



**Western
Pacific
Regional
Fishery
Management
Council**

April 26, 2017

The Honorable Ryan Zinke
Department of the Interior
1849 C Street, N.W.
Washington DC 20240
Email: Ryan_Zinke@ios.doi.gov

Dear Mr. Secretary:

We have read President Trump's Executive Order released today on the Review of Designations under the Antiquities Act and believe it is fitting. We understand that you will provide an interim report to the President within 45 days with respect to the Proclamation 9558 establishing the Bear Ears National Monument and other such designations as you determine to be appropriate. In this regard, we would appreciate your consideration of the four marine national monuments (MNM) in the US Pacific Islands (i.e., Western Pacific Region) for inclusion in the interim report. Encompassing an area of 760 million acres, these monuments account for 98 percent of the monument area under review, i.e., monuments created since 1996 that span 100,000 acres or greater.

The marine monuments in our region impose a disproportionate burden on our fishermen and indigenous communities, not only in terms of lost fishing area but also economic impact. As island states, we depend on our fisheries for our livelihoods, recreation and culture. In American Samoa, 52 percent of the gross domestic product and the majority of the private-sector employment are fisheries-related. In Hawaii, fish is the #1 food produced, with a landed value of \$110 million. Yet these monuments have closed regulated domestic commercial fishing in 51 percent of the US exclusive economic zone in our region.

Attached are additional points about the marine national monuments in the US Pacific Islands for your consideration as you determine what is appropriate for inclusion in the interim report. Please note that some media reports have included only the acres for the original Papahānaumokuākea MNM (89.5 million acres) and the Pacific Remote Islands MNM (55.6 million acres) and do not include their expansion area (an additional 283 million and 261 million acres respectively, for a total of 373 million and 317 million acres for these two MNMs alone). We have other important information pertinent to the scope of the review to share and are available to assist you and your staff.

Respectfully,

Edwin A. Ebisui Jr.
Chair

Kitty M. Simonds
Executive Director

Attachment: Overview of the Marine National Monuments in the US Pacific Islands and Maps
April 14, 2017, letter to President Trump with attached letters

cc: Secretary of Commerce

Overview of Marine National Monuments in the US Pacific Islands¹

- (i) **The requirements and original objectives of the Act, including the Act’s requirement that reservations of land not exceed “the smallest area compatible with the proper care and management of the objects to be protected”**
- The four Pacific Islands MNMs encompass an area of 760 million acres and account for 98 percent of the monument area under review (Table 1). The largest of these four monuments is the Papahānaumokuākea MNM, which has a total size of 373 million acres or greater than twice the size of Texas.
 - Additionally, the marine national monuments are 6.6 miles deep in the case of the Marianas Trench MNM and average of 3 miles deep in the case of the expanded NWHI monument.
 - The fishing gear used by US vessels now banned from operating in the area reach to a maximum depth of 400 meters, and do not even cast a shadow on the bottom where these resources of historic and scientific interest are sparsely scattered.

Table 1. Size of the Marine National Monuments in the U.S. Pacific Islands.

Marine National Monument (Proclamation No.)	Monument Size	
	Size in Acres	Size in Square Miles
Papahānaumokuākea MNM Total	372,847,360 acres	582,574 square miles
Papahānaumokuākea Original (Proclamation 8031)	89,467,520 acres	139,793 square miles
Papahānaumokuākea Expansion (Proclamation 9478)	283,379,840 acres	442,781 square miles
Pacific Remote Islands MNM Total	316,920,929 acres	495,189 square miles
Pacific Remote Islands Original (Proclamation 8336)	55,608,320 acres	86,888 square miles
Pacific Remote Islands Expansion (Proclamation 9173)	261,312,609 acres	408,301 square miles
Marianas Trench MNM (Proclamation 8335)	60,938,240 acres	95,216 square miles
Rose Atoll MNM (Proclamation 8337)	8,608,640 acres	13,451 square miles
All Marine Monuments in US Pacific Islands in Acres	759,315,169 acres	

- (ii) **Whether designated lands are appropriately classified under the Act as “historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest”**

¹ Categories contained herein are within context of the April 26, 2017, Executive Order on the Review of Designations Under the Antiquities Act

- Historic landmarks include a few WWII wrecks, whose locations in many cases have yet to be identified.
- The justification to close US waters to US fishermen with respect to “scientific interest” of those waters is highly questionable, particularly with respect to highly migratory species.
- These marine monument areas are already studied and protected by other regulations and marine protected area designations through the Magnuson-Stevens Act, US Wildlife Refuge, etc.
- The marine monument proclamations have never evaluated how the monument resources of historic and scientific interest are contained within the smallest area compatible for their “protection.”

