

SCOPING DOCUMENT

Atlantic Mackerel Limited Access

Amendment 9 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan

**Prepared by the
Mid-Atlantic Fishery Management Council**

Schedule of Amendment 9 Atlantic Mackerel Scoping Meetings

March 17, 2005, 10:00 a.m.	Ramada Inn and Conference Center 1701 S. Virginia Dave Trail Kill Devil Hills, NC 29748 (252-441-2151)
March 28, 2005, 7:00 p.m.	Hotel Viking One Bellevue Avenue Newport, RI 02840 (401-848-4864)

In addition to providing information and comments at the above scoping meetings, you may submit written comments by April 4, 2005 to:

Daniel T. Furlong
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 South New Street
Dover, Delaware 19904-6790

Telephone: (302) 674-2331
Fax: (302) 674-5399

Comments may also be accepted via fax at the above fax number or be sent via email to MackLA9@noaa.gov. Please include in all correspondence and in the subject line of e-mail comments the following document identifier: "Scoping Comments-Mackerel Limited Access."

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
SEEKS YOUR COMMENTS ON AMENDMENT 9 TO THE
ATANTIC MACKEREL, SQUID AND BUTTERFSISH FISHERY MANAGEMENT PLAN

***Your
comments are
invited***

The Mid-Atlantic Fishery Management Council (Council) proposes to consider measures relating to controlled or limited access in the Atlantic mackerel fishery. These would be in addition to measures already under development in Amendment 9 to the Fishery Management Plan (FMP) for Atlantic Mackerel, Squid and Butterfish, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). To date, Amendment 9 has considered the following issues: a multi-year specification process, the expiration of the moratorium on entry into the *Illex* squid fishery, revisions to the overfishing definition for *Loligo* squid, measures to minimize the adverse effects of fishing on essential fish habitat, and measures to reduce discards and bycatch. This scoping action expands the range of measures under consideration to include controlled or limited access measures for the Atlantic mackerel fishery. During this scoping period, the Council is seeking comments on the possible development of a controlled or limited access program for Atlantic mackerel only.

This document is to inform you of the Council's intent to gather information necessary for the preparation of the draft supplemental environmental impact statement (DSEIS). At this time, the Council would like your input on the range of issues to be considered and information that it should consider during development of Amendment 9 relating to the development of a controlled or limited access system for the Atlantic mackerel fishery.

***Why is the
Council
proposing this
action?***

What actions have already been taken?

On July 5, 2002 (Vol. 67, No. 129), NMFS announced that it was considering proposed rulemaking to control future access to the Atlantic mackerel fishery. This announcement served as a "control date" and was intended to discourage speculative entry into the Atlantic mackerel fishery while the Council and NMFS discussed whether and how access to the Atlantic mackerel fishery should be controlled. This means that should the Council choose to implement a limited access system, participants who enter the mackerel fishery on or after July 5, 2002, may be treated differently than those with a history in the fishery prior to the control date. Existing domestic harvesting capacity within fisheries of the Northeast Region of NMFS may be treated differently from new capacity. However, the Council is not obligated to utilize the control date when developing a limited access program for mackerel; it may or may not utilize the control date in such a program, depending on the program's objectives and conditions in the fishery. At its January 2005 meeting, the Council voted to include the possible development of a limited access program to the Atlantic mackerel fishery in Amendment 9. The issue was subsequently discussed at a meeting of the Councils' Atlantic Mackerel, Squid and Butterfish Committee (Committee) on February 18, 2005, in Cape May, NJ. The Committee identified a range of issues relating to the development of a controlled or limited

access program and is seeking public comment on those issues, which are described below.

Why is the Council proposing this action?

Why are additional measures being considered?

The development of excess fishing capacity, especially since the passage of the MSFCMA, has been identified as the single most important problem facing the U.S. fishing industry. Most U.S. fisheries can be characterized as overcapitalized, with too many vessels, too much gear and too much time spent at sea harvesting fish at too high a cost to both harvesters and society. This increase in fishing vessel capacity and efficiency has resulted in over-exploitation and economic losses throughout many U.S. marine fisheries.

The Council is concerned about the recent, rapid expansion of the Atlantic mackerel fishery, which is one of the relatively few in the Northwest Atlantic Ocean that is not considered over-exploited. The Council is considering the development of a system of controlled or limited access to the fishery to avoid the overcapitalization problem that has plagued open access fisheries throughout the U.S.

What actions are being considered by the Council?

Questions to Consider

The MSFCMA requires the Council to take into account the following when developing a limited access program for a fishery: (1) present participation in the fishery; (2) historical fishing practices in, and dependence on the fishery; (3) the economics of the fishery; (4) the capability of fishing vessels used in the fishery to engage in other fisheries; (5) the cultural and social framework relevant to the fishery and any affected fishing communities; and (6) any other relevant considerations. When making your comments regarding the establishment of a controlled or limited access program for the Atlantic mackerel fishery, the Council would like the public to please consider the following questions:

- Should a controlled or limited access program be established for the Atlantic mackerel fishery or should no action be taken?
- If a limited access program is established, should a simple moratorium be implemented or should a more complex tiered system be considered?
- What types of qualification criteria should the Council consider for a limited access program for the Atlantic mackerel fishery? What level(s) of landings should be considered, and what time period(s) should be examined? Should the qualifying period utilize the control date of July 5, 2002, or should participation in the fishery in years since the control date was established be used to qualify vessels?
- Should longer term historical participants be treated differently than newer more recent entrants to the fishery?
- Should separate qualifying criteria be developed for the directed fishery and the incidental catch fishery? If so, what types of criteria?

- Should the Council consider developing a trigger mechanism that would implement limited access in the mackerel fishery in the future? What would be the appropriate mechanism to trigger implementation of limited access in this fishery?
- What provisions for vessel upgrades, if any, should the Council consider if limited access is implemented in the mackerel fishery?
- Under limited access conditions, should rules governing at sea processing and transfers at sea in the mackerel fishery be established? For example, should the Council place limits on the amount that can be processed at sea and/or limit the size of vessels processing mackerel at sea?
- To what degree should overlap of limited access programs for Atlantic herring and mackerel be considered?
- To what extent does the lack of joint management of the Atlantic mackerel resource with Canada affect the development of a limited access program in the portion of the fishery under U.S. jurisdiction?

What is the process?

After gathering information during this scoping period, the Council will select a range of management alternatives to be considered and analyzed in the Amendment 9 DSEIS. Once that is done, the DSEIS and a public hearing document will be distributed for public review. During a 45-day public comment period, you may make your remarks on any aspect of the DSEIS. Following a review of the comments, the Council will then choose the final management measures for submission in the final SEIS to the Secretary of Commerce.

Why should I comment?

This is the first and best opportunity for members of the public to raise issues and concerns for the Council to consider during the development of a controlled or limited access program for Atlantic mackerel. The Council needs your input both to identify management issues and develop alternatives that will be included in the Amendment. Your comments early in the Amendment development process will help the Council to address issues of concern to you in a thorough and appropriate manner.

How do I comment?

For the purposes of scoping, you may attend any of the scoping meetings to provide oral comments (see schedule of scoping meetings listed above), or you may submit written comments by April 4, 2005 to:

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