



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

September 20, 2018

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

Dear Mr. President,

We respectfully request that you allow US fishermen to fish in US waters currently closed by previous presidents through marine national monument designations using the Antiquities Act of 1906. Prior to being closed, these waters were sustainably managed by Regional Fishery Management Councils through the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA).

The United States has the second largest exclusive economic zone (EEZ) in the world, yet imports 90% of its seafood. In the US Pacific Islands, which constitutes half of the US EEZ, more than half of the waters are closed to commercial fishing because of marine national monuments. In Hawaii alone, the closed area is twice the size of Texas. Highly regulated US fishermen are now forced to fish on the high seas competing alongside less monitored foreign fleets. To say the protectionists went too far and punished American fishermen is an understatement.

The US fishing industry faces additional impending restrictions both abroad and at home. For example, on the international level, the negotiation on the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) proposes to close the high seas to commercial fishing.

US Pacific island fisheries that are banned in marine national monuments and threatened by high seas closures are worth nearly a half a billion dollars in ex-vessel (i.e., landed) value.

The MSA effectively protects marine biodiversity while allowing sustainable fishing. Please open US waters to US fishermen.

Sincerely,

John Gourley  
Acting Chair  
CNMI Vice Chair

Dean Sensui  
Hawaii Vice Chair

Archie Soliai  
American Samoa  
Vice Chair

Michael Duenas  
Guam Vice Chair

Attachments: Informational briefs and correspondence

cc: Mary Neumayr, Acting Chair/Chief of Staff, Council on Environmental Quality

## List of Attachments

Number	Document	Date
1.	<ul style="list-style-type: none"> <li>Letter from Members of Congress to President Trump with recommendations on actions related to monuments including removal of fishing provisions in marine monuments</li> </ul>	November 9, 2017
2.	<ul style="list-style-type: none"> <li>Letter from Governors of American Samoa, Guam, and Northern Mariana Islands to President Trump requesting removal of marine monument fishing provisions</li> </ul>	March 3, 2017
3.	<ul style="list-style-type: none"> <li>Letter from Governors of Guam and Northern Mariana Islands to President Trump noting that the Marianas Trench monument was not included in Secretary Zinke's recommendations</li> </ul>	October 2, 2017
4.	<ul style="list-style-type: none"> <li>Letter from Members of Congress (Bishop and Radewagon) to President Trump requesting removal of marine monument fishing provisions</li> </ul>	March 7, 2017
5.	<ul style="list-style-type: none"> <li>Informational Brief: Hawaii and US International Seafood Trade Deficit</li> </ul>	October 2017
6.	<ul style="list-style-type: none"> <li>NMFS Pacific Islands Fisheries Science Center report on potential economic impacts of the Papahānaumokuākea Marine National Monument Expansion</li> </ul>	March 8, 2017
7.	<ul style="list-style-type: none"> <li>Letter from the 8 Regional Fishery Management Councils to Secretaries Zinke and Ross</li> </ul>	May 16, 2017
8.	<ul style="list-style-type: none"> <li>Articles by Professor Ray Hilborn</li> </ul>	September 20, 2018
9.	<ul style="list-style-type: none"> <li>Maps and figures</li> </ul>	Not dated
10.	<ul style="list-style-type: none"> <li>Letter from the Hawaii Longline Association to President Trump</li> </ul>	September 17, 2018

**For correspondence supporting removal of monument fishing provisions, please visit <http://www.wpcouncil.org/nwhi-fisheries-2/>:**

<ul style="list-style-type: none"> <li>Letter from WPFMC to President Trump providing impacts from marine monuments on US fisheries</li> </ul>	February 23, 2017
<ul style="list-style-type: none"> <li>Letter from WPFMC to President Trump requesting removal of the monument fishing provisions in the Marine National Monuments and summarizing monument impacts.</li> </ul>	April 14, 2017
<ul style="list-style-type: none"> <li>Governor of American Samoa letter to Secretary Zinke</li> </ul>	June 6, 2017
<ul style="list-style-type: none"> <li>Governor of American Samoa letter to then Secretary Tillerson</li> </ul>	June 5, 2017
<ul style="list-style-type: none"> <li>Governor of CNMI to Secretary Zinke</li> </ul>	July 11, 2017
<ul style="list-style-type: none"> <li>Letter from WPFMC regarding EO 13792</li> </ul>	June 30, 2017
<ul style="list-style-type: none"> <li>Letter from WPFMC regarding EO 13795</li> </ul>	July 19, 2017
<ul style="list-style-type: none"> <li>Letter from WPFMC to Secretary Ross including extensive record of opposition and impacts regarding marine monument designations</li> </ul>	May 9, 2017

**Congress of the United States**  
**Washington, DC 20515**

November 9, 2017

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20002

Dear President Trump:

We write in order to provide you our comments and recommendations with regards to the 27 land and marine monuments placed under review at the behest of your [Executive Order \(EO\) 13792](#) issued on April 26, 2017. We applaud your decision to initiate a review in the first place – far from being unprecedented, monuments have been shrunk 12 times in the past by Presidents. We wish to make clear in this letter the overwhelming need expressed to us by stakeholders, state and local lawmakers and citizens alike for comprehensive revisions to many of the monuments in question, as well as to indicate which monuments under review appear consistent with the Antiquities Act as designated. We sincerely appreciate your interest in giving review to a process that has been abused and subsequently unaccountable to the American people.

The story of the majority of these monuments is one in which a former President – hoping to cement his legacy, or bowing to pressure from special-interest groups – unilaterally sequesters away thousands and even millions of acres of land from use by the stroke of a pen. The Act has been repeatedly misused in this way by presidents who neglected to provide appropriate notice or solicit local input before issuing proclamations – effectively depriving those affected of any chance to make their case. It is incumbent on those with great power to exercise a corresponding level of responsibility – but in the case of government, we observe that responsibility is too rarely exercised when the power in question is unfettered. Though Congressional reform of the Antiquities Act is in order, Executive review can right many past wrongs immediately.

As a consequence of these oversteps, the number of important projects which would grow the economy and boost employment, but which have shuttered due to overzealous monument designations, is uncountably large. Concerns about restricted use are especially relevant in Western states. The federal government owns and controls *47% of all land* in Western states. In order to sustain government revenues and maintain a semblance of a vibrant economy, these states rely on multiple-use arrangements. But the result of the monuments of recent decades is too often to halt energy development, trample on water rights, neglect wildfire prevention work, and ignore grazing rights, hunting, fishing, and Off Highway Vehicle (OHV) use. Not only is it the result, but it is the motivation behind supermassive monuments in the first place. In these cases, protection of “objects of historic or scientific interest” only enters the picture afterwards.

With massive designations, objects in legitimate need of protection are imperiled too. We lack the resources to protect and patrol monuments that are hundreds of millions of acres in size. The worry that monument designation can bring counterproductive public attention to sensitive spaces which would otherwise be left untouched has often proved legitimate.

Presidents from both sides of the aisle have used the stroke of a pen to unilaterally lock up hundreds of millions of acres. According to the House Committee on Natural Resources, previous Presidents have designated or enlarged monuments 233 times to lock-up a total of 840.4 million acres of land and water. This is an area roughly 10 times the size of the entire National Park System.<sup>1</sup> Since 1996, the Act has been used by Presidents 26 times to create monuments over 100,000 acres or more.

Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for monuments President Obama designated to exceed one million acres in size. President Obama abused the Antiquities Act more than any other president in history, designating or expanding 34 national monuments and locking-up 553.6 million acres of total land and water.

As a businessman whose goals as President include bringing back a vibrant economy, we know you understand the obvious problems with how the Antiquities Act was misused. The major roadblock to job creation and economic prosperity in our country is not deficient work ethic or lack of ingenuity on the part of the American people. The issues are an all-too-powerful federal government, an expansive bureaucracy, and dictatorial land-use decisions that intentionally block economic development opportunities.

Along these lines, the Antiquities Act has morphed into an astonishing example of bad governance in our otherwise great country. Major land-use policies should come as a consequence of policy leaders, legislatures, industries and the American people coordinating around an established problem so the resolution represents a balance of interests – one that swings overall in the public’s favor due to the broad representation comprising it. Most of the 27 monuments in question represent just the opposite – and accordingly, they are worse than merely bad economic policy. They are affronts to our very mode of governance. We must remember that we are the envy of nations around the world precisely because our system, operating properly, prevents the arbitrary use of power for personal gain and the confiscation of property.

Powerfully vocal special-interest groups have been undeniably effective in mobilizing their contributors to flood public comment periods in favor of these monuments under review. Many of the petitioners are motivated, quite commendably, to “protect our public lands,” and have been told that the proper way to do this is through gigantic monuments. While preservation of our interior is something we all care about, we are concerned that the volume of the megaphones of well-funded interest-groups – whose contributors have often never visited the locations in question – have drowned out the voices of local officials and stakeholders suffering demonstrated harm. Generic form comments prompted by extremist groups should be given low credence as a result. Furthermore, many average working Joes and blue collar folks are not familiar with the Federal Register, comment period and pending deadlines. Their voices should not be forgotten or ignored because of a bureaucratic process established by the federal government.

We have used a simple framework to determine whether a given monument should be retained as-is. The boundaries of the monument must be compliant with the statute – that is, in keeping

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<sup>1</sup> [https://naturalresources.house.gov/uploadedfiles/markup\\_memo\\_-\\_hr\\_3990\\_on\\_10.11.17.pdf](https://naturalresources.house.gov/uploadedfiles/markup_memo_-_hr_3990_on_10.11.17.pdf)

with the “smallest area compatible with proper care and management of the objects” clause of the Antiquities Act – and they must also be of demonstrated scientific or historic interest. These are two essential legal justifications for a monument, but the vast majority of the 27 in question appear to violate one or both requirements. As such, the parameters forming our consensus necessarily demand the shrinkage or rescission of a majority of the monuments under review. This is not to say that some of the areas in question should not be considered for other kinds of protection – as National Parks, for example – only that their boundaries are noncompliant with the Act in question.

We are steadfast carriers of the conservationist legacy carried out by the likes of Teddy Roosevelt and many others. The conservationist tradition centers around the notion of collective responsibility, and the principle that *we the people* collectively decide the lands we must preserve for ourselves and for posterity. A glance at the circumstances surrounding the offending monuments shows that conservationism, common sense, and business-friendly land use policy have been run roughshod in the process of their declaration.

One dispiriting aspect of lawmaking in Washington is the way that status-quo complacency and self-enriching motivations allow bad policy to become a drain on the economy and a temper on the American spirit for decades at a time. And yet, an inspiring part of your Presidency is that it demonstrates that mediocre policy having been a feature of the past does not mean it has to be determinant of our nation’s future. In these considerations we recall Teddy Roosevelt’s words, immortalized in his speech “True Americanism,” which jump off the page for their present relevance: “What is true of patriotism and reform is true also of Americanism. There are plenty of scoundrels always ready to try to belittle reform movements or to bolster up existing iniquities in the name of Americanism; but this does not alter the fact that the man who can do most in this country is and must be the man whose Americanism is most sincere and intense.”

We’re pleased that this letter has been endorsed and is supported by the American Farm Bureau, the Americans for Responsible Recreation Access, the National Cattlemen's Beef Association and the Public Lands Council.

Your decision is important to so many of our constituents throughout the country who share our concerns. We are encouraged by your dedication and commitment to ensuring proper application of the Antiquities Act, and are pleased to provide the following analysis of the 27 monuments currently under your review. We ask that you take these recommendations to heart and that you not be deterred by a few vocal special-interests groups from finishing what you set out to accomplish with this review. In order to correct egregious abuse by previous presidents, you must think big and act even bigger!

### **Comments on National Monuments Under Initial Review**

#### ***Basin and Range, Nevada***

Designated in 2015, the Basin and Range National Monument is larger than the state of Rhode Island at 704,000 acres, and is known to have been declared as a personal favor to

then-Senate Minority Leader Harry Reid. According to a former Obama adviser, “it is only due to Harry Reid that [Basin and Range] is getting done.”<sup>2</sup>

The federal government already owns more than 80 percent of Nevada’s land. However, the vast majority of that land belongs to the Bureau of Land Management (BLM) operated under the multiple-use doctrine. The designation of monuments like the Basin and Range wall off lands crucial to recreation, grazing and resource development. The Nevada Farm Bureau (NVFB) expressed concerns that “the designation will make those preservation efforts more difficult and will negatively affect local ranchers who diligently conserve the land while feeding our growing population... This decision eliminated local input of those individuals who are directly affected by the designation and who possess the expertise to make decisions about lands in Nevada.”<sup>3</sup>

Nye County Commissioner Lorinda Wichman called the monument “an excellent example of hypocrisy” noting that it was Senator Reid “that insisted we must have a consent-based location for the nation’s spent nuclear fuel and it was our former senior senator that gifted us with a monster of a monument without consent.”<sup>4</sup> Similarly, Lincoln County Commission Chair Kevin Phillips called the monument “disgusting... loathsome... illegal... [and] unfair,”<sup>5</sup> in recounting the county’s years-long fight to prevent a monument.

The boundaries designated crucially fail to meet the requirements for a monument in the Antiquities Act, which specifically requires national monuments to protect objects of antiquity. The City, one of the most prominent “objects” in the monument, is a modern art installation on a mile and a half stretch of private land.<sup>6</sup> Additional antiquities include petroglyphs that already receive protection under the National Register of Historic Places and as Wilderness Areas.<sup>7</sup> These areas, which are already protected, are only a few acres total out of the 700,000 acre monument.

**Recommendation:** We recommend the Basin and Range National Monument be “confined to the smallest area compatible with proper care and management of the objects to be protected,” approximately 2,500 acres in our estimation, in coordination with state and local stakeholders. The mapped recommendation of these stakeholders along with an alternative compromise have been submitted to both the Department of Interior and the White House.

### *Bears Ears, Utah*

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<sup>2</sup> [https://www.washingtonpost.com/politics/with-obamas-help-harry-reid-leaving-an-indelible-mark-in-the-nevada-desert/2015/07/07/8131bd88-1e75-11e5-aeb9-a411a84c9d55\\_story.html?utm\\_term=.f0ba83cd7988](https://www.washingtonpost.com/politics/with-obamas-help-harry-reid-leaving-an-indelible-mark-in-the-nevada-desert/2015/07/07/8131bd88-1e75-11e5-aeb9-a411a84c9d55_story.html?utm_term=.f0ba83cd7988)

<sup>3</sup> <http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/>

<sup>4</sup> <http://pvtimes.com/nevada-basin-and-range-reversal-won-t-bolster-yucca-mountain>

<sup>5</sup> <http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/>

<sup>6</sup> Nevada Association of Counties, “Designation on National Monuments Using the Antiquities Act”, April 2016. <http://www.nvnaco.org/wp-content/uploads/4-13-16-FINAL-White-Paper-Antiquities-Act-Basin-and-Range1.pdf>

<sup>7</sup> Ibid.

As the final hours of the Obama Administration wound down, monument designations ramped up. President Obama designated the Bears Ears National Monument (BENM), spanning 1.3 million acres on December 28, 2016 despite vehement opposition to the monument by tribal, local, state and congressional stakeholders. The concept of the monument arose from a brain-trust meeting of environmental groups in San Francisco. Knowing that there could be strong tribal opposition to a monument in southeastern Utah, stopped using a tribal name for the initiative, instead opting for “Bears Ears.”<sup>8</sup> In fact, San Juan County Commissioner Rebecca Benally, a Diné and Navajo woman stated, “Bears Ears National Monument campaign is a cynical political stunt that...will deny grass roots Utah Navajos access to their sacred spiritual grounds...Traditional Utah Navajo people are not magazine environmentalists but are real stewards of the land whose interests will be destroyed by a [BENM].”<sup>9</sup>

Equally troubling, 109,000 acres of Utah School and Institutional Trust Administration (SITLA) land were locked up with this declaration.<sup>10</sup> SITLA land generates revenue from mineral and energy development, forestry activities and grazing. This revenue is then deposited into the State School Fund that supports the state’s K-12 public education system. Locking up SITLA land has sweeping repercussions for the education system and schoolchildren statewide. Equally troubling, Energydesk estimates that 90% of Bears Ears sits above potential oil and gas leases.<sup>11</sup>

A locally-driven, comprehensive land management bill, the Utah Public Lands Initiative Partner Act, was introduced last Congress by House Committee on Natural Resources Chairman Rob Bishop (UT-01) and Rep. Jason Chaffetz (UT-03) in an effort to build a consensus to solve some of the most challenging land use issues, including protections for certain areas of the Bears Ears region. Instead of negotiating in good faith with Members of Congress, the administration waited until the last moment to designate this national monument, over the strong objections of the Congressional delegation. Despite promising to give the tribes important authorities, such as co-management authority, the executive designation failed to include this provision or engage with the tribes in any meaningful way.

