

CONGRESS INVESTS IN A NEW GENERATION: THE FUTURE OF COMMERCIAL FISHING IS SUPPORTED BY THE IMPLEMENTATION OF THE YOUNG FISHERMEN’S DEVELOPMENT ACT

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I. INTRODUCTION

On January 5, 2021, the United States of America made a pledge unlike ever before to the future of those entering the commercial fishing industry for years to come. In response to a critical need for more young men and women to enter this industry, members of Congress, such as the late Representative Don Young of Alaska, spent nearly two years from the date the legislation was introduced in the United States House of Representatives putting in the effort and endurance to urge Congress to allocate funds in support of this issue.¹ This need has been characterized as a phenomenon known as the “graying of the fleet” in which older generations who support the needs of the fishing industry are not being balanced upon retirement from this sector with a sufficient number of young entrants to take their places.² Optimistically, one answer to this problem has been established through what is known as the Young Fishermen’s Development Act (hereinafter “the

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¹ Laine Welch, *FISH FACTOR: Wild Alaskan making major gains through digital*, ALASKA JOURNAL OF COMMERCE (Dec. 16, 2020, 9:10 AM), <https://www.alaskajournal.com/2020-12-16/fish-factor-wild-alaskan-making-major-gains-through-digital>; Congress.gov, *H.R. 1240 – Young Fishermen’s Development Act*, <https://www.congress.gov/bill/116th-congress/house-bill/1240/actions>.

² *Graying of the Fleet in Alaska’s Fisheries: Defining the Problem and Assessing Alternatives*, SEA GRANT, <https://seagrants.uaf.edu/research/projects/summary.php?id=1002> (last visited Jan. 29, 2022).

Act”).³ The United States has dedicated federal dollars to be invested in training and educating a new generation of young fishermen and women in the period of 2022 to 2026.⁴ A program of this nature has the potential to change the lives of those participating in the acquiring of the seafood, the industries thereby supported by commercial fishing, and the consumers purchasing these goods within the affected regions.

The cry for this need dates to 2015, when an organization known as the Fishing Communities Coalition began speaking to this matter.⁵ The Fishing Communities Coalition (hereinafter “FCC”) is comprised of partners from Alaska to Maine who make it their mission to support the industries of their backyard and do what they can to preserve the integrity of the maritime environments they fish within.⁶ The FCC emphasizes on speaking for small-boat commercial fisheries that their members represent.⁷ Regarding the Act, the FCC had over fifty young fishermen travel to the United States Capitol from all over the country, representing fishing waters from Alaska, the Gulf of Mexico, and the New England region to advocate for the funding needed to support the future of the commercial fishing industry.⁸ When it comes to keeping fishing communities alive and the waters utilized by these communities sustained, the FCC has stepped up to the challenge.

In this note, a brief examination of the significance of the fishing industries in the Alaska and New England regions will be discussed. In addition, the Young Fishermen’s Development Act is

³ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4886 (2021).

⁴ *Id.* at 4888.

⁵ Ben Martens, *Fishing Communities Coalition Applauds Congressional Passage of Young Fishermen’s Development Act*, FISHING COMMUNITIES COALITION (Dec. 20, 2020),

<https://fishingcommunitiescoalition.org/news/2020/12/20/young-fishermens-development-act-passes-congress>.

⁶ *About*, FISHING COMMUNITIES COALITION

<https://fishingcommunitiescoalition.org/about-1> (last visited Nov. 20, 2021).

⁷ *Id.*

⁸ *See* Martens, *supra* note 5.

explained, along with how its funds will be distributed to qualifying recipients. Next, an exploration as to how this law may positively affect the commercial fishing industry and provide context as to some of the present barriers that exist for young fishermen and women will be reviewed. Finally, this note dives into two areas of case law and provides an analysis as to the impact the Act may have on these areas of significant legal concern.

II. FISHING INDUSTRIES IN ALASKA AND THE NEW ENGLAND REGION

A. *Impact and Role of the Fishing Industry in Alaska*

The first state to explore and the initial regional area of concern is Alaska. Alaska is a powerhouse when it comes to the commercial fishing industry. The Resource Development Council wrote that this state produces over sixty percent of the United States' commercial fisheries.⁹ In January of 2020, the Alaska Seafood Marketing Institute published a report, *The Economic Value of Alaska's Seafood Industry*, that provided support for just how critical this industry is to the economy of the state.¹⁰ The report provides that in 2017 and 2018, seafood contributed to an average output for the state of Alaska in the amount of \$5.6 billion dollars.¹¹ In terms of the residential fishermen who play a part in generating the aforementioned output, 16,319 were recorded in 2018.¹² There are thousands of Alaska residents also employed who, in one way or another, contribute to this industry from the time of the catch to the placement on the consumer's plate.¹³ There are several types of seafood that significantly support the Alaskan economy; for

⁹ *Alaska's Fishing Industry*, RESOURCE DEVELOPMENT COUNCIL <https://www.akrdc.org/fisheries> (last visited Nov. 20, 2021).

¹⁰ MCDOWELL GROUP, *THE ECONOMIC VALUE OF ALASKA'S SEAFOOD INDUSTRY* (2020).

¹¹ *Id.* at 10.

¹² MCDOWELL GROUP, *supra* note 9, at 11.

¹³ MCDOWELL GROUP, *supra* note 9, at 10.

example: salmon, pollock, crab, and pacific cod, just to name a few.¹⁴ Sen. Dan Sullivan of Alaska, another member of Congress who contributed to the passing of the Act, had this to say regarding this presence:

Alaska is the unquestioned superpower of seafood, thanks to our world-class, sustainably-managed fisheries and our countless hard-working fishermen. The sustainability and endurance of this vital industry, which employs more people in Alaska than any other, depends on up-and-coming qualified fishermen. I thank my colleagues for passing our legislation to reduce basic barriers to entry through new grants, training opportunities and apprenticeship programs. Helping the next generation of Alaskans enter our fisheries will help ensure Alaska remains the superpower of seafood.¹⁵

B. Impact and Role of the Fishing Industry in the New England Region

Looking across the country, several states that make up the New England region also play a substantial role in the commercial fishing industry. Focusing on two states that are represented by members of the FCC and the role this industry plays within their respective economies are Maine and Massachusetts.¹⁶ These states' two members of the FCC are the Maine Coast Fishermen's Association and the Cape Cod Commercial Fishermen's Alliance.¹⁷

In Maine, lobster is the dominant player in the commercial fishing industry by way of furnishing the United States with eighty percent of its lobster supply.¹⁸ Focusing in the relation to Maine's economy, this type of seafood contributed an estimated \$500 million dollars in the year 2018.¹⁹ In terms of employment, lobster provides

¹⁴ MCDOWELL GROUP, *supra* note 9, at 12.

