



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Region
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www.nero.noaa.gov



Small Entity Compliance Guide for Management Measures Related to the Butterfish Mortality Cap for the *Loligo* Fishery November 23, 2010

This letter is a reminder of upcoming changes that will affect the *Loligo* fishery as a result of Amendment 10 to the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan. These changes were previously noted in the small entity compliance guide sent on March 10, 2010.

Butterfish Mortality Cap

Amendment 10 instituted a butterfish mortality cap, effective on **January 1, 2011**, that will 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 on trips that land over 2,500 lb (1.13 mt) of *Loligo*. A full description of the butterfish mortality cap methodology is available at www.nero.noaa.gov. The remaining 25 percent of the butterfish acceptable biological catch (ABC) will be allocated for butterfish catch in other fisheries, including trips landing less than 2,500 lb of *Loligo*.

The butterfish ABC, and the resulting butterfish mortality cap, is established for each fishing year through the specifications process. A proposed rule for the 2011 MSB Specifications and Management Measures was published on November 17, 2010, with a comment period ending December 17, 2010. The proposed 2011 butterfish ABC is 1,500 mt (3,306,934 lb), and is the same as the butterfish ABC for the 2010 fishing year. The butterfish mortality cap will go into effect on January 1, 2011, using the 2010 butterfish ABC, which will be replaced by the 2011 butterfish ABC once 2011 MSB Specifications are finalized. All butterfish catch on trips that land over 2,500 lb *Loligo* after January 1, 2011, will be counted against the butterfish mortality cap.

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 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. The mortality cap will still be tracked during Trimester II, but the catch and the mortality cap will be applied to Trimester III, along with overages and underages from Trimester I.

Pre-trip Notification Requirement

To facilitate the placement of NMFS observers on *Loligo* fishing trips, Amendment 10 establishes a 72-hour trip notification requirement, also effective on **January 1, 2011**. In order

for a federally permitted *Loligo* vessel to possess 2,500 lb or more of *Loligo*, a vessel representative must notify NMFS to request an observer at least 72 hours prior to embarking on a fishing trip. State only permitted *Loligo* vessels fishing in State waters do not need to notify prior to fishing.

There are 3 methods available for notifying the Northeast Fisheries Observer Program:

- 1) **ONLINE via the Pre-Trip Notification System (preferred method):** The Pre-Trip Notification System (PTNS) is accessible at <https://fish.nefsc.noaa.gov/PTNS/>. Vessels should log in using the same username (permit number) and password (PIN) as they use for Fish-On-Line. If you do not have access please contact NMFS immediately at (978) 281-9133 or by email at fso.data.requests@noaa.gov.
- 2) **EMAIL:** Please submit trip notification by email NEFSC.PTNS@noaa.gov.
- 3) **TELEPHONE:** Please call 508-495-2309 (M-F 7:00am-6:00pm) or the emergency cell phone number after hours 508-681-9104.

If utilizing the email or telephone method of notification please relay the following information clearly:

- Vessel name
- Permit number
- Hull number
- Vessel operator
- Vessel contact phone number
- Email addresses at which to receive selection notices and waivers
- Trip type (indicate day trip for trips less than 48 hours in length, or indicate multi-day trip for trips greater than 48 hours in length)
- Planned sail date
- Planned sail time
- Port sailing from and estimated trip length

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.

IMPORTANT REMINDER ABOUT SAFETY REQUIREMENTS

As of May 1, 2006, all vessels required to carry an observer must meet United States Coast Guard safety requirements and display a current Commercial Fishing Vessel Safety Examination Decal (Decal). Vessels that do not have a current safety Decal are deemed unsafe for purposes of carrying an observer. Vessels that are required to carry an observer, but are inadequate or unsafe for purposes of carrying an observer, are prohibited from fishing without observer coverage (50

CFR 600.746(f)). Enforcement action may result when a vessel that is required to take an observer does not meet the safety requirements and embarks on a fishing trip without the observer.

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