

AMENDMENT #2 TO THE ATLANTIC MACKEREL FISHERY MANAGEMENT PLAN

November 1980

Mid-Atlantic Fishery Management Council

in cooperation with the

National Marine Fisheries Service

Draft adopted by MAFMC: 15 October 1980
Final adopted by MAFMC: 14 November 1980
Final approved by NOAA: 29 January 1981

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II. SUMMARY

The Fishery Management Plan for Atlantic Mackerel (Plan) was approved by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration on 3 July 1979 for fishing year 1979-1980 (1 April 1979 - 31 March 1980). Amendment #1, extending the Plan through fishing year 1980-1981 was approved by the Assistant Administrator for Fisheries on 17 March 1980. The purpose of Amendment #2 is to extend the Plan beyond the end of fishing year 1980-1981. The management unit for this Plan is all Atlantic mackerel under US jurisdiction. The objectives of the Plan are:

- (1) Provide opportunity for increased domestic recreational and commercial catch.
- (2) Maximize the contribution of recreational fishing for Atlantic mackerel to the national economy.
- (3) Maintain the spawning stock size of Atlantic mackerel at or above its size in 1978.
- (4) Achieve efficiency in harvesting and use.
- (5) Minimize costs to taxpayers of development, research, management, and enforcement in achieving these objectives.

The following management measures are included in the Plan, as amended by Amendment #1:

- (1) Restriction of catches as follows: Optimum Yield = 30,000 mt, Domestic Annual Harvest = 20,000 mt, Domestic Annual Processing = 5,000 mt, Non-Processed Fish = 15,000 mt, Total Allowable Level of Foreign Fishing = 4,000 mt, and Reserve = 6,000 mt. The Total Allowable Level of Foreign Fishing is intended to provide only for incidental foreign catches of mackerel. At such time as a foreign nation takes its allocation of Atlantic mackerel, it will be required to cease fishing operations that would lead to an additional catch of Atlantic mackerel.
- (2) All vessels fishing commercially for Atlantic mackerel, either directly or as a by-catch from other fisheries, must be registered. This provision also applies to all vessels for hire for fishing recreationally directly or indirectly for mackerel.
- (3) Weekly reports on mackerel catches must be filed by US and foreign fishermen. US dealers and processors must submit weekly reports on any transactions involving mackerel.
- (4) Foreign fishing is regulated by part 611, Title 50, Code of Federal Regulations.

The recommended alternative for Amendment #2 is to continue the Plan with no changes for up to one year. The annual values would be: Optimum Yield = 30,000 mt, Domestic Annual Harvest = 20,000 mt, Domestic Annual Processing = 5,000 mt, Non-Processed Fish = 15,000 mt, Total Allowable Level of Foreign Fishing = 4,000 mt, and Reserve = 6,000 mt.

The only other alternative considered is to take no action at this time. This alternative would mean that the Plan would lapse at the end of fishing year 1980-1981 unless extended by a Secretarial Amendment or replaced by a Preliminary Fishery Management Plan, which would regulate only the foreign fishery.

The alternatives are discussed in Section XII of Amendment #2.

III. TABLE OF CONTENTS

I. TITLE PAGE.....1

II. SUMMARY.....3

III. TABLE OF CONTENTS.....4

IV. INTRODUCTION.....5

V. DESCRIPTION OF STOCKS.....5

VI. DESCRIPTION OF HABITAT.....5

VII. FISHERY MANAGEMENT JURISDICTION, LAWS, AND POLICIES.....5

VIII. DESCRIPTION OF FISHING ACTIVITIES.....5

IX. DESCRIPTION OF ECONOMIC CHARACTERISTICS OF THE FISHERY.....5

X. DESCRIPTION OF BUSINESSES, MARKETS, AND ORGANIZATIONS
ASSOCIATED WITH THE FISHERY.....5

XI. DESCRIPTION OF SOCIAL AND CULTURAL FRAMEWORK OF DOMESTIC
FISHERMEN AND THEIR COMMUNITIES.....5

XII. DETERMINATION OF OPTIMUM YIELD.....7

XIII. MEASURES, REQUIREMENTS, CONDITIONS OR RESTRICTIONS
SPECIFIED TO ATTAIN MANAGEMENT OBJECTIVES.....8

XIV. SPECIFICATION AND SOURCE OF PERTINENT FISHERY DATA.....9

XV. RELATIONSHIP OF THE RECOMMENDED MEASURES TO EXISTING
APPLICABLE LAWS AND POLICIES.....9

XVI. COUNCIL REVIEW AND MONITORING OF THE PLAN.....9

XVII. REFERENCES.....9

APP I. LIST OF PUBLIC MEETINGS AND SUMMARY OF COMMENTS.....APP I 1

IV. INTRODUCTION

Amendment #2 to the Atlantic Mackerel Fishery Management Plan is designed to extend the Plan for up to one year beyond the end of fishing year 1980-1981 (31 March 1981) with no changes to Optimum Yield and quotas. The basic data about the fishery have not changed since Amendment #1 was adopted by the Mid-Atlantic Fishery Management Council.

