



Executive Order on Promoting American Seafood Competitiveness and Economic Growth

October 2020 Council Meeting

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Briefing Materials

- [Tab 4: Executive Committee Meeting Summary and Recommendations, Revised List of Topics, Recent Public Comments](#)
- [Supplemental Memo on USFWS Squid Issue w/ supporting documents](#)
- Cover page of Tab 4 includes links to other supporting documents

Executive Order Promoting American Seafood Competitiveness and Economic Growth

Signed by the President on May 7 to

“strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens.”

- Section 4 asks the regional councils to identify actions that could “reduce burdens on domestic fishing and increase production within sustainable fisheries”
- Recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions

Guidance from NOAA Fisheries

- Council lists of recommendations are due to NOAA Fisheries by November 2, 2020
- Each recommendation must include:
 - A proposal for initiating each action by May 7, 2021
 - Explanation of how the action reduces burdens on domestic fishing and/or increases production
 - A priority number

Timeline

- **July** – Public comments and ideas collected
- **August** – Initial Council discussion
- **September** – Executive Committee review draft recommendations
- ➔ **October** – full Council review and approval of recommendations
- **November 2** – Submission to NMFS

Executive Committee Meeting

- 14 potential draft topics presented
- Committee directed staff to develop three additional topics:
 - Recreational Reform Initiative
 - Modernizing Recreational Fisheries Act
 - HMS Import Restrictions
- Committee also requested additional info on USFWS squid import/export issue

Objective

- Review 17 draft topics
- Approve recommendations for E.O. 13921 response
- Prioritize list of recommendations

Overview

- Review Council Actions; Q&A
- Review Non-Council Actions (skip #11); Q&A
- Review #11 – USFWS Squid Issue; Q&A
- Finalize recommendations
- Prioritize

Council Actions

1. Illex Squid Incidental Possession Limit
2. Butterfish Mesh Size
3. Dogfish Trip Limit Review
4. Golden Tilefish Multi-Year Specifications
5. Summer Flounder, Scup, Black Sea Bass Commercial Mesh Size
6. Climate Change Scenario Planning
7. Commercial eVTR Implementation and Outreach
8. Recreational Reform Initiative

Non-Council Actions

9. Offshore Wind – Additional Data Collection on Fishing Activity
10. Offshore Wind – Fishery Surveys
11. USFWS Squid Import/Export Rules
12. Fishery Dependent Data Reporting
13. VTR and HMS Reporting System Integration
14. HMS/Commercial Sale Endorsement Reporting Requirements
15. HMS and USCG Safety Inspection Database Integration
16. Modernizing Recreational Fisheries Act
17. Gear Restrictions on HMS Imports

1. Illex Squid Incidental Possession Limit During Closures

- **Issue:** During *Illex* closures, vessels are limited to a 10,000 lb incidental possession limit. This has been reported to result in discards by vessels targeting longfin.
- **Action:** Consider increasing the possession limit for vessels targeting a certain amount of longfin. This could be done during specs.
- **Rationale:** Reduce regulatory discards; allow industry to land bycatch.

2. Butterfish Mesh Size

- **Issue:** Current regs require vessels to use at least 3" mesh to land more than 5,000 lb of butterfish. Some industry members have reported that these regulations result in excessive butterfish discards during squid trips.
- **Action:** Consider increasing the amount of butterfish that can be landed by vessels using smaller than 3" mesh. This could be done during specs.
- **Rationale:** Reduce regulatory discards; allow for opportunistic landing of butterfish bycatch during squid trips.

3. Dogfish Trip Limit Review

- **Issue:** Spiny dogfish currently has a federal trip limit of 6,000 lbs. There are conflicting opinions among industry participants about whether the trip limit should be increased, eliminated, or remain at 6,000 lbs.
- **Action:** Develop a white paper to analyze the potential impacts of changing the federal trip limit for spiny dogfish.
- **Rationale:** Additional data would help the Council better understand social/economic and management concerns associated with potential changes.

