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**Sent:** Friday, May 20, 2022 2:24 PM  
**To:** Paul Doremus - NOAA Federal  
**Cc:** Samuel Rauch (Samuel.Rauch@noaa.gov); Burden, Merrick; Mary Sabo  
**Subject:** USFWS Squid Export Issue  
**Attachments:** 2020-12-21\_MAFMC Letter to Sec Bernhardt USFWS Squid Export Regs.pdf

Paul – It was good to see you this week! At the meeting, we briefly discussed the Mid-Atlantic Council’s concerns regarding the inclusion of U.S. squid fishery products in the U.S. Fish and Wildlife Service (USFWS) inspection and user fee system for monitoring wildlife imports and exports. This was identified in both the MAFMC and PFMC responses to EO 1392 several years ago. The attached letter from the Council to Secretary Bernhardt (12/21/20) provides a detailed overview of the issue and suggested remedies.

Under the authority of the Endangered Species Act, USFWS is responsible for regulating the import and export of wildlife through the licensing of importers and exporters, inspection of shipments, and charging fees for processing applications and performing inspections. The ESA provides an exemption from these requirements for “shellfish and fishery products” if they are intended for human or animal consumption, not listed as injurious under the Lacey Act, and not listed under the ESA or CITES. This exemption currently applies to the vast majority of domestic fisheries, but it does not apply to the three commercially harvested U.S. squid fisheries. While squid meet all of the criteria described above, **the USFWS has concluded that squid are neither shellfish nor fishery products**. As noted in a [2008 letter](#) from Sam, the USFWS definition of shellfish is inconsistent with the NMFS definition, which includes all aquatic mollusks and crustaceans.

These licensing requirements are redundant, time-consuming, and costly for U.S. squid producers. 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.

We recommend that squid be reclassified as either “shellfish” or “fishery products” and therefore exempt from the USFWS inspection and user fee system. The attached letter describes several ways this could be accomplished. We appreciate any assistance you can offer to address this issue – talk to you soon. Thanks! C

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