

**Western
Pacific
Regional
Fishery
Management
Council**

June 26, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We are writing to express our dismay and respectfully offer our advice regarding your June 17th announcement of the proposed expansion of the Pacific Remote Islands Marine National Monument (MNM). Fishing is the only existing activity that will be impacted by such an expansion as currently proposed. We are surprised that your staff did not consult with the Western Pacific Regional Fishery Management Council as part of your decision making process. The Council has been developing management measures and monitoring the fisheries operating in these waters for nearly four decades, and strongly advises against banning US fishermen from fishing in the waters surrounding the US Pacific Remote Islands.

As noted in the findings of the Magnuson-Stevens Fishery Conservation and Management Act, "Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth." The Pacific Remote Islands are important tuna fishing grounds for US pelagic longline vessels operating out of Hawaii and US purse seine vessels operating from American Samoa. Events such as El Niño/La Niña lead to shifts in tuna biomass by many thousands of miles, and, at these times, the US exclusive economic zone (EEZ) around the Pacific Remote Islands becomes extremely important to our fishermen.

Neither fishery poses a threat to the pristine coral reef and reef associated habitats around the US Pacific Remote Islands, and fishing is already banned in waters from 0 to 50 nautical miles from shore of these islands through the existing monument boundaries. These fisheries also have no significant impact to any other marine resource in the waters contained within the proposed monument expansion.


We, therefore, strongly advise that it is in the best interests of the US Pacific Islands region and the nation, which benefits from the fresh and canned tuna from our fisheries, that US commercial fishing continue to be allowed in perpetuity in the US EEZ around the US Pacific Remote Islands from 50 to 200 nautical miles from shore should any proposal to expand the Pacific Remote Islands MNM move forward. Our position statement is enclosed.



Arnold Palacios
Chair

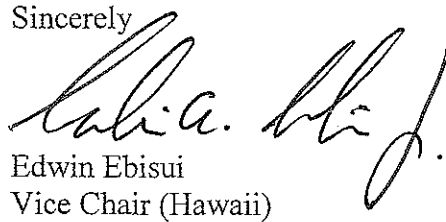


William Sword
Vice Chair (American Samoa)




Richard Seman
Vice Chair (Commonwealth of the Northern Mariana Islands)

Sincerely



Edwin Ebisui
Vice Chair (Hawaii)



Michael Duenas
Vice Chair (Guam)

Enclosure: "Obama Administration's Proposed Pacific Remote Islands Marine National Monument Expansion Betrays US Fishermen, Places Unfair Burden on US Pacific Islands"

Cc: Mr. Michael Boots, Acting Director, Council on Environmental Quality
Congressional Delegation of US Pacific Islands



June 30, 2014

Obama Administration's Proposed Pacific Remote Islands Marine National Monument Expansion Betrays US Fishermen, Places Unfair Burden on US Pacific Islands

On June 17, 2014, at the Our Oceans Conference held at the State Department in Washington, DC, President Obama announced his intent to use Presidential authority to “preserve and protect the ocean.”ⁱ The White House’s press release clarifies that the Administration will immediately consider expansion of the Pacific Remote Islands Marine National Monument.ⁱⁱ Further details on what the public and US fishermen in the Pacific Islands might expect are in the May 20, 2014, report to the United States government “Expansion of the U.S. Pacific Remote Islands Marine National Monument: The largest ocean legacy on Earth,” accessible on the Marine Conservation Institute website.ⁱⁱⁱ The report recommends that the current monument encompassing 50 nautical miles (nm) around the seven US Pacific Remote Islands be expanded to the full extent of the US 200-nm exclusive economic zone (EEZ).

President Obama’s continued aspiration for a strong legacy concerning environmental issues is commendable, but his plan for the US Pacific Islands unfairly penalizes the US fishermen and seafood consumers who depend on this resource. US fishermen, including those in the Pacific, already abide by the strictest fishing regulations in the world, and this plan further inhibits their economic survival. For example, the proposal will result in a tenfold increase in US waters from which US fishermen are banned and disproportionately burdens fishermen in the US Pacific Islands.

