



Caribbean

Miguel Rolon
Executive Director
Marcos Hanke
Chair



Gulf of Mexico

Dr. Carrie Simmons
Executive Director
Dr. Thomas Frazer
Chair



Mid Atlantic

Dr. Christopher Moore
Executive Director
Mike Luisi
Chair



New England

Thomas Nies
Executive Director
Dr. John Quinn
Chair



North Pacific

David Withereil
Executive Director
Simon Kinneen
Chair



Pacific

Chuck Tracy
Executive Director
Phil Anderson
Chair



South Atlantic

John Carmichael
Executive Director
Jessica McCawley
Chair



Western Pacific

Kitty Simonds
Executive Director
Taotasi Archie Soliai
Chair



www.fisherycouncils.org

May 29, 2020

The Honorable Wilbur L. Ross Jr.
Secretary of Commerce
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230

Dear Secretary Ross:

On May 19, 2020, Assistant Administrator for NOAA Fisheries, Chris Oliver, sent a letter on your behalf to the nation’s eight Regional Fishery Management Councils (Councils) requesting that each submit a prioritized list of recommendations to reduce burden on domestic fishing and to increase production within sustainable fisheries as required under Section 4 of President Trump’s May 7, 2020, Executive Order 13921 on Promoting American Seafood Competitiveness and Economic Growth (EO). The Councils appreciate Oliver’s support of U.S. fisheries and his efforts on the EO, which offers the Councils an opportunity to provide their recommendations. Each Council will do so individually within the next few months. However, at a time when our nation’s fisheries are experiencing the devastating impacts of the COVID-19 pandemic, the Council Coordination Committee (CCC) believes that immediate action to support American fisheries is urgently needed. Therefore, we would like to collectively reiterate several of our previous points and recommendations regarding Marine National Monuments and the unintended consequences for our Nation’s fisheries. The following excerpts were included in a letter sent to you and then Secretary of the Interior Ryan Zinke on May 16, 2017; a letter sent to President Obama on June 27, 2016; and in the Outcomes Statement and Recommendations from our May 24-26, 2016, CCC meeting.

As noted in the 2017 letter: “Designations of marine national monuments that prohibit fishing activities—especially those that did not receive adequate economic and social impact review and did not allow for a robust public review process—have disrupted the ability of the Councils to manage fisheries throughout their range as required by MSA [Magnuson-Stevens Fishery Conservation and Management Act] and in an ecosystem-based manner. Marine monument designations have the potential to be counterproductive to achieving domestic fishery management goals.”

As noted in 2016 letter: “We are concerned that decisions to close areas of the U.S. EEZ [exclusive economic zone] through statutory authority such as the Antiquities Act of 1906 may not take into account MSA requirements to achieve optimum yield from the nation’s fishery resources and may negatively impact jobs and recreational opportunities. We are concerned that authorities such as the Antiquities Act of 1906 do not explicitly require a robust process or science-based environmental analyses. Designation, such as marine national monuments, may disrupt our ability to continue to manage fisheries throughout their range and in an ecosystem-based manner. Marine monument designations can be counterproductive as they may shift fishing effort to less sustainable practices that are not regulated by the United States. For all of these reasons, we believe fisheries management decisions should be made using the robust process established by the MSA and successfully used for over forty years.”

As noted in the May 2016 CCC Outcomes Statement and Recommendations: “[T]he CCC reiterates its support for the public, transparent, science-based process and management required by the Magnuson-Stevens Fishery Conservation and Management Act. ... [T]he CCC recommends

that if designations are made in the marine environment under authorities such as the Antiquities Act of 1906 that fisheries management in the U.S. EEZ waters continue to be developed, analyzed and implemented through the public process of the [MSA].”

The ban on commercial fishing within Marine National Monument waters is a regulatory burden on domestic fisheries, requiring many of the affected American fishermen to travel outside U.S. waters with increased operational expenses and higher safety-at-sea risks. Fishing restrictions in Marine National Monuments force these U.S. fishing vessels to compete in international waters with less regulated and monitored foreign fleets, which are often highly subsidized. There is no peer-reviewed literature that demonstrates conservation benefit of the monument fishing restrictions to the highly migratory stocks that are targeted. Marine National Monument designations in their present form hinder the Councils’ ability to sustainably manage fisheries throughout their range, and they restrict the Councils and the National Marine Fisheries Service from acquiring invaluable knowledge about the stocks and the marine ecosystem made available through catch-and-effort and observer data.

Given the urgency of the threats facing our nation and its fisheries, we hope you will continue to support our nation’s fisheries and fishing communities by encouraging the President to restore management of fishing throughout the U.S. EEZ, including Marine National Monument waters, to the Councils and the Secretary of Commerce as implemented by the MSA.

