



Western
Pacific
Regional
Fishery
Management
Council

April 14, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW,
Washington, DC 20500.

Dear President Trump:

At its 169th meeting, the Western Pacific Regional Fishery Management Council considered the impacts of Marine National Monuments¹ on US fisheries and the undermining of the decades of fisheries management under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) by the Antiquities Act. The voting members of the Council request that you consider removing the monument fishing prohibitions in the US Pacific Islands Region².

These four monuments created by previous Administrations encompass 1.18 million square miles and prohibit US commercial fishing in 51% of the US Exclusive Economic Zone (EEZ) waters in the Western and Central Pacific. This amounts to about 25% of the entire US EEZ. Fishing is an important economic activity in the US Pacific Islands. The monuments have eliminated access to US fishing grounds to US fishermen, forcing them to compete with foreign fishing vessels on the high seas and making it more difficult for American fishermen to lower the US fishery trade imbalance (over 90 percent of US seafood consumption is imported, with up to a third estimated to be from illegal, unreported, unregulated fishing).

The best scientific information available indicates that monument fishing prohibitions are unnecessary for fisheries conservation and management. The monuments have no discernable conservation benefit to and do not provide significant additional protections to highly mobile species such as tuna, billfish, sea turtles, seabirds, and marine mammals. The climate mitigation attributes of the monuments are speculative.

Under the MSA, US fisheries are among the best managed globally and the regional fishery management councils are required to establish regulations to prevent overfishing while achieving optimal yield. Removal of the monument fishing prohibitions would not leave fishery resources unregulated. Comprehensive regulations developed under the MSA to manage bottomfish, lobsters, precious corals and pelagic species are still in place. We hope Mr. President, that you will redress this unfair burden on our American fishermen.

Respectfully,

Edwin A. Ebisui Jr.
Chair

Enclosed: Maps of four monuments and MSA fishery regulated areas in the Western Pacific Region
cc: Secretary of Commerce Wilbur Ross
Secretary of State Rex Tillerson

¹ The Pacific Remote Islands MNM, Marianas Trench MNM, Rose Atoll MNM, Papahānaumokuākea MNM

² Hawaii, American Samoa, Guam, Northern Mariana Islands, Pacific Remote Island Areas (Wake Island, Howland and Baker Islands, Jarvis Island, Palmyra Island and Kingman Reef, Johnston Island and Midway Atoll)

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 7, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

Access to several of the Nation's key fisheries is in jeopardy -- through the establishment and expansion of Marine National Monuments. All of these marine monuments have been created by Presidential Proclamations under the Antiquities Act of 1906. In the U.S. Pacific Islands region, for example, over half of U.S. waters have been closed to commercial fishing by a stroke of the pen and without scientific evidence, socioeconomic analysis, or a deliberative and public processes as are mandated under the amended Magnuson-Stevens Fisheries Conservation and Management of 1976 (MSA), the nation's primary fisheries law.

The loss of U.S. fishing grounds makes our consumers more dependent on foreign seafood sources, as only ten percent of the seafood consumed in the U.S. is domestically produced. Marine National Monuments created in the U.S. Pacific Islands resulted in the U.S. tuna purse-seine fleet losing access to historical fishing areas including all U.S. waters (0-200 miles) surrounding Jarvis Island, Wake Island, and Johnston Atoll, remote, uninhabited equatorial possessions of the United States, totaling 1,184,000 square miles. The Hawaii longline fleet also lost access to these areas as well as to two-thirds of the U.S. Exclusive Economic Zone around the Hawaii Archipelago. At the same time, U.S. government negotiators agreed to reduce significant access of the U.S. purse-seine vessels to the high seas within the Western and Central Pacific Ocean as well as catch limits for U.S. longline vessels. Such actions exemplify how a President and government bureaucracies can dispassionately decimate U.S. fishing industries.

The commercial fishing prohibitions of Marine National Monuments impact shore-side businesses and local economies of the U.S. In December 2016, for example, one of the two canneries in American Samoa, which represent over half of the local private sector workforce, and over half of the Territory's Gross Domestic Product, ceased operations due to lack of U.S. tuna supply. The remaining cannery has stated that it may close if the regulatory conditions do not change. Likewise, the loss of access to highly productive fishing grounds in the northeast has exacerbated the decline of many fishing ports in the region.

