



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

Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) (Amendment 9) was approved by NOAA's National Marine Fisheries Service (NMFS) on June 16, 2008. The final rule for Amendment 9 was published on July 1, 2008. A summary of the management measures included in Amendment 9 is provided with this letter. All measures in Amendment 9 are effective July 31, 2008.

Measures Established by Amendment 9

Amendment 9 establishes a mechanism to allow for multi-year specifications for all four species managed under the FMP (Atlantic mackerel, butterfish, *Illex* squid (*Illex*), and *Loligo* squid (*Loligo*)) for up to 3 years; extends the moratorium on entry into the *Illex* fishery, without a sunset provision; adopts biological reference points recommended by the Stock Assessment Review Committee (SARC) for *Loligo*; prohibits bottom trawling by MSB-permitted vessels in Lydonia and Oceanographer Canyons; and designates essential fish habitat (EFH) for *Loligo* eggs based on best available scientific information.

Multi-Year Specifications and Management Measures

This action allows for specifications and management measures for any or all of the four species in the FMP to be set for up to 3 years, subject to annual review. In the past, the specifications and management measures for MSB fisheries have remained fairly constant across years. This measure still enables the Mid-Atlantic Fishery Management Council (Council) to respond to changes in stock status, in any given year, by modifying quotas or management measures. However, if changes were not necessary, the Council and NMFS would not have to recommend and implement annual specifications and management measures.

*Moratorium on Entry into the *Illex* Fishery*

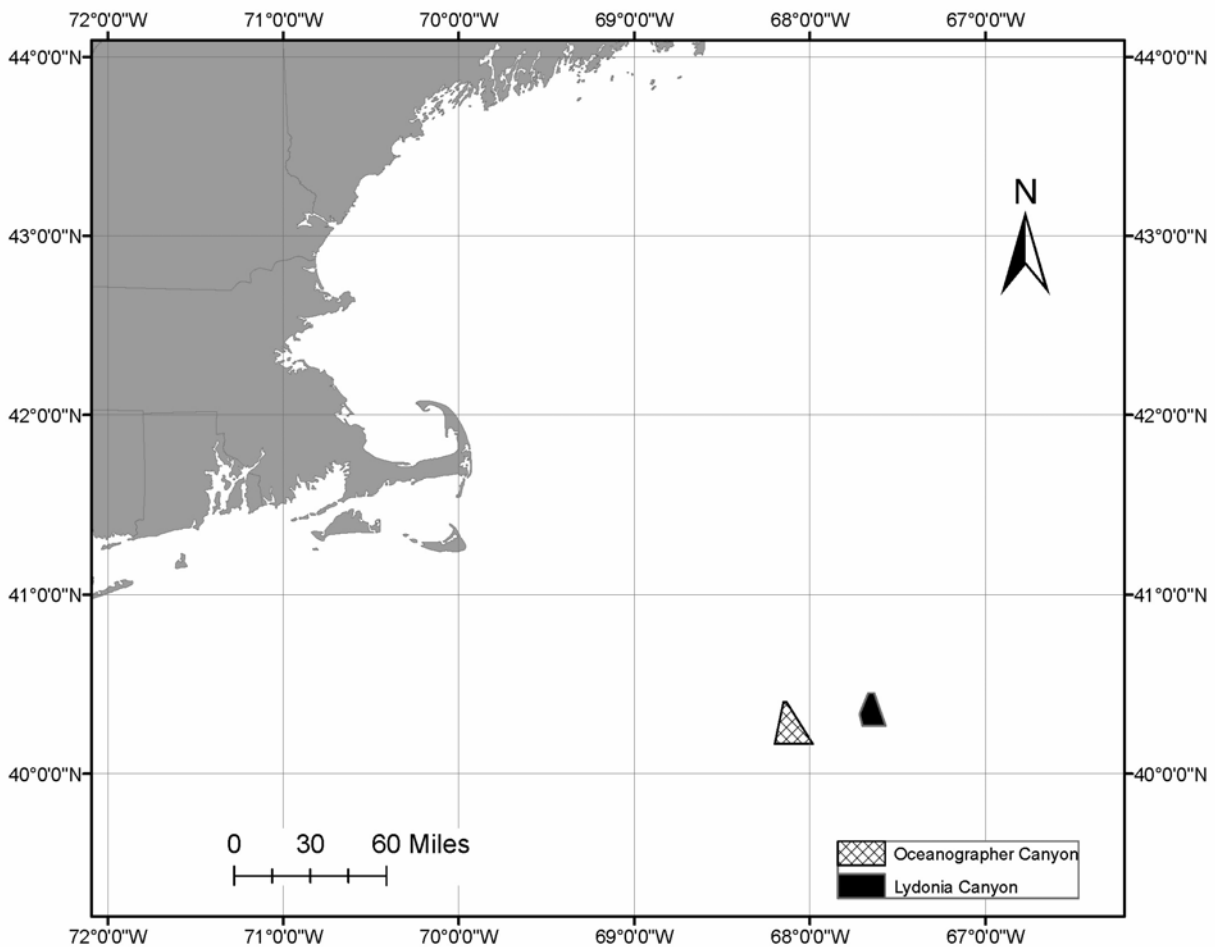
In order to prevent excess harvest capacity from developing in the *Illex* fishery, a moratorium on new entry into the *Illex* fishery was established in 1997. This moratorium was initially scheduled to expire in 2002, but has been extended several times through framework actions and was most recently scheduled to expire in July 2009. Amendment 9 eliminates the scheduled expiration of this moratorium. As such, new entry into the directed commercial fishery for *Illex* is prohibited indefinitely. The transfer of moratorium permits from one participant to another will only be allowed through the transfer of ownership of a permitted vessel. Amendment 9 prevents expansion of the *Illex* fleet beyond the number of permitted vessels in 2008, thereby preventing expansion in a fishery that is already overcapitalized.