(iii) **The effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7), as well as the effects on the available uses of Federal lands beyond the monument boundaries**

- Closes commercial fishing in 51 percent of the US exclusive economic in the US Pacific Islands. Targeted species are highly migratory and fishermen need to be able to access the fish when they are present within the US EEZ.
- Papahānaumokuākea MNM and Pacific Remote Islands MNM fishing prohibitions have economic impact to the Hawaii longline fishery according to the National Marine Fisheries Service. These impacts are disproportionate to individual vessels that are smaller and unable to travel far distances safely.
- Pacific Remote Islands MNM closed fishing grounds to US purse seine vessels that historically delivered tuna local canneries in American Samoa. One of American Samoa’s two canneries ceased operations in December 2016 as a result of the reduced supply of US caught tuna.
- The Rose Atoll MNM permanently puts off limits valuable fishing grounds to the American Samoa longline fishery. Since 2013, this fishery has been on the verge of economic collapse.
- The Marianas Trench MNM affects a domestic bottomfish fishery that supplied local and export markets.

(iv) **The effects of designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries**

- Displaces fishing effort into smaller areas of the US EEZ, concentrating fishing effort into what is left of the EEZ and increasing gear conflict with smaller fishing vessels, including recreational vessels.
- Displaces US fishing effort into the high seas, increasing safety risks and the costs of operation (e.g., fuel, ice, time); and forcing US fishermen to compete with foreign fishing fleets whose fuel costs are in some cases subsidized, e.g., China.

(v) **Concerns of state, tribal and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes and localities**

- Affects indigenous fishing communities by permanently closing commercial fishing opportunities in the ancestral waters of American Samoa, Hawaii, Guam and the CNMI.
- All of the monuments were controversial. Past and present Governors, legislators, Congressional delegates, scientists, indigenous organizations and individuals, as well as fishermen opposed the marine monuments in the US Pacific Islands.

(vi) **Availability of Federal Resources to Properly Manage Designated Areas**

- USCG 14th District has had no funding increases for decades for monitoring and enforcement.
- USCG patrols the monument areas only as resources permit, typically once quarterly.

(vii) **Other Factors**

- Fishery regulations implemented under the Magnuson-Stevens Fishery Conservation and Management Act (MSA, see attached maps) are still in the US Code of Federal Regulations and can again be used to sustainably manage the fisheries and ensure conservation and management of protected species, habitat and ecosystems.
- The MSA fishery regulations are science-based and were developed through a transparent process of public participation per the MSA and the National Environmental Policy Act.
- US imports 91 percent of its seafood, and the US fisheries being impacted by the marine monuments, i.e., the Hawaii-based longline fleet, provides the United States with 80 percent of its domestic bigeye tuna, 50 percent of its domestic yellowfin and 50 percent of its domestic swordfish².
- Fishing is Hawaii's #1 agriculture product with a landed value of \$110 million. It provides 50 percent of the seafood consumed in Hawaii.
- Eighty percent of the Hawaii longline catch remains in Hawaii; 20 percent is sent to the US mainland; and about 2 percent is exported to Japan³.
- In American Samoa, 52 percent of the gross domestic product and the majority of the private-sector employment are fisheries-related.
- Unnecessary and burdensome constraints to the fishing industry cause US fishermen to want to leave this livelihood and hinder the new generation from joining it.
- There is no reason that sustainable fisheries cannot coexist with management measures that respond to climate change threats.

² NMFS. 2015 Fisheries of the United States.