¹⁵ *See* Martens, *supra* note 5.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Madeline Greene et al., *Diversifying Maine's coastal economy: A transition from lobster fishing to kelp aquaculture?*, *The Me. J. of Conservation & Sustainability* (Spire 2020 Issue) (2020).

¹⁹ *Id.*

about 4,500 jobs to those in the state who are licensed to catch it and over 35,000 jobs to those working alongside those catching the lobster.²⁰

In 2020, the Maine Department of Marine Resources reported that these commercial fishermen brought in over 96 million pounds of lobster that contributed to the Maine economy by way of over half a billion dollars.²¹ While this did end a nine-year streak of more than 100 million pounds of lobster being brought to shore, this was still considered praise-worthy given the turbulent circumstances of the COVID-19 pandemic.²²

South of Maine in the state of Massachusetts, the commercial fishing industry has a significant impact on the economic arena.²³ In 2018, commercial fishing brought in 734 million pounds of seafood which in turn provided \$647 million dollars for the state.²⁴ Sea scallops alone brought in over half of that total amount.²⁵ The National Oceanic and Atmospheric Administration (hereinafter “NOAA”) released a 2017 report providing that Massachusetts employed about 128,000 people who play a part in the commercial seafood industry.²⁶ Following the contribution of sea scallops to the \$647 million dollars generated are

²⁰ *Id.*

²¹ Gabrielle Mannino, *Happy tail: Maine lobstermen crack a good year despite virus*, ASSOCIATED PRESS (Mar. 24, 2021), <https://www.newscentermaine.com/article/money/economy/happy-tail-maine-lobstermen-crack-a-good-year-despite-coronavirus-pandemic/97-99e615a8-6792-48d0-8960-672adc4a6afe>.

²² *Id.*

²³ See Martens, *supra* note 5.

²⁴ Sean Horgan, *Harbors hold challenges for fishermen*, GLOUCESTER DAILY TIMES (May 19, 2021), https://www.gloucestertimes.com/news/fishing_industry_news/harbors-hold-challenges-for-fishermen/article_14409f73-ecb2-5761-9b0a-46a509c372d2.html.

²⁵ *Id.*

²⁶ Jessica Hathaway, *Taking stock: Comfish jobs top 1.25 million; two more fisheries rebuilt*, NATIONAL FISHERMAN (July 28, 2020), <https://www.nationalfisherman.com/national-international/taking-stock-comfish-jobs-top-1-25-million-two-more-fisheries-rebuilt>.

lobster, oyster, surf clam, and Jonah crab.²⁷ These five seafood types contributed to \$520 million of the total number.²⁸

C. The Importance of Viewing the Economic Contribution to these Areas

The above figures provide a bird's eye view of the meaning this industry brings to Alaska, Maine, and Massachusetts's economies. While the numbers and figures aren't exhaustive, the goal is to provide an evocative perspective as to why the commercial fishing industry needs to be supported. The figures pertaining to jobs, for example, can easily be looked over and thought to be sufficient from an outsider's lens. However, there is a reason that legislators from Alaska, American Samoa, California, Florida, Louisiana, Massachusetts, Maine, New Hampshire, New Jersey, Oregon, and Washington came together to support the Act.²⁹ The commercial fishing industry heavily supports many economies of the United States by giving each of these numbered individuals, mentioned above, employment opportunities. The future impact of the Young Fishermen's Development Act seeks to ensure that these industries can not only survive but thrive as this country faces the challenge that brought about the need for this piece of legislation at its inception.

The next section will explore the Act in greater detail to provide insight as to the journey taken to get this law passed by Congress, the swift approval by the President, a similar program that provided inspiration, and the manner in which these funds will be provided to its applicants.

²⁷ Mass. Div. of Marine Fisheries et al., *Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery* 10, (Apr. 2021), <https://www.mass.gov/doc/port-by-port-profiles-and-analysis-of-the-massachusetts-commercial-fishery/download>.

²⁸ *Id.*

²⁹ Congress.gov, *H.R. 1240 – Young Fishermen's Development Act*, <https://www.congress.gov/bill/116th-congress/house-bill/1240/cosponsors?q=%7B%22search%22%3A%5B%22Young+fishermen%27s+development+act%22%2C%22Young%22%2C%22fishermen%27s%22%2C%22development%22%2C%22act%22%5D%7D&r=1&s=2>.

III. YOUNG FISHERMEN'S DEVELOPMENT ACT

A. History and Evolution of the Act

The Young Fishermen's Development Act initially made an appearance in federal legislation during the 115th Congress in 2017.³⁰ This version of the Act was introduced into the United States House of Representatives Natural Resources Committee but did not make it past this stage of the legislative process.³¹ Then, during the 116th Congress, the bill was re-introduced in the House of Representatives on February 14, 2019, by the late Representative Don Young of Alaska.³² On June 4, 2020, the Natural Resources Committee reported on this bill, and on December 10 of that year, just over six months following the Committee's report and amendment of the bill, the Young Fishermen's Development Act or H.R. 1240, was passed in the House of Representatives.³³ Ten days following the passing of H.R. 1240 in the House, the bill was passed in the Senate by "unanimous consent."³⁴ Finally, after being sent to then President Donald Trump on Christmas Eve of 2020, the bill was signed into law on January 5, 2021.³⁵ After two sessions of Congress, a new and historic, federally funded opportunity was provided to young fishermen and women in the United States of

³⁰ Congress.gov, *H.R. 2079 – Young Fishermen's Development Act of 2017*, <https://www.congress.gov/bill/115th-congress/house-bill/2079/actions?r=2&s=3>.

³¹ Congress.gov, *H.R. 2079 – Young Fishermen's Development Act of 2017*, <https://www.congress.gov/bill/115th-congress/house-bill/2079/committees?r=2&s=3>.