The alternatives for Amendment #2 are to take no action or to extend the Plan in its current form. The Council is preparing a major amendment to this Plan along with the Butterfish and Squid Fishery Management Plans that would merge those Plans and make major changes in the management regimes. However, the National Marine Fisheries Service has advised the Council that the major amendment cannot be reviewed and approved prior to the end of fishing year 1980-1981 (31 March 1981). Given these circumstances, no action by the Council would likely lead to a Secretarial Amendment to the Atlantic Mackerel Fishery Management Plan. However, the Council has chosen the alternative of extending the Plan for up to one year itself to provide time for the review and approval of the major amendment.

V. DESCRIPTION OF STOCKS

The most recent stock assessment contains no date which would warrant any changes to this section

VI. DESCRIPTION OF HABITAT

No data are available which would necessitate a change to this section.

VII. FISHERY MANAGEMENT JURISDICTION, LAWS, AND POLICIES

No data are available which would necessitate a change to this section.

VIII. DESCRIPTION OF FISHING ACTIVITIES

The latest landings data are shown in Table 1. No other data are available which would necessitate a change to this section.

IX. DESCRIPTION OF ECONOMIC CHARACTERISTICS OF THE FISHERY

No data are available which would necessitate a change to this section.

X. DESCRIPTION OF BUSINESSES, MARKETS, AND ORGANIZATIONS ASSOCIATED WITH THE FISHERY

No data are available which would necessitate a change to this section.

XI. DESCRIPTION OF SOCIAL AND CULTURAL FRAMEWORK OF DOMESTIC FISHERMEN AND THEIR COMMUNITIES

No data are available which would necessitate a change to this section.

Table 1. Reported US Commercial, Estimated US Recreational, And
Reported Foreign Catches Of Squid, Atlantic Mackerel, And Butterfish
From The Northwest Atlantic, 1965 - 1979
(in metric tons)

Year	Reported US Commercial Catch ^a			Estimated US Recreational Catch ^b			Reported Foreign Catch In US Waters ^c			Reported Foreign Catch ^d Outside Of FCZ		
	Squid	Mackerel	Butterfish	Squid	Mackerel	Butterfish	Squid	Mackerel	Butterfish ^e	Squid	Mackerel	Butterfish
1965	1,163	1,998	3,111	unk	8,583	unk	177	2,540	749	8,000	11,590	-
1966	1,201	2,724	2,689	unk	unk	unk	344	6,707	3,865	5,000	12,821	-
1967	1,744	3,891	1,970	unk	unk	unk	1,415	18,985	2,316	7,000	11,243	-
1968	1,687	3,929	1,633	unk	unk	unk	4,920	56,043	5,437	98	20,838	-
1969	1,479	4,364	2,256	unk	unk	unk	9,618	108,811	15,063	-	18,636	15
1970	1,050	4,049	1,791	unk	32,078	unk	19,150	205,568	9,028	1,385	21,006	13
1971	1,238	2,406	1,593	unk	unk	unk	17,601	346,338	6,283	8,906	24,496	3
1972	1,322	2,006	744	unk	unk	unk	46,178	385,358	5,171	1,868	22,360	14
1973	1,777	1,336	1,539	unk	unk	unk	55,133	379,829	17,897	9,877	38,550	-
1974	2,462	1,042	1,812	unk	7,640	unk	53,056	293,883	10,337	437	44,655	3
1975	1,987	1,974	2,031	unk	unk	unk	49,999	249,005	9,069	17,757	36,258	119
1976	3,847	2,459	1,400	unk	4,202	unk	46,389	205,956	10,353	41,764	33,065	73
1977	2,632	1,381	1,317	unk	522	unk	39,357	53,644	3,205	80,476	27,481	-
1978 ^f	1,692	1,525	3,669	unk	6,571	unk	26,666	330	1,324	94,343	25,899	-
1979 ^f	5,989	1,764	2,792	unk	2,992	unk	29,609	65	844	111,005	30,605	-
Ave.	2,085	2,457	2,023	unk	unk	unk	26,641	154,204	6,729	25,861	25,300	16

(a) Small amounts of the US commercial catch of these species may have come from outside of US waters in some years.

