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INTERNATIONAL GAME FISH ASSOCIATION NATIONAL AUDUBON SOCIETY
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VIRGINIA SALTWATER SPORTFISHING ASSOCIATION

April 26, 2023

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

REEcosystem and Ocean Planning Committee & Advisory Panel Meeting, April 27:
Development of a policy/process for reviewing Exempted Fishing Permit (EFP) applications for
Unmanaged Forage Amendment ecosystem component species

Dear Dr. Moore and members of the Ecosystem and Ocean Planning Committee, Exempted Fisheries
new or expanding fisheries as it relates to the unmanaged forage amendment
the Ecosystem and Ocean Planning (EOP)

diverse marine life and to valuable commercial and recreational fisheries. We found that the application to be inconsistent with the purpose of the UFOA, as well as the Council's

October 2014 PFMC sends letter to reviewers asking them to review the FMP amendments and COP 24. See Slide 5:

<https://www.pcouncil.org/documents/2015/03/agenda-item-e-4-a-and-e-4-b-supplemental-ewg-powerpoint.pdf/>

September 2014 PFMC meeting: Council approved the draft FMP language and COP 24 for public review. oev1 Tw 2.7 0 Td gmdrev3 2Dm PdemorPeng2 antangv2gedp.004 Tc T1 aOP drN0.7 (M)

**American Sportfishing Association xCoastal Conservation Association
xConservation Law Foundation xGreat Egg Harbor Watershed Association
xGotham Whale xInternational Game Fish Association xMenhaden Defenders
xNational Audubon Society, Chair**

Ecosystem and Ocean Planning Committee
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
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Dear Ms. Wilke,

We write today to strongly oppose advancing for further consideration, the Atlantic Thread Herring Exempted Fishing Permit (EFP) application¹ (Application) that will be discussed by the Ecosystem and Ocean Planning Committee on October 4th.

The applicant is seeking an exemption from regulations implemented under the Unmanaged Forage Omnibus Amendment (UFOA) that the Council completed in 2017 after two years of hard work. Many of the undersigned groups were actively involved in the UFOA's development and commended the Mid-Atlantic Fishery Management Council for recognizing the ecological importance of forage fish to the region's diverse marine life and to valuable commercial and recreational fisheries.

As clearly stated in the Final Rule implementing the Unmanaged Forage Omnibus Amendment:

The objective of this action is to prevent the development of new, and the expansion of existing, commercial fisheries on certain forage species until the Council has adequate opportunity and information to *evaluate the potential impacts of forage fish harvest on*

dogfish³ as well as in the diets of protected whales, dolphins, porpoises and seals. Multiple seabird species (royal terns, laughing gulls, black skimmers, double-crested cormorants and osprey) incorporate thread herring into their diets across a large portion of the Atlantic Coast.⁴ Though the Application calls for trip limits up to 100,000 pounds (nearly a 60-fold increase from the current possession limit), it fails to include a research or data collection component that would evaluate impacts on predators and dependent fisheries, for example recreational fisheries for king mackerel and bluefish, major predators of thread herring,⁵ and impacts to the greater ecosystem that could result from entanglements of protected species and discarded bycatch.

A multi-year EFP is requested with an annual catch limit of 6.6 million pounds, an amount that exceeds the annual catch limit for chub mackerel,⁶ a data-poor forage species found to be in need of conservation and management through the UFOA that is now managed under the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (FMP). In addition, the gear specified, 1-inch mesh purse seines of approximately 2,000 feet in length and 180 feet in depth, is untested in Mid-Atlantic federal waters, raising alarms about the potential for bycatch of feeding predators and other small pelagic fish, such as depleted river herring and shad that migrate in federal waters along the coast.⁷ No at-sea monitoring program is proposed that would provide for an objective observer trained in high-volume fisheries sampling to assess and evaluate bycatch.

The Mid-Atlantic Council was clear that it “does not intend to prohibit directed commercial fisheries for unmanaged forage species indefinitely.” EFPs were chosen as the method by which the Council will consider allowing new fisheries or the expansion of existing fisheries. Importantly, national regulations (50 CFR 600.745) regarding the approval or disapproval of an EFP require information to be provided about the effects on both the target and incidental species as well as an assessment of environmental impacts, including impacts on fisheries, marine mammals, threatened or endangered species, and essential fish habitat (EFH) which includes prey species and their habitat.^{8,9} Grounds for denying a permit include inconsistency with the management objectives of the FMP.¹⁰ The Regional Administrator must determine that the purpose, design, and administration of the exemption are consistent with the management objectives of the respective FMP, the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and other applicable law.¹¹

In addition to not meeting the objective of the Unmanaged Forage Omnibus Amendment, the Application is inconsistent with the Council’s Ecosystem Approach to Fisheries Management Guidance Document policy, “to support the maintenance of an adequate forage base in the Mid-

“support the maintenance of an adequate forage base to ensure ecosystem productivity, structure, and function.”¹³

Thus, we suggest that the EOP Committee consider this EFP application as an opportunity to initiate a set of guidelines for considering EFP

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