



## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

**[Docket No. 240405-0100; RTID 0648-XE509]**

#### **Fisheries of the Northeastern United States; Mackerel, Squid, and Butterfish Fishery; 2024 Commercial Atlantic Mackerel Fishery Closure**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is closing the commercial Atlantic mackerel fishery through  
December 31, 2024. This closure is required by regulation because NMFS projects that  
80 percent of the mackerel domestic annual harvest is harvested. This action is necessary  
to comply with the regulations implementing the Mackerel, Squid, and Butterfish Fishery  
Management Plan and is intended to prevent overharvest of Atlantic mackerel.

**DATES:** Effective 0001 hours (hr) local time, December 6, 2024, through 2400 hr local  
time on December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Colette Tweeddale, Fishery  
Management Specialist, 978-281-9335.

**SUPPLEMENTARY INFORMATION:** The procedures for setting initial annual  
specifications for the species managed under the Mackerel, Squid, and Butterfish Fishery  
Management Plan (FMP) are described at 50 CFR 648.22. The regulations at §  
648.22(a)(3) require annual catch limits, commercial annual catch targets (including  
research set-aside, domestic annual harvest (DAH), Tier 3 landings caps, and domestic  
annual processing), joint venture processing, total allowable levels of foreign fishing, and  
recreational annual catch targets (including research set-aside) to be specified for the

Atlantic mackerel fishery for a period of up to 3 years.

The Regional Administrator monitors mackerel fishery catch based on dealer reports and other available information. When the Regional Administrator projects that 80 percent of the DAH is harvested, the regulations at § 648.24(b)(1)(i) require NMFS to close the commercial mackerel fishery in Federal waters for the remainder of the fishing year. The regulations at § 648.26(a)(2)(i) state that while such a closure is in effect, vessels issued a Tier 1, 2, or 3 limited access mackerel permit are prohibited from taking and retaining, possessing, or landing more than 10,000 lb (4.54 mt) of mackerel per trip at any time, and from landing mackerel more than once per calendar day. Additionally, the regulations at § 648.26(a)(2)(ii) state that while such a closure is in effect, vessels issued an open access mackerel permit are prohibited from taking and retaining, possessing, or landing more than 2,500 lb (1.13 mt) of mackerel per trip at any time, and from landing mackerel more than once per calendar day. The regulations at § 648.24(d) require that upon determining that a closure is necessary, NMFS must: Notify the Executive Directors of the relevant Fishery Management Councils; notify permit holders at least 72 hr before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**.

Based on dealer reports and other available information, the Regional Administrator projects that 100.06 percent of the mackerel DAH was harvested as of November 29, 2024. Therefore, effective 0001 local time on December 6, 2024, limited access mackerel vessels may not take and retain, possess, or land more than 10,000 lb (4.54 mt) of mackerel per trip at any time, and may only land mackerel once per calendar day, through 2400 hr local time on December 31, 2024. Limited access mackerel vessels that enter port before 0001 hr local time on December 6, 2024, may land and sell more than 10,000 lb (4.54 mt) of mackerel from that trip, consistent with possession

restrictions at § 648.26(a)(1)(i). Additionally, open access mackerel vessels may not take and retain, possess, or land more than 2,500 lb (1.13 mt) of mackerel per trip at any time, and may only land mackerel once per calendar day, through 2400 hr local time on December 31, 2024. Open access mackerel vessels that enter port before 0001 hr local time on December 6, 2024, may land and sell more than 2,500 lb (1.13 mt) of mackerel from that trip, consistent with possession restrictions at § 648.26(a)(1)(ii).

Also, effective 0001 hr local time on December 6, 2024, through 2400 hr local time on December 31, 2024, federally permitted dealers may not purchase more than 10,000 lb (4.54 mt) of mackerel from a limited access mackerel vessel unless the vessel enters port before 0001 hr local time on December 6, 2024. Federally permitted dealers may not purchase more than 2,500 lb (1.13 mt) of mackerel from an open access mackerel vessel unless the vessel enters port before 0001 hr local time on December 6, 2024. The possession limits for the mackerel fishery will reset to the amounts outlined at § 648.26(a)(1)(i) and (ii) on January 1, 2025.

### **Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The mackerel fishery opened for the 2024 fishing year on January 1, 2024. Data and other information indicating that 100 percent of the 2024 mackerel DAH was harvested have only recently become available. Landings data are updated on a weekly basis, and NMFS monitors catch data on a daily basis as catch increases toward the limit. Further, high-volume catch and landings in this fishery increase total catch relative to the DAH quickly. Atlantic mackerel is currently being managed under a rebuilding plan, and exceeding the DAH may harm the stock's rebuilding progress. The

regulations at § 648.24(b)(1)(i) require NMFS to implement this action to ensure that mackerel vessels do not exceed the DAH. If implementation of this action is delayed to solicit prior public comment, the 2024 mackerel DAH may be exceeded, thereby undermining the conservation objectives of the FMP. Furthermore, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: December 3, 2024.

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**Karen H. Abrams,**

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*National Marine Fisheries Service.*

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