



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Region
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Gloucester, MA 01930-2276
www.nero.noaa.gov



Small Entity Compliance Guide Revised Butterfish Specifications for the 2011 Fishing Year

This letter is to inform you that, as of March 15, 2011, the butterfish allowable biological catch (ABC) is increased to 1,811 mt (from 1,500 mt) for the 2011 fishing year. Other specifications for butterfish, specifically, initial optimum yield (IOY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and research set-aside (RSA), will remain unchanged from those implemented through the 2011 Atlantic Mackerel, Squid, and Butterfish (MSB) Specifications and Management Measures on February 14, 2011. This letter focuses on how the revisions to the butterfish ABC affect the butterfish mortality cap on the *Loligo* fishery. The specifications for *Loligo* squid, *Illex* squid, and Atlantic mackerel are also unchanged from those published in the final 2011 MSB Specifications. Please consult the MSB Small Entity Compliance Guide dated February 11, 2011, for a summary of specifications for MSB species.

You may submit comments on the increase in the butterfish ABC until April 14, 2011, by any of the following methods: (1) Electronic submission via the Federal e-Rulemaking portal: <http://www.regulations.gov>; (2) fax to (978) 281-9135, Attn: Aja Peters-Mason; (3) mail to the address above. Please write "Comments on Emergency Rule to Revise the Butterfish Specifications" on your submission.

Butterfish Mortality Cap

Amendment 10 instituted a butterfish mortality cap that requires 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 greater than or equal to 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 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. The 2011 butterfish ABC was previously specified as 1,500 mt (3,306,934 lb), which resulted in a butterfish mortality cap of 1,125 mt (2,480,200 lb). **This revision changes the butterfish ABC to 1,811 mt, but applies the entire 311-mt increase to the butterfish mortality cap. Thus, the updated butterfish mortality cap for the *Loligo* fishery is 1,436 mt (1,125 mt + 311 mt) (3,165,838 lb).** 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 (933.4 mt or 2,057,795 lb); Trimester II – 3.3 percent (47.4 mt or 104,499 lb); Trimester III – 31.7 percent (455.2 mt or 1,003,544 lb) (Table 1). 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.

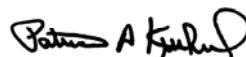
Table 1. 2011 *Loligo* and butterfish landings and butterfish mortality cap allocations (mt).

		Trimester I (Jan-Apr)	Trimester II (May-Aug)	Trimester III (Sep-Dec)
<i>Loligo</i> Quota 19,906 mt total	Allocation	8,560	3,384 ^a	7,962
	Closure Threshold Directed <i>Loligo</i> Fishery	7,704 (90%*8,560)	3,046 (90%*3,384)	18,911 (95%*19,906)
Butterfish Cap 1,436 mt total	Allocation	933.4	47.4	455.2
	Closure Threshold^b Directed <i>Loligo</i> Fishery	747 (80%*933.4)	None	1292.4 (90%*1,436)
Butterfish Quota 495 mt total	Allocation (annual; DAH)	495		
	Closure Threshold^c Directed Butterfish Fishery	396 (80%*500)		

Correction regarding mesh size requirements for *Loligo* Squid

The Small Entity Compliance Guide dated February 11, 2011, incorrectly stated that trawl vessels possessing *Loligo* squid may fish with nets having a mesh size of 2 1/8 inches year round. Instead, the guide should have said that trawl vessels possessing *Loligo* squid may only fish with nets having a minimum mesh size of 2 1/8 inches during Trimesters I (Jan–Apr) and III (Sept–Dec), or 1 7/8 inches during Trimester II (May–Aug). Trawl vessels possessing *Loligo* squid may also use net strengtheners, splitting straps, and/or bull ropes or wire around the entire circumference of the codend, provided they do not have a mesh opening of less than 5 inches. The information presented in this permit holder letter correctly reflects the regulations at 50 CFR 648.23(a)(3). Please phone (978) 281-9315 with any questions.

Sincerely,



Patricia A. Kurkul
Regional Administrator

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.

^a This allocation may be increased if there is substantial under-harvest in Trimester I.

^b Extrapolated butterfish catch on trips that land greater than or equal to 2,500 lb of *Loligo*; observer data.

^c Butterfish landings; dealer data.