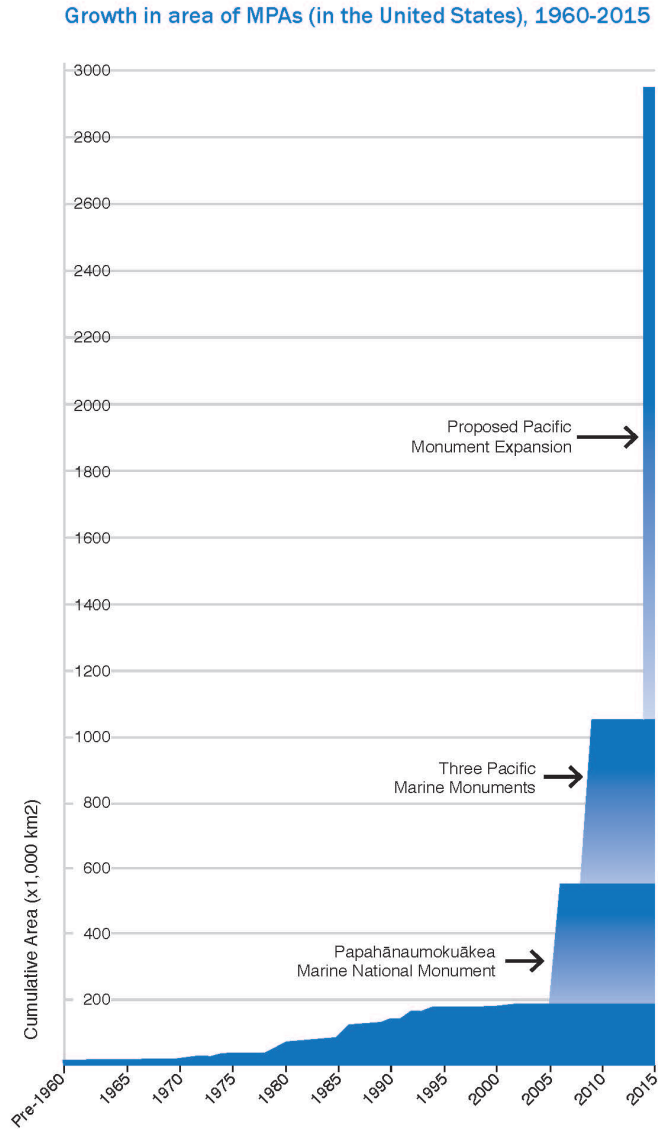
To ensure their continued survival and because these changes will do little for conservation, the US government should allow US fishermen continued access to the US EEZ around the existing 0-50 nm Pacific Remote Islands Marine National Monument.

HISTORY

The Obama Administration’s proposed monument expansion joins a lengthy list of historical restrictions on US Pacific Island fishermen. In 2006, President George W. Bush used the Antiquities Act, a power created in 1906 for the President to declare areas of US land to be national monuments, to establish the first-ever marine national monument. It spans 140,000 square miles of waters surrounding the Hawaiian Islands.^{iv} Its establishment shut down federally managed US fisheries that supplied Hawaii with nearly 50 percent of its bottomfish by restricting US fishermen from their traditional fishing grounds in the US EEZ around the remote Hawaiian Islands. These restrictions led to increased foreign fish imports into Hawaii, the loss of livelihood for US fishermen, and the displacement of other US fishermen. In 2009, President Bush used the same Act to establish three more marine monuments where commercial fishing is banned.^v

Creation of the existing monuments in the US Pacific Islands also included many broken promises. For example, when the monument in the Hawaiian Islands was developed, native Hawaiians

were told they could continue traditional fishing there. However, once the monument was established, fishermen were prohibited from bringing their catch home to their families and community, as was customary. When the Marianas Trench Marine Monument was created, promises such as millions of dollars in revenue, a visitors' center and co-management promised by the Pew Environment Group and James Connaughton from the White House's Council on Environmental Quality were left unfilled.

