



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Region
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Small Entity Compliance Guide for Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) (Amendment 10) was approved by NOAA's National Marine Fisheries Service (NMFS) on October 9, 2009. The final rule for Amendment 10 was published on March 10, 2010. A summary of the management measures included in Amendment 10 is provided with this letter.

Measures Established by Amendment 10

Amendment 10 establishes a minimum mesh increase to 2-1/8 inches for the *Loligo* fishery during Trimesters I (Jan - Apr) and III (Sep - Dec); establishes a butterfish mortality cap program for the *Loligo* fishery; establishes a 72-hour trip notification requirement for the *Loligo* fishery, to facilitate the placement of NMFS observers on *Loligo* trips; and requires an annual assessment of the butterfish mortality cap program by the Mid-Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee (SSC), with implementation of additional rebuilding measures through the annual specifications process, as necessary.

Minimum Codend Mesh Size Increase for the Loligo Fishery, effective September 2010

In order to decrease finfish bycatch in the *Loligo* fishery, Amendment 10 raises the minimum codend mesh size for the *Loligo* fishery to 2-1/8 inches during Trimester I (January to April) and Trimester III (September to December), effective September 1, 2010. The minimum mesh size of 1-7/8 inches remains in effect for Trimester II (May to August).

Butterfish Mortality Cap Program for the Loligo

Fishery, effective January 2011

Under the 5-year butterfish rebuilding program established in Amendment 10, Acceptable Biological Catch (ABC) will equal the yield associated with applying a fishing mortality rate of 0.1 to the most current stock estimate. Once the stock is determined to be rebuilt, ABC will be specified according to the fishing mortality control rule currently specified in the FMP (i.e., the yield associated with 75 percent of F_{MSY}).

To control fishing mortality on the butterfish stock, Amendment 10 institutes a butterfish mortality cap, effective on January 1, 2011, that will also require 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 by the *Loligo* fishery. The remaining 25 percent of the butterfish ABC will be allocated for butterfish catch in other fisheries, including trips landing less than 2,500 lb (1.13 mt) of *Loligo*. The *Loligo* fishery will continue to close each trimester if *Loligo* landings are projected to reach the specified level.

The butterfish mortality cap is allocated by trimester: Trimester I – 65 percent; Trimester II – 3.3 percent; Trimester III – 31.7 percent. The directed *Loligo* fishery will only close if the butterfish mortality cap is harvested during Trimesters I and III. The mortality cap will still be tracked during Trimester II, but the catch and the mortality cap will be applied to Trimester III, such that 35 percent of the total butterfish mortality cap is tracked during Trimester III. Overages and underages from the Trimester I butterfish mortality cap will apply to Trimester

III. 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.

72-hour Trip Notification Requirement for the Loligo Fishery, effective January 2011

To facilitate the placement of NMFS observers on *Loligo* fishing trips, Amendment 10 establishes a 72-hour trip notification requirement, effective on January 1, 2011. In order for a vessel to possess 2,500 lb or more of *Loligo*, a vessel representative must phone NMFS to request an observer at least 72 hours prior to embarking on a fishing trip. 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.

Annual Assessment of the Butterfish Mortality Cap by the SSC

Amendment 10 requires that the Council's SSC annually review the performance of the butterfish mortality cap program during the specifications process, and allows the SSC to recommend measures to ensure the effectiveness of the mortality cap program through the annual specifications process.

Additional Information

The information provided with this letter is not a substitute for the complete regulations. All Federal permit holders and federally permitted dealers are encouraged to obtain a copy of the

complete, official regulations by phoning NMFS at 978-281-9315 or by visiting our website (address provided above). 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 Amendment 10 regulations, please phone 978-281-9315.

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.