

August 25, 2025

Executive Order 14276: Restoring American Seafood Competitiveness**Input from the Council's Advisors**

As of August 15, 2025, the Council received 10 written submissions in response to a request for input from its advisors on EO 14276. See enclosed for Council staff emails to all advisors requesting input and submissions received from the advisors.

Submissions by Advisory Panel Members	
Advisory Panel	Count
Groundfish	0
Recreational	1
Scallop	4
Monkfish	0
Atlantic Herring	2
Habitat	2
Skates	0
Small-Mesh (Whiting)	1
Enforcement	1
Total	11

Submissions in Order Received	
Name	Advisory Panel
Meghan Lapp	Atlantic Herring
Leo Chomen	Recreational
Jay Elsner	Scallop
Tom Testaverde Jr.	Small-Mesh (Whiting)
Drew Minkiewicz	Habitat
Ron Smolowitz	Habitat
Kirk Larson	Scallop
Thomas Coley	Scallop
Tammy Silva	Atlantic Herring
Wes Brighton	Scallop
Bill Dunlap	Enforcement

Request for input from advisors on EO 14276 - due August 15, 2025

From Alex Dunn <adunn@nefmc.org>

Date Mon 7/21/2025 11:51 AM

Cc Jamie Cournane <jcournane@nefmc.org>; Cate O'Keefe <cokeefe@nefmc.org>

Dear Advisors,

NOAA Fisheries has tasked the New England Fishery Management Council (Council) with providing recommendations on how it will meet [Executive Order \(EO\) 14276, Restoring American Seafood Competitiveness](#). To fulfill this, the Council will submit a workplan with recommend actions to “reduce regulatory burdens” and “increase production in domestic fisheries.”

Action item:

To ensure the development of well-rounded and effective recommendations, the Council seeks input from its advisors. **Specifically, the Council requests your individual input on potential actions related to the fishery for which you serve as an advisor that address one or more of the EO’s stated goals:**

- reduce burdens on domestic fishing;
- increase production;
- stabilize markets;
- improve access;
- enhance economic profitability;
- prevent closures.

Council staff will collect and review your input and then distribute a draft workplan to the Council to help inform their final recommendations to NOAA Fisheries.

How to provide input:

Send your input directly to jcournane@nefmc.org with the subject line “Executive Order 14276 Input” no later than 11:59 p.m. EST on Friday, August 15, 2025.

Final Council recommendations:

The Council will review all input at its [September 2025 Council meeting](#) and develop a list of final recommendations and workplan.

For questions, please contact Dr. Jamie Cournane at jcournane@nefmc.org or (978) 465-0492 (ext. 103).

Timeline and Background

2025	
April 17	EO 14276, signed by President Trump, directs federal agencies to: “promote the productive harvest of our seafood resources; unburden our commercial fishermen from costly and inefficient regulation; combat illegal, unreported, and unregulated (IUU) fishing; and protect

	our seafood markets from the unfair trade practices of foreign nations.” Section 4 (i) of the order instructs the Secretary of Commerce to request each Regional Fishery Management Council provide updated recommendations, building on lists first developed in 2020 under EO 13921, <i>Promoting American Seafood Competitiveness and Economic Growth</i> (see the Council’s previous recommendations here). The order further indicates councils will commit to a work plan and an implementation schedule for its recommended actions.
June 24	Council receives update and workplan to solicit input
August 15	Input from advisors due to Council staff
September 4	Council’s Executive Committee reviews all input and develops recommendations for the Council
September 23-25	Council reviews Executive Committee recommendations and approves final list of actions for submission
September 30	Final Council recommendations due to NOAA

Deadline for EO 14276 input - August 15, 2025

From Alex Dunn <adunn@nefmc.org>

Date Fri 8/8/2025 8:00 AM

To AllAdvisors <AllAdvisors@NEFMC.ORG>

Cc Jamie Cournane <jcournane@nefmc.org>; Cate O'Keefe <cokeefe@nefmc.org>

Dear Advisors,

Thank you to everyone who has already submitted recommendations on how the New England Council can meet [Executive Order \(EO\) 14276](#), *Restoring American Seafood Competitiveness*.

If you have not submitted a recommendation, **there is still time**. We will accept submissions until 11:59 p.m. EST Friday, August 15, 2025.

As a reminder we are seeking your individual input on potential actions related to the fishery for which you serve as an advisor that address one or more of the EO's stated goals:

- reduce burdens on domestic fishing;
- increase production;
- stabilize markets;
- improve access;
- enhance economic profitability;
- prevent closures.

How to provide input:

Email your input directly to jcournane@nefmc.org with the subject line "Executive Order 14276 Input" no later than 11:59 p.m. EST on Friday, August 15, 2025.

For questions, please contact Dr. Jamie Cournane at jcournane@nefmc.org or (978) 465-0492 (ext. 103).

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100 Davisville Pier
North Kingstown, RI 02852

Dr. Cate O'Keefe, Executive Director
50 Water Street, Mill 2
Newburyport, MA 01950

Comments RE: Executive Order (EO) 14276, “Restoring American Seafood Competitiveness”

Dear Dr. O'Keefe,

Thank you for providing an opportunity for public comment regarding Executive Order 14276, an initiative we believe has the potential to benefit our industry and business. Below are our recommendations to the New England Fishery Management Council and Trump Administration for action pursuant to the objectives of this Order:

1. Northeast Canyons and Seamounts Marine National Monument:

In 2016, the Obama Administration issued Presidential Proclamation 9496, imposing the Northeast Canyons and Seamounts Marine Monument on historic and productive U.S. commercial fishing grounds, over protests from the fishing industry and U.S. fisheries management bodies. In March 2017, leadership from every federal Regional Fishery Management Council in the United States wrote to President Trump during his first term advocating for fisheries management measures to be vested solely in the established Magnuson-Stevens Act process, not a Monument designation under the Antiquities Act of 1906, which was never intended to be used for fisheries management. In April 2017, President Trump issued Executive Order 13792, “Presidential Executive Order on the Review of Designations Under the Antiquities Act”,¹ directing the Secretary of Interior to conduct of review of certain Monument designations made by previous Administrations under the Antiquities Act, including the Northeast Canyons and Seamounts Marine National Monument. In his final report, the Secretary of Interior recommended that commercial fishing be allowed to continue in the Monument, managed by the Regional Fishery Management Councils under the authority of the Magnuson-Stevens Act, since fisheries are strictly regulated and Monument designation of fishing grounds is unnecessary for conservation of species or management of fisheries. In June 2020, President Trump issued Presidential Proclamation 10049, “Modifying The Northeast

¹ [Federal Register :: Review of Designations Under the Antiquities Act](#)

Canyons And Seamounts Marine National Monument,”² implementing the Secretary of Interior’s recommendation and reopening the Monument to commercial fishing. However, in October 2021, the Biden Administration issued Presidential Proclamation 10287,³ reversed President Trump’s order, and again prohibited commercial fishing in the Monument. It then codified the fishing prohibition through regulation in the Code of Federal Regulations.⁴ The Monument designation regarding the commercial fishing prohibition must be reversed and all implementation regulations in the Code of Federal Regulations eliminated.⁵

2. Hudson Canyon National Marine Sanctuary and National Marine Sanctuary Nomination Process:

In 2015, President Obama re-opened the “public nomination process” for establishing new National Marine Sanctuaries, which had been eliminated for 20 years by that point.⁶ Allowing the “public” to nominate new sanctuaries meant that environmental groups intent on regulation and elimination of various fisheries could nominate sanctuaries on important fishing grounds. In 2016, during the first Trump Administration, the Wildlife Conservation Society nominated Hudson Canyon, a critical commercial fishing ground, as a proposed National Marine Sanctuary and included in its nomination document advocacy for regulation of certain fisheries and gear types, including those of Seafreeze vessels, as a focus of future Sanctuary designation.⁷ The Mid Atlantic Fishery Management Council opposed this designation and the Trump Administration declined to begin any designation process at that time.⁸ In 2022, Wildlife Conservation Society again nominated the area using the same information, and the Biden Administration has since moved forward with the designation process, with NOAA creating a Hudson Sanctuary Advisory Council. While we have participated on this Advisory Council, we maintain all our previous concerns with this potential designation. The only industry that will experience regulation as the result of a final nomination of the Hudson Canyon is the fishing industry. The intent is evident in the Wildlife Conservation Society Sanctuary nomination document, which states that fishing “probably represents the most immediate and direct threat to the living resources and

² [Federal Register :: Modifying the Northeast Canyons and Seamounts Marine National Monument](#)

³ [Federal Register :: Northeast Canyons and Seamounts Marine National Monument](#)

⁴ [50 CFR 600.10](#).

⁵ See [50 CFR 600.10](#)

⁶ See [Protecting Vital Waters as Marine Sanctuaries | whitehouse.gov](#) and [Sanctuary Nomination Process Guide and Checklist | Sanctuary Nomination Process](#)

⁷ See <https://nominate.noaa.gov/media/documents/hudson-canyon.pdf>; specifically page 19, where the document alleges fishing is the most immediate and direct threat to living marine resources and habitats in the area, with an emphasis on trawl fisheries.

⁸ See [MAFMC+Hudson+Sanctuary+Comment+Letter+26+April+2017.pdf](#).

habitats”, and that “[t]rawling can be particularly damaging”.⁹ Sanctuaries may create more regulation over time as part of the Sanctuary review process. Therefore, even if restrictions do not exist in the initial designation, these may be introduced at a later date once the Sanctuary is designated. The commercial fishing industry cannot withstand more regulation now or in the future, particularly in the Hudson Canyon area which is home to a wide variety of fisheries, including significant trawl fisheries.¹⁰ The designation process of Hudson Canyon as a National Marine Sanctuary must end, and the citizen nomination process of Marine Sanctuary designation that the Obama Administration opened must be reversed. Without an elimination of the citizen nomination process, the nomination of new Sanctuaries with new regulations will only continue by environmentalist organizations, to the detriment of U.S. fisheries. While the Hudson Canyon National Marine Sanctuary is not located in the New England Council region of jurisdiction, it would affect multiple New England managed species and significant numbers of vessels homeported in New England.

3. Permanent Moratorium on all Offshore Wind Development in the Greater Atlantic Region:

Executive Order 14276 specifically names “selling our fishing grounds to foreign offshore wind companies” as one of the major factors restricting domestic fisheries. We could not agree more. We have fought offshore wind development on our commercial fishing grounds since the Obama Administration. We encourage the Trump Administration to void all existing offshore wind leases issued via the Obama Smart from the Start Program,¹¹ which, together with the Biden Administration’s 2022 NEPA Screening Criteria for offshore wind project reviews¹² violated the Outer Continental Shelf Lands Act Subsection 8(p)(4) and the Trump Administration’s Solicitor Memo M-37086. BOEM has already leased dozens of offshore wind leases from the Gulf of Maine to North Carolina on commercial fishing grounds,¹³ and the Biden Administration has approved 11 of these projects already, right up

⁹ See [hudson-canyon.pdf](#), p. 19.

¹⁰ For more information on the fisheries that take place in the Hudson Canyon, economic information on those fisheries, and other documentation, see the Mid Atlantic Fishery Management Council’s Proposed Designation of Hudson Canyon National Marine Sanctuary at [Proposed Designation of Hudson Canyon National Marine Sanctuary — Mid-Atlantic Fishery Management Council](#).

¹¹ See ¹¹ See [Salazar Launches ‘Smart from the Start’ Initiative to Speed Offshore Wind Energy Development off the Atlantic Coast | U.S. Department of the Interior](#).

¹² See [Process for Identifying Alternatives for Environmental Reviews of Offshore Wind Construction and Operations Plans pursuant to the National Environmental Policy Act \(NEPA\)](#).

¹³ See <https://boem.maps.arcgis.com/apps/instant/sidebar/index.html?appid=e2079773d85b43059abf15a16bce7aa7&locale=en>.

until three days before President Trump's 2024 inauguration,¹⁴ as well as identified the entire Central Atlantic from 3 nautical miles from shore to the edge of the U.S. Continental Shelf for offshore wind leasing.¹⁵ If these leases are to undergo construction, even in the future after the current Trump Administration, the future of the U.S. commercial fishing industry will be at risk. Therefore, we request that the Trump Administration issue a Permanent Moratorium for all Construction and Development of Offshore Wind in the Greater Atlantic Region, to protect the future of U.S. commercial fisheries, and to work with Congress to enact corresponding legislation.

