recreational fishermen rely on large amounts of forage species to attract the pelagic predators that they pursue, and the economic benefit because of such fisheries is vitally important to coastal towns in the region. Incidental catch limits should be set at a level to ensure that catch is purely incidental, and not targeted until further information can guide managers to set proper limits.

**Alternative 4Cii and 4D:** For the development new fisheries and/or expansion of existing fisheries for ecosystem component species, the Council should develop a new policy for Council review of EFP applications. Following the EFP period the development of any new fishery for ecosystem component species must be considered through the stock in the fishery process.

**Justification:** Whenever possible, the Council and NMFS should look to streamline the permitting process, and ensure that the Council is involved with the process from the beginning. By requiring the consideration for development or expansion of a fishery using the stock in the fishery designation, the Council can ensure that any new fisheries are properly vetted through the Council process.

**Alternative 5B:** Requiring commercial fishing vessels to obtain a GARFO permit in order to possess any species designated as Ecosystem Component Species in the amendment.

**Justification:** A GARFO permit will ensure that Ecosystem Component Species included in the amendment are reported and tracked to provide an accurate understanding of levels of catch of the Ecosystem Component Species.

**Alternative 5Dii:** Define the southern boundary at Cape Hatteras.

**Justification:** Cape Hatteras acts as a natural ecological border for the region rather than the state border between VA and NC.

**Alternatives 5E i-iv:** Frameworkable items

- List of EC Species
- Possession limits and landing limits
- Spatial and seasonal closures
- Recreational fishing regulations

**Justification:** By making the 4 items above frameworkable the Council can make future changes as necessary to stay within the intended scope of this action. Regarding 5Ei: The list of species was determined after a long and thorough process, therefore species should not be removed from the list by a framework process, and incidental catch limits set by Alternative 2 must not be changed through the framework process.

CCA MD appreciates the opportunity to provide input on this action, and looks forward continuing to work with fellow stakeholders, council members, and council staff on this important and pro-active effort to properly manage our nations fisheries.

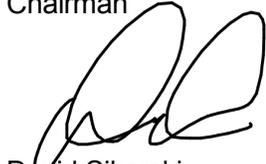
Regards,



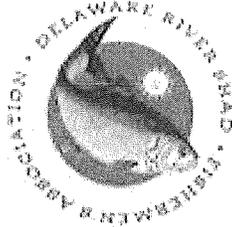
Frank Bonanno  
Chairman



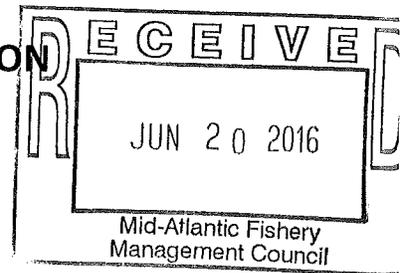
Tony Friedrich  
Executive Director



David Sikorski  
Chairman- Government Relations Committee



## DELAWARE RIVER SHAD FISHERMEN'S ASSOCIATION



June 16, 2016

Chairman Rick Robins  
Executive Director Chris Moore  
Ecosystems and Ocean Planning Committee Chairman G. Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot,

As President of the Delaware River Shad Fishermen's Association (DRSFA), I am writing in support of the Mid-Atlantic Fisheries Management Council's (MAFMC) Unmanaged Forage Omnibus Amendment (UFOA), which will be a critical part of ensuring a healthy forage base for predators in the Mid Atlantic. We urge the Council to keep this important amendment moving forward without delay, and pass the strongest protections possible to prevent unregulated harvest of forage species and help ensure healthy Atlantic ecosystems.

Forage species are an essential link in marine ecosystems. They move energy from the plankton they eat to larger predators. Large pelagic fish species like tuna and sea bass, seabirds, turtles, and marine mammals all depend on forage fish as a food source. Conserving these important species is essential for the overall health of marine ecosystems and the sustainability of fishing, seafood, and wildlife tourism on the Atlantic coast.

Many forage species like krill, anchovies, sand lance, chub mackerel, and false albacore are not managed. These and other unmanaged forage species are currently at risk of large-scale fishing, which can begin without any assessment of the potential impacts to the ecosystem or to the other fisheries and businesses that rely on sustainable predator populations. The Council's proactive proposal to protect these important species in the UFOA is a commendable step toward comprehensive management of our fisheries and ocean ecosystems, however, its visionary purpose will only be fully achieved if the specific alternatives identified below are adopted and implemented.

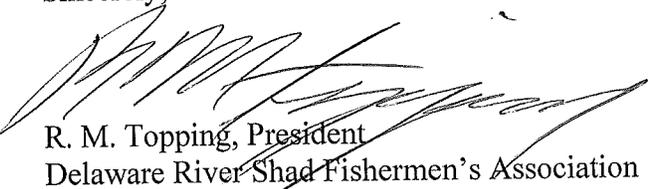
The undersigned organization supports the following alternatives:

- Classify all proposed forage species as ecosystem component (EC) species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1,700 pounds for all EC species. (**Alternative 2B**)

- Classify chub mackerel as a stock in the fishery, manage with proxies until biological reference points can be established, and prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met. The unmanaged fishery for this species that has developed over the last few years should not expand until adequate scientific information demonstrates it can be carried out in an ecologically sustainable manner. **(Alternative 3Bi)**
- Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require that an EFP is followed by consideration of whether the species should be a stock in the fishery prior to development of new or expanded existing fisheries for EC Species. **(Alternative 4Cii and 4D)**
- Require that vessels obtain a NOAA Fisheries permit in order to possess any EC species included in this amendment. **(Alternative 5B)**
- Require comprehensive reporting for landings of EC species in this amendment with data provided to the Council, and updates to at-sea reporting systems. **(Alternative 5C i and ii)**
- Create a southern jurisdictional boundary for this amendment of Cape Hatteras, North Carolina. **(Alternative 5Dii)**
- Allow the list of EC species to be changed through a framework only for the addition of species. **(Alternative 5E i)**
- Possession and landings limits should not be frameworkable. **(Do not adopt Alternative 5Eii)**

We thank you and the Council members, staff, and advisors for your efforts to date to advance this amendment, and for your time and consideration of these comments as you prepare for final action. We also would like to recommend on site inspectors be placed on the boats to verify the information supplied by the commercial fishermen.

Sincerely,



R. M. Topping, President  
Delaware River Shad Fishermen's Association

# DELMARVA FISHERIES ASSOCIATION, INC.

200 DUKE OF GLOUCESTER STREET  
ANNAPOLIS, MARYLAND 21401

June 16, 2016

Dr. Chris Moore  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

c/o Julia Beaty, Fishery Management Specialist  
[jbeaty@mafmc.org](mailto:jbeaty@mafmc.org)

Re: Unmanaged Forage Species Public Hearing Comments  
Unmanaged Forage Omnibus Amendment  
Ecosystem Approach to Fisheries Management

Ladies and Gentlemen:

The Mid-Atlantic Fishery Management Council's plan to prohibit the development of new or the expansion of existing directed commercial fisheries or unmanaged forage species until "adequate" scientific information is available to "promote" economic sustainability:

1. Is a direct violation of the Magnuson Stevens Act;
2. Is devoid of scientific underpinning;
3. Will accomplish the opposite – *i.e.*, it will cripple the commercial seafood industry, and adversely impact the social, cultural and economic fabric of counties and communities along the ocean and the bays in the Mid-Atlantic region that are and have been reliant on a vibrant commercial seafood industry for multiple generations;
4. Will result in the charter boat industry and recreational fishermen ignoring newly promulgated rules which are incapable of enforcement against such small and numerous harvesters;
5. Is being advanced by NGOs, educational institutions and so-called "scientists/statisticians" and "policy wonks" employed by governmental and quasi-governmental agencies such as MAFMC; all of whom feed at the trough of taxpayer funded grants in order to grow their work empires by making their continued studies 'necessary' to remove the yoke of economic oppression and prohibition created by a policy that prevents commercial activity in the absence of their studies blessing such commercial activity.

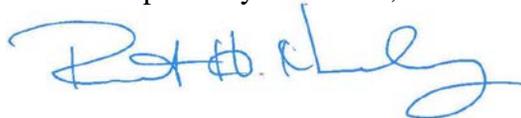
In § 7.1.3 of the *Mid-Atlantic Fisheries Management Council Ecosystem Approach to Fisheries Management Guidance Document* (1<sup>st</sup> Draft Apr. 2016), you acknowledge: “**None of these forage species has been assessed and there are no biomass or abundance estimates.**” In § 7.1 you admit that “Swalinski and Hilborn (2015) [conclude] that “**the productivity of forage fish stock is driven primarily by environmental factors** through the regulation of recruitment processes **and that fishing plays little, if any role in the collapse of forage stocks.**” Nevertheless, you propose to develop prohibitions on fishing while you study the matter over the next several decades.

This proposal is a thinly veiled plan for you to destroy the commercial fishing industry that has existed for generations and given rise to rural, hard-working communities of Americans who ask little from their government and have been self-sustaining for generations. We fear that you and the NGOs supported in part by a small group of affluent donors wish to kill such communities so that those affluent few can move in and obtain the prime waterside land that has been passed down for generations from parents to children of such hardworking Americans who have eschewed government handouts and accumulated little material wealth, save for their lands, businesses and way of life. Your proposal is abhorrent and an affront to such communities and counties of hardworking, self-reliant and independent Americans.

You have not meaningfully included as stakeholders any members of the commercial seafood industry or any leaders in the small rural and waterside communities whose economic, social and cultural environments as well as their natural environment is dependent upon the vitality of the commercial seafood industry. You are responsible for coming to those hardworking communities who do not have the time, the money or the technology to sit on the committees that meet to discuss reports such as the *Mid-Atlantic Fisheries Management Council Ecosystem Approach to Fisheries Management Guidance Document* (1<sup>st</sup> Draft Apr. 2016).

Accordingly, we oppose the Unmanaged Forage Omnibus Amendment and wholeheartedly reject the premise upon which it was developed.

Respectfully submitted,



Capt. Robert Newberry  
*Chairman*

cc: Mark J. Belton, Secretary, Maryland DNR  
Robert P. Jones, Executive Director, SFA  
DFA Membership



Chairman Rick Robins  
Executive Director Chris Moore  
EOP Committee Chairman Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201,  
Dover, Delaware 19901

June 17, 2016

**RE: Public Comment on the Unmanaged Forage Omnibus Amendment**

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot:

We are writing to provide comment on the Mid-Atlantic Fishery Management Council's (MAFMC or Council) Unmanaged Forage Omnibus Amendment (Amendment). If implemented as recommended below, this Amendment will help protect a significant part of the Mid-Atlantic region's forage base by preventing the development of new, and the expansion of existing, directed commercial fisheries on dozens of forage species until the Council and NOAA Fisheries assesses the scientific impacts of such fishery on the marine ecosystem and consider the species for full management consistent with the Magnuson-Stevens Act. The species included in the Amendment are heavily preyed upon throughout a majority of their lifecycle and play a critical role in the ecosystem as a link between low trophic level species and higher trophic level species, including those caught by the commercial and recreational fishermen in the region. As part of a comprehensive ecosystem-based approach to fisheries management this amendment will help ensure productive fisheries and a healthy marine ecosystem,

Earthjustice supports the following alternatives and actions when the Council takes final action in August, 2016:

1. Include the entire list of unmanaged forage species in Table 3 of the Public Hearing Document (PDH) in the Amendment;
2. Classify all proposed species, with the exception of chub mackerel, as ecosystem component (EC) species and prohibit directed fishing on the entire list, including the listed highly migratory species. Allow an incidental possession limit of 1700 pounds per trip for all EC species combined (Alternative 2B);
3. Revise Alternative 2B to prevent an unintended loophole that would allow directed fishing on EC species under certain circumstances;
4. Classify chub mackerel as a stock in the fishery (SIF), prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met, and initiate an action to develop other required management measures and proxy status determination criteria to be used for management until biologically-based reference points and criteria are established. (Alternative 3Bi);
5. Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for any listed EC species similar to Pacific Fishery Management Council (PFMC) Council Operating Procedure 24 (COP 24);

6. Require an MAFMC endorsed, and GARFO approved Exempted Fishing Permit (EFP) followed by consideration of a stock in the fishery designation consistent with current law prior to allowing any new fisheries or expansion of existing fisheries for EC species (Alternative 4Cii and 4D);
7. Update the List of Authorized Fisheries and Gear (Alternative 5A);
8. Require a GARFO permit in order to possess any EC species in Mid-Atlantic federal Waters (Alternative 5B);
9. Require comprehensive reporting for landings of EC species in this Amendment with data provided to the Council, and updates to at-sea reporting systems (Alternative 5Ci and ii);
10. Establish the management unit as federal waters bounded by seaward lines extending from the Connecticut/New York boundary and Cape Hatteras, North Carolina (Alternative 5Dii);
11. Allow future framework actions to modify the list of species in response to new information (Alternative 5Ei);
12. Allow future framework actions to develop and add spatial and seasonal closures necessary to protect the species in this Amendment (Alternative 5Eiii);
13. Do not allow incidental possession limits to be changed through a framework action (Reject Alternative 5Eii).

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1. All of the Unmanaged Species Listed in Table 3 of the Public Hearing Document Should be Included in a Fishery Management Plan

The MAFMC should include all of the unmanaged forage species in Table 3 of the public hearing document (PHD) in this omnibus amendment to the Council’s existing Fishery Management Plans (FMPs). The taxa under consideration for inclusion will help ensure a robust forage base for the Council’s managed and unmanaged predators, including highly migratory species, marine mammals, turtles, and seabirds. The current list prioritizes species based on available diet and catch data consistent with the Council’s intention to focus on those species with a) high ecological importance, and b) a high potential for the development of a large-scale targeted commercial fishery. All of the species listed in Table 3 are currently unmanaged and essential forage for predators in the Mid-Atlantic region.

**a) A Nexus to Managed Predators is Not Required**

Any assertion that a nexus to a council managed species is a prerequisite to an action that seeks to comprehensively protect the forage base by prohibiting fishing on currently unmanaged species runs counter to the mandates of the Magnuson Stevens Fishery Conservation and Management Act (MSA) and the National Standard 1 (NS1) guidelines. The MSA provides “exclusive fishery management authority over *all fish*, and all Continental Shelf fishery resources, within the exclusive economic zone” (EEZ).<sup>1</sup> Using its discretionary authority under the MSA, the MAFMC can “...include management measures in a plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery

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<sup>1</sup> 16 U.S.C. § 1811(a) (emphasis added).

populations.”<sup>2</sup> To prevent overfishing consistent with the mandate of National Standard 1, the NS1 guidelines state: “In determining the greatest benefit to the Nation, ... The benefits of protection afforded to marine ecosystems are those resulting from maintaining viable populations (including those of unexploited species), maintaining adequate forage for all components of the ecosystem,....”<sup>3</sup> Further, the NS1 guideline definition of EC Species states: “EC species may, but are not required to, be included in an [fishery management plan (“FMP”) or FMP amendment... to address other ecosystem issues.”<sup>4</sup> The MAFMC has ample authority to include all species on the list.

**b) HMS Prey Species such as False Albacore, Frigate Mackerel, and Bullet Mackerel are Important Unmanaged Prey for Recreational Fisheries**

HMS prey species such as false albacore, frigate mackerel, and bullet mackerel should be included in the Amendment because they are essential forage for apex predators in the Mid-Atlantic region like tuna, marlin, and sharks. While these predators are not managed by the MAFMC, alterations in their prey supply and composition causes cascading effects in the food web (predation and fishing influences competition among species).<sup>5</sup> If typical prey are no longer available, predators may leave the region entirely, or alternatively they may seek alternative prey including Council managed species or their prey. Like many of the other species identified, false albacore, bullet mackerel, and frigate mackerel are also highly vulnerable to commercial fishing because they school in large numbers with fairly predictable migrations. While they may not be targeted now, an increased global demand for fish makes targeted fishing more likely in the future as the availability of other species decline.

Recreational fishermen who understand the predator-prey linkages in the Mid-Atlantic region recently provided public comment on the importance of these species.<sup>6</sup> These comments demonstrate that false albacore and the other small scombrids are important prey for the ecologically important predator species like tuna, marlin, and other big game species that fishermen seek to catch in this region. Recreational fishing activities in the Mid-Atlantic region contribute to jobs, sales, and value-added impacts measuring in the billions of dollars.<sup>7</sup> In its most recent regional summary of the fisheries economics for the Mid-Atlantic region, NOAA Fisheries states: “In 2014, 2.2 million recreational anglers took 14.3 million fishing trips in the Mid-Atlantic Region. About 94 percent of these anglers were residents of a regional coastal county. Of the total fishing trips taken, 53 percent of them were taken from the private boat sector and another 38 percent from the shore sector.”

Finally, these stocks should be managed because otherwise, these three ecologically and commercially important forage species remain unmanaged indefinitely. The MSA limits the

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<sup>2</sup> 16 U.S.C. § 1853(b)(12).

<sup>3</sup> 50 C.F.R. § 600.310(e)(3)(iii)(C).

<sup>4</sup> 50 C.F.R. § 600.310(d)(5)(ii).

<sup>5</sup> 2011, Frasier, C., [The Crucial Role of Predators](#): A New Perspective on Ecology; see also MAFMC Forage Fish White Paper, p. 18.

<sup>6</sup> MAFMC April Meeting, Unmanaged Forage Amendment, [Presentation](#), Slide 17.

<sup>7</sup> Fisheries Economics of the United States, 2014. Regional Summary for Mid-Atlantic Region: <http://www.st.nmfs.noaa.gov/Assets/economics/publications/FEUS/FEUS-2014/Report-and-chapters/FEUS-2014-FINAL-07-MidAtl.pdf>.

Atlantic Highly Migratory Species (HMS) branch of NOAA to management of larger HMS scombrids and billfish, but does not require management of these smaller Scombrid species.<sup>8</sup> Consistent with the purpose of this action, “to protect the structure and function of marine ecosystems in the Mid-Atlantic from the potential threat of unregulated, unsustainable levels of commercial harvest of unmanaged forage species and to advance an ecosystem approach to fisheries management in the Mid-Atlantic,” (PHD at 11-12), false Albacore, frigate mackerel, and bullet mackerel should be included in the Amendment.

2. All of the Species Listed in Table 3 (with the Exception of Chub Mackerel) Should be Classified as Ecosystem Component (EC) Species and Directed Fishing Should be Prohibited by an Incidental Possession Limit of 1700 pounds per trip for all EC Species Combined (Alternative 2B)

All of the species listed in Table 3, with the exception of chub mackerel, meet the National Standard 1 guideline definition of an EC species. Under the NS1 guidelines, an ecosystem component (EC) species should be a non-target species; that is not currently or likely to become subject to overfishing, approaching overfished, or overfished, according to the best available information, in the absence of conservation and management measures; and not generally retained for sale or personal use.<sup>9</sup> To our knowledge, none of the species identified are subject to overfishing, overfished, or likely to become so, and other than chub mackerel, none of the species identified are currently targeted and/or sold. An “EC species may be identified at the species or stock level, and may be grouped into complexes.... [and] may, but are not required to, be included in an FMP or FMP amendment ... to address other ecosystem issues.”<sup>10</sup> Species are identified in Table 3 at the relevant taxa (i.e. species and higher-level classifications such as families and orders) and should be included in the Amendment because they are bycatch in fisheries, prey for predators in the region, or to address ecosystem issues.

**a. An Incidental Possession Limit of 1700 pounds per trip (of all EC species combined) Should be Adopted**

In order to prevent a directed fishery before the impacts of harvest on the marine ecosystem can be appropriately analyzed, possession above 1700 pounds per trip (of all EC species combined) should be prohibited. This possession limit is based on the documented incidental catch of these species over the past 20 years.<sup>11</sup> MAFMC staff utilized the methodology used by the Pacific Fishery Management Council (PFMC) when it set a daily landings limit for all of the EC species covered in their unmanaged forage omnibus amendment (aggregated weight of 99 percent of all of the shared EC species daily vessel landings in a 10 year period).<sup>12</sup> Similarly, MAFMC staff compiled total catch for all EC species on all trips from 1996 to 2015 and developed a limit that would include 99-percent of those trips.<sup>13</sup> The 1700

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<sup>8</sup> 16 U.S.C. § 1802(21)(definition of “highly migratory species”).

<sup>9</sup> 50 C.F.R. 600.310(d)(5)(i)(A)-(D).

<sup>10</sup> 50 C.F.R. 600.310(d)(5)(ii).

<sup>11</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 34.

<sup>12</sup> [NMFS Report on Federal Regulations](#) to Implement Comprehensive Ecosystem-Based Fisheries Amendment 1, p. 6.

<sup>13</sup> Supra at fn 11.

pound aggregated trip limit facilitates enforcement (versus a per species approach) and would allow existing fisheries to continue, while preventing the development of new or expansion of existing commercial fisheries on unmanaged forage until additional data is gathered and analysis is completed, consistent with the Council's intent.

**To help prevent directed fishing, the MAFMC should establish annual vessel limits in addition to the daily landings limit that do not exceed the highest landings that have occurred in this same period of time (1996-2005), similar to the approach taken by the PFMC.<sup>14</sup> This is a loophole in the Amendment as currently developed.**

**b. Alternative 2B Should be Revised to Prevent an Unintended Loophole that Could Allow Directed Fishing on EC Species**

The Amendment should clearly state that the Council intends Alternative 2B to *prohibit directed fishing* on EC species (until the Council has an adequate opportunity to assess the impacts), and that it chose a specific incidental possession limit, to accomplish that goal. By removing the language that stated "prohibit possession" from Alternative 2B at the April MAFMC meeting,<sup>15</sup> Council staff created an unintended loophole. For example, if Alternative 4Cii was implemented as the pathway to a fishery, once the Exempted Fishing Permit (EFP) expired, arguably the species could be targeted without any further review, analysis, or oversight. To prevent unregulated fishing as this Amendment intends, the MAFMC should revise Alternative 2B and include the words "prohibit directed fishing," such that the alternative reads "Designate forage species (other than chub mackerel) as Ecosystem Components (ECs), prohibit directed fishing, and implement an incidental possession limit."