³² Congress.gov, *H.R. 1240 – Young Fishermen's Development Act*, <https://www.congress.gov/bill/116th-congress/house-bill/1240/actions?q=%7B%22search%22%3A%5B%22Young+Fishermen%27s+Development+Act%22%2C%22Young%22%2C%22Fishermen%27s%22%2C%22Development%22%2C%22Act%22%5D%7D&r=1&s=4>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

America, and with it began an investment into the lives of these youth that this country had yet to ever provide.

The critical need for the Young Fishermen's Act grew from an increase in obstacles presented to the commercial fishing industry. Specifically, the need for more young fishermen and women to enter this industry has become a significant concern.³⁶ This concern is one that affects everyone in the industry, not just a specific group of states. Members of Congress from California, Massachusetts, and Maine have stressed the importance of providing educational and training opportunities for the youth of the commercial fishing industry.³⁷

The most prevalent cause that has contributed to this concern of the obstacle of garnering young people to join this industry revolves around financial factors.³⁸ The cost of entering the commercial fishing industry has increased along with regulations set by fisheries from around the country.³⁹ These regulations require the fishermen to hold permits and possess high-cost machines and boats to fish within the waters controlled by these fisheries.⁴⁰ In addition, the industry has been unable to provide ample entry-level employment opportunities for young fishermen.⁴¹ With these obstacles in mind, the presence of the COVID-19 pandemic has only increased the need for federally funded opportunities to support interested youth.⁴² The Young Fishermen's Development Act is dedicated to facing this concern head-on by providing training, education, and other essential resources through grants over the next several years.⁴³ To sum up the importance and potential impact this legislation will have on this industry, Ben Martens, the Executive Director of the Maine Coast Fishermen's Association said:

³⁶ See Martens, *supra* note 5.

³⁷ *Id.*

³⁸ Fishing Coalition, *The Young Fishermen's Development Act*, YOUTUBE (June 12, 2017), <https://www.youtube.com/watch?v=3VlJNcasBsk&t=2s>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See Martens, *supra* note 5.

⁴² *Id.*

⁴³ See Young Fishermen's Development Act, *supra* note 3.

At the core of our work is the concept of creating a better future for the next generation of fishermen in Maine and around the country. This not only means making sure that we have abundant natural resources and access for our fishermen, but the ability to give the next generation the tools they need to build profitable businesses, support their communities, be proactive stewards of our oceans, and grow to become the leaders our fisheries deserve.⁴⁴

From the above quote by Ben Martens, it is evident that the Act exists to serve the purpose of providing opportunities for youth, supporting local supply demands for consumers, and importantly seeks to preserve the oceans that are heavily utilized in the character of this industry.

B. Beginning Farmer and Rancher Development Program

The Young Fishermen’s Development Act was inspired and created by the existing Beginning Farmer and Rancher Development Program (hereinafter “the Program”).⁴⁵ The Program has held an existing model that influenced the conception of the Act.⁴⁶ This initiative was designed to provide education, training, and mentoring initiatives to those getting started in farming and ranching.⁴⁷ The United States has made an effort to focus on education for young and entering farmers into that industry since as early as the 1862 Morrill-Land Grant Act.⁴⁸ As recent as 2018, this allocation of resources has developed into the Beginning Farmer and

⁴⁴ See Martens, *supra* note 5.

⁴⁵ Kirk Moore, *Congress passes Young Fishermen’s Development Act for the new generation*, NATIONAL FISHERMAN (Dec. 22, 2020), <https://www.nationalfisherman.com/national-international/congress-passes-young-fishermen-s-development-act-for-the-new-generation>.

⁴⁶ *Id.*

⁴⁷ *Beginning Farmer and Rancher Development Program (BFRDP)*, NATIONAL INSTITUTE OF FOOD AND AGRICULTURE, <https://nifa.usda.gov/funding-opportunity/beginning-farmer-and-rancher-development-program-bfrdp> (last visited Dec. 19, 2021).

⁴⁸ *Id.*

Rancher Development Program.⁴⁹ Under the Agriculture Improvement Act of 2018, the Program provided established funding that would support those interested in entering the farming and ranching industry.⁵⁰ The National Institute of Food and Agriculture, which falls under the U.S. Department of Agriculture, oversees the grant application and award process for the applications received each year.⁵¹ The range of awards available for eligible beginning farming and ranching applicants ranges from \$50,000 to \$750,000.⁵² The Young Fishermen’s Development Act was modeled after the positive outcomes produced by the Program and is seen by members of Congress who pushed for the passing of the Act, such as Senator Dan Sullivan of Alaska, as one that will “build on the success of the . . . program.”⁵³

C. The National Sea Grant Office and Its Role in Distributing Funds

Beginning in the fiscal year 2022, the National Sea Grant Office (hereinafter “Sea Grant”) within the National Oceanic and Atmospheric Administration, has been selected as the body in charge of developing the program that will provide grants to qualifying young fishermen over the next four fiscal years.⁵⁴ Sea Grant currently invests in the future of young fishermen and those qualifying for funding under the Act who have less than ten years of experience in this field, by offering training programs to prepare

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Beginning Farmer and Rancher Development Program (BFRDP)*, NATIONAL INSTITUTE OF FOOD AND AGRICULTURE, <https://nifa.usda.gov/program/beginning-farmer-and-rancher-development-program-bfrdp> (last visited Dec. 19, 2021).

⁵² See NATIONAL INSTITUTE OF FOOD AND AGRICULTURE, *supra* note 47.

⁵³ *Sullivan, Markey, Murkowski Welcome Signing of Young Fishermen’s Development Act*, UNITED STATES SENATOR FOR ALASKA LISA MURKOWSKI (Jan. 5, 2021), https://www.murkowski.senate.gov/press/release/sullivan-markey-murkowski-welcome-signing_of-young-fishermens-development-act.

