

B2 NMFS Update on Council Recommended EO 14276 Actions

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NMFS Update on Council Recommended E.O. 14276 Actions to Reduce Regulatory Burdens for Monitoring, Recordkeeping, and Reporting

ACTIONS FOR COUNCIL AT THIS MEETING

1. DURING B REPORTS:

- Receive an update, including new information on the actions the Council previously recommended NMFS implement under 305(d) rulemaking authority
 - Consider if new actions recommended by NMFS are consistent with EO and should be added to the workplan

2. MAY DEFER TO STAFF TASKING:

- Consider NMFS recommendations for new actions on recordkeeping and reporting, monitoring, and streamlining of regulations
 - initiate new actions or request additional information as needed



Thanks to the Team

(Section 6, pg 63)

- This update document was prepared by Staff in the NMFS AKRO Sustainable Fisheries Division
- Special thanks to:
 - Maggie Chan
 - Amy Hadfield
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Introduction

(Section 1)

April 2025 - EO 14276 signed

June 2025 - Regulatory review discussion paper

October 2025 - Regulatory review expanded discussion paper

- Council prioritized EO 14276 workplan
- Recommended actions for NMFS review and implementation under MSA 305(d) authority
- Initiated new Council actions (including FMP omnibus)

Magnuson-Stevens Act (MSA) section 305(d)

(section 1.3, page 7)

MSA establishes distinct roles and responsibilities for Councils and for NMFS, creating multiple rulemaking mandates and authorities, each with its own procedural and other requirements.

Typical scenario for proposed rules to implement an FMP/amendment:

- Sec. 303(c) - Council submits to NMFS proposed regulations that it “deems necessary or appropriate” for the purposes of implementing an FMP/amendment
- Sec. 304(b) - outlines procedures for NMFS to review and implement such proposed rules, incl minimum comment periods

Sec. 305(d) authorizes NMFS to promulgate regulations that are necessary to implement a Secretarial FMP/amendment, or to carry out any other provision of the MSA.

- No special procedural or timing requirements specified in MSA
- Section 305(d) can be a versatile tool for facilitating **pre-planned efficiencies** or responding to unforeseen events.
- **Section 305(d) should not be used as the statutory authority for rulemaking when Sections 303(c)/304(b) or 304(c) would be more appropriate.**



Examples of ***situations*** in which Section 305(d) may be appropriate—

- Frameworks
- Technical Changes
- Corrections
- Administrative Actions
- Actions developed outside of the Council process
- Actions taken pursuant to other special authorities of the Magnuson-Stevens Act
- Other situations as appropriate

Topics included in this update

(Table 1, pg 5)

Topics grouped into 3 categories:

- Monitoring - 10 topics
- Recordkeeping and Reporting – 5 topics, and
- Housekeeping – 5 types of changes

Table 1 on page 5 allows you to cross reference the topics in this paper with the information presented in the October 2025 discussion paper.



Other Topics

(Table 1, page 6)

Remove the specific time for closing Groundfish seasons and opening and closing the sablefish IFQ season – this action is being considered in a separate action.

Removed from further consideration:

- Remove logbook active/inactive periods for catcher/processors
- Remove initial allocation regulations
- Consolidating references to eLandings.



Four New Topics Added

(Table 1, pg 6)

- Allow prohibited species catch (PSC) delivered under the trawl electronic monitoring category to be processed into fishmeal (Section 2.1)
- Modify minimum observer qualification requirements (Section 2.7)
- Observer provider reporting requirements (Section 2.8)
- Update the vessel monitoring system (VMS) type approval process (Section 2.10)



Monitoring Topics

(Table 3, page 12, Sections 2.1 through 2.10)

Action	Potential Impact
NEW* Allow PSC delivered under the Trawl EM Category to be processed into fishmeal	Increased efficiency by processing plants to dispose of PSC required to be retained. Reduce waste and increased utilization of harvested fish.
Modify Trawl EM Category Recording Requirements when Transiting	Increases flexibility and efficiency of the trawl EM program while reducing regulatory burden on fishery participants.
Modify Rockfish Program Notification of Landing	Decrease burden on fishery participants by clarifying the recipient of the notification.
Remove Kodiak as an inspection location	This would reduce Agency costs billed to cost recovery by removing an infrequently used inspection location.
Allow Shoreside Processors and Stationary Floating Processors (SFPs) to Supply Observer Scales that have not been Approved by the State of Alaska (State)	Increases flexibility for fishery participants; Allows more options for valid observer scales.

