



**Mid-Atlantic Fishery Management Council**  
800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org  
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

## MEMORANDUM

**Date:** July 30, 2020  
**To:** Chris Moore, Executive Director  
**From:** Mary Sabo, Staff  
**Subject:** Executive Order on Promoting American Seafood Competitiveness and Economic Growth

On May 7, 2020, the President of the United States signed an Executive Order on Promoting American Seafood Competitiveness and Economic Growth. The purpose of this Executive Order is “to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens.”

Section 4 of the Executive Order requires each Regional Fishery Management Council to submit, within 180 days of the date of this order, a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries, including a proposal for initiating each recommended action within 1 year of the date of this order. Recommendations must be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws. The Council’s list of recommendations is due to NOAA Fisheries on November 2, 2020.

Council staff have solicited public input on potential changes to regulations, orders, guidance documents, or other similar actions that could reduce burdens on domestic fishing and/or increase fishery production. Staff have similarly requested input from Council members. Comments are being collected via email and an online comment form through August 5 and will then be compiled and posted as a supplemental document on the August meeting page. During the Executive Director’s Report, the Council will review comments received and provide additional input and direction to staff.

Enclosed behind this memo are several supporting documents for Council consideration:

- Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth – Section 4
- Guidance for Councils Response to E.O. 13921 Section 4 (provided by NOAA Fisheries)
- E.O. 13921 Recommended Action Template (provided by NOAA Fisheries)

*The following is an excerpt from the Executive Order on Promoting American Seafood Competitiveness and Economic Growth. To view the full Executive Order, visit <https://www.federalregister.gov/documents/2020/05/12/2020-10315/promoting-american-seafood-competitiveness-and-economic-growth>.*

**Sec. 4. Removing Barriers to American Fishing.** (a) The Secretary of Commerce shall request each Regional Fishery Management Council to submit, within 180 days of the date of this order, a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries, including a proposal for initiating each recommended action within 1 year of the date of this order.

(i) Recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions.

(ii) Recommended actions shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.); and other applicable laws.

(iii) Consistent with section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(f)), and within existing appropriations, the Secretary of Commerce shall provide administrative and technical support to the Regional Fishery Management Councils to carry out this subsection.

(b) The Secretary of Commerce shall review and, as appropriate and to the extent permitted by law, update the Department of Commerce's contribution to the Unified Regulatory Agenda based on an evaluation of the lists received pursuant to subsection (a) of this section.

(c) the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality a report evaluating the recommendations described in subsection (a) of this section and describing any actions taken to implement those recommendations. This report shall be updated annually for the following 2 years.

## Guidance for Councils Response to E.O. 13921 Section 4

In response to [Executive Order 13921](#), a formal request was sent to the Regional Fishery Management Councils for a prioritized list of recommended actions “to reduce burdens on domestic fishing and to increase production within sustainable fisheries” by November 2, 2020, as required under Section 4 of the order. To provide further details and instructions for submissions, this document spells out guidance for Councils in formatting their responses.

Examples have been provided in the attached template table *EO13921 Recommended Actions Template* to provide a framework for responding to the request. Please develop your prioritized list and send a copy of the completed table (one response per Council) by email to [Kelly Denit](#) and copy [Morgan Corey](#), Office of Sustainable Fisheries. To facilitate tracking recommended actions, please provide the following information in your response:

Indicate the **priority number** relative to other proposed actions in order of preference, with 1 being the highest priority, and assign a unique priority number to each proposed action (i.e., only one action assigned to priority 1, 2, 3, etc.). If possible, consider bundling actions by FMP or by fishery before prioritizing.

Classify the recommended action(s) type as a Regulation, Order, Guidance, or Other Similar Agency Action using the dropdown list.

Identify the relevant Code of Federal Regulations (CFR) Citation under Title 50, if applicable (CFR information [here](#)).

Describe the recommended action, including current regulation implications and issues that could be addressed by taking the action(s).

Explain **how** the recommended action(s) reduces burdens on domestic fishing and/or increases production within sustainable fisheries. Be as specific as possible (qualitative information is enough) to detail the anticipated effects (social, economic, biological) of taking the action(s).

Outline a proposal for initiating each recommended action, including the current status of discussions, steps to be taken, expected timeline for Council discussion and decisions.

E.O. 13921 Recommended Action Template – *Provided by NOAA Fisheries on 7/16/20*

Council(s)	Priority Number	Action type (e.g. Changes to Regulations, Orders, Guidance Documents, Other Similar Agency Actions)	Relevant CFR Citation under Title 50 (if applicable)	Description of recommended action(s)	Rationale of how the recommended action(s) reduces burdens on domestic fishing and increases production within sustainable fisheries	Proposal for initiating each recommended action(s) within 1 year of the date of this order (i.e., by May 7, 2021)
Example - XFMC	1	Regulation	50 CFR 622	This regulation would modify provisions for Fish A vessels transiting through cold weather closed areas with Fish A on board in federal waters. The proposed action would allow trawl doors in the rack (cradle), nets in the rigging and tied down, and trawl net on the deck during transit. Currently, Fish A vessels transiting cold weather closed areas with Fish A on board are required to stow a trawl net with a mesh size of less than 4 inches below deck. Fishermen have requested a change to these transit provisions as vessel design changes have limited access to below deck storage, the need to disassemble the trawl gear prior to stowing nets below deck in rough conditions is a safety at sea concern, and some fishermen have avoided transiting the closed areas entirely.	Because of safety at sea concerns caused by shoals in state waters off State B, federally permitted Fish A vessels from states north of State B that operate off of State B during cold weather closures, but have been unable to store fishing gear according to the current transit regulations, have been forced to land their catch in State B rather than at their homeport. The proposed changes would make it easier for these vessels to comply with the gear stowage requirements and, as a result, more easily return to their homeport with Fish A on board. Also, the proposed changes were recommended by the Council's Law Enforcement Advisory Panel, who indicated these changes would make it easier for enforcement officers to see if Fish A fishermen are complying with the transit provisions. As such, the burden on law enforcement officers would also be effectively reduced.	Rulemaking requested by Gulf Council at their June meeting. Proposed rule anticipated to publish by October 2020.
Example - XFMC	2	Guidance Document	n/a	Revise guidance document to increase process efficiencies.	Removing unnecessary time lags in the process may reduce start up cost for the producers as well as may allow facilities to more easily start production.	Plan to engage in discussion with NMFS on possible revision to timing and text at January 2021 Council meeting.