⁵⁴ 33 U.S.C. § 1142 (2021); 33 U.S.C. § 1144 (2021).

those interested in a career in the commercial fishing industry.⁵⁵ The Act has authorized Sea Grant to distribute \$2 million dollars per year during the selected fiscal years.⁵⁶ In an effort to raise more money to support the distribution and use of the grants, Sea Grant is planning to host a competition in the fiscal year 2021.⁵⁷

To qualify for a grant under the Act as an applicant, one must belong to either a local, state, tribal, or regionally based group that may include one serving as a: Sea Grant Institution, a federal or state agency, a tribal or community-based nongovernmental organization, fishermen's cooperatives or associations, or finally, an institution or foundation maintained by an institution of higher education.⁵⁸ As a participant, young fishermen seeking to participate in the following commercial fisheries are eligible to receive supporting funds: Alaska, Great Lakes, New England/Mid-Atlantic, Pacific Islands, Southeast/Gulf of Mexico, and West Coast.⁵⁹ ⁶⁰ More specifically, in addition to the above-mentioned qualification, a young fisherman is also one that has worked for no more than ten years on a commercial fishing vessel as a captain, crewmember, or deckhand; or is a commercial fisherman who is starting out in this industry.⁶¹

⁵⁵ *Young Fishermen's Development Grant Program*, SEA GRANT, <https://seagrants.noaa.gov/YoungFishermen> (last visited Dec. 20, 2021).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ 33 U.S.C. § 1143 (2021).

⁵⁹ *Id.*

⁶⁰ See SEA GRANT, *supra* note 55.

⁶¹ 33 U.S.C. § 1141 (2021).

IV. YOUNG FISHERMEN'S DEVELOPMENT ACT EFFECT ON YOUTH

A. *The Need for Young Fishermen and Women in the Fishing Industry Due to "Graying"*

As aforementioned in the introduction section, "graying of the fleet" has been identified as something crucial to be addressed by the implementation of the grants funded by the Act.⁶² Research conducted by members of Sea Grant Alaska explored this phenomenon in great detail in a project titled, "Graying of the Fleet in Alaska's Fisheries: Defining the Problem and Assessing Alternatives."⁶³ In this project, researchers found that the average age of Alaskan fishermen has elevated by ten years when analyzing those in the last generation.⁶⁴ In addition to this finding, thirty percent of permit holders located in rural areas of Alaska have left the industry.⁶⁵ It appears that the most prevalent source of this "graying" comes from a rise in both the dollars needed and risks present that comes with the reality of the privatization of access to fisheries.⁶⁶ When researchers studied these impacts on the youth in rural areas of Alaska, several obstacles were recognized including the lack of exposure to the industry, the lack of community support to enter this industry, and the lack of resources available to encourage a career as a commercial fisherman or woman, just to name a few.⁶⁷

On the East Coast of the United States in Maine, similar concerns exist contributing to the "graying of the fleet."⁶⁸ A study

⁶² See SEA GRANT, *supra* note 2.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *A mixed method approach to understanding the graying of Maine's lobster fleet*, BULLETIN OF MARINE SCIENCE-MIAMI, https://www.researchgate.net/publication/325364589_A_mixed_method_approa

conducted and published in the Bulletin of Marine Science at the University of Miami's Rosenstiel School of Marine and Atmospheric Science exhibited these concerns in their findings.⁶⁹ As found in the Alaskan study, the physical and financial hurdles for young fishermen and women are contributing to the lack of entry into the lobster fishing industry.⁷⁰ The results of the study also exhibited the increase in age of the current members of this specific sector of commercial fishing.⁷¹ Lobster fishing was said to be the most valuable fishery to the state of Maine, bringing in a reported \$666 million United States dollars in 2018.⁷²

B. Two Organizations in the United States that are Working to Meet these Needs

One organization that is also a member of the Fishing Communities Coalition and has committed to helping young fishermen and women is the Alaska Longline Fishermen's Association.⁷³ An area of significant importance that this organization reaches into is by way of the Fishery Conservation Network.⁷⁴ This program allows scientists and local fishermen to come together to work through issues that affect the industry in the manner of research initiatives.⁷⁵ In addition to the Fishery Conservation Network, the Alaska Longline Fishermen's Association has a Young Fishermen's Initiative which includes several programs designed to assist the next generation in the

ch_to_understanding_the_graying_of_Maine%27s_lobster_fleet (last visited Jan. 29, 2022).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ See FISHING COMMUNITIES COALITION, *supra* note 6.

⁷⁴ *Fishery Conservation Network*, Alaska Longline Fishermen's Association, <https://www.alfafish.org/fishery-conservation-network-1/> (last visited Jan. 31, 2022).

⁷⁵ *Id.*

industry.⁷⁶ These initiatives include advocacy for the Young Fishermen's Development Act, the Fishery Conservation Network Mentorship & Leadership Development program, the Crew Training Program, and the Alaska Sustainable Fisheries Trust.⁷⁷ Returning to the Fishery Conservation Network project, this organization has designed a specific part of that program to focus on mentoring and developing leadership skills within the practices of this industry.⁷⁸ The Fishery Conservation Network program has given experienced fishermen the opportunity to give knowledge, sustainable fishing practices, and more to young mentees who participate.⁷⁹ It is through these programs that the Alaska Longline Fishermen's Association is committed to "helping the next generation of commercial fishermen launch and support viable commercial fishing businesses."⁸⁰

Across the United States, another member of the Fishing Communities Coalition that has been dedicated to tackling the problem of entrance into the industry is the Cape Cod Commercial Fishermen's Alliance.⁸¹ This group has designed the Fishermen's Training Program to meet this need.⁸² In this program, participants will learn training that is critical to performance in this industry, such as, "navigation, boating safety, personal survival, today's fisheries, and more."⁸³ The Cape Cod Commercial Fishermen's Alliance is offering this program free for those applicants who meet set criteria.⁸⁴ In addition, at the end of the training course, the Cape Cod Commercial Fishermen's Alliance hosts an event where

⁷⁶ *Young Fishermen's Initiative*, Alaska Longline Fishermen's Association, <https://www.alfafish.org/youngfishermen/> (last visited Jan. 31, 2022).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ See FISHING COMMUNITIES COALITION, *supra* note 6.

⁸² *Fishermen's Training Program*, Cape Cod Commercial Fishermen's Alliance, <https://capecodfishermen.org/item/fishermen-s-training-program> (last visited Jan. 31, 2022).

