

Presidential Documents

Executive Order 13921 of May 7, 2020

Promoting American Seafood Competitiveness and Economic Growth

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens, it is hereby ordered as follows:

Section 1. Purpose. America needs a vibrant and competitive seafood industry to create and sustain American jobs, put safe and healthy food on American tables, and contribute to the American economy. Despite America's bountiful aquatic resources, by weight our Nation imports over 85 percent of the seafood consumed in the United States. At the same time, illegal, unreported, and unregulated fishing undermines the sustainability of American and global seafood stocks, negatively affects general ecosystem health, and unfairly competes with the products of law-abiding fishermen and seafood industries around the world. More effective permitting related to offshore aquaculture and additional streamlining of fishery regulations have the potential to revolutionize American seafood production, enhance rural prosperity, and improve the quality of American lives. By removing outdated and unnecessarily burdensome regulations; strengthening efforts to combat illegal, unreported, and unregulated fishing; improving the transparency and efficiency of environmental reviews; and renewing our focus on long-term strategic planning to facilitate aquaculture projects, we can protect our aquatic environments; revitalize our Nation's seafood industry; get more Americans back to work; and put healthy, safe food on our families' tables.

Sec. 2. Policy. It is the policy of the Federal Government to:

- (a) identify and remove unnecessary regulatory barriers restricting American fishermen and aquaculture producers;
- (b) combat illegal, unreported, and unregulated fishing;
- (c) provide good stewardship of public funds and stakeholder time and resources, and avoid duplicative, wasteful, or inconclusive permitting processes;
- (d) facilitate aquaculture projects through regulatory transparency and long-term strategic planning;
- (e) safeguard our communities and maintain a healthy aquatic environment;
- (f) further fair and reciprocal trade in seafood products; and
- (g) continue to hold imported seafood to the same food-safety requirements as domestically produced products.

Sec. 3. Definitions. For purposes of this order:

- (a) "Aquaculture" means the propagation, rearing, and harvesting of aquatic species in controlled or selected environments;
- (b) "Aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture;

(c) “Aquaculture project” means a project to develop the physical assets designed to provide or support services to activities in the aquaculture sector, including projects for the development or construction of an aquaculture facility;

(d) “Exclusive economic zone of the United States” means the zone established in Proclamation 5030 of March 10, 1983 (Exclusive Economic Zone of the United States of America);

(e) “Lead agency” has the meaning given that term in the regulations of the Council on Environmental Quality, contained in title 40, Code of Federal Regulations, that implement the procedural provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*);

(f) “Maritime domain” means all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances;

(g) “Maritime domain awareness” means the effective understanding of anything associated with the global maritime domain that could affect the security, safety, economy, or environment of the United States; and

(h) “Project sponsor” means an entity, including any private, public, or public-private entity, that seeks an authorization for an aquaculture project.

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

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

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

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

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

(c) Within 1 year of the date of this order, the Secretary of Commerce shall submit to the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality a report evaluating the recommendations described in subsection (a) of this section and describing any actions taken to implement those recommendations. This report shall be updated annually for the following 2 years.

Sec. 5. *Combating Illegal, Unreported, and Unregulated Fishing.* (a) Within 90 days of the date of this order, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (NOAA), shall issue, as appropriate and consistent with applicable law, a notice of proposed rulemaking further implementing the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, which entered into force on June 5, 2016 (the Port State Measures Agreement).

(b) The Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the heads of other appropriate executive departments and agencies (agencies) shall, to the extent permitted by law, encourage public-private partnerships and promote interagency, intergovernmental, and international cooperation in order to improve global maritime domain awareness, cooperation concerning at-sea transshipment activities, and the effectiveness of fisheries law enforcement.

(c) The Secretary of State, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall, consistent with applicable law and available appropriations, prioritize training and technical assistance in key geographic areas to promote sustainable fisheries management; to strengthen and enhance existing enforcement capabilities to combat illegal, unreported, and unregulated fishing; and to promote implementation of the Port State Measures Agreement.