4. Golden Tilefish Multi-Year Specifications

- **Issue:** Golden tilefish specs can be set for up to three years at a time. Some fishery participants have advocated for increasing this timeframe.
- **Action:** Initiate a framework to allow specs to be set for more than 3 years (e.g. 5) when adequate data are available.
- **Rationale:** Setting specs for a longer timeframe increases predictability and stability from year to year.

5. Commercial Minimum Mesh Size Review for Summer Flounder/Scup/ Black Sea Bass

- **Issue:** Current regs require different mesh sizes for the three species which are targeted by overlapping vessels in similar areas.
- **Action:** Consider changes to commercial minimum mesh sizes.
- **Rationale:** A uniform mesh size would simplify regulations, reduce cost, and enable operational efficiency for the fishing industry.

6. Climate Change Scenario Planning

- **Issue:** Shifting stock distributions will create access and management issues for East Coast fisheries.
- **Action:** (Request to NMFS) Provide operational support to MAFMC/SAFMC/ NEFMC to continue the Scenario Planning Approach.
- **Rationale:** Will support the effective management of shifting fishery resources and continued access by fishery participants.

7. Commercial eVTR Implementation and Outreach

- **Issue:** In 2021 (date TBD), commercial vessels will be required to submit VTRs electronically.
- **Action:** Provide training and outreach to facilitate compliance.
- **Rationale:** Electronic reporting will reduce the burden in the long term. Support is needed during the transition period to ensure compliance and correct usage of eVTR platforms.

8. Recreational Reform

- **Issue:** Stakeholders have expressed dissatisfaction with frequent changes to recreational regulations and have requested greater management flexibility and stability from year to year.
- **Action:** Continue to develop the Recreational Reform Initiative.
- **Rationale:** This initiative will help ensure a supply of seafood by maintaining harvest at sustainable levels and promoting continued recreational access to fishery resources.

QUESTIONS ON COUNCIL ACTIONS?

9. Offshore Wind – Additional Data Collection on Fishing Activity

- **Issue:** Many wind energy areas overlap with areas important for fishery transit or operations. Available datasets do not adequately reflect fishery activities.
- **Action By:** BOEM
- **Action:** Collect additional information on fishing and transit locations, especially for fisheries that are not fully covered by existing datasets.
- **Rationale:** Additional information about fishing activity will help avoid and mitigate conflict between wind and fisheries.

10. Offshore Wind – Fishery Surveys

- **Issue:** Nearly all long-term fishery-independent surveys in the Northeast will be affected by offshore wind.
- **Action By:** NMFS
- **Action:** Provide additional funding to the Northeast Fisheries Science Center to support the ongoing design and evaluation of supplemental surveys that can be integrated into stock assessments and existing time series.
- **Rationale:** Disruptions to historical time series could create data gaps that increase scientific uncertainty and require the Council to set more conservative catch limits.

11. USFWS Squid Import/Export Rules

- Will come back to this at the end

12. Fishery Dependent Data Reporting

- **Issue:** Redundant reporting requirements for fishermen with multiple permits and lack of integration between data collection systems creates an excessive reporting burden.
- **Action By:** NMFS and ASMFC
- **Action:** Provide increased funding and resources to simplify reporting through electronic reporting, the integration of data streams and permit databases, implementation of a unique trip identification number, and other appropriate methods.
- **Rationale:** Streamline the reporting process and eliminate redundant reporting requirements.

13. VTR and HMS Reporting System Integration

Recommendation from Nov 2018 Law Enforcement/For-Hire Workshop. See [Workshop Report](#) for details. Letters sent to [GARFO](#) and [HMS](#) in April 2019.

- **Issue:** For-hire vessels holding dual permits for HMS and GARFO-managed species are required to submit HMS reports and Vessel Trip Reports (VTR) through separate reporting mechanisms.
- **Action By:** GARFO and HMS
- **Action:** Integrate VTR and HMS reporting systems.
- **Rationale:** Reduce reporting burden.

14. HMS/Commercial Sale Endorsement Reporting Requirements

Recommendation from Nov 2018 Law Enforcement/For-Hire Workshop. See [Workshop Report](#) for details. Letter sent to [HMS](#) in April 2019.