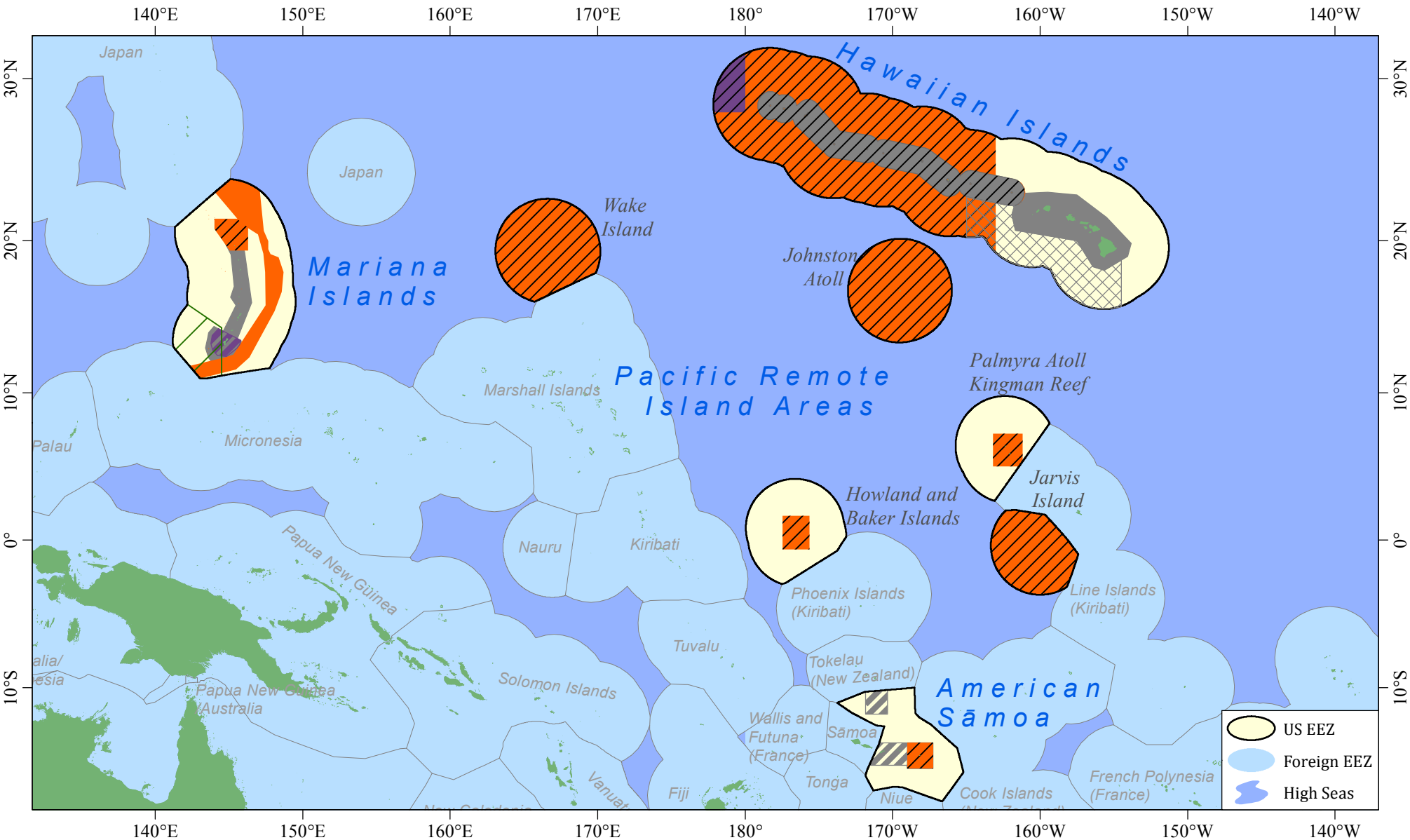
³ Loke M et al. Seafood Consumption and Supply Sources in Hawaii, 2000-2009. Marine Fisheries Review 74(4):47.