Sec. 6. Removing Barriers to Aquaculture Permitting. (a) For aquaculture projects that require environmental review or authorization by two or more agencies in order to proceed with the permitting of an aquaculture facility, when the lead agency has determined that it will prepare an environmental impact statement (EIS) under NEPA, the agencies shall undertake to complete all environmental reviews and authorization decisions within 2 years, measured from the date of the publication of a notice of intent to prepare an EIS to the date of issuance of the Record of Decision (ROD), and shall use the “One Federal Decision” process enhancements described in section 5(b) of Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects), and in subsections (a)(ii) and (iii) of this section. For such projects:

(i) NOAA is designated as the lead agency for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States and shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary point of contact at each cooperating and participating agency;

(ii) Consistent with the “One Federal Decision” process enhancements, all cooperating and participating agencies shall cooperate with the lead agency and shall respond to requests for information from the lead agency in a timely manner;

(iii) Consistent with the “One Federal Decision” process enhancements, the lead agency and all cooperating and participating agencies shall record all individual agency decisions in one ROD, unless the project sponsor requests that agencies issue separate NEPA documents, the NEPA obligations of a cooperating or participating agency have already been satisfied, or the lead agency determines that a single ROD would not best promote completion of the project’s environmental review and authorization process; and

(iv) The lead agency, in consultation with the project sponsor and all cooperating and participating agencies, shall prepare a permitting timetable for the project that includes the completion dates for all federally required environmental reviews and authorizations and for issuance of a ROD, and shall make the permitting timetable publicly available on its website.

(b) Within 90 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate State officials, shall:

(i) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(ii) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in other waters of the United States;

(iii) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(iv) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities for other waters of the United States;

(v) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States; and

(vi) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities for other waters of the United States.

Sec. 7. Aquaculture Opportunity Areas. (a) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate Regional Fishery Management Councils, and in coordination with appropriate State and tribal governments, shall:

(i) within 1 year of the date of this order, identify at least two geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there; and

(ii) for each of the following 4 years, identify two additional geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there.

(b) A programmatic EIS completed pursuant to subsection (a) of this section may include the identification of suitable species for aquaculture in those particular locations, suitable gear for aquaculture in such locations, and suitable reporting requirements for owners and operators of aquaculture facilities in such locations.

(c) In identifying specific geographic areas under subsection (a) of this section, the Secretary of Commerce shall solicit and consider public comment and seek to minimize unnecessary resource use conflicts as appropriate, including conflicts with military readiness activities or operations; navigation; shipping lanes; commercial and recreational fishing; oil, gas, renewable energy, or other marine mineral exploration and development; essential fish habitats, under the Magnuson-Stevens Fishery Conservation and Management Act; and species protected under the Endangered Species Act of 1973 or the Marine Mammal Protection Act.

Sec. 8. *Improving Regulatory Transparency for Aquaculture.* (a) Within 240 days of the date of this order, the Secretary of Commerce, in consultation with other appropriate Federal and State officials, shall prepare and place prominently on the appropriate NOAA web page a single guidance document that:

(i) describes the Federal regulatory requirements and relevant Federal and State agencies involved in aquaculture permitting and operations; and

(ii) identifies Federal grant programs applicable to aquaculture siting, research, development, and operations.

(b) The Secretary of Commerce, acting through the Administrator of NOAA, shall update this guidance as appropriate, but not less than once every 18 months.

Sec. 9. *Updating National Aquaculture Development Plan.* (a) Within 180 days of the date of this order, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Joint Subcommittee on Aquaculture, established pursuant to the National Aquaculture Act of 1980 (16 U.S.C. 2801 *et seq.*), shall assess whether to revise the National Aquaculture Development Plan, consistent with 16 U.S.C. 2803(a)(2) and (d), in order to strengthen our Nation's domestic aquaculture production and improve the efficiency and predictability of aquaculture permitting, including permitting for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States.

(b) In making any revisions to the National Aquaculture Development Plan as a result of this assessment, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce shall, as appropriate:

(i) include the elements described at 16 U.S.C. 2803(b) and (c) and the appropriate determinations described at 16 U.S.C. 2803(d);

(ii) include programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture, including any impediments to establishing security of tenure—that is, use rights with a specified duration tied to a particular location—for aquaculture operators, owners, and investors; and

(iii) consider whether to include a permitting framework, including a delineation of agency responsibilities for permitting and associated agency operations, consistent with section 6 of this order and with the “One Federal Decision” Framework Memorandum issued on March 20, 2018, by the Office of Management and Budget and the Council on Environmental Quality, pursuant to Executive Order 13807.

