

FRAMEWORK ADJUSTMENT 5

TO THE

**Atlantic Mackerel, Squid, and Butterfish
Fishery Management Plan**

DRAFT

February 2012

Mid-Atlantic Fishery Management Council

in cooperation with

the National Marine Fisheries Service

First Framework Meeting: February 15, 2012

Second Framework Meeting: XXXXXXXXXX

Final approved by NOAA: XXXXXXXXXX

**A Publication of the Mid-Atlantic Fishery Management Council pursuant to
National Oceanic and Atmospheric Administration Award No. NA10NMF4410009**



1.0 EXECUTIVE SUMMARY

In 2011 the Mid-Atlantic Fishery Management Council (Council) approved Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan.

Amendment 11 implemented limited access in the commercial Atlantic mackerel fishery, updated Essential Fish Habitat for Atlantic Mackerel, *Illex* Squid, Longfin Squid (formerly known as *Loligo*), and Butterfish, and established a commercial-recreational mackerel allocation.

Since publication of the implementing regulations for Amendment 11, several issues have been raised by members of the public regarding one provision of the Atlantic mackerel limited access program implemented by Amendment 11. Amendment 11 used a tiered system of permits for mackerel limited access and required the vessels in the two tiers with greatest access, Tiers 1 and 2, to obtain a fish hold measurement from an individual credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors or from an individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors (alternative 4c in Amendment 11). Vessels that are sealed by the Maine State Sealer of Weights and Measures were also deemed to meet this requirement. These credentialing requirements were developed by staff and the Council through background research, advisory panel meetings, input from several marine surveyors in the Mid-Atlantic and New England Regions, and with input during several rounds of public comment on the amendment.

These fish hold measurements form a baseline specification, and also as part of Amendment 11, Tier 1 and Tier 2 vessels would only be able to alter their vessels so as to increase their fish hold size once, and that one-time increase could not exceed 10 percent of the vessel's baseline specification. This restriction is in addition to existing upgrade limitations: up to 10 percent above of the baseline vessel's length overall, gross registered tonnage, and net tonnage, and up to 20 percent above the baseline vessel's horsepower. Vessels that are upgraded or replacement vessels would have to be resurveyed by a surveyor (accredited as above) unless the replacement vessel already had an appropriate certification and the documentation would have to be submitted to the National Marine Fisheries Service. The purpose of this alternative is to control future capacity increases in the mackerel fleet that qualifies for the two limited access tiers with greatest access, Tiers 1 and 2.

Since publication of the final rule for Amendment 11, two marine professionals have raised issues with the credentialing requirements described above. This framework action considers adjusting the hold certification requirements based on these individual's concerns. Specifically, one marine surveyor believed the credentialing requirements discriminated against independent marine surveyors who may be equally qualified, and one marine architect believed that marine architects would be equally if not more qualified to perform such measurements.

This framework to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan considers alternative to broaden the scope of individuals who could provide the hold measurements required by Amendment 11. It is anticipated that from a National Environmental Policy Act (NEPA) perspective this action would qualify for a categorical exclusion since it is administrative in nature and not expected to have any biological environmental impacts, positive or negative. This document presents and evaluates the management alternatives to be considered within this framework.

2.0 TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY	2
3.0 PURPOSE AND NEED, MANAGEMENT UNIT, MANAGEMENT OBJECTIVES, AND HISTORY OF FISHERY MANAGEMENT PLAN DEVELOPMENT	4
3.1 PURPOSE AND NEED	4
3.2 HISTORY OF FISHERY MANAGEMENT PLANS DEVELOPMENT	4
3.3 FISHERY MANAGEMENT PLANS GENERAL MANAGEMENT OBJECTIVES/GOALS	7
4.0 MANAGEMENT ALTERNATIVES	8
4.1 ALTERNATIVE 1 (STATUS QUO/NO ACTION)	8
4.2 ALTERNATIVE 2 (MARINE SURVEYOR)	8
4.3 ALTERNATIVE 3 (NAVAL ARCHITECT).....	8
4.4 ALTERNATIVE 4 (QUALIFIED INDIVIDUAL - STAFF RECOMMENDATION).....	8
5.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT AND FISHERIES	9
6.0 ENVIRONMENTAL IMPACTS	9
6.1 MANAGED RESOURCES AND NON-TARGET SPECIES	9
6.2 HABITAT IMPACTS	9
6.3 IMPACTS ON PROTECTED RESOURCES (ENDANGERED SPECIES, MARINE MAMMALS).....	9
6.4 HUMAN COMMUNITIES - SOCIOECONOMIC IMPACTS	9
6.5 CUMULATIVE IMPACTS.....	10
7.0 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).....	10
8.0 LITERATURE CITED	10
9.0 LIST OF AGENCIES AND PERSONS CONSULTED.....	10

