



UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 National Marine Fisheries Service  
 Northeast Region  
 55 Great Republic Drive  
 Gloucester, MA 01930-2276  
[www.nero.noaa.gov](http://www.nero.noaa.gov)



## Small Entity Compliance Guide for the 2011 Atlantic Mackerel, Squid, and Butterfish Specifications and Management Measures February 11, 2011

The 2011 specifications and management measures for Atlantic mackerel, squid, and butterfish will be effective on **February 14, 2011**. This letter summarizes those measures, and also reviews other existing management measures that will apply to these fisheries in 2011.

<b>2011 Specifications for Atlantic Mackerel, Squid, and Butterfish</b>				
<b>Specifications</b>	<b><i>Loligo</i> Squid (mt)</b>	<b><i>Illex</i> Squid (mt)</b>	<b>Mackerel (mt)</b>	<b>Butterfish (mt)</b>
<i>Max OY</i>	32,000	<i>Unknown</i>	<i>Unknown</i>	<i>Unknown</i>
<i>ABC</i>	24,000	24,000	47,395 <sup>1</sup>	1,500
<i>IOY</i>	20,000 <sup>2</sup>	23,328 <sup>3</sup>	46,779 <sup>4</sup>	500 <sup>5</sup>
<i>DAH</i>	19,906 <sup>6</sup>	23,328	46,779	495 <sup>7</sup>
<i>DAP</i>	19,906	23,328	31,779 <sup>8</sup>	495
<i>JVP</i>	0	0	0	0
<i>TALFF</i>	0	0	0	0
<p><i>1 - Reduced from 80,000 mt to account for expected Canadian catch (32,605 mt - includes Canadian landings and Canadian discards); 2 - Reduced from ABC to account for discards, discard uncertainty, and butterfish mortality cap uncertainty; 3 - Reduced from ABC to account for discards; 4 - Reduced from ABC to account for U.S. discards; 5 - Reduced from ABC to account for discards; 6 - Excludes 94 mt for Research Set-Aside (RSA); 7 - Excludes 5 mt for RSA; 8 - Reduced from IOY/DAH to account for 15,000 mt of potential Atlantic mackerel recreational harvest</i></p>				
<p><i>Maximum Optimum Yield (Max OY), Allowable Biological Catch (ABC), Initial Optimum Yield (IOY), Domestic Annual Harvest (DAH), and Domestic Annual Processing (DAP), Joint Venture Processing (JVP), Total Allowable Foreign Fishing (TALFF)</i></p>				

The National Marine Fisheries Service (NMFS) will summarize Atlantic mackerel, *Loligo* squid, *Illex* squid, and butterfish landings from dealer reports on a weekly basis and post this information on the Northeast Regional Office website (<http://www.nero.noaa.gov>).

### **Atlantic Mackerel**

NMFS will close the mackerel fishery when 90 percent of the mackerel DAH (42,101 mt; 95,021,440 lb) is projected to be harvested.

During a closure of the mackerel fishery, vessels may not fish for, possess, or land more than 20,000 lb of mackerel per day (defined as the 24-hour period beginning at 0001 hours and ending at 2400 hours), unless the fishery closes on or after June 1, in which case a 50,000-lb per day mackerel possession limit would be in effect for the remainder of the year.

### ***Illex* Squid**

NMFS will close the *Illex* squid fishery when 95 percent of the DAH (22,162 mt; 48,858,847 lb) is projected to be harvested.

For vessels that have been issued an *Illex* squid incidental catch permit, or during a closure of the fishery, vessels may not fish for, possess, or land more than 10,000 lb of *Illex* squid per day (defined as the 24-hour period beginning at 0001 hours and ending at 2400 hours).

### **Butterfish**

NMFS will close the butterfish fishery when 80 percent of the butterfish DAH (396 mt; 873,030 lb) is projected to be harvested.

Trawl vessels possessing 1,000 lb or more of butterfish may only fish with nets having a minimum codend mesh size of 3 inches, and a vessel issued a butterfish moratorium permit may not fish for, possess, or land more than 5,000 lb of butterfish per trip and/or per calendar day.

For vessels that have been issued a butterfish incidental catch permit, or during a closure of the fishery, vessels may not fish for, possess, or land more than 600 lb of butterfish per day (defined as the 24-hour period beginning at 0001 hours and ending at 2400 hours), unless the butterfish fishery closes prior to October 1, in which case a 250-lb per day butterfish possession limit would be in effect for the remainder of the year.

