



Executive Order 13921 Public Comments

August 2020 Council Meeting

The Council received the following submissions in response to a [request for public input](#) on Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth.

Comment Letters:

- Letter submitted by Jeff Kaelin on behalf of Jeff Reichle, Lund's Fisheries, Inc., Meghan Lapp, Seafreeze Ltd. and Seafreeze Shoreside, and Ryan Clark, The Town Dock
- Letter submitted by Melba Milak, Executive Secretary of North Carolina Watermen United
- Letter submitted by Mike Waine, Executive Director of the American Sportfishing Association (Note: full ASA letter with Appendix A and B is available here: <https://www.mafmc.org/s/ASA-ltr-on-EO13921-to-MAFMC.pdf>)

Comments submitted via email and online comment form (beginning on page 16):

- William Bartlett
- Chris McCaffity
- Dean Pesante
- David Dow
- Ronald A Smith
- Beverly Lynch
- Harvey Yenkinson (Two Submissions)
- Kevin Wark
- George Topping
- Eric Raynor
- Stephen J. Bernardo
- James Carmody
- CARL BENSON (Two Submissions)
- Donna Lanzetta
- John Wybranski
- Roman Dudus
- James Fletcher
- Jean Public

Jeff Kaelin

Role:

Commercial Fishing Industry (Captain, Crew, Shoreside Processor, etc.)

Comments:

Thank you for the opportunity to forward the attached letter, from Jeff Reichle, Lund's Fisheries, Inc., Meghan Lapp, Seafreeze Ltd. and Seafreeze Shoreside, and Ryan Clark, The Town Dock, regarding USFWS import/export regulations for shellfish and fishery products harming U.S. seafood companies, with specific, negative impacts on U.S. squid producers.

Although these regulations do not pertain to a MAFMC FMP, or other NMFS/NOAA regulatory restrictions, we believe the goal of eliminating these restrictions are compatible with EO 1391's intent to reduce burdens on domestic fishing and to increase production within sustainable fisheries.

We appreciate the Council's consideration of this important, timely and somewhat complex issue, as part of your submission in response to the Executive Order.

*** see letter on following page ***

July 28, 2020
Dr. Chris Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901

RE: Request for Inclusion of a Squid Species Exemption from Duplicative and Burdensome USFWS Regulations, in the Council's Identification of Important Regulatory Reforms Pursuant to Executive Order (EO) 13921 Promoting American Seafood Competitiveness and Economic Growth

Dear Dr. Moore:

We learned during the May 27-28 meeting of the Regional Fishery Management Councils' Council Coordinating Committee we first heard that the National Marine Fisheries Service (NMFS) will be surveying the Councils to gather ideas to reduce regulatory barriers negatively affecting American seafood competitiveness, consistent with EO 13921.

After listening to your report on the EO to the Council last month, and receiving your recent EO Comment Form announcement, we understand that the Council is now actively soliciting ideas. We were pleased to hear your response to Council Member Dewey Hemilright's question about the possibility of HMS ideas being solicited, even though those regulatory constraints lie outside the Council's immediate jurisdiction.

With this in mind, we are asking the Council to support recommending to NMFS the reform of a U.S. Fish & Wildlife Service (USFWS) Loligo and Illex squid fishery regulatory issue, which is having serious negative economic and competitive effects on our businesses. The issue is directly related to the inclusion of squid fishery products in a USFWS inspection and user fee system established for monitoring the import and export of certain types of protected wildlife products (at 50 CFR 14).

NMFS has taken a position in opposition to the USFWS' justification for including U.S.-produced squid species as part of these program in the past, including most recently in Congressional testimony in 2016. Encouraging NMFS and USFWS to reform this program will not require any changes to the Council's Mackerel, Squid, Butterfish Fishery Management Plan (MSB FMP).

These USFWS policies and regulations require squid producers to ship U.S. squid only from designated ports, and pay duplicative inspection fees, paperwork fees, and license fees; all leading to higher costs for our goods and delays in the shipment of our perishable seafood products year-round.

The USFWS regulations in question are intended to apply to small shipments of wildlife species of concern, to prevent abuse through the unauthorized trade in protected animals. This program should have nothing to do with the legitimate commercial production and distribution of US seafood, including squid. Virtually all other US commercial fishery products are exempt from this program and these rules.

We fully recognize this issue has joint agency ramifications and that NOAA/NMFS may not have the direct authority to force a sister agency to adjust their regulations. However, NOAA officials have been clear that the new EO does give the Agency the authority to make recommendations on cross-cutting issues that impact NOAA's commercial fishing industry stakeholders. This issue of duplicative squid inspections, within the exclusive jurisdiction of the USFWS, is an example of where we need Council and NOAA assistance in making this recommendation for reform to the Administration.

The USFWS's current policy and associated regulations, which include squid products in an import/export monitoring program created to protect rare and endangered wildlife, negatively impacts small U.S.-owned businesses, and renders U.S.-produced squid less competitive in international markets, thereby exacerbating the annual \$16B seafood trade deficit (much of it with China and other Asian countries). These requirements provide zero environmental conservation benefit for U.S. interests. Furthermore, the USFWS's role in seafood inspection is redundant and provides no benefit to our fishing companies or U.S. consumers.

Our repeated requests to the USFWS to exempt squid as either a shellfish (i.e. mollusk) or a fishery product, and to provide relief to all our U.S. domestic squid fisheries, have long been ignored. The USFWS has clear authority to grant exemptions for shellfish and fishery products, and has done so for virtually all other seafood, but has refused to do so in the case of squid.

The Agency has never given a justifiable reason for their position other than to say they can interpret the statute and form policy decisions in any manner they so choose (and require fees to be paid to support those decisions). The FWS has likewise ignored comments from NMFS in the past, as described above, attempting to correct the USFWS's false assumption that squid does not meet their definition of 'shellfish' or 'fishery product'.

