



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

4107 W Spruce Street, Suite 200, Tampa, Florida 33607 USA
 Phone: 813.348.1630 • Toll free: 888.833.1844 • Fax: 813.348.1711
www.gulfcouncil.org

October 30, 2020

006885OCT2020

Mr. Chris Oliver
 Assistant Administrator for Fisheries
 NOAA Fisheries Service
 U.S. Department of Commerce
 1315 East-West Highway
 Silver Spring, MD 20910

Dear Mr. Oliver:

Please accept this letter, attached list of recommendations, and requested spreadsheet as the Gulf of Mexico Fishery Management Council's (Council) response to your letter on Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth signed by the President on May 7, 2020. The Council solicited public comments and discussed this request at three Council meetings. At its most recent meeting in October 2020, the Council reviewed and finalized its prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries as requested under Section 4 of the Executive Order.

The Council has separated the list of recommendations into three sections for your consideration. The first section includes recommendations for new policies or programs that aim to strengthen domestic seafood and reduce burdens. These would require action and involvement by federal and/or state agencies outside of NOAA Fisheries. The second section includes recommendations for changes to current policies, programs, and regulations that would require action by both NOAA Fisheries and other federal and state agencies, and, in some cases, modifications to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The third section includes recommendations that are under the purview of the Council and NOAA Fisheries and are consistent with the requirements of the Magnuson-Stevens Act. The recommendations within each section are ranked from high to low priority (i.e., A, B, and C).

The Council appreciates the opportunity to provide these recommendations and looks forward to working with NOAA's Office of Sustainable Fisheries to complete the items within the Councils' authority and receive updates on the progress of its other recommendations. Should you have any questions, please reach out to the Council's Executive Director, Dr. Carrie Simmons.

Sincerely,

Dr. Thomas K. Frazer
 Council Chair

Attached: Gulf of Mexico Fishery Management Council's List of Recommended Actions on Executive Order 13921 Promoting American Seafood Competitiveness and Economic Growth and Excel spreadsheet.

cc:	Gulf Council	Jennifer Wallace	Clay Porch, Ph.D.
	Council Staff	Andy Strelcheck	Peter Hood
	Kelly Denit	Jack McGovern, Ph.D.	Mara Levy



Gulf of Mexico Fishery Management Council's List of Recommended Actions in Response to Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth

List of Proposed New Policies and Programs

A

Add Domestic Seafood on Public School Lunch Menus in a Real and Meaningful Way

- **ISSUE:** Our domestic seafood target market should be diversified to include public school lunch menus, in a real and meaningful way, across the country. It is unfortunate that our children are not receiving ample domestic seafood in majority of schools. What children eat is important, and they should eat balanced diets at school – which includes seafood as a protein option. The quality and healthiness of our school lunches lags behind consumers' broader movement towards healthy food choices, which could be addressed by providing a healthy, low-fat protein source.
- **ACTION BY:** Federal and State Agencies.
- **ACTION:** Consider adding domestic seafood on public school lunch menus national wide. Regulatory and funding changes may be necessary.
- **RATIONALE:** Domestic wild-caught seafood is naturally fortified with vitamins and minerals that are essential for children's growth and development, both physical and mental. However, even the cheapest of seafood options are rarely found on the lunch menu in most of our public schools. In addition to promoting our children and grandchildren's health, it will also promote food security for the future by the creation of a long-term, stable demand source for domestic seafood.
- **INITIATION PLAN:** Acknowledgement by Federal and State agencies of this desire and outline a path forward for implementing this change. Re-evaluation by USDA and/or FDA of seafoods currently placed in the luxury category, which therefore cannot be served in public schools. This effort should examine more recent price trends for those seafood products at the coastal wholesale processor level since this is the specific sector of the supply chain from which the government would source the product.

A

Create a Direct to Consumer Online Platform for Fishermen and Fish Houses to Strengthen the Supply Chain (Etsy-like platform for seafood, that connects buyers with dealers anywhere in the country).

