

NEFMC Regulations to be Considered for Removal or Modification

GF - Groundfish (Northeast Multispecies) **HER** - Herring **SMS** - Small-mesh Multispecies **SC** - Scallops **RC** - Red Crab
 No regulations to be eliminated for Monkfish, Skate or Atlantic Salmon FMPs

FMP	#	Section and regulation	Description	Original Function	Recommendation Outdated, unnecessary, duplicative, or ineffective
GF	1	§648.82(j)(1)(ii)	120-Day block out of the fishery required for Day gillnet vessels	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	2	§§648.82(b)(6), 648.82(g)	20-day spawning block out of the fishery required for all vessels	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	3	§§648.14(k)(6)(ii)(A), 648.84(a), §648.14(k)(6)(ii)(B)	Prohibition on a vessel hauling another vessel's gillnet gear	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	4	§648.14(k)(6)(ii)(B)	Limits on the number of hooks that may be fished	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	5	§648.82(k)(4)(ix)	DAS Leasing Program length and horsepower restrictions	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	6	§648.87(b)(1)(v)(A)	Prohibition on discarding	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	7	§648.85(b)(7)(iv)(G)	Prohibition on fishing inside and outside of the CA I Hook Gear Haddock SAP while on the same trip	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	8	§648.85(a)(3)(iii)	Gear requirements in the Eastern U.S./Canada Management Area	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	9	§648.85(b)(8)(iv), §648.85(b)(3)(iv),	Seasonal restrictions for the Eastern U.S./Canada Haddock SAP	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified

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GF	10	§648.85(b)(3)(iii)	Seasonal restrictions for the CA II Yellowtail Flounder/ Haddock SAP	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	11	§648.82(b)	Sampling exemption	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	12	§648.81(c)	Prohibition on groundfish trips in the Nantucket Lightship Closed Area	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	13	§648.80(a)(3)(i), (a)(4)(i), (b)(2)(i)	Prohibition on combining small-mesh exempted fishery and sector trips in Southern New England	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	14	§648.80(a)(4)(iv), §648.80(b)(2)(iv)(B), §648.80(b)(2)(iv)	Limits on the number of gillnets for day gillnet vessels fishing outside the Gulf of Maine	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	15	§648.80(a)(3)(i), (a)(4)(i), (b)(2)(i), (c)(2)(i)	6.5-inch minimum mesh size requirement for trawl nets to allow a 5.5-inch codend on directed redfish trips	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	16	§648.85(b)(7)(v)(C)	Daily catch reporting by sector managers for sector vessels participating in the Closed Area I Hook Gear Haddock Special Access Program	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	17	§§648.85(b)(8)(v)(D) 648.85(b)(3)(v)	Requirement to declare into the Eastern U.S./Canada SAP and the CA II Yellowtail Flounder/Haddock SAP before leaving the dock	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	18	§648.10(b)(4)	Requirement to carry VMS for Handgear A vessels fishing in a single broad stock area	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified

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GF	19	§648.14(k)(6)(ii)(B)	Prohibition on a vessel hauling another vessel's hook gear	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	20	§648.87(b)(iii)(v)	Extra-large mesh requirement to target dogfish on trips excluded from at-sea monitoring in SNE and inshore GB	Effort control predating sector management and output controls	Outdated for sector vessels - maybe modified
GF	21	§648.14(k)(5)(i)	Exemption areas for scallop dredges	Reducing bycatch of groundfish	Outdated, also the Council requested GARFO to evaluate making this regulatory simplification
GF	22	§648.90 (c)(4)(iii)(d)	Flexible Area Action System	To develop management areas to reduce discards, Amendment 3	Unnecessary, Areas never implemented or used
GF	23	§648.85 (d)(2)	B-Days Program	Effort control predating sector management and output controls	Outdated, unclear if used
GF	24	§648.85 (b)(3)	Special Access Program for Georges Bank yellowtail flounder	Allow access to GB yellowtail flounder in Closed Area II under certain conditions	Outdated, revise threshold to access area or remove since not able to be used in recent years due to low stock size of GB yellowtail flounder
GF	25	§648.80(a)(4)(iv)	Limits on the number of gillnets that may be hauled on GB when fishing under a NE multispecies/monkfish DAS	Effort control predating sector management and output controls	Outdated, unclear if used
GF	26	§648.81	Remove mortality closed areas	Effort control predating sector management and output controls	Unnecessary and costly. See letter from Associated Fisheries of Maine
GF	27	§648.80	Reduce minimum mesh size for fishing gear targeting Georges Bank haddock	Effort control predating sector management and output controls	Unnecessary and costly. See letter from Associated Fisheries of Maine
GF	28	§648.83	Eliminate minimum fish size for Georges Bank haddock	Effort control predating sector management and output controls	Unnecessary and costly. See letter from Associated Fisheries of Maine

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GF	29	§648.82	Eliminate Length/horsepower restrictions for quota managed species	Effort control predating sector management and output controls	Unnecessary and costly. See letter from Associated Fisheries of Maine
HER	1	§648.201(a)	Restricts possession of herring once ACL harvested.	In-season AM	Imposes unnecessary costs on mackerel fishery because the possession limit is not high enough to allow boats to continue to fish for mackerel. The limit could be raised without causing the ACL to be exceeded if it were triggered earlier.
HER	2	§648.202 (b) (2)	Pre-landing VMS notification requirement 6 hours before landing	Increase effectiveness of dockside monitoring	Ineffective since vessels can't fully comply. Some trips are less than 6 hours and there seems to be very low enforcement at the dock.
HER	3	§648.202 (b) (2)	Prohibition on operational discards in GF closed areas	Reduction of groundfish bycatch in groundfish closed areas.	Ineffective since vessels can't fully comply. Prohibiting operational discards is not practical because it is not possible to get every last fish out of the gear during fishing operations (i.e. a very small amount of fish remains in the gear that are not landed). The prohibition on discards while in GF closed areas puts vessels in the position of being out of compliance on every trip)

