



**Western
Pacific
Regional
Fishery
Management
Council**

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E.O. 13795 Review
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Comments from the Western Pacific Regional Fishery Management Council on E.O. 13795

The Western Pacific Regional Fishery Management Council (Council) welcomes the opportunity to comment on Executive Order 13795, which implements an America-First Offshore Energy Strategy. This Council is pleased that the US Administration is taking a serious review at the use of US statutes to put large areas of the seabed and water column in the US exclusive economic zone (EEZ) beyond any natural resources extraction.

The Council has authority over fisheries seaward of state waters in the Western Pacific Region, which includes the State of Hawaii, Territories of American Samoa and Guam, and the Commonwealth of the Northern Mariana Islands, as well as a number of sub-tropical and equatorial islands and atolls¹. Over 50% of the US EEZ around these islands has been designated as Marine National Monuments (MNM) (see below) through the use of the Antiquities Act of 1906.

Size of the National Marine Monument in the U.S. Pacific Islands

National Marine Monument	Size in Acres	Size in Square Mile
Papahānaumokuākea	372,847,360	582,574
Pacific Remote Islands	316,920,929	495,189
Mariana Trench	60,938,240	95,216
Rose Atoll	8,608,640	13,451
Total	759,315,169	1,186,430

¹ The US Pacific Remote Island Areas include Johnston, Midway, Palmyra and Wake Atolls; Baker, Howland and Jarvis Islands; and Kingman Reef.

The costs of administering these MNMs is substantial, with an estimated \$7 million budget for the Papahānaumokuākea monument alone. Further, the US Fish and Wildlife Service estimated that the cost to implement the Papahānaumokuākea Monument Management Plan over the next 15 years is \$358,573,974, or about \$24 million per year.

It is our experience that consultation with native and indigenous peoples about the MNMs was insufficient and most often with indigenous groups already predisposed towards MNM establishment. There are no indigenous people on the PRIA; however, the Council and commercial US longline and purse seine fishermen provided testimony on the negative impact of the MNM designations on fishery resources.

These MNM designations and the existing and potential overlay of National Marine Sanctuary (NMS) designations over them significantly impact economic opportunities in our region's domestic fisheries. This includes the existing Rose Atoll MNM overlaid by the NMS of American Samoa and ongoing efforts to overlay NMS designation over the Marianas Trench and Papahānaumokuākea MNMs. The 2012 expansion of the American Samoa NMS compromised the reef and bottomfish fisheries of Aunu'u Island through the establishment of fishing and non-fishing areas on the island's reefs and reef slopes. Besides showing insufficient sensitivity to the cultural needs of this action, no research plan has been developed by National Marine Sanctuary of American Samoa, which was the basis of this partition.

As such, consideration should also be given to preventing the declaration of any further MNMs and NMSs in the Western Pacific Region, given that over 50% of the US EEZ waters in our region are already thus categorized. Further, existing sanctuaries should be removed when they no longer serve any meaningful function or where the costs of their existence outweigh the benefits they provide. For example, the Hawaiian Islands Humpback Whale NMS serves to protect a single species, the Northwest Pacific humpback whale, which has been delisted from the Endangered Species Act and continues to receive adequate protection from the Marine Mammal Protection Act (MMPA). However, this sanctuary and its functionaries could still insert themselves into federal permitting processes for important economic activities such as aquaculture or laying of communication and electrical transmission cables.

Executive Order 13795 also seeks comment on the opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on production in the adjacent region. Although such activities are typically beyond the remit of the Council, we offer these comments based on concerns about marine mining and potential impacts to fisheries habitats. Further, as noted in the NOAA Okeanos mission homepage², commercial deep-sea mining is presently in an exploratory phase,

² <http://oceanexplorer.noaa.gov/okeanos/explorations/ex1605/background/mining/welcome.html>

but is certain to occur because of the expected need for minerals that are rapidly being depleted from terrestrial sources.

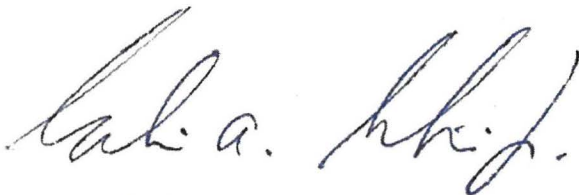
The seabed around the Mariana Archipelago islands are rich in valuable polymetallic nodules, polymetallic sulphides, and cobalt-rich ferromanganese (Fe-Mn) crusts, as indicated by the 2016 NOAA Okeanos Expedition. Other areas where these deposits may occur include the Hawaiian Archipelago and the Pacific Remote Island Areas. At current manufacturing output, there will be only a few decades before rare earths such as tantalum and more common metals such as copper are exhausted. Further, emerging technologies will require increased amounts of rare earth metals for technologies as diverse as computer chips to anti-cancer drugs. Moreover, some Pacific Island countries such as Papua New Guinea are taking the lead in the economic opportunities offered in seabed mining. The Nautilus's Solwara 1 Project will target a massive sulfide deposit 1,500 meters deep in the Bismarck Sea.

The Council does not necessarily see a conflict between sustainable fisheries and the development of deep sea mining capacity and understands the economic opportunities that such activities may present. The development of deep sea mining with its support infrastructure may supplement the tourism and fishery-based economies of the region. The Council is concerned, however, that deep sea mining must be carefully regulated to ensure the preservation of deepwater precious corals, deep reef slopes, coral reefs and the water column above any mining activity. The demersal habitats for precious corals, deep reef slope bottomfish and coral reef fish are likely the most sensitive to any perturbations, with fish and other marine organisms demonstrating high site fidelity. As such, the Council would need to be assured that any deep sea mining activity would have little to no impact on the fisheries under its jurisdiction should deep sea mining become a reality in proximity to islands in our region.

Besides the comments provided in this correspondence, we ask that you also take into consideration our previous correspondences to Secretary Wilbur Ross, Department of Commerce, and Secretary Ryan Zinke, Department of the Interior, regarding E.O. 13795 and the related E.O. 13792.

Thank you again for this opportunity to comment on the America-First Offshore Energy Strategy.

Sincerely,



Edwin A. Ebisui Jr.
Chair



Kitty M. Simonds
Executive Director

US EEZ Regulated Fishing Areas, Western Pacific Region