- **ISSUE:** Consumers have become more conscientious about the quality and source of their seafood, creating an opportunity to promote the diversification of the supply chain and expansion of target markets by connecting consumers to fishermen and fish houses. With agency assistance, infrastructure could be established for an online platform to help the industry better market its product and to facilitate access for consumers nationwide.

- **ACTION BY:** State and Federal Agencies including but not limited to NMFS, Marine Fisheries Advisory Council (MFAC) and the Seafood Trade Task Force.
- **ACTION:** Regulatory and funding changes may be necessary.
- **RATIONALE:** This item speaks directly to Section 1 of the E.O. (i.e., 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).
- **INITIATION PLAN:** Creating a direct sea-to-consumer platform would also strengthen the domestic seafood supply chain. The Seafood Trade Task Force created by the recent Executive Order 13921 would serve as an excellent starting point for such a project. The scope and mission of that group should be expanded to allow them the freedom to pursue this and other endeavors which may strengthen the resilience of our domestic seafood industry.

B

Support of Young Fishermen Development Programs

- **ISSUE:** For many years, commercial fishing has been a generational pursuit, with the children of fishermen often following in their parents' footsteps. However, for some time, the average age of participants in U.S. domestic fisheries has been increasing while labor recruitment into domestic fisheries has been waning, termed "the graying of the fleet" in commercial fisheries. This has led to labor issues in supplying domestic seafood to the U.S. marketplace.
- **ACTION BY:** NMFS and Council and other Federal and State Agencies.
- **ACTION:** Consider education and vocational training for young people in the U.S. that outlines commercial fishing as a desirable career path. Regulatory and funding changes may be necessary.
- **RATIONALE:** U.S. domestic fisheries has been increasing while labor recruitment into domestic fisheries has been waning, termed "the graying of the fleet" in commercial fisheries. This has led to labor issues in supplying domestic seafood to the U.S. marketplace.
- **INITIATION PLAN:** We need to let our young people know that commercial fishing is a viable profession and add this career path to vocational training programs. Thus, to achieve long-term viability for the industry, the professionalization of the industry requires support and potentially appropriations.

Outside of NOAA Fisheries Authority/Affects Other Agencies

A

Increase the Speed of Distribution for Fisheries Disaster Relief Funds

- **ISSUE:** Streamline the process, from the time the disaster is declared including natural, health pandemics, and man-made disasters to the time the funds are released. For example, on May 7, 2020, the Secretary of Commerce announced the allocation of \$300 million in fisheries assistance funding provided by Sec. 12005 of the Coronavirus Aid, Relief, and Economic Security Act, also called the CARES Act, to states, Tribes, and territories with coastal and marine fishery participants who have been negatively affected by COVID-19. The purpose of the CARES Act allocation is to provide timely financial relief to commercial fishermen, seafood wholesale dealers, charter fishing businesses, and marine aquaculture businesses that have suffered financial losses as a result of the COVID-19 pandemic. While

this financial relief is much needed in the Gulf of Mexico, to date only a couple of the Gulf state plans have been approved and funds have yet to be made available to the affected industry participants.

- **ACTION BY:** Federal and State Agencies including but not limited to: NMFS and Southeastern States.
- **ACTION:** Regulatory and funding changes may be necessary. Congress must appropriate funds after a disaster is declared and then the applicable state's spend plans must be approved by NMFS. Development of a streamlined approval process for approval of spend plans so funds can be distributed in a timelier manner to impacted industry stakeholders.
- **RATIONALE:** Often times small businesses are unsustainable until funds can be released which can take multiple years.
- **INITIATION PLAN:** Acknowledgement by NMFS and state agencies of the issue and feasibility in developing a plan for streamlining the approval process for spend plans and dispersal of funds.