Monitoring Topics

(Table 3, page 12)

Table 3 continued...

Remove Requirements to Track Serial Numbers for Shoreside Processors or SFP Observer Scales	Reduce regulatory burden on fishery participants; Scale changes would not require updates to the catch monitoring control plan (CMCP).
NEW* Modify Minimum Observer Qualification Requirements	Increased flexibility for observer providers to hire highly qualified observers.
NEW* Observer Provider Reporting Requirements	Reduced regulatory burden on observer providers.
Remove Regulations for Exempted Fishing Permits (EFPs) in the North Pacific (rely on nationwide regulations instead)	Remove the Alaska-specific regulations at § 679.6 and use the national EFP regulations at § 600.745. Streamline duplicative, more restrictive Alaska-specific EFP regulations. Could increase opportunity and flexibility for fishery participants.
NEW* Update the VMS Type Approval Process	Modify the VMS type approval process at § 679.28(f)(2) to cross reference the National regulations at § 600.1501.

Recordkeeping and Reporting Topics

(Table 8, page 44)

Action	Potential Impact
Remove Shoreside Processor Check-in / Check-out Reports	Streamlines reporting for industry by removing a requirement that is no longer utilized for fishery management and the information is already collected by electronic reporting.
Increasing Flexibility to Meet Requirements to Print Documents	Modernizes regulations by accepting digital methods to fulfill recordkeeping and reporting requirements, in addition to status quo paper printing.
Daily cumulative production logbook (DCPL) adjustments for Motherships	Removes duplicative regulations for reporting systems that have been replaced by electronic reporting.
Modernize ELB regulations	Updates the technology requirements for NMFS approved logbooks and allows for additional electronic reporting options. This will make it easier for industry to understand the requirements for software development.
NEW* Rename Species Code 167	State of Alaska Board of Fisheries replaced blue rockfish (<i>Sebastes mystinus</i>) with deacon rockfish (<i>Sebastes diaconus</i>); this change would update Federal regulations in Table 2A to part 679 to improve reporting accuracy and consistency with State regulations.

Housekeeping Topics

(Table 11, page 61)

Action	Description of Change	Affected Regulatory sections
Remove references to Fax Machines	Remove direct references to facsimile or faxed communication requirements throughout 50 CFR parts 679 and 680 and replace that language with clear avenues of electronic communications. This will allow submission methods to be specified on applicable forms and also allow these methods to change as new electronic systems and capabilities are developed.	50 CFR parts 300, 679, and 680. See Table 4 in Appendix 1.
Update References to the NMFS Alaska Region Website and other outdated URLs	Update old, outdated, and inconsistent references to web addresses for the NMFS Alaska Region website. This change would remove all existing references in regulations to a specific URL, website address, or website name and replacing those with a reference to the "NMFS Alaska Regional website," defined at § 679.2, and would allow for one simple correction to correct everywhere the website is referenced when a specific URL changes.	50 CFR parts 300, 679, and 680. See Table 1B and Table 1B in Appendix 1.

Housekeeping Topics

(Table 11, page 61)

Table 11 continued...

Update cross references to the Initial Administrative Determination (IAD) process	A technical change to consolidate IAD regulations to reduce duplication and to delete cross references to § 679.43 and insert the cross reference the National Appeals Office Rules of Procedure at 15 CFR part 906 .	50 CFR parts 300, 679, and 680. See Table 3 in Appendix 1.
Remove expired regulations	Remove regulations governing the Alaska fishery provisions that contain specific expiration dates or start dates such that the regulations only contain current requirements rather than documenting historical provisions that no longer apply.	50 CFR parts 300, 679, and 680. See Table 2 in Appendix 1.
Other technical corrections	Amend regulatory text to correct citations, directions, and update management measures consistent with previous rulemaking actions.	Various regulations throughout parts 679 and 680.

Next Steps

The Council's potential action at this meeting could include:

- Provide input or feedback on the new topics presented in the update.
- Confirm support for ongoing review of these regulation changes.
- Consider if topics included in this paper should be initiating as a Council action with purpose & need and alternatives.



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