



Figure 9 to Part 651—Cape Cod South Closure Area for the Protection of Harbor Porpoise

50 CFR Part 655

[Docket No. 951211295-6035-02; I.D. 111595C]

RIN 0648-XX37

Atlantic Mackerel, Squid, and Butterfish Fisheries; Final 1996 Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final specifications for the 1996 Atlantic mackerel, squid, and butterfish fisheries.

SUMMARY: NMFS issues the final initial specifications for the 1996 fishing year for Atlantic mackerel, squid, and butterfish (SMB).

EFFECTIVE DATE: January 1, 1996, through December 31, 1996.

ADDRESSES: Copies of the Environmental Assessment are available from the Northeast Regional Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Copies of the Mid-Atlantic Fishery Management Council's quota paper and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, 508-281-9104.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 655. These regulations require NMFS to

publish a document specifying the initial annual amounts of the initial optimum yield (IOY) as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. No reserves are permitted under the FMP for any of these species. Procedures for determining the initial annual amounts are found in § 655.22.

These specifications are unchanged from the proposed specifications that were published in the Federal Register on December 21, 1995 (60 FR 66249). The following table contains the final 1996 initial specifications for Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish.

FINAL INITIAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 1996 (mt)

Specifications	Squids		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY ¹	44,000	30,000	² N/A	16,000
ABC ³	30,000	30,000	1,175,500	7,200
IOY	25,000	21,000	105,500	5,900
DAH	25,000	21,000	⁴ 105,500	5,900
DAP	25,000	21,000	50,000	5,900
JVP	0	0	35,000	0
TALFF	0	0	0	0

¹ Max optimum yield (OY) as stated in the FMP.

² Not applicable, see the FMP.

³ IOY can increase to this amount.

⁴ Contains 20,500 mt projected recreational catch based on the formula contained in the regulations (50 CFR part 655).

This document also announces four special conditions that would affect any foreign joint venture fishery for Atlantic mackerel, should one occur in 1996: (1) Joint ventures are allowed south of 37°30' N. lat., but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Director, Northeast Region, NMFS, will monitor fishing operations and manage harvest to reduce impacts on marine mammals in prosecuting the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year as described under § 655.21(b)(2)(v), in consultation with the Council, but the total should not exceed 125,500 mt; and (4) applications from a particular nation for a joint venture for 1996 will not be approved until the Regional Director determines, based on an evaluation of performances, that the nation's purchase obligations for previous years have been fulfilled. There were no comments received regarding these conditions.

Comment and Response

One comment was received during the public comment period concerning the proposed IOY specifications for both *Illex* and *Loligo* squid.

Comment: The commenter urged the rejection of the proposed specifications for the squids due to the differences of 5,000 mt and 9,000 mt between the IOY and the ABC specifications for the *Loligo* and *Illex* fisheries, respectively. The commenter believed that both IOYs should be set at 30,000 mt, the ABC, because the proposed IOYs would be deleterious to New England vessels wishing to harvest squid.

Response: The Council provided a firm biological rationale for IOY reductions, noting that the 17th Northeast Regional Stock Assessment Workshop concluded that both squids have an annual lifespan and are susceptible to recruitment overfishing. Furthermore, the IOY is not allocated by region and New England vessels have the same harvest rights as others

participating in the fishery. Should events occur in these fisheries that would require additional IOY, the regulations at § 655.22 give the Regional Director authority to raise or lower IOY if it is beneficial to the Nation.

Classification

This action is authorized by 50 CFR part 655, and these final specifications are exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 27, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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