A

Require Country of Origin Labeling for Seafood on Restaurant Menus Nationwide

- **ISSUE:** The country of origin labeling for seafood imports is required in grocery stores; however, it is not generally required in restaurants.¹ The closure of many restaurants due to COVID-19 revealed that a significant amount of our domestic seafood is consumed in restaurants rather than purchased at grocery stores to be prepared at home.² As consumers have become more conscientious about the source of their food, demand has increased for domestic wild caught seafood. Unfortunately, consumers have no way of knowing the source (i.e., country of origin) of what they are served at a restaurant.
- **ACTION BY:** Federal and State Agencies.
- **ACTION:** Establish a nationwide policy for restaurants to inform consumers on the origin of seafood menu items so American consumers can make informed decisions on their seafood choices, the majority of which occur in restaurants. Regulatory and funding changes may be necessary.
- **RATIONALE:** Requiring country of origin labeling for seafood on restaurant menus nationwide will provide an opportunity for consumers to become more conscientious and informed before deciding what to order. As consumers become more informed, demand may increase for domestic wild caught seafood increasing demand and value of domestic seafood products.
- **INITIATION PLAN:** Since the world is in the middle of a pandemic, this effort could begin initially with a tax incentive, i.e. stimulus, for restaurants willing to place country of

¹ Because of a loophole in the agency's administration of the law, seafood markets do not have to comply with the U.S. Department of Agriculture's Country of Origin Labeling (COOL) requirements for seafood unless that market purchases more than \$230,000 worth of fresh or frozen agricultural produce in a calendar year. This means that labeling rules only really apply in grocery stores. As the USDA explains on its website "Retail firms such as fish markets and butcher shops, as well as small stores that do not sale the threshold amount of fresh produce, are exempt from country of origin labeling requirements." See USDA, *Country of Origin Labeling (COOL) Frequently Asked Questions*, available at: <https://www.ams.usda.gov/rules-regulations/cool/questions-answers-consumers>

² "Americans spend more than twice as much on seafood in restaurants as they do at home." Laura Reiley, *Commercial Fishing Industry in Free Fall as Restaurants Close, Consumers Hunker Down and Vessels Tie Up*, Washington Post (Apr. 8, 2020), available at: <https://www.washingtonpost.com/business/2020/04/08/commercial-fishing-coronavirus/>

origin labeling for seafood on their menus. In this way, both the restaurant industry and the domestic commercial seafood industry gain. At the point in time when this temporary stimulus effort is set to expire, an evaluation can be made of the willingness of restaurants to engage in this type of reporting for consumers. If it seems the country of origin labeling was in fact palatable to the restaurant industry, then maybe legislation requiring it across the board would not be burdensome at that future date.

A **Increase Testing for Banned Substances in Seafood Imported to the U.S.**

- **ISSUE:** Testing of imported seafood should be increased to ensure that Food and Drug Administration standards are met and that imports do not contain prohibited chemical substances, such as banned antibiotics, which is prevalent in imported seafood species, especially shrimp. These substances are typically added to produce the product more cheaply, but can cause health concerns and often displace domestic seafood products in restaurants and grocery stores. In fiscal year 2015, the Food and Drug Administration tested just 0.1% of seafood entry lines for the presence of veterinary drug residues.³ In contrast, the European Union (EU) requires that 50% of all shipments of farmed seafood from India be tested for veterinary drug residues prior to being allowed into the EU market.⁴ Worse, as the EU has increased its testing to prevent access of contaminated shrimp to its markets, the EU's efforts to protect European consumers have led to the diversion of these tainted exports to the U.S. market, which lacks the more stringent testing.
- **ACTION BY:** Federal Agencies including but not limited to: Food and Drug Administration (FDA), United States Department of Agriculture (USDA), and United States Customs.
- **ACTION:** Applicable Federal Agencies should increase testing of imported seafood. Regulatory and funding changes may be necessary.
- **RATIONALE:** Increasing the testing of imported seafood would therefore improve the quality of imported seafood and ensure that our domestic fishermen are competing on a fair playing field by rejecting contaminated product.
- **INITIATION PLAN:** Acknowledgement by Federal agencies of the issue and feasibility in developing a plan for mitigation including but not limited to: Food and Drug Administration (FDA), United States Department of Agriculture (USDA) and United States Customs and Border Patrol.