Now, the MAFMC working with NOAA/NMFS and the Administration has an excellent opportunity to make a substantial difference for our industry, consistent with the intent of EO 13931, by pressing the USFWS to make a logical and reasonable change to their inspection and user fee system by exempting U.S. squid products from it.

We believe our request for an exemption from this system, through an EO 13921 lens, is warranted in order to eliminate the significant negative impacts of the overregulation of harmless edible shellfish and fishery products and redundant seafood inspection requirements imposed by the USFWS. In our opinion, the USFWS has placed an unnecessary economic and regulatory burden on numerous small U.S. businesses for no justifiable benefit, environmental or otherwise.

Fishing Industry Request to the MAFMC

We believe the MAFMC should recommend to NOAA/NMFS and to the Administration that the USFWS revise its wildlife import/export rules (See 73 FR 74615 and 50 CFR Parts 10-14), to exempt U.S. squid species pursuant to the President's Executive Order.

Clearly, these harmless food products should be defined correctly either as "shellfish" or "fishery products" (or both) and thus exempted from the system at 50 CFR Parts 10-14. U.S. east coast

squid *fisheries* are managed by the MAFMC/NMFS under the MSA, our nation's premier *fisheries* management law, as components of federal *fisheries* management plans. California's squid *fishery* is also actively managed, by the CA Dept. of *Fish* and Wildlife. Thus, the Administration should amend this FWS policy and properly define squid as a "*fishery* product" and require the USFWS provide an exemption from the wildlife inspection user fee system.

A Brief Chronology of the Issue

Prior to the Final Rule of December 2008, U.S. squid seafood products were exempt from these USFWS requirements and inspection fees. During the 2008 rulemaking process the USFWS received comments from the commercial fishing industry and NMFS, both of whom opposed the USFWS' definition of "shellfish" as inconsistent with that of NMFS and the United Nations Food and Agriculture Organization (FAO). Frankly, all the evidence we have indicates that squid are considered to be *both* mollusks and fishery products by scientists including the lead federal agency responsible for managing fisheries and seafood resources, in fact by pretty much everyone except the USFWS.

At that time the NMFS requested the USFWS revise its definition of shellfish to include squid to be consistent with that of NMFS, the lead federal fisheries management agency; which could have provided relief to our industry in terms of an exemption from the USFWS inspection fee system (e.g. permissible for certain shellfish & fishery products). In the end, the USFWS did not agree with NMFS; did not alter its erroneous definition of shellfish; nor did it choose to consider squid products to be fishery products.

There is additional history here for the MAFMC to consider. In 2008 Congressman Henry Brown (R-SC), at that time the Ranking Member on the House Natural Resources Committee, Subcommittee on Fisheries, Wildlife and Oceans, submitted comments to the USFWS calling into question the lack of justification for the Agency to engage in seafood inspection by revising their import/export license requirements at 50 CFR 14.

It was not until 2012-13 that the Obama Administration began to aggressively enforce these regulations, due in part to what appears to be an effort by the USFWS to offset the fiscal impacts of budget sequestration at that time.

In October 2014, the House Natural Resources Chairman Doc Hastings (R-WA) raised similar issues in a letter to then Interior Secretary Sally Jewel, to which he received a rather lukewarm response (on December 22, 2014), essentially indicating the USFWS was entirely comfortable with their interpretation of the definition of shellfish and their enforcement of the 2008 Final Rule.

On January 22, 2016, the House Natural Resources Subcommittee on Water, Power and Oceans held a hearing on the USFWS licensing requirements. The Subcommittee heard testimony from NOAA/NMFS officials that our domestic squid fisheries were healthy, sustainably-managed seafood products that were not a threat to the environment; while the USFWS representative, Mr. William Woody, stated the agency has broad authority to interpret the definition of shellfish and fishery products in any manner they choose.

On June 22, 2017, three coastal Republican Members of Congress sent a joint letter to then Secretary Zinke requesting a review of the USFWS regulations and an exemption from the current user fee system regime. To date, we have not seen any helpful signs from the Agency. We believe both the President's EO 13771 and EO 13921 provide a legitimate and consistent opportunity for the Federal Government to reexamine this situation. We appreciate the possibility that the Council could now provide us with an opportunity to regain momentum on this issue by including it in your response to the NMFS' solicitation of issues negatively affecting American seafood competitiveness.

It is also important to recognize the Council's long-term efforts to develop measures to sustain the east coast squid fisheries, as part of the MSB FMP. Along with those efforts, our companies have been able to partner in the Marine Stewardship Council's (MSC) certification of our Atlantic Loligo and Illex squid products, which are in demand here, in Canada, Europe, and Asia.

The mission of the MSC is to use their ecolabel and fishery certification program to contribute to the health of the world's oceans by recognizing and rewarding sustainable fishing practices. By working with them, we can influence the choices people make when buying seafood and transform the world's seafood market to a sustainable future by offering top quality U.S. seafood products.

Clearly, MSC-certified squid products pose no threat to the environment despite the fact that the USFWS user fee and monitoring system treats them in a manner similar to a CITES, ESA, or Lacey Act-listed species of concern. These squid species (and products made thereof) are not listed as injurious under 50 CFR part 16; they are not ESA-listed or candidates for listing (part 17); nor are they a CITES species (part 23). These species are not considered to be aquatic invasive species nor are they a threat to the U.S. environment in any way -- so the justification for inclusion in the USFWS declaration process for fish and wildlife defies common sense.