In addition, the MAFMC should clearly define what it means to "prohibit directed fishing." The PFMC did this in their unmanaged forage amendment ("Comprehensive Ecosystem Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species" (CEBA-1)<sup>16</sup> explaining:

. . . no new directed fishing could begin for these species without a Council process to develop an EFP. Shared EC Species could continue to be taken incidentally and landed or discarded without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations for eulachon recovery. No long-term directed EEZ fisheries would be possible for these species without some future FMP amendment to specify the targeted species as an FMU species and to meet MSA requirements for FMU species, which include: developing harvest specifications, identifying essential fish habitat (EFH) for the species, and providing gear specifications for the fishery.<sup>17</sup>

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<sup>14</sup> Supra at fn 12.

<sup>15</sup> MAFMC April Council Meeting Unmanaged Forage Fish Amendment Presentation, Slides 22 and 23.

<sup>16</sup> [Comprehensive Ecosystem-Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species](#), March 2016, p. 6-7.

<sup>17</sup> [Comprehensive Ecosystem-Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species](#), March 2016, p. 6.

Similarly, this Amendment should clearly state that “prohibit directed fishing” means that an EFP, or a future FMP amendment (with designation as a stock in the fishery), is required prior to the commencement of any commercial fishing targeting an EC species.

3. Chub Mackerel should be Classified as a Stock in the Fishery (SIF), Possession Should be Prohibited once an Interim Cap of 900,127 pounds per year (average landings 2006-2015) is Reached, and an Action Should be Initiated to Develop the other Required Management Measures and Proxy Status Determination Criteria to be used for Management until Biologically-Based Reference Points and Criteria are Established

Because chub mackerel do not qualify as EC species, they should be classified and managed as a stock in the fishery, possession should be prohibited after an interim cap of 900,127 pounds (based on a ten year landings average as a proxy) is reached, and an action should be initiated to develop the other MSA required management measures and proxy status determination criteria to be used to manage the species until biologically-based reference points and criteria are established. Under the MSA, a species must be added to an FMP when it is in need of conservation and management, *see* 16 U.S.C. 1852(h); *Flaherty v. Bryson*, 850 F.Supp.2d 38, 55 (2012), and managed for the greatest overall benefit to the nation (Optimum Yield).<sup>18</sup>

Chub mackerel are caught incidentally in the Atlantic mackerel and *Illlex* fisheries; paired trawl vessels in these fisheries also target chub mackerel using an Atlantic mackerel net when *Illlex* and Atlantic mackerel are not present in the region.<sup>19</sup> From the outset of this Amendment the Council intended to freeze the forage footprint, however, as it developed, it became clear that significant unregulated harvest of chub mackerel was already occurring. Catch has expanded from an average of 239,777 lbs. (2002- 2012), to 5,249,686 lbs. (2013), 1,230,411 lbs. (2014), and 2,108,337 lbs. (2015).<sup>20</sup> Allowing a directed fishery of this scale on chub mackerel with no regulatory oversight and no analysis of the potential impacts to existing fisheries, fishing communities, and the marine ecosystem, is inconsistent with the Council’s intent to “freeze the footprint.” In fact, this is exactly the type of unregulated large-scale fishing of essential forage the Amendment aims to prevent.

**Because the same vessels target chub mackerel and because it occupies a similar niche in the ecosystem, it would be reasonable to manage chub mackerel as a unit in the Mackerel, Squid, and Butterfish FMP.**

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<sup>18</sup> 50 C.F.R. § 600.310(e)(3): Optimum Yield is defined as “the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems.” The benefits of recreational opportunities include “the quality of the recreational fishing experience “and “the contribution of recreational fishing to the national, regional, and local economies.” Protection of marine ecosystems includes “maintaining adequate forage for all components of the marine ecosystem.”

<sup>19</sup> Development of the ‘Chub’ Mackerel Fishery, an Underutilized Species, Grant Number NA03NMF4270275, 2003-2004, Rutgers.

<sup>20</sup> FMAT Catch data from March 2, FMAT meeting.

### **a. Chub Mackerel Require Conservation and Management**

The MSA provides the relevant criteria for determining whether a stock requires “conservation and management.”<sup>21</sup> For its part, the definition states: “The term ‘conservation and management’ refers to all of the rules, regulations, conditions, methods, and other measures which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and which are designed to assure that a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis; irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and there will be a multiplicity of options available with respect to future uses of these resources.”<sup>22</sup> The NS1 guidelines define the status determination criteria necessary to determine if overfishing has occurred or if the stock is overfished and expressly allow for the use of proxies (average, median, etc.) until a stock assessment is complete and biologically based reference points can be set.<sup>23</sup>

Safeguarding the ecological role of chub mackerel as prey should be a Council priority. Left in the water, chub mackerel contribute to rebuilding, restoring, and maintaining the Mid-Atlantic, ensure that recreational benefits are obtained on a continuing basis, and help avoid irreversible or long-term adverse effects on fishery resources and the marine environment. They are essential prey for many important fish species in the region including Atlantic Bluefin tuna, albacore tuna, yellowtail amberjack tuna, marlin, swordfish and mahi mahi, as well as sharks, whales, and rays.<sup>24</sup> Additionally, chub are valuable to economic and ecological stability in our region. Fishing fleets in the Mid-Atlantic and elsewhere, direct on chub mackerel and harvest them in increasingly large numbers to support existing and emerging global markets.<sup>25</sup>

Contrary to Staff’s suggestion, the development of Alternative 3B should not take more time than the other options.<sup>26</sup> An interim cap could be implemented as a proxy for an acceptable biological catch limit while the Council develops an amendment to add chub mackerel as a stock in the fishery to the Atlantic mackerel, Squid, and Butterfish (MSB) FMP consistent with the MSA as soon as possible. The Council recently added blueline tilefish to the Golden Tilefish FMP in one year from initiation to final action.<sup>27</sup>

#### **a. An Interim Cap of 900,127 pounds is Appropriate Until an FMP is in Place**

Any interim cap should ensure no damage to the stock and/or the predator populations that rely on chub mackerel as essential prey. A suitable interim cap (proxy ABC), until the Council and its Science and Statistical Committee (SSC) have an opportunity to evaluate the

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<sup>21</sup> 16 U.S.C. § 1802(5).

<sup>22</sup> Id.

<sup>23</sup> 50 C.F.R. §600.310(e)(2)(i).

<sup>24</sup> Fishbase, [chub mackerel](#), predators.

<sup>25</sup> Detailed information on existing and emerging global markets for chub mackerel are provided in the March 14, 2016 Letter from Seafreeze Ltd. to the MAFMC Ecosystem and Ocean Planning Committee.

<sup>26</sup> [Public hearing document](#), p. 36.

<sup>27</sup> [March 22, 2016 Memorandum from Thomas Miller, Chair, Blueline Tilefish Working Group, MAFMC SSC to John Boreman, Chair, Mid-Atlantic Fisheries Management Council SSC.](#)

scientific information available to determine a biologically based ABC, is 900,127 pounds. Industry representatives have stated repeatedly that the high catches of chub mackerel, particularly in 2013, but also 2014 and 2015, are an aberration and that this species is only available intermittently. If we accept this as true, using a shorter time frame (such as the last five years) to establish a cap would result in an inaccurate estimate of historic catch, and a longer timeframe (such as the one recommended above which is equivalent to average landings from 2006-2015) would be necessary.

**b. No Incidental Possession of Chub Mackerel Should be Permitted Once the Interim Cap has been Reached**

Earthjustice supports Alternative 3Bi (prohibits possession after an annual fisheries wide landings limit is reached), and opposes Alternative 3Bii which would allow incidental catch to be retained after the interim cap has been reached and directed fishing would close. Allowing for catch after a cap is reached is contradictory to the way any other fishery managed by the MAFMC is managed. If the fishing industry is concerned about bycatch, then such bycatch should be accounted for within the 900,127 pound limit as it is in other fisheries, *see* 50 C.F.R. § 648.24 (fishery closures and accountability measures), not as addition that effectively raises the cap to a higher limit.

**c. Chub Mackerel do not Fit the NS1 Definition of an EC Species and Should Not be Classified as EC Species**

Contrary to the NS1 guidelines, Alternative 3A would classify chub mackerel as an EC species until the Council initiates an amendment to add them as a stock in the fishery.<sup>28</sup> As previously discussed, chub mackerel do not meet the definition of an EC species because they are targeted and retained for sale or personal use.<sup>29</sup> Industry representatives have stated at numerous MAFMC meetings that retention of chub mackerel is essential for company profits and they have landed and sold 5,249,686 pounds, 1,230,411 pounds, and 2,108,337 pounds respectively in the past three years.<sup>30</sup> Thus, catch in Mid-Atlantic region does not constitute the “occasional retention” contemplated by the NS1 guidelines – rather it demonstrates directed fishing. Further, chub mackerel are considered commercially important throughout their range<sup>31</sup> and there are already significant markets worldwide.<sup>32</sup> Chub mackerel is precluded from being classified as an EC species under Alternative 3A, and the MAFMC should instead establish an interim cap (Alternative 3C) and initiate an amendment to add them as a stock in the fishery without delay (Alternative 3B).

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<sup>28</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 35.

<sup>29</sup> 50 C.F.R. 600.310(d)(5)(i)(A)-(D).

<sup>30</sup> FMAT Catch data from March 2, FMAT meeting.

<sup>31</sup> [IUCN Red List for \*Scomber Colias\*](#).

<sup>32</sup> *Supra* at fn. 25.

4. The Council Should Clarify its Intent Regarding a Pathway to a Fishery:
  - a. **Use of a MAFMC Endorsed and GARFO Approved Exempted Fishing Permit, Followed by Consideration of a Stock in the Fishery Classification Consistent with Current Law, Should be Required Prior to Allowing any New Fisheries or Expansion of Existing Fisheries for EC species (Alternative 4Cii and 4D)**

An Exempted Fishing Permit is the “first step” in the process that might allow (but does not guarantee) new fisheries for ECs to develop, however, the MAFMC is required to use the best scientific information available to guide any decision to allow fishing on an EC species included in the Amendment.<sup>33</sup> The goal is not to prevent all fishing on all forage species indefinitely, rather it seeks to prevent large-scale fishing on forage species until there is sufficient scientific information to guide management decisions and evaluate impacts.<sup>34</sup> The Amendment should ensure there is ample opportunity to collect the biological and ecological information about an EC species and its interactions with various aspects of the ecosystem necessary to ensure that any fishing that does occur is done so in a way that is sustainable to the species itself, to reliant predators, to the ecosystem, and to the fisheries that depend on robust predator populations and healthy ecosystems. To do this, the MAFMC should emulate the process created by the PFMC in its Unmanaged Forage Amendment (CEBA-1) and develop a protocol for Council consideration and endorsement of applications for Exempted Fisheries Permits for EC species similar to PFMC Council Operating Procedure 24 (COP 24) as a prerequisite for opening or expanding a fishery through consideration of full federal management in an FMP.<sup>35</sup>

The MAFMC should prohibit new or expanded directed fishing on any EC species included in the Amendment until a stock assessment has been completed, biological reference points or their proxies have been established, impacts to the species and ecosystem analyzed, and full federal management is considered. Alternative 4D would require that the MAFMC consider full federal management before allowing new or expanded fishing for EC species. This alternative also references section 5.2 of the PHD for the requirements necessary to evaluate whether a species is in need of conservation and management - the legal test for determining whether to designate a stock in the fishery, thus triggering full federal management.<sup>36</sup> **Although section 5.2 would not become binding as a result of this amendment, it is important to note that the criteria outlined in section (5.2.2) are incomplete and inaccurate.**<sup>37</sup> Alternative 4D should be clarified to require “consideration of stock in the fishery designation *consistent with current law* prior to new fisheries or the expansion of existing fisheries for EC species.” Additionally, as discussed above, the MAFMC should clarify its intent to prohibit new or the expansion of existing fishing on an EC species in this Amendment without consideration of adding the species as stock in a fishery in Alternative 2B, similar to the clarification made by the

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<sup>33</sup> 16 U.S.C. § 1851(a)(2).

<sup>34</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 3.

<sup>35</sup> PFMS [COP 24](#), Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species.

<sup>36</sup> [Public hearing document](#), p. 42.

<sup>37</sup> [Public hearing document](#), p. 14.

PFMC in its unmanaged forage amendment.<sup>38</sup> The MAFMC should also codify this intent in Alternative 4D.

## 5. Administrative Alternatives

### a. **Require Comprehensive Reporting and Monitoring**

The MAFMC should require comprehensive monitoring and reporting of landings for all EC species in the Amendment with data provided to the Council, and updates to at-sea reporting systems to ensure compliance with the prohibition on harvest. To ensure accurate information is collected on landings of EC species in the Amendment, the MAFMC should update the List of Allowable Fisheries and Gear as required by the MSA, and require any person or vessel intending to incidentally possess any EC species to obtain a NOAA Fisheries permit. The codes and reporting requirements for EC species should also be updated in the existing reporting processes such as SAFIS and VTRs.

#### i. **Update the List of Authorized Fisheries and Gear Types (Alternative 5A)**

The MSA requires NOAA to prepare a list of all authorized fisheries and gear types under management at the MAFMC.<sup>39</sup> It further prohibits the use of any gear not authorized, the misappropriation of any authorized gear, or participation in any fishery not authorized.<sup>40</sup> This list is codified in the Code of Federal Regulations.<sup>41</sup> If a person or vessel wants to engage in a fishery or utilize gear not on the list they must first notify the Council. If the Council has not responded to the notification within 90 days, the person or vessel may “use the gear or participate in the fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery.”<sup>42</sup> Updating the existing list will help ensure that no fishery on unmanaged forage species emerges without the NOAA Fisheries and the Council’s knowledge.

#### ii. **Require GARFO Permit for any Incidental Possession of an EC Species**

Earthjustice supports Alternative 5B (requirement for a GARFO permit to possess EC species). The requirement of a GARFO (or other appropriate federal permit) to incidentally possess EC species in Mid Atlantic waters is an appropriate way to ensure that species caught in mid-Atlantic federal waters are accounted for in NMFS landings data. This would not impact fishing in state waters, or in federal waters under the jurisdiction of the New England or South Atlantic Councils. This is not a new permit; it is simply a requirement that any vessel intending to incidentally possess EC species obtain a current GARFO permit prior to fishing in federal waters.

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<sup>38</sup> [Comprehensive Ecosystem-Based Amendment 1](#): Protecting Unfished and Unmanaged Forage Fish Species, March 2016, p. 6.

<sup>39</sup> 50 C.F.R. 600.747(a).

<sup>40</sup> 50 C.F.R. 600.725(v).

<sup>41</sup> 50 C.F.R. 600.725(v).

<sup>42</sup> 50 C.F.R. 600.725(v).

**iii. Require Comprehensive Reporting for Landings of Listed EC Species with Data Provided to the Council, and Updates to At-sea Reporting Systems (Alternative 5Ci and ii)**

Requiring that NMFS provide comprehensive landings reports to the Council is also important to track landings of EC species in the Amendment. Federally-permitted commercial fishermen are required to report everything they catch and federally-permitted dealers are required to report everything they purchase. Currently, not all species currently have codes that allow accurate reporting by fishermen and dealers, thus adding the necessary codes to VTR and SAFIS reports are an easy way to increase reporting accuracy and will allow NMFS and the MAFMC to understand and monitor landings of the EC species in this amendment.

**b. Geographical Jurisdiction: Establish the Management Unit as Federal Waters Bounded by Seaward Lines Extending from the Connecticut/New York Boundary and Cape Hatteras, North Carolina (Alternative 5Dii)**

The MAFMC's jurisdiction extends from the New York/Connecticut state line all the way to Cape Hatteras.<sup>43</sup> Although the reach of some previous amendments stopped at the Virginia/North Carolina border instead of extending to Cape Hatteras, that boundary would not be appropriate for the management unit in this Amendment. In time, the flanking Councils to the north (NEFMC) and south (Southern Atlantic Fishery Management Council - SAFMC) of the MAFMC should follow suit and protect the forage species in their jurisdiction as well. Failing to protect to the full extent of its southern jurisdiction in this amendment could result in a gap with no management of these species between the Virginia/North Carolina border and Cape Hatteras.

Further, the ecological divide at Cape Hatteras creates a natural management boundary. The warm waters of the Gulf Stream travel north from the Gulf of Mexico along the southern Atlantic Coast and collide with the cooler, plankton rich waters of the Labrador Current at Cape Hatteras.<sup>44</sup> This mixing of cold and warm water brings an array of marine life and creates one of the most productive areas along the east coast of the United States.<sup>45</sup> This collision of water temperatures also makes Cape Hatteras the southernmost edge of the range for many temperate species and northernmost edge of the range for many subtropical species.<sup>46</sup> Rather than base this jurisdictional decision on politics, the ecological characteristics of the waters off Cape Hatteras make this an obvious ecological boundary for the management unit in this amendment.

**c. Administrative Alternatives Potentially Frameworkable:**

**i. Earthjustice does not Support Allowing Incidental Possession Limits to be Revised by a Framework (Alternative 5Ei)**

MAFMC staff and the FMAT evaluated landings data for forage species included in the list (Table 3) and developed an incidental possession limit per trips based on current reported

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<sup>43</sup> [MAFMC, NOAA.](#)

<sup>44</sup> [MarineConservation.org](#), Outer Banks, NC.

<sup>45</sup> Id.

<sup>46</sup> Id.

catch of these species. Using this information, staff determined that the 1700 pounds of combined EC species incidental possession limit would include 99 percent of all trips for the past 20 years (1996-2015).<sup>47</sup> This is a sound and reasonable way to develop a trip landings limit and to determine the line between incidental possession and directed fishing. If this definition of directed fishing were to be later defined inappropriately through a framework action, the carefully considered protections offered to mid-Atlantic forage species under this Amendment would be minimized. Thus, any revisions to the incidental possession limits should be done through an amendment based on the best scientific information available and with the full public process laid out in the MSA.

**ii. The Addition of EC Species Should be Allowed Through a Framework Action (Alternative 5Ei); Species Should be Removed from the Amendment Through an EFP Process that Informs Addition to an FMP as a Stock in the Fishery**

When it is determined that a forage species should be added to the list of protected species in this Amendment, it should be added as soon as possible through a framework action. Shifting climatic changes will alter where, and at what depth, many marine species are found.<sup>48</sup> For example, species not currently included in this amendment because they are largely found in state waters could move offshore into the EEZ in search of cooler waters. As global water and air temperatures increase, species typically found south of Cape Hatteras could shift northward in search of cooler waters. This amendment is a critical and precautionary action by the MAFMC to protect the region's forage base, thus extending its protections to newly identified species as quickly as possible is appropriate.

In contrast, the same rationale supports the requirement that removal of a forage species from the list should only be done through an amendment. The Council outlined a clear and very specific process for what is required in order to fish for EC species in the Amendment. Allowing a species to be removed from this list through a framework action would effectively create a loophole around these requirements. For example, if a company wanted to target a species on this list and did not want to go through the EFP process and appropriate consideration of whether management should occur as part of an FMP, the company could simply ask for a framework action to remove the species from the list. This unintended avenue to circumvent this regulation should not be allowed.

**iii. The Development of Spatial and Seasonal Closures to Protect EC species Should be Frameworkable (Alternative 5Eiii)**

The MAFMC should authorize the use of framework actions to develop spatial and seasonal closures and protect the forage species included in this amendment. Spatial and seasonal closures could be an effective management tool to help conserve the forage base, particularly if enforcement of the possession limit proves difficult. This Amendment includes considerable data and analysis supporting the future use of framework actions in the region's

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<sup>47</sup> Summarization of FMAT meeting - March 14, EOP AP meeting - March 17, and EOP Committee meeting - March 18 for April Council meeting in [Unmanaged Forage Briefing Tab](#), p. 30.

<sup>48</sup> NOAA, NEFSC, [Marine Species Distribution Shifts Reflect Local Climate Conditions](#).

fisheries. Making spatial and seasonal closures “frameworkable” will also allow the Council to respond quicker to conserve listed EC species when that may be adversely affected by a developing fishery.

\*\*\*

Thank you for the opportunity to comment on the Mid-Atlantic Council’s Unmanaged Forage Omnibus Amendment.

Sincerely,

/s/ Roger Fleming

Roger Fleming

Erica Fuller

Attorneys Earthjustice

**Beaty, Julia**

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**From:** billwfishawks@yahoo.com  
**Sent:** Monday, June 13, 2016 5:27 AM  
**To:** Beaty, Julia  
**Subject:** Supporting the Mid-Atlantic Marine Fishery Management Council

Dear Julia Beaty and Dr. Moore,

**The Fish Hawk's Saltwater Anglers Club's charter was established on April 6, 1977. The common goal was to form social fishing club, dedicated to good sportsmanship, preservation of the marine environment, and safeguarding our natural resources.**The 200 plus members of The Fish Hawks Salt Water Anglers strongly agrees that the Council should take measures to protect all species of forage fish listed in the Amendment throughout the entire region over which the Council has jurisdiction. Forage fish are extremely important to the entire marine ecosystem. Healthy stocks of predator species pursued by the recreational and commercial fisheries could not be sustainable without them. We are also pleased the false albacore is included as an ecosystem component as they are a very popular gamefish worthy of inclusion. We agree that no new or expanded directed commercial fisheries should be allowed until such time as the Council can assess accurate scientific data to evaluate future impacts. As we all know, decisions made will not only affect the species themselves, but will have significant socioeconomic ramifications as well. We applaud the Council for being proactive in trying to conserve our fisheries.

Respectfully  
Bill Westervelt  
President  
Fish Hawks Salt Water Anglers  
<http://www.fishhawksnj.com>



212 West State Street  
Trenton, NJ 08628  
Phone: (609) 898-1100

[www.gardenstateseafood.org](http://www.gardenstateseafood.org)

Gregory P. DiDomenico, Executive Director

[gregdi@voicenet.com](mailto:gregdi@voicenet.com)

609-675-0202

**June 17, 2016**

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

**Re: Unmanaged Forage Fish Public Hearing Comments**

Dr. Moore:

Please accept these comments on behalf of the Garden State Seafood Association (GSSA). The GSSA membership is comprised of commercial fishermen, vessel owners, seafood processors and associated businesses in the State of New Jersey. GSSA and its members are involved in all aspects of the fishery management process. Our members occupy advisory panel seats on management councils, participate in cooperative research and have a healthy respect for the ocean environment.

**Alternative Set 2: Alternatives for species other than chub mackerel.**

**We support Alternative 2B:**

I think the Council should allow for a trip limit of 1500 pounds of any of the forage species as listed in the document.

In addition we want to make sure that the Council allows for the trip limit to be applied to individual species and not a combined limit of 1500 pounds.

