



Northeast Region Bulletin

National Marine Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930

For Information Contact:
Sustainable Fisheries Division
(978) 281 – 9315

<http://www.nero.noaa.gov/>
Date Issued: 3/21/2012

Atlantic Mackerel, Squid, and Butterfish Fisheries

Final 2012 Recreational and Commercial Quotas for Mackerel;
Final 2012 Commercial Quotas for Illex Squid and Longfin Squid;
Interim Final 2012 Commercial Quota for Butterfish
Effective Date: April 20, 2012

NOAA's National Marine Fisheries Service (NMFS) has established 2012 quotas for the Atlantic mackerel (mackerel), *Illex* squid, longfin squid (formerly *Loligo* squid), and butterfish fisheries. These quotas are effective from April 20, 2012, through December 31, 2012.

This letter describes:

- How to comment on the butterfish specifications (page 1)
- Changes to the butterfish specifications (page 2)
- Expiration of butterfish emergency measures (page 2)
- Commercial quotas for mackerel, butterfish, *Illex* squid, and longfin squid (page 2)
- Recreational quotas for mackerel (page 2)
- Trimester allocations and closure thresholds for longfin squid, butterfish, and the butterfish mortality cap (page 3)
- Permit categories and trip limits for open and limited access permits (page 3)
- Fishing limits when the quota has been harvested (page 4)
- Jigging provisions for longfin squid/butterfish moratorium permit holders (page 5)
- Accountability measures and overage deductions (page 5)

How to Comment on the Butterfish Specifications

The butterfish quota and butterfish mortality cap on the squid fishery are published as interim final measures, which means that we are still accepting public comments on the quotas until April 20, 2012. You can submit comments in the following ways:

- 1) **By electronic submission** through the Federal e-Rulemaking Portal <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "Submit a Comment" icon, then enter NMFS-NOAA-2011-0245 in the keyword search. Locate the document you wish to comment on from the resulting list, and click the "Submit a Comment" icon on the right of that line.
- 2) **By fax** to (978) 281-9135, Attn: Comments on 2012 Interim Butterfish Specifications
- 3) **By mail** and hand delivery to Daniel S. Morris, Acting Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: "Comments on 2012 Interim Butterfish Specifications."

For small entity compliance guides, this bulletin complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996. This notice is authorized by the Regional Administrator of the National Marine Fisheries Service, Northeast Region.

Changes to the Butterfish Specifications

We have revised 2012 butterfish specifications from the proposed rule. A public comment on the proposed rule pointed out that the proposed increase to the butterfish allowable biological catch is prohibited by the regulations. For additional information, please refer to the Federal Register notice for 2012 specifications, which is on our website at www.nero.noaa.gov. In order to fix the situation, NMFS is implementing the same butterfish specifications as in 2011 for 2012, in an interim final rule, and will allow 30 days for public comments. After reviewing public comments, we will publish a final rule to implement these measures for the remainder of the 2012 fishing year.

The Mid-Atlantic Fishery Management Council is also considering an action to adjust the regulations that prohibited raising the butterfish allowable biological catch in Framework Adjustment 6 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The Council is expected to take final action on Framework Adjustment 6 at their upcoming April meeting (April 10-12 in Duck, NC).

Expiration of Butterfish Emergency Measures

We put the 2011 butterfish allowable biological catch (1,811 mt) and the butterfish mortality cap on the longfin squid fishery (1,436 mt) in place through an emergency action that went into effect on March 15, 2011. The emergency rule expired on March 16, 2012, at which point the butterfish allowable biological catch and the butterfish mortality cap temporarily dropped to the original 2011 levels (1,500 mt allowable biological catch; 1,125 mt butterfish mortality cap). The reduction will appear on the NERO quota monitoring web pages. We will replace the 2011 allowable biological catch and butterfish mortality cap with 2012 butterfish specifications once they are effective on April 20, 2012. If the temporarily reduced butterfish mortality cap results in a closure of the longfin squid fishery before the end of Trimester I, the excess longfin squid quota and butterfish cap quota will roll over to Trimester III.

