

Fisheries

Kelley Drye has one of the nation's foremost multidisciplinary practices in the area of marine fisheries and resource management.

About

The firm brings together an excellent skillset in fisheries litigation, regulatory procedure and government relations. Our fisheries practice attorneys are part of a team of seasoned lobbyists, as well as economists, public relations professionals and other attorneys with expertise of particular value to commercial fishing businesses.

We combine in-depth industry knowledge with a full-service law firm specializing in areas of key importance to global fishing businesses. In addition to fishery and marine resource conservation and management, our team handles matters involving international trade and customs, trade regulation, food and drug law, food safety, cross-border transactional counseling and negotiation, arbitration and business law.

Kelley Drye's Fisheries practice group is capable of assisting domestic and international commercial fishing-related businesses in a variety of ways, including:

- Providing counsel and representation in regional, interstate, national and international *fora* on fisheries conservation and management, and on marine mammal and other protected species' conservation issues;
- Helping to oversee and influence implementation of regulations accompanying the new Coastal Marine Spatial Planning Initiative, at both the agency (Commerce and Interior Departments) and congressional levels, to help ensure implementation of an informed and balanced marine spatial planning regime;
- Working with Congress and federal agencies and departments on fisheries access issues more generally;
- Assisting in monitoring and seeking improvements in the implementation of the international and other provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;
- Advising companies on international business transactions particular to the fishing industry;
- Assisting clients in forming export promotion boards;
- Seeking amendments and adjustments to U.S. maritime and marine resource laws;
- Advising clients on food exports, supply-chain tracking and regulatory issues emerging at the U.S. Food and Drug Administration, Federal Trade Commission, Department of Commerce and Congress;
- Monitoring and influencing international, multilateral and bilateral treaty negotiations;

- Assisting with Customs issues and resolving trade disputes;
- Anti-dumping, countervailing duty and other proceedings before the International Trade Commission, the U.S. Department of Commerce, the United States Trade Representative and other agencies; and
- Assisting clients with vessel sale, documentation and other issues involving the U.S. Coast Guard and Maritime Administration.

Our clients include fishermen's associations in some of the highest-volume and highest-value fisheries in America; vertically integrated multinational fishing companies; and large aquaculture and canning businesses.

Kelley Drye is also experienced in a range of international maritime and fisheries issues, including the U.S. cabotage laws and emerging ballast water treatment requirements; regimes for monitoring food safety, country of origin labeling and "illegal, unregulated, and unreported" harvests; and treatment of fish and fish products in regional and multilateral trade regimes and talks.

We often work with a wide range of world-class fisheries scientists located in South Africa, New Zealand, Canada and the United States. Often the best approach to emerging-resource and protected-resource issues is to move proactively to confront problems with a reasonable, science-based and industry-driven response. Utilizing these resources, these contacts have helped other clients surmount a wide range of fisheries management challenges.

This unique combination of talents enables Kelley Drye to help commercial fishing businesses navigate the complex web of national and international management agencies, treaty organizations, trade laws and transactional nuances that is the key to success in this global industry.

Experience

- Representing a publicly traded, vertically integrated fish meal and oil company in interstate and federal regulatory matters, governmental affairs, state lobbying and advocacy, and appropriations work, as well as advising the company on matters related to trade and immigration reform, and the Fisheries Finance Program.
- Representing a fishing fleet owner in federal litigation involving the Northeast Canyons and Seamounts Marine National Monument.
- Obtaining specific waiver language in the Coast Guard authorization bill to allow a client to operate foreign vessels in its U.S. aquaculture operations.
- Successfully acquired specific legislative language for a fisheries client in the Coast Guard authorization bill that gave it preferential treatment for rebuilding its fleet.
- Ongoing representation of the Atlantic full-time limited-access scallop fishery on the full range of regulatory, litigation and government-relations issues facing its participants, including successfully obtaining increases in quota.
- Working with various commercial fishing industry groups on issues related to the Endangered Species Act and Marine Mammal Protection Act, including sea turtle and whale issues. This work has included successful defense of fisheries management regulations against ESA challenges and the prevention of large closures of fishing grounds.

- Providing regulatory and transactional counsel to an international bank in connection with its financing of the sale of a major vertically integrated U.S. fishing company.
- Obtaining judicial invalidation of a state waters fishery closure that had been premised on claims of the fishery's impacts on a migratory bird species that had been designated as a candidate for Endangered Species Act listing.
- Retaining and working with fisheries scientists from around the world on various fisheries' management projects and surveys.
- Representing an historic Cape Cod town to help preserve its clam fishery dating from colonial days in connection with on-going Interior Department national wildlife refuge and wilderness management planning processes.

Related Services

Animals

Ports

Customs

International Trade

Environmental Regulation

Government Relations and Public Policy

Contacts

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