As Secretary Zinke accurately noted, the Bears Ears Proclamation also failed to “prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

Overwhelming opposition to BENM is evidenced by the fact that a mere 17 percent of Utahans favored the designation according to a scientific poll.<sup>12</sup> Further, the entirety of the Utah Congressional delegation voiced unanimous support of the rescission of the

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<sup>8</sup> <http://conservationlands.org/wp-content/uploads/2015/05/Fall-2014-meeting-minutes.pdf>

<sup>9</sup> [https://naturalresources.house.gov/uploadedfiles/testimony\\_benally.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_benally.pdf)

<sup>10</sup> <https://trustlands.utah.gov/109k-acres-of-school-trust-land-captured-in-bears-ears-national-monument/>

<sup>11</sup> <http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/>

<sup>12</sup> <http://utahpolicy.com/index.php/features/today-at-utah-policy/9551-poll-only-17-of-utahns-want-obama-to-designate-bears-ears-as-a-national-monument>

monument and called for “the establishment of a new precedent for designating national monuments – one that corrects past abuses and remains consistent with the original intent of the Antiquities Act.”<sup>13</sup> We concur with this sentiment and encourage this tack.

**Recommendation:** We recommend total rescission of the Bears Ears National Monument.

### *Berryessa Snow Mountain, California*

Berryessa Snow Mountain National Monument (Berryessa) designated by President Obama in 2015, consists of 330,780 acres in northern California. President Obama falsely claimed the boundaries of this monument were “confined to the smallest area compatible with proper care and management of the objects to be protected.” We disagree with that claim.

According to a column in the Lake Berryessa News, “The original proposal for some form of federal designation for a small part of Northern California ballooned into an attempt to create a large conglomerate National Conservation Area stretching across most of Northern California. When the NCA proposal met strong resistance by local governments and citizens groups, it could not move forward on its own merits. The strategy of the proponents then turned to having President Obama create a National Monument in the final days of his presidency.”<sup>14</sup>

The Lake Berryessa Chamber of Commerce voted to oppose the creation of this monument. Chamber President Craig Morton stated, “It is a geographically and ecologically incoherent patchwork of federal parcels. Lake Berryessa is not even geographically connected on the map to the rest of the proposed National Monument, which stretches far into Northern California. The eastern boundary of the map is coincident with the borders of Glenn and Colusa counties. The reason is political, not ecological.”<sup>15</sup>

This misguided effort was pushed by extremist special-interest groups and does not warrant national monument status.<sup>16</sup>

**Recommendation:** We recommend a total rescission of the Berryessa National Monument.

### *Canyons of the Ancients, Colorado*

Designated by President Clinton in 2000, Canyons of the Ancients (Canyons) is an example of the judicious and restrained application of the Antiquities Act. Canyons has an extremely high density of archeological sites with roughly 6,000 sites already recorded, and an estimated total of 20,000-30,000 sites within the 175,160-acre monument. According to BLM, “lands within and around the Monument have been used

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<sup>13</sup> <https://www.hatch.senate.gov/public/index.cfm/2017/5/hatch-congressional-delegation-urge-full-rescission-of-bears-ears-in-letter-to-zinke>

<sup>14</sup> <http://lakeberryessanews.com/berryessa-snow-mountain.html>

<sup>15</sup> <http://www.dailydemocrat.com/article/ZZ/20150114/NEWS/150117514>

<sup>16</sup> <http://www.sierraclub.org/redwood/berryessa-snow-mountain-national-monument>

or inhabited by humans, including the Northern Ancestral Puebloan culture, for 10,000 years, and continue to be used by humans today. Historic uses of the Monument include recreation, hunting, livestock grazing and energy development.”<sup>17</sup>

On May 23, 2017, Senator Cory Gardner (R-CO) and Congressman Scott Tipton (CO-03) sent you a letter regarding the monument stating, “Any review of Canyons should conclude that no changes to the designation are necessary.”<sup>18</sup> We concur with their assessment and encourage the preservation of Canyons of the Ancients as designated by President Clinton. Further, we applaud the proper application of the Antiquities Act in designating the smallest area compatible with proper care and management of the object to be protected.

**Recommendation:** We recommend no changes to the boundaries of the monument.

### *Carrizo Plain, California*

In 1988, BLM, the California Department of Game and Fish, and the Nature Conservancy purchased 82,000 acres of land to preserve the area known as Carrizo Plain and in 1996 formed a joint initiative called the Carrizo Plain Natural Area Plan. Eight days before the end of his administration, President Clinton designated 204,107 acres of land as the Carrizo Plain National Monument (CPNM).

Despite bipartisan legislation to protect and preserve the plan in coordination with local stakeholders<sup>19</sup>, President Clinton turned to the Antiquities Act in an effort to block any oil and gas exploration, once again using the stroke of a pen to unilaterally cut Congress and the will of the people out of the conversation.

The nonpartisan Energy Information Administration estimates that more than a quarter of the 204,107-acre monument sits above rich fossil fuel basins.<sup>20</sup> BLM estimated in 2010 that there were 45 oil wells within the monument, 15 wells were actively in production and that giant fields with billions of barrels of reserves surround the monument.<sup>21</sup>

**Recommendation:** We recommend the reduction of the Carrizo Plain National Monument consistent with the original Carrizo Plain Natural Area Plan, that the Monument be revised in order to allow responsible American energy production and “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders.

### *Cascade Siskiyou, Oregon*

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<sup>17</sup> <https://www.blm.gov/programs/national-conservation-lands/colorado/canyons-of-the-ancients>

<sup>18</sup> [http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton\\_Canyons%20of%20the%20Ancients.pdf](http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton_Canyons%20of%20the%20Ancients.pdf)

<sup>19</sup> <https://www.congress.gov/bill/106th-congress/house-bill/1751?q=%7B%22search%22%3A%5B%22lois+capps%22%5D%7D>

<sup>20</sup> <http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/>

<sup>21</sup> <http://www.npshistory.com/publications/blm/carrizo-plain/rod-rmp-2010.pdf>

During the waning days of his administration, President Obama expanded the Cascade Siskiyou National Monument (CSNM) by 47,624 acres. The original monument unilaterally designated by President Clinton comprised 52,000 acres, allowed for grazing leases to be retired and prohibited vegetative management as well as timber harvesting.

The American Forest Resource Council and BLM identified the lands within the CSNM expansion as being at high risk for wildfire.<sup>22</sup> Despite these facts and other science-based pleas not to designate more land within the region as a national monument, President Obama placed legacy-building above the safety of communities and forests when expanding CSNM.

Natural Resources Chairman Rob Bishop aptly noted that “The local communities did not vote for this and do not support it. When they fought to prevent it, the president looked the other way. He didn’t listen or care. It’s clear this decision was self-serving. It was made to dignify national special interests rather than the people impacted. Our committee will fight to make local voices heard and undo the damage created by the president’s unrelenting abuse of power.”<sup>23</sup>

This unilateral designation took millions of acres of board feet that had already gone through the environmental process out of production and is already causing significant harm to communities in Oregon. In fact, 18 counties filed a lawsuit as a result of President Obama’s expansion. “Douglas County stands to lose the most. That’s because the county takes the biggest share of receipts from timber harvested on O&C timberlands, and the monument’s expanded boundaries swallow up about 40,000 acres of those lands. Because it’s a national monument — managed much like a national park — the forests on those lands would be locked up and unavailable for timber harvests...Douglas County Commissioner Tim Freeman said a rough estimate is that those lands could have brought \$2.5 million a year into the county’s general fund. That’s more than the annual cost of the library system which is about to shut down for lack of funds.”<sup>24</sup>

Chairman Bishop and the Members of Congress who represent the area in question predicted this occurrence and sent a letter to President Obama urging him not to expand CSNM warning of the devastating impacts a designation would have on forest health and water abundance.<sup>25</sup> This plea that was arrogantly ignored.

Rep. Greg Walden (OR-02) put out a strong statement denouncing President Obama’s action stating, “The outgoing administration is locking up more of our public lands through a process that cut out many in the surrounding communities. I will work with the Trump Administration to do what we can to roll back this midnight expansion.”<sup>26</sup>

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<sup>22</sup> [https://naturalresources.house.gov/uploadedfiles/american\\_forest\\_resource\\_council\\_letter.pdf](https://naturalresources.house.gov/uploadedfiles/american_forest_resource_council_letter.pdf)

<sup>23</sup> <https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=401463>

<sup>24</sup> [http://www.nrtoday.com/news/government/douglas\\_county\\_government/o-c-counties-sue-feds-over-cascade-siskiyou-monument-expansion/article\\_b924d117-5783-546a-abcf-9095e96f78f8.html](http://www.nrtoday.com/news/government/douglas_county_government/o-c-counties-sue-feds-over-cascade-siskiyou-monument-expansion/article_b924d117-5783-546a-abcf-9095e96f78f8.html)

<sup>25</sup> [https://naturalresources.house.gov/uploadedfiles/letter\\_to\\_wh\\_natl\\_monument\\_designation.pdf](https://naturalresources.house.gov/uploadedfiles/letter_to_wh_natl_monument_designation.pdf)

<sup>26</sup> <http://www.opb.org/news/article/cascade-siskiyou-monument-expansion-obama/>

In addition, we believe the administration also ignored compelling evidence that this designation was illegal and ignored the will and intent of Congress by violating the Oregon and California Revested Lands Sustained Yield Management Act. According to a 1940 opinion from DOI Solicitor General Nathan R. Margold, “There can be no doubt that the administration of the lands for national monument purposes would be inconsistent with the utilization of the O&C lands as directed by Congress. It is well settled that where Congress has set aside lands for a specific purpose the President is without authority to reserve lands for another purpose inconsistent with that specified by Congress.”<sup>27</sup>

Congress specifically mandated that these lands be used for sustained yield and permanent forest production and the Department should rescind any designation that conflicts with the clear intent of Congress.

As Secretary Zinke accurately noted, the Cascade Siskiyou Proclamations also failed to “to reduce impact on private lands and remove O&C lands to allow sustained yield timber production” as well as “prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

**Recommendation:** We recommend a complete rescission of the Clinton-era and Obama-era Cascade Siskiyou National Monument designations.

### *Craters of the Moon, Idaho*

The Craters of the Moon National Monument was first established by Presidential Proclamation in 1924 and originally comprised 54,000 acres. Following the recommendation of then Secretary of the Interior Bruce Babbitt, President Clinton expanded the boundaries of the monument to comprise a total acreage of 661,287 acres in 2000.

Public and political support for the monument was contested after President Clinton expanded the monument in 2000 for reason of local stakeholders lacking input into the decision and bypassing Congress. However, after Representative Mike Simpson introduced corrective legislation, a broad swath of interested parties felt their concerns had been addressed once his bill became law in 2002. Craters of the Moon now operates under a management plan that is satisfactory for the purposes and stakeholders involved as a result.

Craters of the Moon is comprised of, in the words of Secretary Zinke, “a living timeline of the geologic history of our land on the Great Rift.” It is a location of scientific and historic interest alike, and the timeless and instructive objects it contains clearly merit designation. Finally, its preservation needs are readily addressed with the requirements and protections imposed by designation as a monument.

**Recommendation:** We recommend no changes to the Craters of the Moon monument.

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<sup>27</sup> Department of the Interior Solicitor General Nathan R. Margold, M. 30506, 03/09/40, pgs. 3-4.

### ***Giant Sequoia, California***

The unique beauty of the Sierra and Sequoia National Forests is undeniable. However, despite lacking local and congressional support, President Clinton designated the 327,760-acre Giant Sequoia National Monument in 2000. While well intentioned, this designation had the adverse effect of putting the Giant Sequoia groves in imminent risk of destruction due to catastrophic wildfire as a result of the lack of active management in the surrounding forest. In order to maintain the health and safety of this forest, not to mention its scenic and historic beauty, responsible, active forest management must be a priority.

In Clinton's Presidential Proclamation, the monument was subject to valid existing rights and authorized the removal of trees for the purposes of "ecological restoration and maintenance or public safety."<sup>28</sup> Since that time, frivolous lawsuits have prevented such maintenance of the forest and legislation to pursue such endeavors has stalled.<sup>29,30</sup> In order to preserve the Sierra and National Forests and the Giant Sequoia (*Sequoiadendron giganteum*) groves, it is essential that active management take place in the surrounding forest to reduce hazardous fuels and the risk of catastrophic wildfire.

**Recommendation:** We recommend a reduction of the Giant Sequoia National Monument so that the monument is "confined to the smallest area compatible with proper care and management of the objects to be protected" in coordination with state and local stakeholders. Further, any review ought to consider and implement policies for active forest management so as to preserve the monument for generations to come.

### ***Gold Butte, Nevada***

In the last month of his administration, President Obama designated 296,937 acres in southeastern Nevada as the Gold Butte National Monument (GBNM) without the support of state or local stakeholders and in opposition to nearly all of Nevada's Congressional delegation. The Presidential Proclamation explicitly banned grazing.

Like the Basin and Range National Monument, this designation came at the urging of former Senator Harry Reid as political retribution to the Bundy family, which once grazed in the area. It is irresponsible for the executive branch to use its power for this purpose, yet nonetheless President Obama designated this area during the waning days of his administration to appease Senator Reid and to rebuke to the Bundy family.

Nevada Governor Brian Sandoval observed that, "[The monument] bypassed Congress and the public. I believe that our Congressional delegation should have had a primary

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<sup>28</sup> <https://www.gpo.gov/fdsys/pkg/FR-2000-04-25/pdf/00-10312.pdf>

<sup>29</sup> <https://naturalresources.house.gov/uploadedfiles/duysentestimony07.27.06.pdf>

<sup>30</sup> <https://www.congress.gov/bill/109th-congress/house-bill/5760?q=%7B%22search%22%3A%5B%22%5C%22Giant+Sequoia+National+Monument%5C%22%22%5D%7D&result=1>

role in working to build consensus as has been accomplished successfully in the past.”<sup>31</sup> Senator Heller (R-NV) wrote a letter to President Obama informing him of the thoughtful ways in which Nevadans collaborate with state and local governments and stakeholders to develop management plans for their public lands, and urging him not to unilaterally lock up hundreds of thousands of acres with the stroke of a pen.<sup>32</sup> Unfortunately, this request and many others fell on deaf ears and President Obama created the Gold Butte National Monument.

Former Rep. Cresent Hardy (NV-04) stated, “If you want to protect the petroglyphs, and you want to designate that as the monument, that’s what the Antiquities Act was set up to do, is protect the minimum possible footprint of that of what you’re trying to designate. Not an extra 300,000 acres on top of the 50-100 acres that you could have protected.”<sup>33</sup>

As Secretary Zinke accurately noted, the GBNM Proclamation also failed to “protect historic water rights” as well as “prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

**Recommendation:** We recommend Gold Butte National Monument be “confined to the smallest area compatible with proper care and management of the objects to be protected,” approximately 2,500 acres in our estimation, in coordination with state and local stakeholders. The mapped recommendation of these stakeholders along with an alternative compromise have been submitted to both the Department of Interior and the White House.