⁸³ *Id.*

⁸⁴ *Id.*

students who have completed the course are given the chance to talk about possible employment opportunities.⁸⁵

In an article written by Johnny Liesman for The Provincetown Independent, Stephanie Sykes, the Fishermen's Training Program and outreach coordinator says "[o]ur program targets that group of people that are interested in fishing but that don't know how to enter the industry in a meaningful way."⁸⁶ Also in the article by Johnny Liesman, is the belief from Stephanie Sykes' perspective that the prominent obstacle faced by young fishermen entering this industry is the established business and regulatory system that comes along with commercial fishing.⁸⁷ Programs such as the ones put on by the Alaska Longline Fishermen's Association and the Cape Cod Commercial Fishermen's Alliance, are existing as and will continue to be, a critical asset to the success of young men and women who seek to be a part of the commercial fishing industry across the United States. All of the aforementioned training skills taught and provided by these members mentioned, and those who have cultivated helpful programs that were not mentioned will serve as just some of the resources that will be essential to the success of young fishermen and women in this industry: education, encouragement, and opportunity.

C. Financial Costs of Becoming a Commercial Fishermen in Alaska

Since the needs of Alaska have previously been discussed, this section will include information about what some of those identifiable financial burdens would be to a young or entering fisherman or woman new to the industry.

According to the Alaska Department of Fish and Game, a license is required in order to partake in the commercial fishing

⁸⁵ *Id.*

⁸⁶ Johnny Liesman, *If Young Fishermen Learn Their Way In, Then What?*, THE PROVINCETOWN INDEPENDENT (Jan. 27, 2021), <https://provincetownindependent.org/news/2021/01/27/if-young-fishermen-learn-their-way-in-then-what/>.

⁸⁷ *Id.*

industry.⁸⁸ Generally speaking, once purchased, a license obtained to commercially fish is valid until the last day of each calendar year.⁸⁹ A license comes in three formats: printed/electronic, eSigned, and carbon copy.⁹⁰ Whichever format of license one obtains, it must have a signature in either a physical or eSignature form.⁹¹ In 2022, the cost for a commercial crew member's annual license was reported to be sixty dollars for residents and two hundred and eighty dollars for nonresidents.⁹² Regardless of whether someone's job duties are directly or indirectly related to commercial fishing operations, a crew member license is required.⁹³ In addition, it is stated that a license is required for those that come in contact with any of the following tasks: "fishing gear or assist in vessel maintenance, navigation, docking, or the operation of a fishing vessel, tender, processing vessel, or any other vessel used to transport fish."⁹⁴

The Alaska Department of Fish and Game says that if you solely process fish as part of a processing vessel, a crew member license is not required.⁹⁵ However, a crew member license is needed for those that work on processing fish a majority of the time and may, in some capacity, be a part of the fishing operations aboard a vessel.⁹⁶ For the 2020 calendar year, Alaska's Department of Fish

⁸⁸ *Fishing and Hunting License: General FAQ*, ALASKA DEPARTMENT OF FISH AND GAME <https://www.adfg.alaska.gov/index.cfm?adfg=license.general> (last visited Feb. 3, 2022).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Fishing and Hunting License: eSignature FAQs*, ALASKA DEPARTMENT OF FISH AND GAME <https://www.adfg.alaska.gov/index.cfm?adfg=license.onlinefaqs> (last visited Feb. 3, 2022).

⁹² *Fishing and Hunting License: Pricing*, ALASKA DEPARTMENT OF FISH AND GAME <https://www.adfg.alaska.gov/index.cfm?adfg=license.pricinglist> (last visited Feb. 3, 2022).

⁹³ *Commercial Fishing Crew Member License*, ALASKA DEPARTMENT OF FISH AND GAME <https://www.adfg.alaska.gov/index.cfm?adfg=license.crewmember> (last visited Feb. 3, 2022).

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

and Game issued a total of 17,702 commercial crew member licenses.⁹⁷ Of the total number of crew member licenses distributed, 8,885 were given to residents of Alaska, and the other 8,817 to non-residents.⁹⁸

Other costs that have contributed to the lack of entrance for young fishermen and women include access and affordability of permits and the financial commitments surrounding vessels. The Commercial Fisheries Entry Commission in Alaska handles the issuance and information surrounding these named additional costs of permits and vessel licenses.⁹⁹ According to the Commercial Fisheries Entry Commission, there are two types of permits required in order to access commercial fisheries within the state: limited entry and interim use.¹⁰⁰ Fisheries, as defined by the National Oceanic and Atmospheric Administration, are, “[a] geographic area that is associated with a population of aquatic organisms (fish, mollusks, crustaceans, etc.) which are harvested for their commercial or recreational value.”¹⁰¹ The Alaska Department of Fish and Game divides the Alaskan fisheries into five categories: Salmon, Herring, Shellfish, Groundfish, and Dive Fisheries.¹⁰² The limited entry

⁹⁷ *State of Alaska Department of Fish and game: 2020 Calendar Year Licenses and Tags Issued*,

https://www.adfg.alaska.gov/static/license/pdfs/licenses_stamps_tags_issued_2020.pdf (prepared Jan. 7, 2021).

⁹⁸ *Id.*

⁹⁹ *Commercial Fishing License and Permits*, ALASKA DEPARTMENT OF FISH AND GAME <https://www.adfg.alaska.gov/index.cfm?adfg=fishlicense.main> (last visited Feb. 4, 2022).

¹⁰⁰ *Commercial Fishing Permits*, COMMERCIAL FISHERIES ENTRY COMMISSION https://www.cfec.state.ak.us/Publications/Commercial_Fishing_Permits.pdf (revised Nov. 2016).

¹⁰¹ *What are fisheries?*, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

<https://coast.noaa.gov/data/SEAMedia/Presentations/PDFs/Grade%205%20Unit%205%20Lesson%204%20What%20are%20fisheries.pdf> (last visited Feb. 4, 2022).