3.0 PURPOSE AND NEED, MANAGEMENT UNIT, MANAGEMENT OBJECTIVES, AND HISTORY OF FISHERY MANAGEMENT PLAN DEVELOPMENT

3.1 PURPOSE AND NEED

The purpose of this framework is to consider changes to the scope of individuals who would be allowed to conduct vessel hold measurements as required under Amendment 11. This action is needed because there are likely additional individuals beyond those specified in Amendment 11 who would be equally or more qualified to conduct the vessel hold measurements required in Amendment 11. As such, the current requirements may discriminate against equally qualified marine professional and may make in unnecessarily burdensome for vessels to obtain such vessel hold requirements by unnecessarily limiting the number of individuals who may be contracted to perform such measurements.

Management Unit, Management Objectives, and History of Fishery Management Plan Development

3.2 HISTORY OF FISHERY MANAGEMENT PLANS DEVELOPMENT

Management of the Atlantic mackerel, longfin squid, *Illex* squid, and butterfish fisheries began through the implementation of three separate fishery management plans (one each for mackerel, squid, and butterfish) in 1978. The plans were merged in 1983. Over the years a wide variety of management issues have been addressed including rebuilding, habitat conservation, bycatch minimization, and limited entry. The original plans, amendments and frameworks that affected management of these fisheries are summarized below. All plan documents are available at: [http://www.mafmc.org/Fishery Management Plan/msb.htm](http://www.mafmc.org/Fishery%20Management%20Plan/msb.htm) and are summarized in the table below.

History of Fishery Management Plans Development

History of the Atlantic Mackerel, Squid and Butterfish Fishery Management Plans		
Year	Document	Management Action
1978-1980	Original Fishery Management Plans (3) and individual amendments	Established and continued management of Atlantic mackerel, squid, and butterfish fisheries
1983	Merged Fishery Management Plans	Consolidated management of Atlantic mackerel, squid, and butterfish fisheries under a single Fishery Management Plans
1984	Amendment 1	Implemented squid optimum yield adjustment mechanism Revised Atlantic mackerel mortality rate
1986	Amendment 2	Equated fishing year with calendar year Revised squid bycatch total allowable level of foreign fishing allowances Implemented framework adjustment process Converted expiration of fishing permits from indefinite to annual
1991	Amendment 3	Established overfishing definitions for all four species
1991	Amendment 4	Limited the activity of directed foreign fishing and joint venture transfers to foreign vessels Allowed for specification of optimum yield for Atlantic mackerel for up to three years
1996	Amendment 5	Adjusted longfin squid maximum sustainable yield; established 1 7/8" minimum mesh size Eliminated directed foreign fisheries for longfin squid, <i>Illlex</i> , and butterfish Instituted a dealer and vessel reporting system; Instituted operator permitting Implemented a limited access system for longfin squid, <i>Illlex</i> and butterfish Expanded management unit to include all Atlantic mackerel, longfin squid, <i>Illlex</i> , and butterfish under U.S. jurisdiction.
1997	Amendment 6	Established directed fishery closure at 95% of domestic annual harvest for longfin squid, <i>Illlex</i> and butterfish with post-closure trip limits for each species Established a mechanism for seasonal management of the <i>Illlex</i> fishery to improve the yield-per recruit Revised the overfishing definitions for longfin squid, <i>Illlex</i> and butterfish
1997	Amendment 7	Established consistency among Fishery Management Plans in the Northeast region of the U.S. relative to vessel permitting, replacement and upgrade criteria
1998	Amendment 8	Brought the Fishery Management Plans into compliance with new and revised National Standards and other required provisions of the Sustainable Fisheries Act. Added a framework adjustment procedure.