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

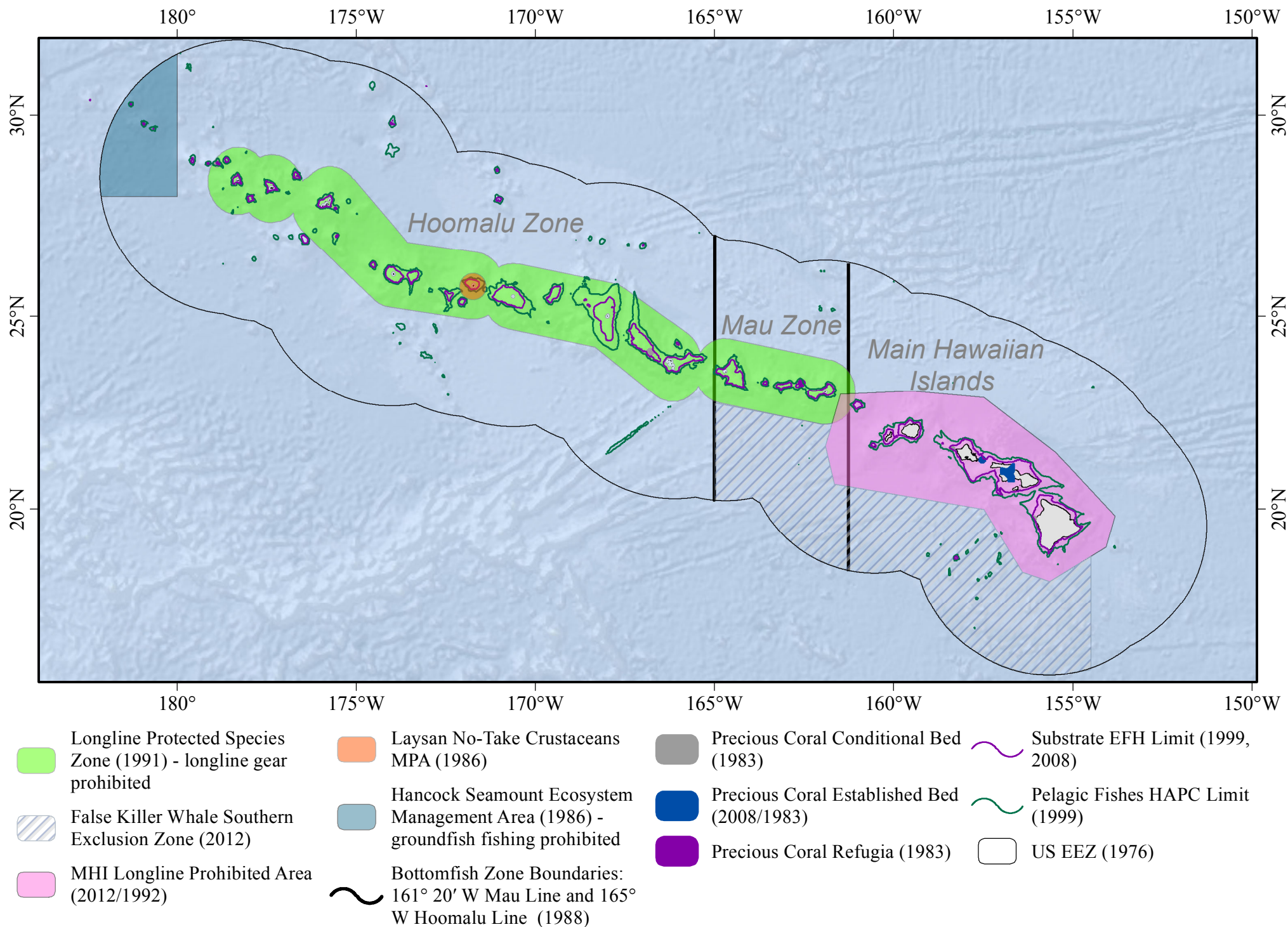
American Samoa

- 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 Hoomalu 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