4. Elimination of Industry Funded Monitoring in the Greater Atlantic Region:

Seafreeze commercial fishing vessels F/V Relentless and F/V Persistence were plaintiffs in the recent *Relentless Inc v. Department of Commerce* which together with *Loper Bright Enterprises, et al. v Raimondo* overturned the longstanding and damaging Chevron Deference at the U.S. Supreme Court in 2024.¹⁶ This case was brought due to the extreme financial impacts of the New England Fishery Management Council's Industry Funded Monitoring Omnibus Amendment for the Atlantic herring fishery and particularly our vessels attempting to fish herring simultaneously with other managed species, including those not managed by the New England Council. The length of Seafreeze freezer trawler vessel trips compared to those of all other vessels operating in the Atlantic herring fishery, combined with our unique fishing operations, mean that the Council's Industry Funded Monitoring Amendment affected Seafreeze vessels in a disproportionate manner to all other Atlantic herring vessels. That Amendment was approved and implemented by National Marine Fisheries Service (NMFS)¹⁷ because the agency, together with the Council, wished to deploy more observers in the Atlantic herring fishery than Congress had authorized funding for. The Industry Funded Monitoring Amendment for the Atlantic herring fishery and other Greater Atlantic Region fisheries should be abolished in its entirety, or the power of the Congressional purse will have no control over fisheries management in the Greater Atlantic region neither now nor in the future. Passing agency costs directly onto industry itself, when Congress doesn't authorize funding levels for things the agency wishes to pursue, is not economically sustainable for the commercial fishing industry.

¹⁴ See <https://maritime-executive.com/article/biden-administration-makes-final-moves-to-advance-offshore-wind-power> and <https://maritime-executive.com/article/biden-administration-makes-final-moves-to-advance-offshore-wind-power>.

¹⁵ See Central Atlantic 2 Call Area at <https://www.boem.gov/renewable-energy/state-activities/central-atlantic>.

¹⁶ See [In Landmark Victory for Civil Liberties, NCLA Persuades Supreme Court to Overturn Chevron Deference - New Civil Liberties Alliance](#) and [Relentless Inc., et al. v. U.S. Dept. of Commerce, et al. - New Civil Liberties Alliance](#)

¹⁷ See [Industry-Funded Monitoring \(IFM\) Omnibus Amendment - Library - NEFMC](#)

Abolishing the IFM Amendment in its entirety would reduce undue burdens on domestic fishing; foreign vessels do not adhere to such onerous requirements, which are the definition of overregulation.

5. Permanent Elimination of Council Development of Herring Amendment 10:

As we have continually reiterated at the Herring Advisory Panel, Amendment 10 is a recreation of Herring Amendment 8 which was defeated in court for the exact same rationale as that espoused by Herring Amendment 10. Not only would the amendment result in overregulation and more restricted access to the herring fishery vessels, but it is a waste of Council time and resources. This is made evident by the fact that the Council, in order to work on issues that actually have value, temporarily suspended the action to focus on these other issues.¹⁸ Additionally, as we have continued to remind the Council, the river herring and shad issues purportedly to be addressed by the amendment would serve to do only one thing: eliminate the Rhode Island small mesh bottom trawl herring fishery. Eliminating fisheries is the exact opposite of what is being considered in the Executive Order. Therefore, we request that all further development of this action be discontinued.

6. Returning the Saltonstall Kennedy Act funding to its original purpose:

Presidential Executive Order 14276, “Restoring American Seafood Competitiveness” directs the Secretary of Commerce, the Secretary of Health and Human Services, and Secretary of Agriculture to work together to accomplish this purpose, including the development and implementation of an America First Seafood Strategy to promote the marketing and sale of U.S. fishery products. U.S. commercial fishery profits have experienced a sharp decline since 2015 and in 2025 are at their lowest ever.¹⁹ Part of this decline can be attributed to NOAA’s mismanagement of the Saltonstall Kennedy Act funds, which are actually designed specifically for this purpose- marketing and sale of U.S. fishery products, development of U.S. fisheries, and a balancing of the US seafood trade deficit. As a result, domestically produced seafood has continually lost domestic market share to cheaper imports, which will only continue unless this issue is addressed.

The Saltonstall Kennedy Act establishes what is commonly known as the “S-K Fund”, officially the “Promote and Develop Fisheries Products Account”, into which 30% of all gross import duties on seafood is deposited, according to the law. It was designed to balance the seafood trade deficit and make U.S. fisheries competitive in the marketplace. As the Trump Administration implements tariffs, this account will grow even beyond its current levels. This money is transferred from the Secretary of Agriculture to the Secretary

¹⁸ See <https://www.nefmc.org/library/herring-amendment-10-2>.

¹⁹ See [State of the Ecosystem Mid-Atlantic 2025](#), slide 16.

of Commerce and “shall be maintained” in the fund “only for...use by the Secretary [of Commerce] (i) to provide financial assistance for the purpose of carrying out fisheries research and development projects...(ii) to implement the national fisheries research and development program”, which projects and program are to include research and development on aspects of U.S. fisheries including but not limited to harvesting, processing, marketing and associated infrastructures.²⁰ According to a 1983 amendment of the Saltonstall Kennedy Act, a minimum of 60% of each year’s USDA transfer to NMFS must go to “make direct industry assistance grants to develop the United States fisheries and to expand domestic and foreign markets for United States fishery products”.²¹

However, this is never done; instead NMFS pillages the account to fund basic agency responsibilities. S-K dollars are annually transferred into NOAA’s Operations, Research and Facilities (ORF) Account for NMFS’ internal use, and the majority of the funds allocated to promoting the U.S. fishing industry as dictated by the Act never see the light of day.²² According to a Congressional Research Service report for Congress containing information through 2004, “the S-K program has never allocated the minimum amount...specified by law for industry projects” since 1982.²³ Several attempts at legislation to amend the Act have been made, but none successfully.²⁴

The law also makes it very clear that “Notwithstanding any other provisions of law, all moneys in the fund shall be used exclusively for the purpose of promoting United States fisheries in accordance with the provisions of this section, and no such moneys shall be transferred from the fund for any other purpose.”²⁵ These transfers to the ORF account contravene the Act. According to the 2025 NOAA Budget, the amount transferred from the Department of Agriculture into the S-K Fund in 2024 was \$377,363,000, of which

²⁰ See <https://legcounsel.house.gov/Comps/76-696.pdf>. The Act also funded at that time a fishery reinvestment and fishing capacity reduction program.

²¹ See [15 USC 713c-3: Promotion of the free flow of domestically produced fishery products](#)

²² See <http://congressionalresearch.com/RS21799/document.php?study=Saltonstall-Kennedy+Fishery+Funding>.

²³ See <http://congressionalresearch.com/RS21799/document.php?study=Saltonstall-Kennedy+Fishery+Funding>. As of 1983, 60% of all S-K funds are to be used for industry projects. See P.L. 97-424, Section 423 at <https://www.gpo.gov/fdsys/pkg/STATUTE-96/pdf/STATUTE-96-Pg2097.pdf>. Also see <https://legcounsel.house.gov/Comps/76-696.pdf> at Section 2(e).

²⁴ See [Saltonstall-Kennedy Act: Background and Issues](#)

²⁵ Ibid. The section states that the Secretary shall use the balance of the moneys- after the 60% in direct industry grants- to finance “those activities which are directly related to development of the United States fisheries pursuant to subsection (d) of this section”. Section (d) is the National Fisheries Research and Development Program, which is supposed to conduct research and development on aspects of U.S. fisheries “including, but not limited to, harvesting, processing, marketing, and associated infrastructures”. That would apparently be contrary to how NMFS is currently using the funding, according to its budget reports- a.k.a., for expanding annual stock assessments, survey and monitoring projects, fish information networks, interjurisdictional fisheries grants.

\$344,901,00 was transferred into NOAA's ORF general account.²⁶ In 2025, NOAA's budget estimated that \$377,363,000 will be transferred into the "Promote and Develop Fisheries" account, and plans to take 100% of the money for its general operations, leaving \$0 for fisheries marketing and promotion as mandated by the Act.²⁷ This is simply unacceptable.

As NMFS has never used the money as Congress directed, the 60% of the funds directed specifically for marketing purposes should be transferred from NMFS, which does not have a marketing division, to the Department of Agriculture's Agricultural Marketing Services, which has the skills to develop a national seafood marketing program similar to the Checkoff programs it manages for other U.S. food products, with the exception that such a program would be funded by the S-K money rather than voluntary industry contributions.²⁸ The 40% remaining funds should be used by NMFS for fisheries research conducted by the agency's Cooperative Research Program, and no other agency programs or divisions. Prior Administrations zeroed out Cooperative Research Program funding, and it is imperative that this division- which benefits fishermen as well as science and stocks- be not only funded but elevated as one of the most crucial agency programs and that with the most benefit to the fishing industry. It should not only be funded but expanded.

As the Executive Order states, "Nearly 90 percent of seafood on our shelves is now imported, and the seafood trade deficit stands at over \$20 billion. The erosion of American seafood competitiveness at the hands of unfair foreign trade practices must end."²⁹ However, we must not only end unfair foreign trade practices; we must end unfair domestic trade practices. NMFS's emptying of the Saltonstall Kennedy fund, designed to balance the U.S. seafood trade deficit by marketing and developing U.S. seafood products- the very goals of the Executive Order, has put American seafood producers at a disadvantage for decades. The erosion of American seafood competitiveness at the hands of the U.S. government must end.

Thank you for your consideration of these issues.

Sincerely,

Meghan Lapp

Fisheries Liaison, Seafreeze Ltd, Seafreeze Shoreside

²⁶ See [NOAA FY 2025 Congressional Budget Justification](#), p. NMFS-136.

²⁷ "Activity: Promote and Develop Fisheries Products For FY 2025, NOAA estimates that a total of \$377,363 will be transferred from the Department of Agriculture to the Promote and Develop account, after accounting for sequestration and prior year recoveries. NOAA requests to transfer \$377,363 from the Promote and Develop account to the Operations, Research, and Facilities (ORF) account, leaving \$0 for the Saltonstall-Kennedy (SK) grant program in FY 2025." See [NOAA FY 2025 Congressional Budget Justification](#), p. NMFS-137.

²⁸ <https://www.ams.usda.gov/rules-regulations/research-promotion>.

²⁹ <https://www.whitehouse.gov/presidential-actions/2025/04/restoring-american-seafood-competitiveness/>.

Re: Simple

From Leo Chomen <leochomen@gmail.com>

Date Tue 7/22/2025 6:12 AM

To Jamie Cournane <jcournane@nefmc.org>

My apologies for a lot of misspelling and grammar-please revise.

I have had my Charter boat license for almost 30 years now. I understand protecting the resources, but there appears to be no balance in both economic and ecosystem. I understand the reason for the Magnuson act but it handcuffs fisheries Management now.

In a few short years, we've gone from being able to take 10 cod, now down to zero. These move should've been made a long time ago, but not as drastic as it's been done. Our forefathers would hang their head in shame at having a zero limit for cod. I would suggest a two fish limit. This would not hurt the fishery and would add a benefit to Charter boat and Party captains. Bringing it to zero killed the business and the folks who would like to go out and catch a couple of cod. We destroyed that resource because we did not react early enough, but now we are overdoing it.

Almost the same goes for Seabass. We subtract from the limits because of over harvesting, but the Seabass population is totally out of control and will soon be eating all the lobster in Maine and New Hampshire as well as Massachusetts And yet we cut the quota on it every year. We are creating a disaster by limiting the amount of Seabass that can be taken. Seabass, eat, baby black fish, cod, flounder and anything else that they could get their jaws on. They are great eating fish, people love to fish for them, but our limits for catching them are severely reduced. We can both add to the economy by increasing the limit and at the same time, protect other fish stocks by having a reasonable limit.

Due to my road schedule emails are checked in the morning from 6 am to approximately 8 am. If you need me immediately call 860-447-8839 ext 7245. Currently road schedule is very heavy as well as email volume! My days off are Sundays and Wednesday! here is my current schedule.
https://www.google.com/calendar/embed?src=leochomen%40gmail.com&ctz=America/New_York

executive order 14276 input

From Mass Fabricating <jaymassfab@verizon.net>

Date Thu 7/24/2025 11:32 AM

To Jamie Cournane <jcournane@nefmc.org>

 1 attachment (476 KB)

AP recommendations.pdf;

here are some comments to consider when developing your response to the executive order

thanks

Jay Elsner
Mass Fabricating & Welding, Inc.
1 Cape St.
New Bedford MA 02740
508-993-9505

SCALLOP ADVISORY PANEL MEMBER'S RECOMMENDATION TO EXECUTIVE ORDER 14276

In response to the Council's request seeking input regarding the goals of Executive Order 14276, here are three recommendations the Council can quickly and easily address within the scallop fishery.