### ***Loligo* Squid**

The *Loligo* squid DAH is sub-divided into trimester periods as follows: Trimester I (January - April), 43 percent or 8,560 mt (18,871,570 lb); Trimester II (May - August), 17 percent or 3,384 mt (7,460,443 lb); and Trimester III (September - December), 40 percent or 7,962 mt (17,553,205 lb).

NMFS will close the *Loligo* squid fishery when 90 percent of the DAH is projected to be harvested in Trimesters I and II, and when 95 percent of the DAH is projected to be harvested in Trimester III. The *Loligo* squid fishery will also be closed if the butterfish mortality cap is attained (see table and text description below).

***Loligo* and butterfish landings and butterfish mortality cap allocations (mt) for 2011.**

		<b>Trimester I</b> (Jan-Apr)	<b>Trimester II</b> (May-Aug)	<b>Trimester III</b> (Sep-Dec)
<b><i>Loligo</i> Quota</b> 19,906 mt total	<b>Allocation</b>	8,560	3,384 <sup>a</sup>	7,962
	<b>Closure Threshold</b> Directed <i>Loligo</i> Fishery	7,704 (90%*8,560)	3,046 (90%*3,384)	18,911 (95%*19,906)
<b>Butterfish Cap<sup>b</sup></b> 1,125 mt total	<b>Allocation</b>	731.25	37.13	356.62
	<b>Closure Threshold</b> Directed <i>Loligo</i> Fishery	585 (80%*731.25)	None	1,012.5 (90%*1,125)
<b>Butterfish Quota<sup>c</sup></b> 495 mt total	<b>Allocation (annual; DAH)</b>	495		
	<b>Closure Threshold</b> Directed Butterfish Fishery	396 (80%*500)		

Quota underages from Trimester I will be applied to the quotas for Trimesters II and III, provided the underage is greater than 2,140 mt (25% of the Trimester I quota). However, the Trimester II quota may only be increase by a maximum of 50%, to 5,076 mt. If the underage is less than 2,140 mt, the underage will be applied to the Trimester III quota. Quota overages from Trimesters I and II will be subtracted from the Trimester III quota.

Trawl vessels possessing *Loligo* squid may only fish with nets having a minimum mesh size of 2 1/8 inches. Trawl vessels possessing *Loligo* squid may also use net strengtheners, splitting straps, and/or bull ropes or wire around the entire circumference of the codend, provided they do not have a mesh opening of less than 5 inches.

For vessels that have been issued a *Loligo* squid incidental catch permit, or during a closure of the fishery, vessels may not fish for, possess, or land more than 2,500 lb of *Loligo* squid per day (defined as the 24-hour period beginning at 0001 hours and ending at 2400 hours).

**Butterfish Mortality Cap**

Amendment 10 instituted a butterfish mortality cap that requires the closure of the directed *Loligo* fishery if the butterfish mortality cap is attained. The butterfish mortality cap, equal to 75 percent of the butterfish ABC, will account for all butterfish discards and landings caught on trips that land over 2,500 lb (1.13 mt) of *Loligo*. A full description of the butterfish mortality cap methodology is available at [www.nero.noaa.gov](http://www.nero.noaa.gov). The remaining 25 percent of the butterfish allowable biological catch (ABC) will be allocated for butterfish catch in other fisheries, including trips landing less than 2,500 lb of *Loligo*.

The butterfish ABC, and the resulting butterfish mortality cap, is established for each fishing year through the specifications process. The 2011 butterfish ABC is 1,500 mt (3,306,934 lb); this results in a butterfish mortality cap of 1,125 mt (2,480,200 lb). All butterfish catch on trips

<sup>a</sup> This allocation may be increased if there is substantial under-harvest in Trimester I.

<sup>b</sup> Extrapolated butterfish catch on trips that land greater than or equal to 2,500 lb of *Loligo*; observer data.

<sup>c</sup> Butterfish landings; dealer data.

that land over 2,500 lb *Loligo* after January 1, 2011, will be counted against the butterfish mortality cap.

The butterfish mortality cap is allocated by trimester: Trimester I – 65 percent (731.25 mt or 1,612,130 lb); Trimester II – 3.3 percent (37.13 mt or 81,858 lb); Trimester III – 31.7 percent (356.62 mt or 786,213 lb). The directed *Loligo* fishery will close if 80 percent of the Trimester I butterfish mortality cap is projected to be harvested, and/or if 90 percent of the total cap is projected to be harvested in Trimester III. The mortality cap will still be tracked during Trimester II, but the catch and the mortality cap will be applied to Trimester III, along with overages and underages from Trimester I.

