



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901

Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org

Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 25, 2023
To: Chris Moore
From: Jason Didden, staff
Subject: *Illex* follow-up

The 2023 deliverables approved by the Council include a possible follow-up action related to the disapproved sections of Amendment 22. Staff recommends proceeding with a Framework Action to consider requirements for volumetric vessel hold measurements and upgrade restrictions for all *Illex* moratorium permits. It is expected that NOAA Fisheries will provide more information on the Amendment 22 disapproval and preliminary input on the vessel hold issue at the April 2023 Council meeting (see letter and email below).

The vessel hold measures in Amendment 22 were tied to the disapproved permit modifications, so no hold measures were implemented. However, similar measures were previously implemented in the Atlantic mackerel fishery to limit additional overcapitalization. Like the *Illex* fleet, analyses indicated that the mackerel fishery was overcapitalized relative to its quota.

The general rationale for the vessel hold requirements and upgrade restrictions is the same as the other upgrade restrictions (length and horsepower) that exist in most limited access fisheries in the northeast – to limit capacity increases (e.g. see [Sep 2, 2015 final rule eliminating tonnage baselines for northeast fisheries](#)). Due to the high-volume nature of the mackerel and *Illex* fisheries, hold capacities are relevant for potential increases in fleet capacity for these fisheries. Some *Illex* vessels are already subject to a hold restriction due to their mackerel Tier 1/2 permits ([https://www.ecfr.gov/current/title-50/chapter-VI/part-648#p-648.4\(a\)\(5\)\(iii\)\(H\)](https://www.ecfr.gov/current/title-50/chapter-VI/part-648#p-648.4(a)(5)(iii)(H))). Staff requested an updated overlap analysis from northeast permit office staff.

If the Council decides to proceed with a framework, there will continue to be tensions between the objectives in the fishery management plan that promote freedom, flexibility, and opportunity in the fishery versus those that promote balancing the social and economic needs of various sectors, including shoreside infrastructure. Development of the action, after any input is received from NOAA Fisheries at the April 2023 meeting, would focus on such evaluations.



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January 18, 2023

Mr. Michael Pentony
Regional Administrator
National Marine Fisheries Service
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Pentony:

At the December 2022 Council meeting, the Council discussed NMFS' disapproval of most of the provisions in Amendment 22 to the Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) and passed the following motion:

That the Council request a more detailed explanation of the Amendment 22 decision relative to all 10 National Standards and MSB Amendment 20's approval (longfin squid permits) and what NMFS recommends for future Amendment development on fish hold provisions and consideration of historic participants with limited flexibility to pursue other fisheries.

The Council continues to believe that Amendment 22 effectively addressed the FMP's goals/objectives and complied with the National Standards. We also note that the disapproved *Illex* squid permit measures are substantially similar to the longfin squid permit measures contained in Amendment 20, which was approved by NMFS and implemented several years ago. Per the Council motion above, please provide additional detail regarding the National Standards as they relate to your disapproval, including an explanation of how the disapproved *Illex* permit measures in Amendment 22 differ from the longfin squid measures in Amendment 20.

Also, given that the capacity estimates in Amendment 22 indicate that a "race to fish" is likely to occur in the future when *Illex* availability/abundance is high, please provide recommendations on suitable measures to address the needs of those historic participants in the *Illex* fishery who have limited flexibility to pursue other fisheries. These could include fish hold upgrade limitations and/or other measures that you consider approvable.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore".

Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

CC: M. Luisi, J. Didden, P. Hughes

From: [Moore, Christopher](#)
To: [Staff-MAF](#)
Subject: FW: Illex Amendment 22
Date: Monday, January 23, 2023 11:36:58 AM

fyi

From: Michael Pentony - NOAA Federal <michael.pentony@noaa.gov>
Date: Monday, January 23, 2023 at 11:28 AM
To: Moore, Christopher <cmoore@mafmc.org>, Luisi, Michael <michael.luisi@maryland.gov>
Cc: Gilbert, Emily <emily.gilbert@noaa.gov>
Subject: Illex Amendment 22

Mike and Chris,

We received the Council's letter last week requesting additional information regarding Amendment 22, and I noticed that your February agenda has a slot for the Council to review our response to the letter. I thought it prudent to let you know now that we won't be able to provide a response to you prior to the Council meeting. Between the New England Council meeting this week, ASMFC next week, prep for your meeting the following week, and our continuing work to finalize and implement the mackerel rebuilding amendment, our priorities are elsewhere for now. We will, however, plan to prepare a response in advance of the April meeting if you choose to postpone this discussion to that meeting.

Mike

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Michael Pentony
Regional Administrator
[Greater Atlantic Regional Fisheries Office](#)
55 Great Republic Drive
Gloucester, MA 01930
Phone: 978-281-9283