Northern Edge

The first issue is to open the Northern Edge. Opening the Northern Edge would reduce the regulatory burden on the scallop industry while also increasing production and stabilizing the market by providing a predictable amount of harvestable pounds.

The Northern Edge has been closed to scallop fishing for an unreasonable length of time in order to protect and provide a safe haven for Atlantic cod. The closure of the Northern Edge has shown no provable benefit in the cod population while denying the scallop industry entry into a historic and abundant scallop fishing grounds. Opening the Northern Edge would provide an economic benefit for the scallop fishery while reducing fishing pressure in other scallop grounds.

Permit Stacking/Leasing

Some scallop advisors are going to suggest permit stacking/leasing in the scallop fishery is the complete solution to all of the woes affecting the fishery.

Permit stacking/leasing is specifically designed to eliminate - not improve - access to the fishery while simultaneously enhancing the profitability of the select few vertically integrated corporations who would use their increased market share in order to eliminate individual boat owners and seafood dealers. Consolidation in any industry eventually leads to less competition, higher prices and poorer quality products entering the market. I would encourage the Council to oppose and deny any consolidation measure including permit stacking and leasing in the Limited Access scallop fishery.

Discards and Mortality

Many of the goals in Executive Order 14276 can be achieved by finally addressing the conservation measures many in the industry have been asking for such as eliminating and/or reducing the wasteful practices of high-grading and deck loading. Creating a successful framework or amendment that addresses the worst practices of our industry while also

reducing starfish predation will help ensure a long-term predictable volume of scallops enter our markets for many years to come.

Conclusion

I would ask the Council to open the Northern Edge, oppose any consolidation measure in the scallop fishery and encourage the development of a framework or amendment to address the discard and mortality issues facing the scallop fishery. Implementing these measures will once again prove the Atlantic sea scallop fishery is one of the most successful fisheries in the world and remains a leader in resource conservation.

"Executive Order 14276 Input"

From Thomas T <midnightsunjr@gmail.com>

Date Sun 8/3/2025 4:23 PM

To Jamie Cournane <jcournane@nefmc.org>

Sent from my iPhone —

Captain Tom Testaverde Jr.
F/V Midnight Sun – Gloucester, Massachusetts
Silver Hake & Groundfish Fisherman

Subject: Input on Executive Order Goals Related to U.S. Fisheries and Silver Hake

Dear council members ,

My name is Tom Testaverde Jr., and I'm the captain of the *F/V Midnight Sun*, an 85-foot trawler operating out of Gloucester, Massachusetts. I fish primarily for silver hake (approximately 75% of the year) and participate in the groundfish fishery for the remainder. After reviewing the goals outlined in the recent Executive Order regarding U.S. fisheries, I wanted to share insights from the perspective of an active participant in the silver hake fishery.

1. Status of the Silver Hake Fishery

The U.S. silver hake fishery is currently healthy and sustainably managed:

- **No overfishing is occurring**, and the stock is not overfished.
- **Bycatch is minimal**, due to effective gear modifications like raised footropes and seasonal area closures to avoid regulated multispecies.

2. Concerns with the Goal of "Increasing Production"

While increasing domestic production sounds promising in theory, it would be detrimental under current market conditions:

- The **market is already saturated**, especially in the New York and Fulton Fish Markets.
- A surge in supply leads to price collapses—often down to \$0.35/lb gross and after the cost of offloading pack out and shipping often yields 5-10cents per pound to the boat—which is **not economically sustainable**.
- Packing, icing, and shipping costs which are .25-.30 cents a pound consume nearly all the revenue when prices are this low.

Recommendation: Before any increase in production, the focus should be on **stabilizing the markets** and **enhancing the profitability** for those already operating within the fishery.

3. Market Access and Alternative Avenues

There's a need for **new or expanded markets**:

- Explore **export opportunities** to Europe or other countries.
- Expand **domestic channels**, including USDA contracts like those used for groundfish.
- Promote **direct marketing** and regional food systems, potentially through the revitalization of platforms like the Fulton Fish Market.

4. Canadian Imports and Unfair Competition

Another significant challenge is **Canadian imports**:

- Canadian vessels face **different (often looser) regulations** and benefit from **government subsidies**.
- They export silver hake into the same U.S. markets, causing oversupply and further **driving down prices**.
- U.S. fishermen are at a disadvantage due to **stricter regulations and higher costs**.

Policy Request: Investigate the trade balance and **seek fair-trade measures or slowdowns** of Canadian imports to protect U.S. fishermen.

5. Subsidy & Support Requests

To keep this fishery viable, the federal government should consider:

- **Subsidies for boxes and packaging**, which currently cost \$5.50/box.
- **Assistance with fuel or shipping costs**, especially during market downturns.
- Expanded access to **USDA purchasing programs** for silver hake.

Farmers on land receive regular support; **fishermen are the farmers of the sea**, and we should be given equitable consideration to maintain our businesses and crew employment.

6. Access & Management

In terms of access:

- Southern New England is mostly open and working well under existing rules.
- The Northern areas are heavily restricted, but the **seasonal closures and gear rules have been effective**.
- There may be opportunities to **adjust timing or area closures** to better balance conservation and fishing access without increasing bycatch.

Conclusion

Economic sustainability must come before increased landings. Without price stability and access to profitable markets, boosting production will only push more boats out of business. Support for current participants—through fair pricing, subsidies, and stable trade practices—should be the top priority.

Thank you for considering these recommendations. I would welcome the opportunity to speak further or participate in any discussions around future policy development.

Sincerely,

Captain Tom Testaverde Jr.

F/V Midnight Sun

Gloucester, MA



Drew Minkiewicz
Attorney at Law
Black Point Maritime
Law PLLC
202 870 4013

Assistant Administrator for Fisheries

National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Spring, MD 20910

RE: Recommendations for Implementing Executive Order 14276

Dear Assistant Administrator,

As a member of the New England Fishery Management Council (NEFMC) Habitat Advisory Panel, I submit the following recommendations regarding the implementation of Executive Order 14276, with particular attention to habitat policy. To ensure alignment with the Order's directives on science-based management that will prevent closures, enhance regulatory modernization, and sustainable seafood production, NMFS and the Councils should initiate rulemaking to rescind all existing Habitat Areas of Particular Concern (HAPC) designations from federal fishery management plans.

HAPCs Lack Legal Mandate and Serve No Binding Regulatory Purpose

Although the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires the identification and conservation of essential fish habitat (EFH) (16 U.S.C. § 1853(a)(7)), it provides no statutory authority for HAPCs. These areas were introduced through non-binding agency guidance (50 C.F.R. § 600.815) as a tool to "highlight" ecologically valuable portions of

EFH. NMFS’s own regulatory preamble clarifies that HAPC designation “does not automatically result in management measures” nor confer legal protection (62 Fed. Reg. 66531, 66538).

Despite their discretionary nature, HAPCs have been used inconsistently as de facto regulatory instruments to justify closures and gear restrictions. This practice circumvents statutory guardrails and contradicts the agency’s acknowledgment that HAPC designations lack direct regulatory effect.

Closures Lack Measurable Benefit and Impose Undue Economic Cost

Northern Edge of Georges Bank

Closed since 1994, the Northern Edge represents one of the most biologically productive scallop beds on the Atlantic seafloor. Originally closed to support habitat protection and groundfish rebuilding, the area has yielded no demonstrable benefits on either front. The 2023 stock assessment shows Georges Bank cod biomass remains below 5% of target levels, and long-term trends indicate persistent recruitment failure driven by environmental, rather than fishing, factors (Kleisner et al., 2019).

Meanwhile, annual scallop revenue foregone due to the closure is conservatively estimated at \$30–50 million. Scallop dredging methods have evolved substantially, and rotational harvest strategies have been shown to reduce benthic impact. There is no current ecological rationale for continued closure under HAPC status, and no evidence that it has contributed meaningfully to groundfish recovery.

Great South Channel HAPC

Established through Omnibus EFH Amendment 2, this HAPC was predicated on generalized assumptions regarding juvenile cod use and habitat complexity. Subsequent high-resolution mapping (NOAA, 2016–2021) and empirical studies (Valentine et al., 2017) reveal the area is dominated by low-relief sandy and gravel substrates—habitats not strongly associated with juvenile cod aggregation.

The closure has imposed disproportionate costs on the surf clam fishery, which operates in these sandy environments using hydraulic dredges. Scientific reviews, including NEFSC Technical Report 16-01, show minimal long-term ecological disturbance from such gear. No impact-specific assessment was conducted prior to the closure, in apparent conflict with the MSA’s mandate to use the best available science (16 U.S.C. § 1851(a)(2)).

Ecological Justifications Have Not Withstood Scientific Scrutiny

Recent peer-reviewed studies underscore the weak ecological basis for many HAPC boundaries. Research by Harris et al. (2025, *Biological Conservation*)—based on comparative benthic surveys—found that areas outside HAPC closures often exhibit higher habitat complexity and

species richness than those within. This directly challenges the scientific assumptions underpinning the current designations.

The 2017 NEFMC Final Environmental Impact Statement also concedes that “available literature does not provide definitive conclusions about the relationship between habitat protection and groundfish productivity.” In light of these findings, continued reliance on broad HAPC designations appears more symbolic than substantive.

Lack of Monitoring or Reassessment Contradicts Executive Order

HAPCs currently lack defined objectives, performance metrics, or timelines for review. NMFS guidance (50 C.F.R. § 600.815(a)(8)) treats HAPCs as discretionary, yet they often trigger permanent spatial closures absent any feedback or reassessment mechanism.

The 2017 FEIS states that “measures implemented years ago have not been systematically evaluated to determine their habitat effects.” This static approach contravenes both the MSA’s intent and NMFS’s own 1997 policy guidance, which emphasized the need for ongoing evaluation and adaptation (62 Fed. Reg. 66531, 66543).

Incompatibility with Executive Order 14276

Executive Order 14276 directs agencies to support domestic seafood production, eliminate outdated or unjustified regulations, and ensure alignment with modern science and technology. Current HAPC closures fail all three tests:

- **Restricting Access:** Economically vital scallop, and clam, grounds remain closed without current justification.
- **Lack of Scientific Basis:** No measurable link exists between HAPC closures and stock recovery.
- **Ignoring Technological Advancements:** Gear modifications and habitat assessments have evolved, but regulations have not kept pace.

Section 2(b) of EO 14276 directs agencies to “revise or rescind seafood-related regulations that unduly restrict access, are no longer supported by current scientific data, or impose disproportionate costs.” Section 3(c) further mandates prioritization of rulemaking that supports sustainable domestic seafood production.

Reopening areas like the Northern Edge and Great South Channel, under modernized harvest protocols, would advance these goals while preserving habitat integrity and supporting working waterfronts.

Recommendations

To align with the Executive Order and the MSA’s science-based standards, I respectfully recommend that NMFS:

1. **Amend 50 C.F.R. § 600.815** to eliminate HAPCs as a formal regulatory category.
2. **Direct regional councils or initiate rulemaking to rescind HAPC-based closures** lacking demonstrable ecological benefits, beginning with the Northern Edge and Great South Channel.
3. **Invest in updated habitat science and performance monitoring**, enabling evidence-based, adaptive management instead of legacy closures.

The original intent of HAPCs—to improve habitat protection—has not translated into measurable conservation outcomes. Reforming or removing these designations will enhance the effectiveness, legitimacy, and economic resilience of U.S. fisheries, in keeping with the directives of EO 14276.

Thank you for your consideration. I welcome the opportunity to further support NMFS in crafting habitat policies that are environmentally sound, economically fair, and grounded in the best available science.

Sincerely,

Drew Minkiewicz

NEFMC Habitat AP member



Conducting scientific research projects that support sustainable fisheries, aquaculture, and agriculture

277 Hatchville Road • East Falmouth, MA 02536
Tel: (508) 356-3601 • Fax: (508) 356-3603
Website: www.coonamessettfarmfoundation.org

August 8, 2025
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Attn: Jennifer Couture
Via Email

Dear NEFMC,

This overview document highlights issues covered in President Trump's April 17, 2025, Executive Order *Restoring American Seafood*. The Order directed the Secretary of Commerce to reduce financial burdens on commercial fishing, aquaculture, and fish processing industries operating within the U.S.