The specific domestic fisheries being directly harmed by the USFWS' policy and associated regulations are these:

Atlantic Longfin/Loligo squid

Harvest season: Offshore September through mid-April; Inshore May through August

Available quota level: 50,555,887 lbs. (22,932 mt)

2017 Harvest level: 17,993,000 lbs. (8,162 mt); Value: \$23.4 million ex vessel

2018 Harvest level: 25,588,130 lbs. (11,588 mt); Value: \$38 million ex vessel

2019 Harvest level: 27,213,341 lbs. (12,242 mt); Value: \$39 million ex vessel

Atlantic Shortfin/Illex squid

Harvest season: May through October

Available quota: 50,518,927 lbs. (26,000 mt)

2017 Harvest level: 49,612,500 lbs. (22,500 mt); Value: \$22.5 million ex vessel

2018 Harvest level: 53,177,989 lbs. (24,117 mt); Value: \$23.6 million ex vessel

2019 Harvest level: 54,729,757 lbs. (24,825 mt); Value: \$28 million ex vessel

California Market / Loligo squid

Harvest season: April 1 through March 31, or attainment of 118,000 short ton harvest limit

2017 Harvest level: 137,671,129 lbs. (62,446.57 mt); Value \$68,726,265 ex vessel

2018 Harvest level: 73,145,367 lbs. (33,178.5 mt); Value: \$35,767,673 ex vessel

2019 Landings: 27,198,474 lbs. (12,337.14 mt); Value: \$13,434,163 ex vessel

Monitoring/Inspections of Squid Fisheries, Processing and Trade

As referenced above, U.S. squid fisheries are carefully managed and closely monitored in their respective regions by the federal government via the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and through the Secretary of Commerce pursuant to his authorities over NOAA and NMFS. In addition to monitoring by the federal government, California's squid fishery is actively managed by the California Department of Fish and Wildlife.

These fisheries are sustainably managed, they are not being overfished and overfishing is not occurring. In fact, the Atlantic Longfin squid fishery was the first squid fishery in the world to secure MSC certification, on May 22, 2018, and the Atlantic Shortfin (Illex) squid fishery was subsequently certified as MSC-sustainable on May 2, 2019. These certifications by a nongovernmental third-party is further evidence these fisheries are well-managed and not a threat to the marine ecosystem or U.S. commerce and thus should not require redundant USFWS oversight.

Squid are harvested by trawl (Atlantic) and purse seine (Pacific) gear on U.S.-owned/operated commercial fishing vessels on trips of short duration (e.g. typically 1 to 4 days; all within the U.S. EEZ). The vessels are subject to U.S. Coast Guard inspection and on-the-water federal observer coverage requirements by NOAA staff and contractors, in addition to compliance with the NOAA/NMFS Office of Law Enforcement (OLE).

Product quality is commonly maintained at-sea through the use of refrigerated sea water systems. The harvest is offloaded at shore-side plants in any number of coastal States (including but not limited to Massachusetts, Rhode Island, New Jersey, Virginia and California). There, product is subject to further processing under additional laws and chain of custody protocols.

Once the fresh squid are delivered to shore-side plants, for product not destined for the fresh market, it is processed/cleaned/packed/frozen for human consumption in both domestic and export markets. Market conditions vary by year and squid products are regularly imported and exported by U.S. companies, but the majority of U.S squid being harvested and processed today (approximately 65%) is destined for export markets.

In addition to vessel monitoring requirements; squid processing plants are subject to site inspections by the Department of Commerce and the Food & Drug Administration (FDA) as well as the CA Department of Fish and Wildlife, State Sanitation Departments, Bureau of Weights and Measures (scales) and even the local Fire Department. Squid processing plants are also required to meet comprehensive Hazard Analysis Critical Control Point ("HACCP") food safety requirements.

In sum, the fishery production process for squid is already monitored by federal and state governments and the products are of high quality, therefore seafood inspection by the USFWS is costly overkill and frequently threatens the timely and safe delivery of a highly-perishable product to our customers.

On the trade monitoring side, squid export shipments are tracked by the U.S. Department of Commerce (USDOC). Frozen squid are lot inspected by the USDOC. This also enables USDOC to issue health certificates required by non-EU Countries. Import documentation is checked by the FDA and U.S. Customs Service. Shipments are periodically flagged and inspected by the FDA. There is no need for additional USFWS oversight.

Added Cost of USFWS Oversight and the U.S. Seafood Trade Deficit

Squid are generally considered to be a higher volume, lower value product so any fees associated with USFWS policies and regulations add layers of costs that make U.S. products more expensive to produce and thus less competitive in the international market. This undermines U.S. trade policy and increases our trade deficit, especially with China and Japan.

Further, the FWS's limiting of the ports which can be used for squid exporting (to conduct duplicative inspections of shipments already inspected by USDOC) prevents companies from getting the best freight rates, further negatively impacting US product competitiveness abroad.

There are hundreds of import/export shipments, consisting of thousands of containers in the aggregate, of U.S. squid products each year, originating on both the East and West coasts. Collectively, the U.S. companies moving these shipments are subject to many tens of thousands of dollars of additive fees courtesy of the USFWS and for no environmental or economic benefit to the U.S. All the costs noted below must be added to the costs that U.S. squid producers must pay to export their products overseas while they attempt to successfully compete in international markets.

Furthermore, we understand there is growing interest among some U.S. companies to export fresh squid products, particularly to Canada, but they are unable to develop these additional business opportunities due to the overly burdensome USFWS regulations and cost of the fee system. In a very real sense, the USFWS is also harming the development of new U.S. products for export markets.

These fees should also be considered in the context of squid container shipments which range in the size of 35,000 pounds to 55,000 pounds (per container) with values ranging from \$25,000 to \$150,000 (depending on the species and market grade). As such, the size of these shipments far exceeds the Agency's current exemption for "trade in small volumes of low-value non-federally protected wildlife parts and products" which requires wildlife shipments where the quantity in each shipment of wildlife parts or products is 25 or fewer and the total value of each wildlife shipment is \$5,000 or less.

- Every U.S. company exporting/importing squid must secure a USFWS license at a cost of \$100.