Commercial and Recreational Quotas

The table below shows the 2012 allowable biological catch (ABC), annual catch limit (ACL), annual catch target (ACT), domestic annual harvest (DAH – commonly referred to as “quota” throughout this document), and research set aside (RSA) for each species, as applicable, as well as the butterfish mortality cap in the longfin squid fishery.

Mackerel, Squid, and Butterfish 2012 Specifications (mt)				
Specifications	Mackerel	Butterfish**	<i>Illex</i>	Longfi
Allowable Biological Catch (ABC)	43,781	1,811	24,000	23,400
Annual Catch Limit (ACL)	43,781	1,811	N/A	N/A
Commercial Annual Catch Target (ACT)	34,907	1,630	N/A	N/A
Recreational ACT/Recreational Harvest Limit	2,443	N/A	N/A	N/A
Domestic Annual Harvest (DAH/quota)	33,821	485	22,915	22,220
Tier 3 Mackerel Allocation (7% of DAH)	2,368	N/A	N/A	N/A
Research Set Aside (RSA)	225	15	N/A	N/A
Butterfish Mortality Cap in longfin squid fishery**				1,436

**The catch limits for butterfish are still open for public comments. See pages 1-2 for details.

Trimester Allocations and Closure Thresholds for the Longfin Squid, Butterfish, and the Butterfish Mortality Cap

The table below describes trimester allocations and closure thresholds for longfin squid, butterfish, and the butterfish mortality cap (all allocations are in metric tons).

		Trimester I (Jan-Apr)	Trimester II (May-Aug)	Trimester III (Sep-Dec)
Longfin Quota 22,220 mt total	Allocation	9,555	3,777	8,888
	Closure Threshold in the Directed Longfin Fishery	8,600 (90%*9,555)	3,399 (90%*3,777)	21,109 (95%*22,220)
Butterfish Cap 1,436 mt total	Allocation	933.4	47.4	455.2
	Closure Threshold in the Directed Longfin Fishery	747 (80%*933.4)	None	1,292.4 (90%*1,436)
Butterfish Quota 485 mt total	Allocation (annual; DAH)	485		
	Closure Threshold in the Directed Butterfish Fishery	388 (80%*485)		

The longfin squid fishery may be closed either if longfin landings are projected to reach the longfin closure threshold or if butterfish catch reaches the butterfish mortality cap closure threshold in any Trimester.

- During Trimester I, the directed longfin fishery is closed if:
 - Longfin landings are projected to reach 8,600 mt -OR-
 - Butterfish catch reaches 747 mt
- During Trimester II, the directed longfin fishery is closed if:
 - Longfin landings are projected to reach 3,399 mt (unless this allocation is increased due to under-harvest in Trimester I)
- During Trimester III, the directed longfin fishery is closed if:
 - Longfin landings are projected to reach 21,109 mt (annual threshold) -OR-
 - Butterfish catch reaches 1,292.4 mt (annual threshold)

Permit Categories and Trip Limits

The permit categories and trip limits for all open access and limited access mackerel, squid, and butterfish permits are defined in the table below.

For all of the permits and species listed below, vessels may only land once per calendar day. Unless the possession limit is listed as “unlimited,” vessels are allowed to possess up to the possession limit on a given trip or calendar day. For example, if a vessel with an open access mackerel permit is on a 5-day trip, the vessel can only possess a total of 20,000 lb of mackerel throughout the trip, and can only land a total of 20,000 lb on one day at the end of the trip. If the same vessel goes out for a single day, the vessel can only possess a total of 20,000 lb of mackerel that day, and can only land a maximum of 20,000 lb of mackerel one time on that same day. If that vessel lands less than 20,000 lb on a given day, say 10,000 lb of mackerel, that 10,000 lb of

mackerel counts as the one time landing for that day, and the vessel cannot land again until the following calendar day.

You should note that new limited access mackerel permits went into place on March 1, 2012. These new permit categories are indicated with a star (*) in the table below. The application period for limited access mackerel permits is still open until February 28, 2013. More information on the new permits, and how to apply for a new permit, is at: <http://www.nero.noaa.gov/nero/nr/nrdoc/11/11MackLAPermitPHL.pdf>.