President Trump
March 7, 2017
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To remedy the impacts that face the U.S. fishing industry, you can act swiftly and effectively to remove all marine monument fishing prohibitions. The fisheries would continue to be managed under federal law (MSA), through the Regional Fishery Management Councils and the Department of Commerce. U.S. fisheries support hundreds of thousands of direct jobs, millions of indirect jobs, and billions of dollars in annual revenue. Removal of the fishing prohibitions stipulated in the monument proclamations and the return of U.S. fisheries management to the Regional Fishery Management Councils would continue to prevent overfishing and protect the marine environment as required by the MSA and other applicable laws, while allowing our fishing fleet to compete with their foreign competitors.

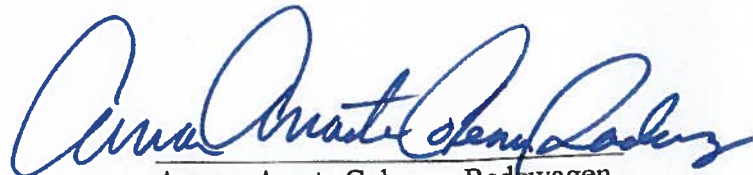
Using the Antiquities Act to close U.S. waters to domestic fisheries is a clear example of federal overreach and regulatory duplication and obstructs well managed, sustainable U.S. fishing industries in favor of their foreign counterparts. You alone can act quickly to reverse this travesty, improve our national security, and support the U.S. fishing industry that contributes to the U.S. economy while providing healthy, well-managed fish for America's tables.

Thank you for your consideration.

Respectfully,



Rob Bishop
Chairman
Committee on Natural Resources



Aumua Amata Coleman Radewagen
Member of Congress

cc: The Hon. Wilbur Ross, Secretary, Department of Commerce
The Hon. Raul Grijalva, Ranking Member, Committee on Natural Resources



March 3, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We, the Governors of the US Territories of American Samoa and Guam and the US Commonwealth of Northern Mariana Islands, humbly request that you use executive authority under the Antiquities Act of 1906 to remove the fishing provisions applicable to the Marine National Monuments in federal and our island jurisdictions.

Our island communities depend on the ocean for food security and economic opportunities. Our Samoan, Chamorro, and Carolinian cultures are interwoven with the marine environment and fishing. The monument fishing restrictions are unnecessary and impede our socioeconomic and cultural stability. The promises of previous administrations and environmental organizations of monument co-management and revenue generation have not been realized.

Our islands contribute a significant amount of land and water for military training and among the highest per capita US Armed Forces personnel and military casualties, reflecting our resolute American patriotism. Many of our people have not returned from harsh and distant battlegrounds, providing the ultimate sacrifice for our great country.

We trust you will demonstrate your great leadership on this pressing issue and do what is right for our people and the Nation. Please return American fishermen to US waters and remove the monument fishing prohibitions.