- There is a \$93 USFWS base inspection rate for EACH squid shipment leaving/entering the U.S.
- In addition, there is a \$53 per hour overtime (OT) fee that companies may be required to pay the USFWS. This is particularly impactful on some West coast companies where approximately 90% of shipments are loaded on a Thursday/Friday and sail on the following Sunday/Monday. This may lead to thousands of dollars in OT payments to the federal government for a redundant layer of seafood inspection.
- The USFWS allows U.S. companies to only ship squid through designated ports. Any shipments not going through a port on the official list are subject to an added “non-designated port inspection fee” of \$146 per shipment. There are also FWS time requirements for advance notice and any inspection delays may also negatively impact the buyer process under rapidly changing market conditions.
- These U.S. companies must also pay staff time and hire freight firms to manage the USFWS paperwork requirements.

We thank you for this opportunity to seek the Council’s support for including a recommendation to the Administration to exempt squid species from the USFWS wildlife import/export requirements, in response to the opportunities provided to U.S. seafood producers by EO 13921. We truly appreciate your consideration of our request. Please do not hesitate to contact any of us for additional information.

Respectfully submitted,

Jeff Reichle

Jeffrey B. Reichle
Chairman
Lund’s Fisheries, Inc.

Meghan Lapp

Meghan Lapp
Fisheries Liaison, Gen Mgr.
Seafreeze, Ltd, Seafreeze Shoreside

Ryan Clark

Ryan G. Clark
President & CEO
The Town Dock

Attachment: *The following memo summarizing this issue, and a copy of this letter, were provided to Interior Secretary Bernhardt at a Roundtable Discussion in Boston, July 21, 2020.*

USFWS IMPORT/EXPORT REGULATIONS FOR SHELLFISH & FISHERY PRODUCTS ARE HARMING U.S. SEAFOOD COMPANIES

The USFWS regulates the trade of shellfish and fishery products under the wildlife laws enforced by the Agency at 50 CFR 14. The Agency provides exemptions from these import/export regulations for certain shellfish and non-living fishery products if they are for human or animal consumption and the species is not listed as injurious under the Lacey Act (50 CFR Part 16), does not require a permit under the Endangered Species Act (50 CRF Part 17), or is not listed under CITES (50 CFR 23).

The USFWS has the authority to determine whether a species meets the definition of “shellfish or fishery product” in the context of these regulations and provide exemptions for such products. Despite these possible exemptions -- the Agency continues to apply costly and unworkable import/export requirements on U.S. edible squid products. The products are not ESA/CITES-listed, are not considered injurious, and pose no threat to the environment. They are fishery products intended for human consumption, plain and simple.

On December 9, 2008 the USFWS published a final rule (73 FR 74615) to revise subpart I – Import/Export Licenses of 50 CFR14 to clarify license and fee requirements and revise statutory exemptions. The U.S. commercial fishing industry and NOAA/NMFS had commented on the proposed changes with respect to the inclusion of shipments of squid products. Both the fishing industry and NOAA/NMFS questioned the USFWS interpretation of the definition of “shellfish” (i.e. aquatic invertebrates with a shell) and noted the USFWS inconsistencies with FAO’s inclusion of squid species in the class Cephalopoda as shellfish. In the final rule the USFWS agreed the organisms were indeed mollusks but chose not to consider them to be aquatic invertebrates with a shell as per the existing USFWS definition of shellfish.

Furthermore, the Agency has refused to consider (and exempt) squid products as “fishery products”, a policy decision that defies logic. Thus, the USFWS is treating edible domestic frozen squid for human consumption exactly as they treat Lacey Act-listed injurious and invasive zebra mussels and Chinese mitten crabs, CITES-listed paddlefish and queen conch, ESA-listed fresh water mussels, and fertilized salmonid & trout eggs.

Based on questionable interpretations of “shellfish and fishery products” the USFWS continues to charge individual U.S. seafood companies tens of thousands of dollars each year in license fees, employee paperwork time, fines, storage, delays and travel/overtime for Agency employees to overregulate a harmless U.S. seafood product.

Here is just one example of the USFWS flawed and burdensome system, there are many. The Agency requires at least a 48-hour notice prior to an export shipment but will not clear a shipment until it gets close to the export date. Companies that have provided the Agency with as much as a 10-day advance notice do not see their export clearances until after the “port cut” – the last day a company can deliver a full container to the terminal in order to load the vessel that has been booked for the delivery. If a company misses a port cut they are paying \$500-600 per day until the container boards the next vessel (about 9 days). Terminals are typically open for receiving just 2-3 days prior to the port cut and there is just a 3-4 day window to deliver loaded containers. If a company must wait for Agency clearance to begin the loading process they will miss every shipment because the Agency cannot provide timely approvals until after the port cut.

In addition, if the Agency rejects a container on the basis they want to inspect the contents they require a company to deliver the loaded container to a bonded warehouse at the company’s expense. Timing is critical when we are delivering refrigerated cargo due to its perishable nature. The Agency process is last minute and structured in a way that makes it impossible to load the vessel as customers require which can also result in added costs per container. Here are a few of the costs enumerated below --

Carrier detention: \$300/day for 9 days. \$2700
Chassis use: \$35/day for 9 days. \$315
Storage at trucker’s yard: \$150/day for 9 days. \$1350
Rolled booking charge: \$500

Trucking to Bonded Cold Storage: \$1200

Last Minute Appointment at Bonded Cold Storage: \$1000

Squid are generally considered to be a higher volume, lower value product so any fees associated with USFWS policies and regulations add layers of costs that make U.S. products more expensive to produce and thus less competitive in the international market. This undermines U.S. trade policy and our trade deficit, especially with China and Japan.

Further, the Agency's limiting of the ports which can be used for squid exporting (to conduct duplicative inspections of shipments already inspected by USDOC) may prevent companies from getting the best freight rates, further negatively impacting US product competitiveness abroad.