FMP	#	Section and regulation	Description	Original Function	Recommendation Outdated, unnecessary, duplicative, or ineffective
RC	1	§648.260 (a) Annual review and specifications process.	The Red Crab PDT shall meet annually to review the status of the stock and fishery.	When the red crab FMP was developed there was a lot of uncertainty about the status of the resource because the most recent survey data was from a 1974 survey.	Unnecessary – Framework Adjustment 1 replaced the annual monitoring cycle with a 3-year adjustment period in 2015, and this provision needs to be removed and replaced with regulations consistent with Framework 1.
SC	1	§648.53	Occasional permit allocations. Lowest level of limited access qualifiers. Permit holders allocated 8.33% of total full-time allocations (access area landings and DAS)	Original permit category created for Limited Access qualifiers in Amendment 4.	Outdated and unnecessary since there are no more occasional permits. The small dredge program allows vessels with occasional permits to upgrade to part-time small dredge. All permit holders who originally had occasional permits have upgraded to part-time. Keeping this on the books requires the Council to develop specifications for this permit type every year, though no permits (MRIs) remain.
SMS	1	Cultivator Shoal Whiting Fishery Exemption Area §648.80(a)(6)(i)(A)	Letter of authorization required to fish in this area.	Increases enforceability	Outdated and unnecessary – Nearly all vessels have VMS. Enforcement officials know when the area is open and small-mesh trawls are allowed.
SMS	2	§648.80(a)(6)(i)(D)	June 15 to October 31 open season	Confines fishing when non-target species catches area low.	Outdated – needs re-evaluation

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SMS	3	§648.80(a)(6)(ii) Sea sampling	Directs the Regional Administrator to conduct sea sampling in the Cultivator Shoals Area	Sea sampling is needed to estimate discards and collect other important biological data	Outdated and duplicative – superseded by SBRM regulations.
SMS	4	§648.80(a)(6)(iii) Annual review	The NEFMC shall conduct an annual review of Cultivator Shoals Area fishery data to determine if there are any changes in area or season designation necessary	Ensures analysis of discarding to alert the need to change regulations and minimize bycatch.	Ineffective – Although periodic analyses have been conducted, an annual analysis has not been done due to limits on time and resources. Data is not collected at the level of detail needed to reliably estimate discards for a specific area.
SMS	5	§648.80(a)(7) Transiting other small-mesh areas	Gear stowage	Improves enforceability of mesh size requirements	Necessary, but duplicative? – prevents vessels from using small-mesh trawls to target whiting in areas where bycatch may be excessive. This provision might be clearer and more effective if written into the regulations for other exemption areas?
SMS	6	Raised Footrope Trawl Exempted Whiting Fishery §648.80(a)(15)(i)(A) Requirements	Letter of authorization required	Increases enforceability	Outdated and unnecessary – Nearly all vessels have VMS. Enforcement officials know when the area is open and small-mesh trawls are allowed.
SMS	7	§648.80(a)(15)(i)(B) to §648.80(a)(15)(i)(G)	Requirements	Improves enforceability and minimizes bycatch of young, immature groundfish and other species.	Duplicative – other than season, the requirements are the same as in other areas and could be combined with them.
SMS	8	§648.80(a)(15)(ii) Sea sampling	Directs the Regional Administrator to conduct sea sampling in the Cultivator Shoals Area	Sea sampling is needed to estimate discards and collect other important biological data	Outdated and duplicative – superseded by SBRM regulations.

FMP	#	Section and regulation	Description	Original Function	Recommendation Outdated, unnecessary, duplicative, or ineffective
SMS	9	§648.80(a)(16)(i) to §648.80(a)(16)(ii)	Requirements	Improves enforceability and minimizes bycatch of young, immature groundfish and other species.	Duplicative? – other than season, the requirements are the same as in other areas and could be combined with them.
SMS	10	§648.80(a)(16)(iii) Annual review by Groundfish PDT	Annual review by Groundfish PDT to determine whether adjustments are needed.	To ensure that regulated species bycatch remains at a minimum	Ineffective – Although periodic analyses have been conducted, an annual analysis has not been done due to limits on time and resources. Data is not collected at the level of detail needed to reliably estimate discards for a specific area.
SMS	11	§648.86(a)(4)(iii)(G) GB yellowtail flounder catch by small mesh fisheries	Sub-ACL for the small-mesh multispecies fishery in the Georges Bank yellowtail flounder stock area.	Triggers a requirement for vessels to use more selective gear to reduce the catches of Georges Bank yellowtail flounder and other flounders.	Costly and ineffective. The sub-ACL is very small and costly to monitor with acceptable precision.
SMS	12	§648.90(b)(5) Accountability measures for the small-mesh multispecies fishery	Specifies a trigger for in-season accountability measures in the fishery.	Determines when incidental possession limits are automatically required.	Necessary and has been effective but could be clearer if combined with §648.86(d)(3).
SMS	13	§648.90(v) AM if the small-mesh fisheries GB yellowtail flounder sub-ACL is exceeded	Post-season accountability measure for the small-mesh multispecies fishery if it exceeds the Georges Bank yellowtail flounder sub-ACL.	Requires vessels to use more selective, approved gears that reduce yellowtail flounder and other flounders catch.	Could be costly & effectiveness is unknown. The accountability measure has not yet been invoked, but it could be triggered by uncertainty in catch estimates and could be costly.