(c) The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Subcommittee on Aquaculture, shall subsequently assess, not less than once every 3 years, whether to revise the National Aquaculture Development Plan, as appropriate and consistent with 16 U.S.C. 2803(d) and (e). If the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce decide not to revise the National Aquaculture Development Plan, they shall within 15 days of such decision submit to the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy a report explaining their reasoning.

Sec. 10. *Promoting Aquatic Animal Health.* (a) Within 30 days of the date of this order, the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate, shall consider whether to terminate the 2008 National Aquatic Animal Health Plan and to replace it with a new National Aquatic Animal Health Plan.

(b) Any new National Aquatic Animal Health Plan shall be completed, consistent with applicable law, within 180 days of the date of this order.

(c) Any new National Aquatic Animal Health Plan shall include additional information about aquaculture, including aquaculture projects located outside

of the waters of any State or Territory and within the exclusive economic zone of the United States, and shall incorporate risk-based management strategies as appropriate.

(d) If adopted, the Plan described in subsections (b) and (c) of this section shall subsequently be updated, as appropriate, but not less than once every 2 years, by the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate.

Sec. 11. *International Seafood Trade.* (a) In furtherance of fair and reciprocal trade in seafood products, within 30 days of the date of this order, the Secretary of Commerce shall establish an Interagency Seafood Trade Task Force (Seafood Trade Task Force) to be co-chaired by the Secretary of Commerce and the United States Trade Representative (Co-Chairs), or their designees. The Secretary of Commerce shall, to the extent permitted by law and within existing appropriations, provide administrative support and funding for the Seafood Trade Task Force.

(b) In addition to the Co-Chairs, the Seafood Trade Task Force shall include the following members, or their designees:

- (i) the Secretary of State;
- (ii) the Secretary of the Interior;
- (iii) the Secretary of Agriculture;
- (iv) the Secretary of Homeland Security;
- (v) the Director of the Office of Management and Budget;
- (vi) the Assistant to the President for Economic Policy;
- (vii) the Assistant to the President for Domestic Policy;
- (viii) the Chairman of the Council of Economic Advisers;
- (ix) the Under Secretary of Commerce for International Trade;
- (x) the Commissioner of Food and Drugs;
- (xi) the Administrator of NOAA; and
- (xii) the heads of such other agencies and offices as the Co-Chairs may designate.

(c) Within 90 days of the date of this order, the Seafood Trade Task Force shall provide recommendations to the Office of the United States Trade Representative in the preparation of a comprehensive interagency seafood trade strategy that identifies opportunities to improve access to foreign markets through trade policy and negotiations, resolves technical barriers to United States seafood exports, and otherwise supports fair market access for United States seafood products.

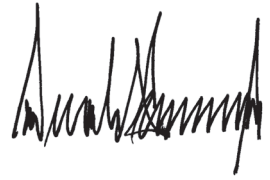
(d) Within 90 days of the date on which the Seafood Trade Task Force provides the recommendations described in subsection (c) of this section, the Office of the United States Trade Representative, in consultation with the Trade Policy Staff Committee and the Seafood Trade Task Force, shall submit to the President, through the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy, the comprehensive interagency seafood trade strategy described in subsection (c) of this section.

Sec. 12. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
May 7, 2020.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

May 19, 2020

Dear Regional Fishery Management Councils,

On May 7, 2020 the President signed [Executive Order 13921](#) on Promoting American Seafood Competitiveness and Economic Growth, “to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens”.

On behalf of the Secretary of Commerce, I am formally requesting that each Council submit a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries as required under Section 4 of the order.

NOAA Fisheries and the Councils continuously work together to revise or remove regulations identified as outdated, unnecessary, or ineffective to the relevant fisheries under their jurisdiction. In the summer of 2018, you provided letters with valuable recommendations for removing ineffective or unnecessary regulations in response to Executive Orders 13771 and 13777. We hope to have similar success working with you to identify recommended actions that would further reduce the regulatory burden on domestic fisheries.

Per the order, “recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions” and “shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 *et seq.*); the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 *et seq.*); the Marine Mammal Protection Act (16 U.S.C. §§ 1361 *et seq.*); and other applicable laws.”

By November 2, 2020, please provide your list of recommendations, including proposals for initiating each recommended action within one year of the Order (May 2021), to our Office of Sustainable Fisheries. Additional details on a template for submissions and other information will come soon.