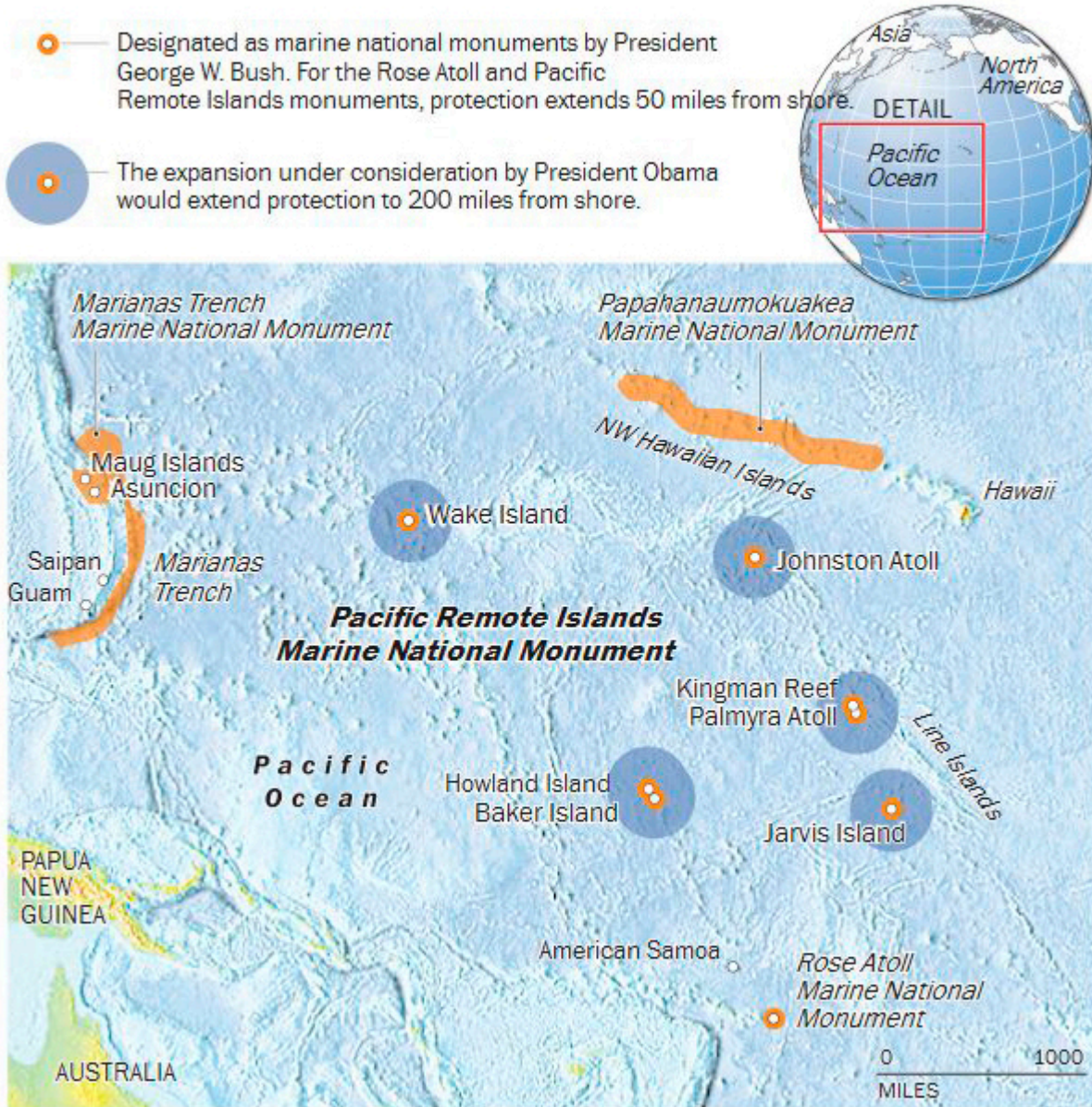


[Source: “Conserving our Oceans One Place at a Time.” marineprotectedareas.noaa.gov]

