

Regulatory Reform Initiative

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New England
Fishery Management Council

	IMP	#	Section and regulation	Description	Original Function	Recommendation - Outdated, unnecessary, duplicative, or ineffective	Comments/Questions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out of the fishery required for day gillnet vessels	Effort control predating sector management and output controls	Outdated for sectors.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 - 20-day spawning block requirement already removed for 1A
	GF	2	9643 82(ii)	20-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block out of the fishery required for all vessels	Effort control predating sector management and output controls	Outdated for sectors.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 143(x)(5)(A), 9643 84(i), 9643 143(x)(5)(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on a vessel hauling another vessel's gillnet gear	Effort control predating sector management and output controls	Outdated for sectors.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 143(x)(5)(B)	Limits on the number of hooks that may be fished	Effort control predating sector management and output controls	Outdated for sectors.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(i)(3)(i)	DAS Leaving Program length and horsepower restrictions	Effort control predating sector management and output controls	Outdated for sectors.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 83(i)(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fish that could be legally landed but are unmarketable	Effort control predating sector management and output controls	Outdated for sectors.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"	Changed language to reflect "legally landed but unmarketable"
	GF	7	9643 85(i)(7)(i)(G)	Prohibition on fishing inside and outside of the CA 1 Hook Gear Haddock SAP while on the same trip	Effort control predating sector management and output controls	Outdated for sectors.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requirements in the Eastern U.S./Canada Management Area	Effort control predating sector management and output controls	Outdated for sectors.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)(7)(i)	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)	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 GSA2
	GF	12	9643 84(i)	Prohibition on groundfish ships 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(i), 9643(i)	Prohibition on conveying small-mesh exempted fishery and sector trips 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)	Limits on the number of gillnets for gillnet vessels fishing outside the Gulf of Maine	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2015, consider as a "universal sector exemption"	
	GF	14	9643 80(x)(7)(i), 9643(i), 9643(i)	5.5-inch minimum mesh size requirement for trawl nets to allow a 5.5-inch codend or directed redfish traps	Effort control predating sector management and output controls	Outdated for sectors. Approved Sector Exemption since FY2015, consider as a "universal sector exemption"	
	GF	15	9643 85(i)(7)(i)(C)	Daily catch reporting 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)(7)(i)(D), 9643 85(i)(3)(i)	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 100(i)(4)	Requirement to carry VMS for Haddock. A vessel's fishing in a single limited stock area	Outdated monitoring provision	Outdated for sectors. Approved Sector Exemption since FY2017, consider as a "universal sector exemption"	
	GF	18	9643 143(x)(5)(B)	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(i)(3)(i)(v)	Extra-large mesh requirement to target dogfish on trips excluded from at-sea monitoring in SNE and offshore US	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"	
	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 143(x)(5)(B)	Exemption areas for scallop dredges	Reducing bycatch of groundfish	Outdated. Also the Council requested GSAF-Q to evaluate making this regulatory simplification	
	GF	24	9643 30 (i)(3)(i)(E)	Flexible Area Action System	To develop management areas to reduce discards, Amendment 3	Unnecessary. Areas never implemented or used	Not ready, needs further Council discussion
	GF	25	9643 35 (j)(2)	9 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 pool vessel on a set-only trip	
	GF	26	9643 35 (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 revision 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 Habitat Amendment 2	
	GF	28	9643 80(x)(6)(i)	Limits on the number of gillnets that may be fished on GB when fishing under a full multispecies/monofish DAS	Effort control predating sector management and output controls	Outdated. unclear if used	
	HER	1	9643 201(A)	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 item added after Apr. Counciling. Do not recommend due to concern over the 2017 haddock 1A 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 (over 90%)	
	HC	1	9643 260 (a) Annual specification process	The Red Crab POT 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 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.	
	HC	1	9643 53	Occasional permit allocations. Lowest level of limited access qualifiers. Permit holders allocated 8.23% of total full-time allocations (access area landings and DAS)	Original permit category created for Limited Access qualifiers in Amendment 1	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	Culbutor Shallow Vishing Fishery Exemption Area 9643 80(x)(5)(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	9643 80(x)(5)(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)(5)(H) Sea sampling	Directs the Regional Administrator to conduct sea sampling in the Culbutor Shallow Area	Sea sampling is needed to estimate discards and collect other important biological data	Outdated and duplicative - superseded by GSF Regulations	
	SMS	4	9643 80(x)(5)(i) Annual review necessary	The NEFMC shall conduct an annual review of Culbutor Shallow 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	9643 80(x)(7) Transferring other small mesh areas	Gear storage	Improves enforceability of mesh size requirements	Necessary, but duplicative - prevents vessels from using small-mesh trawls to target shrimp 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	Exempted Vishing Fishery 9643 80(x)(5)(A) 24-hour season	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	9643 80(x)(5)(B) to 9643 80(x)(5)(C)	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)(5)(i) Sea sampling	Directs the Regional Administrator to conduct sea sampling in the Culbutor Shallow Area	Sea sampling is needed to estimate discards and collect other important biological data	Outdated and duplicative - superseded by GSF Regulations	
	SMS	9	9643 80(x)(5)(i) 10 9643 80(x)(5)(i)	OML Gear RET 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)(5)(i) 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)(i)(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 required	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 fishery 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 founders catch	Could be costly & effectiveness is unknown. The accountability measure has not yet been involved, but it could be triggered by uncertainty in catch estimates and could be costly.	