As outlined in the order, upon submission, the Secretary of Commerce will review and, as appropriate and to the extent permitted by law, update the Department of Commerce’s contribution to the Unified Regulatory Agenda based on an evaluation your lists.

Thank you for your hard work and diligence during these challenging times. We look forward to receiving your list of recommended actions. If you have any questions on the request, please contact Jennifer Wallace, Acting Director, Office of Sustainable Fisheries, at (301) 427-8500 or Jenni.Wallace@noaa.gov.

Sincerely,

Chris Oliver
Assistant Administrator for NOAA Fisheries



cc: Caribbean Fishery Management Council
Gulf of Mexico Fishery Management Council
Mid-Atlantic Fishery Management Council
New England Fishery Management Council
North Pacific Fishery Management Council
Pacific Fishery Management Council
South Atlantic Fishery Management Council
Western Pacific Fishery Management Council



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

October 29, 2020

Ms. Kelly Denit
Director, Office of Sustainable Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway, Room 14743
Silver Spring, MD 20910

Dear Ms. Denit:

At its October 2020 Council meeting, the New England Fishery Management Council identified actions that are responsive to Executive Order 13921, *Promoting American Seafood Competitiveness and Economic Growth*. Our recommendations are provided in Enclosure (1).

The Council notes that many of our routine actions also address the objectives of the Executive Order. We constantly strive to achieve the optimum yield from our fisheries, consistent with the provisions of the Magnuson-Stevens Act and other applicable law. The Council recently determined the issues we will address in 2021. The Greater Atlantic Regional Office and Northeast Fisheries Science Center are key partners whose support will be critical as we tackle our priorities. Since there aren't any additional resources provided to the Council or the agency in order to implement EO 13921, we want to emphasize that we do not want its implementation to reduce the agency's support for our planned activities.

Thank-you for considering our recommendations. Please contact me if you have questions.

Sincerely,

Thomas A. Nies
Executive Director

Enclosure: (1)
cc: Michael Pentony, GARFO

Council(s)	Priority Number	Action type (e.g. Changes to Regulations, Orders, Guidance Documents, Other Similar Agency Actions)	Relevant CFR Citation under Title 50 (if applicable)	Description of recommended action(s)	Rationale of how the recommended action(s) reduces burdens on domestic fishing and increases production within sustainable fisheries	Proposal for initiating each recommended action(s) within 1 year of the date of this order (i.e., by May 7, 2021)
NEFMC	1	Other Similar Agency Action	N/A	Recommend creating a seafood marketing branch in NMFS- that encourages Americans to buy/cook American caught seafood.	A national-level program that emphasizes the sustainable products produced by the U.S. fishing industry would increase demand and help reduce the seafood trade deficit.	NMFS to coordinate development of a national seafood marketing effort, partnering with industry.
NEFMC	2	Other Similar Agency Action	N/A	Recommend establishing federal policy that imports of seafood, including HMS products, should meet or exceed the same standards of harvest, for example in terms of the gear used and impacts on protected species, and sustainability as fish landed in the U.S.	U.S. seafood products have higher harvest standard as a result if the MSA and other applicable law. These standards impose a cost on the fishery. Products from countries with lower standards have a price advantage as a result. Insisting on similar standards would make U.S. products more competitive in the marketplace and would also promote sustainable practices worldwide. This would be in addition to MMPA (section 101(a)(2) import provisions.	NMFS convene a working group to identify the steps necessary to implement this policy.
NEFMC (GARFO)	3	Order	50 CFR 648.59(b)(3)(ii)	Develop tools/website to allow online exchange of Atlantic Sea Scallop fishery access area trips	Currently, each exchange of an access area trip must be requested on an individual form. The agency response can take as long as 15 days. An online process would simplify submission and should speed the agency's approval process. This will increase the flexibility of scallop fishermen to maximize their fishing opportunities. Note that a similar program that allows LAGC IFQ vessels to transfer quota is already in place and transfers occur essentially in real time.	GARFO to hire contractor by May 1, 2021 to make necessary changes to IT system. No regulatory action needed.
NEFMC	4	Order		Modify LAGC closure noticing	Closures of the LAGC fishery must be announced by Federal Register Notice. Because of the time needed to prepare, submit, and approve these notices, the closures must be based on a forecast. The risk is that the forecast may be in error. Usually this leads to an under-harvest, but it could also lead to an over-harvest. Developing a notice process that shortens the forecast period will reduce these errors.	GARFO to identify ways to modify the notice process. If possible, these should be adopted through agency action. If Council action is needed, this could be considered addressed in an annual framework action/.