A **Decrease Shark Depredation on Fish Stocks**

- **ISSUE:** Increases of depredation of reef fish by sharks has been an ongoing issue brought up throughout the Southeast including both the Gulf and South Atlantic Council's jurisdictions. The Highly Migratory Species division of NMFS has provided information to the Council suggesting that a few shark species (e.g., sandbar, dusky, and scalloped hammerhead) are still considered overfished in the Gulf and that only a few shark species are recovering from the overfished status yet, anglers are reporting more shark encounters and increased aggressiveness. Scuba divers spearing reef fish have suggested some sharks have been so aggressive that they are concerned for personal safety.

³ See U.S. Government Accountability Office, *Imported Seafood Safety: FDA and USDA Could Strengthen Efforts to Prevent Unsafe Drug Residues*, GAO-17-443 (Sept. 2017) at 19.

⁴ See Commission Implementing Decision 2016/1774 of 4 October 2016.

- **ACTION BY:** NMFS and perhaps Council for applicable reef fish stocks.
- **ACTION:** Consider cooperative research proposals with fishermen to better assess the magnitude of the problem; consider research projects to assess if the reef fish stocks sharks primarily feed on are in limited supply; consider research projects to assess if other ecosystem interactions are the primary contributor. Consider lifting (or relaxing) fishing restrictions on some species of sharks to reduce the population and decrease interactions with anglers.
- **RATIONALE:** Depredation of fish off angler's lines is a difficult problem that is confounded by the cryptic nature of the event wherein it is arduous to quantify how often depredation can be confirmed and to identify which particular shark species are most often encountered.
- **INITIATION PLAN:** NMFS should work with the Council and fishermen to determine the best path forward to address this problem.

A

Modernizing Recreational Fisheries Act of 2018

- **ISSUE:** Section 102 of the Modernizing Recreational Fisheries Act of 2018 (Modern Fish Act), amends the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to explicitly authorize the use of certain management approaches intended to expand management flexibility for recreational fisheries. Specifically, the Modern Fish Act authorizes the use of extraction rates, fishing mortality targets, harvest control rules, and traditional or cultural practices of native communities for the management of recreational fisheries. The Modern Fish Act does not change the existing National Standard requirements to develop ACLs and accountability measures or other applicable provisions of the Magnuson-Stevens Act. 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 as currently written.
- **ACTION BY:** NMFS.
- **ACTION:** Evaluate the National Standard 1 guidelines relative to the Modern Fish Act and provide clarification on the flexibility the Councils have to implement alternative recreational management approaches.
- **RATIONALE:** This clarification would help the Council refine recreational management approaches and improve recreational efficiency, stability, and angler satisfaction while working within existing Magnuson-Stevens Act constraints.
- **INITIATION PLAN:** The Council will identify this issue in its E.O. response and await action by NMFS.

B

Review and revise U.S.C.G. Safety Compliance Programs such that they are Replaced by Tailored Regional Approaches that Address the Drivers of Fatalities in Each Region.