We request the following species be removed from consideration, frigate mackerel, bullet mackerel and false albacore.

### **Alternative Set 3: Alternatives for Chub Mackerel.**

#### **We support Alternative 3Cii:**

We request the Council Manage chub mackerel as neither an EC nor a stock in the fishery.

We can support an incidental possession limit once an annual fishery-wide landings limit is met.

We request that the annual landings limit should be no less than 5.2 million pounds and the incidental possession limit should be no less than 40,000 pounds per vessel when 90% of the annual landings are caught.

### **Alternative Set 4: New Fisheries and Expansion of existing fisheries for Unmanaged Forage Species.**

#### **We support Alternative 4Cii:**

We request that if the Council wishes to review new fisheries, it would be more appropriate to do so after an EFP has proven successful and an applicant wishes to develop that fishery.

### **Alternative Set 5: Administrative Alternatives.**

#### **We support Alternative 5Ci:**

We urge the Council to require the accurate and timely reporting of forage species landings state and federal waters.

#### **Frameworkable Items.**

We do not support any additional changes to this amendment by a framework.

We request seasonal and spatial closure alternative contained in this section be removed from the amendment.

Thank you for the opportunity to comment.

*Gregory P. DiDomenico*

Gregory P. DiDomenico  
Executive Director  
Garden State Seafood Association



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

JUN 17 2016

Richard B. Robins, Chairman  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901

Dear Rick:

I commend the Mid-Atlantic Fishery Management Council for its proactive approach to protecting forage fish through its work on the Unmanaged Forage Omnibus Amendment. It is critical that we protect the forage base for commercial and recreational fisheries, as well as the broader ecosystems, that exist in the Mid-Atlantic region. While the work that the Council has already done on this amendment is impressive, the public comment period provides an opportunity for me to highlight some of my concerns with specific aspects of this amendment.

As a reminder to the Council, we have not yet determined what level of analysis for this action will be required to comply with the National Environmental Policy Act (NEPA). Currently, the Council is operating under the assumption that the NEPA requirements for this action will be fulfilled through the completion of an Environmental Assessment (EA) and Finding of No Significant Impacts. Because this action is unprecedented in this region, and because it is unclear what the full impacts of this action may be, an EA may or may not be sufficient. If the Council has to prepare an Environmental Impact Statement (EIS), we will need to adjust the timeline to allow for more time to prepare the EIS and comply with NEPA requirements for an EIS. My staff will continue to work with Council staff to ensure the NEPA requirements are met.

Earlier this year, the Council selected a list of unmanaged forage species to be considered for inclusion as ecosystem component (EC) species in the Council's Fishery Management Plans. During the early development of this action, the Council's Scientific and Statistical Committee (SSC) produced a white paper that included a definition of forage fish, summarized as: Forage species are small, low- to mid-trophic level species that are subject to extensive predation throughout their lifespan and serve as important conduits of energy from low to high trophic levels. The full definition, including a list of more specific criteria, can be found in the white paper. We believe that three species, bullet mackerel (*Auxis rochei*), frigate mackerel (*Auxis thazard*), and little tunny/false albacore (*Euthynnus alletteratus*), which the Council has included on the potential list of EC species, do not adequately fit this definition. These three species have several characteristics that disqualify them from the SSC's forage definition, most notably their large size and high trophic level. Therefore, I recommend that Council remove these three species from the list of unmanaged forage fish for inclusion as EC species in this action.

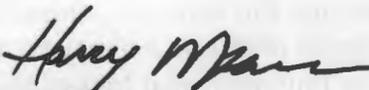


Chub mackerel (*Scomber colias*) is a species that better fits the SSC's definition of a forage fish, but does not fit well within the EC species classification. The National Standard 1 guidelines describe the EC species classification in 50 CFR 600.310 as a species that is generally a non-target species and a species that is not retained for sale, among other criteria. There is evidence that chub mackerel is targeted opportunistically and retained for sale in significant amounts. Therefore, we support the Council's development of alternatives to place temporary restraints on the chub mackerel fishery while developing an action to add chub mackerel as a stock in the fishery in the future. I encourage the Council to maintain the 3-year sunset provisions described under Alternatives 3A and 3C.

Finally, as was discussed at the April 2016 Council meeting, I strongly encourage the Council to select a set of alternatives that are reasonably enforceable within currently available resources and priorities. The current list of species for consideration as EC includes a wide range of species that are often very small, difficult to identify, and sometimes even more difficult to distinguish among one another. It is in the best interests of the fishing industry, NOAA Fisheries, and our U.S. Coast Guard partners, to select alternatives that can meet the goals and objectives of this action while preventing undue burden through enforcement of those measures.

Thank you for considering these concerns and we look forward to working with you in the final stages of development of this amendment and future implementation of the measures selected to best protect forage fish.

Sincerely,

  
John K. Bullard  
Regional Administrator



## The Great Egg Harbor Watershed Association & River Council

**Fred Akers - Administrator**  
P.O. Box 109  
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Upper Twp.  
**Dick Colby**  
GEHWA

May 19, 2016

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

RE: Unmanaged Forage Public Hearing Comments

Dear Dr. Moore:

We sincerely appreciate the Council's initiative for a regulatory action to prohibit the development of new, or expansion of, directed fisheries on unmanaged forage species until adequate scientific information is available to promote ecosystem sustainability.

Given that the Unmanaged Forage Fish FMAT identified maximum Vessel Trip Reported landings of 36 unmanaged fish species that totaled 4,318,431 pounds, and concurrent maximum Federal Dealer Reported landings of 56 unmanaged fish species totaling 4,393,230 pounds, the threat of catching and landing unmanaged fish without adequate scientific information to promote ecosystem sustainability is very real and already happening.

Therefore this action is urgently needed to protect the structure and function of marine ecosystems in the Mid-Atlantic from the potential threat of unregulated, unsustainable levels of commercial harvest of unmanaged forage species and to advance an ecosystem approach to fisheries management in the Mid-Atlantic.

To best accomplish this, we support the following alternatives:

**6.2.2. Alternative 2B: Designate as ECs and implement an incidental possession limit** – Classify all proposed forage species except chub mackerel as ecosystem component (EC) species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1,700 pounds for all EC species. This alternative is intended to allow vessels which catch ECs incidentally while pursuing managed species to land small amounts of ECs, while also discouraging targeting of ECs.

(continued on next page)

**6.3.2.1. Alternative 3Bi: Manage chub mackerel as a stock in the fishery and prohibit possession once an annual fishery-wide landings limit is met** – Manage chub mackerel as a stock in the fishery, and prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met. The unmanaged fishery for this species that has developed over the last few years should not be expanded until more information is known.

**6.4.3.2. Alternative 4Cii: Council review of EFP applications relating to ECs** – Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits (EFPs) for EC species and require an EFP followed by consideration as a stock in the fishery prior to development of new or expanded existing fisheries for EC Species.

**6.4.4. Alternative 4D: Consideration of stock in the fishery designation prior to development of new or expansion of existing fisheries for ECs** - the Council should not allow landings of ECs beyond those allowed for in the amendment until the Council has considered whether or not the stock in question should be a stock in the fishery.

**6.5.2. Alternative 5B: Permitting** – Require that vessels obtain a NOAA Fisheries permit in order to possess any EC species included in this amendment.

**6.5.3.1. Alternative 5Ci: Council notification of EC landings** - the Council should work with GARFO to develop a process that provides the Council with data on annual catch of EC species in its jurisdiction on a regular basis.

**6.5.3.2. Alternative 5Cii: Reporting of EC landings** - Federally-permitted commercial fishermen are required to report everything they catch and federally-permitted dealers are required to report everything they purchase.

**6.5.4.2. Alternative 5Dii: Southern boundary at Cape Hatteras** - the management unit for this amendment would consist of the EEZ from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina.

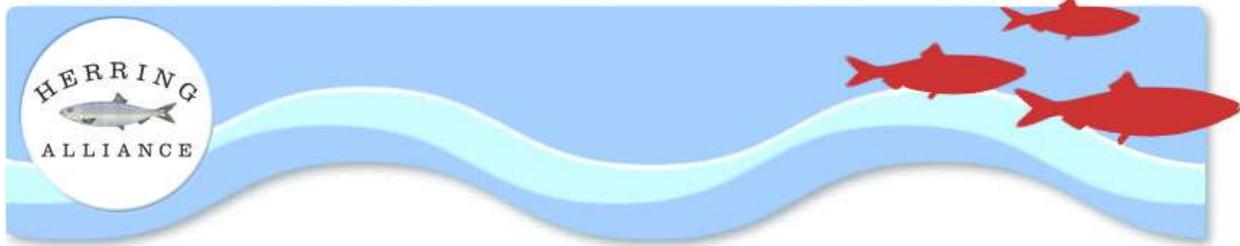
**6.5.5.1. Alternative 5Ei: List of Ecosystem Components** - The Council has repeatedly stated its intent to allow future frameworks to modify the list of ECs in order to adapt to changing species distributions, changing fish abundances, and emerging fisheries in the Mid-Atlantic.

We sincerely appreciate the opportunity to comment on this MAFMC initiative for regulatory actions to prohibit the development of new, or expansion of, directed fisheries on unmanaged forage species until adequate scientific information is available to promote ecosystem sustainability.

Sincerely,



Fred Akers, Administrator



June 17, 2016

Chairman Rick Robins  
Executive Director Chris Moore  
Ecosystems and Ocean Planning Committee Chairman G. Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot,

We, the undersigned 43 organizations are writing in support of the Mid-Atlantic Fisheries Management Council's (MAFMC) Unmanaged Forage Omnibus Amendment (UFOA), which will be a critical part of ensuring a healthy forage base for predators in the Mid Atlantic. We urge the Council to keep this important amendment moving forward without delay, and pass the strongest protections possible to prevent unregulated harvest of forage species and help ensure healthy Atlantic ecosystems.

Forage species are an essential link in marine ecosystems. They move energy from the plankton they eat to larger predators. Large pelagic fish species like tuna and sea bass, seabirds, turtles, and marine mammals all depend on forage fish as a food source. Conserving these important species is essential for the overall health of marine ecosystems and the sustainability of fishing, seafood, and wildlife tourism on the Atlantic coast.

Many forage species like krill, anchovies, sand lance, chub mackerel, and false albacore are not managed. These and other unmanaged forage species are currently at risk of large-scale fishing, which can begin without any assessment of the potential impacts to the ecosystem or to the other fisheries and businesses that rely on sustainable predator populations. The Council's proactive proposal to protect these important species in the UFOA is a commendable step toward comprehensive management of our fisheries and ocean ecosystems, however, its visionary purpose will only be fully achieved if the specific alternatives identified below are adopted and implemented.

The undersigned organizations support the following alternatives:

- Classify all proposed forage species as ecosystem component (EC) species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1,700 pounds for all EC species. **(Alternative 2B)**
- Classify chub mackerel as a stock in the fishery, manage with proxies until biological reference points can be established, and prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met. The unmanaged fishery

for this species that has developed over the last few years should not expand until adequate scientific information demonstrates it can be carried out in an ecologically sustainable manner. **(Alternative 3Bi)**

- Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require that an EFP is followed by consideration of whether the species should be a stock in the fishery prior to development of new or expanded existing fisheries for EC Species. **(Alternative 4Cii and 4D)**
- Require that vessels obtain a NOAA Fisheries permit in order to possess any EC species included in this amendment. **(Alternative 5B)**
- Require comprehensive reporting for landings of EC species in this amendment with data provided to the Council, and updates to at-sea reporting systems. **(Alternative 5C i and ii)**
- Create a southern jurisdictional boundary for this amendment of Cape Hatteras, North Carolina. **(Alternative 5Dii)**
- Allow the list of EC species to be changed through a framework only for the addition of species. **(Alternative 5E i)**
- Possession and landings limits should not be frameworkable. **(Do not adopt Alternative 5Eii)**

We thank you and the Council members, staff, and advisors for your efforts to date to advance this amendment, and for your time and consideration of these comments as you prepare for final action.

Sincerely,

Audubon Connecticut  
Southbury, Connecticut  
[ct.audubon.org](http://ct.audubon.org)

Blackstone River Watershed Council  
Cumberland, Rhode Island  
[www.blackstoneriver.org](http://www.blackstoneriver.org)

Chesapeake Bay Foundation  
Annapolis, Maryland  
[www.cbf.org](http://www.cbf.org)

Connecticut Audubon Society  
Fairfield, Connecticut  
[www.ctaudubon.org](http://www.ctaudubon.org)

Connecticut Ornithological Association  
Fairfield, Connecticut  
[www.ctbirding.org](http://www.ctbirding.org)

Conservation Law Foundation  
Boston, Massachusetts  
[www.clf.org](http://www.clf.org)

Earthjustice  
Washington, DC  
[www.earthjustice.org](http://www.earthjustice.org)

Friends of the Bay  
Oyster, New York  
[www.friendsofthebay.org](http://www.friendsofthebay.org)

Friends of the Moshassuck  
Providence, Rhode Island  
[www.themoshassuck.com](http://www.themoshassuck.com)

Friends of Poquessing Watershed  
Philadelphia, Pennsylvania  
[www.friendsofpoquessing.org](http://www.friendsofpoquessing.org)

Friends of the Upper Delaware River  
Hancock, New York  
[www.fudr.org](http://www.fudr.org)

Gotham Whale  
Staten Island, New York  
[www.gothamwhale.com](http://www.gothamwhale.com)

Great Egg Harbor National Scenic and  
Recreational River Council  
Newtonville, New Jersey  
[www.gehwa.org/river.html](http://www.gehwa.org/river.html)

Greater Boston Trout Unlimited  
Boston, Massachusetts  
[www.gbtu.org](http://www.gbtu.org)

Greenpeace  
Washington, DC  
[www.greenpeace.org](http://www.greenpeace.org)

Green Valleys Watershed Association  
Pottstown, Pennsylvania  
[www.greenvalleys.org](http://www.greenvalleys.org)

Hackensack Riverkeeper  
Hackensack, New Jersey  
[www.hackensackriverkeeper.org](http://www.hackensackriverkeeper.org)

The Herring Ponds Watershed Association  
Sagamore Beach, Massachusetts  
[www.theherringpondswatershed.org](http://www.theherringpondswatershed.org)

Hudson River Fishermen's Association  
Ridgefield Park, New Jersey  
[www.hrfanj.org](http://www.hrfanj.org)

Huntington-Oyster Bay Audubon Society  
Huntington, New York  
[www.huntingtonaudubon.org](http://www.huntingtonaudubon.org)

Long Island Chapter of Trout Unlimited  
Hicksville, New York  
[www.longislandtu.org](http://www.longislandtu.org)

Mattawoman Watershed Society  
Bryans Road, Maryland  
[www.mattawomanwatershedsociety.org](http://www.mattawomanwatershedsociety.org)

Midshore Riverkeeper Conservancy  
Easton, Maryland  
[www.midshoreriverkeeper.org](http://www.midshoreriverkeeper.org)

Mystic River Watershed Association  
Arlington, Massachusetts  
[www.mysticriver.org](http://www.mysticriver.org)

National Audubon Society  
Washington, DC  
[www.audubon.org](http://www.audubon.org)

Natural Resources Defense Council  
Washington, DC  
[www.nrdc.org](http://www.nrdc.org)

North Fork Environmental Council  
Mattituck, New York  
[www.nfec1.org](http://www.nfec1.org)

Oceana  
Washington, DC  
[www.oceana.org](http://www.oceana.org)

Operation SPLASH  
Freeport, New York  
[www.operationsplash.org](http://www.operationsplash.org)

Parker River Clean Water Association  
Byfield, Massachusetts  
[www.parker-river.org](http://www.parker-river.org)

The Pew Charitable Trusts  
Washington, DC  
[www.pewtrusts.org](http://www.pewtrusts.org)

Potomac Riverkeeper Network  
Washington, DC  
[www.potomacriverkeepernetwork.org](http://www.potomacriverkeepernetwork.org)

Red Lily Pond Project Assn, Inc.  
Craigville, Massachusetts  
[www.craigville.org](http://www.craigville.org)

Richmond Audubon Society  
Richmond, Virginia  
[www.richmondaudubon.org](http://www.richmondaudubon.org)

Riverkeeper  
Ossining, New York  
[www.riverkeeper.org](http://www.riverkeeper.org)

The Safina Center  
Stony Brook, New York  
[www.safinacenter.org](http://www.safinacenter.org)

Schuylkill Headwaters Association, Inc.  
Pottsville, Pennsylvania  
[www.schuylkillheadwaters.org](http://www.schuylkillheadwaters.org)

Seacoast Science Center  
Rye, New Hampshire  
[www.seacoastsciencecenter.org](http://www.seacoastsciencecenter.org)

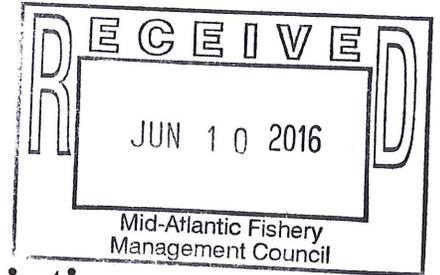
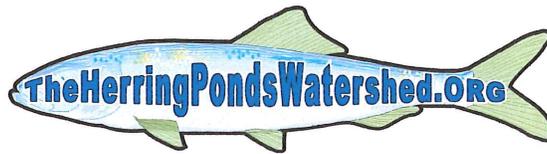
Seatuck Environmental Association  
Islip, New York  
[www.seatuck.org](http://www.seatuck.org)

Shark Angels  
New York, New York  
[www.sharkangels.org](http://www.sharkangels.org)

Shenandoah Riverkeeper  
Washington, DC  
[www.shenandoahriverkeeper.org](http://www.shenandoahriverkeeper.org)

Spruill Farm Conservation Project  
Roper, North Carolina  
[www.spruillfarm.org](http://www.spruillfarm.org)

Wood-Pawcatuck Watershed Association  
Hope Valley, Rhode Island  
[www.wpwa.org](http://www.wpwa.org)



## Herring Ponds Watershed Association

Preserving our Ponds and Watershed

PO Box 522, Sagamore Beach, MA 02562

Chairman Rick Robins  
Executive Director Chris Moore  
Ecosystems and Ocean Planning Committee Chairman G. Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

6 June 2016

To: Whomever is concerned  
From: Brian A. Harrington, President, Herring Ponds Watershed Association

We have been witness to a dramatic decline of river herring in our watershed over recent decades, and believe that the main cause for the decline has been over-harvesting of herring in their ocean habitats. With this in mind, we support the enactment of management regulations that will allow better management of herring and other forage species that are not currently managed in oceanic habitats by any agencies.

By "forage fish" we are referring to species... "which are not currently managed in any way by the Mid-Atlantic, New England, or South Atlantic Fishery Management Councils, or by the ASMFC." The

Mid-Atlantic Fishery Management Council (MAFMC) has proposed the following list of orders/families/species for protection: sand lances, anchovies, sardines, chub mackerel, false albacore, bullet mackerel, frigate mackerel, herrings, silversides, halfbeaks, greeneyes, pearlsides, lanternfishes, squids, cuttlefish, octopods, Atlantic saury, cusk eels, krill, copepods, amphipods, and all other species under one inch as adults.

Under current regulations, a fishery could open on any unmanaged forage species with no assessment of the impacts on the ecosystem or economy. These species are at risk from the growing demand for fish oil, feed for livestock and aquaculture, and bait. Industrial fishing vessels that could easily start targeting these fish can pull in hundreds of thousands of pounds in one haul. A significant fishery could develop very quickly with completely unknown impacts to the species' own population, the ecosystem, and the economy relying on sustainable fishing.

All of these species on the list (above) deserve protection under this amendment. There is limited information on most of the species recommended for protections through this amendment. When data is not available, large-scale fishing should be prohibited until science and management are in place to make sure fishing levels are sustainable. It is essential to understand impacts before directed fishing on these important species is allowed to occur.

The MAFMC Council should be commended for their effort to manage forage fish species in a precautionary way. Forage fish are an important link in any marine ecosystem, moving energy from the plankton they eat to the larger predators that eat them. Managing these species carefully in the U.S. Atlantic will sustain the ecosystem, as well as ensure healthy fisheries for forage and predator species. This is a big step in the right direction for fisheries management.

Considering the above, we believe that fisheries regulations should classify all proposed forage species as ecosystem component (EC) species and prohibit directed fishing for the entire list until adequate information exists to enable scientifically-based harvest limits, including highly migratory species. The regulations should consider allowing an incidental possession limit of 1,700 pounds for all EC species, but only with mandatory, comprehensive reporting for landings of EC species with data provided to the Council.

We urge that regulatory management should include development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require Exempted Fishing Permits followed by consideration as a stock in the fishery prior to development of new or expanded existing fisheries for EC Species.

Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require an EFP followed by consideration as a stock in the fishery prior to development of new or expanded existing fisheries for the "forage fish" species (listed above).

Require comprehensive reporting for landings of EC species in this amendment with data provided to the Council, and updates to at-sea reporting systems.

Cc: **Katharine Deuel**

Senior Associate, U.S. Oceans, Northeast  
The Pew Charitable Trusts

## Beaty, Julia

---

**From:** SMachalaba@aol.com  
**Sent:** Wednesday, June 15, 2016 9:01 PM  
**To:** Beaty, Julia  
**Cc:** capncasey@msn.com; jssutton69@yahoo.com; tothjohn@verizon.net; captpaul@anglersconservation.net; pat@us-ag.com  
**Subject:** Unmanaged forage Species

June 15, 2016

Ms. Julia Beaty  
Fishery Management Specialist  
Mid-Atlantic Fishery Management Council

Dear Ms. Beaty:

The Hi-Mar Striper Club of Middletown, Monmouth County, New Jersey and its 45 members, wish to advise the MAFMC that we are opposed to the development or expansion of a directed fishery on unmanaged forage species. These forage species play an important role in sustaining the productivity and structure of marine eco-systems as part of the food chain. As such they should remain un-exploited, as they currently are, for the benefit of the general fish and marine live populous.

Stephen Machalaba

Casey Campi, President

Hi-Mar Striper Club  
P.O. Box 126  
Middletown, NJ 07748

cc: JCAA, Pres. J. Toth  
Capt. Paul Eidman



June 17, 2016

Chairman Rick Robins  
Executive Director Chris Moore  
Ecosystems and Ocean Planning Committee Chairman G. Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot,

On behalf of the Ipswich River Watershed Association (IRWA), I would like to commend the Mid-Atlantic Fishery Management Council (MAFMC) for their efforts to manage forage species. I am writing to express IRWA's support for the Unmanaged Forage Omnibus Amendment (UFOA). Forage fish are a critical component of the marine ecosystem and their careful, precautionary management is crucial to maintaining healthy, productive fisheries into the future.

