

B1 Council Response to EO 14276

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Relevant materials posted under B1

1. EO 14276 Action memo
2. NMFS Regulatory Review discussion paper
3. NPFMC Sept 2025 letter to NMFS w/ initial reccs and workplan
4. Correspondence received by NMFS on EOs over summer
5. Written comments submitted to NPFMC under B reports



IN PPT

ACTION MEMO

Executive Order 14276 issued April 2025, *Restoring American Seafood Competitiveness*

- Identifies policy of the United States:
 - Promote the productive harvest of our seafood resources
 - Unburden our commercial fishermen from costly and inefficient regulation
 - Combat illegal, unreported, and unregulated (IUU) fishing
 - Protect seafood markets from the unfair trade practices of foreign nations
- Implement through actions of Sec. of Commerce and partners



EO 14276 Request for Council input

Section 4(a)(i) of EO requests input from Councils:

- Reduce burdens on domestic fishing
- Increase production
- Stabilize markets
- Improve access
- Enhance economic profitability
- Prevent closures

Deadline: September 30th

Councils will commit to a work plan and a schedule for implementation, to ensure these actions are prioritized



Letter submitted based on June 2025 Council action (1/2)

Council's priority actions that are directly responsive to EO; staff worked with agency to format actions into a workplan by 9/30:

- **Actions underway in some stage of Council development**
(workplan rows 2-12)
 - Oct 2025: MRAs, EDR removal final actions; IFQ/CQE transfer/beneficiary changes paper
 - Dec 2025: crab arbitration, crab C shares final actions
 - Jun 2026: cost recovery changes, AIGKC start date
 - Not yet scheduled: scales in sablefish, consistent pot gear regs, CGOA Rockfish EM EFP, streamline charter halibut measures timing



Letter submitted based on June 2025 Council action (2/2)

Council's priority actions that are directly responsive to EO; staff worked with agency to format actions into a workplan by 9/30:

- **Actions which Council has concluded and submitted to NMFS for rulemaking** (*workplan rows 14-20*)
- **New actions related to recordkeeping and reporting, monitoring, and streamlining of regulations** (*workplan row 13*) - *more detail in NMFS discussion paper*
 - 2 implementation avenues: 305d Secretarial authority, omnibus FMP actions
- **Process improvements** - increase use of 305d (see above); rescind national allocation review policy (included in letter); streamline charter halibut measures timing (*workplan row 12*)



ACTIONS FOR COUNCIL AT THIS MEETING

1. DURING B REPORTS:

- Consider any supplemental reccs for a follow-up letter to NMFS
 - New actions consistent with EO to add to the workplan
 - Prioritize workplan actions, especially those underway in Council

2. MAY DEFER TO STAFF TASKING:

- Consider NMFS recommendations for new actions on recordkeeping and reporting, monitoring, and streamlining of regulations
 - approve list for NMFS development and implementation through Section 305(d) authority
 - initiate Council omnibus FMP amendment or actions as needed



Review of NMFS expanded discussion paper, Review of Regulations under EO 14276

- Discussion paper prepared by NMFS Sustainable Fisheries Division
- Slides prepared by Gretchen Harrington, NMFS



Review of Regulations

(Section 1, page 4)

Executive Order 14276 Restoring Seafood Competitiveness

Request to the Councils to submit recommendations to

- reduce burdens on domestic fishing and to increase production,
- stabilize markets,
- improve access,
- enhance economic profitability, and
- prevent closures.

EO 14192 Unleashing Prosperity Through Deregulation

Reduce regulatory burden and private expenditures required to comply with federal regulations.

- Track the incremental cost of new regulations.
- Total incremental costs for all new regulations must be significantly less than zero.
- Identify regulations that increase incremental costs, offsetting regulations (repealed regulations that eliminate existing costs), and the total approximate costs or savings with each new or repealed regulation.