### **Pre-trip Notification Requirement**

To facilitate the placement of NMFS observers on *Loligo* fishing trips, Amendment 10 established a 72-hour trip notification requirement; this requirement went into effect on January 1, 2011. The 2011 specifications adjusted this requirement to allow vessels to notify the observer program at least 72 hours, but no more than 10 days, prior to beginning any fishing trip. This means that vessels may notify for multiple upcoming trips during a single notification. Thus, in order for a federally permitted *Loligo* vessel to possess 2,500 lb or more of *Loligo*, a vessel representative must notify NMFS to request an observer at least 72 hours, but no more than 10 days, prior to embarking on a fishing trip. State-only permitted *Loligo* vessels fishing in state waters do not need to notify NMFS prior to fishing.

There are three methods available for notifying the Northeast Fisheries Observer Program:

- 1) **ONLINE via the Pre-Trip Notification System (preferred method):** The Pre-Trip Notification System (PTNS) is accessible at <https://fish.nefsc.noaa.gov/PTNS/>. Vessels should log in using the same username (permit number) and password (PIN) as they use for Fish-On-Line. If you do not have access please contact NMFS immediately at (978) 281-9133 or by email at [fso.data.requests@noaa.gov](mailto:fso.data.requests@noaa.gov).
- 2) **EMAIL:** Please submit trip notification by email [NEFSC.PTNS@noaa.gov](mailto:NEFSC.PTNS@noaa.gov).
- 3) **TELEPHONE:** If calling Monday to Friday between 7am and 6pm, please call (508) 495-2309. If calling after hours, please contact the emergency cell phone at (508) 681-9104.

If utilizing the email or telephone method of notification, please clearly relay the following information:

- Vessel name
- Permit number
- Hull number
- Vessel operator
- Vessel contact phone number
- Email addresses at which to receive selection notices and waivers
- Trip type (indicate *day trip* for trips less than 48 hours in length, or indicate *multi-day trip* for trips greater than 48 hours in length)
- Planned sail date

- Planned sail time
- Port sailing from and estimated trip length

If a vessel representative does not make the required trip notification to NMFS, the vessel is prohibited from possessing or landing more than 2,500 lb of *Loligo*. If a vessel is selected to carry an observer, the vessel must carry an observer or is prohibited from landing more than 2,500 lb *Loligo*. If a trip is cancelled, a vessel representative must notify NMFS of the cancelled trip, even if the vessel is not selected to carry an observer. If a vessel representative cancels a trip after its vessel was selected to carry an observer, that vessel will be assigned an observer on the next trip.

### **IMPORTANT REMINDER ABOUT SAFETY REQUIREMENTS**

As of May 1, 2006, all vessels required to carry an observer must meet U.S. Coast Guard safety requirements and display a current Commercial Fishing Vessel Safety Examination Decal (Decal). Vessels that do not have a current Decal are deemed unsafe for purposes of carrying an observer. Vessels that are required to carry an observer, but are inadequate or unsafe for purposes of carrying an observer, are prohibited from fishing without observer coverage (50 CFR 600.746(f)). Enforcement action may result when a vessel that is required to take an observer does not meet the safety requirements and embarks on a fishing trip without the observer.

### **Additional Information**

This permit holder letter summarizes mackerel, squid, and butterfish specifications and management measures for the 2011 fishing year, but is not a substitute for the actual regulations. The full text of the regulations is available by visiting our website (address provided on the first page). A copy of Amendment 10, including the Final Supplemental Environmental Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Analysis, is also available on our website or from the Council (302-674-2331). If you have questions about the 2011 regulations, or the Amendment 10 regulations, please phone 978-281-9315.

You may also receive permit holder letters by e-mail, including closure notices, by visiting our website and clicking on "Permit Holder Letters." This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.

Sincerely,



Patricia A. Kurkul  
Regional Administrator

*The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The data reported will be used to develop, implement, and monitor fishery management strategies and for a variety of other uses. Submission is mandatory for those persons falling under the requirements of 50 CFR 648.7(b). All data submitted will be handled as confidential material in accordance with NOAA Administrative Orders. Public reporting burden for the phone call to declare a Loligo fishing trip is estimated to average 2 minutes per call per trip, and public burden for the phone call to cancel a Loligo trip is estimated to average 1 minute. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS, 55 Great Republic Drive, Gloucester, MA 01930.*

*Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.*

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*This small entity compliance guide 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*