

Regulatory Reform Initiative (revised)

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New England
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BACKGROUND

EO 13771 – Reducing Regulation and Controlling Regulatory Costs

- Eliminate two existing regulations for each new significant regulation that imposes costs
- Most fisheries regulations are not significant.
- The regulations removed do not have to be significant.
- Total cost must be less than \$0.



BACKGROUND

EO 13777 – Establishes a task force (RFFT) at each agency to ensure the implementation of EO 13771

Each task force shall – identify regulations that:

- eliminate jobs, or inhibit job creation
- are outdated, unnecessary, or ineffective
- impose costs that exceed benefits



Background

Input provided by

- APs and Committees
- Council staff
- Public -
 - *Assoc. Fisheries of Maine (4)*
 - *Others, but no comments about NEFMC-managed fisheries (0)*



Overview of NEFMC regs

- 42 regulations identified
 - 29 – Groundfish (Northeast Multispecies)
 - 3 - Herring
 - 8 - Whiting /red hake (Small-mesh Multispecies)
 - 1 – Scallops
 - 1 – Red crab
 - 0 – Monkfish, skates, Atlantic salmon



Northeast MULTISPECIES (Groundfish)

Effort controls from which sectors have been given exemptions since 2011

20 of these could be removed for sector vessels.

1. 120-Day block out of the fishery required for the day gillnet vessels
2. 20-day spawning block out of the fishery required for all vessels
3. Prohibition on a vessel hauling another vessel's gillnet gear
4. Limits on the number of hooks that may be fished
5. DAS Leasing Program length and horsepower restrictions
6. Prohibition on discarding
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*)

These could be removed for sector vessels.

8. Seasonal restrictions - Eastern U.S./Canada haddock SAP
9. Seasonal restrictions - CA II yellowtail flounder/ haddock SAP
10. Sampling exemption from minimum mesh and fish sizes
11. Prohibition on groundfish trips in the Nantucket Lightship Closed Area
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*)

These could be removed for sector vessels.

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



Northeast MULTISPECIES (Groundfish)

Other regulations (*continued*)

21. Exemption areas for scallop dredges

Purpose: Reducing bycatch of groundfish

Outdated, also the Council requested GARFO to evaluate making this regulatory simplification

22. Flexible Area Action System

Purpose - restrict fishing to protect large concentrations of small or spawning fish

Unnecessary - never used because of implementation difficulties

23. B-Days-at-Sea program – effort control predating sectors

Purpose - Allow access to more abundant stocks

Unnecessary – no longer used

Northeast MULTISPECIES (Groundfish)

Other regulations (*continued*)

24. Allow access to GB yellowtail flounder in Closed Area II under certain conditions

Purpose - Permit the catch of yellowtail flounder when stock conditions are good.

Outdated, remove regulation or revise threshold to access area or since not able to be used in recent years

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

Purpose – Effort control

Outdated – unclear if used

26. Groundfish areas closed to reduce fishing mortality

Purpose – Effort controls predating sector management

Unnecessary and costly

Northeast MULTISPECIES (Groundfish)

Other regulations

27. Reduce minimum mesh size for gear targeting Georges Bank haddock

Purpose – to reduce mortality on juvenile haddock

Unnecessary and costly – Assoc. Fisheries of ME

28. Minimum fish size for Georges Bank haddock

Purpose – to reduce targeting of juvenile haddock

Unnecessary and costly – Assoc. Fisheries of ME

29. Length/ Horsepower restrictions on quota managed species for sector vessels

Purpose – Effort controls predating sector management

Unnecessary and costly – Assoc. Fisheries of ME

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. Directs 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 requirement
 - 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.



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.



??? *Questions* ???