Considerations re Making and Prioritizing Recommendations

(Section 2, page 11)

- Consistency with applicable laws
- Impacts *e.g. cost savings, increased harvest*
- Implementation Complexity
 - IT-related implementation
 - Permitting
 - Regulatory complexity
 - Outreach and education for fishery participants
 - Impacts to partner agencies/offices
- Staff capacity
- Synergy with ongoing actions



Prioritizing ongoing Council Actions Which Respond to E.O. 14276

(Section 3, page 13)

To aid in prioritizing, Table 1 (page 19) lists 10 actions and provides an assessment of:

- the potential impact,
- analytical complexity, and
- implementation complexity.

Example from p.19:

Action	Potential Impact	Analytical Complexity (NEPA, RIR, PRA, RFA)	Implementation Complexity
Maximum Retainable Amounts (MRA)	High: Higher amounts of retained catch, reduced discards, and simplified MRA regulations that are easier to understand. Impacts all groundfish vessels.	Moderate: NMFS's implementation likely requires an EA to fulfill NEPA requirements, potential to raise ESA issues.	Moderate: Complex regulatory changes and outreach, but no other identified implementation actions
Crab Arbitration & Remove unnecessary requirements for Arbitration reports (2025 analysis)	Moderate: Additional decision-making flexibility in order to settle contract disputes between crab harvesters and processors. Removal of market report and arbitration reports along with associated costs. Increased consistency in IFQ/IPQ withdrawals.	Low: NMFS's implementation likely could be done with a CE to fulfill NEPA requirements. Discontinuation of PRA requirements. Crab FMP amendment required. For NMFS's rulemaking, likely could certify under RFA.	Moderate: Allowing IFQ/IPQ application withdrawals within a time constrained process will increase complexity for NMFS. Low: Changes to the arbitration process regulations are not complex for NMFS to administer.



Actions in the NMFS Rulemaking Process

(Section 4, page 21)

Table 2 (pp 21-22) summarizes recent Council actions that are consistent with the purposes of E.O. 14276, their current status, expected impacts from implementing recommended changes, and an assessment of implementation complexity.

As recommended by the Council, these actions are intended to

- increase flexibility,
- reduce regulatory burdens,
- and/or improve fishing opportunities.



New Actions to Reduce Regulatory Burdens

(Sections 5/6, beginning page 23)

- 5.1: Recordkeeping and reporting regulations and streamlining for which the NMFS could use Section 305(d) of the Magnuson-Stevens Act.
- 5.2: Recordkeeping and reporting, monitoring, streamlining regulations that must go through the Council process due to FMP language.
- 5.3: Additional proposed changes from the Council June 2025 motion.
- 6: Process improvements to reduce regulatory burden.



Magnuson-Stevens Act (MSA) section 305(d)

(section 5.1, page 23)

MSA establishes distinct roles and responsibilities for Councils and for NMFS, creating multiple rulemaking mandates and authorities, each with its own procedural and other requirements.

Typical scenario for proposed rules to implement an FMP/amendment:

- Sec. 303(c) - Council submits to NMFS proposed regulations that it “deems necessary or appropriate” for the purposes of implementing an FMP/amendment
- Sec. 304(b) - outlines procedures for NMFS to review and implement such proposed rules, incl minimum comment periods

Sec. 305(d) authorizes NMFS to promulgate regulations that are necessary to implement a Secretarial FMP/amendment, or to carry out any other provision of the MSA.

- No special procedural or timing requirements specified in MSA
- Section 305(d) can be a versatile tool for facilitating **pre-planned efficiencies** or responding to unforeseen events.
- **Section 305(d) should not be used as the statutory authority for rulemaking when Sections 303(c)/304(b) or 304(c) would be more appropriate.**

Examples of **situations** in which Section 305(d) may be appropriate—

- Frameworks
- Technical Changes
- Corrections
- Administrative Actions
- Actions developed outside of the Council process
- Actions taken pursuant to other special authorities of the Magnuson-Stevens Act
- Other situations as appropriate



Actions that NMFS could use Section 305(d)

(Section 5.1, pp 25-27)

NMFS identified 18 potential recordkeeping and reporting or streamlining actions that may be appropriate under guidance on Section 305(d).