Respectfully,

Eddie B. Calvo
Governor of Guam

Lolo L. M. Moliga
Governor of American Samoa

Ralph D. G. Torres
Governor of CNMI

Enclosures

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Agana, GU 96932

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Pago Pago, AS 96799

Caller Box 10007
Saipan, MP 96950

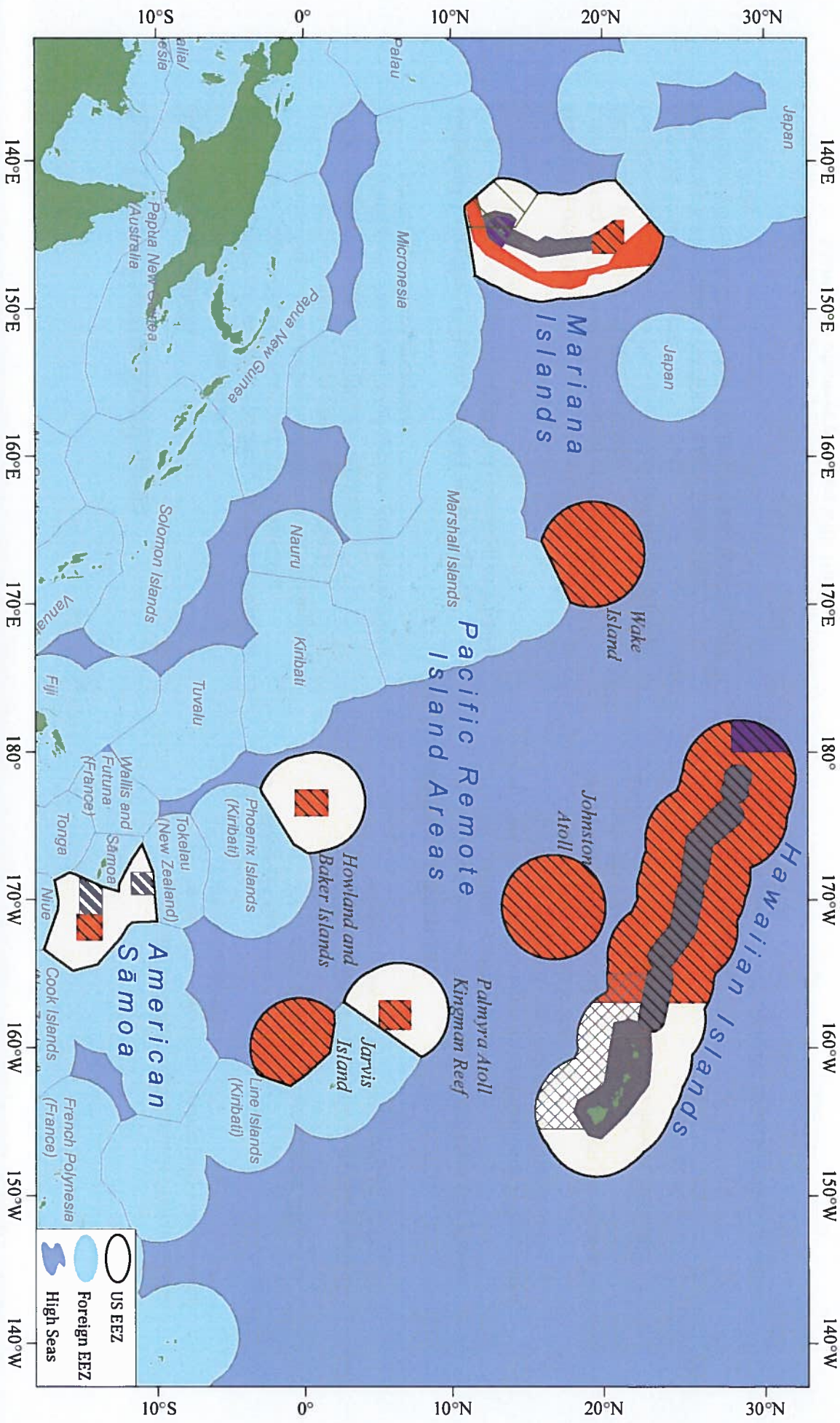
US EEZ Regulated Fishing Areas, Western Pacific Region

Magnuson-Stevens Act

- Longline fishing prohibited (1991 - 92, 2011)
- Large Vessel Prohibited Area (2002)
- False Killer Whale Southern Exclusion Zone (2012)
- Guam No Anchor Zone (2004)
- Bottomfish/Groundfish fishing prohibited (1986)
- Bottomfish Vessels ≥ 50 ft prohibited (2006)
- US EEZ: trawling, drift gillnets, poisons and explosives prohibited (1986 - 2004)

Antiquities Act

- Marine National Monument (2006 - 2016)
- Closed to all commercial fishing



Key Pelagic Fishing Regulations

All Long line Vessels

- Longline gear must be marked
- Must carry and use dip nets, line clippers, bolt cutters and other mitigation gear, and follow handling, resuscitation, and release requirements for incidentally hooked or entangled sea turtles and seabirds
- Federal permits and logbooks required
- Mandatory annual protected species workshops for all vessel owners and operators

General Longline (Guam, CNMI and PRIA)

- Long line exclusion zone around Guam out to 50-100 nm from shore

Hawaii Longline

Limited entry fishery with a maximum of 164 vessels
Maximum vessel size 101 feet in length

Longline exclusion zones throughout the Hawaii Archipelago out to 25-75 nm from shore

Mandatory notification to NMFS at least 72 hours (not including weekends and federal holidays) before leaving port to fish in the EEZ

- **Shallow-set fishery**
 - Mandatory observer program with 100% coverage
 - Annual hard cap of 34 loggerhead and 26 leatherback sea turtle interactions
 - Other gear requirements to minimize incidental bycatch of sea turtles (circle hooks and

mackerel-type bait) and seabirds (either side-set or use blue-dyed bait, strategically discard offal and set at night)