Respectfully,



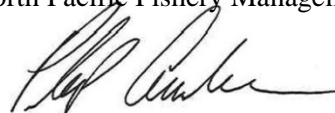
Marcos Hanke, Chair
Caribbean Fishery Management Council



Simon Kinneen, Chair
North Pacific Fishery Management Council



Dr. Thomas Frazer, Chair
Gulf of Mexico Fishery Management Council



Phil Anderson, Chair
Pacific Fishery Management Council



Mike Luisi, Chair
Mid Atlantic Fishery Management Council



Jessica McCawley, Chair
South Atlantic Fishery Management Council



Dr. John Quinn, Chair
New England Fishery Management Council



Taotasi Archie Soliai, Chair
Western Pacific Fishery Management Council

Enclosures: May 16, 2017, letter to Commerce and Interior Secretaries Ross and Zinke
June 27, 2016, letter to President Obama including CCC Monument Resolution and Marine Protected Areas Established by the Councils (72% of the nation’s waters)

CC: Dr. Peter Navarro, White House Director of the Office of Trade and Manufacturing Policy
Chris Oliver, Assistant Administrator for NOAA Fisheries



May 16, 2017

The Honorable Ryan Zinke
Secretary of Interior
Department of the Interior
1849 C. Street, N.W.
Washington, DC 20230

The Honorable Wilbur L. Ross Jr.
Secretary of Commerce
Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Zinke and Secretary Ross:

The Nation's eight Regional Fishery Management Councils (Councils) are charged under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) with managing, conserving, and utilizing fishery resources throughout the entire Exclusive Economic Zone (EEZ) of the United States. The Council Coordination Committee (CCC) - which consists of the senior leaders of these Councils - held its annual meeting on May 16-18, 2017 in Gloucester, Massachusetts to discuss and consider actions on national, international and regional fishery resource management and policy issues.

The CCC discussed as part of its agenda the Presidential Executive Order 13792 of April 26, 2017 requiring the U.S. Department of the Interior to conduct a review of certain National monuments designated or expanded since 1996 under the Antiquities Act of 1906. Also considered was Executive Order 13795 of April 28, 2017 calling for certain Marine National Monuments to be reviewed "Implementing an America-First Offshore Energy Strategy." On May 11, 2017, the Secretary of Interior published the Federal Register notice (22061) soliciting public comments on the review of certain monuments established since 1996.

The CCC notes that Section 2(b) of Executive Order 13792 specifically requires the Secretary of Interior to "*consult and coordinate with, ... the heads of any other executive departments or agencies concerned with the areas designated under the Act.*" The Councils are among the federal entities statutorily charged with the stewardship of the Nation's living marine resources and the development of conservation and management measures. We request the opportunity to consult and coordinate with the Departments of Interior and Commerce in the development of recommendations that will be prepared for Presidential action to carry out the policies set forth in Executive Orders 13792 and 13795.

Designations of marine national monuments that prohibit fishing activities - especially those that did not receive adequate economic and social impact review and did not allow for a robust public review process - have disrupted the ability of the Councils to manage fisheries throughout their range as required by MSA and in an ecosystem-based manner. Marine monument designations



New England
Fishery Management
Council



MID-ATLANTIC



have the potential to be counterproductive to achieving domestic fishery management goals. The Councils will bring more than 40 years of experience and successful US fishery management under the MSA to these reviews.

Respectfully,

Carlos Farchette, Chair
Caribbean Fishery Management Council

Leann Bosarge, Chair
Gulf of Mexico Fishery Management Council

Mike Luisi, Chair
Mid-Atlantic Fishery Management Council

Dr. John Quinn, Chair
New England Fishery Management Council

Bill Tweit, Vice-Chair
North Pacific Fishery Management Council

Herb Pollard, Chair
Pacific Fishery Management Council

Dr. Michelle Duval, Chair
South Atlantic Fishery Management Council

Edwin Ebisui, Jr., Chair
Western Pacific Fishery Management Council



June 27, 2016

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

The nation's eight Regional Fishery Management Councils are charged under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) with managing, conserving, and utilizing fishery resources. The Council Coordination Committee—which consists of the senior leaders of the Councils—respectfully requests your consideration of the attached resolution. We recommend that, if any designations impacting fishing activities are made within the U.S. exclusive economic zone (EEZ) waters under authorities such as the Antiquities Act of 1906, management of fisheries, including designation of essential fish habitat, continues to be developed, analyzed and implemented through the public, transparent, and science-based management process required by the MSA.

