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Sent: Tuesday, March 12, 2024 1:18 PM
To: edward_grace@fws.gov
Cc: Mary Sabo <msabo@mafmc.org>; Spedden, Shelley <sspedden@mafmc.org>
Subject: USFWS Regulation of Squid Fishery Exports

Mr. Grace – My name is Chris Moore, and I am the Executive Director of the Mid-Atlantic Fishery Management Council. The Mid-Atlantic Council manages more than 65 marine species in federal waters and is composed of members from the coastal states of New York to North Carolina (including Pennsylvania). I am writing to you because Rick Jacobson, USFWS Assistant Regional Director for the Northeast Region, suggested that you would be the appropriate person to contact about a regulatory issue affecting two of the Mid-Atlantic Council's managed fisheries. This issue concerns the inclusion of squid fishery products in the USFWS inspection and user fee system for monitoring the import/export of certain types of wildlife products.

As you are aware, the Endangered Species Act authorizes the USFWS to regulate 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 (50 CFR 14). 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 (Atlantic longfin squid, Atlantic *Illex* squid, and California market squid). While these fisheries meet all of the criteria described above, the USFWS has concluded that squid are neither shellfish nor fishery products. This interpretation is inconsistent with the definitions of "shellfish" used by the National Marine Fisheries Service and the United Nations Food and Agriculture Organization.

These licensing and inspection 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 regulations add layers of costs that make U.S. products more expensive to produce and thus less competitive in the international market. We have reviewed current regulations and supporting documents and have not found a rationale for excluding squid from the exemption for shellfish and fishery products. We are not aware of any evidence that squid fisheries are any more vulnerable to illegal trade than other fisheries that are covered by the exemption. As such, we believe squid should be reclassified as either "shellfish" or "fishery products" and therefore exempt from the USFWS inspection and user fee system. More detailed recommendations and rationale can be found in our [December 2020 letter](#) to the Secretary of Interior.

This is an issue of importance to the Mid-Atlantic Council and many of its stakeholders, and I would greatly appreciate any assistance you can provide. Please feel free to contact me if you have any questions or if you would like to schedule a time to discuss the matter further. I look forward to hearing from you. Thanks! C

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