CURRENT SITUATION

The US commercial fishing industry operating in the US EEZ around the US Pacific Islands is already strictly regulated by federal and international measures ranging from restrictions on gear types to allowable locations. Only two fish stocks are overfished. The first is the ground seamount stock at Hancock Seamount, which was depleted by foreign fishing prior to establishment of the US EEZ and which is under a moratorium. The second overfished stock was announced just this year, the West Central North Pacific striped marlin, which is highly migratory and subject to international fishery management. Likewise, there is only one stock experiencing overfishing in waters around the US Pacific Islands, the bigeye tuna, which is also highly migratory and subject to international management measures. The “overfished” designation relates to the status of the stock. Overfishing indicates that a fishery under its existing catch and effort is unsustainable over the long-term, and could lead to an overfished stock. Given the highly migratory nature of the stocks and international nature of these fisheries and the management of them, further reductions on US fishing opportunities in US waters are unnecessary and will only cause harm to our nation.

The existing Pacific Remote Islands Marine National Monument encompasses 77,020 square miles (199,500 km²) of US waters around Kingman Reef, Palmyra Atoll, Howland Island, Baker Island, Jarvis Island, Johnston Atoll and Wake Island. These are the waters located 0-50 nautical miles (nm) from shore. At Howland Island, Baker Island, Jarvis Island, Palmyra Atoll, and Kingman Reef the terrestrial areas, reefs and waters out to 12 nautical miles (22 km; 14 mi) (radius) are further protected as part of the National Wildlife Refuge System. Coral reefs, near-shore habitats and deep-water precious corals are well protected through these designations. Commercial fishing is banned, and recreational fishing is allowed only at Palmyra, operated by the National Wildlife Refuge in partnership with The Nature Conservancy.



[Source: DATA: Interior Department. GRAPHIC: Patterson Clark. *The Washington Post*. Published June 17, 2014.]

Commercial fishing by US fishermen is the only existing activity that would be affected by the monument expansion. Foreign fishing vessels do not operate in the US EEZ around the Pacific Remote Islands nor for that matter in US waters around any other Pacific Island, including American Samoa, the Commonwealth of the Northern Mariana Islands (CMNI), Guam and Hawaii. Foreign fishing in these waters would require a Pacific Insular Areas Fishing Agreement (PIAFA). Since the creation of the US EEZ in 1976, no such agreement has been made.

US fishermen in the Pacific Islands have to observe no-take areas in the monuments and additional fishing areas closed due to designated National Marine Sanctuary expansions, such as Aunu`u in American Samoa. They also have to contend with myriad military zones including Pearl

Harbor and Barking Sands in Hawaii, the northern two-thirds of the island of Guam plus its southern banks, and the waters around the islands of Tinian and Farallon de Medinilla, and around pre-positioning vessel sites off Saipan in the CNMI. Pagan is being proposed as another militarized closed area. These closed areas, along with state and territorial marine protected areas and reserves, as well as fishing areas inaccessible due to currents and inclement weather (islands typically have calm waters on one side and rough waters on the other) have resulted in fishermen being forced into more dangerous waters and increased injuries and drownings of American fishermen. By comparison, federally restricted fishing zones developed through a public process take into account safety-at-sea and other national standards of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

With the four marine monuments in place, the US Pacific Islands account for 90 percent of the nation's marine protected areas in size of area protected and 95 percent of the nation's marine protected areas that do not allow commercial fishing. If the Pacific Remote Islands Monument were to be expanded to the 200-mile EEZ, 67 percent of the US EEZ in the Pacific Islands would be closed to US commercial fishermen.

IMPACT OF EXPANSION

Given these factors, the expansion of the Pacific Remote Islands Marine National Monument will negatively impact the US fishing economy by overstepping currently managed sustainable management regimes, reducing US fisheries competitiveness, and yielding few, if any, ecological benefits from the restrictions.

