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May 16, 2025

**Via Email**

Laura Grimm  
NOAA Chief of Staff  
Acting Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator

Eugenio Piñeiro Soler  
Assistant Administrator for National Marine Fisheries Service

**Re: Executive Order on Restoring American Seafood Competitiveness**

Dear Ms. Grimm and Mr. Piñeiro Soler:

The California Coast Crab Association (“CCCA”) respectfully provides this response to President Trump’s Executive Order on Restoring American Seafood Competitiveness, dated April 17, 2025. This administration’s expressed support for U.S. fisheries is a welcome breath of fresh air. The ever-increasing regulatory burdens on U.S. fisheries—particularly restrictions deriving from the Endangered Species Act (“ESA”) and Marine Mammal Protection Act (“MMPA”)—threaten livelihoods and erode the ability of U.S. fisheries to compete with imported fish products. As described below, the California Dungeness crab fishery is one of the “most heavily overregulated fisheries requiring action” and we very much appreciate any actions this administration can take to address the existential problems our fleet currently faces.

The California Coast Crab Association (“CCCA”) is a Section 501(c)(6) non-profit trade organization representing the individuals and companies that participate in and rely upon the California commercial Dungeness crab fishery—California’s most economically important fishery. Since 2010, annual ex-vessel landings in the fishery have averaged \$50 million and 15 million pounds. CCCA comprehensively represents all sectors of the fishery. CCCA has members in each of the ten California ports and consists of permit holders, fishing vessel captains, off-loaders, buyers, and seafood processors. CCCA is the only trade association that

solely represents the interests of the participants in the fishery, and its members have a substantial interest in the ongoing viability of the fishery.

The regulatory problems that threaten the existence of the California commercial Dungeness crab fishery are ultimately rooted in the continued—but no longer warranted—ESA-listing of West Coast humpback whale populations. Environmental activist groups, such as the Center for Biological Diversity (“CBD”), have weaponized the humpback whale ESA listing to goad the State of California into enacting punishing restrictions on, and closures of, our fishery. And because the State of California is politically aligned with those activist groups, it has been a willing participant in the push to regulate our fishery out of existence.

Specifically, in 2017, CBD filed a lawsuit against the state of California alleging that the state’s authorization of the commercial Dungeness crab fishery violated the ESA because the fishery entangles ESA-listed humpback whales and the state has no ESA permit authorizing that “take.” In 2019, the state settled with CBD, and, as part of that settlement, agreed to enact state-based regulatory measures and to obtain a federal incidental take permit under the ESA. That led to the state’s promulgation of new regulations in 2020 (known as “RAMP”), which have governed the fishery for the last five years.

The RAMP regulations impose many severe restrictions on the fleet that, among other things, have eliminated four out of the traditional seven months of the fishing season for most of the fleet and have increased compliance costs, eroding already thin profit margins. For the last three seasons, the fishery has only been allowed to deploy half its trap allotments. The value of the average upper tier permit (500 traps for a 50-60’ boat) has dropped from approximately \$700,000 in 2018 to \$350,000 in 2025. Since 2016, the number of permitted vessels participating in the fishery has dropped from 471 to 353. The market value of the average used 50-foot steel boat has dropped from approximately \$750,000 to approximately \$400,000, and for larger steel boats, the market value has dropped from over \$1 million to \$600,000.<sup>1</sup> In short, California is single-handedly decimating our once-thriving fishery as a result of the humpback whale ESA listing and the associated abuse of that listing by environmental activist groups.

This dire situation is only going to further deteriorate as new, burdensome federal requirements will stack on top of the state’s regulatory morass. First, NMFS will soon issue the ESA incidental take permit that the state has requested as a result of its settlement with CBD, which will impose more restrictions and conditions on the fleet. Second, NMFS—in response to yet another CBD lawsuit—plans to form a take reduction team (“TRT”) under the MMPA and include the commercial Dungeness crab fishery in the scope of that TRT. And before that process begins, NMFS has stated its intent to develop a model to assign hypothetical whale deaths (which it calls “cryptic mortality”) to the fishery based on the unproven assumption that many entanglements are occurring with the crab fishery that are never observed. This type of worst-case modeling of hypothetical impacts is what almost led to the demise of the Maine lobster fishery were it not for a decision by the D.C. Circuit Court of Appeals holding that NMFS violated the ESA when it used models based on “pessimistic assumptions” to generate hypothetical whale entanglements. *Maine Lobstermen’s Ass’n v. NMFS*, 70 F.4th 582, 586 (D.C. Cir. 2023). As the Court said, NMFS “was not just wrong; it was egregiously wrong.” *Id.* at 597-98.

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<sup>1</sup> Permit and vessel data obtained from Dock Street Brokers.

This regulatory overreach stems from an unusual and unprecedented spike in humpback whale interactions with the fishery in 2016 that were caused by extremely anomalous ocean conditions that significantly altered normal humpback whale migratory paths. Scientists now agree the spike was caused by a perfect storm of ocean conditions caused by an atypical marine heatwave. And there is zero evidence that this spike had any noticeable effect on humpback populations. Since then, the annual number of documented fishery-humpback interactions has hovered between zero and six. By comparison, large container and cruise ship strikes off the coast of California account for at least 50-150 humpback whale mortalities a year.