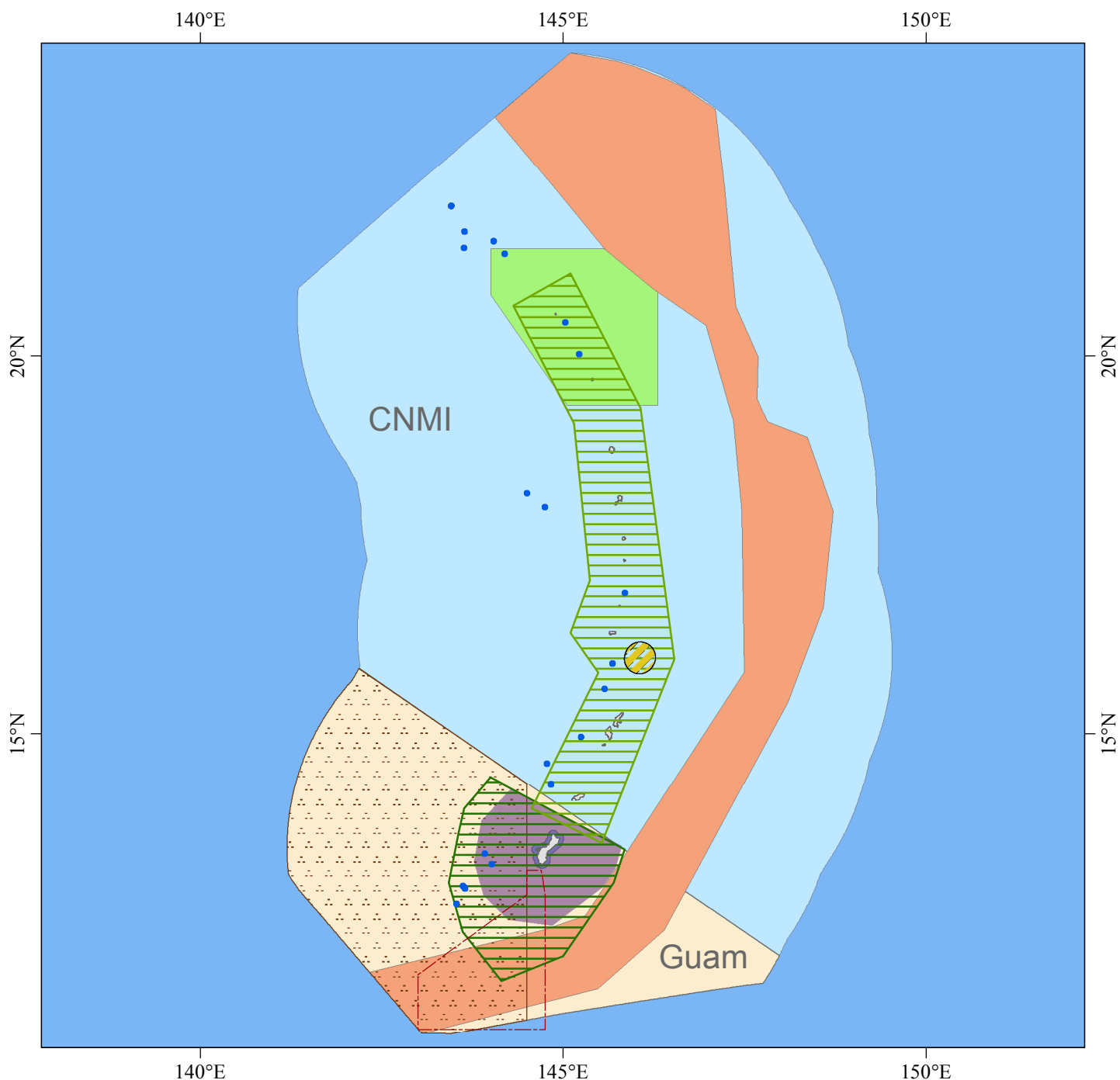
- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Gear identification for traps
- ACLs
- Prohibitions (on live rock, poisons, explosives)