- **ISSUE:** The U.S.C.G. Alternative Safety Compliance Program for commercial fishing vessels was started with the best of intentions, however, it's one size fits all approach to safety for commercial fishing vessels across the nation has led to unrealistic expectations for the vast majority of the seafood industry. In reality, the Alternative Safety Compliance Program is trapping fishermen in older vessels, due to the excessive cost involved in building a new vessel to the new U.S.C.G. standards. Further, in the Gulf of Mexico, the bulk of fatalities do not occur from vessels sinking. Therefore, a program, like the Alternative Safety Compliance Program, which is aimed at ensuring utmost structural integrity of the vessel to prevent sinking, is not what is needed to save lives in the Gulf region.
- **ACTION BY:** Federal Agencies.
- **ACTION:** Repeal the current Alternative Safety Compliance Program and replace it with a regional approach tailored to addressing the drivers of fatality in each region.
- **RATIONALE:** The main driver of fatalities in the Gulf of Mexico is individual instances of one man/woman falling overboard. Many times, this ends in death because of the relatively small crew size on Gulf vessels (usually 1-4 crew on board), resulting in no one seeing the individual fall overboard, leading to considerable amount of time passing before the search begins for the crewman. The Alternative Safety Compliance Program does not address this but instead creates costly standards for the physical integrity of the vessel. This action is consistent with National Standard 10 of the Magnuson-Stevens Fishery Conservation and Management Act that states that "conservation and management measures shall, to the extent practicable, promote the safety of human life at sea."
- **INITIATION PLAN:** Repeal the current Alternative Safety Compliance Program and replace it with a regional approach tailored to addressing the drivers of fatality in each region. In the Gulf of Mexico, such a regional program could go a long way to reducing fatalities, i.e. improving safety at sea, by focusing on life jackets that crew will realistically wear while working, swimming skills and emergency shut offs for the winch. This approach may also allow commercial fisherman to move into newer vessels that are likely to be more resilient and reliable than the older vessels they currently use; further promoting safe working conditions and economic success of working fishermen. Regional working groups, which allow and encourage substantial participation by commercial fishermen, should be formed with the mission of rewriting the U.S.C.G. Alternative Safety Compliance Program for commercial fishing vessels in order to address the drivers of fatalities unique to each region in an attempt to earnestly improve safety at sea.

B

Amend the Harmonized Tariff Schedule of the US (HTSUS) Code to Break out Wild Caught Warm Water Shrimp Imports from Farm-raised Warm Water Shrimp Imports

- **ISSUE:** Amend the ten-digit Harmonized Tariff Schedule of the United States (HTSUS) codes to break out wild caught warm water shrimp imports from farm raised warm water shrimp imports. This will strengthen the tools available to NMFS for implementation of their Seafood Import Monitoring Program to prevent seafood harvested through illegal, unreported

and unregulated (IUU) fishing. Currently, both wild caught imports and farm raised imports are listed under the same code. By creating a separate code for each, it will make circumventing U.S. authorities more difficult for those engaging in IUU practices.

- **ACTION BY:** Federal Agencies including but not limited to NMFS.
- **ACTION:** Consider changing the ten-digit Harmonized Tariff Schedule.
- **RATIONALE:** By creating a separate code for each, it will make circumventing U.S. authorities more difficult for those engaging in IUU practices.
- **INITIATION PLAN:** The Council will identify this issue in its E.O. response and await action by NMFS and other applicable Federal Agencies.

B **Increase Funding for Fisheries-independent Monitoring**

- **ISSUE:** Expand Gulf-wide, fisheries-independent monitoring programs to enhance the capacity to associate fisheries data with: environmental data, habitat quality, and abundance of targeted and non-targeted species. Additional Gulf-wide vertical, bottom longline, video, visual, and larval survey efforts are needed to better inform stock-recruit relationship determination efforts in stock assessments. Other gear types should be considered based on the target species. Also, broad ranging surveys are needed to characterize benthic habitat to promote better estimates of stock size, and improve our understanding of impacts to habitat based on climate change or catastrophic events such as hurricanes or oil spills.
- **ACTION BY:** Federal and State Agencies including but not limited to: NMFS and Southeastern States.
- **ACTION:** Regulatory and funding changes may be necessary.
- **RATIONALE:** Improve data streams (time series indices) that are used in stock assessments so they include a wider geographic area with appropriate sampling methodologies to target the applicable reef fish, coastal migratory pelagic, invertebrate, or protected species. This fishery-independent information would be used by the Council and NMFS to monitor the health of the stock (including tracking the progress of rebuilding programs when necessary) and keep the applicable sectors within the catch levels. Moreover, expanded sampling efforts should be implemented to enhance physical and biological sampling that allows development of long-term time series of physical, biological, and chemical oceanographic data for use in stock assessments and future ecosystem-based modeling approaches.
- **INITIATION PLAN:** Acknowledgement by Federal and State agencies of the issue and feasibility and utility in expanding these monitoring programs to be useful in science and management.

