

Small-Mesh Multispecies Update

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New England
Fishery Management Council

Regulatory Reform Initiative

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New England
Fishery Management Council

	#	Section and regulation	Description	Original Function	Recommendation - Outdated, unnecessary, duplicative, or ineffective	Comments/Questions
GF	1	9643 82(i)(1)(i)	120-day block out of the fishery required for day gillnet vessels	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	permit-type - 30-day spawning block requirement already removed for H4
GF	2	9643 82(ii)	30-day spawning block out of the fishery required for all vessels	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	3	9643 84(x)(3)(A), 9643 84(x)(3)(B)	Prohibition on a vessel hauling another vessel's gillnet gear	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	4	9643 84(y)(3)(B)(ii)	Limits on the number of hooks that may be fished	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	5	9643 82(y)(3)(i)	DAS Landing Program length and horsepower restrictions	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	6	9643 87(h)(1)(i)(A)	Prohibition on discarding fish that could be legally landed but are unmarketable	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	7	9643 85(i)(7)(i)(G)	Prohibition on fishing inside and outside of the CA1 Hook Gear Haddock SAP while on the same trip	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2012, consider as a "universal sector exemption"	
GF	8	9643 85(i)(3)(i)	Gear requirements in the Eastern U.S./Canada Management Area	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	9	9643 85(i)(3)(i)(v), 9643 85(i)(3)(i)(vi)	Seasonal restrictions for the Eastern U.S./Canada Haddock SAP	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2013, consider as a "universal exemption"	
GF	10	9643 85(i)(3)(i)(vii)	Seasonal restrictions for the CA 1 Yellowtail Flounder Haddock SAP	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2013, consider as a "universal sector exemption"	
GF	11	9643 83, 9643 36	Exemption from special permit requirement for measuring catch by a sampling technician if fish returned to the sea	ETP requirement for the collect of catch and weight data from fish discarded at sea	Outdated for sectors. Approved Sector Exemption since FY2013, consider as a "universal sector exemption"	Closed area removed under G42
GF	12	9643 84(a)	Prohibition on groundfish traps in the Haddock Lightship Closed Area	Effort control predating sector management and output controls	Outdated. Approved Sector Exemption since FY2014, consider as a "universal sector exemption"	
GF	12	9643 80(x)(7)(i), 9643(x)(7)(ii)	Prohibition on confining small-mesh exempted fishery and sectoring in Southern New England	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	13	9643 80(x)(6)(i), 9643 80(x)(2)(i)(B), 9643 80(x)(2)(i)(v)	Limits on the number of gillnets for gillnet vessels fishing outside the last of Maine	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2016, consider as a "universal sector exemption"	
GF	14	9643 80(x)(7)(i), 9643(x)(7)(ii)	5.5-inch minimum mesh size requirement for trawl nets to allow at least 5-inch codend or directed redfin traps	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2016, consider as a "universal sector exemption"	
GF	15	9643 85(i)(7)(i)(C)	Daily catch monitoring by sector managers for sector vessels participating in the Closed Area 1 Hook Gear Haddock Special Access Program	Outdated monitoring provision	Outdated for sectors. Approved Sector Exemption since FY2011, consider as a "universal sector exemption"	
GF	16	9643 85(i)(3)(i)(D), 9643 85(i)(3)(i)(v)	Requirement to declare an intent to fish in the Eastern U.S./Canada SAP and the CA 1 Yellowtail Flounder/Haddock SAP prior to leaving the dock	Outdated monitoring provision	Outdated for sectors. Approved Sector Exemption since FY2012, consider as a "universal sector exemption"	
GF	17	9643 10(i)(4)	Requirement to carry VMS for handgear. A vessels fishing in a single broad stock area	Outdated monitoring provision	Outdated for sectors. Approved Sector Exemption since FY2017, consider as a "universal sector exemption"	
GF	18	9643 84(y)(3)(B)(ii)	Prohibition on a vessel hauling another vessel's gillnet gear	Effort control predating sectors	Outdated. Approved Sector Exemption since FY2012, consider as a "universal exemption"	
GF	19	9643 87(h)(1)(i)(v)	Extra-large mesh requirement to target dogfish or trips excluded from at-sea monitoring in SNE and inshore GB	Outdated monitoring provision	Outdated for sectors. Approved Sector Exemption since FY2016, consider as a "universal sector exemption"	
GF	20	9643 81	Remove mortality closed areas	Effort control predating sector management and output controls	Unnecessary and costly. See letter from Associated Fisheries of Maine, consider as a "universal sector exemption"	Not ready, needs further Council discussion
GF	21	9643 30	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, consider as a "universal sector exemption"	
GF	22	9643 33	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, consider as a "universal sector exemption"	
GF	23	9643 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, consider as a "universal sector exemption"	
GF	24	9643 149(a)(6)	Exemption areas for scallop dredges	Reducing bycatch of groundfish	Outdated, also the Council requested GARFQ to evaluate making this regulatory simplification	
GF	24	9643 30 (c)(3)(i)(E)	Flexible Area Action System	To develop management areas to reduce discards, Amendment 3	Unnecessary. Areas never implemented or used	
GF	25	9643 85 (j)(2)	3-Days Program	Effort control predating sector management and output controls	Should be considered for elimination - unclear if used. The SAP quotas are so low with the majority of effort in sectors that this program is effectively unusable except perhaps for a common pot vessel on a set only trip	
GF	26	9643 85 (j)(3)	Special Access Program for Georges Bank yellowtail flounder	Allow access to GB yellowtail flounder in Closed Area 1 under certain conditions	Should be considered for elimination or revision of threshold to access area since not able to be used in recent years due to low stock size of GB yellowtail flounder, consider reason to be a SAP for haddock only.	
GF	27	9643 85(i)(7)	Special Access Program for Closed Area 1 Hook Gear Haddock	Effort control predating sector management and output controls	Outdated for sectors. Consider modifying Special Access Program in light of changes to Closed Area 1 under Omnibus Mutual Amendment 2	
GF	28	9643 80(a)(6)(v)	Limits on the number of gillnets that may be fished on/off when fishing under a 16L multispecies/multifish DAS	Effort control predating sector management and output controls	Outdated, unclear if used	
HER	1	9643 20(i)	Restricts possession of herring once ACL harvested.	In-season AM	Improves unnecessary costs on mackerel fishery because the possession limits 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.	Additional form added after April Counting. Do not recommend due to concern over the 2017 deadline. It has been exceeded
HER	2	9643 202 (ii)(2)	Pre-landing VMS notification requirement 6 hours before landing	Increase effectiveness of dockside monitoring	Ineffective, since vessels can fully comply. Some trips are less than 6 hours and there seems to be very low enforcement at the dock. While vessels fishing less than 6 hours from port just need to notify as soon as they are done fishing and heading back to port, this notification requirement seems to have low utility because it does not seem to generate much coordination with enforcement	
HER	3	9643 202 (ii)(2)	Prohibition on operational discards in GF closed areas	Reduction of groundfish bycatch in groundfish closed areas	Ineffective, since vessels can 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 very rare)	
HC	1	9643 750 (a) Annual specifications process	The Red Crab POT shall meet annually to review the status of the stock and fishery	When the red crab TMR was developed there was a lot of uncertainty about the status of the resource because the most recent survey data was from a 10% 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	9643 53	Occasional permit allocations. Lowest level of limited access qualifiers. Permit holders allocated 9.23% of total full-time allocations (access area savings and DAS)	Digital permit category created for Limited Access qualifiers in Amendment 3	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 (MRs) remain.	
SMS	1	9643 80(x)(3)(A), 9643 80(x)(3)(B)	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	9643 80(x)(3)(D)	June 15 to October 31 open season	Confines fishing when non-target species catches are low	Outdated - needs re-evaluation	
SMS	3	9643 80(x)(3)(H)	Directs the Regional Administrator to conduct sea sampling in the Cuthbert Shoals Area	Sea sampling is needed to estimate discards and collect other important biological data	Outdated and duplicative - superseded by BSFM Regulations	
SMS	4	9643 80(x)(3)(i) Annual review necessary	The NEF-MC shall conduct an annual review of Cuthbert 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	9643 80(x)(7) Transiting other small-mesh areas	Gear storage	Improves enforceability of mesh size requirements	Necessary, but duplicative - prevents vessels from using small-mesh trawls to target shellfish 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	9643 80(x)(15)(A) Exempted Whiting Fishery 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.	Duplicative - other than season, the requirements are the same as in other areas and could be combined with them.
SMS	7	9643 80(x)(15)(B) to 9643 80(x)(15)(G) Requirements	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	9643 80(x)(15)(i) Sea sampling	Directs the Regional Administrator to conduct sea sampling in the Cuthbert Shoals Area	Sea sampling is needed to estimate discards and collect other important biological data	Outdated and duplicative - superseded by BSFM Regulations	
SMS	9	9643 80(x)(15)(i) to 9643 80(x)(15)(v) Annual review by Groundfish POT	GOM Gear RPT mesh size & possession limits restrictions	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	9643 80(x)(16) Annual review by Groundfish POT	Annual review by Groundfish POT 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	9643 80(x)(4)(v)(G) GB yellowtail flounder catch by small-mesh trawls	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 founders	Costly and ineffective. The sub-ACL is very small and costly to monitor with acceptable precision	
SMS	12	9643 90(i)(2) 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 reduced	Necessary and has been effective but could be clearer if combined with 9643 80(i)(3)	
SMS	13	9643 90(i) AM if the small-mesh trawls 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 founder catch	Could be costly & effectiveness is unknown. The accountability measure has not yet been melted, but it could be triggered by uncertainty in catch estimates and could be costly.	