The Ipswich River Watershed Association, formed in 1977, is a community-based organization with over 1000 members that works to protect and restore the coastal Ipswich River watershed and its valuable ecosystem services. A large component of our restoration work is focused on improving habitat conditions to help bolster greatly reduced populations of anadromous forage fish such as alewife and blueback herring. As we have worked to improve conditions and protections for these species in efforts to return them to sustainable numbers, we are reminded that it is much more effective to manage stocks proactively than to try to bring them back after they are depleted.

Without healthy populations of forage species, ecosystem stability is compromised and many important commercial and recreational fisheries may be put at risk. Many forage species, including krill, anchovies, sand lance, chub mackerel and false albacore lack management plans. As other fisheries become depleted and demand for products such as fish oil and fish and livestock feed increase, there is a significant risk of unregulated fishing down the food web causing long-term detrimental impacts.

We strongly support the MAFMC in their effort to regulate harvest of these species and to require adequate population estimates and scientific analyses to be in place prior to approval of large-scale fishing efforts. In order for this proactive effort to move toward a more comprehensive fishery management approach to be fully effective, we support the adoption and implementation of the following alternatives:

- Classify all proposed forage species as ecosystem component (EC) species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1,700 pounds for all EC species. **(Alternative 2B)**
- Classify chub mackerel as a stock in the fishery, manage with proxies until biological reference points can be established, and prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met. The unmanaged fishery for this species that has developed over the last few years should not expand until adequate scientific information demonstrates it can be carried out in an ecologically sustainable manner. **(Alternative 3Bi)**
- Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require that an EFP is followed by consideration of whether the

species should be a stock in the fishery prior to development of new or expanded existing fisheries for EC Species. **(Alternative 4Cii and 4D)**

- Require that vessels obtain a NOAA Fisheries permit in order to possess any EC species included in this amendment. **(Alternative 5B)**
- Require comprehensive reporting for landings of EC species in this amendment with data provided to the Council, and updates to at-sea reporting systems. **(Alternative 5C i and ii)**
- Create a southern jurisdictional boundary for this amendment of Cape Hatteras, North Carolina. **(Alternative 5Dii)**
- Allow the list of EC species to be changed through a framework only for the addition of species. **(Alternative 5E i)**
- Possession and landings limits should not be frameworkable. **(Do not adopt Alternative 5Eii)**

Thank you for the opportunity to comment on this process and for your consideration. We are grateful to you and all of the individuals who have worked on this and look forward to seeing the final action.

Sincerely,



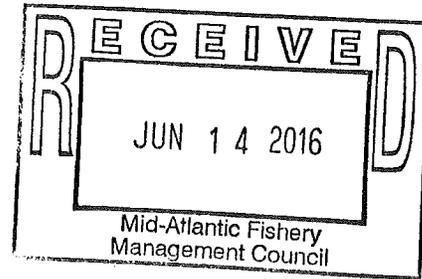
Brian Kelder  
Restoration Program Manager



**JERSEY COAST ANGLERS ASSOCIATION**  
**Working For The Saltwater Resource & Marine Anglers**  
1594 Lakewood Rd., Suite 13, Toms River, NJ 08755  
Phone 732-506-6565 Fax 732-506-6975  
Web Site <http://www.jcaa.org>  
Email [jcaa@jcaa.org](mailto:jcaa@jcaa.org)

June 7, 2016

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



Re: Unmanaged Forage Public Hearing Comments

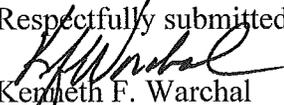
Dear Dr. Moore,

JCAA strongly agrees that the Council should take measures to protect all species of forage fish listed in the Amendment throughout the entire region over which the Council has jurisdiction. Forage fish are extremely important to the entire marine ecosystem. Healthy stocks of predator species pursued by the recreational and commercial fisheries could not be sustainable without them. We are also pleased the false albacore is included as an ecosystem component as they are a very popular gamefish worthy of inclusion.

We agree that no new or expanded directed commercial fisheries should be allowed until such time as the Council can assess accurate scientific data to evaluate future impacts. As we all know, decisions made will not only affect the species themselves, but will have significant socioeconomic ramifications as well.

We applaud the Council for being proactive in trying to conserve our fisheries. The JCAA thanks you on behalf of the thousands of saltwater anglers we represent in New Jersey.

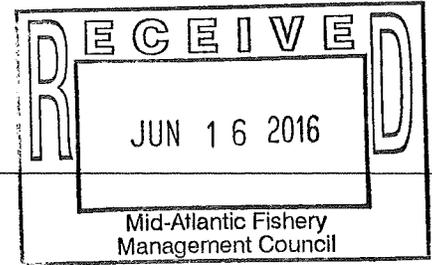
Respectfully submitted,

  
Kenneth F. Warchal  
1st Vice President



# Manasquan River Marlin & Tuna Club

Established in 1936



June 10, 2016

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

Re: Unmanaged Forage Public Hearing Comments

Dear Dr. Moore,

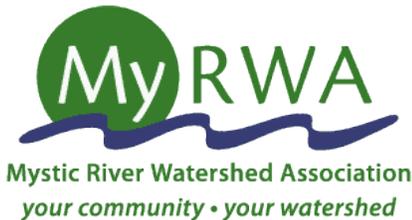
The Manasquan River Marlin & Tuna Club strongly agrees that the Council should take measures to protect all species of forage fish listed in the Amendment. We all know the value of these organisms in the food chain. Recreational and commercial fisheries alike are dependent on an abundance of healthy forage fish. It would be a shame to see any of the species stock crash.

We agree that no new or expanded directed commercial fisheries should be allowed until such time as the Council can assess accurate scientific data to evaluate future impacts. As we all know, decisions made will not only affect the species themselves, but will have significant socioeconomic ramifications as well.

We applaud the Council for being proactive in trying to conserve our fisheries. MRMTC thanks you on behalf of our 235 members located throughout the State of New Jersey.

Respectfully submitted,

  
Kenneth F. Warchal  
Fisheries Management Chair



June 10, 2016

Chairman Rick Robins, Executive Director Chris Moore,  
Ecosystems and Ocean Planning Committee Chairman G. Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot,

The Mystic River Watershed Association (MyRWA) applauds the Mid-Atlantic Fishery Management Council in advocating for the protection of unmanaged forage species in mid-Atlantic federal waters. We are writing to support your Unmanaged Forage Omnibus Amendment (UFOA). This amendment represents an important step towards maintaining a healthy ecosystem through the prevention of unregulated commercial harvesting of forage species until the Council has had an adequate opportunity to assess the scientific information relating to any new or expanded fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem.

MyRWA is a grassroots organization dedicated to the protection and restoration of the Mystic River and its tributaries, which flow into Boston Harbor. We are in the midst of our annual river Herring Run and recently witnessed with the arrival of the herring, great blue and black-crowned night herons, bald eagles, osprey, cormorants, herring gulls, and striped bass. River herring, a forage species, plays a crucial role in ensuring that our watershed's ecosystem remains viable. In 2015 alone, our herring monitoring program galvanized the interest of dozens of volunteers who counted nearly 60,000 individuals of a run estimated at nearly 500,000 in total.

Recent management progress has been made in the conservation of certain forage fish, such as mackerel and menhaden. Nonetheless, forage species such as krill, anchovies, sand lance, chub mackerel and false albacore lack management plans. Given the growing demand for fish oil, feed for livestock and aquaculture and bait these unmanaged species are at risk from large-scale commercial fishing and therefore need to be protected. We are also concerned about the trophic consequences of the large-scale removal of forage species.

The specific alternatives within the UFOA that we support can be found in the letter to be dated June 17, 2016 submitted by the Herring Alliance, which we have cosigned. In addition to those alternatives, we ask that you consider as part of the forthcoming assessment of your marine ecosystem the role of climate change. Finally, we wish to thank you for your leadership regarding unmanaged forage species. It will serve as a model for the New England Fishery Management Council.

Sincerely,

EkOngKar Singh Khalsa, Executive Director  
Mystic River Watershed Association

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June 17, 2016

Dr. Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901  
*[sent via email]*

Dear Dr. Moore,

On behalf of The Nature Conservancy, I am writing to express our support for the Mid-Atlantic Fishery Management Council's initiative to protect unmanaged forage species. The Conservancy's marine conservation efforts in the Mid-Atlantic region include a focus on forage species because of their critical roles in connecting and supporting estuarine and marine food webs. Our deep investments in coastal and marine ecosystem restoration and conservation over several decades and the critical importance of forage species to long-term ecosystem integrity provide the foundation for our interest on this issue. We appreciate the productive discussion and diligence of Council staff, the FMAT, and the Ecosystem and Ocean Planning Advisory Panel and Committee that has produced this range of alternatives. We offer the following comments in support of the ongoing process to finalize this important Amendment.

We support the list of forage species put forth in the Public Hearing Document (May 2016) as a starting point on which to implement protections. We are aware that there has been some debate around the inclusion of frigate mackerel, false albacore, and halfbeaks. Should any of these species be removed from the list, we recommend that the Council initiate a separate process to identify and establish appropriate management measures in consideration of their importance as prey for large tunas and billfish, value to the recreational fishing sector, and the potential for unregulated increased harvest pressure.

Regarding possession of forage species included in this Amendment, we support Alternative 2B—designation of forage species (other than chub mackerel) as Ecosystem Component (EC) Species, with an incidental possession limit designed to dissuade commercial expansion without impeding current fishing operations. Recognizing that chub mackerel are currently targeted and landed, we also support the adoption of separate alternatives for chub mackerel. Regardless of the alternatives chosen for chub, further expansion of the fishery in the absence of better scientific information would be inconsistent with the Council's clearly articulated intent when the forage fish amendment was initiated.

Monitoring forage species landings poses new challenges. An arrangement between the Council and GARFO (Alt 5ci) is necessary to monitor and internally publish forage species landings data on a regular basis so that anomalous individual or combined landings indicative of directed fishing are flagged. We recommend establishing a system for flagging anomalous landings of any species, including EC species, so that the Council is not caught off guard when new fisheries are being developed.

Coordination between GARFO and the Council should extend to Exempted Fishing Permits (EFPs) as well. We support the idea of requiring an EFP for a new fishery on EC species and believe that GARFO should encourage EFP applicants targeting EC species to submit their applications to the Council prior to submission to NMFS (Alt 4cii).

The Council can play a valuable role in protection of ecosystem structure by protecting the forage base, and we hope that the successful completion of this Omnibus Amendment sets a positive example for the Atlantic States Marine Fisheries Commission and other Federal Fishery Management Councils to follow.

Development of this Amendment has highlighted the need to proactively prepare for new or rapidly increased harvests of any species, regardless of trophic level. Dynamic global markets, shifts in demand, and changing technologies create opportunity and economic incentive for new and expanding fisheries. Through future action, we recommend that the Council develop a comprehensive policy on emerging fisheries to ensure we have adequate science to set sustainable harvest levels, including consideration of ecosystem level impacts. This new policy would clearly outline the process and necessary conditions for establishing new fisheries, generally placing the burden of proof on the proponents while not unnecessarily restricting sustainable fishery development.

Thank you for the opportunity to share our comments and we look forward to supporting the development of this Amendment through its finalization. Please contact Kate Wilke at [kate.wilke@tnc.org](mailto:kate.wilke@tnc.org) or (804) 249-3412 with any questions or ideas for how we might assist.

Sincerely,



Jay Odell  
Mid-Atlantic Marine Program Director  
The Nature Conservancy



June 17, 2016

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

Re: Unmanaged Forage Omnibus Amendment Public Comment

Dear Dr. Moore and Council Members,

The New England Aquarium is a renowned public aquarium and our Anderson Cabot Center for Ocean Life is one of world's foremost applied marine research centers. We are also a consumer of several of the species under consideration under the Unmanaged Forage Omnibus Amendment initiated by the Mid-Atlantic Fishery Management Council. We would like to take this opportunity to commend the Mid-Atlantic Fishery Management Council for proactively working to protect forage fish and invertebrate species in the Mid-Atlantic. The New England Aquarium's Anderson Cabot Center conducts cutting edge fisheries science that leads to collaborative solutions. For decades we have worked in cooperation with engineers, government agencies, and the fishing industry to support the development of science-based stock assessments, fishing regulations, and best practices. It is with this history of expertise that we strongly support the conservation-oriented, precautionary approach of the Unmanaged Forage Omnibus Amendment, and recognize this amendment as one that will promote both healthy oceans and sustainable seafood.

The forage fish and invertebrate species under consideration for protection play a critical role in the Mid-Atlantic ocean ecosystem. They serve as prey not only for commercially important fish species but also for wildlife such as whales, seabirds, sharks and other fishes. If adopted, the Unmanaged Forage Amendment will prevent the development of new commercial fisheries unless effective management measures, informed by sound science, are in place to make sure that the populations of these critical prey species remain healthy enough to support marine wildlife and existing fisheries.

We urge the Council to consider the following recommendations when it debates and then votes on the Unmanaged Forage Omnibus Amendment alternatives this summer:

- Please prohibit the development of commercial fisheries for as many of the proposed forage species as possible (Alternative 2B).
- Please establish an annual incidental possession limit of 1700 lbs for all species combined per fishing trip.
- We support Alternative 3A: designation of chub as an Ecosystem Component Species with a cap based on a 10 year landing average. We also strongly encourage the Council



to commit to managing chub as a stock (and develop the necessary stock assessment and reference points within 3 years of this amendment).

The council's vote for healthy and productive forage fisheries will be supported and amplified in the work the New England Aquarium is undertaking at our own institution to sustainably source forage species as feed for the animals in our collection. As an organization, we purchase more than 70,000 pounds annually of forage species similar to those under consideration for this amendment from domestic and international suppliers to feed the animals in our collection. Spurred by this amendment, the New England Aquarium, along with others, met at the Wildlife Conservation Society's New York Aquarium at the end of May 2016 to discuss best management practices for sustainably sourcing feed fish for our collections. The shared knowledge from this meeting, as well as years of research and analysis by New England Aquarium experts, will continue to improve the sourcing of forage fish for our collection animals. We look forward to the Council adopting and the National Oceanic and Atmospheric Administration and Coast Guard implementing this proactive precautionary amendment. As science-based management plans for these species are developed and adopted, our Aquarium will consider purchasing feed for our collection from sustainable, locally managed fisheries.

Sincerely,

Nigella Hillgarth  
President & CEO  
New England Aquarium and Anderson Cabot Center for Ocean Life



# NEW JERSEY COUNCIL OF DIVING CLUBS

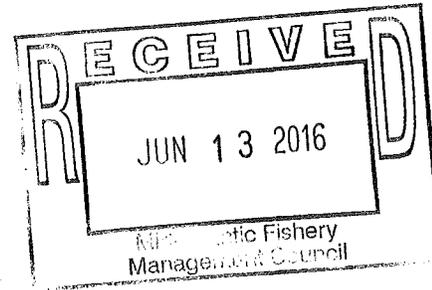
P. O. Box 841  
Eatontown, NJ 07724-0841  
<http://www.scubanj.org>



6/5/16

## Unmanaged Forage Omnibus Amendment

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



Dear Dr. Moore:

The NJ Council of Diving Clubs (NJCDC) is an organization of fourteen sport diving clubs in New Jersey and other nearby states. There are presently about 29 dive shops and 12 commercial dive boats as well as a number of private dive boats out of various inlets on the NJ coast that depend on the sport diver fishery.

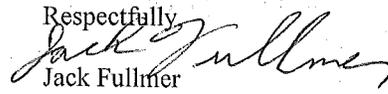
The Unmanaged Forage Omnibus Amendment appears to be primarily targeted at the commercial fishery and not the recreational fishery. I did not recognize any listed forage species in this amendment that are specifically taken by sport divers. Sport divers do take mussels and other shellfish by hand that could be considered unmanaged forage species near wrecks and artificial reefs in the mid-Atlantic, but the total amount is negligible. Almost all SCUBA diving from boats is done in the clearer water of the EEZ in the mid-Atlantic and most wrecks and artificial reefs are also located there.

However, the proposed amendment did make statements of concern to the sport diving community. In 6.5.1 Alternative 5A, Table 4 the statement is made that spear, hand harvest and powerhead limit the Council's ability to address new fisheries for unmanaged forage species in the recreational fishery. Since most forage species are very small, it would not be practical to take such fish by spear and I know of no forage species taken by spear by sport divers. Powerheads are only used on the largest of fish mostly as a defensive measure against aggressive sharks. If you consider shellfish a forage species, hand harvest of mussels and other shellfish by sport divers is very limited by time and depth and has a negligible impact on any shellfish species. Please withdraw the false statement about spear, powerhead and hand harvest that suggests this mode of recreational taking has any impact on limiting the MAFMC ability to address the protection of new or any forage species.

Also of concern is a statement in Table 1, Issue 2 (6.2.1) that says "Designate forage species (other than Chub Mackerel) as Ecosystem Component (EC) and prohibit possession..." is far too inclusive and would produce unintended consequences as there are thousands of species of EC and any could accidentally end up on commercial fishing boats. Incidental catch would probably be the best alternative.

Please confine any updating of the List of Fisheries to the specific forage species you are trying to protect from the commercial fishery. Be careful what you do regarding the so called updating of the List of Fisheries and be sure to allow comment on it. We were very careful to include all the species taken by sport divers in the List of Fisheries under Title 50, 600.725 (Authorized Gear Types) when that information was requested of us a number of years ago. Because we are a small fishery, the sport diver fishery is often forgotten.

Please reply directly to :  
Jack Fullmer  
443 Chesterfield-Arneytown Rd  
Allentown, NJ 08501

Respectfully,  
  
Jack Fullmer  
Legislative Committee  
[jf2983182@msn.com](mailto:jf2983182@msn.com)



**NORTH CAROLINA MARINE FISHERIES COMMISSION  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

COMMISSIONERS

**PAT MCCRORY**  
Governor

**DONALD VAN DER VAART**  
Secretary

**SAMMY CORBETT**  
Chairman

**MARK GORGES**  
Wrightsville Beach  
**CHUCK LAUGHRIDGE**  
Harkers Island  
**JANET ROSE**  
Moyock  
**JOE SHUTE**  
Morehead City

**RICK SMITH**  
Greenville  
**MIKE WICKER**  
Raleigh  
**ALISON WILLIS**  
Harkers Island

June 8, 2016

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



Re: Comments on the Unmanaged Forage Omnibus Amendment

Dear Dr. Moore:

I am writing on behalf of the North Carolina Marine Fisheries Commission to provide the following comments on provisions of the Unmanaged Forage Omnibus Amendment being considered by the Mid-Atlantic Fishery Management Council:

- Our commission supports including little tunny (false albacore) and Atlantic bonito in the list of eco-system component species for inclusion in the amendment. Although the council did not approve Atlantic bonito for inclusion in the amendment, we believe effective management is needed for this unregulated species.
- Additionally, the commission supports Alternative 2B, which designates unmanaged forage species as eco-system component species and implements an incidental possession limit for commercial fisheries with a 1,700-pound total cap per trip and a 1,500-pound cap per trip on individual species.

Thank you for the opportunity to comment and we look forward to working with you on this and other issues of mutual concern related to our fisheries resources.

Sincerely,

A handwritten signature in cursive script that reads "Sammy Corbett".

Sammy Corbett, Chairman  
N.C. Marine Fisheries Commission

cc: North Carolina Marine Fisheries Commission  
Braxton Davis, North Carolina Division of Marine Fisheries  
Chris Batsavage, North Carolina Division of Marine Fisheries



MYSTIC  
AQUARIUM



June 17, 2016

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

Re: Unmanaged Forage Omnibus Amendment Public Comment

Dear Dr. Moore and Council Members,

As both conservation organizations and consumers of some of the species under consideration, we want to commend the Mid-Atlantic Fishery Management Council for proactively working to protect forage fish and invertebrate species in the Mid-Atlantic. As a group of U.S. aquariums dedicated to promoting healthy, sustainable seafood, we strongly support the conservation-oriented, precautionary approach of the Unmanaged Forage Omnibus Amendment.

The forage fish and invertebrate species under consideration for protection play a critical role in the Mid-Atlantic ocean ecosystem. They serve as prey not only for commercially important fish species but also for wildlife like whales, seabirds, sharks and other fishes. If adopted, the Unmanaged Forage Amendment will prevent the development of new commercial fisheries unless effective management measures, informed by sound science, are in place to make sure that the populations of these critical prey species remain healthy enough to support marine wildlife and existing fisheries.

We urge the Council to consider the following recommendations when it debates and then votes on the Unmanaged Forage Omnibus Amendment alternatives this summer:

- Please prohibit the development of commercial fisheries for as many of the proposed forage species as possible (Alternative 2B).
- Please establish an annual incidental possession limit of 1700 lbs for all species combined per fishing trip.
- Chub Mackerel: We support Alternative 3A: designation of chub as an Ecosystem Component Species with a cap based on a 10 year landing average. We also strongly encourage the Council to commit to

managing chub as a stock (and develop the necessary stock assessment and reference points within 3 years of this amendment).

- False Albacore: Some of us have been educating our visitors that forage species come in all sizes as illustrated by false albacore. This species is an important prey species for a variety of large pelagics. We encourage the Council to list this species as an Ecosystem Component.

Further, we also wanted to update you on the work we are doing behind the scenes to sustainably source forage species as feed for animals in our collection. Spurred by this amendment, some of us met at the Wildlife Conservation Society's New York Aquarium at the end of May 2016 to discuss best management practices for sustainably sourcing feed fish for our collection.

For example, Mystic Aquarium supports its conservation mission every day by only purchasing sustainable seafood products when feeding animals in its collection. Mystic Aquarium works with reputable brokers who research stable populations of fish. The aquarium also provides variety in its animals' diets so that if a population starts to decline in the ocean, the animals will be able to eat a different species of fish. Once the aquarium uses its fish for the day, any waste product is frozen and given to local fisheries and researchers to use as bait. Mystic Aquarium also uses its waste fish in the education department for classroom dissections. The aquarium follows its mission to conserve our planet, so it also educates its guests to research stable populations when purchasing fish. During all of the aquarium's training presentations, it provides not only information about stable populations of fish but also how the public can access this information when they are making fish purchasing.