Successful US Fishing Regulations Disregarded

US commercial fisheries operating in US waters around the Pacific Islands are already well regulated and monitored to ensure conservation and management of fish stocks, habitat and the ecosystem. Fishermen operating in the waters around the Pacific Remote Islands include US longline vessels targeting bigeye and yellowfin tuna for the US fresh fish markets (with fish kept on ice and not put in freezers) and US purse seine vessels targeting skipjack for tuna canneries, such as those that make up the primary economy of American Samoa. These fishing operations are based in Hawaii, American Samoa and California and are managed federally through the MSA, among other federal regulations.

They also abide by the international conservation and management measures of the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission, both of which the United States is a treaty member. These US vessels adhere to numerous regulations including, but not limited to, annual catch quotas, vessel monitoring systems, observer coverage (i.e., observers placed onboard to monitor catches and compliance with regulations, including potential protected species interactions), protected species workshops, mandatory protected species release gear, restricted vessel size of 101 feet for longline vessels, and restricted fleet size (Hawaii longline fleet capped at 164 with actual size at about 140 vessels).

In the White House's press release, the President proclaimed "the health of our ocean is under threat on multiple fronts, from overfishing to carbon pollution." Expanding the Monument and restricting US fishermen from US waters will not mitigate these threats. US fisheries already operate under annual catch and effort limits and numerous other federal and international regulations.

John Podesta, described by the *Washington Post* as “the man behind President Obama’s new environmental push” told conferees at the Capitol Hill Ocean Week in Washington, DC on June 10, “Because of [the] MSA [Magnuson-Stevens Act] reforms...we have largely ended overfishing in federally managed waters and we’re rebuilding fish stocks at unprecedented rates in much of our country...I want to emphasize what a tremendous accomplishment that is ...”

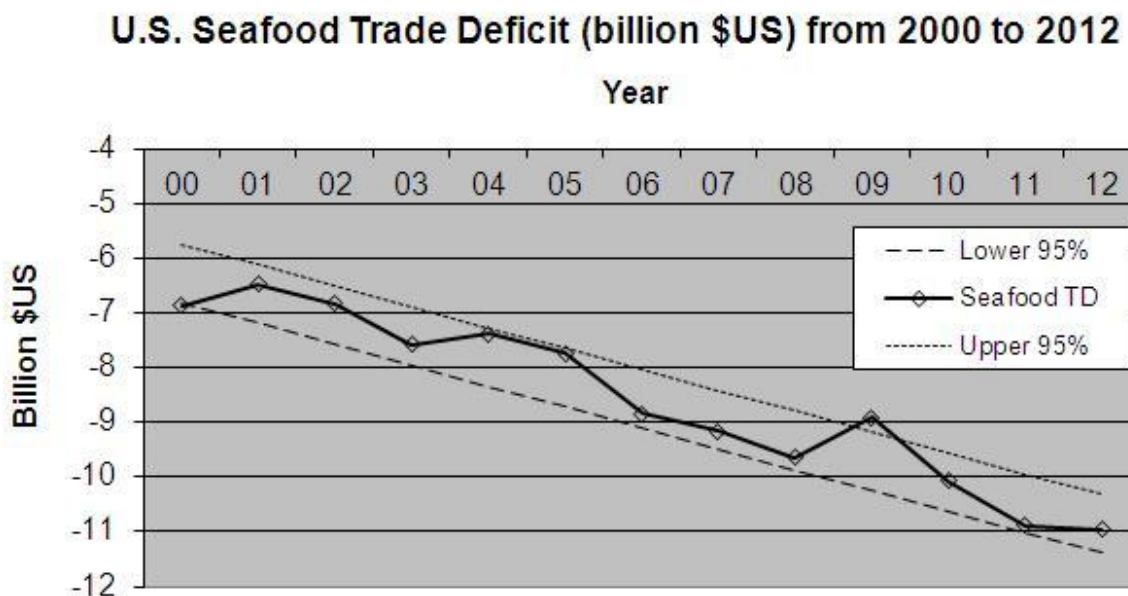
US vessels are highly monitored, strictly regulated and enforced by the Regional Fishery Management Councils, National Marine Fisheries Service and US Coast Guard (USCG).