- **Issue:** The HMS reporting application does not require the same data as VTRs. Holders of HMS permits w/ a commercial sale endorsement don't have the same reporting requirements as commercial fishermen.
- **Action By:** NMFS HMS
- **Action:** Require holders of HMS permits with a commercial sale endorsement to report catch and harvest of all species, as well as discarded/undersize fish.
- **Rationale:** Develop consistency between HMS and VTR data

15. HMS and USCG Safety Inspection Database Integration

Recommendation from Nov 2018 Law Enforcement/For-Hire Workshop. See [Workshop Report](#) for details. Letters sent to [HMS](#) and [USCG](#) sent in April 2019.

- **Issue:** The NMFS HMS permitting database and the USCG safety inspection database are not linked. For-hire vessels applying for commercial sale endorsements do not have to submit their safety inspection info.
- **Action By:** USCG
- **Action:** Integrate the HMS permitting database and USCG safety inspection databases.
- **Rationale:** Enforce uniform safety requirements for commercial and for-hire vessels landing fish for commercial sale.

16. Modernizing Recreational Fisheries Act ("Modern Fish Act")

- **Issue:** There is confusion regarding how the provisions of the Modern Fish Act can be applied to achieve greater management flexibility for recreational fisheries while following the National Standard 1 guidelines.
- **Action By:** NMFS
- **Action:** Evaluate NS1 guidelines and provide clarification on the Councils' flexibility to implement alternative recreational management approaches as authorized by MFA.
- **Rationale:** This would help the Council refine recreational management approaches and improve recreational efficiency, stability, and angler satisfaction.

17. Gear Restrictions on HMS Imports

- **Issue:** U.S. pelagic longline HMS fisheries are required to use circle hooks while the U.S. continues to allow imports of HMS from countries that do not require circle hooks.
- **Action By:** NMFS
- **Action:** (1) Expand market-related measures to restrict imports from countries that do not use circle hooks; (2) Work with RFMOs to pursue binding measures mandating the use of circle hooks; (3) Consider feasibility of establishing provisions require nations exporting HMS seafood to the United States to be held to the same standards as U.S. commercial fishing operations.
- **Rationale:** Level the playing field

QUESTIONS ON NON-COUNCIL ACTIONS?

11. USFWS Squid Import/Export Rules

https://www.mafmc.org/s/Supplemental-USFWS-Squid-Memo_2020-10.pdf

- Under the authority of the ESA, the U.S. Fish and Wildlife Service regulates imports and exports with certain licensing and inspection requirements.
- The ESA provides an exemption from these import/export requirements for “shellfish and fishery products” if they are intended for human consumption and are not CITES or ESA listed or protected under the Lacey Act.
- Under current regulations, squid are the only federally-managed species not included in this shellfish and fishery exemption.
- U.S. squid producers can only ship from designated ports and must pay inspection fees, paperwork fees, and license fees.

11. USFWS Squid Import/Export Rules

USFWS Shellfish definition (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.”

USFWS Fishery Product definition (not defined in CFR):

“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.”

11. USFWS Squid Import/Export Rules

Shellfish Definition

NMFS 2008 comments on USFWS *Shellfish* definition:

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.

11. USFWS Squid Import/Export Rules

Industry Impacts

- USFWS policies and regulations add layers of costs and create operational inefficiency.
- As a result, U.S. squid is more expensive to produce and thus less competitive in the international market.
- See Lund's/Seafreeze/Town Dock letter for additional details

11. USFWS Squid Import/Export Rules

Possible Actions

- Exemption for squid is likely possible under current regs.
 - Squid do have an internal shell (“pen”) and could therefore fall under the shellfish definition
 - USFWS could revise its “Fishery Products” definition which is not defined in the regulations

- Recommendations to ensure permanent exemption:
 1. Revise the “Shellfish” definition at 50 CFR § 10.12 to explicitly include mollusks.
 2. Add a definition to the CFR for “Fishery Products” which includes squid or all mollusks not otherwise covered under the shellfish definition.

QUESTIONS & DISCUSSION

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Prioritization

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