The Coonamessett Farm Foundation's (CFF) vision to advance scallop production and research programs in support of industry growth includes the following key objectives, which are reinforced by the America First Seafood Strategy to boost U.S. seafood product and long-term industry growth:

- Increase the economic viability of the scallop fleet
- Increase the production of sea scallops
- Establish training and certification programs for vessel crews
- Maintain interannual stability in scallop production as overall production increases

NMFS directives are outlined below to reference long term and/or current research being conducted by CFF.

Incorporate more reliable technologies and cooperative research programs into fishery assessments

We are evaluating the utility of Electronic Monitoring (EM) in the scallop fishery with the goal of generating data to inform policy and regulatory improvements. Our operational objectives include offering vessels the option to use cameras in place of observers, developing a more effective Days-at-Sea (DAS) system, and enabling vessels to own their data to assist in tracking activity and validating their catch. Camera and sensor packages, including winch, hydraulic, and dredge mounted environmental sensors offer cost-effective fishery monitoring solutions that will provide vessel owners and scientists with shared access to larger volumes of critical, real-time data.

The adoption of EM could serve as an incentive for the scallop industry to gain access to Northern Edge, not only to support data collection but also to monitor swept area and fishing behaviors, such as high grading. Access to habitat closures should not be banned, but conducted with monitoring programs that can support mitigation strategies to deal with adverse impacts.

Expand exempted fishing permit (EFP) programs to promote fishing opportunities

Offering more opportunities through the EFP process will directly benefit proposed Scallop Enhancement Programs and the development of new fisheries by permitting vessels to dredge and transplant wild scallops between locations and test gear modifications.

Through industry donations and project funding, CFF acquired Japanese style squid jigging machines to outfit a vessel for an exploratory fishing trip that will be conducted in September of this year to test site locations for oceanic squid species. CFF has the EFP to conduct this research but Council planning must now take place to allow a fishery to be developed.

Modernize data collection and analytical systems to improve the responsiveness of fisheries management to real-time ocean conditions

With funds received through Congressionally Direct Spending Community Projects, researchers plan to outfit commercial fishing vessels with oceanographic and fisheries sampling equipment and provide training to vessel personnel on how to deploy/retrieve instruments at sea, and collect and interpret fisheries and oceanographic data. CFF has contracted with Acbotics Research and Lowell Instruments to design and build two prototype sampling instruments: a castable, multiparameter sonde and a fish-and-bivalve measuring system equipped with built in cameras and Bluetooth connectivity integrated with deck boxes produced by Lowell Instruments that are currently used for the e-MOLT program. Barring any setbacks, full scale production of these instruments is expected to begin by the winter of 2026.

The next phase of this project will depend on partnerships with industry to deploy these instruments during at-sea trials and directed fishing trips, generating the datasets necessary to establish a pilot program.

In summary: To responsibly explore the viability of a new fishery, we propose a streamlined regulatory approach that allows for limited-scale testing under monitored conditions. Easing certain regulatory and Fishery Council oversight requirements during a trial phase would enable researchers and stakeholders to gather critical biological, economic, and operational data without the delays associated with full permitting and review processes. This adaptive approach would help identify potential opportunities or risks early on, inform future management decisions, and support a science-based path toward sustainable development of the fishery should work prove viable.

By incorporating modern data collection technologies, such as vessel-based oceanographic sensors, real-time monitoring tools, and EM systems; and advancing innovative cooperative research, stakeholders can collect higher volumes of accurate, real-time data. These tools not only improve the responsiveness of management decisions to changing ocean conditions but also create a transparent, cost-effective framework for engaging industry partners directly in the research and development process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald Joel Smolowitz". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald Joel Smolowitz
Treasurer, Board of Directors
Coonamessett Farm Foundation

Kirk Larson

Scallop Advisory Panel Member
Barnegat Light, NJ 08006

August 11, 2025

Dr. Jamie Cournane
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Executive Order 14276 Input – Restoring American Seafood Competitiveness

Dear Dr. Cournane,

I am writing in response to the request for input under Executive Order 14276, *Restoring American Seafood Competitiveness*. I would like to highlight a pressing operational challenge facing the New Jersey scallop fleet and offer a solution that could help protect the viability of our state's scallop industry, associated shoreside infrastructure, and local seafood dealers.

The issue at hand is the significant loss of Days at Sea (DAS) when vessels fishing on Georges Bank—particularly on the open bottom in the eastern areas—return to New Jersey to land their catch. The current regulations require a vessel to remain “on the clock” from the moment they begin their trip until they land, without an option to “clock out” once they have ceased fishing. For New Jersey scallopers fishing far east, the steaming route home is both excessive and costly in terms of DAS usage.

This situation places our vessels at a competitive disadvantage compared to fleets located closer to Georges Bank, as New Jersey boats can lose an entire DAS simply in transit. Over time, this inefficiency will erode profitability, limit trip planning flexibility, and ultimately threaten the economic stability of our scallop fleet. Without a remedy, we risk seeing the decline—and possible disappearance—of the New Jersey scallop industry, which would have severe consequences for the state's ports, shoreside processors, and seafood dealers.

A special “clock out” provision would address this issue. Under such a system, vessels could end their DAS count once they have stopped fishing and declared their intent to return to port, regardless of transit time. This would preserve valuable DAS, improve operational efficiency, and help ensure that New Jersey remains a competitive and active player in the scallop fishery.

I strongly urge the Council to consider this measure as part of its efforts to enhance American seafood competitiveness and sustainability. The scallop fishery is a cornerstone of New Jersey's commercial fishing economy, and without such adjustments, we risk losing not just vessels, but the broader network of jobs and infrastructure that depend on them.

Thank you for your consideration, and I am happy to provide further input or details if needed.

Sincerely,
Kirk Larson



Mayor of Barnegat Light, Scallop Vessel Owner, President of Viking Village Inc.

Executive Order 14276 Input

From thomas coley <tpcoley@sbcglobal.net>

Date Mon 8/11/2025 7:59 AM

To Jamie Cournane <jcournane@nefmc.org>

Reduce burdens on domestic fishing- Update and reduce bycatch restraints on scallop fishing including accountability measures.

Increase production- Allow more DAS in the scallop fishing industry by fishing at higher F rates in open bottom.

Stabilize markets- Impose tariffs on imported scallops which would increase the price of the smaller scallops and reduce the targeting of U's and high grading.

Improve access- Reduce habitat restrictions and open the Northern Edge to scallop fishing.

Enhance economic profitability- I am against stacking of permits as it favors one fisherman over another.

Prevent closures- Closing areas where seed is has proven beneficial to the fishery. Habitat closures hurt the fishery.

Thank You,
Thomas Coley
AP Member, Clinton, CT.

Executive Order 14276 Input

From Tammy Silva - NOAA Federal <tammy.silva@noaa.gov>
Date Thu 8/14/2025 2:28 PM
To Jamie Courmane <jcourmane@nefmc.org>

Dear Dr. Courmane,

Thank you for the opportunity to provide input on Executive Order 14276, Restoring American Seafood Competitiveness. I serve as an advisor on the Herring Advisory Panel. My recommendations and rationale are provided below.

Given the current state of the Atlantic herring stock, including overfished status, continued poor recruitment, low spawning stock biomass, and having a rebuilding plan behind schedule (see <https://apps-st.fisheries.noaa.gov/stocksmart?stockname=Atlantic%20herring%20-%20Northwestern%20Atlantic%20Coast&stockid=10572>), aiming to increase production of this fishery would be detrimental to fishermen and the ecosystem. I support maintaining most current management measures at this time.

The measures currently in place are intended to rebuild the herring stock and better manage the fishery to increase future accessibility and profitability. Removing management measures now when the stock is classified as overfished could further hinder rebuilding and contribute to overfishing. This will adversely impact herring fishermen, as well as other fisheries like groundfish and highly migratory species, commercially important fish species such as cod and tuna, as well as marine mammals, seabirds, and ecotourism industries directly and indirectly dependent on herring as a critically important forage species.

Specific recommendations and the EO goals they support are:

- Remove the requirement of 6 hours VMS notification before landing 50 CFR 648.10(m)(2) in order to *reduce burdens on domestic fishing*.
- Maintain all other current management measures to help *increase production* and *improve access*, and *enhance economic profitability* in the future.
- Support increased research and monitoring of Atlantic herring. Updated and new data on Atlantic herring abundance, distribution, movements and migrations, and impacts of environmental change will support better understanding of the resource and informed decision making aiming for *increased access* in the future.
- Re-establish the fishery observer program. Acquiring support for 100% observer coverage across the Atlantic herring fishery will improve management, *prevent closures* prematurely, and help to *increase production* in the future.

Please feel free to contact me with any questions and thank you again for the opportunity to provide input.

Sincerely,
Tammy Silva

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Tammy Silva
Research Marine Ecologist
Stellwagen Bank National Marine Sanctuary
Office of National Marine Sanctuaries
National Oceanic and Atmospheric Administration
Phone: (781)-546-6019
tammy.silva@noaa.gov | sanctuaries.noaa.gov

Executive Order 14276 Input

From Wesley Brighton <wcbrighton@gmail.com>

Date Fri 8/15/2025 1:56 PM

To Jamie Cournane <jcournane@nefmc.org>

Dear NEFMC,

Thank you for the opportunity to provide input to the NEFMC on policies that can support the domestic scallop fishery and broader U.S. seafood competitiveness. The following recommendations reflect operational realities in the scallop fishery and aim to improve efficiency, market fairness, and long-term sustainability.

1. Improve Permit Efficiency and Flexibility

- Allow vessels to combine permit categories (e.g., General Category and Part-Time Limited Access) on the same vessel to improve operational efficiency and profitability.
- Explore allowing two part-time permits to be fished together, similar to ongoing discussions about combining full-time permits. It is critical that smaller, owner operator fishing businesses, such as gen cat and part time scallop, be treated equitably in their regulatory efficiencies similar to that being considered for the full time larger consolidated cooperate fishing businesses
- These changes would reduce costly and inefficient vessel gear changes for small allocations, improve profitability for smaller operations, and encourage consolidation that supports sustainable, profitable owner, operator fishing businesses.

2. Reform Quota Leasing Rules

- Restrict quota leasing to benefit active fishermen who own and operate vessels, with a minimum qualifying landing threshold. In other words, quota ownership should be for active fishermen only in the general category, so non-fishermen cannot own quota and artificially drive up lease rates. There could be an exception for non-profit quota banks that lease at reduced rates. The quota owner should be required to be on the harvesting vessel a certain portion of the time to constitute they are the fishermen.
- This would prevent speculative leasing by non-fishing entities and ensure quota remains in the hands of working fishermen.

3. Enhance Domestic Market Competitiveness

- Implement tariffs and stronger inspection/enforcement on imported scallops from countries such as Japan, China, Russia, and Mexico.
- Address false labeling and quality concerns through increased NOAA enforcement capacity.

- Support domestic seafood marketing, potentially through a federal seafood marketing branch or a public-private intermediary, to promote U.S. fisheries' sustainability and product quality. Similar to the Alaska Seafood Marketing Institute, but at a national level.

4. Support Feasibility Studies for Seed Enhancement

- Investigate the feasibility of scallop seed enhancement through fisherman-led projects. Specifically, a pilot study with designated plots for individual vessels to seed on their own behalf would encourage investment and proper handling. This practice will require personal incentive, and will not work on a cooperative basis. There must be designated plots so the individual vessel is awarded and incentivized by how much seed was moved in good practice. I believe redistributing scallops from deep water to shoal water using a net and keeping the scallops submerged during transit, could prove successful and allow for growth and decreased mortality.
- If feasible, this approach would provide an incentive for fishing businesses and could serve as a management tool in future environmental or stock changes.

5. Modernize Regulatory Tools and Closures

- Maintain closures as a key management tool, but make closure authority more flexible and responsive.
- Develop a streamlined process—faster than current emergency action procedures—for industry and management to enact short-term closures or access changes in real time, particularly to avoid market gluts when large aggregations are discovered in the case it goes undetected by surveys. Additionally, when large aggregations are found, an industry based, responsive survey for additional tows could be employed to establish better understanding of spatial scallop density.
- Reassess closures based on outdated assumptions (e.g., the Northern Edge cod closure) where data does not show success in the intended stock recovery, and instead is limiting the scallop fishery.