- **Deep-set fishery**

- Mandatory observer program with 20% coverage
- Follow shallow-set fishery seabird mitigation requirements when fishing north of 23 deg. N

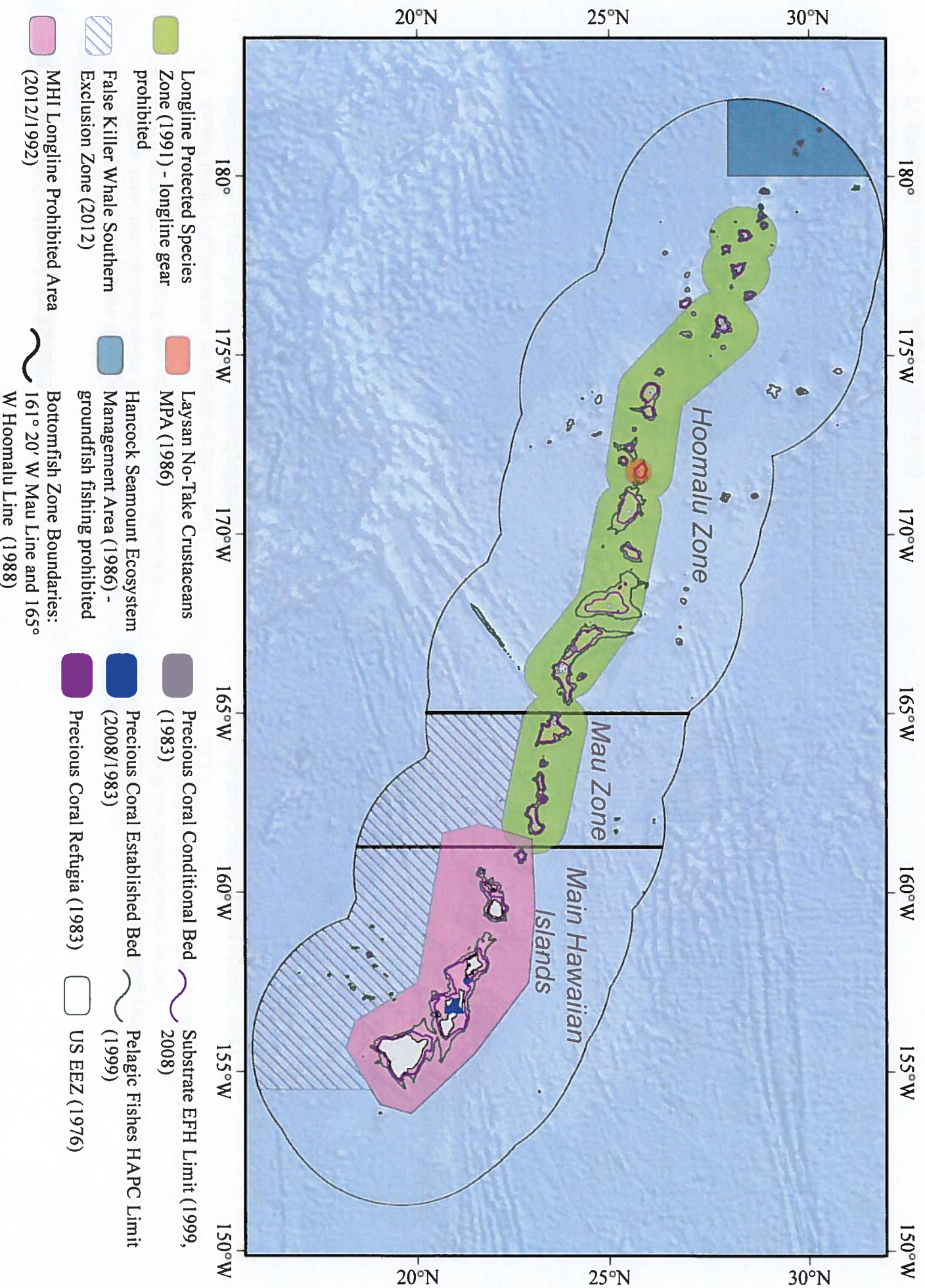
American Samoa

- Limited entry of vessels in four different size classes for longline vessels
- Mandatory notification to NMFS at least 72 hours (not including weekends and federal holidays) before leaving port to fish in the EEZ
- Large pelagic vessel (>50 ft) exclusion out to zone 50 nm from shore
- Longline gear requirements to minimize sea turtle interactions