¹⁰² *Commercial Fisheries*, Alaska Department of Fish and Game <https://www.adfg.alaska.gov/index.cfm?adfg=fishingCommercial.main> (last visited Feb 4, 2022).

permits are ones that give access to the limited fisheries within the state and are required to be renewed on an annual basis.¹⁰³ On the other hand, interim-use permits are utilized in a twofold situation.¹⁰⁴ These permits are distributed on an annual basis for commercial fisheries that are not in a position of limited entry.¹⁰⁵ Also, they are utilized in situations where an applicant is awaiting status as to whether they are eligible to receive a permanent permit.¹⁰⁶

In 2022, the application for permit fees breaks down the costs of the permit by the type of fish to be caught, then by considering the size of the vessel, and lastly, if it is a limited-entry fishery, the cost is affected by this factor, as well.¹⁰⁷ At an overview, the fees range from seventy-five dollars to three thousand dollars depending on the aforementioned factors.¹⁰⁸

It is evident from this wide range that the costs of obtaining permits for commercial fishing can accumulate quickly depending on what fisheries are intended for use. In addition, if someone wishes to obtain access to a limited entry fishery, they must purchase a permit from an existing holder within that fishery.¹⁰⁹ The Commercial Fisheries Entry Commission acknowledges that this cost may vary from two thousand dollars to four hundred and fifty thousand dollars, depending on the price offered by the existing holder of the permit.¹¹⁰ Further, there are also vessel permits to be obtained on an annual basis if a fisherman or woman is using their own vessel within the fisheries.¹¹¹ In 2022, the cost of the annual vessel permits depends on the size of the vessel itself and can range

¹⁰³ See COMMERCIAL FISHERIES ENTRY COMMISSION, *supra* note 100.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Commercial Fisheries Entry Commission: 2022 Commercial Fishing Permit Application*,

https://www.cfec.state.ak.us/forms2022/Commercial_Fishing_Permit_Application.pdf (last visited Feb. 4, 2022).

¹⁰⁸ *Id.*

¹⁰⁹ See COMMERCIAL FISHERIES ENTRY COMMISSION, *supra* note 100.

¹¹⁰ *Id.*

¹¹¹ *Id.*

from twenty-four dollars for a boat up to twenty-five feet in length and nine hundred dollars for an over three hundred foot boat.¹¹² In addition, a thirty-dollar fee is required for first-time vessel permit applicants in order to receive a metal plate for their boat.¹¹³ These other costs mentioned above are for commercial fishermen or women who are not working as crew members with a crew member's license. However, a fisherman or woman with a valid permit of either type can use that as a crew license in another fishery of their interest.¹¹⁴ This section has highlighted mentionable costs that may burden an entrant seeking to join this field. These costs serve as context pertaining to a part of the process of becoming qualified for employment by the commercial fishing standards set out through state regulation.

V. ACT'S EFFECTS ON ISSUES IN THE LAW

A. *Case Law, the Commercial Fishing Industry, and the Act*

The two cases discussed below bring attention to the correlation the Act may have on present industry issues of education, opportunity, and environmental impact. To understand how the Young Fishermen's Development Act can positively affect future generations of fishermen and women in the commercial fishing industry, *Scudero v. State* is an illustrative case to analyze in terms of how critical education and opportunity is to the industry.¹¹⁵ In this case, John Albert Scudero Jr. was convicted of violating commercial fishing regulations in Alaskan state waters.¹¹⁶ Scudero, a member of the Metlakatla Indian Community, believed that he was

¹¹² *Commercial Fisheries Entry Commission: 2022 Commercial Vessel License Application*, https://www.cfec.state.ak.us/forms2022/Commercial_Vessel_License_Application.pdf (last visited Feb. 4, 2022).

¹¹³ *Id.*

¹¹⁴ See COMMERCIAL FISHERIES ENTRY COMMISSION, *supra* note 100.

¹¹⁵ *Scudero v. State*, 496 P.3d 381 (Alaska 2021).

¹¹⁶ *Id.* at 382.

not subject to the Alaskan regulations concerning commercial fishing.¹¹⁷ Specifically, Scudero referenced his right to fish outside of the Community at a distance of 3,000 feet by way of a proclamation made by President Woodrow Wilson in 1916.¹¹⁸ This proclamation contained the recognition that the water that extended 3,000 feet from the Annette Islands Reserve, where the Metlakatla Indian Community resides, was considered to be a part of the Reserve for the benefit of the Indians therein.¹¹⁹ Scudero was found by the Coast Guard outside of the Reserve's designated fishing area and charged with fishing without a permit, fishing in closed waters, and unlawful possession of fish.¹²⁰ Forty-five coho salmon were found on Scudero's vessel with the intention of taking the fish back to the Metlakatla Indian Community to sell and ultimately provide for his family.¹²¹

The District Court fined Scudero the statutory minimum for commercial fishing without a permit which is \$20,000, suspended Scudero from commercial fishing for a period of five years, imposed an additional \$5,000 fine, and included a one-year probationary period.¹²²

The Court of Appeals requested the Supreme Court of Alaska review the case on the basis that it "involves a significant question of law."¹²³ The specific question asked by the Supreme Court of Alaska was "*whether the defendant's aboriginal and treaty-based fishing rights exempt him from State commercial fishing regulations.*"¹²⁴

After an analysis of case law, the Alaskan Supreme Court found that in a situation like the one at hand, where one's fishing rights are aboriginal in nature, the state of Alaska has the authority

¹¹⁷ 496 P.3d at 383.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ 496 P.3d at 384.

¹²¹ 496 P.3d at 384-85.

¹²² *Id.* at 385.

¹²³ *Id.*

¹²⁴ 496 P.3d at 383 (emphasis added).

to regulate commercial fishing within its own waters when the purpose is for conservation.¹²⁵ The Court then referenced the Limited Entry Act of 1973 which Scudero was in violation of in the present case.¹²⁶ The legislative purpose behind this statute was characterized as the following:

It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resources and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry of participants into the commercial fisheries in the public interest and without unjust discrimination.¹²⁷

The Court then determined that Scudero's aboriginal rights did not shelter him from the laws of the state of Alaska in an effort to the conservation of the fishery resource.¹²⁸ The Supreme Court of Alaska affirmed the District Court's findings except for the probationary period to which they remanded back to the lower court to have removed.¹²⁹

Scudero v. State highlights two important areas of the commercial fishing industry that have the power to be positively affected by the implementation of the Young Fishermen's Development Act. The first emphasis is on the importance of education as it relates to having valid permits. *Scudero v. State* illustrates the consequences of participating in commercial fishing without proper authorization and approval from the state. As stated in the case, Scudero was fined \$20,000 for these violations, and that was only the minimum.¹³⁰ Further, the additional consequences of not being able to participate in commercial fishing for five years can be detrimental to one's livelihood.¹³¹ With an emphasis on training

¹²⁵ 496 P.3d at 388.

¹²⁶ 496 P.3d at 388-89.

¹²⁷ *Id.* at 389.

¹²⁸ *Id.*

¹²⁹ 496 P.3d at 392.

¹³⁰ 496 P.3d at 385.