Thank you,
Wes Brighton
Scallop AP

Executive Order 14276 Input

From Dunlap, William V. Prof. <William.Dunlap@quinnipiac.edu>

Date Sat 8/16/2025 2:05 AM

To Jamie Cournane <jcournane@nefmc.org>

I lost my internet service Friday evening and was unable to send these recommendations before your deadline. The preciseness of the deadline suggests that you can no longer accept this, but I thought it was worth a try.

Bill Dunlap

*William V. Dunlap
Professor of Law
Director of Foreign Programs
Quinnipiac University School of Law
275 Mount Carmel Avenue
Hamden, Connecticut 06518 USA*

*Physical address:
370 Bassett Road
North Haven, CT 06473*

*+1-203-582-3265
+1-203-582-3244 (fax)
+1-203-980-5291 (mobile)
+353-(0)87-398-3025 (Ireland mobile)
+44-(0)751-777-2598 (U.K. mobile)
william.dunlap@quinnipiac.edu*

The United States has the second-largest EEZ in the world and yet is responsible for less than one per cent of the world's aquaculture production. There is room for significant growth in exports, and most of that room is in the EEZ, that is to say within the jurisdiction of the Fishery Management Councils. There is significant opportunity to increase production within the EEZ.

Encouraging the development of aquaculture will create temptations to water down the rigorous federal and state regulatory structures in an effort to reduce production costs and increase profits. While these savings might seem effective in the immediate future, in the long run they would likely decrease quality and thus the reputation (and price) of product from U.S. waters. They might well also threaten the health of the ecosystem, inflicting serious and long-term damage to the aquaculture production.

Aquaculture in the EEZ could have the advantages of reducing the number of regulations and greatly increasing their uniformity (though this is less important than when regulating migratory fish stocks).

Many of the thousand-plus rules regulating U.S. aquaculture farms are state and local regulations not directly applicable to the EEZ. Estimates suggest that between 10% and 25% of production costs are attributable to complying with regulations, but without having researched the issue, it is more than likely that much, if not most, of this is attributable to costs that any responsible producer would have encountered anyway.

Much of the effectiveness of encouraging aquaculture in the EEZ will depend on factors beyond the control or influence of aquacultural farmers, including the federal government's willingness and ability to enforce unfair-trade-practice laws against foreign importers as it would against U.S. producers. Shifting tariffs may also make it difficult for investors to commit to long-term investments. The cooperation of other agencies of government may be necessary.

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Executive Order 14276: *Restoring American Seafood Competitiveness*

Public Comments

As of August 21, 2025, the Council received five public comments on EO 14276. See enclosed.

Public Comments in Order Received
Brian Pearce, F/V Gracelyn Jane
Wayne Reichle, Lund's Fisheries
Shaun Gehan, Gehan Law, on behalf of the Sustainable Fisheries Coalition
Todd Bragdon, Oneonta Fisheries, Inc
Ronald Smolowitz, Coonamessett Farm Foundation

July 15, 2025

Secretary of Commerce, Howard Lutnick
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: Executive Order 14276: Restoring American Seafood Competitiveness –
Groundfish Community Concerns

Dear Secretary Lutnick,

My name is Brian Pearce, and I run the F/V Gracelyn Jane out of Portland, Maine. I'm writing to you from the working waterfront—not a desk—where every trip out on the water is getting harder to justify financially, even for someone who's spent a lifetime in this fishery.

The Executive Order on Restoring American Seafood Competitiveness opens the door for real reform. But to make that happen, the New England Fishery Management Council and Dept. of Commerce need to act on the things that are strangling small-boat groundfishermen like me. Here are the changes we urgently need:

1. End Leasing

Fisherman and their crew are stuck paying more to lease quota than we can make selling the fish. The leasing system, aka Sector Management, enriches quota owners who don't fish or risk their lives at sea, while the boats doing the work scrape by. This is driving concentrating control into fewer hands. As importantly, it is also leaving valuable, unused choke stock quota uncaught! We encourage you to fix this — quota should support the people who fish, not investors. Quota owners have seen the opportunity to capitalize and outbid working family fleets for quota, that in many cases, was earned by fishers who paid nothing for a

license to fish the U.S. waters. I could elaborate on how this system unfolded so unjustly.

2. Eliminate Observer Costs – Use AI Instead

The observer program is a major financial and operational burden. Instead of sticking anyone with the bill for human observers, why not invest in real solutions like AI-powered electronic monitoring? There has been years of camera project work, which I gladly participated in many years ago, however rather than using that data policies continue to bill for at sea observers. I have since taken the camera off my boat if they are going to continue to send/charge for a human instead.

Modern machine learning and image recognition technology can track catches, discards, and even compliance in ways that are more consistent, less invasive, and far cheaper over time. If we want smart, effective monitoring, AI is already here—it's time to use it and reduce the cost to the fishermen.

3. Keep Access Local

Every year, more groundfish access slips away from coastal communities and into corporate or out-of-state hands. If we want this fishery to survive, access needs to stay with the independent fishermen and community/state based fleets that depend on it—and who've proven they know how to fish responsibly.

4. Invest in Community Infrastructure

New England lands some of the best groundfish in the world, but we're losing value and markets because we lack a local market, possibly due to insufficient quota despite the actual fish in the water. The largest buyer at our fish pier the last three years has been Grant money for our food pantries. We need support in investments that help us get more value from every pound we land—and keep those dollars in our towns. My spouse is on the city's Portland Fish Peir Authority Board, so we understand the costs involved with maintain the working waterfront. Sadly, the market for local caught seafood has been replaced by the cheaper imports from down the street at the Port of Portland. There needs to be some

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balance. Our fish prices might be more competitive if the issues in 1. and 2. are addressed.

5. Simplify the System

In New England, the Council, Advisory Panels and Committees are led by special interest groups. They dictate the management plan called the Sector System which was rolled out in 2010. The New England Groundfish fleet should have never been considered for this type of fishery management system. There are too many species of fish that are caught incidentally (by catch) to make this program be successful, which it is not (see 1. End Leasing). You need a lawyer just to have weigh in at with these groups. We need a permitting and regulatory system that works for working people, not just for scientists, environmental consultants and corporate fleets.

The groundfish fishery helped build New England—and it can still be a foundation for our coastal economy. We just need a system that doesn't push us out while rewarding those who do not set foot on a boat. The F/V Gracelyn Jane is ready to keep fishing and I am willing to keep explaining the wrongs that need righted. Make it fair. Make it better. Make it transparent. Make America Fish Again.

Thank you for your time and for the opportunity to speak directly from the deck.

Brian Pearce
628 New Gloucester Road
North Yarmouth, ME 04097
207-350-0472
fvdannyboy@gmail.com

cc: New England Fishery Management Council, Groundfish Plan Development Team



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

August 15, 2025

Dr. Cate O'Keefe, Executive Director
New England Fishery Management Council
50 Water St #2, Newburyport, MA 01950
Re: Executive Order (EO) 14276, "[Restoring American Seafood Competitiveness.](#)"

Dear Dr. O'Keefe:

Thank you for the opportunity to provide you and Council members with our comments in support of the opportunities provided to the region's commercial fisheries by Executive Order 14276.

Lund's Fisheries, Inc. is a family-owned, vertically integrated harvester, processor and distributor of fresh and frozen seafood, located in Cape May, NJ, producing seafood and bait products since 1954. We purchase and distribute nearly 75 million pounds of fresh and frozen fish annually. Strategically located in the heart of the Mid-Atlantic fishing grounds, Lund's Fisheries proudly distributes fresh and frozen seafood nationally to food service, retail and wholesale distributors, while our frozen exports extend to global markets. We have about 30 fishing vessels delivering a variety of seafood to our facility year-round. Many of these vessels call Cape May their home port. Several are company-owned, and we also work with independent vessels landing from Rhode Island, New York, Virginia, and North Carolina. Our east coast fishing grounds extend from the Gulf of Maine to Georges Bank, and south through Cape Hatteras, NC.

Elimination of Industry-Funded Observer Coverage in the Greater Atlantic Region

The National Marine Fisheries Service continues to argue in the Courts that this regulatory cost is simply a cost of doing business, dismissing legislative history and statutory construction, and relying on the MSA's §1853(b)'s Necessary and Appropriate clause.

Our company and vessels supported Loper Bright Enterprises, et al. v Raimondo in opposing the IFM amendment, arguing Congress has only approved IFM in three specific instances, as part of the Magnuson Stevens Fishery Conservation and Management Act (MSA); for fishing vessels operating in the North Pacific region, on foreign fishing vessels operating in the U.S. EEZ, and for Limited Access Privilege Program (LAPP) fisheries, such as the surf clam and ocean quahog fisheries under MAFMC management.



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

In considering this case, the Supreme Court, in 2024, used it to overturn the Chevron Doctrine long used in the Courts to defer to Administrative Agencies' interpretation of the statutes controlling their activity. Even so, a lower Court in the RI District, ignoring the MSA's clear statutory language, ruled against the similar Seafreeze case, *Relentless Inc v Department of Congress*, on July 15, 2025. Loper Bright is still under consideration at the DC appeals court although we are very concerned about the outcome in Relentless and appeal to the Council and the Administration to keep any current or future IFM initiatives from being successful at the NEFMC.

Lund's Fisheries is a founding member of the Sustainable Fisheries Coalition, an unincorporated fishing association comprised of participants in the Atlantic Herring Fishery. This is perhaps the most over-regulated fishery on the East Coast, as demonstrated by the regulatory issues at play in the Loper Bright and Relentless cases.

As a SFC member, we support the recommendations to eliminate the slippage regulations requiring vessels to relocate 15 miles away when dogfish may clog a pump, for example, and the requirement prohibiting vessels from fishing in a Northeast Multispecies Closed Area – which was allowed for several years since these boats do not fish on the bottom or catch groundfish; two wholly arbitrary measures. The SFC's May 12, 2025, letter to OMB Director Russell Vought provides additional details and is attached.

In addition, we ask that the Council permanently set aside Herring Amendment 10 and commit to not establishing river herring & shad time and area closures, as an alternative to the existing catch caps, and refrain from using Atlantic herring buffer zones as a management tool again, in compliance with the Massachusetts District Court's March 29, 2022 decision to vacate the inshore Mid-water trawl restricted area measure of Herring Amendment 8.

National Marine Monuments authority must remain under MSA.

In October 2021, the Biden Administration issued Presidential Proclamation 10287 nullifying President Trump's Presidential Proclamation 10049 (June 2020), "Modifying the Northeast Canyons and Seamounts Marine National Monument." The Biden proclamation not only banned commercial fishing in the Monument, but it also codified the fishing prohibition through regulation in the Code of Federal Regulations.

The Monument designation regarding the commercial fishing prohibition must be reversed and all implementation regulations in the Code of Federal Regulations eliminated (50 CFR 600.10).



Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

The nomination process of Hudson Canyon as a National Marine Sanctuary must be reversed.

In 2015, President Obama re-opened the “public nomination process” for establishing new National Marine Sanctuaries, allowing the “public” to nominate new sanctuaries. In 2016, during the first Trump Administration, the Wildlife Conservation Society nominated Hudson Canyon, as a proposed National Marine Sanctuary. The Mid Atlantic Fishery Management Council opposed this designation, and the first Trump Administration declined to support the designation.

In 2022, the Hudson Canyon was nominated again, and the Biden Administration has since moved forward with the designation process, with NOAA creating a Hudson Sanctuary Advisory Council that is now federally staffed. If the Hudson Canyon becomes a National Marine Sanctuary, additional restrictions will be implemented in regional fisheries, and we have no idea what the size and boundaries of the sanctuary could be.

The nomination process of Hudson Canyon as a National Marine Sanctuary must end. The citizen nomination process of Marine Sanctuary designation that the Obama Administration opened, must be reversed. This can be found at 15 CFR Part 922 [Docket No. 130405334-3717-02] on the date of 6/13/2014.

Reverse a decades-old dispute between the U.S. Fish and Wildlife Service (USFWS) and the NMFS over the question of whether East Coast and West Coast squid resources are either a ‘shellfish’ or a ‘fishery product’.

The U.S. Fish and Wildlife Service (USFWS) is authorized to regulate wildlife imports/exports, there is a specific exemption for “shellfish and fishery products” that are harvested and under the authority of a federal and state Fishery Management Plan.

However, the USFWS has refused to recognize federally managed and harvested squid species (i.e. calamari) as either “shellfish” or a “fishery product”, despite that squid are technically a shellfish (mollusk) and are managed as a fishery under the Magnuson Stevens Act, with full blown federal Fishery Management Plans.