### *Grand Canyon – Parashant, Arizona*

Designated in 2000, the Grand Canyon-Parashant National Monument (GCPNM) designation covers a staggering 1.01 million acres of land in northwestern Arizona. GCPNM is a glaring example of overreach that used the Antiquities Act as a scapegoat. According to a report by the Arizona Game and Fish Department (AZGFD), prior to the designation, BLM provided a map detailing an appropriate boundary for a possible monument. This map “encompassed approximately 570,000 acres. However when [GCPNM] was designated, the size almost doubled.”<sup>34</sup> A lack of sufficient public input or coordination with BLM and the massive increase in acreage indicate that the monument does not reflect the “smallest area compatible” and “provides evidence that coordination with affected state and local management agencies was severely lacking.”<sup>35</sup>

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<sup>31</sup> <http://gov.nv.gov/News-and-Media/Press/2016/Sandoval-Statement-on-Gold-Butte-Designation/>

<sup>32</sup> [https://www.heller.senate.gov/public/\\_cache/files/c12324dc-c094-49f7-8f81-9a0ea6379e27/11172016%20Heller%20Letter%20to%20President%20Obama%20on%20National%20Monument%20Designati....pdf](https://www.heller.senate.gov/public/_cache/files/c12324dc-c094-49f7-8f81-9a0ea6379e27/11172016%20Heller%20Letter%20to%20President%20Obama%20on%20National%20Monument%20Designati....pdf)

<sup>33</sup> <http://www.pbs.org/newshour/bb/gold-butte-national-monument-controversial-locals/>

<sup>34</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>35</sup> *Ibid.*

Additionally, it appears that then-Secretary of the Interior Bruce Babbitt wielded his position to inflict his own will on the state he once served as governor, albeit for little more than a year. Instead of coordinating with those who knew the area and its needs best, Secretary Babbitt ignored the legislative efforts of Congressman Bob Stump that would have preserved the “native biodiversity and ecological richness...while at the same time increasing public awareness, outdoor recreation use and enjoyment.”<sup>36</sup> Equally as important, “[Stump’s bill] preserved the ranching lifestyle and maintains existing, historic and traditional uses of the [land].”<sup>37</sup> The bill encompassed the aforementioned 570,000 acres.

Further troubling is the disruption to collaborative fish and wildlife management and recreational activities. By locking up 1.01 million acres from collaborative efforts to preserve multiple-use management plans, important stakeholders were cut out of the conversation and have suffered as a result. Additionally, at a time when DOI has a maintenance backlog of roughly \$15.4 billion (more than \$353.4 million of which belonging to the Grand Canyon National Park alone<sup>38</sup>), the designation of a national monument such as GCPNM places an unnecessary and often insurmountable administrative burden on an already stretched agency.

**Recommendation:** We recommend a total rescission of the Grand Canyon-Parashant National Monument.

### *Grand Staircase- Escalante, Utah*

Utah has fallen victim to legacy building and land grabs on a massive scale under both the Clinton and Obama Administrations. In 1996, President Clinton designated 1.7 million acres as the Grand Staircase – Escalante National Monument (GSENM), blatantly trampling the requirement to designate the “smallest area compatible.” Grazing, mineral royalties and coal reserve leases were jeopardized by this designation, having an extremely costly and detrimental effect on the economy of Utah. According to Democratic Carbon County Commissioner John Jones from Utah, when President Clinton failed to engage Utahans, much less give local officials any advance notice in the creation of the monument, he also “deprived the people of Utah and the nation of its cleanest low sulfur-high BTU coal supply across the Kaiparowits Plateau.”<sup>39</sup>

As a result, Utah taxpayers saw more than \$2 billion mineral lease royalties and 60 percent of their known coal reserves disappear before their eyes.<sup>40</sup> Like BENM, GSENM also included a significant amount of SITLA land, resulting in a huge socioeconomic loss to the State of Utah. According to the Utah Geological Survey, “the value of the

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<sup>36</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Parshant%20Stump%20Testimony.pdf>

<sup>37</sup> Ibid.

<sup>38</sup> <https://www.nps.gov/subjects/plandesignconstruct/loader.cfm?csModule=security/getfile&PageID=5547454>

<sup>39</sup> <https://naturalresources.house.gov/uploadedfiles/jonestestimony04-16-13.pdf>

<sup>40</sup> Ibid.

recoverable coal on School Trust lands [was] at least \$17 billion but could [have been] \$25 billion or more” with potential royalties worth \$1.4-2 billion.<sup>41</sup>

With regard to the public land grazing industry, the onerous restrictions placed on ranchers who historically managed the land are wreaking havoc on the range. Hal Hamblin, a fifth-generation rancher near GSENM noted, “We were told in [President Clinton’s] proclamation that...nothing would change on the monument pertaining to grazing, and that just isn’t true, because we can’t take care of the land. We can’t control the brush and the pinion and juniper, and we can’t even control the erosion, which is terrible out there.”<sup>42</sup>

Secretary Zinke noted, “The actual amount of cattle runs has decreased due to restrictions on activities that facilitate grazing, including moving water lines, vegetative management, erosion control measures, and maintenance of infrastructure such as fences and road. Motorized vehicle use is limited both by the GSENM Proclamation and the Management Plan...Areas encompassed within the GSENM contain an estimated several billion tons of coal and large oil deposits.”

In his testimony before the House Committee on Natural Resources, David Eliason, Secretary/Treasurer of the Public Lands Council and Past President of the Utah Cattlemen’s Association, reminded Congress of the important role ranchers play: “[They] provide food and fiber for our nation, protect open spaces and critical wildlife habitat, and promote healthy watersheds for the public.”<sup>43</sup> Ranchers do not want to destroy the range, they want to conserve and preserve it.

GSENM lacked public support and outreach and was a gross abuse of the Antiquities Act. Maintaining the status quo of the monument has already had disastrous effects on Utah’s education, grazing, and energy sectors.

**Recommendation:** We recommend a total rescission of the Grand Staircase – Escalante National Monument.

### *Hanford Reach, Washington*

President Clinton established the Hanford Reach National Monument in 2000, which includes the last free-flowing, non-tidal stretch of the Columbia River in the U.S., as well as a biologically diverse landscape and wide spectrum of scientific and historic objects.<sup>[5]</sup>

More than 10,000 years of human history are preserved throughout the monument, a large majority of fall Chinook salmon are spawned within the waters of the Hanford Reach, and hundreds of prehistoric archeological sites have been recorded therein. The

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<sup>41</sup> Ibid. “A Preliminary Assessment of Energy and Mineral Resources within the Grand Staircase - Escalante National Monument”

<sup>42</sup> <http://www.stgeorgeutah.com/news/archive/2015/07/06/ccj-battle-cattle-controversy-grand-staircase-escalante-national-monument/#.WUKWcvnyuUk>

<sup>43</sup> <https://naturalresources.house.gov/uploadedfiles/eliasontestimony04-16-13.pdf>

<sup>[5]</sup> <https://www.gpo.gov/fdsys/pkg/WCPD-2000-06-12/pdf/WCPD-2000-06-12-Pg1322.pdf>

monument is a treasure that merits the protection and preservation provided by its designation as a national monument.

However, concerns regarding public access to areas of the Hanford Reach National Monument, particularly the summit of Rattlesnake Mountain, continue to persist after years of calls from the public to open the summit for access. The *Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015* included language calling for the Secretary of the Interior to instruct the U.S. Fish and Wildlife Service (FWS) to ensure public access to the summit, but FWS has still yet to do so. There is no reason the public should not be able to visit the summit—the mountain already includes a road to the summit where a communications tower stands. Washingtonians and all Americans deserve to have access to this historic national monument for educational, recreational, historical, scientific, and cultural purposes. It is vital that public access to federal lands, in the West and throughout the country, must not be obstructed.

**Recommendation:** We recommend no changes to boundaries of the Hanford Reach National Monument, but FWS must move forward with plans to increase public access to the monument, including to the summit of Rattlesnake Mountain.

### *Ironwood Forest, Arizona*

President Clinton created the Ironwood Forest National Monument in June 2000, locking up 128,917 acres of land, including a large amount of land that belongs to the Arizona State School Land Trust. This monument has caused harm to the common schools beneficiary, K-12 education. The monument proclamation explicitly prohibited future mineral and geothermal energy production. Further, the Ironwood Forest National Monument has enacted a complete ban on recreational shooting.

If you look at the boundaries of Ironwood monument, it encircles the Silver Bell Mine and several other mining claims. This was clearly a political designation in order to prevent mining. If this were not the case, the monument would be much smaller and only protect a few artifacts. Asarco had invested \$70 million prior to the monument designation in hopes to expand the mine. They will likely invest several hundred millions more, create jobs and grow the economy if the mine is no longer in the monument boundary. Countless other examples like this exist throughout the country.

AZGFD has expressed concerns regarding their ability to effectively manage the land that is incorporated in the monument. According to their June 1, 2017 response to this review of national monument designations, AZGFD has been unable to fully implement vital management activities such as: “fencing to protect wildlife habitats and/or restrict wildlife and fence removal...introduction, supplementation and/or translocations of native and/or naturalized species, predator control, Law Enforcement wildlife investigations and response to illegal wildlife activities.”<sup>44</sup>

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<sup>44</sup><http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

Furthermore, misguided monument resource management plans (RMPs) can lead to severe regulatory impediments that prevent the security of safe and reliable energy. Prior to the designation, electric cooperatives installed and maintained a transmission line in the area; however, under the adopted RMP for the monument, reparations and reconstruction of the line are nearly impossible. According to Tyler Carlson, the CEO of the Mohave Electric Cooperative, “When [a] line is no longer functional, it will have to be re-routed and any new capacity needed in that area will need to come from somewhere else at greater expense.”<sup>45</sup> This sort of red tape that faces AZGFD, job creators and electricity providers is unnecessary, costly and irrationally onerous.

**Recommendation:** We recommend a total rescission of the Ironwood Forest National Monument.

### *Katahdin Woods and Waters, Maine*

Katahdin Woods and Waters is the result of an unsuccessful campaign to accrue Congressional, state and local support for a national park in Maine. Roxanne Quimby, founder of Burt’s Bees and Elliotsville Plantation, purchased more than 100,000 acres in the state over the course of several years, making her one of Maine’s largest (private) landowners. On a quest to create a 3.2 million acre national park in the state, despite overwhelming opposition to the creation of a monument by three local communities, Ms. Quimby and her organization denied long-standing access to campers, burned down cabins and closed large areas of land to “hunters and snowmobilers who had long-relied on it for north-south access.”<sup>46</sup>

On August 23, 2016, Elliotsville Plantation donated nearly 88,000 acres and dedicated \$40 million to DOI on the condition President Obama unilaterally created a new national monument. One day after the donation, President Obama designated the Katahdin Woods and Waters National Monument. This type of pay-to-play politics cannot be condoned.

Additionally, the monument designation lacked state and federal support at nearly every echelon. In November 2015, Congressman Bruce Poliquin and Senators Collins and King wrote a letter to President Obama expressing, “serious reservations and significant concerns” about the proposed monument.<sup>47</sup> After learning of the Quimby family’s intention to circumvent congress and lobby the administration for a national monument, the Maine legislature enacted bipartisan legislation in April 2016 that required legislative approval for a designation in the state.<sup>48</sup>

Governor LePage testified before the House Committee on Natural Resources that, “Mainers understand the benefits of our 17 million acres of forests to our economy, and

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<sup>45</sup> <http://gosar.house.gov/sites/gosar.house.gov/files/Tyler%20Carlson%20testimony.pdf>

<sup>46</sup> <https://www.bostonglobe.com/magazine/2013/11/17/son-burt-bees-cofounder-leads-fight-for-maine-national-park/iQHv6w2s7fUJc6MBt6ZJSN/story.html>

<sup>47</sup> <https://poliquin.house.gov/media-center/press-releases/collins-king-poliquin-send-letter-president-possible-national-monument>

<sup>48</sup> <https://static.votesmart.org/static/billtext/56445.pdf>

we have historically been able to support the industries that rely on this land without interference from the federal government.”<sup>49</sup>

As Secretary Zinke accurately noted, “There are concerns that timber harvest and snow mobiling access will not be permitted” and the Proclamation failed to “prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

Maine’s state parks provide an excellent example of land conservation working in concert with commercial recreation and resource development. Unfortunately, President Obama chose to ignore the will of the people and instead sided with special-interest groups who perceived themselves to be above the rule of law.

**Recommendation:** We recommend a total rescission of the Katahdin Woods and Waters National Monument.

### *Mojave Trails, California*

President Obama created the 1.6 million acre Mojave Trails National Monument (MTNM) in early 2016 in spite of local and congressional efforts to protect and manage the land in a collaborative fashion while not increasing federal landownership. This monument is one of the largest in the nation and has been hotly contested for the larger portion of the last decade. While there are many areas within the designation that merit protective conservation, several mineral leases were negatively impacted by the monument. With a known agenda of stamping out mineral extraction in the desert, the Obama Administration drew the boundary of MTNM to include operations such as the Bagdad Chase Mine and the Baxter Iron Mine. Although the proclamation of the monument included language that permitted current operations, future expansion would likely be prohibited causing potential interruptions in supply chain health.

“Miners, hunters, off-road vehicle enthusiasts and collectors of rocks and minerals opposed a presidential monument designation, fearing they would be shut out from enjoying the land.” Recreational enthusiasts are worried “the monument’s 1,400 miles of off-highway vehicle roads will be closed.”<sup>50</sup>

Unfortunately, President Obama ignored bipartisan and bicameral efforts that coordinated with local stakeholders from San Bernadino County and chose to implement a top-down mandate. The monument included land that had never been debated in a public setting nor was any outreach on the matter conducted, and included hundreds of thousands of acres of non-designated BLM land in addition to swaths of private land as well.

**Recommendation:** We recommend the reduction of the size of Mojave Trails National Monument so that the monument is “confined to the smallest area compatible with proper

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<sup>49</sup> [https://naturalresources.house.gov/uploadedfiles/testimony\\_lepage.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_lepage.pdf)

<sup>50</sup> <https://www.usatoday.com/story/news/environment/2017/04/26/trump-executive-order-targets-sand-snow-mojave-trails-national-monuments-california/306620001/>

care and management of the objects to be protected.” We also recommend working with private landowners within the national monument to resolve conflicting uses.

### *Organ Mountains – Desert Peaks, New Mexico*

In May 2014, President Obama designated nearly 500,000 acres as the Organ Mountains-Desert Peaks National Monument. This unilateral move not only bypassed public comment and ignored attempts at a state-level solution, but it created a dangerous national security predicament given the area’s proximity to the U.S.-Mexico border.<sup>51</sup> The remote nature of the monument, in addition to logistical and bureaucratic red tape, creates a welcome target for smugglers, gangs, and other ill-intentioned groups.<sup>52</sup> Restrictive environmental laws in these areas limit the ability of Border Patrol agents to patrol, creating safe zones for illegal activity – a problem identified as far back as 2009 under former Homeland Security Secretary Janet Napolitano. Despite this warning, President Obama persisted onward, exposing the people of New Mexico, and our country as a whole, to serious security threats.

Further, impacts on grazing rights hamper rangeland and the economic viability of New Mexico. The designation will prevent farmers and ranchers, who have operated in this area for generations, from accessing certain parts of their allotments to do necessary maintenance work. The monument envelops a number of ranches, which may eventually lead to a reduction of cattle that those ranches can run. This could make certain ranches uneconomical, crushing a ranching industry that is part of the identity of the area. The monument also creates a number of other economic issues as it prevents solar and geothermal energy development and threatens a number of other projects that could bolster the local economy.

President Obama also ignored the good work of Congressman Steve Pearce (NM-02), who introduced legislation widely supported by local law enforcement, recreational, and conservation groups. This proposal struck the appropriate balance between preserving the portions of the national monument worthy of protection while still allowing responsible recreational access and ensuring public safety on the border.