Collectively, as a group of aquariums, we purchase more than seven hundred thousand pounds annually of forage species similar to those under consideration for this amendment from domestic and international suppliers to feed animals in our collection. We look forward to the Council adopting and the National Oceanic and Atmospheric Administration and Coast Guard implementing this proactive precautionary amendment. As science-based management plans for these species are developed and adopted, our aquariums would consider purchasing feed for our collection from sustainable, locally managed fisheries.

Sincerely,

Jon Forrest Dohlin  
Vice President and Director  
Wildlife Conservation Society's  
New York Aquarium

Lynn B. Clements  
Executive Director  
Virginia Aquarium & Marine Science Center

Katie Cubina  
Senior Vice President, Mission Programs  
Mystic Aquarium

Dr. Brian Davis  
CEO  
The Maritime Aquarium at Norwalk



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202.552.2299 Fax

[www.pewtrusts.org](http://www.pewtrusts.org)

June 17, 2016

Chairman Rick Robins  
Executive Director Chris Moore  
EOP Committee Chairman Warren Elliot  
Mid-Atlantic Fisheries Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

**RE: Unmanaged Forage Omnibus Amendment Comments**

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot:

We are writing on behalf of the Pew Charitable Trusts (Pew) to provide comments on the Mid-Atlantic Fishery Management Council's (MAFMC or Council) Unmanaged Forage Omnibus Amendment (UFOA or Amendment). We commend the MAFMC for developing an Amendment that, if implemented by National Oceanic Atmospheric Administration Fisheries as recommended below, will proactively protect over fifty species of forage fish and mollusks, as well as copepods, krill, isopods and other low trophic prey species. These species must be protected because they hold vital roles in our marine ecosystem and could be threatened by large-scale, unregulated fishing. The depletion or loss of these species would also put the predators that depend upon them at risk. This Amendment is a crucial step toward a comprehensive ecosystem-based approach to fisheries management (EBFM), and will contribute significantly to productive fisheries and a healthy Northeast Large Marine Ecosystem (NLME).

We support the Council's decision to take final action on the Amendment at its August 2016 meeting. In order to most effectively protect the structure and function of marine ecosystems in the mid-Atlantic, the following alternatives should be adopted:

- 1. Approve the entire list of proposed species, families, orders, and groups in Table 3 of the Public Hearing Document (PDH) for management under this Amendment;**
- 2. Classify all proposed forage species, families, orders, and groups in Table 3, with the exception of chub mackerel, as ecosystem component (EC) species and prohibit directed fishing for the entire list, including the listed highly migratory species. Allow an incidental possession limit of 1700 pounds for all EC species combined per trip (Alternative 2B);**

3. **Revise Alternative 2B to prevent an unintended loophole that would allow directed fishing under certain circumstances;**
4. **Immediately classify chub mackerel as a stock in the fishery (SIF), prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met, and initiate an action to develop other required management measures and proxy status determination criteria to be used for management until ecologically-based reference points and criteria are established. The unmanaged fishery for this species that has developed in recent years should not expand beyond this ten year average until status determination criteria and other required management measures are established and an ecologically-based catch limit is established. (Alternative 3Bi);**
5. **Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits (EFP) for any listed EC species similar to Pacific Fishery Management Council (PFMC) Council Operating Procedure 24 (COP 24);**
6. **Require use of a MAFMC endorsed, and Greater Atlantic Regional Fisheries Office (GARFO) approved EFPs followed by consideration of a stock in the fishery designation consistent with current law and the need to protect its role in the ecosystem, prior to allowing any new fisheries or expansion of existing fisheries for EC species (Alternative 4Cii and 4D);**
7. **Update the List of Authorized Fisheries and Gear (Alternative 5A);**
8. **Require a NOAA Fisheries permit in order to possess any EC species in mid-Atlantic federal waters (Alternative 5B);**
9. **Require comprehensive reporting for landings of listed EC species with data provided to the Council, and updates to at-sea reporting systems (Alternative 5Ci and ii);**
10. **Establish the management unit as federal waters bounded by seaward lines extending from the Connecticut/New York boundary and Cape Hatteras, North Carolina (Alternative 5Dii);**
11. **Allow for the addition of EC species through a framework action (Alternative 5Ei) and only allow the removal of a listed species if it is added to a management plan as a stock in the fishery and managed to protect its role in the ecosystem;**
12. **Do not allow incidental possession limits to be changed through a framework action (Reject Alternative 5Eii).**
13. **Allow for the development of spatial and seasonal closures to protect EC species through framework actions (Alternative 5Eiii)**

\* \* \*

The specific intent of this action is to prevent the development of new or expansion of existing directed fishing on forage species until there is sound science that allows the Council to consider and mitigate impacts to the marine ecosystem. The Amendment arose out of the Council's EBFM white paper on forage species and is an elemental step in transitioning to EBFM. Implicit is the Council's recognition that forage play a vital role to the overall health of the ecosystem, and that management of forage species should address the role they play to the stability of predator populations and in the balance of trophic interaction in the marine food web. This Amendment is a critical first step toward EBFM and sustainable management of forage as prey in the ecosystem.

**1. Approve the entire list of proposed species, families, orders, and groups in Table 3 of the Public Hearing Document (PHD) for management under this Amendment**

The MAFMC should approve the entire list of forage species, families, orders, and groups provided in Table 3 of the PHD for management and inclusion in relevant mid-Atlantic Fishery Management Plans (FMP). At the outset, the Council initiated this action to ensure a robust forage base for managed and unmanaged predators. The Council's intent was to protect prey species until adequate scientific information was available to ensure ecologically sustainable fishing. To determine what species were common prey in the region, the Fisheries Management Action Team (FMAT) provided the Council with extensive diet data for managed and unmanaged predator fish and marine mammals. The FMAT, the Ecosystem and Ocean Planning Committee (EOP), and EOP Advisory Panel (AP) prioritized these species and narrowed the list. The current list was eventually proposed by the EOP Committee and prioritizes species based on available diet and catch data consistent with the Council's intention to focus on those species with high ecological importance and/or a high potential for the development of a large-scale targeted commercial fishery. All of the species, families, orders, and groups listed in Table 3 are essential forage for predators in the Northeast Large Marine Ecosystem (NLME), and should be included in the UFOA.

**a) A nexus to managed predators is not required**

Representatives from NOAA Fisheries informally advised the Council and Council staff that forage EC Species included in the UFOA must either have a nexus to a council managed species or be caught in an existing fishery. The assertion that a nexus to a Council managed species is a prerequisite to an action that seeks to comprehensively protect the forage base by prohibiting fishing on currently unmanaged species runs counter to the mandates of the Magnuson Stevens Fishery Conservation and Management Act (MSA) and the National Standard 1 (NS1) guidelines.

The MSA provides “exclusive fishery management authority over *all fish* ... within the exclusive economic zone.”<sup>1</sup> Using its discretionary authority under the MSA, the MAFMC can “...include management measures in a plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations.”<sup>2</sup> Further, in order to prevent overfishing consistent with the mandate of NS1, the guidelines state: “In determining the greatest benefit to the Nation,... [t]he benefits of protection afforded to marine ecosystems are those resulting from maintaining viable populations (including those of unexploited species), maintaining adequate forage for all components of the ecosystem,...”<sup>3</sup> Further, the NS1 guideline definition of EC Species states: “EC species may, but are not required to, be included in an FMP or FMP amendment... to address other ecosystem issues.”<sup>4</sup> The MAFMC has ample authority to include all species, families, orders, and groups on the list. They can include them because they “are the broadly used prey of marine mammal, seabird, and fish species” as the Pacific Fishery Management Council (PFMC) recently did in their unmanaged forage amendment.<sup>5</sup>

**b) False Albacore, frigate mackerel, and bullet mackerel are important unmanaged prey for commercial and recreational fisheries**

The MAFMC should include false albacore, frigate mackerel, and bullet mackerel in the UFOA. These species are essential forage for apex predators like tuna, marlin, and sharks in the Northeast Large Marine Ecosystem. While these fish are not managed by the MAFMC, they are significant keystone predators, and alterations in their prey composition causes cascading effects in the food web that could destabilize the pelagic ecosystem of the EEZ.<sup>6</sup> If typical prey for tuna and marlin are no longer available due to increased commercial fishing, these predator species will be forced to seek alternative prey and could feed on Council managed species or their essential prey. It is all connected.

False albacore, bullet mackerel, and frigate mackerel are also highly vulnerable to commercial fishing because they school in large numbers in fairly predictable areas. While they have been protected from commercial fishing so far – primarily because they are not currently marketed and they swim faster than most current fishing vessels can travel – the increasing global demand for seafood as feed for livestock and/or aquaculture puts these species at risk of large-scale directed fishing in the future. The depletion of these species could have far reaching ecological and economic implications by causing significant harm to predator species

<sup>1</sup> 16 U.S.C. § 1811(a) (emphasis added).

<sup>2</sup> 16 USC § 1853(b)(12).

<sup>3</sup> 50 C.F.R. § 600.310(e)(3)(iii)(C).

<sup>4</sup> 50 C.F.R. § 600.310(d).

<sup>5</sup> [Comprehensive Ecosystem-Based Amendment 1](#): Protecting Unfished and Unmanaged Forage Fish Species, March 2016, p. 7.

<sup>6</sup> 2011, Frasier, C., [The Crucial Role of Predators](#): A New Perspective on Ecology.

populations, impairing commercial and recreational fisheries, and damaging coastal communities and economies throughout the region and beyond.

These three species are particularly vital to the recreational fishing community in the mid-Atlantic region. At the April 2016 MAFMC meeting, Council members decided to keep these species in the PHD in order to give the public a chance to comment on their inclusion prior to final action by the MAFMC. As part of the correspondence for the April 2016 meeting, Council staff received 98 comments requesting that false albacore be included, 84 comments requesting that bonito be included (bonito and false albacore are often conflated), 57 comments requesting that frigate mackerel be included, and 56 comments requesting that bullet mackerel be included.<sup>7</sup> These comments were predominately from recreational fishermen who depend on the predator-prey linkages in the waters they fish and help demonstrate that false albacore and the other small highly migratory species are prey for ecologically important apex predator species like tuna, marlin, and other big game species that are the foundation of millions of dollars of economic activity associated with tournaments and charters along the coast.

Finally, in addition to being important prey for valuable recreational fisheries in the mid-Atlantic region, these three stocks are currently unmanaged by any jurisdictional body and are unlikely to be in the near future. The MSA limits the Atlantic Highly Migratory Species (HMS) branch of NOAA to management of many of the larger HMS tuna and billfish, and it does not require management of these smaller tuna and mackerel species.<sup>8</sup> If the MAFMC does not include them in this Amendment, these commercially and ecologically important forage species are likely to remain unmanaged indefinitely.

**2. Classify all proposed forage species, families, orders, and groups in Table 3, with the exception of chub mackerel, as ecosystem component (EC) species and prohibit directed fishing for the entire list, including the listed highly migratory species. Allow an incidental possession limit of 1700 pounds for all EC species combined per trip (Alternative 2B)**

The Council should classify the entire list of proposed species, families, orders, and groups<sup>9</sup> (except chub mackerel) as EC species, and consistent with the intent of the Amendment, protect them from directed fishing until there is adequate scientific information and it is analyzed and used to develop ecologically sound management measures to ensure the impacts of the potential new fishery on other fisheries, fishing communities, and the ecosystem are sustainable. Alternative 2B is the heart of this amendment. Forage species have a unique role in our ecosystem linking low trophic level species such as phytoplankton and zooplankton to higher trophic level species, making them necessary for energy flow through the ocean food web. It is

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<sup>7</sup> MAFMC April Meeting, Unmanaged Forage Amendment, [Presentation](#), Slide 17.

<sup>8</sup> See 16 U.S.C. § 1802(21) (definition of the term “highly migratory species”).

<sup>9</sup> MAFMC Unmanaged Forage Omnibus Amendment, Table 3 of public hearing document, pp. 16-17

these links that make conservation of forage species essential for the overall health of the Northeast Large Marine Ecosystem. Species like krill, anchovies, sand lance, chub mackerel, and false albacore all contribute to the food base for the predator species in the ocean food web. Under current regulations, a fishery could open on these species with little or no analysis of its impacts and management measures to protect their role in the ecosystem. Alternative 2B will bring a suite of unfished and unmanaged forage species into the MAFMC FMPs and prohibit the development of new or the expansion of existing fisheries. That prohibition will protect these species until, with the addition of certain alternatives discussed below, additional scientific information is gathered and management measures are considered to ensure the health of other fisheries, fishing communities, and a healthy marine ecosystem.

Under the NS1 guidelines, to be designated as an ecosystem component (EC) species, managers must determine that the species is not “subject to overfishing, approaching overfished, or overfished; not be likely to become subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and not generally be retained for sale or personal use.”<sup>10</sup> An “EC species may be identified at the species or stock level, and may be grouped into complexes... [and] may, but are not required to, be included in an FMP or FMP amendment... to address other ecosystem issues.”<sup>11</sup> All of the species, families, orders, and groups listed in Table 3 (with the exception of chub mackerel) qualify as EC species and should be protected from directed fishing until full federal management is established that protects the role of forage as prey in the ecosystem. Full federal management of forage fish must be based upon a completed stock assessment and ecologically-based reference points, use the best available science, consider impacts to the ecosystem, and implement the full suite of required conservation and management measures. Management of chub mackerel is dealt with separately below.

**a. The MAFMC should adopt an incidental possession limit of 1700 pounds for all EC species combined per trip**

The 1700 pound combined trip limit is based on the documented incidental possession of these species over the past 20 years.<sup>12</sup> Council staff followed the same methodology used by the Pacific Fishery Management Council (PFMC) to determine the appropriate trip possession limit for the EC species covered in their unmanaged forage omnibus amendment.<sup>13</sup> Specifically, MAFMC staff compiled total catch for all EC species on all trips from 1996 to 2015 and developed a limit that would include 99 percent of those trips.<sup>14</sup> In other words, 99 percent of all

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<sup>10</sup> 50 C.F.R. 600.310(d)(5)(i)(A-D)

<sup>11</sup> 50 C.F.R. 600.310(d)(5)(ii).

<sup>12</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 34.

<sup>13</sup> [NMFS Report on Federal Regulations](#) to Implement Comprehensive Ecosystem-Based Fisheries Amendment 1, p.6.

<sup>14</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 34.

trips over the past 20 years (1996 to 2015) landed less than 1700 pounds of all of the listed EC species combined. Thus, the 1700 pound trip limit should allow existing fishing levels to continue, while meeting the intent of the Amendment - to prevent the development of new or expansion of existing commercial fisheries on unmanaged forage until additional data is gathered, analyzed, and the appropriate management measures implemented.

**b. Revise Alternative 2B to prevent an unintended loophole that would allow directed fishing under certain circumstances**

The Council should be clear in the final UFOA that Alternative 2B is intended to **prohibit directed commercial fishing on EC species** and allow for an incidental possession limit. By removing the language that specifically stated “prohibit possession” from Alternative 2B at the April MAFMC meeting,<sup>15</sup> Council staff created the potential for an unintended loophole. For example, if the Council chooses Alternative 4Bii as its preferred alternative (rather than Alternative 4D which requires consideration of whether the stock should be a stock in the fishery before directed fishing can occur), arguably, once the Exempted Fishing Permit (EFP) expires, the industry could direct on a species without further review, analysis, or oversight. This is not what the Council intended with this amendment; it intended to prevent fishing until there is scientific review of the potential new fishery and the Council has considered the impacts to other fisheries, fishing communities, and the ecosystem, and adopted management measures to mitigate those impacts. The best way to ensure sustainable fisheries for these forage species is management through a Fishery Ecosystem Plan (FEP) or a Fishery Management Plan (FMP). To prevent unregulated fishing as this Amendment intends, the MAFMC should revise Alternative 2B and include the words “prohibit directed fishing” such that the alternative reads “Designate forage species (other than chub mackerel) as Ecosystem Components (ECs), prohibit directed fishing, and implement an incidental possession limit.”

To clarify the intent of Alternative 2B, the MAFMC should also clearly define what it means to prohibit directed fishing. The PFMC did this in their unmanaged forage amendment (“Comprehensive Ecosystem Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species” (CEBA-1)).<sup>16</sup> Their preferred alternative explains:

... no new directed fishing could begin for these species without a Council process to develop an EFP. Shared EC Species could continue to be taken incidentally and landed or discarded without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations for eulachon recovery. No long-term directed EEZ fisheries would be possible for these species without some future FMP amendment to specify the targeted species as an FMU species and to meet MSA

<sup>15</sup> MAFMC April Council Meeting Unmanaged Forage Fish Amendment Presentation, Slides 22 and 23.

<sup>16</sup> [Comprehensive Ecosystem-Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species](#), March 2016, p. 6.

requirements for FMU species, which include: developing harvest specifications, identifying essential fish habitat (EFH) for the species, and providing gear specifications for the fishery.<sup>17</sup>

The Amendment should clearly state that the words “prohibit directed fishing” means that an EFP, or addition of the species to an FMP as a stock in the fishery, is required prior to the initiation of any directed commercial fishing targeting an EC species listed under the UFOA.

- 3. Immediately classify chub mackerel as a stock in the fishery (SIF), prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met, and initiate an action to develop other required management measures and proxy status determination criteria to be used for management until ecologically-based reference points and criteria are established. The unmanaged fishery for this species that has developed in recent years should not expand beyond this ten year average until status determination criteria and other required management measures are established and an ecologically-based catch limit is established (Alternative 3Bi)**

- a. Chub mackerel need conservation and management**

The Council should designate chub mackerel as a stock in the fishery (SIF), put a temporary landings cap in place using a ten year landings average as a proxy until the Science and Statistical Committee (SSC) can establish a full set of proxy status determination criteria and/or ecologically-based criteria, and initiate an amendment to develop those criteria and the other measures required by the MSA. From the outset of this Amendment the Council intended to freeze the forage footprint. As it developed, however, it became clear that significant unregulated catch of chub mackerel is already occurring. Catch has expanded from an average of 239,777 lbs between 2002 and 2012, to 5,249,686 lbs in 2013, 1,230,411 lbs in 2014, and 2,108,337 lbs in 2015.<sup>18</sup> There is already a market for chub mackerel in other parts of the world including Japan,<sup>[10]</sup> China,<sup>[11]</sup> Indonesia,<sup>[12]</sup> and throughout southern Europe and Africa.<sup>[13]</sup> Chub mackerel is considered commercially important throughout its global range.<sup>[14]</sup> Allowing a directed fishery on chub mackerel beyond the ten year average with no regulatory oversight and no biological or ecological information on whether the stock or the ecosystem can sustain this

<sup>17</sup> [Comprehensive Ecosystem-Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species](#), March 2016, p. 6.

<sup>18</sup> FMAT Catch data from March 2, FMAT meeting.

<sup>[10]</sup> 1992, NOAA Technical Memorandum, [Japan's Mackerel Market](#).

<sup>[11]</sup> [Buyers & Importers of Pacific or Chub Mackerel](#).

<sup>[12]</sup> 2015, USDA Global Agriculture Information Network Report: [Indonesia revises seafood import rules](#).

<sup>[13]</sup> British Sea Fishing, [Atlantic Chub Mackerel](#).

<sup>[14]</sup> [IUCN Red List for \*Scomber Colias\*](#).

level of catch is inconsistent with the Council's intent to "freeze the footprint." In fact, this is exactly the type of unregulated large-scale fishing of essential forage the UFOA aims to prevent.

The criteria for determining whether a stock requires conservation and management are provided by the MSA definition of "conservation and management."<sup>19</sup> Specifically, the MSA states "The term 'conservation and management' refers to all of the rules, regulations, conditions, methods, and other measures which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and which are designed to assure that a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis; irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and there will be a multiplicity of options available with respect to future uses of these resources."<sup>20</sup>

The National Standard 1 guidelines define the status determination criteria necessary to determine if overfishing has occurred or if the stock is overfished and allow for the use of proxies (average, median, etc.) until a stock assessment is complete and ecologically-based reference points that protect their role as forage can be determined.<sup>21</sup> Fishing fleets in the mid-Atlantic and elsewhere direct on many of the species included in this Amendment and are landing some in increasingly large numbers to support existing global markets. Specifically, commercial fishing boats in this region are catching up to 5.25 million pounds of chub mackerel annually with no science to guide sustainable catch levels or management measures in place to prevent overfishing, achieve optimum yield on a continuing basis, or mitigate the impacts to predators and the ecosystem.

The purpose of preventing large-scale fishing on forage until sufficient scientific information is gathered and analyzed, and the need for conservation and management is determined, is to protect the valuable role these species play in the overall health of our ecosystem. Chub are essential prey for many important fish species in the ecosystem such as Atlantic bluefin tuna, albacore tuna, yellowtail, amberjack tuna, marlin, swordfish, and mahi mahi, as well as sharks, whales, and rays.<sup>22</sup> As prey in the ecosystem, chub are valuable to economic and ecological stability in our region. If chub mackerel become depleted it would result in far reaching ecological and economic losses and cause significant harm to the stability of commercial and recreational fisheries and coastal communities throughout the region and beyond.

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<sup>19</sup> 16 U.S.C. § 1802(5).

<sup>20</sup> 16 U.S.C. § 1802(5).

<sup>21</sup> 50 C.F.R. §600.310(e)(2)(i).

<sup>22</sup> Fishbase, [chub mackerel](#), predators.

The PHD states that development of Alternative 3B will take more time than the other options.<sup>23</sup> However, this is not the case. The Council could immediately add chub mackerel to the Atlantic Mackerel, Squid, and Butterfish (MSB) FMP and manage it with a proxy catch limit and/or ABC based on recent catch, much like the catch caps for river herring and shad caught in the Atlantic mackerel fishery, while it prepares an amendment to the MSB FMP that includes additional status determination criteria or their proxies and the other required management measures.<sup>24</sup> Any transitional limit based on proxies must be low enough to ensure there is no damage to the stock and/or the predator populations that rely on chub mackerel as essential prey.

**b. An annual catch cap of 900,127 pounds is appropriate until an FMP is in place**

A suitable catch limit for chub mackerel (proxy ABC), prior to the SSC's ABC recommendation, is 900,127 pounds. Industry representatives have stated at Council meetings, FMAT meetings, EOP meetings, and EOP AP meetings that these species are only available intermittently, and one industry member argued that the 2013 catch was a unique event that is unlikely to be repeated. However, there has been a recent increase in landings from relatively low levels to 5,249,686 pounds, 1,230,411 pounds, and 2,108,337 pounds respectively in the past three years.<sup>[9]</sup> Using a short time frame (such as the last five years) to establish a cap would be skewed and result in an unrepresentative estimate of historic catch, thus a longer timeframe is necessary to accurately meet the Council's "freeze the footprint" intent.