B **Do Not Close Additional Areas to Commercial and Recreational Fishing Unless Recommended by the Council in that Jurisdiction**

- **ISSUE:** Around the nation, commercial fishermen have lost access to many areas that they have traditionally fished. Areas closed to fishing such as marine protected areas, sanctuaries, and monuments are contentious. National Marine Sanctuaries may close areas in an effort to protect coral, habitat, and spawning aggregations within a Council's jurisdiction after a consultation with the Council and comment period that can result in minimal input from

stakeholders. In recent history, two different National Marine Sanctuaries (i.e., Florida Keys National Marine Sanctuary and Flower Garden Banks) have proposed through draft environmental impact statements to close numerous areas in federal and state waters to various types of fishing gears or practices.

- **ACTION BY:** National Marine Sanctuaries and NMFS.
- **ACTION:** National Marine Sanctuaries establish a collaborative process before the development of the draft environmental impact statement with the NMFS and Councils to identify size, need, and types of area closures to fishing in the respective Council's jurisdiction.
- **RATIONALE:** Reducing the fishing grounds accessible to our fishermen through area closures which occur outside the Regional Fishery Management Process is an impediment that creates an undue burden on domestic seafood production. Yet, whether the intended benefits of these area closures are met often remains unclear years after the closures are established. Any closure of federal waters to fishing (or regulations which have the same effect as fishing closures, such as prohibitions on the use specific fishing gear types in an area or rules regarding transit of these areas) should take place through the rigorous scientific process carried out under the purview of the Regional Fishery Management Councils and the Magnuson-Stevens Fishery Conservation and Management Act, as opposed to the National Marine Sanctuaries Act or the Antiquities Act. The Council process identifies impacted stakeholders early in the process to ameliorate socio-economic impacts while addressing sustainable habitat and resource conservation practices. This would ensure that due consideration of affected fisheries be given in the evaluating if those fisheries can be sustainably harvested and managed in a manner that does not compromise the broader objectives of the spatially protected area.
- **INITIATION PLAN:** National Marine Sanctuaries, NMFS, and the Councils would need to agree to this proposal.

C

Recommend that the Council's Scientific and Statistical Committee review stock assessments for Highly Migratory Species

- **ISSUE:** The Gulf of Mexico Fishery Management Council does not manage highly migratory species (HMS), yet these species play an important biological and ecological role in the health of the ecosystem such as predator-prey and competitive interactions between shark species and the reef fish, coastal migratory pelagics, and spiny lobster that the Council manages in its various fishery management plans as well as the socio-economic role of the fishermen and stakeholders invested in the management process. Allowing the Council's Scientific and Statistic Committee or a special subgroup to be informed about the status of shark species within the Gulf assessed through the Southeast Data Assessment and Review (SEDAR) process would aid in understanding of potential interactions between HMS species and Council managed species. Additionally, it would provide an avenue for the input and working water knowledge of a much broader group of fishermen to become part of the communication loop and further enhance the HMS scientific process.
- **ACTION BY:** NMFS HMS division, NMFS Science Center, and resources provided from Council for SSC participation.