There are hundreds of import/export shipments, consisting of thousands of containers in the aggregate, of U.S. squid products every year, originating on both the East and West coasts. Collectively, the U.S. companies moving these shipments are subject to many tens of thousands of dollars of additive fees courtesy of the USFWS and for no environmental or economic benefit to the U.S. All the costs of USFWS compliance must be added to the bottom line for U.S. squid producers to export their products overseas and to successfully compete in international markets.

In conclusion, we believe President Trump's recent Executive Order 13921 designed to remove unnecessary regulatory burden on the U.S. seafood industry and promote trade opportunities should be the tool by which the USFWS exempts domestic squid products from costly and unworkable inspections, licenses and user fees.

We also believe Congress did not intend for the USFWS to interject unscientific policy decisions into our national seafood inspection system, especially for shellfish and fishery products that are not a protected species and pose no threat to the environment.

The USFWS has no justifiable reason to treat U.S. squid products differently than other edible fishery products and should include squid products in the regulatory definition of "shellfish & fishery products" at 50 CFR-Chapter1-Subchapter B-Part 14.21(a)(1) and exempt these products from the inspections, licenses and user fees.

Prepared by: Rick Marks, ROMEA; rem@hsgblaw-dc.com (July 21, 2020)

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Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

July 31, 2020

To the Mid-Atlantic Council

The North Carolina Watermen United is sending these suggestions to reduce the burdens on our domestic fishing in response to President Trump's Executive Order, Section Four – To increase production of seafood and reduce burdens on fishermen, to be initiated within one year.

- Reverse the Saltonstall/Kennedy Act and impose tariffs on imported seafood.
- Adopt a Catch Per Unit (CPU) effort for ALL Regional Councils to present a valid number for landings. Certain fisheries (Southern flounder, bluefish, etc). have shortened seasons and severe catch limits now because the numbers of landings per year has decreased. Given that there are fewer numbers of fishermen than five years ago, the landings in pounds may be less, not because there are fewer fish but because fewer fishermen are targeting the species. Landings could also prove to be the same – or even more – based on percentages, and no restrictions or closures would need to be put in place.
- Conduct a Stock Assessment on Sea Turtles immediately. The closures and restrictions because of looggerhead and other sea turtles has affected our fishermen for years. North Carolina has had an Incidental Take Permit (ITP) that allows for a certain number of sea turtle “takes” before the fishery is closed since 2000. However, even with the ITP, there have been modifications in fishing - including mandatory attendance of gillnets, yardage limits and soak-time limits - and modifications to gear - including mesh size and turtle excluder devices. In the past 3 years, 270 Proclamations have been issued, many of them relevant to sea turtles that severely restrict or close areas to fishing. In the world, 42 countries are allowed to harvest all species of sea turtles for eating; 42,000 are harvested annually. We are not asking to harvest or eat sea turtles; we are asking for an easing of the regulations regarding sea turtles to allow fishermen to continue to fish in areas and not be punished because of sea turtle presence.
- Restructure ALL Regional Councils to include the same number of Members for all Sectors of fishermen – Commercial, Charter/Headboat and Recreational.
- Create a Standardized Reporting Form used by ALL Regional Councils. It is confusing and time-consuming for the fishermen in states that fish in more than one area, for example, North Carolina participates in both the Mid-Atlantic and South Atlantic fisheries; Florida in both South Atlantic and the Gulf Regions.

- Have all Fishery Management Plans in ALL Regional Councils based on Science that are Peer-Reviewed.
- Provide federal funding to build new dredges that will be available to service inlets and ports that are prone to shoaling without regular, proper maintenance. For example, Oregon Inlet, Hatteras Inlet and Ocracoke Inlet – all in North Carolina, all part of a National Seashore – have become extremely dangerous for all commercial harvesters, all charter/headboat operators AND their passengers and recreational fishermen who might come for the weekend from far inland, from both in-state and out-state, without any local knowledge of the current conditions. The conditions for getting immediate help becomes a nightmare of meeting and more meetings of
 - Federal personnel – the Coast Guard, the Army Corps of Engineers, the National Park Service
 - State personnel – Departments of Transportation, Ferry Divisions
 - Local personnel – County Boards of Commissioners and fishermen
- Do not impose restrictions on fisheries early in the season (June, July) to “save” quota for fishing later in the calendar year; North Carolina has had major impacts from hurricanes, usually by September (2016, Matthew; 2018, Florence; 2019, Dorian, and as we write this, Hurricane Isaias is forecast to reach the NC coast by August 2, 2020) that cause “natural” stoppages of fishing for days or even weeks.

NCWU appreciates the courtesy of responding to the question of “easing burdens” on fishermen to help provide more fresh, local wild-caught seafood for our country.

Yours truly,

Perry Wood Beasley

Perry Wood Beasley
 President, NCWU
 252-706-0184

Board of Directors

Andrew Berry	Billy Maxwell
Capt Sonny Davis	Greg Mayer
Ernie Doshier	Jamie Reibel
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c:c: Director Michael Regan, DEQ
 Deputy Director, John Nicholson DEQ
 Congressman Greg Murphy, US House
 Senators Richard Burr and Thom Tillis, US Senate



August 4, 2020

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore,

The American Sportfishing Association (ASA) appreciates the opportunity to provide comments to the Mid-Atlantic Fishery Management Council regarding recommended actions to reduce burden on domestic fishing and to increase production within sustainable fisheries. Our comments are consistent with the Executive Order on Promoting American Seafood Competitiveness and Economic Growth.

ASA is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which results in a \$125 billion per year impact on the nation's economy.

Addressing Uncertainty with MRIP

ASA continues to express concern with using the recalibrated MRIP data for management use without further consideration and validation. We understand the new MRIP data represents "best available science" for estimating catch and effort data in recreational fisheries, however, more verification is needed to confirm the results are realistic. Several state agencies and stakeholders have expressed concerns with the plausibility of the new MRIP estimates and those concerns should be addressed before continuing to implement management changes based on these data.