2001	Framework 1	Established research set-asides.
2002	Framework 2	Established that previous year specifications apply when specifications for the management unit are not published prior to the start of the fishing year (excluding total allowable level of foreign fishing specifications)
		Extended the <i>Illex</i> moratorium for one year; Established <i>Illex</i> seasonal exemption from longfin squid minimum mesh;
		Specified the longfin squid control rule; Allowed longfin squid specs to be set for up to 3 years
2003	Framework 3	Extended the moratorium on entry to the <i>Illex</i> fishery for an additional year
2004	Framework 4	Extended the moratorium on entry to the <i>Illex</i> fishery for an additional 5 years
2008	Amendment 12	Standardized Bycatch Reporting Methodology
2009	Amendment 9	Extended the moratorium on entry into the <i>Illex</i> fishery, without a sunset provision
		Adopted biological reference points for longfin squid recommended by the stock assessment review committee.
		Designated Essential Fish Habitat for longfin squid eggs based on available information
		Prohibited bottom trawling by Mackerel-Squid-Butterfish-permitted vessels in Lydonia and Oceanographer Canyons
		Authorized specifications to be set for all four Mackerel-Squid-Butterfish species for up to 3 years
2010	Amendment 10	Implemented a butterfish rebuilding program.
		Increased the longfin squid minimum mesh in Trimesters 1 and 3.
		Implemented a 72-hour trip notification requirement for the longfin squid fishery.
2011	Amendment 11	Mackerel limited access
		Essential Fish Habitat Updates
		Commercial/Recreational Mackerel Allocation
2011	Amendment 13	Annual Catch Limit and Accountability Measure Omnibus Amendment
2012	Amendment 14	River Herring Bycatch (ongoing)

3.3 FISHERY MANAGEMENT PLANS GENERAL MANAGEMENT OBJECTIVES/GOALS

The objectives, as described in the Fishery Management Plans as currently amended, are listed below.

1. Enhance the probability of successful (i.e., the historical average) recruitment to the fisheries.
2. Promote the growth of the U.S. commercial fishery, including the fishery for export.
3. Provide the greatest degree of freedom and flexibility to all harvesters of these resources consistent with the attainment of the other objectives of this Fishery Management Plans.
4. Provide marine recreational fishing opportunities, recognizing the contribution of recreational fishing to the national economy.
5. Increase understanding of the conditions of the stocks and fisheries.
6. Minimize harvesting conflicts among U.S. commercial, U.S. recreational, and foreign fishermen.

3.4 MANAGEMENT UNIT/SCOPE

The management unit is currently all northwest Atlantic mackerel (*Scomber scombrus*), longfin squid (*Doryteuthis (Amerigo) pealeii* formerly named *Loligo pealeii*), *Illex illecebrosus*, and butterfish (*Peprilus triacanthus*) under U.S. jurisdiction though an alternative in another amendment currently being considered could effectively extend the management unit to include river herrings and shads.

4.0 MANAGEMENT ALTERNATIVES

The management regimes and associated management measures within the Fishery Management Plan for the managed resources have been refined over time and codified in regulation. The *status quo* management measures for the managed resources, therefore, each involve a set of indefinite (i.e., in force until otherwise changed) measures that have been established. These measures will continue as they are even if the actions contained within this framework are not taken (i.e., no action). The no action alternative for these managed resources is therefore equivalent to *status quo*. On that basis, the status quo and no action are presented in conjunction for comparative impact analysis relative to the action alternative. Mackerel-Squid-Butterfish regulations may be found here: <http://www.nero.noaa.gov/nero/regs/>.

4.1 Alternative 1 (Status Quo/no action)

Under this status quo/no action alternative, no action will be taken to change the individuals approved to conduct the vessel hold measurements as required by Amendment 11. As such, the current requirements would remain in place. The requirements are for individuals to be credentialed as a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors or from an individual credentialed as an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors (alternative 4c in Amendment 11). Vessels that are sealed by the Maine State Sealer of Weights and Measures are deemed to meet this requirement.

4.2 Alternative 2 (Marine Surveyor)

Under this alternative, individuals who have completed training in marine surveying, and document their qualifications along with any hold measurement, would also be approved to conduct the vessel hold requirements required in Amendment 11.