The Councils protect essential fish habitat, minimize bycatch, and comply with protections for species listed under the Endangered Species Act, marine mammals and seabirds within the U.S. EEZ. Through implementation of the MSA, the United States is the global leader in the successful conservation and management of fishery resources and associated ecosystems in a proactive sustainable manner. Spatial management, such as marine protected areas, is one of the tools utilized by the Councils. Through the Council process, more than 1,000 individual spatial habitat and fisheries conservation measures have been implemented protecting more than 72 percent of the nation's ocean waters. The Councils use a public process, in a transparent and inclusive manner, and rely on the best scientific information available as required by the MSA. As a result, we not only meet conservation objectives but also ensure sustainable seafood for U.S. consumers, promote the economies of coastal communities and maintain the social-cultural fabric of our nation's recreational, commercial and subsistence fishing communities.

We are concerned that decisions to close areas of the U.S. EEZ through statutory authorities such as the Antiquities Act of 1906 may not take into account MSA requirements to achieve optimum yield from the nation's fishery resources and may negatively impact jobs and recreational opportunities. We are concerned that authorities such as the Antiquities Act of 1906 do not explicitly require a robust public process or science-based environmental analyses. Designations, such as marine national monuments, may disrupt our ability to continue to manage

fisheries throughout their range and in an ecosystem-based manner. Marine monument designations can be counterproductive as they may shift fishing effort to less sustainable practices that are not regulated by the United States. For all of these reasons, we believe fisheries management decisions should be made using the robust process established by the MSA and successfully used for over forty years.

Your ocean legacy includes significant progress in curbing illegal, unregulated and unreported (IUU) fishing and minimizing our nation's dependence upon seafood imports. We hope you will continue to support our nation's sustainable fisheries and fishing communities by ensuring that fishing in the U.S. EEZ continues to be managed through the MSA.

Respectfully,



Carlos Farchette, Chair
Caribbean Fishery Management Council



Dan Hull, Chair
North Pacific Fishery Management Council



Kevin Anson, Chair
Gulf of Mexico Fishery Management Council



Dorothy Lowman, Chair
Pacific Fishery Management Council



Richard Robins, Chair
Mid-Atlantic Fishery Management Council



Michelle Duval, Chair
South Atlantic Fishery Management Council



E.F. "Terry" Stockwell III, Chair
New England Fishery Management Council



Edwin Ebisui Jr., Chair
Western Pacific Fishery Management Council

Enclosure: CCC May 24-26, 2016, Marine National Monuments Resolution
Marine Protected Areas Established by Regional Fishery Management Councils
Antiquities Act of 1906
Celebrating 40 Years of Regional Fisheries Management booklet

CC: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Penny Pritzker, U.S. Secretary of Commerce
Sally Jewel, U.S. Secretary of the Interior
Senator Lisa Murkowski, Chair, U.S. Senate Committee on Energy and Natural Resource
Congressman Rob Bishop, Chair, US House Committee on Natural Resources



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Dorothy Lowman, Chair
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Outcomes Statement and Recommendations

Council Coordination Committee

MARRIOTT BEACH RESORT
ST. THOMAS, U.S.V.I.
MAY 24-26, 2016

Marine National Monuments

The Council Coordination Committee (CCC) notes the successes of the Magnuson-Stevens Fishery Conservation and Management Act in managing fishery resources of the United States as well as the marine ecosystems of the United States Exclusive Economic Zone (EEZ) and the CCC recognizes that there have been a number of proposals regarding the designation of new, or the expansion of existing, Marine National Monuments within the U.S. EEZ.

Whereas, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) was originally passed by Congress in 1976 for the specific purpose of sustainably managing the nation's fishery resources to provide a food source, recreational opportunities and livelihoods for the people of the United States;

Whereas Congress, in passing the Magnuson-Stevens Act, found that "Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation."

Whereas, the Magnuson-Stevens Act created eight Regional Fishery Management Councils that are charged with managing, conserving, and utilizing fishery resources as well as protecting essential fisheries habitat, minimizing bycatch, and protecting listed species within the United States Exclusive Economic Zone;

Whereas, through the implementation of the Magnuson-Stevens Act and through the actions of the Regional Fishery Management Councils, the United States has become a global leader in the successful management of its fishery resources and associated ecosystems in a proactive sustainable manner;

Whereas, the Regional Fishery Management Councils and the National Marine Fisheries Service have made great strides in managing fisheries in an ecosystem-based manner;

Whereas, the Magnuson-Stevens Act requires that fisheries management actions be developed through a public process, in a transparent manner, and based on the best scientific information available;