The new MRIP estimates have created significant burden and strain on the fisheries management process. Several species managed by the MAFMC are currently undergoing rushed commercial/recreational allocation amendments to try to address uneven harvest limits created by the inclusion of the new MRIP data into the management process. The outcome of these amendments is unlikely to fix the management challenges created by the including of the new MRIP data.

We recommend further exploration of electronic reporting (e.g., through smartphone apps) and other alternative data sources to improve and or validate the MRIP data program. We also recommend further exploration of validation studies like the MAFMC's inlet video monitoring of recreational effort in Ocean City, Maryland. Addressing data quality issues in the recreational fishery will help bring more economic stability to the entire fishery

Recreational Management Reform

Considering the uncertainty that continues to be an inherent concern with using MRIP data for management, ASA and other groups in the sportfishing and boating industry, submitted a

AMERICAN SPORTFISHING ASSOCIATION

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recreational management reform approach as part of scoping for the allocation amendments currently under consideration at the MAFMC. The approach suggests the use of a harvest control rule that bases allocation on management measures instead of pound-based quotas for the recreational fishery (see Appendix A). We support further development of that harvest control rule because it aims to reduce regulatory burden and bring more economic stability to the fishery.

Similarly, we also recommend further development of all the alternative management approaches currently being explored in the MAFMC's recreational management reform initiative. These objectives are described in the recreational management reform steering committee document dated April 27, 2020 (see Appendix B) and include the following objectives,

- (1) Better incorporate uncertainty in the MRIP data into the management process
- (2) Develop guidelines for maintaining status quo measures
- (3) Develop process for setting multi-year recreational management measures
- (4) Consider improvements to the process used to make changes to state and federal recreational management measures
- (5) Consider making recommendation for federal waters recreational management measures earlier in the year

Thank you for considering our recommendations and we look forward to continuing our work with you to help bring recreational management reform to the Mid-Atlantic fisheries.

Sincerely,



Michael Waine
Atlantic Fisheries Policy Director
American Sportfishing Association

William Bartlett

Role:

Private Angler

Comments:

Bring back the menhaden to past levels.

Chris McCaffity

Role:

General Public

Comments:

Regionally stocking larval-stage native seafood that can naturally reproduce would benefit everyone and the resource. This would promote food security for consumers while helping local fishermen generate new revenue for our communities, states, and nation. Wise use of hatcheries is a much better way to produce more seafood than letting global corporations cage large concentrations of genetically sterilized or otherwise modified species in our public waters. Let's keep America's fish and fishermen wild and free!

Dean Pesante

Role:

Commercial Fishing Industry (Captain, Crew, Shoreside Processor, etc.)

Comments:

To the Mid-Atlantic Fishery Management Council,

My name is Dean Pesante. I am the owner/operator of the F/V Oceana, an inshore gillnet vessel based out of Point Judith, RI. I have been a commercial fisherman since 1984 and have owned my own boat since 1991.

The actions I recommend fisheries management councils take in order to reduce burdens on domestic fishing to increase production within sustainable fisheries are as follows:

First, please make absolutely sure the data and science being used to create laws and regulations are ACCURATE. Inaccurate stock assessments create many serious problems within fisheries and the fishing industry. A truly serious problem resulting from inaccurate stock assessments is the extremely high amount of regulatory discards, which completely waste resources without conservation benefit. In order

to make stock assessments more accurate, I recommend collaborating with commercial fishing industries and fishermen. It is essential that the commercial industry contributes to these assessments in order to ensure they are accurate. The current government trawl survey has proven to be inaccurate.

Secondly, adjustments to fishing regulations need to be made in a GRADUAL manner. Drastic and unanticipated quota reductions can severely cripple commercial fishermen and related businesses, and create financial hardship. Severe and unexpected reductions in quota have also eliminated certain fish in the marketplace, creating supply issues which have the potential to ruin established markets. These cuts are detrimental to sales of our local seafood products.

The most recent of these drastic and unexpected quota reductions is the 50% reduction in the commercial Bluefish quota. This cut in quota will severely and negatively impact many people who rely on this fishery, and create financial hardship. Another result of drastic quota reduction is an increase in regulatory discards which result in waste of the resource.

Gradual adjustments to fishing regulations are a more reasonable and sensible course of action than drastic and unexpected regulatory changes such as the recent Bluefish quota reductions. Having to endure drastic cuts is extremely difficult for all businesses, small and large.

In conclusion, please consider these recommendations when making management decisions.

Respectfully,

Dean Pesante

F/V Oceana

David Dow

Role:

General Public

Comments:

One problem constraining saltwater angling and commercial fishing on Cape Cod is loss of our working water front to non-water dependent uses. It might help avoiding this is NOAA Fisheries GARFO/NEFMC could share the Economic Multiplier Effect data on how rising benefits the coastal economy. The EME is the ratio direct/indirect/induced economic benefits to a county compared to the costs or investments. It is a standardized tool in natural resources economics and produced by by in reports from the Northeast Fisheries Science Center's Social Sciences Program.

Ronald A Smith

Role:

Private Angler, Other

Other Role:

I was in the comm. seafood industry for close to 30 years. I am now retired and a recreational fisherman and President of the Atlantic Coast Sportfishing Association.

Comments:

For years the US the World Bank have noted the anticipated shortage of proteins for the general mass. We are one of the richest countries yet we are close to being last when it comes to aquaculture. We have many old fishing towns that are closed or barely operating. Lesson the regulations on which investors must go thru to enhance the growth of this vast and varied industry. Farmed seafood can help reduce the constant over fishing which forces stake holders to have closures and changes in regulations for both the commercial and recreational fisheries.

Beverly Lynch

Role:

Commercial Fishing Industry (Captain, Crew, Shoreside Processor, etc.)

Comments:

Electronic reporting will be a burden for us. Like a guillotine hanging over our heads. My fisherman husband is attention deficient and does not know how to use a computer or I phone and has difficulty learning anything new. We also don't have reliable phone service. Please let some of us keep using paper forms.