Rep. Pearce stated following introduction of his bill, “This legislation was developed with close involvement and significant input from local ranchers, business owners, conservationists, sportsmen and other constituents” said Pearce. “All New Mexicans want to protect the Organ Mountains. This proposal achieves our shared conservation objectives and ensures economic health by making sure that this national treasure is protected without threatening local jobs. We can find common ground through the legislative process with input from the community.”

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<sup>51</sup> <http://www.lcsun-news.com/story/news/local/2016/11/25/trump-urged-abolish-organ-mountains-monument/94425036/>

<sup>52</sup> <https://westerncaucus.house.gov/Blog/congressman-bishop-urges-president-obama-to-reconsider-using-the-controversial-antiquities-act>

Rep. Pearce also noted, “By designating this monument under the Antiquities Act, the Obama Administration ignored this work and created an overly burdensome and harmful footprint – roughly 500,000 acres extending roughly 59 miles from corner to corner. The size and complexity of the Organ Mountains raises serious economic, security, and access concerns that cannot be appropriately addressed without resizing the monument’s footprint...The Secretary even mentioned the WWII bombing craters in his summary as one of the more egregious examples of an over-expansive monuments...The Monument does not respect or protect private property rights. The current footprint surrounds thousands of acres of state and private lands, creating a number of access concerns that will significantly devalue these parcels. This will most likely lead to landowners being forced to sell off their properties to the federal government, something the previous Administration likely intended.”

As Secretary Zinke accurately noted, “The designation could prevent access to parts of allotments. Further, vegetative management and other maintenance work could be restricted and further degrade the ability for ranchers to run cattle.” The Proclamation failed to “prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

Rep. Pearce submitted a list of 800 businesses and individuals who oppose this monument designation.<sup>53</sup>

**Recommendation:** We recommend that the Organ Mountains-Desert Peaks National Monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” by being reduced to the 54,800 acre footprint proposed in Representative Pearce’s Organ Mountains National Monument Establishment Act during the 113<sup>th</sup> Congress.

### *Rio Grande del Norte, New Mexico*

President Obama designated 242,555 acres of land as the Rio Grande del Norte National Monument in March of 2013. The monument proclamation explicitly prohibited future mineral and geothermal energy production.

The land is currently managed by BLM, which was tasked in the proclamation with preparing a management plan for the monument that “shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with tribal, State, and local governments as well as community land grant and acequia associations.”<sup>54</sup>

Ranching has also been harmed by this monument. As Secretary Zinke noted, “Road closures due to monument restrictions have left many grazing permittees choosing not to

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<sup>53</sup> <https://www.usnews.com/news/best-states/new-mexico/articles/2017-06-22/gop-new-mexico-lawmaker-wants-to-shrink-national-monument>

<sup>54</sup> <https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument>

renew permits. The Proclamation also failed to “prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights.”

**Recommendation:** We recommend the reduction of the size of Rio Grande del Norte National Monument so the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” and closely monitoring the RMP process to ensure adequate stakeholder consultation and multiple-use management.

### *San Gabriel Mountains, California*

The San Gabriel Mountains National Monument was designated by former President Obama in October 2014. It encompasses a total of 346,177 acres across Los Angeles and San Bernardino counties in California. Despite the fact that the 346,177 acre monument spans both Los Angeles and San Bernardino counties, little to no outreach regarding the designation was conducted in San Bernardino County (SBC). The portion of the monument in SBC includes 4,873 acres of non-wilderness Forest Service land, in addition to the Sheep Mountain Wilderness area. The designation also included small mining operations within the boundary of the National Monument with no prior consultation with the affected owner.

Local stakeholders opposed the inclusion of the non-wilderness Forest Service land on account of encroachment on local communities and economic activity and for its detrimental impact on forest management activities.

The San Bernardino County Board of Supervisors passed a resolution opposing the monument. ‘As far as I know, there’s no more money that Congress has available to fund this proposal in some of our most fire-prone areas,’ said Janice Rutherford, a San Bernardino County Supervisor.<sup>55</sup>

Mt. Baldy residents also opposed the monument citing, “[concern] about the ability of local fire agencies to battle wildfires if they are encircled by national monument lands. They also worry about fees and land use restrictions that could stunt local economies. ‘We don’t want any part of this thing,’ said Ron Ellingson, owner of a lodge and ski lift business in Mt. Baldy.”<sup>56</sup>

**Recommendation:** We recommend a reduction of the San Gabriel Mountains National Monument due to a lack of public outreach and support so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend working with private landowners within the national monument to resolve conflicting uses.

### *Sand to Snow, California*

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<sup>55</sup> <http://www.latimes.com/local/la-me-san-gabriels-monument-20141009-story.html>

<sup>56</sup> Ibid.

President Obama designated 154,000 acres as the Sand to Snow National Monument in early 2016, superseding bipartisan legislation introduced by Congressman Paul Cook (CA-08), who represents the region in question, which would have created a Sand to Snow National Monument also totaling 154,000 acres in size. The bill would have created an advisory committee with representatives from a wide variety of stakeholders including tribes, sportsmen, conservationists, the Department of Defense, natural resource developers and ranchers to name a few.<sup>57</sup>

While the designation by President Obama circumvented active legislation that enjoyed widespread support among local officials and stakeholders, it largely adhered to the proposed boundaries and management plans.

**Recommendation:** We recommend no changes to the boundaries of the Sand to Snow National Monument.

### *Sonoran Desert, Arizona*

Precisely three days before the end of his administration, President Clinton locked up 486,149 acres of land in Arizona. The Sonoran Desert National Monument proclamation explicitly prohibited future mineral and geothermal energy production, terminated grazing leases and allowed for significant road closures.

Former Chairman of the Arizona Game and Fish Commission Robert Mansell stated, “The creation of the Sonoran Desert National Monument in 2001 is a cautionary tale. In 1999, the Arizona Game and Fish Department biologists counted 103 bighorn sheep in the Maricopa Mountains, located within the monument’s boundaries in southwest Arizona. Today’s surveys indicate fewer than 35 sheep roam this area. The department’s limited access inside the monument to provide new and sustainable water sources no doubt was a contributing factor to the steep decline in the sheep population in the Maricopa Mountains. It was a harsh lesson that shouldn’t be repeated with any wildlife species anywhere else in Arizona.”<sup>58</sup>

Further, the monument has limited access for sportsmen and recreational enthusiasts. The Sonoran Desert National Monument has prevented recreational shooting and resulted in expensive litigation. Recreational shooting is appropriate under federal multiple-use mandates and would not be unnecessarily restricted if it weren’t for this monument. Hunting has also been negatively impacted as motorized access for big game retrievals has been limited or prohibited. According to AZGFD, “This impacts the Department’s ability to distribute hunting pressure, optimize big game harvest objectives, and meet game management goals. In 2008, BLM closed 88 miles of routes to protect monument

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<sup>57</sup> <https://www.congress.gov/bill/114th-congress/house-bill/3668/text#toc-H72AFEF7974FC4FBFAF0E0DBFD347E7A>

<sup>58</sup> <http://azcapitoltimes.com/news/2015/05/11/proposed-national-monument-federal-land-grab-protection-or-feel-good-folly/>

objects on the Sonoran Desert National Monument. Route closures on the Sonoran Desert National Monument provide just one example of post-designation access restrictions.”<sup>59</sup>

**Recommendation:** We recommend the total rescission of the Sonoran Desert National Monument.

### *Upper Missouri River Breaks, Montana*

On the same day he designated the Sonoran Desert National Monument, and 72 hours before the sunset of his Administration, President Clinton created the Upper Missouri River Breaks National Monument in Montana locking up 377,346 acres. The monument prohibited future mineral and geothermal energy production. While the timing of the designation is highly suspect, objections from Montana’s local stakeholders are also concerning.

Regarding the monument, Ron Poertner, a member of the Missouri River Steward organization stated, “The white cliffs, yeah they’re special, and that’s an area we have no problems [protecting]. But, just all this extra land that includes 82,000 acres of private land and 39,000 acres of state land...not even a quarter of the monument is federal land.”<sup>60</sup> One rancher in the area owns more than 6,000 acres that are currently within the boundaries of the monument, which creates a legal morass that often attracts out-of-state frivolous lawsuits.<sup>61</sup> Approximately 120 different landowners who belong to the Stewards Organization have private land within the monument’s boundaries.

Although many ranchers and sportsmen are currently able to continue the activities they enjoyed prior to the designation, there are concerns regarding the lack of local input and coordination in addition to persistent legal battles.

**Recommendation:** We recommend a reduction of the Upper Missouri River Breaks National Monument so that the monument is actually “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend removing an unnecessary energy restrictions as well as implementation of a sustainable multiple-use management plan in coordination with state and local stakeholders. Finally, we recommend working with private landowners within the national monument to resolve conflicting uses and remove private land from within the monument boundaries.

### *Vermilion Cliffs, Arizona*

Designated in November 2000 by President Clinton, the Vermilion Cliffs National Monument encompasses 279,568 acres of land in northern Arizona. The monument proclamation explicitly prohibited future mineral and geothermal energy production.

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<sup>59</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>60</sup> <http://www.krtv.com/story/35649394/upper-missouri-river-breaks-national-monument-debate>

<sup>61</sup> [http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article\\_77b3a148-85c5-5fad-b115-db7861e2ffab.html](http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article_77b3a148-85c5-5fad-b115-db7861e2ffab.html)

Designation of the monument caused unnecessary administrative burdens for the state of Arizona in relation to managing wildlife and has resulted in animals being placed in less suitable locations. Further, the economy has been harmed as Uranium deposits in this monument have been off limits for exploration and development since 2000. Prior the monument designation, much of the land in question was already a wilderness area with a viable and effective management plan in place.<sup>62</sup> Similar to the Grand Canyon – Parashant designation, an overzealous Secretary Babbitt failed to coordinate with local stakeholders, including Congressman Bob Stump, who represented the Vermilion Cliffs area.

After years of diligent work wherein a wide range of stakeholders with varying interests came to an agreement that supported a mutually agreeable multiple-use plan, the Arizona Desert Wilderness Act of 1984 was ultimately passed into law.<sup>63</sup> However, Secretary Babbitt’s desire for a national monument was not quelled by the management efforts of those closest to the land, and he made an unsupported and inappropriate recommendation to President Clinton to designate the land as a national monument.

As Arizona Governor Doug Ducey noted, “Arizona currently has 18 monuments, the most in the nation. 77% of Arizona’s lands have restrictions that relate to public access and recreational use. The State’s ability to conserve, manage and protect Arizona’s wildlife resources is negatively impacted on a total of 10.3 million acres.”

**Recommendation:** We recommend the total rescission of the Vermilion Cliffs National Monument.

## **Marine Monuments**

### ***Marianas Trench, CNMI, Pacific Ocean***

President Bush designated the Marianas Trench Marine National Monument during his final days in office. The monument contains no dry land, and encompasses 60.9 million acres of submerged lands and waters in the Mariana Archipelago.<sup>64</sup> All fishing is prohibited within the monument. The monument also bans oil and gas production as well as other energy development activities.

**Recommendation:** We recommend no changes to the boundary of the monument at this time; however, should stakeholder support for the monument deteriorate, coordination to provide a mutually acceptable solution should be implemented. We also recommend you consider rescinding all fishing restrictions via executive order and returning management back to regional fishery management councils.

### ***Northeast Canyons and Seamounts, Atlantic Ocean***

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<sup>62</sup> <http://mobile.wnd.com/2000/11/4675/>

<sup>63</sup> <https://www.congress.gov/bill/98th-congress/house-bill/4707>

<sup>64</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2010-title3-vol1/pdf/CFR-2010-title3-vol1-proc8335.pdf>

President Obama designated 3.1 million acres when creating the Northeast Canyons and Seamounts Marine National Monument in 2016 and establishing the first marine monument in the Atlantic Ocean. The president's proclamation explicitly prohibited offshore oil and gas exploration and production as well as commercial fishing with the exception of red crab and American lobster fisheries. States and fisheries impacted by the designation immediately condemned the decision. The monument's restrictions stunt the growth of the fishing industry as well as significantly harm economic development for towns and communities along the coast.

In March of 2017, the Pacific Legal Foundation (PLF), on behalf of a coalition of New England fishermen, challenged the National Monument on the grounds that the president does not have the authority to designate submerged lands and waters as a national monument. 'By declaring over 5,000 square miles of ocean — an area the size of Connecticut — to be a national monument, President Obama set this entire area off-limits to most fishing immediately, with what remains of fishing opportunities to be phased out over the next few years,' said PLF attorney Jonathan Wood. 'This illegal, unilateral presidential action threatens economic distress for individuals and families who make their living through fishing, and for New England communities that rely on a vibrant fishing industry... In short, the designation of a vast area of ocean as a national monument was a blatant abuse of presidential power.'<sup>65</sup>

Wood also said, 'Beyond its violation of the law, the monument designation also threatens to harm the environment by pushing fishermen to other, less sustainable fisheries, and increasing conflicts between their gear and whale. Instead of punishing New England's fishermen — and shutting down their businesses — federal officials should be acknowledging their positive role as stewards of the ocean's environmental resources.'<sup>66</sup>

Peter deFur, a member of the Mid-Atlantic Fisheries Management Council, stated, "The public process leading up to the presidential designation of a monument is lacking compared to the councils' process of engaging the public...The monument process does not have those provisions as a statutory requirement and that gets under our skin so I think the New England council is very concerned that this just sort of happened out from underneath them.'<sup>67</sup>

**Recommendation:** We recommend a rescission of the Northeast Canyons and Seamounts Marine National Monument (preferred) or repealing all fishing, oil and gas, mineral and energy development restrictions resulting from President Obama's proclamation as well as returning fishing management back to regional fishery management councils.

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<sup>65</sup> <https://www.pacificlegal.org/release-3-7-17-massachusetts-lobstermen-1-1536>.

<sup>66</sup> *ibid.*

<sup>67</sup> <http://www.southcoasttoday.com/news/20170530/fisheries-council-seeks-voice-in-marine-monument-review>

### *Pacific Remote Islands, Pacific Ocean*

In 2014, President Obama added 261.3 million acres to the Pacific Remote Islands National Monument, dramatically expanding this marine national monument and prohibiting commercial fishing in this area in the process. This unnecessarily large monument has also hindered energy development. Not only does this monument significantly impact the fragile economies of the Pacific territories, it drastically affects their food security and cultural stability. Despite promises to allow the territories closest to the monument to co-manage the area, the Obama Administration was unable to follow through on that promise and the territories remain largely left out of the decision-making process.

In March 2017, House Committee on Natural Resources Chairman Rob Bishop (R-UT) and Rep. Aumua Amata Coleman Radewagen (AS-At Large) stated in a letter to President Trump, “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.”<sup>68</sup>

**Recommendation:** We recommend a reduction of the size of the Pacific Remote Islands National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected,” as well as repealing all fishing and unnecessary energy restrictions via executive order and returning management back to regional fishery management councils.

### *Papahānaumokuākea, Hawaii*

Originally designated by President George W. Bush, the Papahānaumokuākea Marine National Monument consists entirely of submerged lands and waters off the coast of Hawaii. In 2016, President Obama expanded the size of the monument by enlarging it by 283.4 million acres. The expansion is a clear overreach by the Obama Administration preventing “all energy development activities within the Monument Expansion” and unnecessarily restricting traditional uses of the waters by responsible stewards.

According to the House Committee on Natural Resources, “Former U.S. Senator Daniel Akaka (D-HI) and former Hawaii Democratic Governor George Ariyoshi, saw it as an act of federal overreach that would harm native Hawaiian livelihoods and cultural practices. Akaka and Ariyoshi further suggested that such an expansion would impact Hawaii’s ability to follow through with trust responsibilities to island natives.”<sup>69</sup>

There was also a lack of public outreach and communication prior to making this

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<sup>68</sup> [https://naturalresources.house.gov/uploadedfiles/03.07.17\\_ltr\\_to\\_potus\\_re\\_monuments.pdf](https://naturalresources.house.gov/uploadedfiles/03.07.17_ltr_to_potus_re_monuments.pdf)

<sup>69</sup> [https://naturalresources.house.gov/uploadedfiles/hearing\\_memo\\_-\\_ov\\_hrg\\_on\\_03.15.17.pdf](https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_ov_hrg_on_03.15.17.pdf)

designation. “Kitty Simonds, executive director of the Western Pacific Fishery Management Council -- a joint federal, state and private sector agency set up under U.S. law to prevent overfishing and manage fisheries stocks in that region – ‘someone sent us an embargoed press release’ about the latest expansion a day before the announcement was made public. Simonds, whose agency had previously called for a “public, transparent, deliberative, documented and science-based process” in advance of the proposed monument expansion, called it “unbelievable that the government is kicking U.S. fishermen out of U.S. waters when the fishery is healthy.”