¹³¹ *Id.*

and education, the Act has the power to assist incoming fishermen and women with the necessary acts of ensuring that they, the receivers of the grants, will be taught of both the benefits and consequences that come with participating in this industry. In section 4 subsection (a)(8) of the Act, it specifically addresses this critical responsibility of participating in the industry:

(a) IN GENERAL.—In carrying out the Program, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for young fishermen, including programs, workshops, and services relating to—(8) State and Federal legal requirements for specific fisheries, including reporting, monitoring, licenses, and regulations.¹³²

Scudero had been fishing as a way of supporting his family for nearly 45 years at the time of this incident.¹³³ It is incredibly unfortunate that the consequences resulting from this case took away resources from his family and his future. The effort of holding valid permits is critical to one's participation in the industry in whatever manner it may mean to an individual: paycheck, purpose, or both.

The second critical area that *Scudero v. State* highlights is in the realm of opportunity. The Metlakatla Indian Community, located on Annette Island, is the only Indian reservation in the state of Alaska.¹³⁴ Fishing and seafood processing are two named contributors to the economy of the Community.¹³⁵ An opportunity exists for the Act to contribute to the success of the Metlakatla Indian Community's economy and its people. The Young Fishermen's Development Act specifically names tribal organizations as eligible applicants within the language of the

¹³² Young Fishermen's Development Act, Pub. L. No. 116-289, 134 Stat. 4886, 4887 (2021).

¹³³ 496 P.3d at 385.

¹³⁴ 496 P.3d at 383.

¹³⁵ *Welcome to Metlakatla, Alaska*, <http://www.metlakatla.com> (last visited Feb. 4, 2022).

legislation.¹³⁶ There is potential for the Act to be used as a tool to support and encourage the future of the commercial fishing industry participants who live on Annette Island.

Across the nation, a case from Massachusetts showcases another focus established by the Act in the form of increased knowledge surrounding fishing gear and the environment it comes into contact with. In *Strahan v. Secretary, Massachusetts Executive Office of Energy and Environmental Affairs*, the United States District Court in Massachusetts heard a case brought by a conservationist, Richard Max Strahan, surrounding the continuation of vertical buoy ropes (hereinafter “VBRs”) in Massachusetts waters.¹³⁷

In this case, Strahan requested the court to grant relief that would prevent the defendants from licensing the VBRs in these waters and to have the defendants apply for an Incidental Take Permit in accordance with Section 10 of the Endangered Species Act.¹³⁸ This Permit would prevent an actor, such as the defendants, from being in violation of the Endangered Species Act if they were to trigger a take that was related to the law-abiding duties being performed, such as commercial fishing in this case.¹³⁹

The primary concern brought by Strahan surrounds the negative effect the VBRs have had and will continue to have on a whale known as the “*right whale*.”¹⁴⁰ The defendants here have asserted that they have made serious and increased efforts to prevent the right whales from contact with the VBRs.¹⁴¹

In its analysis, the District Court begins by providing the purpose of the Endangered Species Act of 1973, “to provide a program for the conservation of such endangered species and

¹³⁶ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4886, 4887 (2021).

¹³⁷ *Strahan v. Sec’y, Mass. Exec. Office of Energy & Env’t Affairs*, 458 F. Supp. 3d 76 (D. Mass. 2020).

¹³⁸ *Id.* at 78.

¹³⁹ 458 F. Supp. 3d at 80.

¹⁴⁰ 458 F. Supp. 3d at 78 (emphasis added).

¹⁴¹ 458 F. Supp. 3d at 88.

threatened species”.¹⁴² Further, the District Court notes, as is relevant in the case at hand, that to “take” under the Endangered Species Act was defined broadly to mean, “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” concerning the protected class.¹⁴³ Regarding liability on the part of the defendants, the District Court references a case brought by the plaintiff, *Strahan v. Coxe*, where that court concluded that governmental parties could be found liable according to the Endangered Species Act.¹⁴⁴

In the case at hand, the District Court applied a four-part analysis that had been utilized within their circuit:

(1) the likelihood of success on the merits; (2) the potential for irreparable harm if the injunction is denied; (3) the balance of relevant impositions, i.e., the hardship to the nonmovant if enjoined as contrasted with the hardship to the movant if no injunction issues; and (4) the effect (if any) of the court's ruling on the public interest.¹⁴⁵

The plaintiff here provided evidence to show the court the dangers of the vertical buoy ropes in relation to the contact with the right whales in Massachusetts waters.¹⁴⁶ The right whales are an endangered species, with an estimated number remaining of 400 at the close of 2018—only about 100 of which are females who could reproduce.¹⁴⁷

In addressing the presence of the whales traveling in and around Massachusetts waters, the District Court notes that Cape Cod Bay, the specific area of note, serves as a place of feeding for the right whales, most likely to be found during the months of March through April each year.¹⁴⁸ The defendants provided a report to the Court noting that the most common documented cause of right

¹⁴² 458 F. Supp. 3d at 79.

¹⁴³ *Id.*

¹⁴⁴ *Strahan v. Coxe*, 127 F.3d 155, 164 (1st Cir. 1997).

¹⁴⁵ 458 F. Supp. 3d at 85.

¹⁴⁶ 458 F. Supp. 3d at 86.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

whale injuries or deaths is due to fishing gear, such as VBRs.¹⁴⁹ In order to speak to the harmfulness of the vertical buoy ropes to the whales, the Court notes that the VBRs are vertical lines that extend from the ocean floor up to the surface of the water.¹⁵⁰ In a report provided to the Court, around 1,000,000 of these VBRs are in the ocean and in the direct path the right whales take when migrating through these specific waters.¹⁵¹ In terms of the fishing industry, these vertical buoy ropes are critical to the work of commercial fishermen who use both gillnet and lobsterpots, with an increased threat provided by the fisheries using lobsterpots.¹⁵²

From the reports provided surrounding the right whales' contact with VBRs, it is evident that there are physical and emotional injuries that result.¹⁵³ These injuries cause a significant loss to the right whale community not only by the number of deaths but in the threat to the female whales who may be unlikely to breed due to this harm.¹⁵⁴ In an effort to reduce this threat, the defendants took numerous measures that included setting regulations that limit the use of some harmful fishing gear in the Massachusetts state waters and closing Cape Cod Bay to all fishing activities from the time period of the beginning of February to the end of April.¹⁵⁵ They also have been proactive in removing harmful traps left in the waters and communicating sightings of the whales to vessels.¹⁵⁶

In a unique situation, the last known entanglement at the time of this case had been noted in September of 2016 from fishing gear sourced in Cape Cod Bay.¹⁵⁷ Then, on February 28, 2020, the National Oceanic and Atmospheric Administration reported a right whale, who was a reproducing female, that had been in an

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ 458 F. Supp. 3d at 87.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ 458 F. Supp. 3d at 88.