Make any individual quotas permanent (including under states) so we won't worry that the government can take them away.

Encourage more American fish processing and freezing for groceries. Depending on a restaruant market has destroyed markets for sea bass and other species with these closures.

Need more flexibility and choice on every level.

Harvey Yenkinson (Two Submissions)

Role:

For-Hire Captain or Crew

Comments:

Council has chosen to regulate fisheries in pounds which works well for the commercial sector. In contrast the recreational sector works on numbers of fish, not pounds of fish. Anglers mostly gauge their results on how many fish they were able to harvest, not so much so on how big they are

Every time quotas aren't restricted by MSR, as the minimum size goes up, the numbers of harvestable fish goes down

To my knowledge there is nothing in Magnuson that precludes regulating recreational fisheries in this manner

Comments:

A problem completely unaddressed is regional fishery depletions caused by excessive fishing pressure

For an E-W migrating fish like summer flounder, excessive pressure in one region can cause stocks like this to deplete in regions where the marine environment would support the population.

While shifts in stocks like fluke to the north and East are usually blamed on global warming, this has not been shown as causative in the latest fluke stock assessment

The southern region of nj where I fish has seen a greatly diminished stock density compared to recent years. This year with a lack of commercial fishing, we are once again seeing a more healthy stock

Commercial fisheries are basically a "fish anywhere you want" policy, but excessive pressure in one area particularly during the fall and winter spawn, can deplete the individuals that would normally migrate inshore to a region

Our data let's us know what regions are fished the most heavily but we don't know, and need tagging studies to show us how fish from different offshore spawning areas will migrate inshore in the spring

We have historically seen regional loss of segments of populations of yellowtail flounder, herring , salmon due to excessive pressure on certain areas.

We really need to look at and perhaps regulate how fishing pressure is applied. Maryland and Virginia have seen their fluke population deplete. The southern half of nj was seeing the same

Kevin Wark

Role:

Commercial Fishing Industry (Captain, Crew, Shoreside Processor, etc.)

Comments:

To Whom it may concern, Thank you for the opportunity to make comment on the Executive Order to support American Seafood. I would start by saying that its not one particular regulation that has caused this problem that has been ramping up for quite a while for owner operators and we will soon find no replacements for the aging fisherman in the Mid Atlantic region.

In my opinion if we don't soon help the processors in our region with some of the domestic fish we have to reach the American public with a reasonably priced product that is not imported (Tilapia) and doesn't cost the consumers \$20.00 per pound, which displaces Americans with moderate income. Much Seafood is now for upper middle class income and the rich the people working normal jobs do not buy fresh fish they have been displaced out of the market.

Many Markets for fresh fish are slipping away in my lifetime, markets 30 years ago could handle lots of fresh fish, now the prices fall immediately with any real volume, much of this damage has been done over time completely closing some coastal fisheries that the infrastructure relied on and now with Covid the problems have really shown themselves. Many of the fish we have in the Mid Atlantic now must be shipped to New England for processing and the trucking cost are half the value which does not leave the boats enough.

One more subject I would like to touch on is the over burdensome observer program that has targeted the small boat owner operator fleet. After two decades of cooperation it has become apparent to all of us in Barnegat Light NJ that we don't matter and financially incentivized observer contractors are running wild with no oversight or accountability and the lack of respect for the captains word is shameful undermining all maritime history and the vessels should be paid to withstand this burden but soon they will have no dayboat vessels to observe be cause many of us have simply had enough.

Thanks for your time

Kevin W Wark

F/V DANA CHRISTINE II

George Topping

Role:

Commercial Fishing Industry (Captain, Crew, Shoreside Processor, etc.)

Comments:

The Executive Order #13449 written by President George W. Bush is out-dated. It was made to protect from over-fishing of red drum and stripped bass. Since the EO #13449 Commercial boats are equipped with tracking devises, they tag and report their catch and mostly they have quotas. Fishermen should not be stopped from fishing in Federal waters for these two species.

Also, it should be mandatory for Sport Fishermen to have the same equipment on their boats, i.e. tracking devises, tags, quotas, observers and a life boat. Sport fishermen need to be held accountable.

Eric Raynor

Role:

Private Angler

Comments:

85% of our fish is imported... this is wrong. We are buying seafood from parts of the world that do not regulate the fisheries. We need to take our own fish and eliminate the demand that the U.S. gives to the global market. I believe in the President and his actions to make America self sufficient.

We need to reduce the regulations that are sinking the American fisherman. Make the process to do business streamlined and simple. One party needs to regulate the fisheries. Do what is outlined in this executive order and we will all see the benefits by creating not only jobs but bring back multi generational family businesses. We need to encourage aquaculture because those involved will work the hardest to make our planet better.

Thank you for this opportunity - Eric

Stephen J. Bernardo

Role:

General Public

Comments:

Sirs, I remember, in the 1950's fishing for flounder and fluke in cold spring harbor. I didn't go fishing too often but I enjoyed being in the bay in my 16 ft. home made boat. My brother and I came home with some nice fish- it made our day. now, lucky if you catch one. Have we noticed there are so many

cormorants on every floating object and diving down to feast themselves on the small fish? The cormorant population has increased greatly, I've noticed since the 1950's. I think they are a serious problem as to why the bay fish are disappearing in our bays. We have to some how get rid of them. S.J.B.

James Carmody

Role:

General Public

Comments:

I believe we must clean the Hudson River so that it is once again a source for fishing. The abatement by G.E has not been enough to restore the aquatic system -- part of the CARES funds should be directed to eliminating all remaining PCB traces & restoring the fishery potential for New York's iconic river.

CARL BENSON (Two Submissions)

Role:

Commercial Fishing Industry (Captain, Crew, Shoreside Processor, etc.)