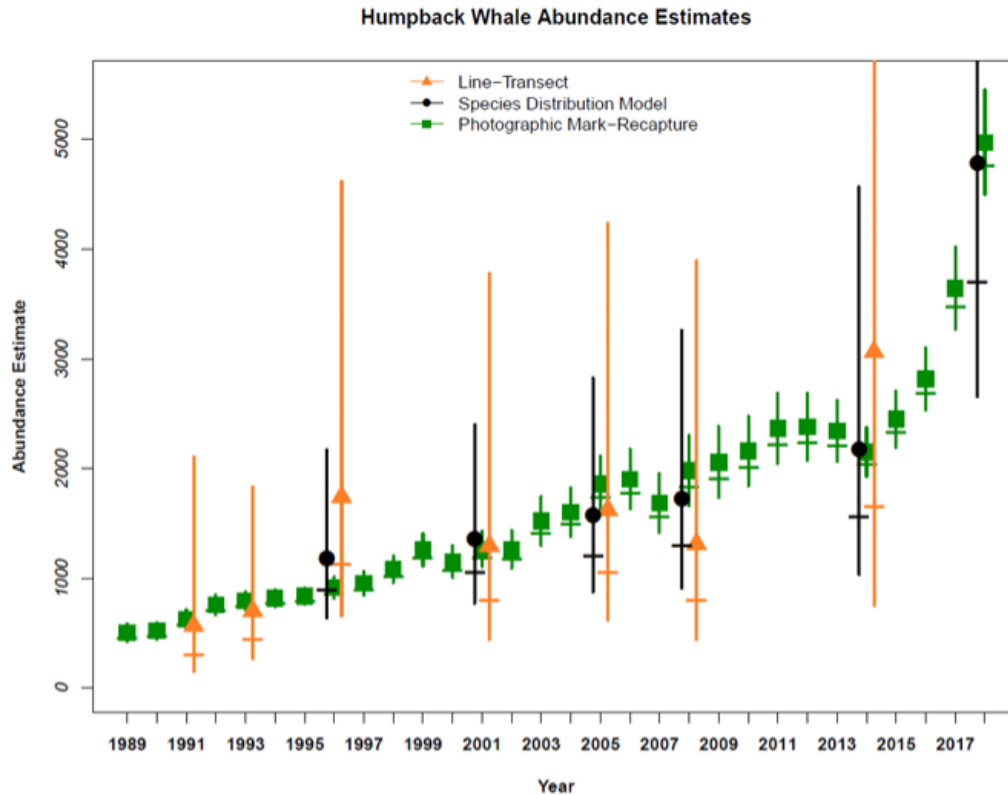
Despite these effects, there has been a very substantial and steady *increase* in the humpback whale population on the U.S. West Coast. As summarized by NMFS in the 2021 Stock Assessment Report for California/Oregon/Washington humpback whales:

Calambokidis and Barlow (2020) report that humpback whale abundance appears to have increased within the California Current at approximately 8.2% annually since the late 1980s (Figure 2). This is consistent with observed increases for the entire North Pacific from ~1,200 whales in 1966 to 18,000 - 20,000 whales during 2004 to 2006 (Calambokidis et al. 2008). Calambokidis and Barlow (2020) note that the apparent increase in abundance from 2014 to 2018 is too great to represent real population growth and may reflect negatively-biased estimates during 2009 to 2014 due to less representative sampling compared with 2018.<sup>[2]</sup>

This trend is also depicted in the following graph, presented in the 2021 Stock Assessment Report for the California/Oregon/Washington humpback whales:

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<sup>2</sup> <https://media.fisheries.noaa.gov/2022-08/2021-HumpbackWhale-CaliforniaOregonWashington%20Stock.pdf>. In 2022, NMFS further delineated humpback whale stocks for MMPA purposes, such that the humpback whale “distinct population segments” (“DPSs”) designated under the ESA are made up of parts of various MMPA stocks. The point here is that the Calambokidis and Barlow (2020) paper (and other relevant evidence) demonstrates that humpback whales along the West Coast—including the relevant DPSs—are increasing dramatically.



As this information indicates, either the West Coast humpback whale population has experienced extraordinary and unprecedented growth over the past decade or, alternatively, it has experienced steady growth over a longer period of time during which earlier population estimates were low (“negatively-biased”). Either way, the continued ESA-listing is unwarranted. And, as the humpback population booms, the regulatory restrictions on our fishery have only increased and continue to increase. This makes little sense.

Regulating our fishery out of existence will do nothing to benefit the already thriving humpback whale population, but it will destroy the livelihoods of hardworking men and women in small communities along the California coast who participate in the fishery. It will also deplete the lifeblood of fishing communities that support not only fishermen but also gear suppliers, food distributors, restaurants, and countless other small businesses that depend upon the fishery. We hope this administration can help bring some common sense to the state of California, relieve federal regulatory burdens (such as by delisting West Coast humpback whales), and restore hope that is all but lost in many small fishing communities along the California coast. We appreciate your consideration of this letter.

Sincerely,

Ben Platt  
President, CCCA