



Unmanaged Forage Omnibus Amendment

Public Hearing Summary

This document contains a summary of comments received during public hearings on the Unmanaged Forage Omnibus Amendment. All comments, including written comments, transcripts of public hearings, and submitted images, will be posted to www.mafmc.org/actions/unmanaged-forage.

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.