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

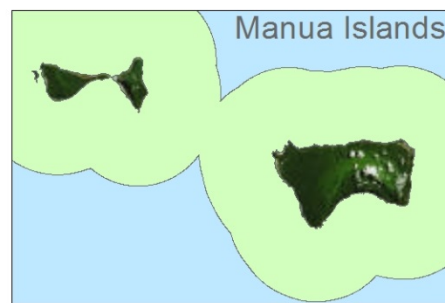
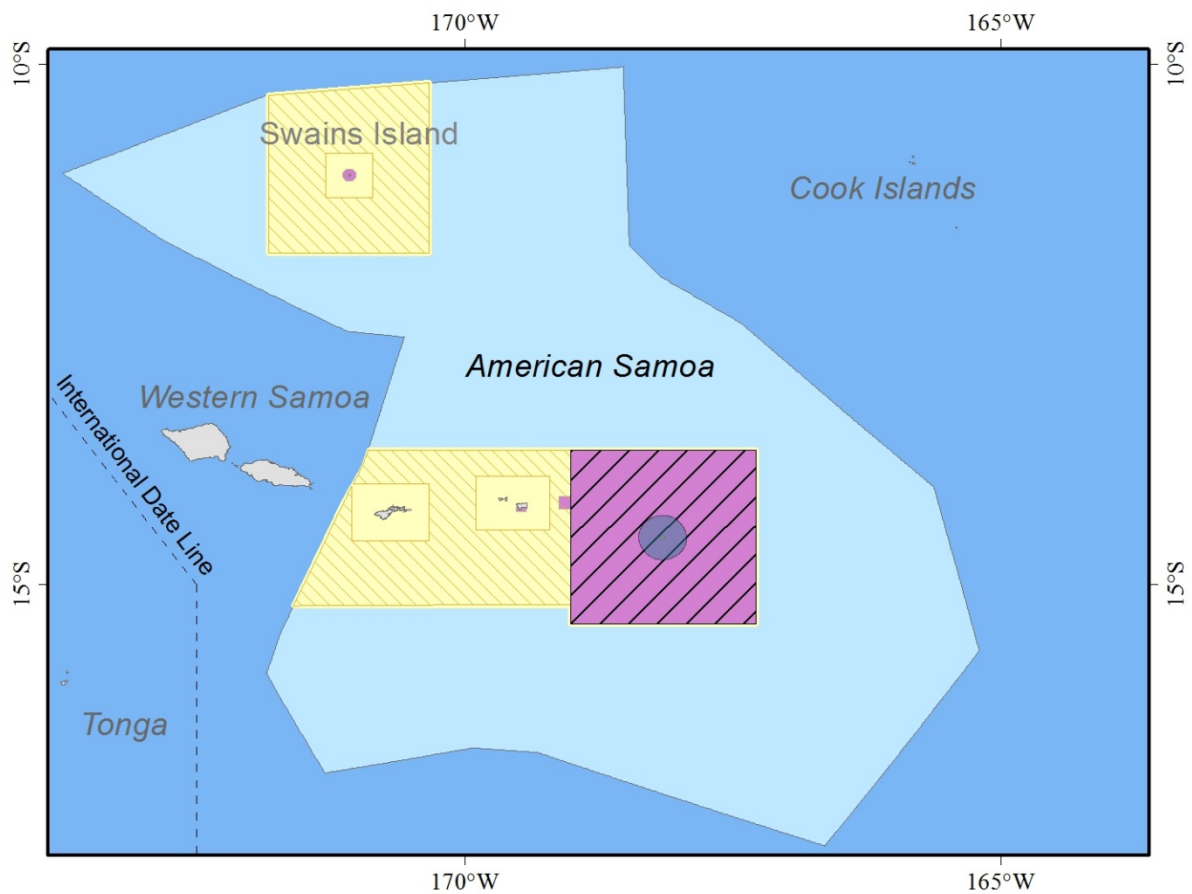
- Special permit (permitting and reporting) for Potentially Harvested Coral Reef Taxa and low use Marine Protected Areas
- Prohibitions (on live rock, poisons, explosives)
- Gear identification for traps

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)
-  American Samoa Territorial Waters
-  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)



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:

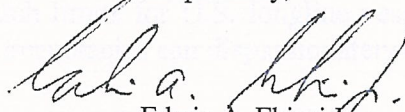
At its 169th meeting, the Western Pacific Regional Fishery Management Council considered the impacts of Marine National Monuments¹ on US fisheries and the undermining of the decades of fisheries management under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) by the Antiquities Act. 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
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
Page 2

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.

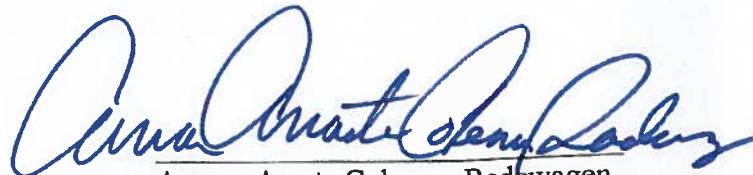
Using the Antiquities Act to close U.S. waters to domestic fisheries is a clear example of federal overreach and regulatory duplication and obstructs well managed, sustainable U.S. fishing industries in favor of their foreign counterparts. You alone can act quickly to reverse this travesty, improve our 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

PO Box 2950
Agana, GU 96932

A. P. Lutali Executive Office Building
Pago Pago, AS 96799

Caller Box 10007
Saipan, MP 96950