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Media Inquiries: [Judy Pino](#), 202-869-5218

Watch: Atlantic Fishermen in NCLA Video Explain the Need to Reel in NOAA's at-Sea Monitor Rule

Relentless Inc., et al. v. U.S. Dept. of Commerce, et al.



Photo: The high-capacity freezer trawler, F/V Relentless

Washington, DC (July 30, 2021) – The New Civil Liberties Alliance released a [video](#) today outlining why it is unconstitutional to force Atlantic herring fishermen to fund government-mandated monitors at sea. It is “the equivalent of having a cop in your car who’s policing you while you drive, and you have to pay his salary out of your own pocket,” said Meghan Lapp, Fisheries Liaison & General Manager for Seafreeze, Ltd. about the rule being challenged in *Relentless Inc., et al. v. U.S. Dept. of Commerce, et al.*

The Relentless Inc., Huntress Inc., and Seafreeze Fleet LLC are small businesses of high-capacity freezer trawlers incorporated in Rhode Island and Massachusetts that have commercially fished Atlantic herring as well as Loligo and Illex squids, butterfish, and Atlantic Mackerel for more than thirty years. The rule penalizes NCLA’s clients unfairly by making them pay for herring monitors even when fishing for other catches.

NCLA, a nonpartisan, nonprofit civil rights group, represents these private fishing companies in their lawsuit against the Department of Commerce (DOC), the National Oceanic and Atmospheric Administration (NOAA), the National Marine Fisheries Service (NMFS), and the New England Fishery Management Council (NEFMC). The at-sea monitor [mandate](#), issued in 2018, is unlawfully “industry-funded.” These agencies do not have statutory authority from Congress to order additional industry funding for a program that the agencies think is underfunded, but they have issued a rule that threatens the livelihoods of fishermen regardless.

Earlier this week, NCLA presented oral argument before the U.S. District Court for the District of Rhode Island. Both sides have moved for summary judgment.

Excerpts from the video:

“It can cost anywhere from \$750 to \$850 a day to have these onboard monitoring people. That’s more than they make in profit from the fishing catch a day. So, while these monitors are there, if this program is implemented and they’re on your boat, you won’t be making any money. You’ll be fishing for nothing.”

— **John Vecchione, Senior Litigation Counsel, NCLA**

“It’s a multi-species fishery on these boats over the course of a long trip. If I leave the dock and I declare into herring, an at-sea monitor is going to make the trip. They may not see a herring for the whole trip. We may never go herring fishing. We shouldn’t have to pay for an at-sea monitor on a daily basis if we’re not actually herring fishing.”

— **Kyle Goodwin, Owner, Seafreeze, Ltd. and Captain of F/V *Persistence***

“I brought about this case because for three years I went to every single herring advisory panel meeting, every single herring committee meeting, every single New England Council meeting, telling them about the problems with this amendment, and not one person listened.”

— **Meghan Lapp, Fisheries Liaison & General Manager, Seafreeze, Ltd.**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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