- **ACTION:** NMFS HMS and NMFS SEFSC consider 2-3 slots for SSC members to attend assessment workshops. Once the final report is complete, the Council's SSC and staff would need to coordinate time on the SSC agenda for the review to be conducted.
- **RATIONALE:** Better understanding of stock assessment process, results, and health status of highly migratory species in the Gulf of Mexico/Atlantic. Many of the same fishery-dependent and independent indices used for HMS stock assessments are the same indices used for Council managed species; thus, there could be utility to the exchange of information and more rigorous review process. Further, several of the Council's SSC members have participated in shark research and could prove to be great assets in the transfer of historical knowledge by including them in the process.
- **INITIATION PLAN:** NMFS highly migratory species divisions and the SEDAR Steering Committee would need to approve this change. The Council would need to budget for SSC attendance, time, and eligible SSC stipends, and staff time.

C

Consider Measures to Reduce Agriculture Run-off into the Mississippi River and Reduce Hypoxia that Creates the Dead Zone in the Gulf of Mexico

- **ISSUE:** Hypoxia, or oxygen depletion, is an environmental phenomenon where the concentration of dissolved oxygen in the water column decreases to a level that can no longer support living aquatic organisms. The formation of hypoxic zones may be rapid but once formed may persist for months or longer. For marine organisms, this may result in movement from the affected area, reduced growth rates, or large-scale mortality events (e.g., fish kills) that impairs sustainable fisheries and reduces the health of marine ecosystems. Hypoxia can occur naturally or result from human activities and hypoxic zones are becoming more common worldwide. The Gulf of Mexico hypoxic zone is the largest human caused dead zone in the United States and the second largest in the world. The maximum extent of this dead zone encompassed 8,500 mi² in 2002 and has averaged 5,300 mi² over the last 30 years. The primary cause is the discharge of nutrient enriched freshwater from the Mississippi River from approximately 41% of the land area of the contiguous United States, ranging as far west as Idaho, north to Canada, and east into New York State. The Mississippi River flows directly into the northern Gulf of Mexico.
- **ACTION BY:** Federal and State Agencies including but not limited to: NMFS, Secretary of Agriculture, Environmental Protection Agency, and the Seafood Trade Task Force created as a result of E.O. 13921.
- **ACTION:** Implement mitigation measures with farmers along the Mississippi River in the next 5 years. Provide periodic updates to NMFS and the Council on these efforts.
- **RATIONALE:** Nutrient concentrations of nitrogen and phosphorous in the Mississippi River discharge have increased dramatically in recent decades and is caused primarily by the increased use of fertilizer to support agricultural activities. In the northern Gulf of Mexico, this nutrient enrichment leads to phytoplankton blooms and eventually hypoxic zones as the decomposing marine life depletes the available oxygen. This reoccurring dead zone in the Gulf of Mexico negatively affects marine ecosystems and the fisherman that depend upon the living resources in this area for their livelihood and as a source of recreation and food production for the nation. Meaningful action to reduce both point and non-point nutrient inflows into the Gulf of Mexico is necessary to promote conservation and sustained benefits

of this region to the nation in terms of economic activities, continuance of traditional fishing engagement, and as an important food source for the nation.

- **INITIATION PLAN:** Acknowledgement by Federal and State Agencies of the issue and feasibility of developing a plan for mitigation including but not limited to: NMFS, Secretary of Agriculture, Environmental Protection Agency, and the Seafood Trade Task Force created as a result of E.O. 13921.

C

Remove the Annual Catch Limits (ACLs) for Spiny Lobster

- **ISSUE:** The distribution of the Caribbean spiny lobster stock is such that it spans the Gulf and South Atlantic Council jurisdictions (Councils) and is subject also to management and regulation by the State of Florida. The Councils rely on Florida Fish and Wildlife Conservation Commission when establishing many of the fishing regulations. The stock assessments are completed through the Southeast Data and Assessment review (SEDAR) process, which has determined that the stock in U.S. waters is largely reliant on recruits from elsewhere in the Caribbean region, i.e. local recruitment is presumed to be negligible. Importantly, spiny lobsters that occupy U.S. waters are not recognized as source of recruits for fisheries in other nations. Thus, regulations implemented in the U.S. are not likely to have a significant influence on the long-term health and viability of the fishery. In fact, the abundance of the stock appears to be largely dependent on the health of the Caribbean stock.
- **ACTION BY:** Changes to Magnuson-Stevens Act and National Standard 1 requirements
- **ACTION:** Modifications to the Magnuson-Stevens Act and National Standard 1 that would exempt spiny lobster from the requirements of establishing annual catch limits.
- **RATIONALE:** This would allow more flexibility for the Council, NMFS, and Florida FWC when monitoring landings and gear requirements.
- **INITIATION PLAN:** The Council will identify this issue in its E.O. response.