Troll and Handline

- Federal permits and logbooks required when operating in the PRIA

Western Pacific Council Spatial Management in the Hawaiian Islands



Key Regulations for Hawaii Archipelago

NWHI Bottomfish

- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets
- NWHI EEZ split into two limited access systems - Mau and Hoomalū Zones
- Annual landing requirements for permit retention and redistribution of permits based on historical participation
- Mandatory participation in protected species workshop
- Limit on maximum vessel length
- Community Development Program reserves 20% of Mau Zone permits for indigenous Hawaiian fishermen
- Federal observer placement requirements
- Annual catch limits would be required if the fishery reopens
- Moratorium on commercial harvest of seamount groundfish at Hancock Seamounts

MHI Bottomfish

- Annual Catch Limits (ACL) for Deep-7 Bottomfish and non-deep-7 bottomfish complexes
- Non-Commercial Federal Permit and trip reporting
- Non-commercial bag limits for deep-7 bottomfish species
- Compliance with State of Hawaii Commercial Marine License requirement (CML)
- Trip Reporting
- Annual vessel registry and markings
- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets

Coral Reef Fisheries

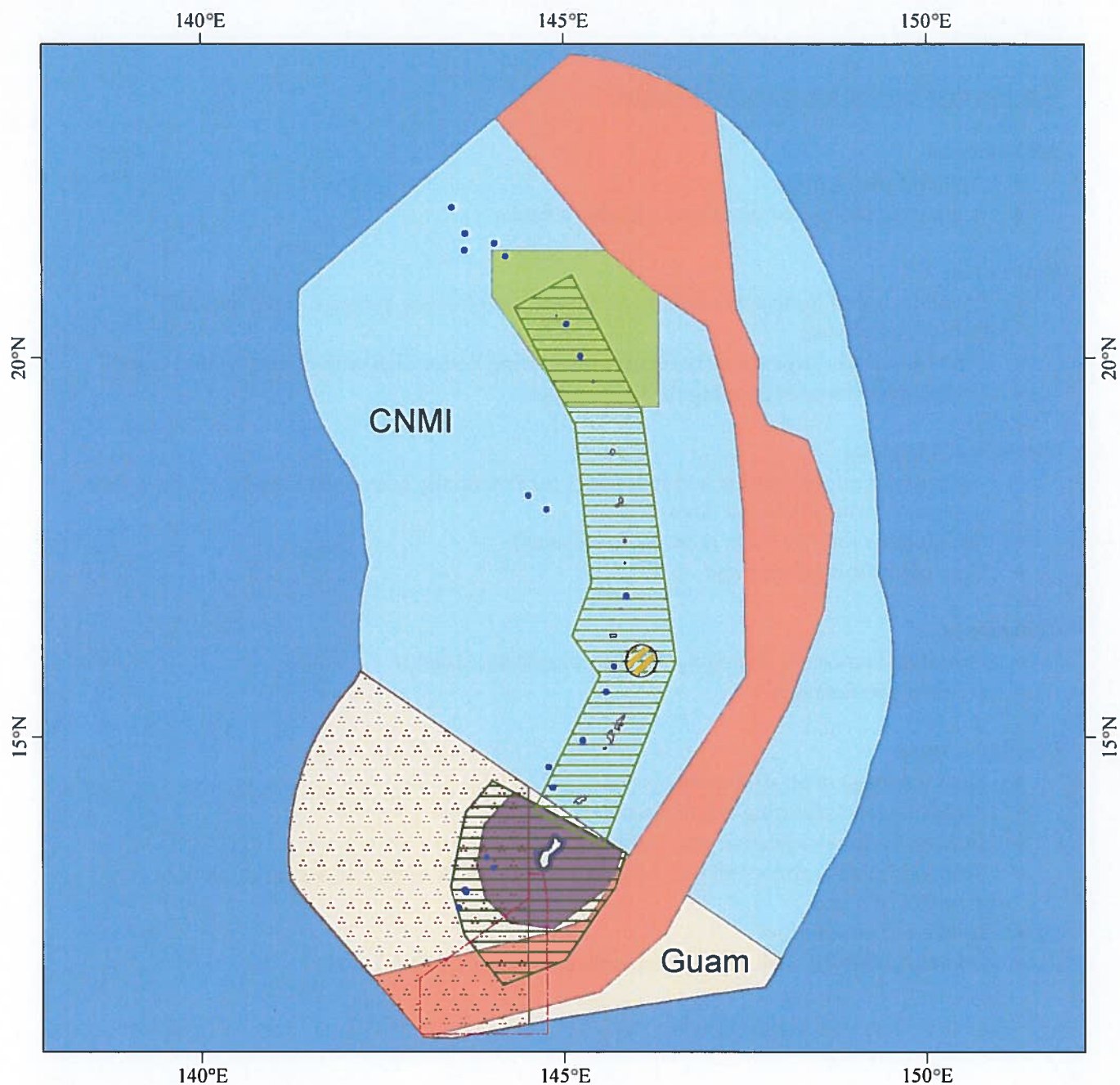
- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Gear identification for traps
- ACLs
- Prohibitions (on live rock, poisons, explosives)