¹⁵⁶ *Id.*

¹⁵⁷ 458 F. Supp. 3d at 88-89.

entanglement near Nantucket.¹⁵⁸ The District Court concluded that Strahan had shown “a strong likelihood of success on his claim” relating to the defendants permitting the use of VBRs by the fishing industry and thus their violation of the Endangered Species Act.¹⁵⁹

In support of their findings, the Court relied on a report focused on the 2020 NOAA Fisheries which state the threat that gillnets and lobsterpots have on the species of the right whale. Ultimately, the District Court found that ordering an immediate injunction would not be equitable to the Massachusetts fishermen who used the VBRs because this would not allow them to perform the duties of their jobs.¹⁶⁰ The District Court ordered the defendants to seek an Incidental Take Permit pursuant to the Endangered Species Act.¹⁶¹ As for the plaintiff, the court concluded that if the defendants had not received the Incidental Take Permit within ninety days, they would be allowed to renew their motion for the preliminary injunction pertaining to the licensing of the VBRs in Massachusetts coastal waters.¹⁶²

Strahan showcases a critical consequence of the actions made by the commercial fishing industry to a species such as the right whale. The District Court had to balance both the hardships at stake and the public interest in question to reach a decision.¹⁶³ The VBRs utilized by the Massachusetts fishermen were of great importance not only to perform their job duties but in provide for the economy of the state.¹⁶⁴ *Strahan* highlights the effect that when something is helpful to one community, it may be harmful to another.

In section 4, subsection (a)(3) of the Young Fishermen’s Development Act, the legislature addressed this focus on the part of the fishermen: “(a) IN GENERAL.—In carrying out the Program,

¹⁵⁸ *Id.* at 89.

¹⁵⁹ *Id.*

¹⁶⁰ 458 F. Supp. 3d at 94-95.

¹⁶¹ *Id.* at 95.

¹⁶² *Id.*

¹⁶³ 458 F. Supp. 3d at 95.

¹⁶⁴ 458 F. Supp. 3d at 87.

the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for young fishermen, including programs, workshops, and services relating to—(3) innovative conservation fishing gear engineering and technology.”¹⁶⁵

The Act has the distinctive ability to give young fishermen and women who are entering this industry the education and awareness concerning the sustainability of the wildlife they will come into contact with while being involved in the industry. For endangered species, like the right whale, this is a step in the right direction towards serving our communities and protecting theirs.

VI. CONCLUSION

The Young Fishermen’s Development Act has already made a significant impression on the young and entering fishermen and women in the United States, just by way of its multi-year history and progress within the Legislature. The Act has done something that has never been experienced before in this country: existing to dedicate funds to an industry that vitally supports many state economies across the United States. While this note has focused heavily on places such as Alaska, Maine, and Massachusetts, the reality is that the United States economy, as a whole, has a critical interest in the flourishing of the commercial fishing industry.¹⁶⁶ In 2018, the National Oceanic and Atmospheric Administration reported that in the commercial fishing sector, 1.2 million jobs existed to sustain the needs within this industry, and \$165 billion dollars resulted in sales.¹⁶⁷

The future beneficiaries of this program and the communities that will be reached by its effects should be incredibly

¹⁶⁵ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4886 (2021).

¹⁶⁶ *Fisheries Economics of the United States*, NOAA FISHERIES <https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-economics-united-states> (last updated Feb. 3, 2022).

¹⁶⁷ *Id.*

grateful to the bipartisan members of Congress who supported this effort. The inevitable results of the “graying of the fleet” and lack of youth currently represented, is a real and potentially harmful reality that the industry is set to face. A notable layer to the Act’s intentions is diversity by region within this country.¹⁶⁸ The language suggests that within reason, the Secretary of Commerce shall consider a “regional balance” in the distribution of dollars through its overseeing of grant awards.¹⁶⁹ This language demonstrates a careful consideration by the Legislature for the \$2 million dollars set aside to truly be both beneficial and represented across the whole of this country.¹⁷⁰

In addition to spreading the funds among the regions, the Act’s intentions of “training, education, outreach, and technical assistance initiatives” cannot be understated.¹⁷¹ As previously discussed in the manner of permits and sustainability, these focuses are critical to a thriving commercial fishing industry. While the Young Fishermen’s Development Act expressly states the funds granted by the act are not to be utilized for the purchasing of things such as licenses and permits, the knowledge passed on about the negative impact working without such documents can be on one’s presence in the commercial fishing industry, is vital.¹⁷² In addition, it is comforting to know that there are organizations, like the Fishing Communities Coalition, who continue to make it a focus to champion sustainability in an industry where environments and communities therein can be easily disadvantaged if not carefully considered.¹⁷³

¹⁶⁸ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4887 (2021).

¹⁶⁹ *Id.* at 4886-4887.

¹⁷⁰ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4887-88 (2021).

¹⁷¹ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4886 (2021).

¹⁷² *Id.* at 4888.

¹⁷³ *Issues*, FISHING COMMUNITIES COALITION

<https://fishingcommunitiescoalition.org/home#magnuson-stevens-act> (last visited Feb. 6, 2022).

The Young Fishermen’s Development Act is nothing short of a law to be celebrated, especially when considering the opportunity this Act has been empowered to provide to a new generation. There is something extraordinary about the potential this Act has in giving a young person who is just starting out the skills needed to turn one of their passions into a career or encouraging someone who is seeking a career change to make the jump in an informed and supportive manner. In the future, when sitting down to enjoy a piece of Alaskan salmon or Maine lobster, consider the person behind the seafood.

With sincerity, remember the Act and the opportunities it promised to bring. It is possible that the seafood at hand could have been brought in by a young man or woman who was afforded the benefits of this law. The distributions are set to begin in 2022 and there is no better time to watch the next generation of the fishing industry “reel in” their future upon the establishment of this historical initiative.¹⁷⁴

¹⁷⁴ Young Fishermen’s Development Act, Pub. L. No. 116-289, 134 Stat. 4888 (2021).