Although there is little information on the status of the Northwestern Atlantic stock of chub mackerel,<sup>25</sup> there is an immediate need to establish a limit on its catch that is both protective and sustainable based on the best available science. Because of the size of the existing fishery and the vital role it plays in the ecosystem, chub mackerel should be managed as a stock in the fishery with a full management plan in the longer term in order to prevent overfishing and ensure sustainable ecosystem-based management. In the interim, an annual limit of 900,127 pounds is reasonable given that we do not have adequate information about the biological and ecological status of the stock, what fishing level is sustainable from an ecological standpoint, what the impacts of increased fishing in recent years are on dependent predators and the ecosystem, and to the fishing and coastal tourism economies chub mackerel helps to support. Further, a precautionary limit is imperative because chub mackerel are essential prey for many top predators and game fish. Before allowing directed fishing the MAFMC should understand the ecological role of these important forage species, consider the impacts to predators, the

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<sup>23</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 36.

<sup>24</sup> 50 C.F.R. §600.310(e)(2)(C).

<sup>[9]</sup> FMAT Catch data from March 2, FMAT meeting.

<sup>25</sup> There is a great deal of scientific information available specific to the highly exploited Eastern Atlantic population of *scomber colias* (Atlantic chub mackerel) and even more information about *scomber japonicas* (Pacific chub mackerel).

ecosystem, and the economy and implement management measures to mitigate those impacts before allowing catch to expand from the decadal average.

**c. There is no need for incidental possession of chub mackerel after the landings limit is met**

The chub mackerel catch cap should be set and 900,127 pounds and the MAFMC should not allow for incidental possession after this cap is met. Allowing for catch after a cap or limit is reached is contradictory -- no other fishery managed by the council allows for incidental possession after a cap is met and chub mackerel should be managed the same way. If the fishing industry is concerned about bycatch, then such bycatch should be accounted for within the 900,127 pound cap as it is in other fisheries, not as addition that effectively raises the cap to a higher limit.

**4. Pathway to a fishery –**

**a. Require use of a MAFMC endorsed, and GARFO approved EFP followed by consideration of a stock in the fishery designation consistent with current law and the need to protect its role in the ecosystem, prior to allowing any new fisheries or expansion of existing fisheries for EC species, (Alternative 4Cii and 4D)**

The MAFMC is required to use the best scientific information available to guide any decision to allow fishing on an EC species included in the UFOA.<sup>26</sup> The goal of this Amendment is not to prevent all fishing on all forage species indefinitely. The intent is to prevent large-scale fishing on forage species until there is sufficient scientific information to guide management decisions and evaluate impacts.<sup>27</sup> The language of the UFOA should ensure there is ample opportunity to collect biological and ecological information about an EC species and its interactions with various aspects of the ecosystem. This information should be used to inform management measures that ensure that any fishing that does occur is done so in a way that considers the best available science and is sustainable to the species itself, reliant predators, the ecosystem, and to the fisheries that depend on robust predator populations and healthy ecosystems.

The PFMC finalized CEBA-1 in April, 2016. In the Final Rule for CEBA-1, NMFS states: “The Council ... made provisions for allowing future fishing interests to experiment with directed fishing for Shared EC Species, to provide the Council with scientific information that would allow it to consider opening a fishery for these species....”<sup>28</sup> The MAFMC should

<sup>26</sup> 81 FR 19054, 19055.

<sup>27</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 3.

<sup>28</sup> 81 FR 19054, 19055.

emulate the process created by the PFMC in CEBA-1 by developing a protocol for Council consideration and endorsement of applications for EFPs on EC species similar to PFMC Council Operating Procedure 24 (COP 24) as a prerequisite for opening or expanding a fishery through consideration of full federal management in an FMP.<sup>29</sup>

There are already approximately 700,000,000<sup>30</sup> pounds of forage taken out of the Atlantic Ocean through fishing yearly. Any further allowances must be assessed in full to determine what amount of additional fishing, if any, is sustainable to the broader ecosystem as a whole and its stability. It is only logical that the MAFMC follow the lead of the PFMC and require a council endorsed EFP to collect data to inform whether allowing a full scale fishery with federal management to allow large-scale fishing is advisable. The members of the MAFMC were appointed specifically because of their expertise on such important fishery-related matters and their opinions and recommendations should be considered in this type of EFP.

**b. Require consideration of adding any listed EC species as a stock in an FMP consistent with current law prior to new fisheries or expansion of existing fisheries for EC species**

The MAFMC should prohibit new or expanded directed fishing on any EC species included in the UFOA until full federal management is in place that protects their role as prey in the ecosystem. NS1 requires that the Council manage each species for Optimum Yield (OY) defined as “the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems.”<sup>31</sup> “The benefits of protection afforded to marine ecosystems are those resulting from maintaining viable populations (including those of unexploited species), maintaining adequate forage for all components of the ecosystem, maintaining evolutionary and ecological processes.”<sup>32</sup> Consistent with the NS1 guidelines, the MAFMC’s commitment to EBFM, and the goals of this Amendment, the Council should commit to ensuring that any fishing on listed EC species be sustainable. The Council should make clear from the outset as part of its endorsement of any EFP allowing for new or expanded fishing for listed EC species, that such fishing must protect the role of forage as prey in the marine ecosystem by requiring a stock assessment, ecologically-based reference points, use of the best available science, and the full suite of required conservation and management measures before any directed fishing is allowed.

<sup>29</sup> PFMS [COP 24](#), Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species.

<sup>30</sup> This number was derived from NMFS annual landings data. Reported catch of managed forage species in the MAFMC, NEFMC, and ASMFC (not including any unmanaged species or unreported catch of managed species) between 2000 and 2014 ranged from 511,795,682 in 2005 to 852,916,944 in 2006.

<sup>31</sup> 50 C.F.R. 600.310 (e)(i)(A.)

<sup>32</sup> 50 C.F.R. 600.310(e)(iii)(C)

Alternative 4D would require that the MAFMC consider full federal management before allowing new or expanded fishing for EC species. It also references section 5.2 in the PHD for the consideration and requirements with which the Council would evaluate whether a species is in need of conservation and management, the legal test for determining whether to designate a stock in the fishery, thus triggering full federal management.<sup>33</sup> Although section 5.2 would not become binding as a result of this amendment, it is important to note that the criteria outlined in section (5.2.2) are incomplete and inaccurate.<sup>34</sup> First, Alternative 4D should be clarified to require “consideration of stock in the fishery designation *consistent with current law*” to make clear that it is the law that governs this decision, not the incorrect background information in 5.2.2. Second, the Amendment needs clarify the Council’s commitment to transitioning toward EBFM. Thus, Alternative 4D should require that any new or expanded fisheries for listed EC species be “*managed in recognition of their broader role in the ecosystem, including through the use of ecologically-based reference points and control rules that address their role as forage.*” Additionally, as addressed in the above section 2.b. of this letter, the MAFMC should clarify its intent to prohibit new or the expansion of existing fishing on an EC species until consideration of adding the species as stock in a fishery in the language and explanation of Alternative 2B. The MAFMC should add clarification to its explanation of Alternative 2B similar to the that made by the PFMF in its unmanaged forage amendment, requiring full federal management prior to directed fishing on EC species<sup>35</sup> and codify this intent in Alternative 4D.

The very purpose of the UFOA is to prevent large scale fishing on forage species in mid-Atlantic federal waters until there is sufficient scientific information to assess the impacts of the fishery on existing fisheries, fishing communities, and the ecosystem. Fisheries often start with no scientific evaluation of the potential adverse effects on ecosystem health or the requirement for sustainable fishing. There are numerous examples demonstrating how difficult it is to limit a fishery once started.<sup>36</sup> Boats capable of targeting the listed EC species can catch hundreds of thousands of pounds of fish in one haul, and fishing at this scale and intensity could have substantial impacts to the species’ population, the ecosystem, and the communities that rely on sustainable fishing. The MAFMC should require a completed stock assessment and ecologically based reference points, use the best available science, assess the potential impacts of any proposed new fishing on the species, and ensure any allowed fishing is sustainable to the ecosystem before allowing new or expanded fishing on any listed EC species.

## 5. Administrative Alternatives

### a. Reporting and monitoring

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<sup>33</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 42.

<sup>34</sup> May 2016, MAFMC Unmanaged Forage Omnibus Amendment, [Public hearing document](#), p. 14.

<sup>35</sup> [Comprehensive Ecosystem-Based Amendment 1](#): Protecting Unfished and Unmanaged Forage Fish Species, March 2016, p. 6.

<sup>36</sup> See Blueline tilefish, MAFMC [Emergency Action](#).

The MAFMC should require comprehensive monitoring and reporting of landings for all EC species in the UFOA with data provided to the Council, and updates to at-sea reporting systems to ensure compliance with the prohibition on landings. To ensure accurate information is collected on landings of EC species in the UFOA, the MAFMC should update the List of Allowable Fisheries and Gear as required by the MSA, and require any person or vessel intending to incidentally possess any EC species to obtain a NOAA Fisheries permit. The codes and reporting requirements for EC species should also be updated in the existing reporting processes such as SAFIS and VTRs.

**i. Update the List of Authorized Fisheries and Gear (Alternative 5A)**

The MSA requires that NOAA prepare a list of all authorized fisheries and gear under management at the MAFMC.<sup>37</sup> It further prohibits the use of any gear not authorized, the misappropriation of any authorized gear, or participation in any fishery not authorized.<sup>38</sup> This list is codified in the Code of Federal Regulations.<sup>39</sup> If a person or vessel wants to engage in a fishery or utilize gear not on the list they must first notify the Council. If the Council has not responded to the notification within 90 days, the person or vessel may “use the gear or participate in the fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery.”<sup>40</sup> When combined with the other stronger elements of this amendment, updating the existing list will help ensure that no fishery on unmanaged forage species emerges without the NOAA Fisheries and the Council’s knowledge.

**ii. Require a NOAA Fisheries permit in order to possess any EC species in mid-Atlantic federal waters (Alternative 5B)**

There is considerable confusion about this requirement and it is important that MAFMC staff explain the intent of this requirement and the effects it will have. NMFS and the MAFMC must be able to track landings and incidental possession of species prohibited from directed fishing in this Amendment. The requirement of NOAA Fisheries a permit to incidentally possess EC species in mid-Atlantic waters is an appropriate way to ensure that species caught in mid-Atlantic federal waters are accounted for in NMFS landings data. This would not impact fishing in state waters, or in federal waters under the jurisdiction of the New England or South Atlantic Councils. Additionally, this is not a new permit. It is simply a requirement that any vessel intending to incidentally possess an EC species in mid-Atlantic waters must obtain a current NOAA Fisheries commercial fishing permit prior to fishing in federal waters.

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<sup>37</sup> 50 C.F.R. 600.747(a).

<sup>38</sup> 50 C.F.R. 600.725(v).

<sup>39</sup> 50 C.F.R. 600.725(v).

<sup>40</sup> 50 C.F.R. 600.725(v).

**iii. Require comprehensive reporting for landings of listed EC species with data provided to the Council, and updates to at-sea reporting systems (Alternative 5Ci and ii)**

As stated above, it is important that the MAFMC and NMFS be able to track landings of species included in this Amendment. “Federally-permitted commercial fishermen are required to report everything they catch and federally-permitted dealers are required to report everything they purchase.” However, not all species currently have codes that allow for accurate reporting by fishermen and dealers. Activating the necessary code to VTR and SAFIS are an easy way to increase reporting accuracy and will allow NMFS and the MAFMC to understand and monitor landings of the species protected in this Amendment, and verify reported landings with dealer records.

**b. Geographical jurisdiction:**

**i. Establish the management unit as federal waters bounded by seaward lines extending from the Connecticut/New York boundary and Cape Hatteras, North Carolina (Alternative 5Dii)**

Currently, the MAFMC’s jurisdiction extends from the New York/Connecticut state line all the way to Cape Hatteras.<sup>41</sup> Although the reach of some previous amendments stopped at the Virginia/North Carolina border instead of extending to Cape Hatteras, that boundary would not be appropriate for the management unit in this amendment. The Councils to the north (NEFMC) and south (Southern Atlantic Fishery Management Council - SAFMC) of the MAFMC should follow suit and protect the forage species in their jurisdiction, but the MAFMC should protect to the full extent of its southern jurisdiction in this amendment so there is not a gap with no management of these species between the Virginia/North Carolina border and Cape Hatteras.

The ecological divide at Cape Hatteras creates a natural management boundary. The warm waters of the Gulf Stream travel north from the Gulf of Mexico along the southern Atlantic Coast and collide with the cooler, plankton rich waters of the Labrador Current at Cape Hatteras.<sup>42</sup> This mixing of cold and warm water brings an array of marine life and creates one of the most productive areas along the east coast of the United States.<sup>43</sup> This collision of water temperatures also makes Cape Hatteras the southernmost edge of the range for many temperate species and northernmost edge of the range for many subtropical species.<sup>44</sup> The ecological characteristics of the waters off Cape Hatteras make this a natural jurisdictional boundary for the management unit in this amendment.

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<sup>41</sup> [MAFMC, NOAA.](#)

<sup>42</sup> [MarineConservation.org](#), Outer Banks, NC.

<sup>43</sup> [MarineConservation.org](#), Outer Banks, NC.

<sup>44</sup> [MarineConservation.org](#), Outer Banks, NC.

**c. Administrative Alternatives - Potentially “Frameworkable:”**

**i. Allow for the addition of EC species through a framework action (Alternative 5Ei) and removal of species from the Amendment through an EFP process that informs addition to an FMP as a stock in the fishery and managed to protect its role in the ecosystem**

When it is determined that a forage species should be added to the list of protected species in this Amendment, it should be added as soon as possible through a framework action. Shifting climatic changes will alter where, and at what depth many marine species are found.<sup>45</sup> Species will be shifting to deeper waters and northward. Species not currently included in this amendment because they are largely found in state waters could be moving more offshore in to the EEZ in search of cooler waters. As global water and air temperatures increase, species typically found south of Cape Hatteras may shift northward in search of cooler waters.<sup>46</sup> As forage species move into mid-Atlantic federal waters, the Council should be able to use a framework action to adjust protections to include the actual forage base in their waters. This amendment is a critical and precautionary action by the MAFMC to protect the region’s forage base until there is adequate scientific information and analysis concluding a new or expanded fishery is sustainable. Extending its protections to newly identified species as quickly as possible, before they are threatened by a large scale fishery, through a framework process is fully consistent with the proactive and precautionary intent behind this amendment. Adding a species to the list does not preclude fishing, it only assures the impacts of such fishing is appropriately considered consistent with the MSA prior to it starting.

In contrast, the same rationale supports the requirement that removal of a forage species from the list should only be done through an amendment. The Council outlined a clear and very specific process for what is required in order to fish for EC species in the UFOA. Allowing a species to be removed from this list through a framework action would effectively create a loophole around these requirements. For example, if a company wanted to target a species on this list and did not want to go through the EFP process and appropriate consideration of whether management should occur as part of an FMP, the company could simply ask for a framework action to remove the species from the list. This unintended avenue to circumvent this regulation should not be allowed.

**ii. Do not allow incidental possession limits to be changed by a framework (Alternative 5Eii)**

<sup>45</sup> NOAA, NEFSC, [Marine Species Distribution Shifts Reflect Local Climate Conditions](#).

<sup>46</sup> 2016, Hare, Johnathan A., et. al. [A Vulnerability Assessment of Fish and Invertebrates to Climate Change on the Northeast Continental Shelf](#).

The incidental possession limits in this amendment are at its core and functionally define what is directed fishing on a forage species. In other words, possession of up to 1700 pounds for all EC species, the alternative we support, represents a policy decision defining “incidental” catch vs. “directed” fishing. Possession of more than that on any one trip constitutes directed fishing and therefore is prohibited by the UFOA. The definition of directed fishing on a forage species is a significant policy decision that should not change over time and therefore should not be revised through the abbreviated framework process.

As described earlier in this letter, MAFMC staff and the FMAT evaluated landings data for forage species included in the list (Table 3) and developed incidental possession limits based on current reported catch. Using this information, staff determined that the 1700 pounds of combined EC species incidental possession limit would include 99 percent of all trips for the past 20 years (1996-2015).<sup>47</sup> This is a sound and reasonable way to develop a trip landings limit and to determine the line between incidental possession and directed fishing. If this definition of directed fishing were to be later defined inappropriately through a framework action, the carefully considered protections offered to mid-Atlantic forage species under this Amendment could be undermined. Thus, any revisions to the incidental possession limits should be done through an amendment based on the best scientific information available and with the full public process laid out in the MSA.

**iii. Allow for the development of spatial and seasonal closures to protect EC species through framework actions (Alternative 5Eiii)**

The MAFMC should authorize the use of framework actions to develop spatial and seasonal closures that help protect the forage species included in this amendment. Spatial and seasonal closures could be an effective management tool to help conserve the forage base. Making spatial and seasonal closures “frameworkable” will also allow the Council to respond quicker to conserve covered species when they appear threatened by a fishery.

**Conclusion**

We greatly appreciate the Council’s ongoing attention to protecting unmanaged forage species and to ecosystem-based fisheries management. The UFOA will be a cornerstone of the MAFMC’s efforts to proactively protect the unmanaged forage base of the mid-Atlantic marine ecosystem. The MAFMC should implement the strongest measures possible to ensure the UFOA is meaningful and its protections robust and effective. The Council’s efforts on this Amendment are commendable and we look forward to contributing further to this important initiative and ecosystem-based management of our ocean resources.

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<sup>47</sup> Summarization of FMAT meeting - March 14, EOP AP meeting - March 17, and EOP Committee meeting - March 18 for April Council meeting in [Unmanaged Forage Briefing Tab](#), p. 30.

Sincerely,



Peter Baker  
Director, U.S. Oceans Northeast  
The Pew Charitable Trusts  
[pbaker@pewtrusts.org](mailto:pbaker@pewtrusts.org)



Purcie Bennett-Nickerson  
Senior Associate, U.S. Oceans Northeast  
The Pew Charitable Trusts  
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## Beaty, Julia

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**From:** Squarespace <customercare@squarespace.info>  
**Sent:** Friday, June 17, 2016 6:27 PM  
**To:** Beaty, Julia  
**Subject:** Form Submission - Unmanaged Forage Amendment Comments

**Comments:** Please accept the following comments from the Recreational Fishing Alliance (RFA) in regards to Unmanaged Forage Ominbus Amendment (Amendment). The RFA has been deeply involved for the past 20 years in an effort to recognize the importance of managing forage species as it relates to recreational fishing opportunities, productivity of target species, and the concept of achieving maximum sustainable yield (MSY) for all managed species as per the Magnuson Stevens Fishery Conservation and Management Act (MSA). These efforts are consistent with a basic premise that adequate levels of forage species are necessary to achieve the greatest benefits from targeted recreational fisheries such as bluefish, summer flounder, striped bass, Black Sea bass and others. The following comments are submitted in regards to the following alteratrive.

RFA supports alternative 3B for chub mackerel with the caveat that the MAFMC immediately initiate the development of a managment plan for chub mackerel. Chub mackerel meets none of the ecosystem component requirements and therefore should not be included in this amendment or plan. RFA believes the most appropriate course of action is to develop a plan for chub mackerel through an amendment to the existing Squid, Mackerel and Butterfish plan. While RFA acknowledges that commercial chub landings have increased in recent years, We are troubled by the precedence of forcing action on a species through a plan that is clearly not the correct venue. Based on historical records and the broad distribution of chub mackerel RFA is not comfortable supporting hasty and inappropriate action on this species considering that recent landings are unlikely to cause any deterimantal issues to the stock or any other MAFMC species since chub mackerel were not found in any stomach's of MAFMC species. RFA supports 3B because it believes it is the proper way to proceed with establishing managment for this species. RFA also notes that MSA section 305 outlines the powers of the Secretary of Commerce with regards to emergency and interium measures which could be used if a managment plan cannot be adopted and implemented for chub mackerel in a reasonable time. RFA suggests that the MAFMC submit a letter to the Secretary Pritzker requesting interium measure for the the chub mackerel fishery be established immediately to prevent the expansion of this fishery during which time a formal plan is being developed and approved for the fishery. RFA is not sure at this point in time which alternative, 3Bi or 3Bii, is preferred but does believe that incidental landings need to be low enough to prevent continued targeted commercial fishing for chub mackerel.

With regards to the expansion of existing or the development of new directed commercial fisheries for the species under the plan, RFA does not believe that any new fisheries should be developed at this time. Forage fish play an extremely important role numerous birds, mammals, and fish species that the public, legislators, and managers have prioritized. Until a clear understanding of their role on the marine environment and impact on existing managment goals and objectives are fully understood, directed commercial fishing on forage stocks should not be expanded or developed.

With regards to Issue 5, RFA supports the admistrative alternatives listed under this section.

**Name:** Recreational Fishing Alliance

**Email Address:** News@joinrfa.org

(Sent via [Mid-Atlantic Fishery Management Council](#))



June 16, 2016

Chairman Rick Robins  
Executive Director Chris Moore  
Ecosystems and Ocean Planning Committee Chairman G. Warren Elliot  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Dear Chairman Robins, Executive Director Moore, and Committee Chairman Elliot,

We are writing in support of the Mid-Atlantic Fishery Management Council's (MAFMC) Unmanaged Forage Omnibus Amendment (UFOA). This Amendment, if implemented correctly, will help protect U.S. Atlantic marine ecosystems, and will serve as a foundation for more precautionary and holistic management of fisheries resources.

Forage species are an essential link in marine food webs, providing energy-rich food for many larger predators. Conserving these important species is essential not only for the overall health of marine ecosystems, but for the sustainability of fishing, seafood, and wildlife tourism on the Atlantic coast.

Currently, forage fish are at risk of large-scale fishing due to growing demand for fish oil, feed from livestock and aquaculture, and bait. As it is now, a significant fishery could open on any unmanaged forage fish without any assessment of the potential impacts to ocean ecosystems or the ocean economy, and without regulations in place, fishing could quickly deplete forage fish populations.

