



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: 5/23/18
To: Council
From: Jason Didden *JAD*
Subject: Regulatory Streamlining

In response to discussions at the May 2017 Council Coordination Committee meeting and the “Streamlining Regulatory Processes and Reducing Regulatory Burden” notice published by NOAA on July 7, 2017, Council staff reviewed existing MAFMC-related regulations for text that may be outdated, unnecessary, ineffective, and/or can be streamlined.

Most existing regulations appear designed to achieve a particular policy goal and it was beyond the scope of this review by staff to evaluate all of the Council’s policy goals underlying the existing regulations. There were some specific regulations identified by staff that do appear outdated, unnecessary, and/or ineffective, as described below.

General

-Upgrade restrictions reduce efficiency but may control capitalization and fleet concentration. It is not clear that upgrade restrictions still make sense when fisheries are managed with quotas.

-VTR instructions allow Loran bearings as an alternative to latitude/longitude – this appears outdated given Loran’s discontinuance.

-Keeping old VTR copies on board vessels may be unnecessary and complicates efforts regarding electronic VTRs.

-Instead of plans having options for setting specifications for a set number of years, should they be set for as many years as considered appropriate based on the stock assessment intervals and SSC recommendations?

Mackerel-Squid-Butterfish (MSB)

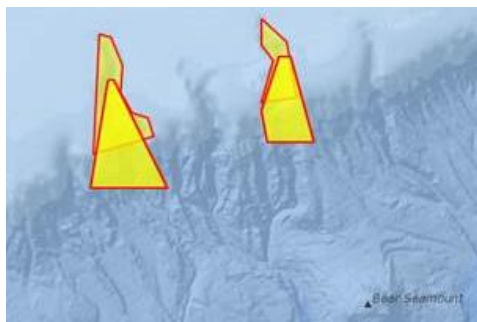
-The mackerel limited access qualification criteria no longer need to be codified into regulations (they will be removed in squid amendment regulatory changes).

-Squid Fthreshold and Fmsy references can be removed – biological reference points are automatically incorporated based on accepted peer-reviewed assessments.

-The description of the Tier 3 mackerel quota (“Commercial ACT is composed of...”) reads like it is a quota-set aside, while it is only a limit.

-The butterfish discard cap is incorrectly described as a “butterfish mortality cap.”

-There is a slight discontinuity between the MSB canyon closed areas for tilefish habitat and the closed areas for trawl gear implemented in the tilefish plan, both around Oceanographer and Lydonia Canyons.



Initially Monkfish Amendment 2 closed the deeper/more southern areas to vessels on a monkfish day at sea to protect deepwater corals. Those same areas were later also closed to bottom trawling by MSB-permitted vessels in MSB Amendment 9, primarily to conserve Tilefish Essential Fish Habitat (EFH) but with a nod to other species, including deep water corals. The shallower/more northern areas were subsequently closed to all bottom trawling in Tilefish Amendment 1 to conserve Tilefish Habitat Areas of Particular Concern (HAPCs - clay outcrop/pueblo village habitats). New England’s deep-water coral amendment also now addresses corals in these areas. Staff is not aware of any on-the-water issues regarding these mismatched areas yet, but it may be worth considering deleting the initial MSB-closed areas to avoid duplication and confusion.

-Directed butterfish landings with mesh greater than 3 inches are limited to once per day. This daily trip limit provision is not needed for directed trips with mesh larger than 3 inches but should likely remain for other situations (e.g. for smaller mesh trips and during closures of the directed fishery).

-A variety of regulatory language clarifications for the squid fishery will be published related to the squid amendment.

(MSB continued...)

-The Council has already provided input to NMFS that current regulations pertaining to some mackerel fishery closures should prohibit mackerel possession rather than prohibiting any encounters with mackerel. Another pending action ending the total ban on possession of mackerel during closures will eliminate this issue.

Surfclam and Ocean Quahog (SCOQ)

-Are the references to DAH and DAP outdated with regards to ACL sections?

-648.72(2): "The Regional Administrator may set quotas at quantities different from the MAFMC's recommendations only if he/she can demonstrate that the MAFMC's recommendations violate the national standards of the Magnuson-Stevens Act or the objectives of the Atlantic Surfclam and Ocean Quahog FMP or other applicable law." This seems like extra language stating the obvious and is similar to language for other species. Perhaps move to an introductory section applying generally?

-648.75(3): Minimum size suspension: This process is burdensome in that it requires votes, analysis in EA, and notifications to annually change the reg. A rollover provision would be more efficient (similar to other specifications).

-648.78(2): Maine Mahogany Quahog Advisory Panel: There is only one SCOQ AP...is this outdated?

Black Sea Bass

648.14(p)(2)(ii)(B): "Possess, retain, or land black sea bass harvested in or from the EEZ in excess of the commercial possession limit established at §648.140." There is no federal waters commercial black sea bass possession limit; in addition, the reference to the possession limit at 648.140 is incorrect. The regulations at 648.140 address black sea bass ACL's.

Tilefish

§648.7 Recordkeeping and reporting requirements. (2) IVR system reports. IVR requirements should disappear when Framework 2 is implemented.