Crustaceans







- Limited entry permit (including permit area 1 around NWHI, which is a limited access permit)
- Annual lobster harvest guideline (quota, would then become ACL)
- Gear restrictions (by trap or hand only)
- Trap regulations (entry size, escape vents, max number of traps, etc)
- Monk seal protective measures
- Closed seasons (Permit area 1 closed Jan-Jun; Permit area 2 closed May-Aug)
- Closed areas (within 20 nm of Laysan, within the EEZ landward of the 10 fm curve)
- Harvest limitation Program (for Necker, Gardner, Maro and NWHI)
- Vessel monitoring system requirement
- Daily catch report requirement

Precious Corals






- Area restrictions (Westpac Bed refugia)
- Spatial Management (Established, conditional beds and exploratory area)
- Gear restrictions (selective gear only)
- Size restrictions (pink coral min height of 10 in; black coral min height of 48 in or diameter of 1 inch)
- permitting and reporting
- Quotas (by established bed and species; and now ACLs)
- Gold coral moratorium



Western Pacific Council Measures

-  CNMI Longline Fishing Prohibited Area (2011)
-  Bottomfish Vessels ≥ 50 ft prohibited (2006)
-  Anchoring by all fishing vessels ≥ 50 ft prohibited (2004)
-  Guam Longline Fishing Prohibited Area (1992)
-  US EEZ Around CNMI (1976)
-  US EEZ Around Guam (1976)

Other Marine Managed Areas

-  R-7201 (2015/2013)
-  W-517 (2002)
-  Islands Unit of MTMNM (2009)
-  Volcanic Unit of MTMNM/Mariana Arc of Fire NWR (2009)
-  Marianas Trench Marine National Monument (MTMNM) (2009); Mariana Trench National Wildlife Refuge (NWR) (2009)

Key Regulations for Mariana Archipelago

All Fisheries

- Annual Catch Limits
- Anchoring prohibited on Guam's southern banks

Bottomfish

- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets
- Prohibit vessels larger than 50 feet from targeting bottomfish with 50 nm around Guam
- Federal permits and reporting for large vessels

