



Amendment 22 to the Mackerel, Squid, and Butterfish Fishery Management Plan Decision

September 06, 2022

NOAA Fisheries has disapproved the Illex squid permit measures of Amendment 22 to the Mackerel, Squid, and Butterfish Fishery Management Plan.

NOAA Fisheries has disapproved the *Illex* squid permit measures of Amendment 22 to the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). The proposed action in Amendment 22 would have revised the number and type of permits in the *Illex* squid fishery in an attempt to reduce the negative effects from a race to fish in recent years.

After reviewing the amendment record, analyses, and public comments, we have determined that this action is inconsistent with Magnuson-Stevens Fishery Conservation and Management Act requirements to ensure fair and equitable allocations, consider efficiency in the utilization of fishery resources, take into account and allow variations and contingencies in fisheries, and minimize costs. Additionally, the proposed action failed to meet the stated purpose and need of the amendment and would not ensure the reduction of a race to fish.

The Mid-Atlantic Fishery Management Council approved Amendment 22 for Secretarial review and implementation at its July 2020 meeting. In undertaking this review, the Magnuson-Stevens Act requires the Secretary of Commerce to make a determination as to whether Amendment 22 is consistent with the Magnuson-Stevens Act and other applicable laws and publish a notice of availability for the amendment in the *Federal Register*. The Magnuson-Stevens Act requires to take into account the information, views, and comments received on the amendment from interested parties when making a decision to approve, partially approve, or disapprove a Council amendment to an FMP.

We published a Notice of Availability for Amendment 22 on June 7, 2022 (87 FR 34629), and accepted public comments on the amendment through August 8, 2022. NOAA Fisheries received 54 comment submissions from commercial fishermen and fishing organizations. Of

these comments, 22 were in support of the amendment, 31 comments were in opposition to the action, and 1 comment was not applicable. The *Illex* squid fishing industry participants remained split in their support of this action because only some of the industry participants would have benefitted from this action, while other industry participants would have borne the costs of this action.

Our review of Amendment 22 determined the amendment and supporting analyses did not adequately demonstrate how the Council's proposed action (1) meets the purpose and need of the Amendment and the goals and objectives of the FMP; (2) allocates fishing privileges fairly and equitably, as required by National Standard 4 of the Magnuson-Stevens Act; (3) considers efficiency in the utilization of fishery resources, as required by National Standard 5; (4) takes into account and allows for variations and contingencies in fisheries, as required by National Standard 6; or (5) minimizes costs to the extent practicable, as required by National Standard 7.

We have notified the Council of our decision and they will have an opportunity to address the action's deficiencies and may decide to submit a revised amendment requesting approval and implementation. The revised FMP goals and objectives that were included in this action will be approved in a future *Federal Register* notice.

Last updated by [Greater Atlantic Regional Fisheries Office](#) on September 06, 2022