Items within NOAA Fisheries and Council Authority and Included in the Attached Requested Excel Spreadsheet

A

Development of a Commercial Electronic Logbook Program

- **ISSUE:** The commercial paper logbook program in the Gulf of Mexico is outdated and there is duplicative reporting with some of the Gulf state requirements.
- **ACTION BY:** Council and NMFS.
- **ACTION:** Develop a plan amendment to implement the electronic reporting that would replace the current paper logbook requirements.
- **RATIONALE:** An electronic reporting program would streamline the reporting process for fishermen and improve quota monitoring of commercial landings. This will aid the Council and NMFS in making informed management decisions.
- **INITIATION PLAN:** The Council is working with the Science Center and NMFS to move forward with a Council action once the overall program modifications have been identified by the Science Center.

B**Reduce Burdens on the Transfer of Limited Access Permits that are Renewable but Expired**

- **ISSUE:** There is a one-year grace period following the expiration of limited access permits during which time an expired permit may be renewed or transferred. However, an expired permit must first have been signed and notarized before its expiration, or be renewed by the permit holder in order to be transferred to a new permit holder. Renewing a permit requires the permit holder to have a U.S.C.G. documented vessel that meets all vessel requirements, which for some permits, includes a vessel monitoring system. Permit holders who are in the process of selling their vessel and permit have encountered this as an unnecessary burden on the occasions that the permit expires before the sale and transfer were complete.
- **ACTION BY:** Council and NMFS.
- **ACTION:** Develop a plan amendment to implement permit requirement modifications.
- **RATIONALE:** This would allow more flexibility for permit holders to transfer limited access permits and reduce the number of permits that are terminated by NMFS and thus no longer transferable.
- **INITIATION PLAN:** The Council and NMFS would need to initiate an action to complete these regulatory changes.

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)
GMFMC	A	Regulation - Development of a Commercial Electronic Logbook Program	50 CFR 622	The commercial paper logbook program in the Gulf of Mexico is outdated and there is duplicative reporting with some of the Gulf state requirements.	An electronic reporting program would streamline the reporting process for fishermen, increase reporting timeliness, reduce entry errors, and improve quota monitoring of commercial landings. This will aid the Council and NMFS in making informed management decisions.	The Council is working with the Science Center and NMFS to move forward with a Council action. Once the overall program modifications have been identified by the Science Center and data management measures are put in place, development of an associated policy document will begin.

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)
GMFMC	B	Regulation - Reduce Burdens on the Transfer of Limited Access Permits that are Renewable but Expired	50 CFR 622	There is a one-year grace period following the expiration of limited access permits during which time an expired permit may be renewed or transferred. However, an expired permit must first have been signed and notarized before its expiration, or be renewed by the permit holder in order to be transferred to a new permit holder. Renewing a permit requires the permit holder to have a U.S.C.G. documented vessel that meets all vessel requirements, which for some permits, includes a vessel monitoring system. Permit holders who are in the process of selling their vessel and permit have encountered this as an unnecessary burden on the occasions that the permit expires before the sale and transfer were complete.	This would allow more flexibility for permit holders to transfer limited access permits and reduce the number of permits that are terminated by NMFS and thus no longer transferable.	The Council and NMFS would need to initiate an action to complete these regulatory changes.