Coral Reef Fisheries

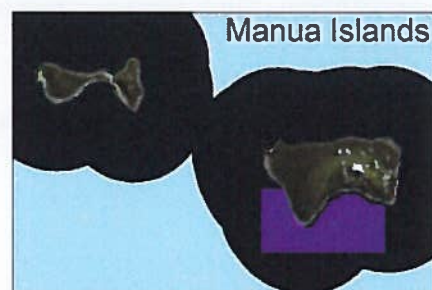
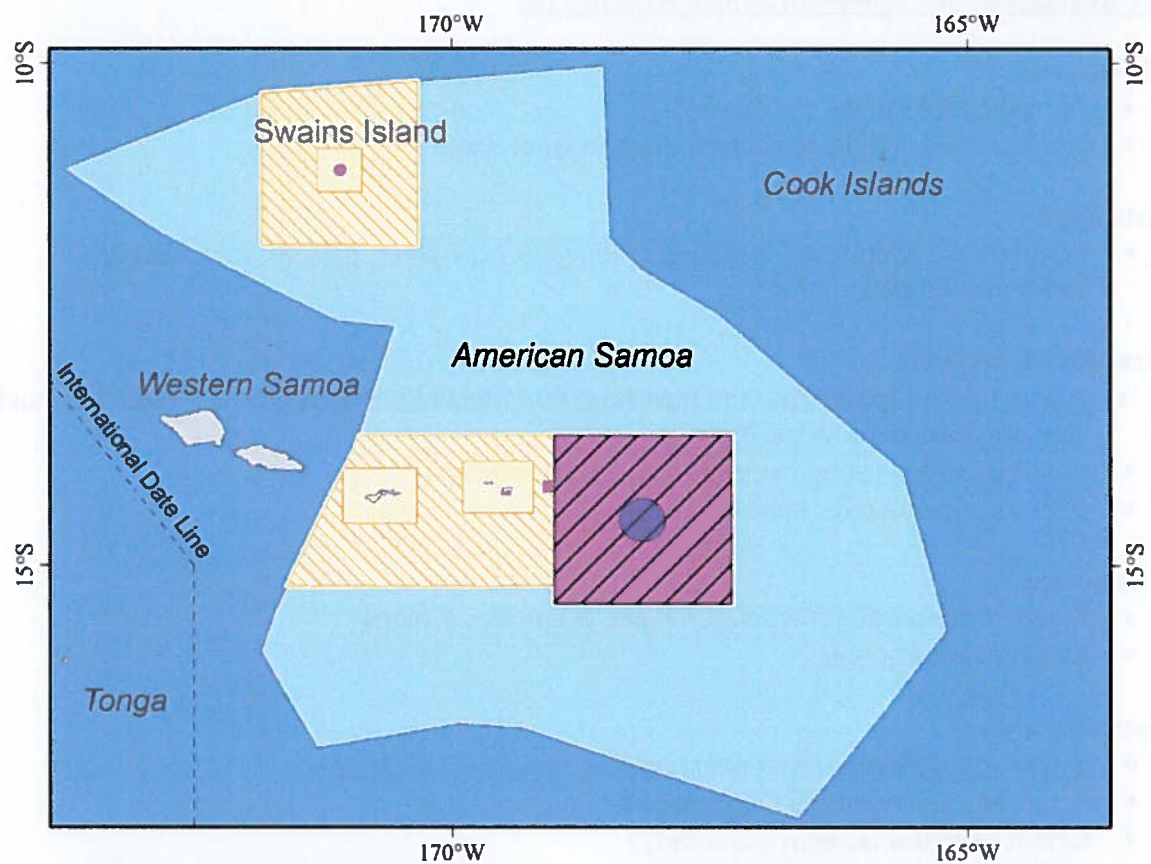
- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Prohibitions (on live rock, poisons, explosives)
- Gear identification for traps

Crustaceans




- Permit and reporting (for spiny, slipper, deepwater shrimp)
- Landing notifications

Precious corals




- Spatial management (Exploratory area)
- Permitting and reporting requirements
- Gear restrictions (selective gear only)
- Size restrictions (pink coral min height of 10 in., Black coral min height of 48 in or diameter of 1 in.)
- Gold coral moratorium
- Quotas (1000 kg for all MUS combined, except black corals)



Western Pacific Council Measures

-  Large Vessel Prohibited Area Longline Exemption (2015)
-  Large Vessel Prohibited Area (2002)
-  12 nm No-Take MPA (2013)

Other Marine Managed Areas

-  National Marine Sanctuary of American Samoa (2012/1986)
-  Rose Atoll Marine National Monument (2009)
-  US EEZ (1976)

Key Regulations for American Samoa Archipelago

All Fisheries

- Annual Catch Limits
- No-take MPA within 12 nautical miles of Rose Atoll

Bottomfish

- Prohibits use of destructive fishing techniques: explosives, poisons, trawl nets and bottom-set gillnets

Coral Reef Ecosystem

- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Prohibitions (on taking live rock, poisons, explosives)
- Gear identification for traps

Crustaceans

- Permit and reporting (for spiny, slipper, deepwater shrimp)
- Landing notifications

Precious Corals

- Spatial management (Exploratory area)
- Permitting and reporting requirements
- Gear restrictions (selective gear only)
- Size restrictions (pink coral min height of 10 in., Black coral min height of 48 in or diameter of 1 in.)
- Gold coral moratorium
- Quotas (1000 kg for all MUS combined, except black corals)