FM	#	Section and regulation	Description	Original Function	Recommendation - Outdated, unnecessary, duplicative, or ineffective
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
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.	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 stow age	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.
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 yellow tail flounder catch by small mesh fisheries	Sub-ACL for the small-mesh multispecies fishery in the Georges Bank yellow tail flounder stock area.	Triggers a requirement for vessels to use more selective gear to reduce the catches of Georges Bank yellow tail 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 yellow tail flounder sub-ACL is exceeded	Post-season accountability measure for the small-mesh multispecies fishery if it exceeds the Georges Bank yellow tail flounder sub-ACL.	Requires vessels to use more selective, approved gears that reduce yellow tail 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.
SMS	14	§648.81(a)(1)	Prohibited gear and prohibited possession of NE multispecies	Improves enforceability of year round groundfish closed area	Costly and potentially dangerous. The regulation forces fishermen targeting small-mesh multispecies to the south and east of Closed Area II to steam around the closed area when returning to port.
SMS	15	§648.86(d)(3) Transfer whiting at sea for bait	500 lbs. allowance for whiting and unlimited transfers of red hake	Provides flexibility for the industry to supply the at-sea fresh bait demand. Sometimes red hake sold at sea for bait has a higher price than if landed for food.	Possibly unnecessary – Transfers could be limited to the possession limit if it doesn't cause an enforcement problem

SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Cultivator Shoal Whiting Fishery Exemption Area

1. Letter of authorization required in this area
 - Purpose - Increases enforceability
 - Outdated and unnecessary – Nearly all vessels have VMS. Enforcement knows when the area is open and small-mesh trawls are allowed.
2. June 15 to October 31 open season
 - Purpose - Confines fishing when non-target species catches in the area are low
 - Outdated - needs re-evaluation



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Cultivator Shoal Whiting Fishery Exemption Area

3. Direct the Regional Administrator to conduct sea sampling in the Cultivator Shoals Area (*similar to #8 for Raised Footrope Trawl Exempted Whiting Fishery*)
 - Purpose - Sea sampling needed to estimate discards and collect other biological data
 - Outdated and unnecessary – superseded by SBRM regulations
4. NEFMC annual review of fishery data to determine if there any changes in area or season needed
 - Purpose - Ensures analysis of discarding to alert the need to change regulations and minimize bycatch low
 - Ineffective - Data is not collected at the level of detail needed to reliably estimate discards for a specific area.



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Cultivator Shoal Whiting Fishery Exemption Area

5. Transiting other small-mesh areas – gear stowage requirements
 - Purpose - Prevents vessels from using small-mesh trawls to target whiting in areas where bycatch may be excessive
 - Duplicative? – might be clearer and more effective if written into the regulations for other exemption areas

Raised Footrope Trawl Exempted Whiting Fishery

6. Letter of Authorization required -
 - Purpose - Increases enforceability
 - Outdated and unnecessary - Nearly all vessels have VMS. Enforcement knows when the area is open and small-mesh trawls are allowed.
 - Could be considered under a broad review of the Letter of Authorization program



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Raised Footrope Trawl Exempted Whiting Fishery

7. Requirements for mesh, gear configuration, season, & fishing in other small mesh fisheries
 - Purpose - 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.
8. Directs the Regional Administrator to conduct sea sampling for the *Raised Footrope Trawl* Exempted Whiting Fishery (similar to #3 for Cultivator Shoals)
 - Purpose - Increases enforceability
 - Outdated and unnecessary - Nearly all vessels have VMS. Enforcement knows when the area is open and small-mesh trawls are allowed.



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Raised Footrope Trawl Exempted Whiting Fishery

9. Requirements for mesh, gear configuration, season, & fishing in other small mesh fisheries
 - Purpose - 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.
10. Annual review by Groundfish PDT to determine whether adjustments are needed
 - Purpose – ensure that regulated species bycatch is minimized
 - Ineffective – Data not collected at the level of detail needed



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Other Whiting/ Red Hake Regulations

11. Sub-ACL for the small-mesh multispecies fishery in the Georges Bank yellowtail flounder stock area
 - Purpose - 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.
12. Specifies a trigger for in-season accountability measures in the fishery
 - Purpose – Determines when incidental possession limits are automatically required
 - Necessary and has been effective but **could be clearer if combined with §648.86(d)(3)**



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Other Whiting/ Red Hake Regulations

13. Post-season accountability measure for the small-mesh multispecies fishery if it exceeds the Georges Bank yellowtail flounder sub-ACL
 - Purpose - Requires vessels to use more selective, approved gears that reduce yellowtail flounder and other flounders catch flounders
 - Could be costly and 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.



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Other Whiting/ Red Hake Regulations

14. Prohibited gear and possession of NE multispecies in Closed Area II
- Purpose – Improves enforceability of year round groundfish closed area
 - Could be costly and potentially dangerous – The regulation forces fishermen targeting small-mesh multispecies to the south and east of Closed Area II to steam around the closed area when returning to port.



SMALL-MESH MULTISPECIES (Whiting/Red Hake)

Other Whiting/ Red Hake Regulations

15. Transfers of whiting at sea for bait

- Purpose – Provides flexibility for the industry to supply the at-sea fresh bait demand. Sometimes red hake sold at sea for bait has a higher price than if landed for food.
- **Possibly unnecessary** - Transfers could be limited to the possession limit if it doesn't cause an enforcement problem.





??? *Questions* ???