4.3 Alternative 3 (Naval Architect)

Under this alternative, individuals who have completed a degree in naval architecture or a similar field, and document their qualifications along with any hold measurement, would also be approved to conduct the vessel hold requirements required in Amendment 11.

4.4 Alternative 4 (Qualified Individual - Staff Recommendation)

Under this alternative, individuals who identify themselves as a qualified individual, and document their qualifications along with any hold measurement, would be approved to conduct the vessel hold requirements required in Amendment 11. While Amendment 11's hold capacity is only a volume measurement and has no meaning in terms of vessel stability, this alternative would borrow from Coast Guard regulations on vessel stability and define a qualified individual to mean an "individual or an organization with formal training in and experience in matters dealing with naval architecture calculations." The National Marine Fisheries Service would only be able to make a basic screening that qualified individuals had appeared to represent their qualifications accurately.

5.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT AND FISHERIES

The affected environment and fisheries, as defined in Section 6.0 of Amendment 11's Environmental Impact Statement, is incorporated by reference in this framework, and may be downloaded at: [http://www.mafmc.org/Fishery Management Plan/msb.htm](http://www.mafmc.org/Fishery%20Management%20Plan/msb.htm).

Interactions of the managed resources with non-target species, Endangered Species Act (ESA) listed and Marine Mammal Protection Act (MMPA) protected resources, as well as interactions with Essential Fish Habitat, are also described in Amendment 11's Environmental Impact Statement.

6.0 ENVIRONMENTAL IMPACTS

6.1 Managed Resources and Non-Target Species

There should be no biological impacts related to any of the alternatives considered in this action because the designation of who can perform vessel hold requirements would not be expected to have any impacts on fishing activities or catches.

6.2 Habitat Impacts

There should be no habitat impacts related to any of the alternatives considered in this action because the designation of who can perform vessel hold requirements would not be expected to have any impacts on fishing activities.

6.3 Impacts on Protected Resources (Endangered Species, Marine Mammals)

There should be no protected resource impacts related to any of the alternatives considered in this action because the designation of who can perform vessel hold requirements would not be expected to have any impacts on fishing activities.

6.4 Human Communities - Socioeconomic Impacts

Alternative 1 (Status Quo/no action)

Compared to the Action Alternatives, some individuals who are qualified to perform hold measurements would not be allowed to do so, resulting in less income to them but more income to those who are currently authorized to do so. With relatively few allowed individuals, it might be more difficult for vessel owners to find individuals to perform hold measurements compared to the other alternatives.

Alternative 2 (Marine Surveyor)

Compared to the status quo, more individuals would be authorized to perform the hold measurements, resulting in the work to perform such measurements being more widely distributed. It should be easier for vessels to find an allowed individual and some vessels may already have their vessel hold measurements on file with marine surveyors who are not already allowed to perform the measurements.

Alternative 3 (Naval Architect)

Compared to the status quo, more individuals would be authorized to perform the hold measurements, resulting in the work to perform such measurements being more widely distributed. It should be easier for vessels to find an allowed individual and some vessels may already have their vessel hold measurements on file with naval architects who are not currently allowed to perform the measurements.

Alternative 4 (Qualified Individual - Staff Recommendation)

Compared to the status quo, more individuals would be authorized to perform the hold measurements, resulting in the work to perform such measurements being more widely distributed. It should be easier for vessels to find a qualified individual and some vessels may already have their vessel hold measurements on file with qualified individuals who are not currently allowed to perform the measurements.

6.5 Cumulative Impacts

The cumulative impacts related to Amendment 11 were fully described in Section 8 of that document, available at http://www.mafmc.org/Fishery_Management_Plan/msb.htm. Given the impact analysis described above, there would be no expected change to the cumulative impacts for managed resources, habitat, protected resources. There would be some additional positive impacts for human communities as described above.

7.0 National Environmental Policy Act (NEPA)

To be determined but this action will likely qualify as a categorical exclusion for National Environmental Policy Act purposes.

8.0 LITERATURE CITED

To be determined.

9.0 LIST OF AGENCIES AND PERSONS CONSULTED

To be determined.