Northeast MULTISPECIES (Groundfish)

Effort controls from which sectors have been given exemptions since 2011 *which could be included in a universal sector exemption*

1. 120-Day block out of the fishery for the day gillnet vessels
2. 20-day spawning block out of the fishery for all sector vessels
3. Prohibition on a vessel hauling another vessel's gillnet gear
4. Limits on the number of hooks that may be fished
5. Length and horsepower restrictions on leasing DAS used to land groundfish and monkfish on the same DAS
6. Prohibition on discarding fish that could be legally landed but are unmarketable
7. Prohibition on fishing inside and outside the CA I Hook Gear Haddock SAP on the same trip
8. Gear requirements in the Eastern U.S./Canada Management Area

Northeast MULTISPECIES (Groundfish)

Effort controls from which sectors have been given exemptions since 2011 (**continued**) *which could be included in a universal sector exemption*

9. Seasonal restrictions for the Eastern U.S./Canada Haddock SAP
10. Seasonal restrictions - CA II yellowtail flounder/ haddock SAP
11. Sampling exemption from minimum mesh and fish sizes
12. ~~Prohibition on groundfish trips in the Nantucket Lightship Closed Area~~ (already removed by OHA2)
12. Prohibition on combining small-mesh exempted fishery and sector trips in Southern New England
13. Limits on the number of gillnets for day gillnet vessels fishing outside the Gulf of Maine
14. 6.5-inch minimum mesh size for trawl nets with a 5.5-inch codend on directed redfish trips



Northeast MULTISPECIES (Groundfish)

Effort controls from which sectors have been given exemptions since 2011 (**continued**) *which could be included in a universal sector exemption*

15. Daily catch reporting by sector managers for in the Closed Area I Hook Gear Haddock Special Access Program
16. Requirement to declare into the Eastern U.S./Canada SAP and the CA II Yellowtail Flounder/Haddock SAP before leaving the dock
17. Requirement to carry VMS for Handgear A vessels fishing in a single broad stock area
18. Prohibition on a vessel hauling another vessel's hook gear
19. Extra-large mesh requirement to target dogfish on trips exempted from at-sea monitoring in SNE and inshore Georges Bank



Northeast MULTISPECIES (Groundfish)

Other effort controls *which could be included in a universal sector exemption*

- 20. Remove areas closed to reduce groundfish mortality
- 21. Reduce minimum mesh size for gear targeting Georges Bank haddock
- 22. Reduce or eliminate minimum fish size for Georges Bank haddock
- 23. Eliminate length and horsepower restrictions on quota managed species for sector vessels



Northeast MULTISPECIES (Groundfish)

Other regulations (*continued*)

~~24. Exemption areas for scallop dredges~~ - needs further consideration

24. Flexible Area Action System - Unnecessary - never used because of implementation difficulties

25. B-Days-at-Sea program – effort control predating sectors - Unnecessary – no longer used

26. Special Access Program for to GB yellowtail flounder in Closed Area II under certain conditions - Outdated, remove regulation or revise threshold to access area

Northeast MULTISPECIES (Groundfish)

Other regulations (*continued*)

27. Special Access Program for Closed Area I Hook Gear Haddock

Outdated for sectors. Consider modifying Special Access Program in light of changes to Closed Area I under Omnibus Habitat Amendment 2

28. ~~Limits on the number of gillnets that may be hauled on GB when fishing under a NE multispecies/monkfish DAS~~

Not recommended due to concern that the 2017 monkfish TAL has been exceeded in the northern management area.

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
 - 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)

Other Whiting/ Red Hake Regulations

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.



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 in the Cultivator Shoals 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.



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)

Raised Footrope Trawl Exempted Whiting Fishery

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)

Raised Footrope Trawl Exempted Whiting Fishery

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.



Atlantic Herring (*recommended by Committee*)

1. Prohibition on operational discards in Groundfish closed areas

Purpose: Reduction of groundfish bycatch in closed areas

Ineffective - vessels can't fully comply - Not possible to get every last fish out of the gear during fishing operations - a very small amount of fish remains in the gear and are not landed.

2. In-season AM to restrict possession of herring once the ACL harvested

Purpose: To avoid exceeding the ACL

Unnecessary costs on mackerel fishery - Possession limit not high enough for mackerel fishing to continue. Limit could be raised without exceeding herring ACL if triggered earlier.



Atlantic Herring (*recommended by Committee*)

3. Pre-landing VMS notification requirement of 6 hours before landing

Purpose: To avoid exceeding the ACL

Ineffective since vessels can't fully comply -
There seems to be very low enforcement at the dock. Vessels fishing less than 6 hours from port just need to notify as soon as they are done fishing and heading back to dock.



Atlantic Scallops

1. Occasional permit category and allocations

Purpose: To provide allocations to vessels that who originally qualified for a limited access permit but historically had only a few days-at-sea.

Outdated and unnecessary - There are no more occasional permits. All these permits were switched to the small-dredge program to get more days-at-sea.



Red Crab

1. The Red Crab PDT shall meet annually to review the status of the stock and fishery.

Purpose: 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 1974 and therefore an annual review of catch rates, etc. was thought to be necessary.

Unnecessary – Framework 1 replaced the annual monitoring cycle with a 3-year adjustment period. This regulation needs to be replaced with one consistent with Framework 1.



Multiple FMPs

1. Any regulations that apply to FV Jocka

Purpose: To relieve stress on FV Jocka owner caused by recent hand injury





??? *Questions* ???