Furthermore, USFWS chooses to ignore these facts and does not care about the burden placed on the commercial fishing industry. Squid harvested by the U.S. commercial fishing industry are not an “endangered species” The USFWS has consistently refused to consider any reclassification to accept our squid as a “fishery product”.

LUND'S FISHERIES



Wild caught product of USA

Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

The USFWS must be required to lift the inspection burden on squid exports and reclassify the 3 domestic squid species as shellfish or fishery products. The original rule, published on 8/25/1980 at 45 FR 56673, can be found at 50 CFR Part 14. Below we have included a lengthy administrative record on this topic. We sincerely appreciate MAFMC staff's (Mary Sabo) significant support in seeking this administrative change in recent years and we now ask for the NEFMC's support.



Supplemental-USFW
S-Squid-Memo_2020

Support a permanent moratorium on all Offshore Wind development in the Greater Atlantic Region

The EO identifies “selling our fishing grounds to foreign offshore wind companies” as one of the major factors restricting Atlantic domestic fisheries. We agree and ask the Administration to void all existing offshore wind leases issued via the Obama Smart from the Start Program.

Allow scallop fishery access to the Northern Edge HAPC; closed since 1994

Annual scallop revenue lost to this closure is estimated at \$30 to \$50 million dollars. There is no existing ecological rationale for continued closure of the HAPC and no evidence that the closure is meaningfully contributing to groundfish recovery. A rotational harvest approach to this area is needed. Lobsters in the HAPC are found in complex habitat along the Eastern boundary where scallop access would not be targeted.

Finally, we ask the Council to evaluate current vessel baseline restrictions, for federal limited access permit holders, and consider initiating a joint management action with the MAFMC to modify current requirements and create additional flexibility in replacing aging vessels in the Region.

Thank you for your attention to and consideration of our comments and concerns.

With best regards,

Wayne Reichle, President

wreichle@lundsfish.com

Attachment: SFC to OBM, May 12, 2025

May 12, 2025

Via Regulations.gov

Russell T. Vought, Director Office
of Management and Budget 725
17th Street, N.W.
Washington, D.C. 20503

RE: Response to Notice of Request for Information, Docket No. OMB-2025-0003

Dear Director Vought:

This letter is submitted in response to the Office of Management and Budget's Request for Information "on regulations that are unnecessary, unlawful, unduly burdensome, or unsound." 90 Fed. Reg. 15481 (April 11, 2025). It reflects the concern of the Sustainable Fisheries Coalition ("SFC"), an unincorporated commercial fishing association comprised of participants in the Atlantic herring fishery. This is perhaps the most over-regulated fishery on the East Coast, as demonstrated by the regulatory issues at play in *Loper Bright Enter., Inc. v. Raimondo*, 603 U.S. 369 (2024) (challenging the industry-funded monitoring regulation).

Below are two unnecessary regulations that burden the fishery without providing conservation or other benefits that SFC suggest should be eliminated:

1. *Strike 50 C.F.R. § 648.2 Definitions (specifically, definition of "Slip(s) or slipping catch") and 50 C.F.R. § 648.11(m)(4) ("Measures to address slippage").*

Under these regulations, if a herring vessel releases any fish from its nets for reasons of mechanical problems, vessel safety, or because the fish cannot be pumped aboard (this generally occurs if there are large numbers of dogfish in the catch), it must relocate to a fishing area at least 15 nautical miles from its location. If a vessel releases fish for any other reason – a very rare occurrence, but one which may occur if the catch is primarily of a type the vessel is not allowed to retain – it must terminate the trip and return to port.

Justification: The penalty this regulation attaches to various discarding events serve only to impose costs on herring fishermen while providing no benefit in terms of improved data or reduced bycatch. More to the point, all the events that would trigger the "move along" requirement – mechanical failure, dogfish, and conditions impacting vessel safety – are all beyond the control of the vessel and its crew. As such, a penalty serves as no deterrent, contrary to the rule's stated purpose.

In fact, the mid-water trawl sector of the Atlantic herring fishery has one of the lowest percentages of total catch subject to discards – the overwhelming majority of which is dogfish.

There is no overwhelming pattern of discarding in the fishery or bycatch of non-target species largely because the gear is very selective and the economics of the herring fishery dictate that vessels be efficient in targeting and harvesting this relatively low-value resource.

The best scientific information available tends to undermine the premise upon which the so-called “slippage” penalties are based, as the National Marine Fisheries Service has agreed:

The need for, and threshold for triggering a slippage cap (10 slippage events by area and gear type) does not appear to have a strong biological or operational basis. Recent observer data (2008–2011) indicate that the estimated amount of slipped catch is relatively low compared to total catch (approximately 1.25 percent). Observer data also indicate that the number of slippage events is variable across years. During 2008–2011, the number of slippage events per year ranged between 35 and 166. The average number of slippage events by gear type during 2008, 2009, and 2011 were as follows: 4 by bottom trawl; 36 by purse seine; and 34 by midwater trawl.

79 Fed. Reg. 8786, 8793 (Feb. 13, 2014).

2. *Strike 50 C.F.R. § 648.14(r)(2)(v)-(x). Amend 50 C.F.R. § 648.202(b)(1) by striking “, and is carrying onboard an observer” at the end of the paragraph. Strike paragraphs (2) and (4) and renumber paragraph (3) as paragraph “(2)”.*

Section 648.15(r)(2)(v) prohibits a herring mid-water trawl vessel from fishing in a Northeast Multispecies Closed Area without an observer. The two paragraphs suggested for elimination include “slippage” restrictions specific to the multispecies closed areas.

Justification: The former chief of NMFS’ Fisheries and Ecosystems Monitoring and Analysis Division, Dr. Wendy Gabriel, has stated at various meetings of the New England Council and its committees that there is no evidence of excessive discarding or bycatch in the fishery. In particular, the rate of incidental catch of haddock (which is subject to an overall bycatch cap) is no higher within the groundfish closed areas than elsewhere in the fishery, and there is no bycatch of other groundfish species. Thus, this regulation imposes costs, primarily in terms of eliminating access to productive fishing areas, while providing no conservation benefits.

Further, as there are no differences in the operation of mid-water trawl within such closed areas as elsewhere in the fishery, there should be no special and unwarranted regulations pertaining in these areas.

Thank you for your close attention to these important issues.

Sincerely,

/s/ Shaun M. Gehan

Shaun M. Gehan,

Counsel of the Sustainable Fisheries Coalition

MEMORANDUM

Date: September 30, 2020
To: Council
From: Mary Sabo
Subject: Additional information regarding USFWS import/export rules for U.S. squid fisheries

The Executive Committee met on September 21 to develop recommendations regarding the Executive Order (EO) on Promoting American Seafood Competitiveness and Economic Growth. During this meeting, the Committee reviewed a request to consider recommending to the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) to exempt squid from the inspection and user fee system established for monitoring the import and export of certain types of protected wildlife products (at 50 CFR 14). The Executive Committee directed staff to provide additional information on this topic for consideration at the October 2020 Council Meeting. Specifically, the Committee requested (1) information about the USFWS rationale for including squid in its import/export monitoring and user fee program and (2) documentation of NMFS' past opposition to the USFWS excluding squid from its definition of shellfish.

The following memo provides additional background information to support the Council's review of this issue. Several documents are also attached for Council consideration:

1. USFWS Fact Sheet: Importing & Exporting Shellfish & Fishery Products
2. Letter from Mr. Samuel D. Rauch, NMFS Deputy Assistant Administrator for Regulatory Programs, Regarding USFWS Import/Export License and Fee Proposals (4/24/2008)
3. Letter from Lund's Fisheries, Seafreeze, Ltd., and The Town Dock (7/28/20)
4. Relevant 50 CFR Excerpts: § 10.12, § 14.92(a)(1), and § 14.64(a)

Summary of the Issue

Under the authority of the Endangered Species Act (ESA), the USFWS regulates the import and export of wildlife. This is carried out through the licensing of importers and exporters, inspection of shipments, and charging and retaining fees for processing applications and performing inspections.

The ESA provides an exemption from these import/export requirements for "shellfish and fishery products." This exemption, which is reflected in the USFWS regulations found in [50 CFR Part 14](#), currently applies to the vast majority of domestic fisheries. However, because the USFWS has established a narrow definition of "shellfish," this exemption does not include invertebrates without external shells, such as squid, octopus, and cuttlefish (Attachment #1). NMFS has previously opposed the USFWS definition of shellfish as being inconsistent with that of NMFS and the United Nations Food and Agriculture Organization (Attachment #2).

Atlantic longfin squid, Atlantic *Illex* squid, and California market squid are among only a few commercially harvested domestic fisheries that are not exempt from the USFWS import/export regulations. USFWS has provided no specific rationale for its decision to classify squid as neither shellfish nor fishery products.

On July 28, 2020, the Council received a request from Lund's Fisheries, Seafreeze, Ltd., and The Town Dock (Attachment #3), requesting that the Council consider including in its EO response a recommendation that the USFWS revise the import/export rules to include squid in the exemption for shellfish and fishery products. The current regulations require squid producers to ship U.S. squid only from designated ports and pay duplicative inspection fees, paperwork fees, and license fees, resulting in higher costs for the industry and making U.S. squid less competitive in international markets.

U.S. squid meet the criteria of being intended for human consumption and they are not listed as endangered or threatened, protected under CITES, or listed as injurious under the Lacey Act. These fisheries are sustainably managed under the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. In 2018 the Atlantic longfin squid fishery became the first squid fishery in the world to secure certification by the Marine Stewardship Council (MSC), and the *Illex* squid fishery was subsequently certified as MSC-sustainable in 2019.

Exemption Definitions

Shellfish

The USFWS currently uses the following definition of *Shellfish* provided at [50 CFR § 10.12](#):

“*Shellfish* means an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.”

The USFWS interprets the above definition of shellfish to exclude species in the class Cephalopoda, including squid, octopods, and cuttlefish.

On February 25, 2008, USFWS published a proposed rule proposing clarification regarding when an import/export license is required and modification to the license requirement exemptions. During the comment period, USFWS received a number of comments from NMFS and the industry questioning the USFWS definition of shellfish and the rationale for excluding certain mollusks. The following is an excerpt from NMFS' letter (Attachment #2):

“Serious questions have arisen from seafood importers in the northeast as to whether this definition of *shellfish* should also include wildlife species in the class Cephalopoda (squids, octopods, and cuttlefish). NMFS understanding is that organisms in this class *are* shellfish. According to the definition listed in the NMFS 2006 Glossary, ‘Shellfish include both mollusks, such as clams and crustaceans, such as lobsters.’ This definition was sourced from the *United Nations Food and Agriculture Organization – Fisheries Glossary*. Shellfish are further defined in 50 CFR 10.12 as “an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean...”

Although the Magnuson-Stevens Act provisions (50 CFR 600.10) and the Northeast Region regulations (50 CFR 648.2) lack a clear definition of shellfish, both definitions above indicate that the phylum Mollusca classifies all species within as shellfish, which includes the class Cephalopoda.”

The [final rule](#), published on December 9, 2008, did not modify the definition of *shellfish*, and the USFWS continues to apply import/export requirements and fees to U.S. squid fisheries.

Fishery Product

The regulations found in 50 CFR § 10.12 and 50 CFR Part 14 do not include a definition for the term *Fishery Product*. The USFWS provides the following definition in its Fact Sheet on Importing & Exporting Shellfish & Fishery Products (Attachment #1):

A fishery product means a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii and Pisces; and includes any part, product, egg or offspring whether or not included in a manufactured product or a processed product. Fishery product does not mean frogs, turtles, alligators, live fish, or other aquatic animals.

USFWS Justification for Excluding Squid from Import/Export Exemptions

Staff has reviewed current regulations and supporting documents from USFWS and has not identified a rationale for excluding squid or other non-exempt invertebrates from the exemption for shellfish and fishery products. USFWS leadership has stated that the exemption “is purposefully narrow to discourage smuggling and illegal trade in protected species, invasive species and other wildlife, and to protect the legal trade community.”¹ However, staff can find no evidence that squid fisheries are any more vulnerable to illegal import/export activities than other fisheries that are covered by the exemption.

In 2016, the topic was raised during a [Legislative: Hearing on H.R. 3070 and H.R. 4245](#) before the Subcommittee on Water, Power and Oceans of the Committee on Natural Resources U.S. House Of Representatives. The following exchange between Representative John Fleming, Mr. William Woody (Assistant Director of USFWS Office of Law Enforcement at the time), and Mr. Dan Morris (Deputy Regional Administrator of NMFS Greater Atlantic Region at the time) can be viewed [here](#) (beginning at 1:41:30). A full transcript can be found [here](#).