Simonds discussed other negative impacts associated with the monument designation including, “The restriction would force U.S. fishing vessels -- about 145 of them -- into international waters to make their catches, where they would compete against fleets from China, South Korea and Indonesia, among others, ‘that have lower fishing standards.’ The move would also, she charged, increase fish imports -- currently about 92 percent of consumption -- rather than lower demand for seafood...The monument designation also over-rode a 40-year-old, federally legislated process of managing fish stocks in all U.S. waters by means of fishery management councils like the Western Pacific agency.”<sup>70</sup>

**Recommendation:** We recommend a reduction of the size of the Papahānaumokuākea Marine National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend repealing all fishing, oil and gas, mineral and energy development restrictions resulting from President Obama’s proclamation as well as returning fishing management back to regional fishery management councils.

### *Rose Atoll, American Samoa*

The Rose Atoll Marine National Monument was designated in the final days of President Bush’s presidency on January 6, 2009. This monument encompasses more than 8.6 million acres of waters and submerged lands approximately 130 nautical miles from Pago-Pago Harbor in American Samoa. The monument prohibits all commercial fishing.

Rep. Aumua Amata Coleman Radewagen (AS-At Large) stated in May, “We are simply looking to remove the fishing restrictions on the American Samoa fleet for the migratory fish who travel through the monuments. The monuments serve a good purpose, and I support that effort, but not at the expense of access to our people who have utilized these areas for centuries before any relationship with the United States. Also, our fishermen are the most responsible and regulated in the world...as it stands currently, these fish swim through the monuments and are then caught by nations with little to no environmental regulations...that is not helping the sustainability for the future.”<sup>71</sup>

**Recommendation:** We recommend a reduction of the size of the Rose Atoll Marine National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected,” as well as repealing all

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<sup>70</sup> <http://www.foxnews.com/politics/2016/09/13/will-obama-fence-off-more-ocean-us-fishermen-are-fearful.html>

<sup>71</sup> <https://radewagen.house.gov/media-center/press-releases/amata-reiterates-support-marine-monuments>

fishing restrictions via executive order and returning management of the atoll to American Samoa.

### Concluding Remarks

We thank you for your thoughtful review and this opportunity to contribute our perspective on these national monuments as they have significant and far-reaching impacts on our communities, states and regions.

The Antiquities Act of 1906 is broken and in desperate need of reform. No one person should be able to unilaterally lock-up millions of acres of public land from multiple-use with the stroke of a pen. Local stakeholders deserve to have a voice on public land-use decisions that impact their livelihoods.

We hope you share our concerns and recommend shrinking many of these national monuments under your review to “the smallest area compatible with proper care and management of the objects to be protected,” and in some cases, recommend rescission of national monuments unilaterally designated by presidents in the last 20 years that are larger than 100,000 acres and that lacked public outreach and coordination with relevant stakeholders.

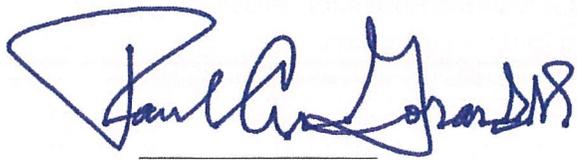
We ask that you commit to working with Congress to rein in this outdated law, protect private property rights, ensure local stakeholder coordination and prevent massive unilateral designations.

By going back to the drawing board and coordinating with state and local stakeholders, you have an excellent opportunity to ensure communities are not harmed by the executive overreach of previous presidents and that these designations follow the spirit and letter of the law.

This letter emphasizes the extent to which the signer’s consensus on monuments is that they must be statutorily compliant – i.e. in keeping with the “smallest area compatible with proper care and management of the objects” clause of the Antiquities Act, and that they must be of demonstrated scientific or historic interest. As such, the parameters forming this consensus necessarily demand the shrinking or rescission of a majority of the monuments under review. Finally, we hope that your review will contribute to substantive policy reforms. A 2001 review by the Department of the Interior of misuse by President Clinton was a step in the right direction, but ultimately the review did not result in any substantive policy changes or results that curbed future abuse.

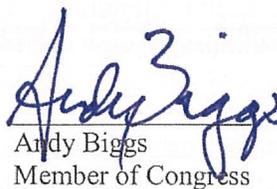
We would be pleased to discuss our recommendations and this letter with you and your staff should you have any questions or like additional information.

Thank you for your consideration of our comments.

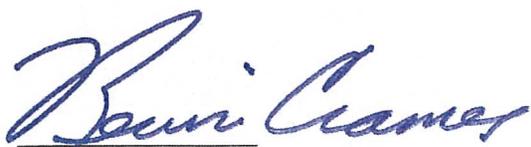


Paul A. Gosar, D.D.S.  
Member of Congress

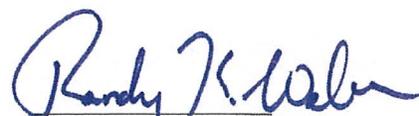
Sincerely,



Andy Biggs  
Member of Congress



Kevin Cramer  
Member of Congress



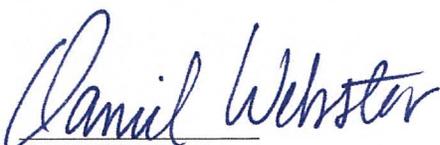
Randy Weber  
Member of Congress



Aumua Amata Radewagen  
Member of Congress



Paul Cook  
Member of Congress



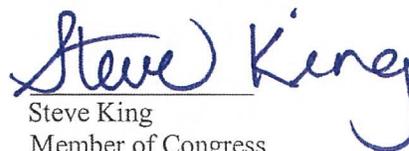
Daniel Webster  
Member of Congress



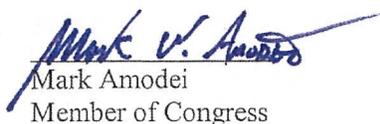
Ken Buck  
Member of Congress



Ted Yoho  
Member of Congress



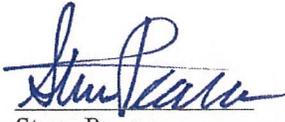
Steve King  
Member of Congress



Mark Amodei  
Member of Congress



Doug LaMalfa  
Member of Congress



Steve Pearce  
Member of Congress



Trent Franks  
Member of Congress



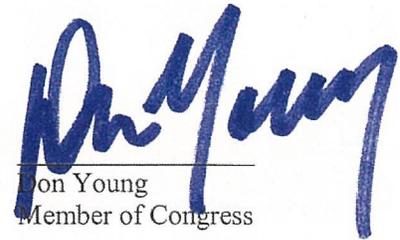
Doug Lamborn  
Member of Congress



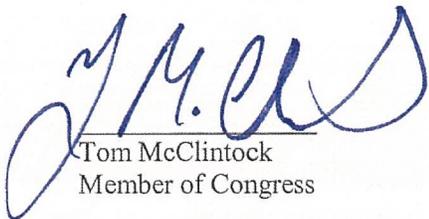
Walter Jones  
Member of Congress



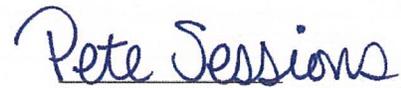
Blake Farenthold  
Member of Congress



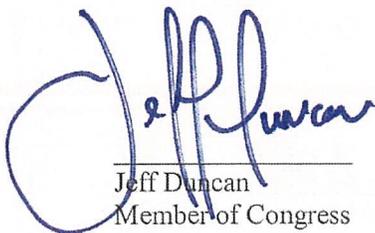
Ron Young  
Member of Congress



Tom McClintock  
Member of Congress



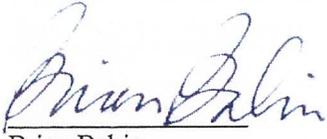
Pete Sessions  
Member of Congress



Jeff Duncan  
Member of Congress



John Duncan  
Member of Congress



Brian Babin  
Member of Congress



Dave Brat  
Member of Congress



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  
Agaña, GU 96932

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

Caller Box 10007  
Saipan, MP 96950



October 2, 2017

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

Dear Mr. President:

On behalf of the indigenous communities of the Mariana Islands, we, the Governors of the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands were pleased to provide input to Secretary Ryan Zinke, Department of the Interior, and Secretary Wilbur Ross, Department of Commerce, in their review of the Marine National Monuments per President Trump's Executive Orders 13791 and 13795. However, it has been brought to our attention that our issues with the Marianas Trench Marine National Monument (MTMNM) were overlooked in the leaked Secretary Zinke memo to President Trump. Therefore, we would like to take this opportunity to reiterate the key issues identified in our previous letters and respectfully request, at a minimum, that the three issues below be considered as you work to rectify earlier abuses of the Antiquities Act.

1. The Magnuson-Stevens Act should be the lead authority in the management of fisheries within US EEZ waters, including waters of marine national monuments.
2. The indigenous people of the Marianas must be a meaningful co-manager of the MTMNM. This promise by the federal government to the Marianas leadership was a condition for establishing the MTMNM but remains unfulfilled.
3. The Administration should work with Congress to return unencumbered ownership of the 0-3 nm of submerged lands surrounding the monument islands of Uracus, Maug and Asuncion. Congress initially ceded these submerged lands to the CNMI via Public Law 113-34. However, President Obama's Proclamation (No. 9077) unexpectedly exempted the conveyance of submerged lands (0-3 nm) surrounding the islands of Uracus, Maug, and Asuncion that are part of the MTMNM. The unencumbered ownership of these nearshore submerged lands must be conveyed to the CNMI Government as Congress originally intended.

Our island communities depend on the ocean for food, security, and economic opportunities. We are a fishing and seafaring people interwoven with the marine environment. With limited

land space, we depend upon our marine resources and would like the opportunity to responsibly conserve our resources while exploring its full utilization.

We understand the strategic importance of the Mariana Archipelago to our National security and military operations. Our communities have sacrificed by contributing significantly the area of land and ocean that is now used for military training. Productive fishing grounds have been closed in the US EEZ in the south and north of Guam and surrounding Farallon de Medinilla and the northern section of Tinian Island. The large-scale fishing closures resulting from the MTMNM compound the impacts from the military closures but without national security, biological resource, or socio-economic benefits.

We respectfully request you support our ability to sustainably utilize our marine resources, those same resources the indigenous Chamorro people have been managing for thousands of years. Our need and aspirations are being muted by the clamor of well-funded national and international organizations whose agendas ignore the needs and culture of our island people. We know of better ways to sustainably use and manage our natural resources. We hope that you will be able to right the wrong done to the indigenous people of the Marianas by reinstating the MSA's standing as the principal legislation for US fisheries management in the MTMNM, by ensuring meaningful co-management of the MTMNM by the indigenous people of the Marianas, and by working with congress to return ownership of 0-3 nmi in the monument islands to the CNMI.

Sincerely,

Eddie B. Calvo  
Governor of Guam

Ralph D.G. Torres  
Governor of CNMI

Cc:  
The Honorable Ryan Zinke, Secretary of the Interior  
The Honorable Wilbur Ross, Secretary of Commerce

**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.

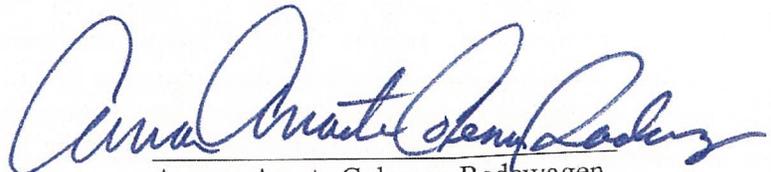
Using the Antiquities Act to close U.S. waters to domestic fisheries is a clear example of federal overreach and regulatory duplication and obstructs well managed, sustainable U.S. fishing industries in favor of their foreign counterparts. You alone can act quickly to reverse this travesty, improve our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

## Information Brief: Hawaii and the US International Seafood Trade Balance

### Synopsis

**Hawaii had a total seafood trade deficit of \$32.5 million in 2016.**

**The deficit on Hawaii-targeted fish (those species caught, or previously caught, in the Hawaii fishery) was \$20.3 million in 2016.**

**This targeted seafood trade imbalance has risen by 245% over the past 15 years, particularly in the past 5 years, as US fishery closures, quotas, and closed fishing areas have reduced domestic supply or the opportunities for increased domestic supply.**

### International trade in seafood through the Honolulu customs district

While seafood represents a small percentage of total international trade through the Honolulu customs district (imports are dominated by fuel and passenger vehicles; exports are dominated by aircraft parts and fuel), **tuna is the eighth highest revenue import into Honolulu.**

Imports of seafood to Hawaii (\$55 million) exceeded exports of seafood (\$23 million) in 2016, leading to an international trade deficit in seafood of \$32.5 million. Imports of fish targeted by Hawaii fishing vessels are \$21.0 million and dwarf targeted exports (less than \$1 million).

**The seafood trade balance (deficit) in 2016 for the Hawaii commercial fishery's targeted species through the Honolulu customs district was:**

Snapper & Grouper:	\$ 1.5 million deficit
Mahimahi (dolphinfish):	\$ 2.0 million deficit
Tuna:	\$16.8 million deficit

**All targeted species:                    \$20.3 million deficit**

During the period of extensive regulation and executive orders (2000-present), the inflation-adjusted dollar value of total seafood imports to Hawaii rose 23% and **imports of targeted fish rose 133%. The trade deficit on targeted species increased by 245%.**

Regulations, executive orders, and international fishery quotas over the past 15 years have led to the closure of two fisheries (Northwestern Hawaiian Islands lobster and bottomfish) and restricted operations range, and quotas for the Hawaii domestic longline fisheries (swordfish and bigeye tuna). Although each regulation and executive order has a stated conservation objective, nonetheless these regulations contribute to the US seafood trade deficit, and as a result serve to increase environmental, ecological, and conservation problems in the rest of the world.

At the individual state and business level, an imbalance in the trade of specific commodities can represent a competitive imbalance in favor of foreign imports. The effect in this case is to constrain the growth of domestic commercial fishing operations through import competition in local (Hawaii), mainland US, and international markets for tuna and swordfish (the latter almost entirely a mainland US market). The Hawaii retail and restaurant market for Northwestern Hawaiian Islands bottomfish (snapper and groupers) was strongly associated with the growth of bottomfish imports from the Pacific that remain the mainstay of the local market today.

### International trade and seafood consumption in Hawaii

International trade theory emphasizes that trade represents the comparative advantage of countries in the production of their traded commodities. Trade can enhance economic efficiency in production and distribution in both countries, but it can do so only in the absence of artificial impediments to trade. Domestic regulation, quotas, and area closures not commensurate with foreign competitors represent an impediment to the US competitive and trade balance.

In the absence of locally-produced fresh seafood, Hawaii wholesalers and retailers utilize imported seafood. This includes the species typically supplied by the domestic commercial fishery (targeted species) but also includes species from Hawaii's marine aquaculture industry. Imported seafood serves as a constraint on the development of domestic seafood producers and closes market channels for domestic sales of Hawaii seafood on the US mainland.

Given Hawaii consumers and tourist strong preferences for fresh fish, there has been a price premium for locally produced seafood. Examples include not only *ahi* (bigeye tuna) used in high-end *sushi* throughout the state but also the fresh *moi* (Pacific threadfin) that was on the menu of white tablecloth restaurants. In the absence of adequate and consistent quantities of locally-produced fresh seafood, buyers become open to seafood produced by other countries. A recent example is the large increase in imported frozen yellowfin tuna that is then used in "fresh" presentations, e.g., cubed raw tuna known locally as *poke*, both here and on the US mainland.