The waters around the Pacific Remote Islands Marine Monument are equally important to US fishermen and to the nation. As noted in the publication of the USCG’s *Protecting America’s Fisheries*, “With its great distance from the mainland, it is easy to ignore issues that are specific to the region.” Many Americans are unaware that Honolulu consistently ranks within the top ten commercial fishing ports in the US by value landed^{vi}.

The President also acknowledged that US fisheries management is ending overfishing and rebuilding fish stocks. Limiting US fishermen from their nation’s waters and disregarding the spectacular success of many management measures already being implemented does not best serve US fishermen.

US Fisheries Lose Foreign Competitive Advantage

In its press release, the White House acknowledges that “Americans all over the country depend on the ocean for food, jobs and recreation,” but speaks little of the foreign trade dimensions of this issue. About 90 percent of the seafood consumed in the United States is imported from foreign countries and results in a nearly \$11 billion seafood trade deficit. Banning US fishermen from nearly a million square miles of US waters will only exacerbate this situation, keeping Americans from domestically produced seafood and jobs.



The US seafood trade deficit in 2012 was valued at \$10.96 billion (trade data by the US Census Bureau).
[Source: Michigan Aquaculture Association; <http://michiganaquaculture.org/>]

The US purse-seine fleet is currently facing record license fees under the South Pacific Tuna Treaty, which is negotiated by the US Department of State. This means that the US Pacific Remote Islands offer needed, accessible fishing areas, especially for US seiners that operate out of American Samoa and predominately in the central Pacific. American Samoa's limited economy is highly dependent on the tuna processing industry, and any negative impacts to the US tuna vessels that operate out of American Samoa will likewise have a negative impact on the American Samoa economy.

The US EEZ around Palmyra outside of 50 nm is fished by the Hawaiian longline fleet. It is an important area for Hawaiian fishing vessels targeting bigeye tuna without competition from foreign fleets. As much as 12 percent of the annual Hawaiian longline catch has been produced out of the EEZ around Palmyra, according to the National Marine Fisheries Service. There is significant fishing effort by the Hawaiian longline fleet around Johnston as well. Bigeye tuna stocks in the Western and Central Pacific Ocean are predicted to shift eastward as a result of climate change impacts^{vii}. US longline fishermen will be unable to access bigeye stocks in the equatorial US Pacific Remote Islands waters if these are completely closed to fishing. It imposes a disadvantage relative to other Pacific Island nations that will keep their EEZs open to fishing.

Because US fishing vessels are equipped with vessel monitoring systems (VMSs) and closely monitored by the National Marine Fisheries Service and United States Coast Guard, a monument expansion would prohibit their entry into US waters while foreign vessels, which are not required to have VMS on the high seas, could illegally operate in our waters. Without the presence of US fishing vessels to act as sentinels, illegal foreign fishing is likely to increase^{viii}. Such a scenario is a betrayal to US fishermen in the US Pacific Islands.

Hawaiian longline fishermen will not be allowed to fish the US EEZ around the Pacific Remote Islands. However, foreign and domestic purse seine vessels can fish these waters indirectly by deploying fish aggregation devices (FADS), which are not required to be marked. Charles Daxboeck, Chair of the Scientific and Statistical Committee that advises the Western Pacific Regional Fisheries Management Council (WPRFMC), notes that such foreign fishermen can deploy FADS on the high seas adjacent to the PRIA EEZs, with the intention that these FADS will drift through the PRIA EEZs accumulating fish as they go, to be fished in the high seas on the other side.