Dr. FLEMING. The gentlelady yields back. I believe we have finished the first round. Therefore, I now recognize myself for 5 minutes for the second round. This question is for Mr. Woody. I understand the U.S. squid industry is currently subject to these same inspection requirements by the Service, even though these products are also destined for human consumption. Can you please explain to the subcommittee why a U.S. company that processes squid caught by U.S. fishermen off our own coast, and then exports that same cleaned, frozen product for human consumption, is subject to the same excessive fees and aggressive inspection requirements as products that are actually dangerous to the environment, or highly protected, such as those listed under the Lacey Act, CITES, and the Endangered Species Act?

Mr. WOODY. OK. Under our service regulations, under shellfish and fishery products, they do not fall under our regulations. What we have is the exemption does not apply to aquatic invertebrates and other animals that may be imported or exported for human or animal consumption. Essentially, the definition of shellfish or fisheries product such as squid, octopus, cuttlefish, land snails, sea urchins, sea cucumbers, they don't apply. They do not fall under that exemption, under our regulations.

Dr. FLEMING. But your regulations could be changed, right? You don't require an Act of Congress to do that?

Mr. WOODY. Our regulations could be changed, correct.

Dr. FLEMING. All right. Why not change them?

Mr. WOODY. Because we think they are sufficient right now.

¹ Mr. William Woody, Assistant Director of Law Enforcement for the U.S. Fish and Wildlife Service, testimony before the Subcommittee on Water, Power and Oceans of the Committee on Natural Resources, February 2, 2016, https://naturalresources.house.gov/download/testimony_woody

Dr. FLEMING. But why? I know you think that, but why?

Mr. WOODY. Because we think what we have right now, under shellfish and fisheries product, under the exemptions that we give those particular things, we think that covers a broad base. Adding on these other exemptions can add on to other issues as well. In other words, anything possibly from wildlife trafficking to other invasive species coming in. We have not added anything on to that, under the exemptions.

Dr. FLEMING. So, you are concerned that it opens the floodgates to other types of critters that might be involved with the Endangered Species Act or——

Mr. WOODY. Potentially it opens up other smuggling avenues. Correct, sir.

Dr. FLEMING. OK. Why is domestic calamari from our own waters defined the same way as these other dangerous or protected products?

Mr. WOODY. It does not fall under the exemption, sir.

Dr. FLEMING. So it is the same answer, basically.

Mr. WOODY. That is correct.

Dr. FLEMING. OK. Mr. Morris, NOAA and the regional councils managed the domestic harvest of hundreds of metric tons of squid. To your knowledge, is U.S.-caught squid a dangerous threat to our environment, or is it protected under the ESA?

Mr. MORRIS. Thank you for the question, sir. Yes, the domestic caught fish and squid are sustainably harvested. They are under proper management and catches are set and managed at appropriate levels. They are not listed under the Endangered Species Act.

Dr. FLEMING. And they are not a danger to the environment? They are not invasive species or anything of that sort?

Mr. MORRIS. No.

Dr. FLEMING. So, would it—and I will open this to the panel. Does anyone else have any comment about this? It does not get the same protections as shellfish, the same waiver. But yet in many ways, it is similar to the shellfish, in that it is not under the Lacey Act, it is not an endangered species, it is not an invasive species. Any thoughts from anyone else on the panel about that?

[No response.]

Dr. FLEMING. OK, all right. Well, that is all the questions I have. I yield to Mr. Huffman.

Industry Impacts

The economic impacts and regulatory burden of these USFWS import/export regulations are described in detail in the joint letter submitted by Lund's Fisheries, Seafreeze Ltd., and The Town Dock (Attachment 3). The letter states: "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."

The letter provides the following example of how these regulations affect the operations and bottom line of U.S. squid fisheries:

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

Proposed Action

USFWS likely already has the authority under existing regulations to exempt domestic squid fisheries from import/export requirements and fees. Council staff notes that while squid lack external shells, they do have internal shells known as “pens” and therefore could potentially be classified as shellfish under the current definition. Additionally, in the absence of a definition of “fishery product” in the relevant CFR sections, USFWS could broaden the definition to exempt squid and other invertebrates from import/export requirements without requiring a regulatory change. However, in order to ensure a permanent exemption for these sustainably managed domestic squid fisheries, staff recommends that the Council include either or both of the following recommendations in its response to EO 13921.

1. **Revise the “Shellfish” definition at [50 CFR § 10.12](#) to include squid.** Below are two acceptable options:
 - a. Modified NMFS Definition (based on the [2006 NMFS glossary](#) definition): Shellfish include both mollusks, such as clams and squid, and crustaceans, such as lobsters and shrimp.
 - b. Modified USFWS Definition: Shellfish means an aquatic mollusk or crustacean or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.
2. **Add a definition for “Fishery Products” which includes squid or all mollusks not otherwise covered under the shellfish definition.** This definition could be added to [50 CFR § 10.12](#) or [§ 14.4](#). This change would broaden the scope of a number of relevant sections which provide exemptions for “Shellfish and nonliving fishery products...”

The Council’s final recommendations will be included in the Council’s EO response to NMFS and transmitted via formal request to the applicable agencies (Dept. of Commerce/NMFS, Dept. of Interior/USFWS).

Importing & Exporting Shellfish & Fishery Products

Does the U.S. Fish and Wildlife Service (Service) regulate the import and export of shellfish and fishery products?

Yes. We regulate the trade of shellfish and fishery products under the wildlife laws we enforce. However, we exempt some shellfish and certain non-living fishery products from our basic import/export requirements. We also have exemptions for pearls and certain sport-caught fish.

How does the Service define shellfish?

Under Service regulations, shellfish means an aquatic invertebrate having a shell within either the phylum Mollusca or subphylum Crustacea, and includes any part, product, egg, or offspring whether or not included in a manufactured product or in a processed food product. The definition for shellfish does not include mollusks or crustaceans without a shell or any other aquatic invertebrate. Common edible shellfish include oyster, clam, mussel, scallop, cockle, abalone, conch, whelk, marine snail, lobster, crayfish and prawn.

How does the Service define fishery product?

A fishery product means a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii and Pisces; and includes any part, product, egg or offspring whether or not included in a manufactured product or a processed product. Fishery product does not mean frogs, turtles, alligators, live fish, or other aquatic animals.

When are shellfish and fishery products exempt from Service import/export requirements?

Imports and exports of certain shellfish and non-living fish products are exempt from Service requirements if they are for human or animal consumption and the species is not listed as injurious ([50 CFR Part 16](#)) and does not require a permit under [50 CFR Part 17](#) (endangered or threatened species), or [50 CFR 23](#) (Convention on International Trade in Endangered Species (CITES)). Live shellfish imported or exported for grow out or rearing facilities are not considered to be an import or export for human or animal consumption.

Are pearls exempt from Service import/export requirements?

Yes. Pearls are exempt from Service requirements unless they come from or are cultivated using any piece or part of a shellfish protected under CITES or listed as endangered or threatened.

Are there any exemptions for sport-caught fish or shellfish?

Yes. Recreationally caught fish or shellfish taken in U.S. waters or on the high seas are exempt from Service import/export requirements, unless the species involved is injurious, or requires a permit under [50 CFR Part 17](#) or [50 CFR 23](#). In addition, fish taken for recreational purposes in Canada or Mexico are exempt from import declaration requirements unless the species involved is injurious, or requires a permit under [50 CFR Part 17](#), or [50 CFR 23](#).

Are there any other exemptions for shellfish?

Yes. Live aquatic invertebrates of the class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and their eggs, larvae, or juvenile forms, are exempt from Service requirements if they are exported for purposes of propagation or research related to propagation and they do not require a permit under [50 CFR Part 17](#) or [50 CFR 23](#).

Are there any exemptions for exports of farm-raised fish and fish eggs?

Yes. Live farm-raised fish and farm-raised fish eggs that meet our definition of “bred in captivity” (50 CFR 17.3) and that do not require a permit under our regulations as endangered or threatened (50 CFR 17) or under CITES (50 CFR 23) may be exported from any [Customs and Border Protection port](#) and are exempt from export declaration and licensing requirements.

What are some examples of shellfish that are not exempt?

Species such as queen conch (*Strombus gigas*) and giant clams (Family Tridacnidae) that require a permit under [50 CFR 23](#) do not qualify for the exemption for shellfish. Other examples include certain mussels originating in U.S. rivers that are listed under the Endangered Species Act and two types of shellfish – mitten crabs (genus *Eriocheir*) and zebra mussels (*Dreissena polymorpha*) – that are listed as injurious ([50 CFR Part 16](#)). All of these shellfish require permits and are subject to Service import/export requirements.

What are some examples of fishery products that are not exempt?

Imports or exports of any sturgeon or paddlefish product, including meat, caviar, and cosmetics made from sturgeon eggs, do not qualify for the exemption for fishery products since they require a permit under [50 CFR 23](#). Other examples of non-exempt fishery products include dead unviscerated salmon, trout and char and live fertilized eggs from these salmonid fish – imports for which special requirements exist under our injurious species regulations.

What are some examples of other animals that are not exempt?

Aquatic invertebrates and other animals that are imported or exported for human or animal consumption but that do not meet the definition of shellfish or fishery product are not exempt. Examples include squid, octopus, cuttlefish, land snails (escargot), sea urchins, sea cucumbers, frogs, or alligator.

Can a Service officer still look at my shipment even if it is exempt?

Yes. The Service has the legal authority to detain and inspect any wildlife imported or exported into the United States, even if we have exempted the shipment from Service port, declaration, and clearance requirements.

Contact:

U.S. Fish and Wildlife Service
Office of Law Enforcement
Phone: 703-358-1949
Fax: 703-358-2271
E-mail: lawenforcement@fws.gov

July 7, 2008



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

April 25, 2008

Public Comments Processing
Attn: RIN 1018-AV31
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, Virginia 22203

Re: Docket No. FWS-R9-LE-2008-0024
Import/Export License and Fee Proposals

Dear Sirs:

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) offers the following comments on the proposed amendments to the rules governing import/export licenses and fees that were published in the Federal Register on February 25, 2008 (73 FR 9972-9983).

The proposed change to 50 CFR 14.92 would redefine the import/export license exemption category from its current language of "*Shellfish and fishery products*" to "*Shellfish and nonliving fish products*". Based on the factsheet given in a public notice to the wildlife import/export community by the FWS on March 6, 2006, the FWS definition of "shellfish" was narrowed to the following:

"Shellfish are all species of oyster, clam, mussel, or scallop (Class Pelecypoda) or shrimp, crab, or lobster (Class Crustacea) that are live, shucked, or in the shell, fresh or frozen, whole or in part."

Serious questions have arisen from seafood importers in the northeast as to whether this definition of *shellfish* should also include wildlife species in the class Cephalopoda (squids, octopods, and cuttlefish). NMFS understanding is that organisms in this class *are* shellfish. According to the definition listed in the NMFS 2006 Glossary,



“Shellfish include both mollusks, such as clams, and crustaceans, such as lobsters.” This definition was sourced from the *United Nations Food and Agriculture Organization – Fisheries Glossary*. Shellfish are also further defined in 50 CFR 10.12 as “*an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean...*”

Although the Magnuson-Stevens Act provisions (50 CFR 600.10) and the Northeast Region regulations (50 CFR 648.2) lack a clear definition of shellfish, both definitions above indicate that the phylum Mollusca classifies all species within as *shellfish*, which includes the class Cephalopoda.

Based on the concerns we have identified, NMFS strongly recommends FWS provide clarification in this rule on the definition of *shellfish* to help those importing and exporting seafood better understand the import/export requirements of the FWS. Therefore, NMFS believes §14.92(a)(1) should read: “*Shellfish, as defined by 50 CFR 10.12, and nonliving fish products that do not require a permit under parts 16, 17, or 23 of this subchapter, and are imported or exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;*”. NMFS encourages FWS to pursue further interagency and industry dialogue, and looks forward to working with FWS in advancing environmentally-sound import/export regulations.

Sincerely,



Samuel D. Rauch III
Deputy Assistant Administrator for
Regulatory Programs, NMFS

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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50 CFR § 10.12 Definitions.

Shellfish means an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

50 CFR § 14.92 What are the exemptions to the import/export license requirement?

(a) *Certain wildlife.* Any person may engage in business as an importer or exporter of the following types of wildlife without obtaining an import/export license:

- (1)** Shellfish (see § 10.12 of this chapter) and nonliving fishery products that do not require a permit under parts 16, 17, or 23 of this subchapter, and are imported or exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

§ 14.64 Exceptions to export declaration requirements.