(b) From angler surveys. Although it is known that squid and butterfish are occasionally taken by recreational fishermen, no estimates of these catches are available.

(c) Catches by foreign nations (including Canada) in ICNAF Subarea 5 and Statistical Area 6 for 1965-1977. 1978 and 1979 estimates from FCMA foreign fishing quota reports.

(d) ICNAF Subareas 1 - 4. Includes Canada. Almost all 'squid' is Illex.

(e) Only butterfish catches reported to ICNAF. See 1980 butterfish stock assessment for estimated total foreign catches.

(f) Preliminary estimates.

XII. DETERMINATION OF OPTIMUM YIELD

XII-1. Specific Management Objectives. The Mid-Atlantic Council adopted the following objectives for this Plan:

- (1) Provide opportunity for increased domestic recreational and commercial catch.
- (2) Maximize the contribution of recreational fishing for Atlantic mackerel to the national economy.
- (3) Maintain the spawning stock size of Atlantic mackerel at or above its size in 1978.
- (4) Achieve efficiency in harvesting and use.
- (5) Minimize costs to taxpayers of development, research, management, and enforcement in achieving these objectives.

XII-2. Description of Alternatives and XII-3. Analysis of Beneficial And Adverse Impacts Of Potential Management Options. Alternatives for Amendment #2 are:

(1) Take No Action At This Time - This alternative would mean that the Plan would lapse at the end of fishing year 1980-1981 unless extended by a Secretarial Amendment. If there were no Secretarial Amendment, the National Marine Fisheries Service would be required to prepare a Preliminary Fishery Management Plan for this fishery.

A Preliminary Fishery Management Plan would annually set Optimum Yield and estimate US capacity and, thus, Total Allowable Level of Foreign Fishing. A Preliminary Fishery Management Plan regulates foreign, but not domestic, harvesting.

One effect of reversion to Preliminary Fishery Management Plan management would be that data on the domestic harvesting and processing industries that would be collected as a result of recordkeeping provisions included in the Plan could not be collected, or could not be collected as effectively. This would seriously limit assessments of the scope and development of the US industry, and would eliminate other fishery and biological information needed to assess Optimum Yield, US harvesting and processing capacity, condition of the stock, etc.

(2) Continue The Fishery Management Plan With No Changes - Under this alternative, the annual values of Optimum Yield, Domestic Annual Harvest, Domestic Annual Processing, Non-Processed Fish, Total Allowable Level of Foreign Fishing, and Reserve would remain the same as those specified in Amendment #1 (30,000 mt, 20,000 mt, 5,000 mt, 15,000 mt, 4,000 mt, and 6,000 mt, respectively). The stock currently appears able to sustain harvests of the magnitude proposed. The estimates of Domestic Annual Harvest and Domestic Annual Processing were reviewed and are considered valid for fishing year 1981-1982.

XII-4. Tradeoffs Between The Beneficial And Adverse Impacts Of The Preferred Management Option. Alternative 2 has been adopted as the preferred management option. The Council believes that it should not rely on the Secretary of Commerce to prepare an Amendment. The Plan and Amendment #1, as prepared by the Council, have been subjected to an extensive public review process approved by the Advisory and Scientific and Statistical Committees, as well as the Council, acting with their broad understanding of public needs and desires. It is unlikely any Secretarial amendment would contain as complete a public review process and changes in the plan would be probable. The Council is developing a major Amendment to this Plan, along with major Amendments to the Squid and Butterfish Fishery Management Plans, to merge all three Plans and more closely coordinate the management regimes for the species

involved. The major Amendment is based on policies that build upon the policies in the plans as they currently exist. The Council is proceeding with this major Amendment but has been advised by the National Marine Fisheries Service that it cannot be reviewed in time for it to be implemented prior to the end of fishing year 1980-1981 (31 March 1981). It is, however, possible that the major Amendment could be completed and reviewed during fishing year 1981-1982. Therefore, the Council considers a continuation of the policies set forth in the current plan necessary until such time as the major Amendment is ready for implementation. A Secretarial Amendment is, therefore, not an acceptable alternative. Given the problems associated with a Preliminary Fishery Management Plan (elimination of regulation of the US fishery and reporting requirements), Amendment by the Council seems to be the only reasonable alternative.

Alternative 2 would have no more impact on foreign nations than the Amendment #1 since the initial Total Allowable Level of Foreign Fishing would continue at 4,000 mt and the reserve provision of the Amendment #1 would be continued.