Comments:

issues that would benefit the commercial and rec? fishermen

1.. NO discards. In the commercial fishery the minimum size requirement discard mortality reduces the catch and provides no value to the fisherman. In the summer flounder fishery for EACH million pounds of discards, no financial benefit is obtained; if sold for \$1.00 per pound the fishermen would get an additional million dollars and still not exceed the harvest quota. There seems to be a market in ethnic communities for these smaller fish

The recreation sector could harvest and enjoy the protein that now is waste. With a properly crafted plan, this waste could be consumed and still not exceed the harvest quota.

2.. Vessel length and horsepower limitations based on initial fishery qualifications. With technology advances in hull design and engine performance, it may be impossible to obtain the maximum conditions for each fishery, within the regulations. Each fisherman should decide their best length and horsepower for themselves..

Comments:

Under NJ statutes, you may not mutilate a fish. Currently there is demand for summer flounder that is bled . A humane process to obtain the desired results is to spike the brain, so the fish is dead and then slit a gill or tail so that the blood runs out. This process should not be considered mutilating a fish.

Donna Lanzetta

Role:

Other

Other Role:

Not for Profit company advancing sustainable seafood production.

Comments:

On behalf of the Manna Ocean Foundation, the non profit 501(c)(3) corporation supporting sustainable production of U.S. Seafood, I urge you to support responsible development of ocean aquaculture. This includes farming finfish, seaweed and shellfish in Federal Waters. Your support and industry's responsible production of seafood in the ocean is necessary to battle climate change, to feed our growing population, to take pressures off wild stocks, and to educate the world regarding the science surrounding farming in the ocean.

U.S. seafood production must be supported by government funding to assist start ups working towards permitting farms in federal waters. I suggest such funding in the form of cost sharing to help with permitting, initial surveys, site analysis, NEPA assessments, biological assessments, fish health plans and baseline environmental surveys. Opportunity Zones, as suggested in the AQUAA Act, will help identify and facilitate sharing costs as this new industry develops.

In addition, the Manna Ocean Foundation suggests immediate funding of \$ 250,000. to enable roll out of the U.S. Farmed Seafood Organic Certification Program (Certified to the Canadian Standards).

Lastly, the Manna Ocean Foundations respectfully requests the sum of \$ 750,000. to launch the MANNA SEAFOOD BLOCKCHAIN (powered by IBM). This Seafood Block Chain program will be open to farmed and wild producers, and will be integral to build Trust in U.S. Seafood, thereby promoting sales of our domestic seafood product. Working with IBM, the Manna Ocean Foundation will launch and Administer this much needed Seafood Blockchain program. This request is based on the budget and plan as developed by Manna Ocean Foundation and IBM.

As to the above listed suggestions, Manna Ocean Foundation welcomes the opportunity to provide further details, budgets and justification. Thank you.

Donna Lanzetta

Director, Manna Ocean Foundation

22 Inlet Road West, Hampton Bays, New York 11946

631.653.9200

John Wybranski

Role:

Private Angler

Comments:

- 1) More focus on Mortality rates with protections for breeding class fish. I have seen throwback of flounder that would certainly not survive. Rethink size limits with keeping those caught. For Bass a minimum and maximum size limit to better protect breeding class fish. Always a focus on forage fish to support gains in stock.
- 2) Potentially for certain species the use of barbless hooks for safer release of under or overs. Along with greater use of circle hooks.
- 3) Significant focus on clean artificial reefs along coast where it makes sense.
- 4) A focus on pollutions from ground and inland sources... including lawn fertilizers that are close to watershed areas.
- 5) More enforcement of regulations for commercial and recreational fishing without excessive bureaucracy that wastes financial resources

Roman Dudus

Role:

Private Angler

Comments:

We need to stop selling our seafood overseas and keep it in this country. For example giant bluefin tuna, lobsters and king crab are pretty much destined for overseas. Lobsters are disappearing and so are giant bluefin tuna.

James Fletcher

Subject:Council discussion Executive order discussion

Date:Thu, 6 Aug 2020 10:22:01 -0400

From:James Fletcher <unfa34@gmail.com>

Reply-To:unfa34@gmail.com

To:Moore, Christopher <cmoore@mafmc.org>, Batsavage, Chris <chris.batsavage@ncdenr.gov>, Chris Kellogg <ckellogg@nefmc.org>

Recreational Boating & Fishing Foundation 13.1 million fish in salt water, in light of **EXECUTIVE ORDER** council discuss & justify recreational allocation of around 50% of most species when much of

recreational allocation result in dead discard. Justify not utilizing total length / retention of all catch. JUSTIFY 13.1 MILLION VS. 325 MILLION RESULTING IN 92% TO 93% IMPORTED SEAFOOD
DISCUSS mandatory electronic / cell phone reporting by all recreational fishing in EEZ USING BLUE FINA DATA APP {INVITE BLUE FIN DATA TO PARTICIPATE PLEASE!}

--
James Fletcher
United National Fisherman's Association
123 Apple Rd.
Manns Harbor, NC 27953
252-473-3287

Jean Public

From: Jean Public <jeanpublic1@yahoo.com>

Sent: Monday, August 3, 2020 4:53 PM

To: Mary Clark Sabo <msabo@mafmc.org>; info@peta.org; info@pewtrusts.org; information@sierraclub.org; humanelines@hsus.org

Subject: Fw: MAFMC Invites Public Input on Ways to Reduce Burdens on Domestic Fishing commetns on executive order

obviusly trump doesnt know that youa re alaready just about decimating the fish stocks and that if you keep taking more in 3 years there will be no fish in the sea. you are already allowiong huge fish catches. i am not in favor of trumps findings on this and believe that the environmental groups need to talk to trum pa nd explain that his order can mean we are completely out of fish in 3 years if we up more takings. the fish have a right to life too. and all of them belong to 330,000,00 americans. they really dont belong just to trump. this comment is for the public record. please receiptp. jeanpubliee jean pubilc1@yahoo.com