

1. Correspondence - June 12-14, 2018

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| FMP | # | Section and regulation | Description | Original Function | Recommendation - Outdated, unnecessary, duplicative, or ineffective | Comments / Questions |
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| 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out of the fishery required for day gillnet vessels | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | Removed citation 648.82(b)(6) for HA permit type - 20-day spawning block requirement already removed for HA under Amendment 18 |
| GF | 2 | 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block out of the fishery required for all vessels | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |
| 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on a vessel hauling another vessel's gillnet gear | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |
| 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| Limits on the number of hooks that may be fished | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |
| GF | 5 | §648.82(k)(4)(ix) | DAS Leasing Program length and horsepower restrictions | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |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 | §648.87(b)(1)(v)(A) | Prohibition on discarding fish that could be legally landed but are un-marketable | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | Changed language to reflect "legally landed but un-marketable" |
| 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CA I Hook Gear Haddock SAP while on the same trip | Effort control predating sector management and output controls | Outdated for sectors, Approved Sector Exemption since FY2012; consider as a "universal sector exemption" | |
| 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 sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |
| 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 sectors, Approved Sector Exemption since FY2013; consider as a "universal exemption" | |
| 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 sectors, Approved Sector Exemption since FY2013; consider as a "universal sector exemption" | |
| GF | 11 | §648.83, §648.86 | Exemption from special permit requirement for measuring catch by a sampling technician of fish returned to the sea | EFP 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" | |
| GF | 12 | §648.81(e) | Prohibition on groundfish trips in the Nantucket Lightship Closed Area | Effort control predating sector management and output controls | Outdated, Approved Sector Exemption since FY2014; consider as a "universal sector exemption" | Closed area removed under OHA2 |
| GF | 12 | §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 sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |
| GF | 13 | §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 sectors, Approved Sector Exemption since FY2015; consider as a "universal sector exemption" | |
| GF | 14 | §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 sectors, Approved Sector Exemption since FY2015; consider as a "universal sector exemption" | |
| GF | 15 | §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 | Outdated monitoring provision | Outdated for sectors, Approved Sector Exemption since FY2011; consider as a "universal sector exemption" | |

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| GF | 16 | §§648.85(b)(8)(v)(D) 648.85(b)(3)(v) | Requirement to declare an intent to fish in the Eastern U.S./Canada SAP and the CA II 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 | §648.10(b)(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 | §648.14(k)(6)(ii)(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 | §648.87(b)(iii)(v) | Extra-large mesh requirement to target dogfish on 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 | §648.81 | 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 | §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; consider as a "universal sector exemption" |
| | 22 | §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; consider as a "universal sector exemption" |
| GF | 23 | §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; consider as a "universal sector exemption" |
| GF | 24 | §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 | 24 | §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 | 25 | §648.85 (d)(2) | B-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 | §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 | 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 | §648.85(b)(7) | Special Access Program for Closed Area I 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 I under Omnibus Habitat Amendment 2 |
| GF | 28 | §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 |
| HER | 14 | §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. |

Not ready, needs further Council discussion.

Additional item -added after April Council mtg.

Do not recommend due to concern given that the 2017 monkfish TAL has been exceeded in the northern management area.

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| HER | 15 | §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. 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 | 16 | §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) |
| RC | 18 | §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 | 17 | §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 |
| 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. |
| SMS | 9 | §648.80(a)(16)(i) to §648.80(a)(16)(ii) | GOM Grate RFT 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. |

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| 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. |