XII-5. Specification Of Optimum Yield. No changes are required to this section as a result of Amendment #2 except to extend for fishing year 1981-1982 the specification of Optimum Yield and the estimates of Domestic Annual Harvest, Domestic Annual Processing, Non-Processed Fish, and Total Allowable Level of Foreign Fishing established in Amendment #1. Those are:

Optimum Yield	30,000 metric tons
Domestic Annual Harvest	20,000
Domestic Annual Processing	5,000
Non-Processed Fish*	15,000
Total Allowable Level of Foreign Fishing	4,000
Reserve	6,000

* Estimated Atlantic mackerel catch by US marine anglers.

XIII. MEASURES, REQUIREMENTS, CONDITIONS, OR RESTRICTIONS PROPOSED TO ATTAIN MANAGEMENT OBJECTIVES

XIII-1. Permits and Fees. No changes are required as a result of Amendment #2.

XIII-2. Time and Area Restrictions. No changes are required as a result of Amendment #2.

XIII-3. Catch Limitations. The fishing year for Atlantic mackerel is the twelve (12) month period beginning 1 April.

The initial Total Allowable Level of Foreign Fishing for Atlantic mackerel for fishing year 1981-1982 is 4,000 mt.

The initial domestic quota for Atlantic mackerel for fishing year 1981-1982 is 20,000 mt. The Reserve for Atlantic mackerel for fishing year 1981-1982 is 6,000 mt.

No other changes are required to this section as a result of Amendment #2.

XIII-4. Types of Gear. No changes are required as a result of Amendment #2.

XIII-5. Incidental Catch. No changes are required as a result of Amendment #2.

XIII-6. Restrictions. No changes are required as a result of Amendment #2.

XIII-7. Habitat Preservation, Protection and Restoration. No changes are required

as a result of Amendment #2.

XIII-8. Development of Fishery Resources. No changes are required as a result of Amendment #2.

XIII-9. Management Costs and Revenues. It is expected that the costs of implementing the recommended option in Amendment #2 should be essentially the same as the costs of implementing Amendment #1 to the Fishery Management Plan.

XIV. SPECIFICATIONS AND SOURCES OF PERTINENT FISHERY DATA

No changes are required by Amendment #2.

XV. RELATIONSHIP OF THE RECOMMENDED MEASURES TO EXISTING APPLICABLE LAWS AND POLICIES

No changes are required as a result of Amendment #2.

XVI. COUNCIL REVIEW AND MONITORING OF THE PLAN

No changes are required as a result of Amendment #2.

XVII. REFERENCES

All requests for information upon which this Fishery Management Plan has been based should be directed to the offices of the Mid-Atlantic Fishery Management Council.

Mid-Atlantic Fishery Management Council. 1979. Final environmental impact statement/fishery management plan for the Atlantic mackerel fishery of the northwest Atlantic Ocean.

Proposed regulations. 13 Sept. 1979. FR 44(179): 53196-53258.

Final regulations. 21 Feb. 1980. FR 45(36): 11497-11502.

Amendment #1, Emergency Regulations. 1 Apr. 1980. FR 45(64): 21256-21259.

Amendment #1, Approval/Partial disapproval; proposed regulations. 3 Apr. 1980. FR 45(66): 22144-22177.

Amendment #1 final regulations. 3 July 1980. FR 45(130): 45291-45296.

APPENDIX I. LIST OF PUBLIC MEETINGS, SUMMARY OF COMMENTS, AND RESPONSES
TO COMMENTS ON AMENDMENT #2 TO THE ATLANTIC MACKEREL
FISHERY MANAGEMENT PLAN

<u>Location</u>	<u>Date</u>	<u>Number of Public Attending*</u>
Salisbury, MD	10 Novmeber 1980	0
Toms River, NJ	10 November 1980	2
Galilee, RI	11 November 1980	5
Montauk, NY	13 November 1980	5

* Does not include Council, Federal, or State personnel

10 NOVEMBER 1980 - SALISBURY, MD

Mr. Robert Rubelmann, Mid-Atlantic Council member was the moderator. Also present were Council staff members Stephen Freese and David R. Keifer. No members of the public were present.

10 NOVEMBER 1980 - TOMS RIVER, NJ

The hearing began at approximately 7:20 pm with Mr. Bruce Freeman, designee for Russell Cookingham, Mid-Atlantic Council member, as moderator. Also present were Sal Testaverde (National Marine Fisheries Service Northeast Regional Office), Bruce Halgren (New Jersey Division of Fish, Game, and Shellfish), and John C. Bryson and Nancy Weis (Mid-Atlantic Council staff). Mr. Freeman summarized the proposed amendment. Messrs. Freeman and Testaverde outlined the reporting requirements in Amendment #2 to the Atlantic Mackerel FMP. No comments were received from the public.