Presidential Documents

Executive Order 13771 of January 30, 2017

Reducing Regulation and Controlling Regulatory Costs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Budget and Accounting Act of 1921, as amended (31 U.S.C. 1101 *et seq.*), section 1105 of title 31, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Purpose. It is the policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources. In addition to the management of the direct expenditure of taxpayer dollars through the budgeting process, it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward that end, it is important that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

Sec. 2. Regulatory Cap for Fiscal Year 2017. (a) Unless prohibited by law, whenever an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed.

(b) For fiscal year 2017, which is in progress, the heads of all agencies are directed that the total incremental cost of all new regulations, including repealed regulations, to be finalized this year shall be no greater than zero, unless otherwise required by law or consistent with advice provided in writing by the Director of the Office of Management and Budget (Director).

(c) In furtherance of the requirement of subsection (a) of this section, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Any agency eliminating existing costs associated with prior regulations under this subsection shall do so in accordance with the Administrative Procedure Act and other applicable law.

(d) The Director shall provide the heads of agencies with guidance on the implementation of this section. Such guidance shall address, among other things, processes for standardizing the measurement and estimation of regulatory costs; standards for determining what qualifies as new and offsetting regulations; standards for determining the costs of existing regulations that are considered for elimination; processes for accounting for costs in different fiscal years; methods to oversee the issuance of rules with costs offset by savings at different times or different agencies; and emergencies and other circumstances that might justify individual waivers of the requirements of this section. The Director shall consider phasing in and updating these requirements.

Sec. 3. Annual Regulatory Cost Submissions to the Office of Management and Budget. (a) Beginning with the Regulatory Plans (required under Executive Order 12866 of September 30, 1993, as amended, or any successor order) for fiscal year 2018, and for each fiscal year thereafter, the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations described in section 2(c) of this order, and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation.

(b) Each regulation approved by the Director during the Presidential budget process shall be included in the Unified Regulatory Agenda required under Executive Order 12866, as amended, or any successor order.

(c) Unless otherwise required by law, no regulation shall be issued by an agency if it was not included on the most recent version or update of the published Unified Regulatory Agenda as required under Executive Order 12866, as amended, or any successor order, unless the issuance of such regulation was approved in advance in writing by the Director.

(d) During the Presidential budget process, the Director shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new regulations and repealing regulations for the next fiscal year. No regulations exceeding the agency's total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director. The total incremental cost allowance may allow an increase or require a reduction in total regulatory cost.

(e) The Director shall provide the heads of agencies with guidance on the implementation of the requirements in this section.

Sec. 4. Definition. For purposes of this order the term “regulation” or “rule” means an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, but does not include:

(a) regulations issued with respect to a military, national security, or foreign affairs function of the United States;

(b) regulations related to agency organization, management, or personnel; or

(c) any other category of regulations exempted by the Director.

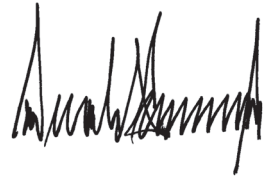
Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 30, 2017.

Presidential Documents

Title 3—

Executive Order 13777 of February 24, 2017

The President

Enforcing the Regulatory Reform Agenda

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to lower regulatory burdens on the American people by implementing and enforcing regulatory reform, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.

Sec. 2. *Regulatory Reform Officers.* (a) Within 60 days of the date of this order, the head of each agency, except the heads of agencies receiving waivers under section 5 of this order, shall designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. These initiatives and policies include:

(i) Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), regarding offsetting the number and cost of new regulations;

(ii) Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended, regarding regulatory planning and review;

(iii) section 6 of Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), regarding retrospective review; and

(iv) the termination, consistent with applicable law, of programs and activities that derive from or implement Executive Orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been rescinded.

(b) Each agency RRO shall periodically report to the agency head and regularly consult with agency leadership.