(a) Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, an exporter or his/her agent does not have to file a Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) for the exportation of shellfish and fishery products exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes, and does not have to file for the exportation of live aquatic invertebrates of the Class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and the eggs, larvae, or juvenile forms thereof exported for purposes of propagation, or research related to propagation.

August 15, 2025

Via Electronic Mail

Dr. Jamie Cournane
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

RE: Response to Request for Comments on Executive Order 14276, “Restoring America’s Seafood Competitiveness”

Dear Dr. Cournane:

I understand that you are requesting suggestions for specific actions related to the herring fishery that address one or more of the stated goals of President Trumps Executive Order 14276, “Restoring America’s Seafood Competitiveness.” These include, among others, reducing burdens on domestic fishing, enhancing economic profitability, and preventing fishery closures. On behalf of the Sustainable Fisheries Coalition, a trade organization representing herring fishermen (including Herring Advisory Panel members) and businesses from North Carolina to Maine, I respectfully submit the following suggestions:

1. *Strike 50 C.F.R. § 648.2 Definitions (specifically, definition of “Slip(s) or slipping catch”) and 50 C.F.R. § 648.11(m)(4) (“Measures to address slippage”).*

Under these regulations, if a herring vessel releases any fish from its nets for reasons of mechanical problems, vessel safety, or because the fish cannot be pumped aboard (this generally occurs if there are large numbers of dogfish in the catch), it must relocate to a fishing area at least 15 nautical miles from its location. If a vessel releases fish for any other reason – a very rare occurrence, but one which may occur if the catch is primarily of a type of fish the vessel is not allowed to retain – it must terminate the trip and return to port.

Justification: The penalty this regulation attaches to various discarding events serve only to impose costs on herring fishermen while providing no benefit in terms of improved data or reduced bycatch. More to the point, all the events that would trigger the “move along” requirement – mechanical failure, dogfish, and conditions impacting vessel safety – are all beyond the control of the vessel and its crew. As such, a penalty serves as no deterrent, contrary to the rule’s stated purpose.

In fact, the mid-water trawl sector of the Atlantic herring fishery has one of the lowest percentages of total catch subject to discards – the overwhelming majority of which is dogfish. There is no overwhelming pattern of discarding in the fishery or bycatch of non-target species

largely because the gear is very selective and the economics of the herring fishery dictate that vessels be efficient in targeting and harvesting this relatively low-value resource.

The best scientific information available tends to undermine the premise upon which the so-called “slippage” penalties are based, as the National Marine Fisheries Service (“NMFS”) has agreed:

The need for, and threshold for triggering a slippage cap (10 slippage events by area and gear type) does not appear to have a strong biological or operational basis. Recent observer data (2008–2011) indicate that the estimated amount of slipped catch is relatively low compared to total catch (approximately 1.25 percent). Observer data also indicate that the number of slippage events is variable across years. During 2008–2011, the number of slippage events per year ranged between 35 and 166. The average number of slippage events by gear type during 2008, 2009, and 2011 were as follows: 4 by bottom trawl; 36 by purse seine; and 34 by midwater trawl.

79 Fed. Reg. 8786, 8793 (Feb. 13, 2014).

Perhaps primary among the reasons this unnecessary regulation should be jettisoned are those related to vessel safety. Not all vessels in the fishery are the same. Some have limitations, such as the lack of cranes and stern ramps that would allow them to bring unpumpable fish aboard. The severe economic stress in the herring sector today puts enormous pressure on vessels to be as efficient as possible. The slippage provision creates an incentive to engage in risky practices that is inconsistent with National Standard 10, 16 U.S.C. § 1851(a)(10). As the National Standard Guidelines state:

A fishing vessel operates in a very dynamic environment that can be an extremely dangerous place to work. Moving heavy gear in a seaway creates a dangerous situation on a vessel.... An FMP should consider the safety and stability of fishing vessels when requiring specific gear or requiring the removal of gear from the water.

50 C.F.R. § 600.355(c)(2). The slippage regulations serve no important purpose and unnecessarily compromise safety at sea. They should be eliminated.

2. *Strike 50 C.F.R. § 648.14(r)(2)(v)-(x). Amend 50 C.F.R. § 648.202(b)(1) by striking “, and is carrying onboard an observer” at the end of the paragraph. Strike paragraphs (2) and (4) and renumber paragraph (3) as paragraph “(2)”.*

Section 648.15(r)(2)(v) prohibits a herring mid-water trawl vessel from fishing in a Northeast Multispecies Closed Area without an observer. The two paragraphs suggested for elimination include “slippage” restrictions specific to the multispecies closed areas.

Justification: The former chief of NMFS’ Fisheries and Ecosystems Monitoring and Analysis Division, Dr. Wendy Gabriel, has stated at various meetings of the New England Council and its committees that there is no evidence of excessive discarding or bycatch in the fishery. In particular, the rate of incidental catch of haddock (which is low and otherwise subject to an overall bycatch

cap) is no higher within the groundfish closed areas than elsewhere in the fishery. There is no bycatch of other groundfish species. Thus, this regulation imposes costs, primarily in terms of eliminating access to productive fishing areas, while providing no conservation benefits.

Further, as there are no differences in the operation of mid-water trawl within such closed areas as elsewhere in the fishery, there should be no special and unwarranted regulations pertaining in these areas.

3. Permanently halt work on Amendment 10 to the Fishery Management Plan for Atlantic Herring

There has been a welcome pause in the development of Amendment 10, but the Council should take the next logical step and end its development completely. As the court battle over its predecessor, Amendment 8, showed. There is no scientific basis or conservation justification for singling out mid-water trawl vessels for discriminatory and punitive treatment. It would be a waste of increasingly small Council and NMFS resources to repeat past mistakes. The Council retains its full authority to deal with issue of concern, such as bycatch. But actions must be driven by science and solutions should focus on solving identified problems holistically. It should not be in the business of enshrining the prejudices and beliefs of special interest groups in the Code of Federal Regulations.

Thank you for your close attention to these important issues.

Sincerely,

/s/ Shaun M. Gehan

Shaun M. Gehan,

Counsel of the Sustainable Fisheries Coalition

Executive Order 14276 Input

From Todd & Valerie <oneonta187@gmail.com>

Date Fri 8/15/2025 10:06 PM

To Jamie Cournane <jcournane@nefmc.org>

Cc Todd Bragdon <toddresilient@gmail.com>

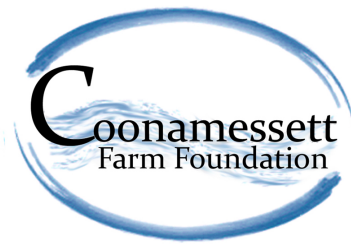
Regarding Executive Order (EO) 14276, my thoughts on some of the stated goals are as follows:

- Increase production by opening the Northern Edge to the scallop fishery as well as the western side of the Channel currently designated as "essential fish habitat." The entire ocean is an "essential" fish habitat.
- Enhance economic profitability by using geo-fencing and use 5-minute pings as you near boundaries of closed areas.
- Prevent closures by holding management more accountable. This year for example, the council opened a recently closed area, Lightship West, under the belief that there was little for the fisherman in the area. This area was closed in 2023, to protect juvenile scallops. This area was loaded with mature scallops which were then fished out. Management's research was obviously wrong, and they did nothing to correct the error such as calling for an emergency closure to prevent the actual derby fishing of the area. It should have remained a rotational closed area. As a rotational closed area, this would have provided a few trips each year in the area, now it is devastated.

Overall, management needs to be accountable for their poor decisions and stop discounting fisherman's input and opinions. It's very disheartening to attend meetings in which we are discussed as though not there or "not educated enough" to understand.

Thank you -

Todd Bragdon



Conducting scientific research projects that support sustainable fisheries, aquaculture, and agriculture

277 Hatchville Road • East Falmouth, MA 02536
Tel: (508) 356-3601 • Fax: (508) 356-3603
Website: www.coonamessettfarmfoundation.org

August 21, 2025
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Attn: Jamie Cournane, PhD
Via Email

Dear NEFMC,

This letter supplements CFF's July 22, 2025, comments on President Trump's April 17 Executive Order on *Restoring American Seafood Competitiveness*. We would like to focus here on the recent reliance on habitat complexity as a proxy for production and the closure of productive fishing areas solely for essential fish habitat (EFH) protection. This concern includes both the Great South Channel Habitat Management Area (GSC HMA), where CFF has and is currently conducting research, and the Northern Edge Habitat Area of Particular Concern (HAPC).

These areas are both highly productive bivalve fishing grounds, surfclams in the GSC HMA and scallops in the Northern Edge HAPC. These closures have kept millions of dollars in resources off-limits. Yet there are still no detailed habitat maps, data on groundfish use, or clear evidence that dredge gear causes 'adverse' impacts under the Magnuson-Stevens Act. There are no monitoring plans in place for these closed areas; nor has the Atlantic cod, a particular species of concern, shown itself to benefit from these closures.

Meanwhile, because the New England Council understood that this type of data was lacking for the GSC HMA, it specifically contemplated a program of industry-funded research to help answer these questions. The Rose and Crown and Davis Bank East areas were both designated as "research areas" by the Council for this purpose. Unfortunately, getting EFPs for these projects has been slow and difficult, and results from both CFF and other researchers (e.g., Powell et al.) have not been accepted by the Habitat PDT.

The following recommendations will help the Council and GARFO meet the President's objectives in EO 14276:

Streamline and expedite the EFP application and approval process, especially when the research meets identified Council priorities

In the case of research in the GSC HMA, the objectives of EFP 19066 had to be scaled back because of concerns over the swept area impacts of compensation fishing. However, the Council understood that such fishing would be necessary to provide the information needed for management purposes. As a result of the cuts to available funding, the amount of data was vastly constrained and not all the information obtained was able to be analyzed.

As conducted, the surfclam dredges interacted with only 3.12 square kilometers of seafloor. Even tripling compensation fishing would have increased the footprint to only 10 square kilometers, while yielding much more useful data.

CFF's application for the phase II research, EFP 23073, faced another long review process, with little clarity about what that review included or the reasoning behind it. Furthermore, when it became clear that amount of surfclams in Davis Bank East was not sufficient to fund the project, it took months for GARFO to approve the shifting of compensation fishing to the Rose and Crown. This represents lost research opportunities and data.

Provide clear direction on the type of information the Council and GARFO believe necessary, including amount and type of information is necessary for management purposes

It is important to both researchers and the fishing industry to have a clear understanding of what data is deemed necessary by managers in order to make decisions. It is even more important to know that when that information is provided, managers will utilize it. Our experience in relation to the GSC HMA has been uncertainty about what data the Habitat PDT considers sufficient. More concerning is that the data collected received detailed criticism after the fact, rather than constructive input during the research process. It is our hope that this second research project will receive a better reception and that it will be given serious consideration.

Which leads to the final recommendation.

Give more credence to industry-funded research and recognize that even imperfect information is better than no science at all

Both the GSC HMA and Northern Edge were closed based on virtually no information. And yet, despite numerous research projects conducted by CFF and others that have collected area specific data, it appears we are no closer to having a restoration of commercial fishing activities. Given the Council's purpose, which is to prevent overfishing and obtain optimum yield from American fisheries, there should not be a higher bar for allowing fishing activities than there is for preventing it.

Take the GSC HMA, for example. Both our research and that of Powell, et al. have provided evidence of what has long been known. That is, that the Nantucket Shoals is a highly dynamic environment subject to enormous tidal stress and frequent storm disturbance. Our seafloor mapping has shown annual changes in water depths in the study area due to shifting sand waves. The video we have collected shows changing bottom composition, with areas dominated by pebble/cobble cover during some seasons, and sand-dominated during others. Research has shown that cobble and rocks are, as a result of these forces, subject to scour and burial and re-exhumation.

All this would tend to suggest that clam dredging is not having a significant impact on EFH or the features of EFH that are important for managed stocks. This does not even address the question of whether the GSC HMA is currently important habitat for cod due to climate change and ocean warming effects.

CFF looks forward to completing the current project and sharing results with the Council. We hope this information, together with prior findings, will be meaningfully used in management decisions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald Joel Smolowitz", with a stylized, sweeping flourish at the end.

Ronald Joel Smolowitz
Treasurer, Board of Directors
Coonamessett Farm Foundation