It is critically important that this amendment provide protection for ***all*** unmanaged forage species in the Mid-Atlantic and **prohibit directed fishing and sale of these species (except as allowed under incidental catch provisions) until science and management are in place.** We urge the Council to keep this important amendment moving forward without delay, and pass the strongest protections possible to prevent unregulated fishing of forage species.

To fully achieve the goals of this amendment, the Council should adopt and implement the following alternatives:

- Classify all proposed forage species as ecosystem component (EC) species and prohibit directed fishing for the entire list, including highly migratory species. Allow an incidental possession limit of 1,700 pounds for all EC species. **(Alternative 2B)**
- Classify chub mackerel as a stock in the fishery, manage with proxies until biological reference points can be established, and prohibit possession after an interim cap of 900,127 pounds per year (average landings 2006-2015) is met. The unmanaged fishery for this species that has developed over the last few years should not expand until adequate scientific information demonstrates it can be carried out in an ecologically sustainable manner. **(Alternative 3Bi)**
- Require development of a new policy for MAFMC review of applications for Exempted Fishing Permits for EC species and require that an EFP is followed by consideration of whether the species should be a stock in the fishery prior to development of new or expanded existing fisheries for EC Species. **(Alternative 4Cii and 4D)**

**A Voice For Nature**

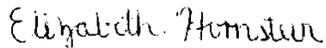
- Require that vessels obtain a NOAA Fisheries permit in order to possess any EC species included in this amendment. **(Alternative 5B)**
- Require comprehensive reporting for landings of EC species in this amendment with data provided to the Council, and updates to at-sea reporting systems. **(Alternative 5C i and ii)**
- Create a southern jurisdictional boundary for this amendment of Cape Hatteras, North Carolina. **(Alternative 5Dii)**
- Allow the list of EC species to be changed through a framework only for the addition of species. **(Alternative 5E i)**
- Possession and landings limits should not be frameworkable. **(Do not adopt Alternative 5Eii)**

We thank you and the Council members, staff, and advisors for your efforts to date to protect unmanaged forage fish, and for your time and consideration of these comments as you prepare for final action.

Sincerely,



Carl Safina, PhD  
Founding President, The Safina Center  
Endowed Research Professor, Stony Brook University



Elizabeth Brown-Hornstein  
Research Scientist and Sustainable Seafood Program Director, The Safina Center

**A Voice For Nature**

**June 17, 2016**

**100 Davisville Pier  
North Kingstown, R.I. 02852 U.S.A.  
Tel: (401)295-2585**

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

**Re: Unmanaged Forage Fish Public Hearing Comments**

Dr. Moore and Council Members,

We continue to express multiple concerns with this amendment.

**A. Section 5.**

1. Existing managed fisheries. The first is the potential of this amendment to impact existing managed fisheries in the future. As we have requested in past meetings, we continue to request that the Council add language to the document clarifying that the intent of this action is not to constrain or restrict existing managed fisheries. Since the amendment is an Omnibus Amendment, it has the potential to impact every fishery management plan in the Mid Atlantic. Although this Council has stated that the amendment is not a “bycatch amendment”, future Councils may be unaware of this fact and use some of these provisions to unnecessarily impact the Council’s managed fisheries. Therefore, a simple sentence stating that the intent of the amendment is not to restrict existing managed fisheries would alleviate this concern.
2. Absence of science. The second concern we have is the absence of science being used in this amendment. The public hearing document introduction opens with the SSC’s definition of a forage fish developed by its Ecosystems Subcommittee. Yet that definition has not been used, neither has any scientific threshold been used, to provide guidance in this amendment. The Magnuson Stevens Act specifically states that “management measures shall be based upon the best scientific information available.” The SSC’s definition of a forage fish would provide at least the starting point for that basis. However, as recently as the RI public hearing, during review of the document on which the Council will be basing Final Action, it was stated that the Council “really hasn’t looked at the science for forage fish”. All other management measures are held to high scientific standards; this amendment should not be the exception.

3. FMP Links. Advice from GARFO has indicated that the species in the amendment must be linked to Council FMP species as prey or must have been caught in Council FMP fisheries. This would remove frigate mackerel and halfbeaks from consideration in the amendment. We agree that these species should be removed since they cannot be linked to any FMP species. However, scaled sardine, Atlantic thread herring, and Spanish sardine were also not caught in any Council managed fisheries, nor were they identified as prey for any Council FMP species (P. 20, 24, 27. None of these species- frigate mackerel, halfbeaks, scaled sardine, Atlantic thread hearing, and Spanish sardine – were found in NEFOP data for trawl tows, gillnet sets, or hook and line trips which resulted in landings of Council-managed species; and none were identified in the stomachs of any Council managed species in the NEFSC survey tows in the Mid Atlantic or Southern New England offshore strata. ). Similar to frigate mackerel and halfbeaks, they therefore cannot be linked to Council FMPs. Based on the same criteria, these species should also be removed from further consideration.
4. Forage status. If this amendment is not to be a “bycatch amendment,” a “forage” species should have to be identified as prey of an FMP species for inclusion in the action. Some of the species in the amendment have never been found in the stomach samples of Council FMP species. Simply because a species may have been observed as bycatch, or even targeted catch, in a Council FMP fishery does not mean that it is an important forage species. Any important forage species will turn up repeatedly in stomach contents of FMP species if that is the case. Since the Council has not specifically stated that this amendment is not intended to restrict existing managed fisheries, basing the inclusion of a species purely on the fact it has been observed/caught in Council managed fisheries creates the potential to turn this forage amendment into a bycatch amendment even at this time. The species which have not been found in the stomach contents of any Council managed species but which have been observed as catch in Council managed fisheries include chub mackerel, bullet mackerel, and little tuna. As chub mackerel will be addressed in a separate set of alternatives unique to that fishery, bullet mackerel and little tuna should be removed from consideration.

**B. Section 6.**

1. EFPs. The Council has expressed an interest in creating an EFP review process similar to that of the Pacific Council. However, the Pacific Council’s EFP review process has not been discussed or presented in context. The Pacific Council has had an EFP review process established as part of their regular Council process for years. It is one of the ways that Council manages its groundfish fishery; EFPs are not used for research but to “promote increased utilization of underutilized species, realize the expansion potential of the domestic groundfish fishery, and increase harvest efficiency of the fishery” (Pacific COP 19). The Pacific Council has similar processes for the operation of its highly migratory and coastal pelagics fisheries. These EFP reviews are established, therefore, as

part of the Council's regular procedure and are timed to coordinate with fishery/Council operations. Adding an EFP of EC species was just a similar way that the Pacific Council already deals with its fisheries. The Mid Atlantic Fishery Management Council does not work its fisheries around EFPs as part of standard procedure. Adding a Mid Atlantic Council review procedure will not expedite the GARFO EFP process; it will only delay that process. And there is nothing that the Council can do to prevent an individual from submitting an EFP proposal directly to GARFO even if it creates an EFP review process. An EFP, in the Atlantic and in the context of this amendment, would be applied for simply to see if a fishery would be possible or viable. It is a true experiment. A full Council review process for an experiment is not necessary; it may or may not be possible to harvest these species, and the experiment may be a failure. If the Council wishes to review new fisheries, it would be more appropriate to do so after an EFP has proven successful and an applicant wishes to develop that fishery.

2. Scope of amendment- Mid Atlantic Federal Waters. At a previous AP/Committee meeting, there was discussion about the problems with making the amendment permit based ( See Alternative 5B). The document states that the amendment is intended to apply only to vessels fishing in Mid Atlantic federal waters. But if merely having a GARFO permit prevents fisheries (or catch above an incidental level) for these species, the Mid Atlantic Council will be managing New England federal waters also. It would prevent GARFO- permitted New England vessels from fishing in New England waters only. The amendment would now no longer place based, and includes waters other than Mid Atlantic federal waters. Furthermore, Seafreeze vessels, which are GARFO permitted, have fished in the Gulf of Mexico in the past. If the amendment is GARFO permit based only, we would not be able to harvest these species in the Gulf of Mexico.

Also, the document states that it is not intended to apply to vessels fishing only in state waters. But under this Alternative, vessels possessing both state and federal permits would be prevented from fishing these species even in state waters only. A state only vessel in state waters would be allowed to fish for these species, but a dually permitted vessel fishing next to that vessel in state waters would not. Again, the amendment is no longer place based. The amendment should apply only to federally permitted vessels fishing in the federal waters of a Mid Atlantic statistical area.

3. Spatial and seasonal closures. Spatial and seasonal closures will only result in this amendment becoming a bycatch amendment in the future. There is no real life scenario where this alternative could reasonably be used if it were not related to bycatch. If possession limits or landings prohibitions are the core of the amendment, this alone will prevent any new fisheries from being developed or expanded, which is the goal of the amendment. Why would spatial and seasonal closures be needed to achieve this goal if the species in consideration cannot be landed or landings are tightly controlled as is proposed? Fisheries will not develop or expand when the species cannot be landed. So seasonal and spatial closures have no relevance in the amendment goal. However,

seasonal and spatial closures will absolutely affect currently managed fisheries. This is unacceptable. Managed fisheries currently have multiple seasonal and spatial closures. To create additional seasonal and spatial closures because of an unmanaged species could be devastating for commercial managed fisheries. The seasonal and spatial closure alternative (6.5.5.3 Alternative 5Eiii) should be removed.

**C. Section 7.**

1. Reporting issues. The inability of vessels to report certain species due to the lack of a species code and the lack of an “unknown” or “other” category on eVTRs has prevented accurate record keeping of catches of some of these species. Vessels are literally unable to report unknown or uncoded species through eVTRs, and the transition to eVTRs has grown and been encouraged by NMFS and others. Those vessels using eVTRs may now get essentially punished for doing so, if they cannot prove historic landings. Lack of knowledge about the exact name of the species themselves is also an issue. For example, the document states that there are no reported landings of round herring. Seafreeze vessels have landed two trips of round herring, one at 19,703 lbs and one at 4,828 lbs; however these were reported and landed under the name “pilchards” (a similar looking species harvested around the world). Under this amendment, these landings would now be turned into discards.

**D. Unaddressed Issues.**

1. Transit provisions. There are no transit provisions. Seafreeze vessels have fished in the Gulf of Mexico in the past. In the event that our vessels fish there again, and if they harvest these species, they would be in violation on their transit home if the amendment applies to vessels with GARFO permits in Mid Atlantic federal waters. Since this amendment is supposed to apply only to fishing activity in Mid Atlantic federal waters, transit provisions need to be addressed.
2. Future science. The amendment is intended to apply until the Council “has had an adequate opportunity to assess the scientific information” relating to these fisheries or species. However, there is currently no science on most of the species under consideration, and there is no proposal on how to obtain this information or how it would be processed.

We respectfully request that the Council address these issues before Final Action, even if it requires further deliberation after the August Council meeting. We believe it is very important to get this amendment right before it has the potential to create unintended consequences.

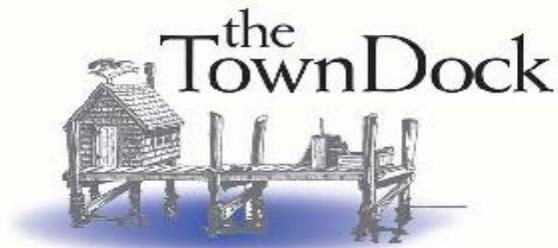
**E. Chub Mackerel Alternatives.**

As chub mackerel is not an EC species by definition and does not have the analysis for a stock in the fishery designation at this time, we support Council management through

the Council's discretionary MSA authority, until such analysis can be completed. We support Section 6.3.3.2 Alternative 3Cii, which would implement an annual fishery-wide landings limit, and enforce an incidental possession limit once an annual landings limit is met. Due to the fact that development of the chub mackerel fishery was encouraged by NMFS, as well as the fact that with warming water chub mackerel are becoming more widespread, we support the annual landings limit of 5.25 million pounds. We do not support a landings limit based on averages, as the chub mackerel fishery exhibits interannual variability. As such, to enact a landings limit less than the year with highest reported landings may create discards in years when the availability is higher, particularly considering climate effects. We also support the incidental limit of 40,000 pounds per vessel. While the 40,000 pounds per trip favors vessels with much shorter trips than our vessels (a few days as opposed to up to two weeks) and so we would prefer to see a 40,000 lb per day limit, it is the option found in the document that would allow us the greatest flexibility. As operators of two of the few vessels which participate in this fishery, we have built chub mackerel into our business plan and cannot afford to lose what we have invested in the fishery itself or the customer base we have developed. We respectfully request that the Council protect our investment by adopting these options and continuing to consider analysis in the future.

Thank you for the opportunity to comment.

Sincerely,  
Meghan Lapp  
Fisheries Liaison  
Seafreeze Ltd.



June 17<sup>th</sup>, 2016

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

Dear Dr. Moore,

The following are the Town Dock's comments in regards to the Unmanaged Forage Fish Amendment.

We at the Town Dock support the following Alternatives:

Alternative 2B: Designate all forage fish listed in this amendment (except for chub mackerel) as EC's and implement an incidental possession limit.

Under this alternative we support 2Bi: a commercial landings limit of 1,500 pounds/species/trip.

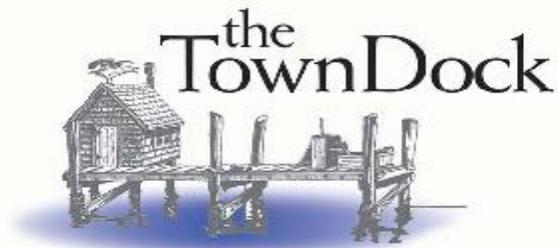
Alternative 3Cii: Manage chub mackerel as neither an EC nor a stock in the fishery and enforce an incidental possession limit once an annual fishery-wide landings limit is met. Under this alternative we support an annual landings limit of 5.25 million pounds an incidental landings limit of 40,000 pounds/vessel/trip once the annual landings limit is met.

Alternative 5Ci: Council notification of EC landings. The Council will receive updates on catch and landings of landings of EC species on a regular basis.

Alternative 5Cii: Reporting of EC landings. That the Council would require that the codes for all species included in this amendment be added to all reporting programs.

Alternative 5Dii: That the Southern Boundary of the management area be Cape Hatteras.

Alternative 5Ei: List of Ecosystem Components. Allowing species to be added and/or removed from the list as new information arises.



Alternative 5Eiv: Recreational fishing regulation. We support keeping the possibility of regulating forage fish in state waters an option. To truly protect forage fish, state waters *should* be regulated the same way as federal waters and measures on how to do so should be analyzed.

We do not support the following Alternatives:

Alternative 5Eiv: Spatial and seasonal closures.

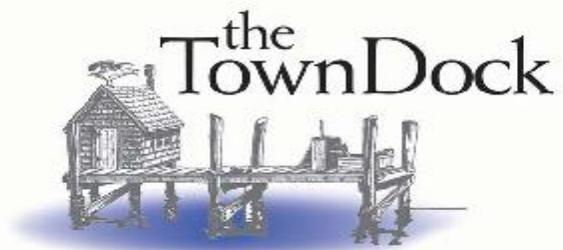
In addition to our comments on the Alternatives, it is our opinion that in order to gather the needed biological information for these species they should all be added to the National Marine Fisheries Service's Port-Side Biological Sampling program. If these fish are coming across the dock, the samplers should be able to start gathering the data needed for analysis.

We also suggest that in order to assure proper identification of these species and for the industry to avoid penalty for misidentification that laminated booklets are provided to both fishermen and seafood dealers. To be effective these laminated booklets should contain colored photographs and a short description of each of the species included in the Amendment. We realize that a lot of time and effort would go into producing such a document, but it would be time and money well spent for the proper reporting and identification of the species that this Amendment is aiming to protect.

The Agency provided a similar document for both whole skate and skate wings in order to improve the accuracy of skate reporting.

Thank you for providing the opportunity to comment on this Amendment.

Sincerely,  
Katie Almeida  
Fishery Policy Analyst



**The Town Dock: P.O. Box 608; 45 State St Narragansett, RI 02882**  
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# Virginia Saltwater Sportfishing Association, Inc (VSSA)

PO Box 28898

Henrico, VA 23228

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Mike Avery  
President

Curtis Tomlin  
Vice President

Kevin Smith  
Treasurer

Brent Bosher  
Secretary

Mid-Atlantic Fishery Management Council  
Unmanaged Forage Public Hearing Comments (Julia Beaty)  
800 North State Street, Suite 201, Dover, DE 19901

Dear Sir,

June 13, 2016

The Virginia Saltwater Sportfishing Association (VSSA) requests the following be included as a public comment for the Unmanaged Forage Public Hearing. We appreciate MAFMC taking on this important endeavor to help ensure the long term sustainability of forage fish. We offer the following comments in support:

- Designating the proposed list of forage species, including false albacore, as Ecosystem Component Species and restricting landings to an incidental limit that does not unduly affect existing fisheries (Alternative 2B).
- Our long term desire is to see chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch cap at the 5-year landings average until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (Alternative 3Bii). However, if a stock in the fishery designation slows approval too long we support as an interim the EC designation in the short term.
- Requiring an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing forage fisheries, and developing a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment (Alternatives 4C & 4Cii).
- Strengthening the implementation of the amendment by updating the region's regulatory list of authorized gears and fisheries, enhancing monitoring & reporting, requiring a federal permit to retain the protected unmanaged forage species and clearly defining the geographic boundary for the action as federal waters from the state line separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina (Alternatives 5A, 5B, 5Ci, 5Cii & 5Dii).

If you have any questions or comments, the best way to contact us is through our website or email, [ifishva@gmail.com](mailto:ifishva@gmail.com), or my phone: 757-329-5137.

Sincerely,

*Mike Avery*

Mike Avery, President

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## Board of Directors

John Bello,  
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June 17, 2016

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

**RE: UNMANAGED FORAGE PUBLIC HEARING COMMENTS**

Dear Dr. Moore,

*Wild Oceans* congratulates the Mid-Atlantic Fishery Management Council for its leadership in advancing conservation of the region's forage base through the Unmanaged Forage Omnibus Amendment (UFOA). Once finalized and implemented, the UFOA will protect a broad range of prey species, important to Council-managed predators and the ecosystem as a whole, by prohibiting new or expanded commercial fisheries for them until there is sufficient information to promote ecosystem sustainability.

On behalf of *Wild Oceans*, I am pleased to provide recommendations for alternatives we strongly support for best satisfying the need of the amendment – to protect the structure and function of marine ecosystems in the Mid-Atlantic. These alternatives are summarized below, followed by a more detailed discussion.

- **2B:** Designate the entire proposed list of forage species (other than chub mackerel) as Ecosystem Component Species (ECs) and implement an incidental possession limit of 1,700 pounds of all ECs combined per trip.
- **3Bii:** Manage chub mackerel as a stock in the fishery, setting an interim Acceptable Biological Catch (ABC) cap no higher than the 5-year landings average (1.75 million pounds) until the management plan is complete. Directed fishing should close before the cap is reached to allow for incidental catch (at a 10,000-pound limit).
- **4C & 4Cii:** Require an Exempted Fishing Permit (EFP) prior to development of new or expansion of existing fisheries for ECs, and develop a new Council policy to review EFPs to ensure they are consistent with the purpose of the amendment.
- **5A, 5B, 5Ci, 5Cii & 5Dii:** These administrative alternatives will strengthen the implementation of the amendment by: 1) updating the region's regulatory list of authorized gears and fisheries, 2) enhancing monitoring & reporting, 3) requiring a federal permit to retain the protected unmanaged forage species, and, 4) clearly defining the geographic boundary for the action as federal waters from the state line

separating New York and Connecticut (extended seaward) to Cape Hatteras, North Carolina.

### **Alternative Set 2: Alternatives for Species Other Than Chub Mackerel**

We commend the Council and its Ecosystem and Ocean Planning Committee for the comprehensive list of candidate species presented in Table 3 of the UFOA Public Hearing Document. The species and taxonomic groups listed well represent the major prey groups that are essential to the structure and integrity of the Mid-Atlantic's food web, and we strongly support designating the entire list (other than chub mackerel) as ecosystem component (EC) species, preventing large-scale directed fishing but allowing limited incidental catch so as not to negatively impact current fishing operations (Alternative 2B).

- **The list appropriately captures the diversity of the Mid-Atlantic prey base.**

As discussed in *Managing Forage Fishes in the Mid-Atlantic Region: A White Paper to Inform the Mid-Atlantic Fishery Management Council* (p.38), fish predators in the Mid-Atlantic region, sampled by the Northeast Fisheries Science Center's (NEFSC) biannual trawl surveys, rely on a diverse forage base, with arthropods representing the most common prey, followed by small fish and squid.

As fish predators increase in size, so does their staple prey. Members of the Scombridae family, including false albacore, frigate mackerel and bullet mackerel, rise in importance when highly migratory species (HMS), not captured by the NEFSC trawl surveys, are included in diet analyses.<sup>1</sup> For example, swordfish, white marlin, blue marlin, yellowfin tuna, mahi-mahi, wahoo and sharks are all documented predators of false albacore tuna.<sup>2</sup> We are pleased that the Council has incorporated important HMS prey species into the proposed list and urge that these species be retained in the final Omnibus Amendment.

- **Council-managed species benefit when the aggregate forage base is conserved.**

We strongly disagree with the position of the Greater Atlantic Regional Fisheries Office (GARFO) that any forage species included in the amendment as an EC must be linked either directly as prey to Council-managed predator or as bycatch in the managed fisheries. In fact, the National Standard 1 Guidelines avoid being overly prescriptive about the use of EC designations, providing discretion and flexibility "to address other ecosystem issues" within FMPs.<sup>3</sup>

Advancing ecosystem-based approaches to fisheries management demands that we take a broad view of the ecosystem as a functioning whole and avoid a narrow linear

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<sup>1</sup>FMAT Prioritized List of Forage Taxa, February 2016 Briefing Materials:  
[http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56b3a7fa59827e100ff58d62/1454614535272/03 FMAT list for EOPcommittee.xlsx](http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56b3a7fa59827e100ff58d62/1454614535272/03+FMAT+list+for+EOPcommittee.xlsx).

<sup>2</sup> See, Fishbase predator records for false albacore at  
<http://fishbase.org/TrophicEco/PredatorList.php?ID=97&GenusName=Euthynnus&SpeciesName=alletteratus>.

<sup>3</sup> 50 CFR § 600.310(d)(5)(iii).

focus, such as looking solely at direct links between Council-managed predators and their prey. Competitive and indirect energy pathways must also be taken into consideration. As evidenced by the complex food web diagrams presented to the Council by the NEFSC Ecosystem Assessment Program,<sup>4</sup> predation and fishing can influence competition among species within a food web.