For each action, Table 3 (pp 25-27) provides–

- Section 305(d) situation,
- E.O. 14192 deregulatory subcategory,
- potential impact, and
- implementation complexity.

If the Council agrees, NMFS would further develop these actions and consult with the Council in the future.



Actions that require amending an FMP

(Section 5.2, page 50, and Section 6.1, page 59)

NMFS identified 3 proposed recordkeeping and reporting or streamlining actions that would require the Council to develop an FMP amendment (p 50)

- Reduce Regulatory Burden on Vessels that Catch and Process Small Amounts of Groundfish (requires policy direction)
- Remove Weekly Production Reports for At-Sea Processors (housekeeping)
- Remove the Shortraker/Rougheye Species Group (housekeeping)

- *The Council could develop an omnibus FMP amendment to streamline reporting requirements for these actions*
- *The Council could also develop an FMP amendment to establish clear and explicit framework mechanisms in the FMP to allow future, pre-planned efficiencies (Section 6.1, p 59)*



Additional Proposed Changes from June 2025 Motion

(Section 5.3, page 55)

Action	Requires an FMP Amendment?	Possible benefit	Analytical Complexity	Implementation Complexity
Lead level 2 (LL2) certification changes	No	May increase the number of LL2 available observers for trawl and fixed gear vessels, thereby providing more operational flexibility for the fleet.	Low; evaluate potential administrative impacts on the North Pacific Observer Program and data quality.	Low for most measures except potentially moderate if new performance criteria are developed, and/or west Coast hake measures adopted due to tracking of LL2 experience across regions.
Eliminate the weight deduction for bled sablefish at time of delivery	No	IFQ and CDQ participants who deliver bled sablefish could potentially harvest more sablefish.	Moderate due to the need to coordinate with partner agencies and to develop methods that ensure this change only affected IFQ/CDQ sablefish.	High due to programmatic changes needed in multiple databases, complexity of changing one species for one management program only, and coordination needed with partner agencies



Process Improvements to Reduce Regulatory Burden

(Section 6, page 59)

6.1 Clarify when Sec. 605(d) Rulemaking Authority is Preferred *(already covered)*

6.2 Catch Share Program Reviews and Allocation Reviews

- Process changes to streamline workload (no regulation change or FMP amendment)
- Council recommended NMFS remove Policy 01-119 re allocation reviews

6.3 Charter Halibut Management Measures Timing

- Oct 2023 Council short discussion paper outlines issues and potential options
- May require regulatory changes (1-year lag or 2-year measures); discussion paper has been tasked
- Requires coordination with ADF&G and IPHC



Next Steps

The Council's potential action at this meeting could include:

- Initiate omnibus amendment of recordkeeping and reporting/ regulatory clean up actions that require Council process from section 5.2 and 6.1 (and any additional actions).
- Consider initiating new actions with Purpose & Need and alternatives that require Council process from sections 5.2, 5.3, and 6.3 (at this staff tasking or a future staff tasking).



ACTIONS FOR COUNCIL AT THIS MEETING

1. DURING B REPORTS:

- Consider any supplemental reccs for a follow-up letter to NMFS
 - New actions consistent with EO to add to the workplan
 - Prioritize workplan actions, especially those underway in Council
(*workplan rows 2-12 / chapter 3 in NMFS discussion paper*)

2. MAY DEFER TO STAFF TASKING:

- Consider NMFS recommendations for new actions on recordkeeping and reporting, monitoring, and streamlining of regulations
 - Recommend a list of actions for NMFS development and implementation through Section 305(d) authority (*from Sec 5.1*)
 - initiate a Council omnibus FMP amendment or actions as needed
(*from Sec 5.2, 5.3, 6.1*)