Biological Reference Points for Loligo

Amendment 9 revises the proxies for target and threshold fishing mortality rates, F_{Target} and $F_{Threshold}$, respectively, for *Loligo* to reflect the analytical advice provided by the most recent SARC. Because *Loligo* is a sub-annual species (i.e., has a lifespan of less than 1 year), the stock is solely dependent on sufficient recruitment year to year to prevent stock collapse. The status quo proxies for F_{Target} and $F_{Threshold}$ are based on maximum yield, while the revised proxies for F_{Target} and $F_{Threshold}$ in Amendment 9 are more risk averse because they are based on average fishing mortality rates achieved during a time period when the stock biomass was fairly resilient (1987-2000). While Amendment 9 revises the formulas and values for these reference points, the function of the reference points remains unchanged. F_{Target} is the basis for determining optimum yield, and $F_{Threshold}$ is used to determine whether overfishing is occurring.

Prohibition on Bottom Trawling to Reduce Gear Impacts on EFH by MSB Fisheries

Amendment 9 prohibits bottom trawling in Lydonia and Oceanographer Canyons by MSB-permitted vessels. MSB-permitted vessels transiting these canyons must stow all bottom trawl gear. While Lydonia and Oceanographer Canyons are only minimally used by vessels with bottom trawl gear, this action will prevent future expansion of MSB fisheries into these canyons.



Oceanographer Canyon is defined by straight lines connecting the following points in the order stated:

Point	North Latitude	West Longitude
OC1	40°10.0'	68°12.0'
OC2	40°24.0'	68°09.0'
OC3	40°24.0'	68°08.0'
OC4	40°10.0'	67°59.0'
OC1	40°10.0'	68°12.0'

Lydonia Canyon is defined by straight lines connecting the following points in the order stated:

Point	North Latitude	West Longitude
LC1	40°16.0'	67°34.0'
LC2	40°16.0'	67°42.0'
LC3	40°20.0'	67°43.0'
LC4	40°27.0'	67°40.0'
LC5	40°27.0'	67°38.0'
LC1	40°16.0'	67°34.0'

Designation of EFH for Loligo Eggs

Amendment 9 designates EFH for *Loligo* eggs in order to bring the MSB FMP into compliance with the Magnuson-Stevens Fishery Conservation and Management Act requirement that FMPs describe and identify EFH for each life history stage of a managed species. In general, *Loligo* eggs are found attached to rocks and boulders on sand or mud bottom, as well as attached to aquatic vegetation in coastal and offshore bottom habitats from Georges Bank southward to Cape Hatteras. Generally, the following conditions exist where *Loligo* egg EFH is found: Bottom water temperatures between 10° C and 23° C; salinities of 30 to 32 ppt; and depths less than 50 m. This action adds a description and map of *Loligo* egg EFH to the FMP that are based on the best available scientific information.

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 9, 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 9 regulations, please phone 978-281-9315.

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.