11 NOVEMBER 1980 - GALILEE, RI

The hearing began at approximately 7:00 pm. Mr. Harry M. Keene, Mid-Atlantic Council member, was moderator. Others present were Sal Testaverde (National Marine Fisheries Service Northeast Regional Office), Nancy Baylavrel (NMFS), and Anne Williams (Mid-Atlantic Council staff). Mr Keene reviewed the proposed Amendment. Mr. Testaverde explained several regulations implementing the Plans. No comments were made on the proposed Amendment #2.

14 NOVEMBER 1980 - MONTAUK, NY

The hearings began at approximately 7:15 pm with Mr. Robert Rubelmann, Mid-Atlantic Council member, as moderator. Also present were James McHugh, William Feinberg, Bruce Freeman, and Barbara Stevenson (Mid-Atlantic Council members), Dan Arnold (New England Council member), Jack Dunnigan and Liz Casey (NOAA Office of General Counsel), Emory Anderson and Ed Bowman (NMFS, NEFC, Woods Hole), Frank Grice and Glen Mahoney (NMFS, NE Regional Office), and John C. Bryson and Anne Williams (Mid-Atlantic Council staff). Mr. Rubelmann reviewed the proposed Amendment. No comments were made on Amendment #2 to the Atlantic Mackerel Fishery Management Plan.

ENVIRONMENTAL ASSESSMENT ON PROPOSED CONTINUATION
OF FISHERY MANAGEMENT PLAN FOR ATLANTIC MACKEREL

Description of the Action

The Fishery Management Plan for Atlantic Mackerel (prepared pursuant to the Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.) was approved by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration on 3 July 1979 for fishing year 1979-1980 (1 April 1979 - 31 March 1980). Amendment #1, approved by the Assistant Administrator for Fisheries on 17 March 1980, extended the Fishery Management Plan through fishing year 1980-1981. The Plan was implemented on 2 February 1980 (45 FR 11497).

The purpose of Amendment #2 is to extend the Fishery Management Plan for up to a year beyond the end of fishing year 1980-1981. The following annual values would apply: Optimum Yield = 30,000 mt (metric tons); Domestic Annual Harvest = 20,000 mt; Domestic Annual Processing = 5,000 mt; Total Allowable Level of Foreign Fishing = 4,000 mt; and Reserve = 6,000 mt. These are the same values that apply to fishing year 1980-1981.

The latest available data indicate that changes to Optimum Yield are not necessary from a biological standpoint. The estimates of Domestic Annual Harvest and Domestic Annual Processing are reasonable for fishing year 1981-1982.

Alternatives

The only alternative considered for Amendment #2 other than the recommended action was to take no action. The no action alternative would mean that the Fishery Management Plan would lapse at the end of fishing year 1980-1981, unless extended by a Secretarial amendment. If there were no Secretarial amendment, the National Marine Fisheries Service would be required to prepare a Preliminary Fishery Management Plan to regulate the foreign fishery.

The Council is preparing a major Amendment to this Plan, and to the Squid and Butterfish Plans, to merge all three and make significant changes to the management regimes. However, the National Marine Fisheries Service has advised the Council that sufficient time is not available for the review and approval of that Amendment prior to the end of the current fishing year (31 March 1981). Therefore, it is necessary to extend the Plan, either by the Secretary or by the Council. This Amendment #2 is designed to extend the Plan to provide adequate time for the review and approval of the major merger Amendment.

The alternatives are discussed and evaluated in Section XII of Amendment #2.

Environmental Impacts

The environmental impacts of the management regime instituted by the original Fishery Management Plan are detailed in the Environmental Impact Statement accompanying the Fishery Management Plan and in the Supplemental Environmental Impact Statement accompanying Amendment #1 to the Fishery Management Plan. Those analyses included potential impacts resulting from the Optimum Yield and other management measures. The environmental impacts of the proposed action should be the same as the impacts of the current Fishery Management Plan since no change to the management regime is proposed and because the latest stock assessment indicates that there is no need to adjust the Optimum Yield of 30,000 mt. The only alternative that could have a negative effect on the natural environment would be 'no action'. No control could lead to overfishing if the Fishery Management Plan were permitted to lapse and management were through a Preliminary Fishery Management Plan which could not regulate domestic fishermen.