Sec. 3. *Regulatory Reform Task Forces.* (a) Each agency shall establish a Regulatory Reform Task Force composed of:

(i) the agency RRO;

(ii) the agency Regulatory Policy Officer designated under section 6(a)(2) of Executive Order 12866;

(iii) a representative from the agency's central policy office or equivalent central office; and

(iv) for agencies listed in section 901(b)(1) of title 31, United States Code, at least three additional senior agency officials as determined by the agency head.

(b) Unless otherwise designated by the agency head, the agency RRO shall chair the agency's Regulatory Reform Task Force.

(c) Each entity staffed by officials of multiple agencies, such as the Chief Acquisition Officers Council, shall form a joint Regulatory Reform Task Force composed of at least one official described in subsection (a) of this section from each constituent agency's Regulatory Reform Task Force. Joint Regulatory Reform Task Forces shall implement this order in coordination with the Regulatory Reform Task Forces of their members' respective agencies.

(d) Each Regulatory Reform Task Force shall evaluate existing regulations (as defined in section 4 of Executive Order 13771) and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law. At a minimum, each Regulatory Reform Task Force shall attempt to identify regulations that:

- (i) eliminate jobs, or inhibit job creation;
- (ii) are outdated, unnecessary, or ineffective;
- (iii) impose costs that exceed benefits;
- (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

(e) In performing the evaluation described in subsection (d) of this section, each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.

(f) When implementing the regulatory offsets required by Executive Order 13771, each agency head should prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force has identified as being outdated, unnecessary, or ineffective pursuant to subsection (d)(ii) of this section.

(g) Within 90 days of the date of this order, and on a schedule determined by the agency head thereafter, each Regulatory Reform Task Force shall provide a report to the agency head detailing the agency's progress toward the following goals:

- (i) improving implementation of regulatory reform initiatives and policies pursuant to section 2 of this order; and
- (ii) identifying regulations for repeal, replacement, or modification.

Sec. 4. Accountability. Consistent with the policy set forth in section 1 of this order, each agency should measure its progress in performing the tasks outlined in section 3 of this order.

(a) Agencies listed in section 901(b)(1) of title 31, United States Code, shall incorporate in their annual performance plans (required under the Government Performance and Results Act, as amended (see 31 U.S.C. 1115(b))), performance indicators that measure progress toward the two goals listed in section 3(g) of this order. Within 60 days of the date of this order, the Director of the Office of Management and Budget (Director) shall issue guidance regarding the implementation of this subsection. Such guidance may also address how agencies not otherwise covered under this subsection should be held accountable for compliance with this order.

(b) The head of each agency shall consider the progress toward the two goals listed in section 3(g) of this order in assessing the performance of the Regulatory Reform Task Force and, to the extent permitted by law, those individuals responsible for developing and issuing agency regulations.

Sec. 5. Waiver. Upon the request of an agency head, the Director may waive compliance with this order if the Director determines that the agency generally issues very few or no regulations (as defined in section 4 of Executive Order 13771). The Director may revoke a waiver at any time. The Director shall publish, at least once every 3 months, a list of agencies with current waivers.

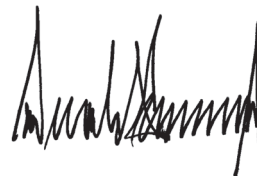
Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 24, 2017.



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

June 29, 2018

Mr. Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Room 14636
Silver Spring, MD 20610

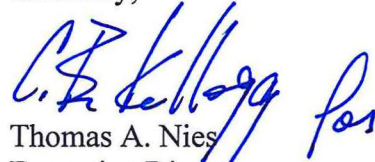
Dear Chris:

In response to E.O. 13771 and 13777, the New England Fishery Management Council has reviewed the regulations currently implementing fishery management plans (FMPs) for Northeast Multispecies (groundfish), Atlantic Sea Scallops, Atlantic Herring, Small-Mesh Multispecies (whiting and red hake), Monkfish, the Skate Complex, Atlantic Deep-sea Red Crab and Atlantic Salmon. As a result, and with input from NOAA/NMFS, its advisory panels, and the public, the Council has identified regulations that are unnecessary, outdated, or ineffective (see attached table). The Council will continue to work closely with NOAA/NMFS to remove or revise these regulations in Council actions in the upcoming year or at the next available opportunity.