### Conclusion

While many factors affect trade, constraints on Hawaii's commercial fisheries have opened the door to increased imports of seafood, particularly targeted seafood, as local restaurants and retailers have substituted more available foreign product. For each of these situations, there was an existing demand for Hawaii seafood, both locally, on the US mainland, and internationally. Reduced and irregular domestic landings and associated increased domestic ex-vessel prices (due to reduced product supply and increased operating costs) provided an opening for imported seafood. Hence the trade balance shifted increasingly against the Hawaii fishing industry.

The greater level of regulation of US fisheries compared to many, if not most, of their international competitors has had myriad effects besides the trade deficit. Some effects include what can be termed **the export of negative environmental externalities** that is even counterproductive from a global environmental conservation perspective. Two recent cases of Hepatitis A exposure in Hawaii arose from imported seafood, another case of unequal regulation.

In the final analysis, Hawaii's seafood trade deficit represents lost opportunities for the growth and development of US fisheries and economy.

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### References and data sources

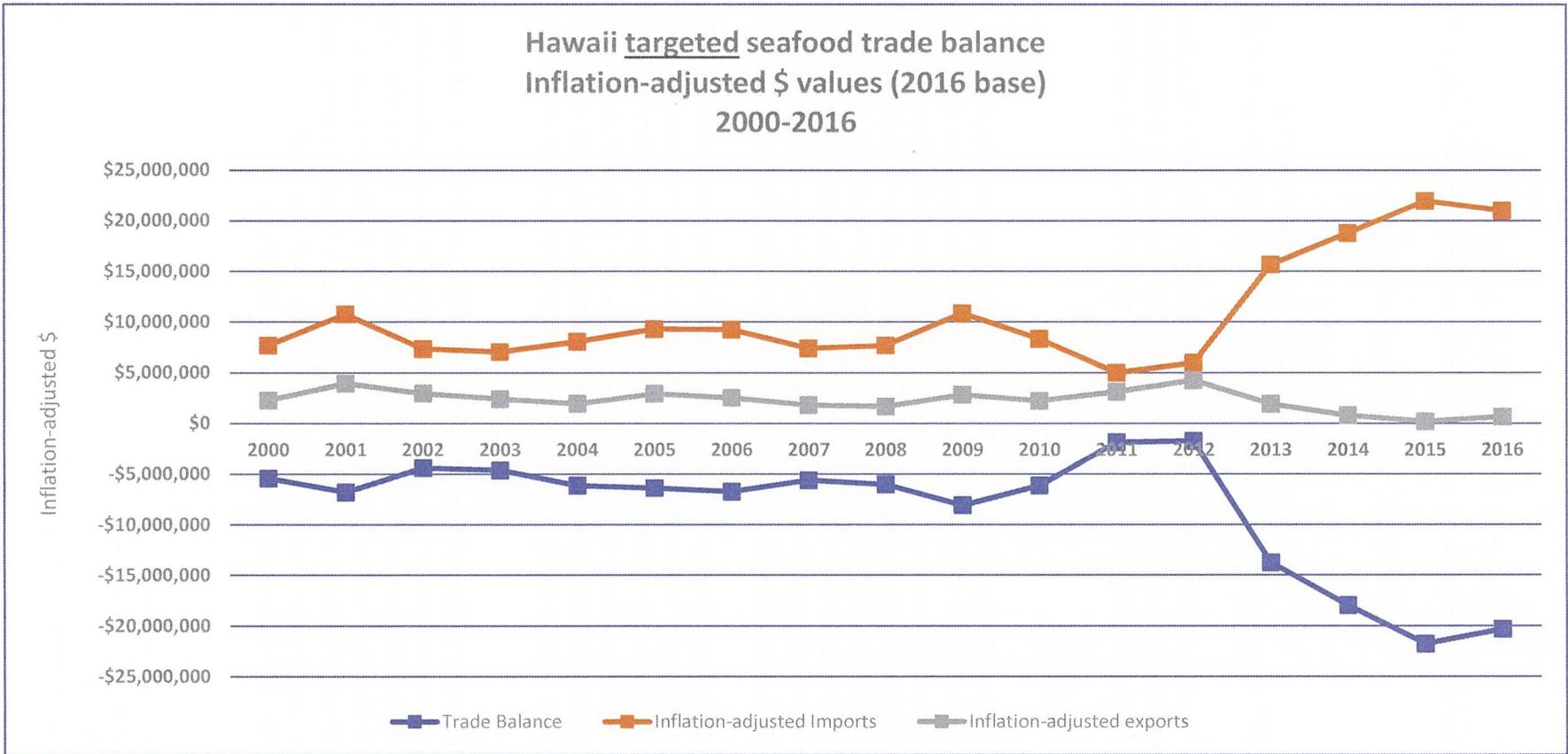
US Census Bureau, USA Trade Online website

<https://usatrade.census.gov/>

US National Marine Fisheries Service, US Foreign Trade

<http://www.st.nmfs.noaa.gov/commercial-fisheries/foreign-trade/>

Hawaii targeted seafood trade balance  
 Inflation-adjusted \$ values (2016 base)  
 2000-2016



# Potential Economic Impacts of the Papahānaumokuākea Marine National Monument Expansion<sup>1</sup>

PIFSC Socioeconomics Program

As presented at:  
124<sup>th</sup> Scientific and Statistical Committee Meeting  
168<sup>th</sup> Western Pacific Regional Fishery Management Council Meeting

*This document is prepared in response to a request from Council to provide a formal report on a presentation provided at the 124<sup>th</sup> SSC and 168<sup>th</sup> Council Meetings relating to the potential economic impact of the expansion of the Papahānaumokuākea Marine National Monument*

## 1. Introduction<sup>2</sup>

On August 26, 2016, President Obama issued a proclamation expanding the Papahānaumokuākea Marine National Monument (Monument) pursuant to the unilateral authority provided to the President of the United States under Antiquities Act of 1906. The proclamation expanded the monument from 139,797 square miles (362,073 km<sup>2</sup>) to 582,578 square miles (1,508,870 km<sup>2</sup>). The proclamation instructs the Secretary of Commerce, in coordination with the Secretary of the Interior, to prohibit, amongst other things, commercial fishing. However, the proclamation also provides that the Secretaries may permit certain activities such as non-commercial fishing including native Hawaiian subsistence fishing.

The respective statutory authority with respect to promulgating fisheries regulations for the expanded monument is the Magnuson Stevens Fisheries Conservation and Management Act (MSA). NOAA Fisheries has asked the Western Pacific Regional Fishery Management Council (Council) for recommendations on amending the Hawaii and Pelagic Fishery Ecosystem Plans to establish appropriate fishing requirements under the MSA, including the prohibition on commercial fishing and the regulation of non-commercial fishing in the expansion area of the PMNM.

This report follows the analysis presented at the 124<sup>th</sup> SSC and 168<sup>th</sup> Council meetings related to the potential economic impact of the expansion of the Papahānaumokuākea Marine National Monument. Section 2 outlines methods related to the calculation of economic impacts. Trends in recent catch and effort in Northwestern Hawaiian Islands (NWHI) waters along with economic impact estimates are provided in section 3. Lastly, section 4 identifies caveats associated with this analysis and suggests alternative methodologies that could be employed for a more robust assessment of the economic impacts of the Monument expansion.

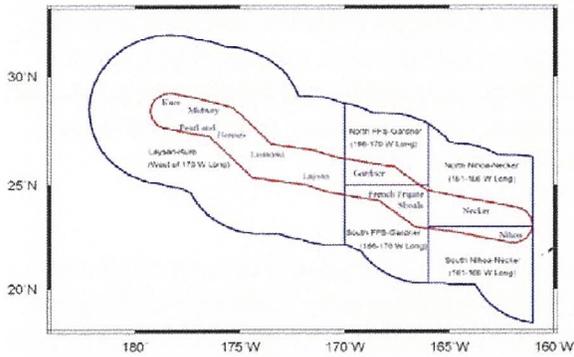
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<sup>1</sup> PIFSC Internal Report IR-17-06  
Issued 08 March 2017.

<sup>2</sup> The first two paragraphs of the Introduction were provided in briefing documents by Council Staff.

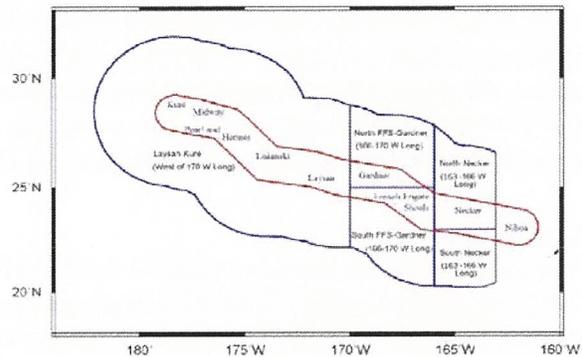
## Data

The PIFSC International Fisheries Program of the Fisheries Research and Monitoring Division (FRMD) provided recent historical data summaries based on Hawaii-permitted Longline logbook data coupled with State of Hawaii dealer data<sup>3</sup>. A number of scenarios were developed during 2016 to inform the Monument design process. It should be noted that data summaries generated and used for this analysis is based on an earlier draft of expanded Monument boundaries, defined as west of 161 W (Figure 1). The final Monument designation was ultimately refined down to only include waters west of 163 W (Figure 2).



**Figure 1.**

Monument designation as basis for data used for this analysis (west of 161 W)



**Figure 2.**

Final Monument designation (west of 163 W)

To control for this discrepancy between the scales for which the data are gathered in this analysis and the final Monument designation, we applied a simple correction factor to account for this difference. The PIFSC International Fisheries Program of the Fisheries Research and Monitoring Division (FRMD) estimated that between 2010 and 2015, an annual average of approximately 9.2% of total longline pounds (all species combined) were caught in the entire NWHI exclusive economic zone (EEZ) west of the 161 W meridian. Similarly, an annual average of approximately 6.5% of total longline pounds, were caught in the entire NWHI EEZ west of 163 W meridian (Table 1). Therefore, the correction factor used in this analysis is simply the difference between these values (-2.7%), which is used to deflate the numbers to align with the final monument designation boundary.

## 2. Methods

To arrive at the potential economic impact of the Monument expansion, this analysis assumes full loss of fishery revenues from waters where fishing is no longer permitted. It should be noted that this is an extreme approach that arrives at a maximum upper-bound of potential direct economic impact (in terms of lost revenues), as the Monument expansion did not preclude fishing outside the Monument waters. All revenue data were corrected for inflation using the

<sup>3</sup> Hawaii Longline Logbook: <https://inport.nmfs.noaa.gov/inport/item/2721>

Hawaii Dealer Data: <https://inport.nmfs.noaa.gov/inport/item/5610>

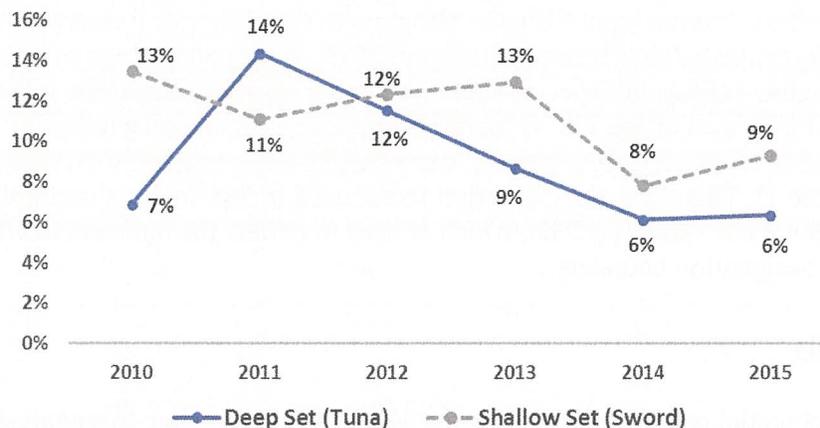
Honolulu consumer price index, all items, for all urban consumers (CPI-U), using a base of 1982-1984<sup>4</sup>. This ensures that all dollar values are directly comparable across years, and ensures a real dollar estimate for potential economic losses. In considering potential indirect revenue losses to fishery support industries, we relied on economic multipliers as defined in Arita et al., (2011). These multipliers relate changes in fishery production (in terms of revenues) to changes in indirect value to backward linkage sectors, such as fuel and gear supplies, dry dock services, and other support industries (Arita et al., 2011; Arita et al., 2013).

### 3. Results

This section will frame the potential economic impact of the Monument expansion in terms of recent catch and effort trends in the NWHI, potential direct fishery revenues lost, and potential indirect economic impacts. While there has been a general decline over the past 6 years in the share of fishing effort (in terms of total hooks set), total pelagic catch, and fishing revenues from the NWHI has supported a relatively small, yet consistent share of fishery catch and revenues, providing significant seafood contributions to Hawaii markets.

#### Catch Trends

The average annual pounds caught in the NWHI (west of 163W meridian) between 2010 and 2015 was approximately 2.48 million pounds per year, or approximately 6.5% of total longline catch. (Table 1, Table 2). The deep-set fishery accounted for roughly 87% of total NWHI pelagic pounds caught. However, a nominally larger share of shallow set fishery total catch has come from the NWHI relative to the deep-set fishery. The 2010-2015 average share of pelagic catch in the NWHI for the shallow set fishery is about 11% relative to about 9% for the deep-set fishery (Figure 3 and Table 3).

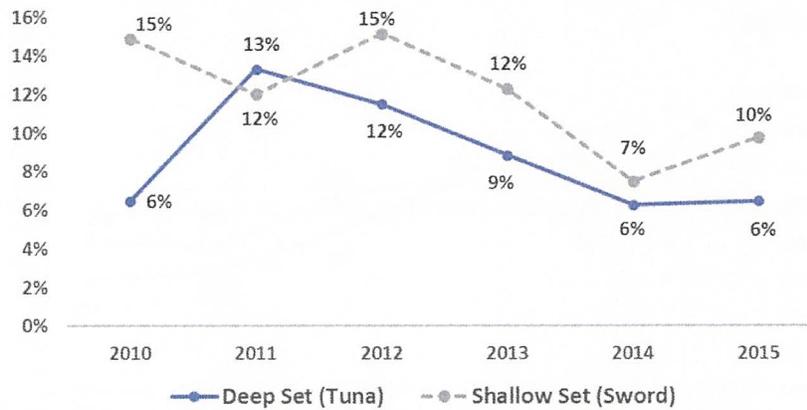


**Figure 3.** NWHI pelagic pounds caught as a share of total pelagic pounds caught, by fishery (2010-2015)

<sup>4</sup> [https://www.bls.gov/regions/west/data/consumerpriceindex\\_honolulu\\_table.pdf](https://www.bls.gov/regions/west/data/consumerpriceindex_honolulu_table.pdf)

Effort Trends

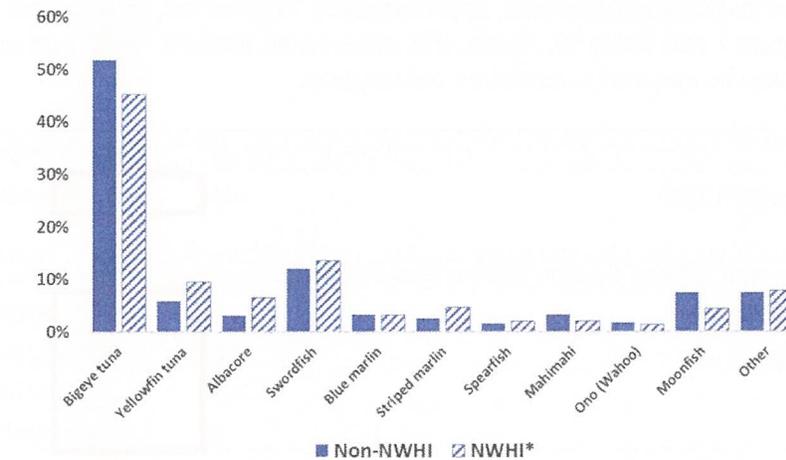
Effort in the Hawaii-permitted longline fishery is measured by number of hooks set. Effort trends in the NWHI between 2010 and 2015 closely mirror those of catch trends shown in Figure 3. The share of total hooks set in the NWHI for the shallow set fishery between 2010 and 2015 was approximately 12% relative to about 9% for deep-set fishing (Table 4). On average, between 2010 and 2015 there were about 4 million hooks set in the NWHI (Table 5).