	Permit Category	Description	Trip Limits
Open Access	SMB 2	Charter Party	None while carrying passengers for hire
	SMB 3	Squid/Butterfish Incidental	Longfin squid and butterfish: 2,500 lb <i>Illex</i> squid: 10,000 lb
	SMB 4*	Atlantic Mackerel Open Access	20,000 lb
Limited Access	SMB 1	Longfin/Butterfish Moratorium	Longfin squid: Unlimited Butterfish: 5,000 lb
	SMB 5	<i>Illex</i> Moratorium	Unlimited <i>Illex</i>
	SMB T1*	Tier 1 Mackerel	Unlimited mackerel
	SMB T2*	Tier 2 Mackerel	135,000 lb
	SMB T3*	Tier 3 Mackerel	100,000 lb

Fishing Limits When the Quota Has Been Harvested

We will announce closures of the directed fisheries for mackerel, longfin squid, *Illex* squid, and butterfish fisheries before the quota has been fully harvested. We will publish closures in the Federal Register, and announce them via USCG and National Weather Service Radio.

	When this percent of the quota is reached...	The possession limit will be reduced to this amount for the remainder of the fishing year or Trimester...
Mackerel DAH	95%	20,000 lb
Tier 3 Mackerel Allocation	90%	20,000 lb (for Tier 3 vessels only)
Mackerel DAH	100%	0 lb (possession prohibited)
Butterfish	80% before October 1	250 lb
Butterfish	80% after October 1	600 lb
Longfin Squid	90% in Trimesters I and II	2,500 lb
Longfin Squid	95% in Trimester III	2,500 lb
Butterfish Mortality Cap	80% in Trimester I	2,500 lb of longfin squid
Butterfish Mortality Cap	90% in Trimester III	2,500 lb of longfin squid
<i>Illex</i> Squid	95%	10,000 lb

Jigging Provisions for Longfin Squid/Butterfish Moratorium Permit Holders

Vessels using jigging gear to target longfin squid when the directed fishery is closed due to the butterfish mortality cap will not be subject to the reduced possession limit and will be allowed to possess more than 2,500 lb of longfin squid, provided that all trawl gear is properly stowed.

For trawl gear to be considered properly stowed, you must meet one or more of the following requirements to show that your gear is not available for use and has not been in recent use:

- **Below deck:** Your net must be stored below the main working deck from which the net is deployed and retrieved. The towing wires, including the leg wires, must be detached from the net. Finally, the net must be fan-folded (flaked) and bound around its circumference.
- **Lashed down on deck:** Your net must be securely fastened to the deck or rail of the vessel, and fan-folded (flaked) and bound around its circumference. The towing wires, including the leg wires, must be detached from the net.
- **On-reel stowage:** Your net must be secured on a reel, and the entire surface of the net must be covered with canvas or other similar opaque material that is securely bound. The towing wires must be detached from the doors, and no containment rope, codend tripping device, or other mechanism to close off the codend can be attached to the codend.

Accountability Measures and ACL Overage Deductions

Accountability measures are designed to minimize the frequency and magnitude of catch in excess of the ACL (overages) and provide for harvest adjustments if ACLs are exceeded. Accountability measures for mackerel and butterfish are detailed below.

Mackerel

- *Commercial and recreational landings overage repayment:* If the commercial fishing exceeds the 2012 mackerel ACL, then the exact amount of the overage will be deducted from the 2013 commercial domestic annual harvest (DAH) as a single-year adjustment. If 2012 recreational fishery landings are responsible for the overage, then landings over the recreational harvest limit (RHL) will be deducted from the 2013 RHL as a single-year adjustment.
- *Non-landings overage repayment:* If the 2012 mackerel ACL is exceeded because of something other than landings (such as research quota overages, dead discards in excess of those otherwise accounted for in management uncertainty, or other non-landing overages), then the exact amount, in pounds, will be deducted from either the 2013 commercial DAH or RHL as a single-year adjustment.

Butterfish

- If the butterfish ACL is exceeded, then the exact amount of the overage will be deducted from the butterfish DAH by March 31 of the following year as a single-year adjustment.