GARFO must take into account that the Council *manages forage species* through the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (MSB FMP). Protecting unmanaged forage species from exploitation logically could prevent increases in predation on managed forage, since predators of squid, mackerel and butterfish also prey on unmanaged species in the Council's list. For instance, Essential Fish Habitat (EFH) descriptions for white marlin list both round herring (unmanaged) and longfin squid (managed) as the top two preferred prey along the central Atlantic coast.<sup>5</sup> A mix of unmanaged and managed forage species can be found in the prey descriptions for nearly all other predators in the HMS plan.

- **An incidental limit of 1700 lbs. of all EC species combined per trip facilitates enforcement while accommodating 99% of trips over last ten years.**

This alternative closely matches the approach taken by the Pacific Fishery Management Council in its *Comprehensive Ecosystem-Based Amendment 1*, approved by the National Marine Fisheries Service in April. The Pacific Council set a daily landings limit of 10 mt for all the EC forage species combined (referred to as "Shared EC Species"), which accounts for 99% of all historic daily landings levels. In developing the measure, the Pacific Council sought to: 1) avoid constraining existing directed fisheries, 2) provide reasonable certainty of discouraging new fishery targeting of these species, and 3) *provide reasonable certainty of being enforceable*.

We have serious reservations that a per species incidental limit would be enforceable. In fact, it is not known for certain how many species will ultimately be protected by the amendment, since most of the listed taxa are identified by family or order. Differentiating to the species level, given the numerous closely-related organisms on the list, would seem impractical for enforcement officers and observer personnel, and frankly, is unnecessary given that the combined species option of 1700 lbs. already accounts for 99% of dealer reported trips over the last 10 years.

### **Alternative Set 3: Alternatives for Chub Mackerel**

Because a crucial piece of the amendment's scope is defining a pathway for managing forage fisheries for ecosystem sustainability, the Council should seize the opportunity to develop a management framework for chub mackerel that prevents negative impacts to the ecosystem and that explicitly recognizes the economic value of leaving chub mackerel in the water to

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<sup>4</sup> See, p.18 of the Forage Fish White Paper:

<http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5491fd7be4b021866015c5e0/1418853755349/3+ForageWhitePaper+Nov2014+draft3+%282%29.pdf>.

<sup>5</sup> Amendment 1 to the Consolidated Highly Migratory Species FMP, Chapter 5: Essential Fish Habitat: [http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am1/feis/feis\\_amendment\\_1\\_chapter5.pdf](http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am1/feis/feis_amendment_1_chapter5.pdf).

support dependent predators, many of which are highly valuable to recreational fishermen. With annual dealer-reported landings exceeding 5 million pounds and valued at nearly \$1 million,<sup>6</sup> all attributed to a directed trawl fishery, chub mackerel do not qualify as ecosystem component species and must be brought into management as a stock in the fishery.<sup>7</sup> Wild Oceans supports the stocks in a fishery alternative that would allow for incidental catch to be retained after directed fishing closes (Alternative 3Bii). However, directed fishing must close before the cap is reached to allow for this incidental catch. The ABC proxy set through this amendment must not be exceeded.

- **Chub mackerel are in need of conservation and management<sup>8</sup> warranting stocks in a fishery designation.**

Chub mackerel are an important food source for highly migratory species (HMS) – swordfish, tuna, sharks, mahi-mahi and marlin –<sup>9</sup> attracting these valuable predators to Mid-Atlantic region. (Recreational HMS fisheries in the Northeast contribute an estimated \$31 million annually to the U.S. economy.<sup>10</sup>) Millions of pounds of chub mackerel, nearly all of which are taken in summer months offshore of the Mid-Atlantic states,<sup>11</sup> are caught by small fleet of large trawlers. This concentrated fishing could jeopardize these highly migratory species and the fisheries that depend on them.

The ecological and indirect economic value of chub mackerel as a forage species must be evaluated, along with its value to the commercial sector, in a deliberate and transparent manner to establish how the species can be best managed for the greatest overall benefit to the nation (i.e., Optimum Yield<sup>12</sup>). Determining Optimum Yield (OY)

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<sup>6</sup> See, Unmanaged Forage Omnibus Amendment Public Hearing Document, p.52, Table 8.

<sup>7</sup> “Ecosystem component (EC) species. (i) To be considered for possible classification as an EC species, the species should: (A) Be a non-target species or nontarget stock; (B) Not be determined to be subject to overfishing, approaching overfished, or overfished; (C) Not be likely to become subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and (D) Not generally be retained for sale or personal use.” [50 CFR §600.310 (d)(5)(i)(A-D)]

<sup>8</sup> The Magnuson-Stevens Act defines conservation and management as “all of the rules, regulations, conditions, methods, and other measures:(A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that: (i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis; (ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and (iii) there will be a multiplicity of options available with respect to future uses of these resources.” [16 USC §1802(5)]

<sup>9</sup> Hernández, J.J.C. and Ortega, A.T.S., 2000. *Synopsis of biological data on the chub mackerel (Scomber japonicus Houttuyn, 1782)* (No. 157). Food & Agriculture Org.

<sup>10</sup> See, 2015 SAFE Report for Atlantic Highly Migratory Fisheries, Chapter 5:  
[http://www.nmfs.noaa.gov/sfa/hms/documents/safe\\_reports/2015/2015\\_safe\\_5\\_econ.pdf](http://www.nmfs.noaa.gov/sfa/hms/documents/safe_reports/2015/2015_safe_5_econ.pdf).

<sup>11</sup> Database query of the NOAA Office of Science and Technology Annual Commercial Landings Statistics, Atlantic landings by State 2005-2014.

<sup>12</sup> Optimum Yield is defined as “the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems.” The benefits of recreational opportunities include “the quality of the recreational fishing experience” and “the contribution of recreational fishing to the national, regional, and local economies.” Protection of marine ecosystems includes “maintaining adequate forage for all components of the marine ecosystem.” See, 50 CFR §600.310(e)(3).

and Acceptable Biological Catch (ABC), and developing management strategies that safeguard the ecological role of chub mackerel as prey must be Council priorities if the Council wishes for the directed chub mackerel fishery to continue.

- **The Council has the ability to move swiftly to add a species to an FMP.**

As demonstrated by the Mid-Atlantic Council's recent amendment to bring blueline tilefish into the Golden Tilefish FMP (an amendment that spanned one year from initiation to final action), it is possible to expeditiously add chub mackerel to an existing FMP. Because the vessels that target chub mackerel also fish for *Illex* squid and because chub mackerel occupy a similar niche in the ecosystem as forage, the MSB FMP is the logical choice.

Similar to chub mackerel, blueline tilefish in the Mid-Atlantic lacks a stock assessment and is considered data poor. Yet, as the Council's Science and Statistical Committee (SSC) explained in its memo providing an Acceptable Biological Catch (ABC) recommendation for blueline tilefish, data poor approaches for determining ABC have received considerable attention and have improved markedly in recent years.<sup>13</sup>

- **While the Council works to incorporate chub mackerel into the MSB FMP, a reasonable ABC proxy would be to not exceed the 5-year average landings value, or 1.75 million pounds.**

The National Standard 1 Guidelines allow for regional councils to use proxies in cases where biologically-based status determination criteria are not possible, as long as the proxies comply with National Standard 2, which requires management measures to be based on the best scientific information available.<sup>14</sup>

The recent five-year average, from 2011-2015, captures the period of time that a large-scale directed fishery emerged, warranting stocks in a fishery designation, and also captures a balanced mix of years with relatively low and high landings. The 3-year average and highest year of landings options should be avoided because they reflect only the highest catches in the time series and would be encouraging expansion of the fishery over the long term, which is contrary to the purpose and goal of the amendment.

As an ABC, the Council will need to ensure that directed fishing closes before the ABC is reached to allow for incidental catch. For example, the Atlantic mackerel fishery closes when 95% of the Domestic Annual Harvest (DAH) is reached to allow for incidental catch, not to exceed 20,000 lbs. per trip, in other directed fisheries.<sup>15</sup> Based on the data provided to the Ecosystem and Ocean Planning Committee and its advisors, an incidental catch limit set at 10,000 lbs. per trip would not impact existing fisheries, like the longfin squid fishery, that incidentally capture chub mackerel while pursuing their target species. A 10,000-pound limit is approximately equal to the mean catch, both

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<sup>13</sup> See, [March 22, 2016 Memorandum from Thomas Miller, Chair, Blueline Tilefish Working Group, MAFMC SSC to John Boreman, Chair, Mid-Atlantic Fisheries Management Council SSC.](#)

<sup>14</sup> 50 CFR §600.310(l)(1).

<sup>15</sup> 50 CFR §648.24.

directed and incidental, from all trips and captures more than 90% of trips in the database.<sup>16</sup>

#### **Alternative Set 4: Alternatives for New Fisheries and Expansion of Existing Fisheries**

Together, **Alternatives 4C and 4Cii** are designed to enable the Council to “assess the scientific information relating to any new or expanded directed fisheries and consider potential impacts to existing fisheries, fishing communities, and the marine ecosystem” and therefore **are essential to achieving the goal of the amendment**. Alternative 4C requires a vessel or vessels to obtain an Exempted Fishing Permit (EFP) to be exempt from the protective measures for unmanaged forage species established in the UFOA. Alternative 4Cii establishes a new Council policy for reviewing and endorsing EFP applications

- **The Council should clarify that the issuance of an EFP, even one endorsed by the Council, does not automatically grant a green light for fisheries to develop and expand on unmanaged forage species.**

The UFOA correctly categorizes the issuance of an EFP as “a first step in a process to allow new fisheries for ECs to develop” but falls short in describing the remainder of the steps that need to be taken. We anticipate that these steps will be fleshed out should the Council proceed with Alternative 4Cii and develop its own policy for reviewing EFP applications for unmanaged forage species; however, we urge the Council to clarify its intent regarding the steps to a new or expanded fishery in this amendment.

The Pacific Fishery Management Council Operating Procedure 24 (COP 24) outlines how the exempted fishing permit program will be used to gather data about shared ecosystem component species and the potential for sustainable fisheries to develop. EFP applicants must include a science plan, describing the data to be collected by the EFP fishery and the likely analyses needed to assess the potential effects of ***converting the fishery to a managed fishery with an FMP over the long term.***<sup>17</sup>

- **As written, we oppose Alternative 4D: Consideration of Stock in the Fishery Designation Prior to Development of New or Expansion of Existing Fisheries for ECs.**

Although we understand that this alternative may be attempting to provide “next steps” after EFPs have collected information for a new or expanded fishery to be considered, the connection to the EFP program is not made.

Alternative 4D states that “the Council would not allow landings of ECs beyond those allowed for in the amendment until the Council has considered whether or not the stock in question should be a stock in the fishery.” The alternative then refers to Section 5.2 of the UFOA Public Hearing Document, which outlines a mix of National Standard guidance for evaluating whether or not a species should be a stock in the fishery. We oppose this guidance for such an evaluation as the primary criterion for determining stock in the fishery designation is whether the stock is in need of conservation and management as

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<sup>16</sup>April 2016 Briefing Materials on Unmanaged Forage Omnibus Amendment, Table 7: [http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56fec31d210b8e43667bb92/1459539253355/Tab06\\_UnmanagedForage.pdf](http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56fec31d210b8e43667bb92/1459539253355/Tab06_UnmanagedForage.pdf).

<sup>17</sup> September, 2015. Pacific Fishery Management Council. [COP 24](#).

defined by the Magnuson-Stevens Act (MSA).<sup>18</sup>

Regardless, fisheries for unmanaged forage should not be considered for development or expansion until sufficient information exists to evaluate ecosystem impacts, including impacts to dependent predators, information that should result, in part, from EFP data collection. The Council should work in collaboration with the SSC to determine what scientific information would be necessary to ensure ecosystem sustainability, and the gathering of this information should be prioritized in the EFP policy.

After this information is available, a new or expanded directed fishery *should only proceed* if the Council is prepared to reclassify the target species as a stock in the fishery within a Fishery Management Plan, fulfilling all MSA requirements for a stock in the fishery, in accordance with a recent peer-reviewed stock assessment.

We highly recommend that the Council describe the steps for starting a new fishery or expanding an existing fishery on an unmanaged forage species, starting with the EFP program as a first step, and culminating with management as a stock in the fishery.

### **Alternative Set 5: Administrative Alternatives**

The administrative alternative set presents a number of alternatives that will strengthen the implementation and enforcement of the UFOA's management measures. *Wild Oceans* supports:

- **Alternative 5A: Update the list of authorized fisheries and gear types at 50 CFR 600.725**

To avoid administrative confusion and potential loopholes that would weaken conservation measures for unmanaged forage fish, the List of Authorized Fisheries and Gear Types should be updated to be consistent with the amendment, expressly referring to the list of prohibited species in the UFOA.

- **Alternative 5B: Permitting**

Given the significant portion of unmanaged forage species landings attributed to vessels without a GARFO permit, this alternative, which requires commercial vessels to obtain a GARFO permit in order to possess any species designated as ECs through the UFOA, is important for tracking catches of EC species in Mid-Atlantic federal waters.

- **Alternative 5Ci: Council Notification of EC landings**

This alternative creates a formal arrangement between GARFO and the Council for annual reports on the catches of EC species in the region and is important for evaluating the effectiveness of the amendment and for determining if action is needed to address arising problems. However, since some species and groups were eliminated from the EC candidate list as the amendment developed, it is important to cast a broader net when choosing what species or taxonomic groups will be monitored. For example, decapod crabs were identified by the Fishery Management Action Team as a high priority for inclusion in the amendment because they are significant food source for Council-

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<sup>18</sup> See note 8.

managed predators,<sup>19</sup> but ultimately this group was excluded. The data monitoring and reporting program should be designed to identify forage species excluded from the UFOA that might call for protection down the road.

- **Alternative 5Cii: Reporting of EC Landings**

Adding SAFIS codes for all EC species included in the UFOA will facilitate compliance with reporting requirements and improve the overall quality and reliability of dealer data.

- **Alternative 5Dii: Southern Boundary at Cape Hatteras**

Cape Hatteras is recognized as the southern boundary for the Northeast U.S. Continental Shelf Large Marine Ecosystem (NES LME). Given the Council's intent to advance ecosystem-based approaches, ecological divisions such as this should be used to frame the geographic scope of management actions relating to ecosystem-based initiatives such as the UFOA.

We are generally supportive of the Frameworkable Items under Alternative 5E. However, we do not agree with removing EC species in 5Ei or with creating more liberal possession or landings limits under 5Eii. Both of these potential actions could undermine the goal of the amendment by allowing a new fishery on a species that is removed or by expanding an existing directed commercial fishery if limits are significantly increased. We recommend modifying these alternatives to eliminate these possibilities. Removing a species from the UFOA and increasing possession and landings limits are actions that demand a more deliberate process and should only be undertaken through an amendment.

*Wild Oceans* commends the Mid-Atlantic Council for recognizing the importance of forage fish conservation for protecting ecosystem structure and function, and for taking action to safeguard unmanaged forage species, which comprise a significant portion of the region's forage base. Through its leadership, the Council has demonstrated that advancing ecosystem-based approaches is a tangible goal – one that we believe is essential to the future of fishing.

Sincerely,



Pam Lyons Gromen  
Executive Director

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<sup>19</sup>FMAT comments on EOP Committee list of unmanaged forage species, February 5, 2016:  
[http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56b4fe5ed51cd4597ddf01f7/1454702175080/03\\_SupplementalFMAT\\_comments\\_EOPlist.pdf](http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/56b4fe5ed51cd4597ddf01f7/1454702175080/03_SupplementalFMAT_comments_EOPlist.pdf).

The following letter was submitted by the Pew Charitable Trusts and signed by 16,198 individuals. A list of the names of those who signed the letter, as well as the supplemental statements added by 1,415 individuals will be posted to [www.mafmc.org/actions/unmanaged-forage](http://www.mafmc.org/actions/unmanaged-forage)



2005 Market Street, Suite 2800 P 215.575.9050  
Philadelphia, PA 19103-7077 F 215.575.4939

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901 E Street NW, 10th Floor P 202.552.2000  
Washington, DC 20004 F 202.552.2299  
[pewtrusts.org](http://pewtrusts.org)

The Pew Charitable Trusts submits this document representing 16,198 public comments to the Mid-Atlantic Fishery Management Council regarding the Unmanaged Forage Omnibus Amendment.

Julia Beaty  
Fishery Management Specialist  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901

Re: Unmanaged Forage Omnibus Amendment

Dear Mid-Atlantic Fishery Management Council members and staff,

Thank you for your commitment to protecting forage species. The Unmanaged Forage Amendment is a responsible plan to ensure that managers consider the impacts to the species, ecosystem, and economy before expanding existing fisheries or creating new ones. A robust forage base can help ensure abundant predator populations, a healthy Atlantic Ocean, and a thriving, sustainable fishing economy in our region. It is essential to examine the potential impacts before directed fishing occurs, especially when so little is known about the many forage species listed in the amendment. Your proactive work to create protections for these crucial species, and the ecosystem they support, sets an example for modern fisheries management.

Please keep the unmanaged forage amendment moving forward without delay, and pass the strongest protections for every species on the proposed list. They are all important prey for predators in our region and deserve protection.

Chub mackerel has already become a large fishery, so the council should set a temporary cap on catch at the lowest level being considered and initiate full federal management now. For the other species on the list, set a limit on the combined catch of these species for each fishing trip (without any loopholes that could allow the limit to be easily changed) that prevents large-scale fishing. The council should require a permit for retention of any listed species as well as detailed reporting. Finally, the council should review any proposals for additional fishing of species on the list, even on an experimental basis, and there must be full federal management in place before any large-scale fishing begins.

I appreciate your leadership in forage protections and urge the MAFMC to pass precautionary protections for all forage species under consideration. Please protect these valuable fish and the Atlantic Ocean ecosystems and coastal economies they support.

Sincerely,

# SIGN THE PETITION

DEAR CHAIRMAN  
ROBINS AND  
COUNCIL MEMBERS,

- Prohibit the development of commercial fisheries for as many of the proposed forage species as possible (Alternative 2B); and
- Establish an annual incidental possession limit of 1700 lbs for all forage species combined per fishing trip.



The following petition was submitted by the Wildlife Conservation Society and signed by 698 individuals. A list of all the individuals who signed the petition will be posted to <http://www.mafmc.org/actions/unmanaged-forage>

| NAME (print)      | ADDRESS (street, city, state, zip code) | EMAIL                    |
|-------------------|-----------------------------------------|--------------------------|
| JACQUELINE MOSS   | 340 E. 80th St, 14j<br>NY, NY 10075     | JMOSS131@GMAIL.COM       |
| YOKE DIGORIO      |                                         | YOKEOVISA@GMAIL.COM      |
| CHARLIE KOPPELMAN |                                         | charliek.3142@gmail.com  |
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| Ellen Greener     | 4343 E. Soliere Ave Flagstaff AZ        | emg98@nav.edu            |
| Ambrey Favela     | 4930 Gostford Rd. Bakersfield, CA       | ambknits@gmail.com       |
| Elena Mandel      | 311 E 7th St 176 NY NY 10021            | mandel.elena@gmail.com   |
| Nolan Herrera     | 311 E 11th St 2nd fl NY NY              | NHernandez@gmail.com     |
| Ravindra Parthall | 78 Hill Street<br>Lima, Peru            | ravindra170@yahoo.com    |
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| Bryan Lowry       | London, UK                              |                          |
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| Galinda Vera      | Guayaquil - Ecuador<br>San Juan 6       | miguera_6189@hotmail.com |

The following petition was submitted by the Wildlife Conservation Society and signed by 4,156 individuals, 94 of whom edited the text of the petition. A list of the names of all the individuals who signed the petition and the edited text will be posted to [www.mafmc.org/actions/unmanaged-forage](http://www.mafmc.org/actions/unmanaged-forage)

Dear Mid-Atlantic Fishery Council Members:

Thank you for your work to proactively protect forage fish and invertebrates in the Mid-Atlantic. Although there are currently no commercial fisheries for these species, growing demand for fish products like pet food, vitamins, and fish meal could change that. The Unmanaged Forage Fish Omnibus Amendment will prevent the development of new commercial fisheries unless effective management measures are in place to make sure there's enough food for marine wildlife and to support existing fisheries.

This conservation-oriented action will have many benefits for our local ocean waters. As you know, the forage fish and invertebrate species you are considering for protection play a critical role in the Mid-Atlantic Ocean ecosystem. They serve as food not only for commercially important fish species but also for wildlife like whales, seabirds, sharks, and other fishes.

As you debate and vote on this amendment this summer, I encourage you to:

1. Prohibit the development of commercial fisheries for as many of the proposed forage species as possible (Alternative 2B); and
2. Establish an annual incidental possession limit of 1700 lbs for all forage species combined per fishing trip.

Thank you for taking a proactive, ecosystem-based approach to fisheries management in the Mid-Atlantic. When approved, this action will help ensure the long-term health and productivity of our local ocean by protecting the food base for marine mammals, seabirds, and many predatory fishes, as well as for the target species that our commercial and recreational fisheries depend on. It's a win-win-win situation!



SMALL POEMS FOR  
  
Small Fishes

DEAR CHAIRMAN ROBINS AND COUNCIL MEMBERS,

I just visited the Wildlife Conservation Society's Central Park Zoo and learned about your efforts to proactively protect forage species such as false albacore, sand lance, and krill. Thank you for your work on this conservation-oriented action. Please do everything you can to protect these forage species, which are important sources of food for all the ocean animals I care about.

HERE IS A HAIKU ABOUT WHY I CARE ABOUT PROTECTING FORAGE SPECIES:

Dear Krill

LINE 1: 5 SYLLABLES

INCLUDE A DRAWING:

I Love you

LINE 2: 7 SYLLABLES

Pies stay safe

LINE 3: 5 SYLLABLES

Brooksie Robertson

NAME

NYC

CITY

NY

STATE



EVERY POEM HELPS IN THE FIGHT TO PROTECT THESE SPECIES

#FishHaiku

Photos of the Wildlife Conservation Society's New York Aquarium and Central Park Zoo's visitor pledge walls in support of the Mid Atlantic Fishery Management Council's Unmammaged Forage Omnibus Amendment

- Spanning nearly **100** square feet, the two pledge walls showcase **228** drawings from visitors of all ages