**Figure 4.** NWHI hooks set caught as a share of total hooks set, by fishery (2010-2015)

Catch Composition

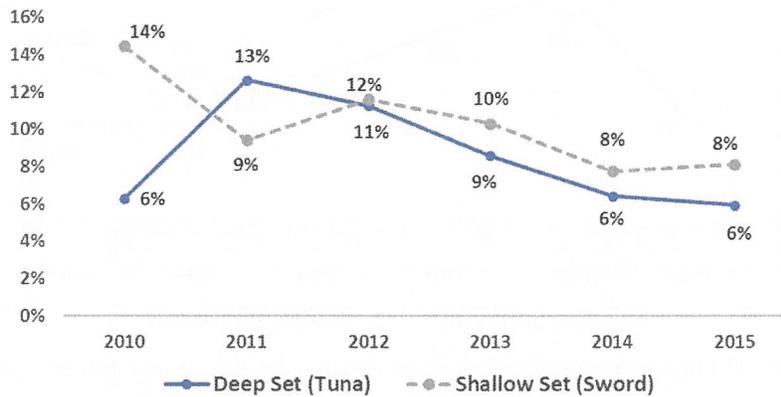
Species composition of catch in the NWHI is another factor worth considering in the context of potential economic impacts from the Monument expansion. Between 2010 and 2015 the composition of catch in the NWHI varied slightly from non-NWHI catch. On average, there was a nominally smaller share of bigeye tuna (the highest value target species in the longline fishery) and moonfish (opah) in the NWHI, and nominally larger shares of yellowfin tuna, albacore tuna, swordfish, and striped marlin (Table 6).



**Figure 5.** NWHI species composition of catch relative to non-NWHI catch composition, by weight (2010-2015)

Direct Fishing Revenues

The average inflation-adjusted annual fishery revenues in the NWHI between 2010 and 2015 averaged approximately \$7.8 million per year (Table 7). The shallow-set fishery has a nominally higher share of total revenues from the NWHI relative to the deep-set fishery. Between 2010 and 2015, the NWHI accounted for 10% of annual shallow set fishery revenues and approximately 8% for the deep-set fishery (Table 8). In considering the potential direct revenue impacts of the Monument Expansion, this \$7.8 million per year should be considered an upper bound estimate. To realize this level of economic impact would require no spatial reallocation of effort to make up for this “lost” catch.



**Figure 6.** NWHI fishing revenues as a share of total fishing revenues, by fishery (2010-2015)

Indirect Revenues

In addition to potential direct revenue impacts to the fishery we can consider potential indirect effects of backward linkage scenarios. Using economic impact multipliers published in 2011 (Arita et al., 2011), one can estimate the potential economic impacts to related industry sectors such as fuel/gear suppliers, dry dock services, and other support industries. Using 2015 revenue estimates, we find potential indirect economic losses of approximately \$9.1 million to linked sectors, \$4.3 million in household income, approximately 75 jobs lost, and lost tax revenues of \$561 thousand (Figure 7 and Table 9). Again, this assumes all catch is “lost” and not made up elsewhere, which may be an overly restrictive assumption.

Direct Value	Entire industry	NWHI	Units
Hawaii longline revenue in 2015	104	6.335	Millions
<b>Indirect Value (Backward linkage sectors, such as fuel &amp; gear supplies, dry dock services, etc.)</b>			
1. Total Impact on Industries	149	9.059	Millions
2. Household Income	70	4.251	Millions
3. Job	1244	75	Jobs
4. Tax Revenue	9	0.561	Millions

**Figure 7.** Potential indirect revenue lost from Monument Expansion

## 4. Discussion

This report provides an overview of presentations given at the 124<sup>th</sup> Scientific and Statistical Committee and 168<sup>th</sup> Council Meeting. All potential economic impact estimates presented herein should be considered upper bound estimates as the Monument expansion did not directly restrict current fishing activity, but did modify the spatial extent to which the fishery could operate. The potential direct and indirect revenue loss estimates provided in section 3 are provided under the assumption that catch from the NWHI is completely “lost”, which is likely an overly restrictive assumption.

It is difficult to quantify the true direct or indirect effects of the Monument expansion as many effects will take time to materialize. It is worth noting that fishermen will no longer have access to these traditional domestic fishing grounds within the United States EEZ, which may incur additional costs on the fleet as they reallocate their future effort elsewhere. The quick nature of this analysis does not allow us to understand the extent to which the cost of operations could change in response to a redistribution of traditional longline fishing effort away from the NWHI. The Pacific Islands Fisheries Science Center (PIFSC) Socioeconomics Program outlined multiple existing economic monitoring programs: (a) longline economic data collection program and (b) economic performance metrics that will provide insights to assess future changes in fishing costs and economic performance metrics as related to the Monument expansion.

In addition to economic impacts, it should be noted that there are potential sociocultural impacts of the Monument expansion that may warrant future research. While this report presented a fishery-level analysis, there is the potential for differential impacts among subgroups in the fishery (target species, vessel size, and/or ethnicity). As noted in section 3, the shallow-set fishery appears to have a nominally higher share of catch, effort, and revenues from the NWHI relative to the deep-set fishery. In addition to the potential for increased costs associated with fishing outside the EEZ there could be effects on the overall quality of the domestic product which could affect domestic market share and longer trips could impact both seafood safety and safety at sea for domestic fishing vessels.

## References

- Arita S, Pan M, Hospital J, Leung P.  
2011. Contribution, linkages and impacts of the fisheries sector to Hawaii's economy: a social accounting matrix analysis. Joint Institute for Marine and Atmospheric Research, SOEST Publication 11-01, JIMAR Contribution 11-373. University of Hawaii: Honolulu, HI, 54 p.
- Arita S, Pan M, Hospital J, Leung P.  
2013. The distributive economic impacts of Hawaii's commercial fishery: a SAM analysis. *Fisheries Research* 145: 82-89. doi:10.1016/j.fishres.2013.02.005.

## Appendix: Data Description and Data Tables

Data<sup>5</sup> used in this analysis are included in an attached Excel file. This file includes three tabs: (1) Original, (2) Calculation, and (3) IO.

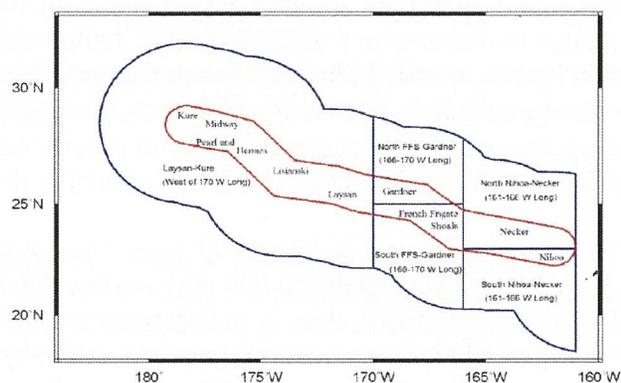
**Original:** The original tables received from PIFSC International Fisheries Program

**Calculation:** This tab includes percentage/share calculations, correction factors, inflation-adjustments for revenues, catch composition

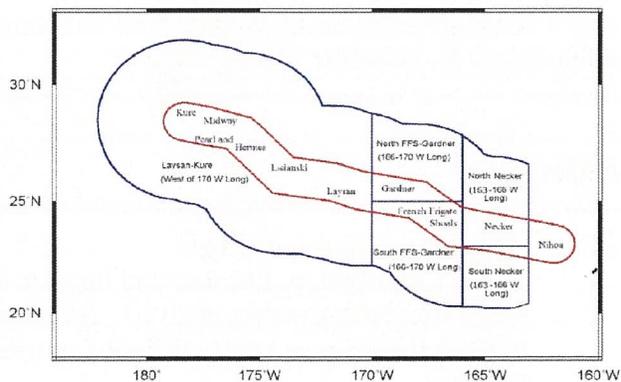
**IO:** This tab includes the economic impact multipliers

**Table 1.** Longline Pounds Caught (2010-2015) in NWHI areas

Area of NWHI fishing displaced	% longline pounds
Entire NWHI EEZ west of 161 W meridian	9.2%
From 161 to 166 W and North of Islands (North Nihoa-Necker)	2.2%
From 161 to 166 W and South of Islands (South Nihoa-Necker) Combined Deep and Shallow	3.3%
From 166 to 170 W and North of Islands (North FFS-Gardner) Deep and Shallow	1.1%
From 166 to 170 W and South of Islands (South FFS-Gardner)	1.5%
West of 170 W (Laysan-Kure)	1.1%



Area of NWHI fishing displaced	% longline pounds
Entire NWHI EEZ west of 163 W meridian	6.5%
From 163 to 166 W and North of Islands (North Necker)	1.1%
From 161 to 166 W and South of Islands (South Necker) Combined Deep and Shallow	1.5%
From 166 to 170 W and North of Islands (North FFS-Gardner) Deep and Shallow	1.1%
From 166 to 170 W and South of Islands (South FFS-Gardner)	1.5%
West of 170 W (Laysan-Kure)	1.1%



Source: PIFSC International Fisheries Program of the Fisheries Research and Monitoring Division, pers. comm. 9/20/2016

<sup>5</sup> See accompanying data file [IR17\_MonumentPIFSC.xlsx]

**Table 2.** Annual average pounds caught (2010-2015) in NWHI, by fishery

DEEP NWHI													Shallow NWHI	All NWHI
Pounds														
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	All Pelagics	All Pelagics	All Pelagics
2010	710,474	149,486	139,928	46,331	33,395	38,437	16,709	10,563	16,853	110,824	123,552	1,396,552	481,545	1,878,097
2011	1,614,411	326,993	400,371	56,400	123,703	159,348	112,908	93,844	31,124	138,955	277,881	3,335,937	384,783	3,720,720
2012	1,392,402	295,427	239,171	64,759	53,293	101,854	44,558	59,377	28,246	136,327	280,153	2,695,566	347,435	3,043,001
2013	1,119,958	244,004	118,836	47,174	77,942	119,641	64,706	46,941	32,602	111,294	187,927	2,171,025	303,133	2,474,158
2014	919,962	155,763	66,061	36,287	53,551	83,593	41,475	17,116	36,591	74,921	151,941	1,637,262	254,040	1,891,302
2015	1,102,391	260,215	94,607	48,442	92,808	123,718	50,101	24,524	31,996	82,240	121,416	2,032,458	257,515	2,289,973
<b>2010-2015 average</b>												2,211,467	338,075	2,549,542
<b>Correction Factor (-2.7%)</b>												<b>2,151,757</b>	<b>328,947</b>	<b>2,480,704</b>

**Table 3.** Annual share of pelagic pounds caught (2010-2015) in NWHI, by fishery

DEEP NWHI PERCENTAGE OF TOTAL DEEP													(based on weight)	
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	All Pelagics		
2010	6.0%	12.2%	15.8%	10.0%	4.9%	11.3%	6.4%	1.1%	6.1%	6.2%	7.5%	7%		
2011	12.9%	16.0%	26.9%	11.6%	15.0%	20.9%	22.0%	10.8%	8.7%	8.4%	16.1%	14%		
2012	10.8%	15.1%	16.8%	11.4%	8.1%	17.1%	12.6%	6.7%	7.6%	8.5%	13.9%	12%		
2013	7.8%	15.2%	17.3%	6.9%	8.9%	14.2%	13.8%	5.6%	6.9%	5.3%	8.4%	9%		
2014	5.9%	10.9%	14.8%	5.2%	4.6%	9.2%	8.7%	2.1%	5.3%	3.3%	6.9%	6%		
2015	5.7%	13.1%	17.9%	5.7%	6.8%	11.6%	8.7%	3.5%	4.1%	3.1%	5.1%	6%		
<b>Mean</b>	<b>8.2%</b>	<b>13.7%</b>	<b>18.2%</b>	<b>8.5%</b>	<b>8.0%</b>	<b>14.0%</b>	<b>12.0%</b>	<b>5.0%</b>	<b>6.5%</b>	<b>5.8%</b>	<b>9.7%</b>	<b>9.0%</b>		
												<b>correction factor (-2.7%)</b>	<b>8.7%</b>	
SHALLOW NWHI PERCENT OF TOTAL SHALLOW													(based on weight)	
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	All Pelagics		
2010	16.2%	18.9%	1.9%	12.8%	36.5%	38.9%	24.5%	19.3%	69.9%	4.0%	21.3%	13%		
2011	22.7%	25.1%	1.2%	9.3%	64.9%	41.4%	36.7%	27.5%	10.5%	0.9%	24.3%	11%		
2012	9.5%	19.8%	2.5%	11.2%	54.0%	51.6%	31.6%	21.4%	44.8%	0.4%	23.2%	12%		
2013	26.2%	39.0%	1.6%	10.3%	54.8%	74.3%	29.2%	49.9%	30.0%	0.0%	17.0%	13%		
2014	4.4%	22.0%	0.6%	7.0%	55.8%	30.1%	11.1%	30.7%	27.9%	0.0%	4.7%	8%		
2015	2.8%	13.1%	0.4%	9.2%	24.6%	26.9%	16.3%	36.6%	12.3%	0.0%	4.4%	9%		
<b>Mean</b>	<b>13.6%</b>	<b>23.0%</b>	<b>1.3%</b>	<b>10.0%</b>	<b>48.4%</b>	<b>43.9%</b>	<b>24.9%</b>	<b>30.9%</b>	<b>32.6%</b>	<b>0.9%</b>	<b>15.8%</b>	<b>11.1%</b>		
												<b>correction factor (-2.7%)</b>	<b>10.8%</b>	

**Table 4.** Annual share of fishing effort (2010-2015) in NWHI, by fishery

FISHING EFFORT - DEEP NWHI VERSUS TOTAL DEEP						
Year	NWHI deep (sets)	Total deep (sets)	NWHI deep (% sets)	NWHI deep (1,000 hooks)	Total deep (1,000 hooks)	NWHI deep (% hooks)
2010	1,051	16,065	6.5%	2,415	37,225	6%
2011	2,328	17,167	13.6%	5,423	40,761	13%
2012	2,089	18,101	11.5%	5,067	44,058	12%
2013	1,669	18,732	8.9%	4,141	46,847	9%
2014	1,148	17,756	6.5%	2,856	45,649	6%
2015	1,215	18,519	6.6%	3,081	47,643	6%
<b>Mean</b>	1,583	17,723	8.9%	3,831	43,697	9%
					correction factor (-2.7%)	8.6%
FISHING EFFORT - SHALLOW NWHI VERSUS TOTAL SHALLOW						
Year	NWHI shallow (sets)	Total shallow (sets)	NWHI shallow (% sets)	NWHI shallow (1,000 hooks)	Total deep (1,000 hooks)	NWHI deep (% hooks)
2010	254	1,871	13.6%	274	1,841	15%
2011	164	1,447	11.3%	176	1,468	12%
2012	195	1,352	14.4%	219	1,448	15%
2013	118	961	12.3%	130	1,059	12%
2014	98	1,336	7.3%	111	1,484	7%
2015	110	1,129	9.7%	123	1,258	10%
<b>Mean</b>	157	1,349	11.4%	172	1,426	12%
					correction factor (-2.7%)	11.6%