Limited Ecological Benefit

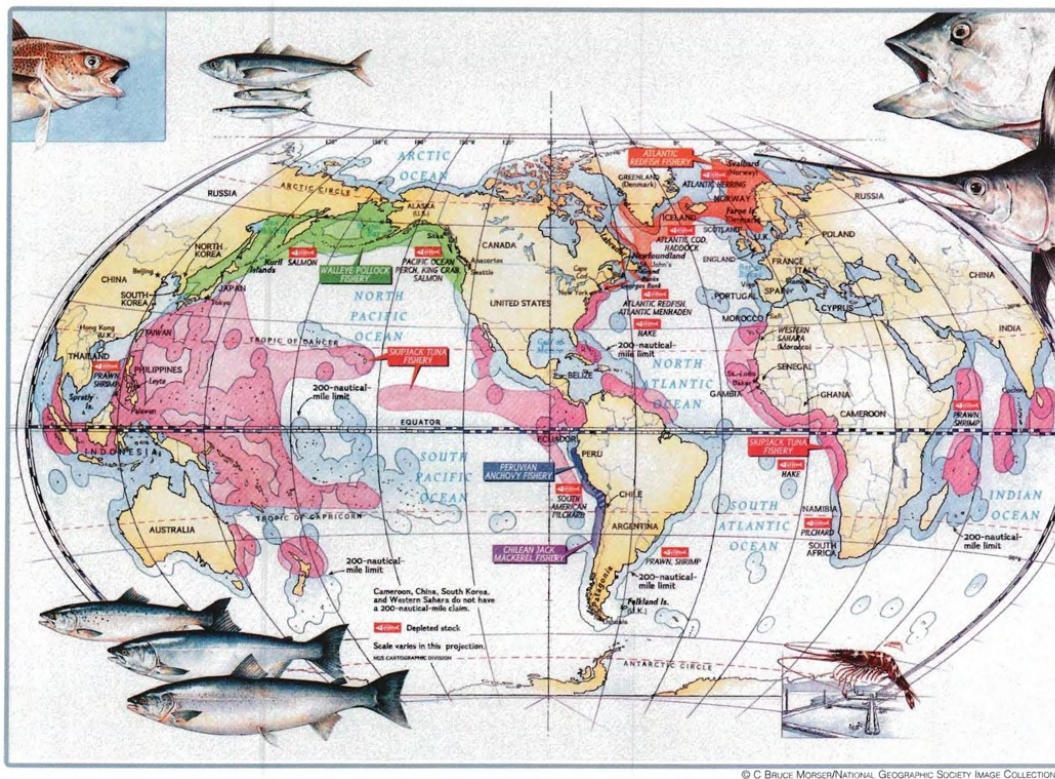
For highly migratory species, like tuna, overfishing is better addressed through catch limits and capacity limits. Closing off fishing areas does not work, as it might with fish that show high-site fidelity. As demonstrated by the closures of two high seas pockets, established in 2008 under a WCPFC conservation and management measure, restricted areas have little impact. The closures resulted in no change to tuna stock status and no reduction in fishing mortality because fishing effort and catches of the same stocks shifted into other areas of high seas and EEZs in the Western and Central Pacific Ocean.

Other species would experience limited benefits from the proposed monument expansion as well. Seabirds that nest on the Pacific Remote Islands are migratory and forage well beyond the waters of the US EEZ. There is no scientific evidence indicating that the US purse seine and longline fishing vessels operating in the offshore waters surrounding the existing 0 to 50 nm Pacific Remote Islands

Marine Monument are impacting seabird populations, either through direct or indirect interaction, such as reducing the availability of seabird forage^{IX}.

Likewise, expanding the Monument will provide no meaningful conservation benefit to sharks. There are no directed shark fisheries occurring in the waters surrounding the US Pacific Remote Islands or other US Pacific Islands. Purse seine fishing on FADS sometimes incidentally encounter sharks. However, existing WCPFC and domestic measures prohibit retention of these species. The Hawaiian longline fleet incidentally catches sharks, predominantly blue sharks. However, more than 95 percent of these sharks are released alive and catch is predominantly in waters far north of the Pacific Remote Islands. Oceanic sharks are highly migratory and prohibiting fishing within the US EEZ around the Pacific Remote Islands will not impact stock status of depleted shark species.

