

these fisheries. However, joint venture and TALFF allocations for Atlantic mackerel may continue. If there is TALFF specified for Atlantic mackerel, there will be butterfish bycatch TALFF allocated that is equal to 0.08 percent of the mackerel TALFF, in order to reduce waste of bycatch in that fishery. The definitions of "other allocated species" and "prohibited species" at 50 CFR 611.50(b) are modified accordingly, to make squids "prohibited species."

MSY for *Loligo* Squid

The Council would revise the MSY for *Loligo* squid to 36,000 mt from 44,000 mt. The revision is based on the finding that the squid has a one-year life span. The stock is considered to be fully-exploited.

Spawning Stock Biomass (SSB) and LTFC for Atlantic Mackerel

The FMP currently specifies ABC for Atlantic mackerel as that U.S. catch that would yield an SSB of 600,000 mt. The Council would revise this threshold upward to 900,000 mt to promote recruitment. A time series based on the 1991 assessment found that the median year class size for years 1962–93, inclusive, was 1.277 billion fish. When the SSB was less than 900,000 mt, only 35 percent of the ensuing year classes were observed to be above the median. Conversely, 82 percent of the year classes were above the median recruitment level when SSB exceeded 900,000 mt.

The Council would also constrain ABC with a derived LTFC. The current LTFC specified annually by the Council would be 150,000 mt minus the projected annual Canadian catch. Therefore, at present, if this measure were approved, ABC could be no larger than 150,000 mt and is likely to be less. The Council believes that management of Atlantic mackerel should be based on long-term yield projections. However, NMFS is concerned about the fact that Atlantic mackerel stock abundance is very high currently, and that limiting ABC by LTFC may be overly constraining in the short term. The 20th SAW states that at current stock abundance amounts, Atlantic mackerel landings of 200,000 mt could be sustained for several years because of foregone yield in the fishery recently.

Seasonal Quota for *Loligo* Squid

This management measure would give the Regional Director authority to establish annual seasonal quotas for *Loligo* based on the recommendations of the Atlantic Mackerel, Squid, and Butterfish Monitoring Committee (Monitoring Committee) and the

Council. Such quotas are intended to ensure sufficient escapement of *Loligo* squid from the offshore winter fishery to allow for catches in traditional inshore fisheries.

Moratorium on Vessel Permits for Butterfish and Squids

The Council would establish a moratorium on new vessel permits for the directed fisheries for butterfish and the squids. The Council would also establish a vessel permit category open to all vessels, which would allow a vessel to retain up to 2,500 lb (1.13 mt) of each species per trip. This incidental catch level could be adjusted annually.

Moratorium permits would be issued for *Loligo* squid and butterfish jointly and *Illex* squid separately. In the November, 1994, public hearing draft, the time horizon that served as a basis for qualifying for the moratoria permits was August 13, 1988, to August 13, 1993. Landings requirements proposed at that time were 5,000 lb (2.27 mt) in one week for *Loligo* squid or butterfish and five separate trips of at least 5,000 lb (2.27 mt) each for *Illex*. Furthermore, it was proposed that vessels would qualify for the *Illex* permit if owners had purchased refrigerated sea water equipment or an on-board freezer by May 31, 1994, and had landed five trips of at least 5,000 lb (2.27 mt) prior to the promulgation of the final regulations implementing Amendment 5. Under both moratoria, vessel replacement would be allowed if a qualifying vessel leaves the fishery involuntarily; for example, if it sinks.

Comments during the public hearings held in December, 1994, indicated that the industry believed the qualification period for the *Illex* squid permit should be extended back to August 13, 1981. This revision would allow the catch history of vessels that participated in the foreign joint venture fishery prior to 1988 to qualify them for a moratorium permit. At the February 23, 1995, SMB Committee meeting, industry representatives argued that it would not be fair to limit the extension of the qualification period to the *Illex* fishery only, convincing the Committee to recommend that the Council extend the qualification period back to 1981, for both the *Illex* and *Loligo*/butterfish moratoria permits. Furthermore, the SMB Committee believed that the *Loligo*/butterfish landing criterion was not in line with active participation in these fisheries. It recommended requiring 20,000 lb (9.07 mt) to have been landed in any 30-consecutive-day period during the qualification period. The Council accepted the SMB Committee's recommendations at its

March, 1995, meeting. However, since these changes to the Public Hearing Draft regarding qualifying conditions were viewed as substantive, a Supplemental Public Hearing Draft was developed and presented at public hearings in April, 1995. After taking into account public comment, the Council adopted the revised qualifying criteria in May, 1995.

Party or Charter Boat Permit

The owner of a party or charter boat (vessel for hire) would be required to obtain an SMB party or charterboat permit. A party or charter vessel obtaining this permit could also have a commercial permit for Atlantic mackerel or a commercial moratorium permit for *Illex* squid and/or *Loligo*/butterfish if the vessel meets the qualifying criteria. However, such a vessel would be prohibited from fishing commercially when carrying passengers for a fee.

Atlantic Mackerel Permit

Although a moratorium would not exist on entry into the Atlantic mackerel fishery, an Atlantic mackerel permit would be required to harvest and sell Atlantic mackerel. Vessels receiving permits for the Atlantic mackerel fishery would be required to comply with the requirements implemented under the FMP, including recordkeeping and reporting.

Operator Permit

An operator of a vessel with a permit issued under this FMP would be required to have an operator permit issued by the Northeast Region, NMFS. The operator permits issued to operators in the fisheries for Northeast multispecies, American lobster, and Atlantic sea scallops would satisfy this requirement. The operator would be held accountable for violations of the fishing regulations and would be subject to a permit sanction. During the permit sanction period, the operator could not work in any capacity aboard a federally permitted fishing vessel.

Transfers at Sea

Only vessels issued a moratorium permit would be allowed to transfer *Loligo* squid, *Illex* squid, or butterfish at sea. This provision is intended to enhance enforcement of the incidental catch allowance for vessels without moratorium permits, which is currently specified as 2,500 lb (1.13 mt) of *Illex*, *Loligo*, or butterfish per trip.

Reporting and Recordkeeping

The Council intends to institute recordkeeping and reporting