Whereas, the Regional Fisheries Management Councils and the National Marine Fisheries Service manage fisheries stocks throughout their range and concerns have been raised that designations such as marine monuments may disrupt the ability of the Councils to continue to manage fisheries throughout their range and in an ecosystem-based manner;

Whereas, the designation process of marine national monuments under the Antiquities Act of 1906 does not explicitly require a robust public process or that decisions be based on a



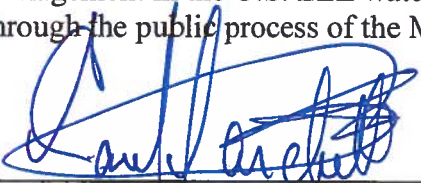
science-based environmental analyses, and does not require fishery management or conservation as an objective;

Whereas, the Regional Fishery Management Councils have a strong history of implementing spatial habitat and fisheries conservation measures (over 1000 individual spatial management measures) in a public, transparent, science-based manner through the Magnuson-Stevens Act.

Whereas, concern has been raised that decisions to close areas of the U.S. EEZ, through statutory authorities such as through the Antiquities Act of 1906, may not take into account requirements to achieve optimum yield (OY) from the Nation's fishery resources, may negatively affect domestic fishing jobs, recreational opportunities and undermine efforts by the Regional Fishery Management Councils to develop and implement ecosystem-based management;

Therefore be it resolved, the CCC reiterates its support for the public, transparent, science-based process and management required by the Magnuson-Stevens Fishery Conservation and Management Act.

Therefore be it further resolved, the CCC recommends that if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906 that fisheries management in the U.S. EEZ waters continue to be developed, analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.



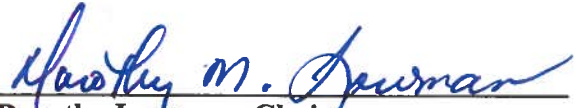
Carlos Farchette, Chair
Caribbean Fishery Management Council



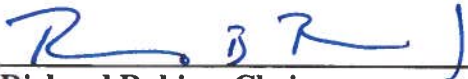
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Pacific Fishery Management Council



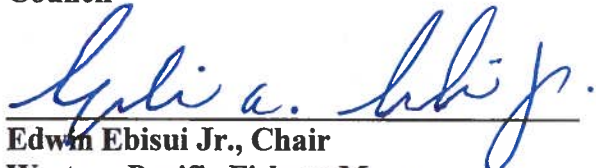
Richard Robins, Chair
Mid-Atlantic Fishery Management Council



Michelle Duval, Chair
South Atlantic Fishery Management Council



E.F. "Terry" Stockwell III, Chair
New England Fishery Management Council



Edwin Ebisui Jr., Chair
Western Pacific Fishery Management Council



Marine Protected Areas Established by the U.S. Regional Fishery Management Councils

72% of the nation's marine waters are protected by spatial management measures established through the scientifically based and transparent public process of the Magnuson-Stevens Act

- **The New England Council** established **8,923 square miles** (roughly the size of New Jersey) of habitat and groundfish management areas that restrict fishing activity, such as mobile bottom tending gear.
- **The Mid Atlantic Council** protects **4,600 square miles** through its Northern and Southern Scup Gear Restricted Area (GRA) and **177 square miles** through its Tilefish GRA. The proposed Frank R. Lautenberg Deep Sea Coral Protection Area would cover an additional **38,200 square miles**.
- **The South Atlantic Council** protects **24,697 square miles** as Coral Habitat Areas of Particular Concern and Marine Protected Areas/Special Management Zones in the South Atlantic where bottom-tending gear (bottom trawls, traps, rock-hopper rigs, bottom longline gear, etc. are prohibited. Proposed Spawning Special Management Zones will be submitted for formal review in June 2016.
- **The Gulf of Mexico Council** protects **214,000 square miles** through closures and gear restrictions.
- **The Caribbean Council** has established **869 square miles** of protected area.
- **The Pacific Council** protects **130,000 square miles** (about 42% of the US exclusive economic zone waters off the West Coast) from bottom trawling and, in some cases, other types of bottom contact fishing.
- **The North Pacific Council** has closed more than **600,000 square miles** of waters (66% of the area managed by the North Pacific Council) to all fishing or to bottom tending gear to protect habitat, marine mammals and spawning/nursery areas.
- **The Western Pacific Council** closed its entire **2.2 million square miles** of waters (100% of the area managed by the Western Pacific Council) to bottom tending gears, explosives and poisons. It also established spatial management measures covering **397,667 square miles** (about 18% of its jurisdiction) to protect a range of habitats, ecosystems and species, such as deep-water coral, coral reefs, lobsters and Hawaiian monk seals.

American Antiquities Act of 1906

16 USC 431-433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fied unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906