The US EEZ around Howland, Baker and Jarvis Islands are fished by the US purse seine fleet. In El Nino years these areas become more important. For example, in 1998 approximately 20 percent of US purse seine fishing effort occurred in the US EEZ around the Pacific Remote Island Areas (predominately in the waters around Howland and Baker). During El Nino years, the western warm pool (preferred skipjack habitat) shifts eastward several thousand kilometers, with skipjack following the movement. El Nino frequency is predicted to increase in the future as a result of climate change, indicating the US EEZ will be more important in terms of fishing area in the future^X. Moreover, the WCPFC is reducing high seas fishing effort, and closing high seas completely under the WCPFC has been proposed. The United States should not close its waters around the US Pacific Remote Islands, as these areas will be important to the US tuna industry.



[Source: USCG Protecting America's Fisheries. <http://www.uscg.mil/history/articles/Fisheries.pdf>]

As for ocean acidification, fishermen are impacted by this change in ocean chemistry, which is primarily caused by fossil fuel emissions from cars, airplanes, power plants and factories, and not by fishing operations.

SUGGESTED ACTION

To support the US Pacific Islands and the US fishing industry, and to reduce the nation's seafood deficit and thus provide stronger food security to our nation, the WPRFMC calls upon President Obama to exempt commercial fishing by US vessels in the US EEZ should any marine monuments be created or expanded, and urges that the management of the fisheries remain under the Regional Fishery Management Council process with the Magnuson-Stevens Act given precedence.

The WPRFMC further supports amendments to the Antiquities Act to ensure that no more waters are taken from US fishermen in the Pacific Islands in the name of conservation and for the legacy of a President.

In his book *Dreams from My Father: A Story of Race and Inheritance*, President Obama wrote: "The study of law can be disappointing at times, a matter of applying narrow rules and arcane procedure to an uncooperative reality; a sort of glorified accounting that serves to regulate the affairs of those who have power--and that all too often seeks to explain, to those who do not, the ultimate wisdom and justness of their condition. But that's not all the law is. The law is also memory; the law also records a long-running conversation, a nation arguing with its conscience."

The implementation of the Antiquities Act has been a long-running conversation between the Congressional and Executive Branches.

The US government should not enact a plan that further complicates an historic and economically vital industry. From a global to local perspective, the economic prosperity of American Pacific Islanders is a paramount responsibility for President Obama and his Administration. As it stands, current plans for this most recently proposed marine monument will achieve the opposite by unfairly burdening commercial fisheries that already operate under the world's most stringent regulations. Our government should seek to preserve the livelihoods of American fishermen and provide waters that exclusively serve and provide an advantage for the regulated US fishing industry in the global market. Working to fight illegal fishing and encouraging our own domestic fisheries in accordance with the regulatory guidelines by which they already abide is our best solution to maintaining the sustainable fisheries that President Obama himself praised in his recent remarks.

i <https://www.youtube.com/watch?v=QTLDFGQKxA0>

ii <http://www.whitehouse.gov/the-press-office/2014/06/17/fact-sheet-leading-home-and-internationally-protect-our-ocean-and-coasts>

iii http://www.marine-conservation.org/media/filer_public/filer_public/2014/06/17/primnm_expansion_report.pdf

iv <http://www.papahanaumokuakea.gov/about/welcome.html>

v http://www.fpir.noaa.gov/MNM/mnm_index.html

vi NOAA U.S. Commercial Landings, Commercial Fishing Landings & Value at Major U.S. Ports 2011-2012

vii Lehodey, P. "Preliminary forecasts of Pacific bigeye tuna population trends under the A2 IPCC scenario." Progress in Oceanography. 2010.

viii There is a long history of US purse seine and longline fishermen assisting the US Coast Guard and NOAA Office of Law Enforcement in detecting illegal foreign fishing.

ix http://www.marine-conservation.org/media/filer_public/2012/11/08/seabird-tuna-workshop-report-2012.pdf

x http://www.spc.int/DigitalLibrary/Doc/FAME/Meetings/SCTB/13/RG_1.pdf