Additionally, the Council periodically revises and updates its FMPs, with the exception of the Atlantic Salmon FMP, every 1-3 years in response to changes in fish stock abundance, other environmental conditions or economic and community needs. As part of these changes, many rules and regulations are regularly modified and, if no longer needed, they are eliminated.

Please let me know if you have any questions,

Sincerely,


Thomas A. Nies
Executive Director

cc: Mr. Michael Pentony, GARFO RA
Mr. Alan Risenhoover, NMFS/NOAA

New England Fishery Management Council Recommendations for Regulations to be Eliminated or Revised in Response to E.O 13771 and E.O. 13777

FMP	#	SECTION	DESCRIPTION OF REGULATION
GROUND FISH	1	§648.82(j)(1)(ii)	120-Day block out of the fishery required for day gillnet vessels in sectors
	2	648.82(g)	20-day spawning block out of the fishery required for all vessels in sectors
	3	§§648.14(k)(6)(ii)(A), 648.84(a), §648.14(k)(6)(ii)(B)	Prohibition on a vessel hauling another vessel's gillnet gear in sectors
	4	§648.14(k)(6)(ii)(B)	Limits on the number of hooks that may be fished in sectors
	5	§648.82(k)(4)(ix)	DAS Leasing Program length and horsepower restrictions in sectors
	6	§648.87(b)(1)(v)(A)	Prohibition on discarding fish that could be legally landed but are un-marketable in sectors
	7	§648.85(b)(7)(iv)(G)	Prohibition on fishing inside and outside of the CA I Hook Gear Haddock SAP while on the same trip in sectors
	8	§648.85(a)(3)(iii)	Gear requirements in the Eastern U.S./Canada Management Area in sectors
	9	§648.85(b)(8)(iv), §648.85(b)(3)(iv),	Seasonal restrictions for the Eastern U.S./Canada Haddock SAP in sectors
	10	§648.85(b)(3)(iii)	Seasonal restrictions for the CA II Yellowtail Flounder/ Haddock SAP in sectors
	11	§648.83, §648.86	Exemption from special permit requirement for measuring catch by a sampling technician of fish returned to the sea in sectors
	12	§648.80(a)(3)(i), (a)(4)(i), (b)(2)(i)	Prohibition on combining small-mesh exempted fishery and sector trips in Southern New England in sectors
	13	§648.80(a)(4)(iv), §648.80(b)(2)(iv)(B), §648.80(b)(2)(iv)	Limits on the number of gillnets for day gillnet vessels fishing outside the Gulf of Maine in sectors
	14	§648.80(a)(3)(i), (a)(4)(i), (b)(2)(i), (c)(2)(i)	6.5-inch minimum mesh size requirement for trawl nets to allow a 5.5-inch codend on directed redfish trips in sectors
	15	§648.85(b)(7)(v)(C)	Daily catch reporting by sector managers for sector vessels participating in the Closed Area I Hook Gear Haddock Special Access Program in sectors
	16	§§648.85(b)(8)(v)(D) 648.85(b)(3)(v)	Requirement to declare an intent to fish in the Eastern U.S./Canada SAP and the CA II Yellowtail Flounder/Haddock SAP prior to leaving the dock in sectors
	17	§648.10(b)(4)	Requirement to carry VMS for Handgear A vessels fishing in a single broad stock area in sectors
	18	§648.14(k)(6)(ii)(B)	Prohibition on a vessel hauling another vessel's gillnet gear in sectors
	19	§648.87(b)(iii)(v)	Extra-large mesh requirement to target dogfish on trips excluded from at-sea monitoring in SNE and inshore GB in sectors
	20	§648.90 (c)(4)(iii)(d)	Flexible Area Action System
	21	§648.85 (d)(2)	B-Days Program
	22	§648.85 (b)(3)	Special Access Program for Georges Bank yellowtail flounder (for possible revision of threshold to access area)
	23	§648.85(b)(7)	Special Access Program for Closed Area I Hook Gear Haddock for sector vessels
HERRING	24	§648.201(a)	Restricts possession of herring once ACL harvested.
	25	§648.202 (b) (2)	Pre-landing VMS notification requirement 6 hours before landing
	26	§648.202 (b) (2)	Prohibition on operational discards in GF closed areas
RED CRAB	27	§648.260 (a) Annual specifications process.	The Red Crab PDT shall meet annually to review the status of the stock and fishery.