



# OFFICE OF ADVOCACY *FACTSHEET*

409 3<sup>rd</sup> Street, SW • MC 3114 • Washington, DC 20416 • 202/205-6533 ph. • 202/205-6928 fax • [www.sba.gov/advo](http://www.sba.gov/advo)

## ***Advocacy Pushes for Better Fishery Management Regulations***

On February 27, 2004, the U.S. Small Business Administration's Office of Advocacy (Advocacy) filed comments with the National Marine Fisheries Service (NMFS) on proposed regulations to implement Amendment 13 to the New England Groundfish Fishery Management Plan. Advocacy's comments can be found at [www.sba.gov/advo/laws/comments](http://www.sba.gov/advo/laws/comments).

- Amendment 13 is a comprehensive fishery management plan designed to rebuild the fishing stock in New England, reduce overfishing, and reduce by-catch. It includes several recreational and commercial fishery management measures such as possession limits, fishing area closures, trip limits, days-at-sea limitations, and gear restrictions. NMFS estimates that, in some instances, the measures may cause over 30 percent of the fishing businesses to close.
- Advocacy has been working with the fishing industry and NMFS on this issue since the summer of 2002. Small entities in the fishing industry are extremely concerned that Amendment 13 may be overly burdensome to the fishing industry.
- To minimize the burden, members of the fishing industry submitted alternatives to the New England Fishery Management Council (Council) for consideration. Advocacy asked the Council to adopt a fishery management plan that promotes maximum flexibility and fully considers the industry's concerns and suggested alternatives. The Council submitted a fishery management plan (FMP) to NMFS that reflected some of the industry's suggestions. NMFS then developed a proposed rule to implement the FMP.
- Although the proposed rule reflected some of the industry's suggestions, the industry still has significant concerns about the proposal, including provisions such as the default measures to establish fishing mortality rates; conditional fishing area closures that were not intended by the Council; and the extension of cod trip limits and gear requirements to the eastern US/Canada area. Advocacy asked NMFS to give full consideration to the industry concerns.
- Advocacy also recommended that NMFS improve its regulatory flexibility analysis by publishing an overall summary of the various measures' impacts on the fishing industry; presenting a more thorough analysis of the impacts of the reporting and recordkeeping requirements; supplying more detail about the classification of vessels; and providing the public the Internet address for the tables that supplemented the analysis. Advocacy also requested a more thorough analysis of the impact of the rule on recreational vessels.
- After NMFS reviews the comments on the proposed rule, the agency will develop a final rule to implement the Amendment 13 management plan. NMFS is under court order to implement Amendment 13 by May 1, 2004.

For more information, contact Jennifer Smith at 202-205-6943.