**Table 5.** Annual share of fishing effort (2010-2015) in NWHI relative to total longline fishery

FISHING EFFORT - TOTAL NWHI VERSUS TOTAL FISHERY						
Year	NWHI (sets)	Total (sets)	NWHI (% sets)	NWHI (1,000 hooks)	Total (1,000 hooks)	NWHI (% hooks)
2010	1,305	17,936	7.3%	2,689	39,067	6.9%
2011	2,492	18,614	13.4%	5,600	42,229	13.3%
2012	2,284	19,453	11.7%	5,286	45,506	11.6%
2013	1,787	19,693	9.1%	4,271	47,907	8.9%
2014	1,246	19,092	6.5%	2,967	47,132	6.3%
2015	1,325	19,648	6.7%	3,204	48,901	6.6%
<b>Mean</b>	1,740	19,073	9.1%	4,003	45,124	8.9%
			correction factor (-2.7%)	3,895		

**Table 6.** Annual share of species composition of catch (2010-2015), by area and species

<b>TOTAL FISHERY ALL AREAS</b>												
<b>Year</b>	<b>Bigeye tuna</b>	<b>Yellowfin tuna</b>	<b>Albacore</b>	<b>Swordfish</b>	<b>Blue marlin</b>	<b>Striped marlin</b>	<b>Spearfish</b>	<b>Mahimahi</b>	<b>Ono (Wahoo)</b>	<b>Moonfish</b>	<b>Other</b>	<b>TOTAL</b>
<b>2010</b>	50%	5%	4%	15%	3%	2%	1%	4%	1%	8%	7%	100%
<b>2011</b>	47%	8%	6%	13%	3%	3%	2%	3%	1%	6%	7%	100%
<b>2012</b>	50%	8%	6%	12%	3%	2%	1%	4%	1%	6%	8%	100%
<b>2013</b>	52%	6%	3%	10%	3%	3%	2%	3%	2%	8%	8%	100%
<b>2014</b>	52%	5%	2%	12%	4%	3%	2%	3%	2%	8%	7%	100%
<b>2015</b>	55%	6%	2%	10%	4%	3%	2%	2%	2%	8%	7%	100%
<b>Mean</b>	51%	6%	3%	12%	3%	3%	2%	3%	2%	7%	7%	

<b>Total NWHI (Deep+Shallow)</b>												
<b>Year</b>	<b>Bigeye tuna</b>	<b>Yellowfin tuna</b>	<b>Albacore</b>	<b>Swordfish</b>	<b>Blue marlin</b>	<b>Striped marlin</b>	<b>Spearfish</b>	<b>Mahimahi</b>	<b>Ono (Wahoo)</b>	<b>Moonfish</b>	<b>Other</b>	<b>All Pelagics</b>
<b>2010</b>	39%	8%	7%	24%	2%	3%	1%	1%	1%	6%	7%	100%
<b>2011</b>	44%	9%	11%	9%	4%	5%	3%	3%	1%	4%	8%	100%
<b>2012</b>	46%	10%	8%	11%	2%	4%	2%	2%	1%	4%	10%	100%
<b>2013</b>	46%	10%	5%	11%	4%	6%	3%	3%	1%	4%	8%	100%
<b>2014</b>	49%	9%	3%	13%	3%	5%	2%	2%	2%	4%	8%	100%
<b>2015</b>	48%	11%	4%	12%	4%	6%	2%	2%	1%	4%	5%	100%
<b>Mean</b>	45%	10%	6%	13%	3%	5%	2%	2%	1%	4%	8%	

**Table 7. Annual nominal and inflation-adjusted fishery revenues (2010-2015) in NWHI, by fishery**

DEEP NWHI														\$ K revenue		
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	TOTAL	CPI	CPI Inflator	Inflation-Adjusted (\$2015)	
2010	\$ 2,729	\$ 446	\$ 154	\$ 113	\$ 43	\$ 77	\$ 25	\$ 22	\$ 41	\$ 202	\$ 157	\$ 4,010	234.869	1.108	\$ 4,442	
2011	\$ 6,355	\$ 962	\$ 560	\$ 137	\$ 148	\$ 174	\$ 81	\$ 229	\$ 99	\$ 317	\$ 322	\$ 9,383	243.622	1.068	\$ 10,020	
2012	\$ 6,499	\$ 1,133	\$ 614	\$ 169	\$ 95	\$ 230	\$ 78	\$ 159	\$ 90	\$ 332	\$ 437	\$ 9,836	249.474	1.043	\$ 10,258	
2013	\$ 4,964	\$ 1,014	\$ 261	\$ 112	\$ 114	\$ 178	\$ 57	\$ 113	\$ 83	\$ 238	\$ 202	\$ 7,334	253.924	1.025	\$ 7,514	
2014	\$ 3,691	\$ 595	\$ 116	\$ 84	\$ 85	\$ 122	\$ 39	\$ 45	\$ 89	\$ 167	\$ 168	\$ 5,201	257.589	1.010	\$ 5,253	
2015	\$ 4,128	\$ 690	\$ 153	\$ 128	\$ 80	\$ 104	\$ 30	\$ 65	\$ 68	\$ 191	\$ 140	\$ 5,777	260.165	1.000	\$ 5,777	
<b>Mean</b>												\$ 6,924			\$ 7,211	
												<b>correction factor (-2.7%)</b>			<b>\$ 6,737</b>	
															<b>\$ 7,016</b>	

SHALLOW NWHI														\$ K revenue		
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	TOTAL	CPI	CPI Inflator	Inflation-Adjusted (\$2015)	
2010	\$ 98	\$ 16	\$ 1	\$ 1,027	\$ 5	\$ 14	\$ 1	\$ 14	\$ 3	\$ 1	\$ 20	\$ 1,199	234.869	1.108	\$ 1,328	
2011	\$ 93	\$ 40	\$ 1	\$ 605	\$ 15	\$ 17	\$ 3	\$ 42	\$ -	\$ -	\$ 16	\$ 832	243.622	1.068	\$ 888	
2012	\$ 33	\$ 27	\$ 1	\$ 778	\$ 19	\$ 22	\$ 2	\$ 29	\$ 2	\$ -	\$ 18	\$ 931	249.474	1.043	\$ 971	
2013	\$ 59	\$ 42	\$ -	\$ 589	\$ 7	\$ 24	\$ 2	\$ 57	\$ 1	\$ -	\$ 3	\$ 785	253.924	1.025	\$ 804	
2014	\$ 19	\$ 27	\$ -	\$ 438	\$ 6	\$ 9	\$ -	\$ 32	\$ 1	\$ -	\$ 2	\$ 534	257.589	1.010	\$ 539	
2015	\$ 14	\$ 11	\$ -	\$ 494	\$ 1	\$ 4	\$ -	\$ 32	\$ -	\$ -	\$ 1	\$ 558	260.165	1.000	\$ 558	
<b>Mean</b>												\$ 807			\$ 848	
												<b>correction factor (-2.7%)</b>			<b>\$ 785</b>	
															<b>\$ 825</b>	

**Table 8.** Annual share of nominal fishery revenues (2010-2015) in NWHI, by fishery and species

DEEP NWHI PERCENTAGE OF TOTAL DEEP												
(based on revenue)												
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	All Pelagics
2010	5.7%	11.3%	12.1%	9.2%	5.1%	12.5%	7.1%	1.5%	5.6%	8.0%	6.2%	6%
2011	12.1%	15.8%	22.3%	9.7%	14.5%	18.3%	14.6%	10.3%	9.8%	10.6%	11.6%	13%
2012	10.6%	15.1%	18.2%	10.0%	8.1%	17.7%	12.1%	7.1%	7.7%	10.2%	12.0%	11%
2013	7.9%	15.5%	15.8%	6.4%	9.3%	16.4%	10.1%	6.0%	6.5%	7.3%	6.3%	9%
2014	6.1%	11.6%	13.1%	4.8%	5.7%	9.3%	8.1%	2.9%	6.2%	5.0%	5.5%	6%
2015	5.6%	11.7%	17.4%	5.9%	5.7%	8.4%	5.8%	3.6%	4.1%	4.6%	4.0%	6%
<b>Mean</b>	8.0%	13.5%	16.5%	7.7%	8.1%	13.8%	9.6%	5.2%	6.7%	7.6%	7.6%	8.5%
<b>correction factor (-2.7%)</b>												<b>8.3%</b>
SHALLOW NWHI PERCENT OF TOTAL SHALLOW												
(based on revenue)												
Year	Bigeye tuna	Yellowfin tuna	Albacore	Swordfish	Blue marlin	Striped marlin	Spearfish	Mahimahi	Ono (Wahoo)	Moonfish	Other	All Pelagics
2010	20.6%	19.5%	4.2%	13.7%	35.7%	36.8%	50.0%	23.0%	60.0%	6.7%	25.3%	14%
2011	23.3%	30.3%	1.6%	7.6%	68.2%	34.0%	37.5%	26.1%	0.0%	0.0%	27.6%	9%
2012	8.9%	19.1%	3.1%	10.8%	55.9%	50.0%	28.6%	24.4%	66.7%	0.0%	26.5%	12%
2013	25.0%	33.9%	0.0%	8.4%	50.0%	66.7%	33.3%	55.3%	50.0%	0.0%	11.1%	10%
2014	5.5%	25.0%	0.0%	7.1%	50.0%	23.1%	0.0%	31.4%	33.3%	0.0%	5.3%	8%
2015	2.8%	15.3%	0.0%	8.1%	20.0%	21.1%	0.0%	37.2%	0.0%	0.0%	3.4%	8%
<b>Mean</b>	14.4%	23.9%	1.5%	9.3%	46.6%	38.6%	24.9%	32.9%	35.0%	1.1%	16.5%	10.3%
<b>correction factor (-2.7%)</b>												<b>10.0%</b>

**Table 9.** Indirect economic impact multiplier structure using 2015 NWHI fishing revenues

Direct value							
Hawaii longline revenue in 2015 (\$million)		104.278					
Indirect value				Total Impact		NWHI impact	
Backward Linkage (the non-fishery sectors)		Multipliers	Revenue	Linkage	Revenue	Linkage	
Tuna		1.44	97.403	140.260	5.777	8.319	
Tuna/Swordfish		1.326	6.875	9.116	0.558	0.740	
Total			104.278	149.377	6.335	9.059	
Household Income multipliers				Linkage	Revenue	Linkage	
Tuna		0.673	97.403	65.552	5.777	3.888	
Tuna/Swordfish		0.651	6.875	4.476	0.558	0.363	
Total			104.278	70.028	6.335	4.251	
Job per one million				Revenue	Linkage	Revenue	Linkage
Tuna		12	97.403	1,168.836	5.777	69.324	
Tuna/Swordfish		11	6.875	75.625	0.558	6.138	
Total			104.278	1,244.461	6.335	75.462	
Tax Revenue per one million				Revenue	Linkage	Revenue	Linkage
Tuna		0.089	97.403	8.669	5.777	0.514	
Tuna/Swordfish		0.084	6.875	0.578	0.558	0.047	
Total			104.278	9.2	6.3	0.6	

Direct Value	Entire industry	NWHI Units
Hawaii longline revenue in 2015	104	6.335 Millions
Indirect Value (Backward linkage sectors, such as fuel & gear supplies, dry dock services, etc.)		
1. Total Impact on Industries	149	9.059 Millions
2. Household Income	70	4.251 Millions
3. Job	1244	75 Jobs
4. Tax Revenue	9	0.561 Millions

Mutiplers are based on the study (in Table 6) by Arita, S. M. Pan, J. Hospital, and PS Leung. 2011. Contribution, Linkages and Impacts of the Fisheries Sector to Hawaii's Economy: A Social Accounting Matrix Analysis, JIMAR Contribution 11-373, University of Hawaii



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



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

## Losing grounds: Self-report or report by force

[nationalfisherman.com/viewpoints/national-international/losing-grounds-self-report-or-report-by-force](http://nationalfisherman.com/viewpoints/national-international/losing-grounds-self-report-or-report-by-force)

By Ray Hilborn



Effective lobbying by anti-fishing NGOs leading to public concern about the environmental impacts of fishing, are leading to increasing restrictions on commercial fishing far beyond any regulation needed to assure the sustainability of the fishery. Commercial fishing as a livelihood and economic activity is under threat in much of the world.

No country illustrates this better than Australia, where anti-fishing groups have allied themselves with recreational fishing interests to have more and more of the country declared as No Commercial Fishing zones. Pressure from environmental NGOs caused the Australian government to pass a law specifically banning an individual large fishing vessel. A similar alliance in New Zealand is also being very effective at demanding more restrictions on fishing and the public relations by these groups has caused the New Zealand public to believe that marine fish are more threatened with extinction than the native terrestrial animals where roughly half have gone extinct.

In Europe, anti-fishing groups have great power in the European Parliament, successfully banning trawling in waters deeper than 800 meters, enacting a no-discard ban that could cripple commercial fishing, and recently banning electrofishing with trawls, which largely eliminates bottom contact and reduces fuel use.



At the international level ENGOs are pushing for 30 percent of oceans to be declared no-take marine protected areas. The ENGO argument is that commercial fishing uses a public resource for their own profit largely without oversight and is riddled with illegal practices, such as fishing in closed areas, discarding protected species, and misreporting catch. Recent convictions of well-known fishermen for these crimes reinforces the public view of fishermen as pirates.

The commercial fishing industry is losing the battle over the social license to operate.

To maintain the social license to operate, I believe fishing industries worldwide need to step forward and accept levels of transparency in fishing activities that were unimaginable a decade ago. If fishermen

were to have detailed position monitoring for all vessels available to government regulators, and 100 percent at-sea coverage of catch and discards by cameras, there would be no argument that fishing is taking place in closed areas, or that discards and bycatch are not being recorded.

The era of secret fishing spots is over. Global fishing activity is being actively tracked using AIS data. New technologies will be in place in the next few years to locate every fishing vessel in the world longer than 30 feet, and this information will be available to the public. Several countries, including Indonesia and Peru, have already agreed to have all VMS records made public.

I suggest that all fishing vessels voluntarily report their position on a minute by minute basis from GPS tracks. This will provide assurance that licensed vessels are fishing where they should, and closed area restrictions are being obeyed. In conjunction with at-sea camera coverage of catch and landings, vessel tracking will assure that vessels are correctly reporting the location of landings.

There are strong incentives not to report bycatch and discard, especially of endangered or threatened species. The public doesn't trust fishermen, and there are enough bad actors in the fishing community that this distrust is sometimes warranted. The only way the public will accept estimates of discards and bycatch is if there are onboard or electronic observation systems. The technology is advancing rapidly, costs are coming down, the fishing fleets need to accept such monitoring as a necessary condition of operation. The more fishing groups work with governments and technology companies, the more rapidly the costs will come down.



These two measures will be repugnant to many fishermen. But the alternative is you will be driven out of business. Many environmental NGOs are supportive of sustainable fishing activities, but there are also well funded NGOs that won't be happy until anything but the smallest fishing vessels are driven from the ocean. These NGOs have allied themselves in some places with small scale fishing groups, recreational fishermen, and competing industrial interests, such as energy production. Their political and economic power is far greater than commercial fishing.

Fishing industries need to establish their own programs for position monitoring and at-sea catch monitoring so they can control the costs of the program and the access to these data. This would involve having independent contractors store the data and provide access as legally required. In some cases there will be direct benefit to the industry. In the Northeast Pacific, many fishing cooperatives now have independent contractors getting daily updates on position and bycatch and have legally binding agreements to leave areas the contractor closes to avoid bycatch hotspots. Bottom trawling industries will benefit by precise reporting of their location — the more precise the data the smaller the estimated footprint of bottom contact.

Finally, the reputation of fishing is repeatedly tarnished by a few vessels that violate the laws. The “codfather” scandal in New England and falsified reporting of fishing locations in Alaska could both have been prevented by accurate position reporting and at-sea monitoring. It is in the interest of almost all fishermen to prevent such illegal actions.

The technology is now in place for accurate position reporting at very low cost. A \$100 device can record the location of the vessel every minute and upload this via cell phone networks when in port. The technology for electronic catch monitoring is advancing rapidly, and it is a matter of only a few years before it will be practical for almost all vessels. The only real question is whether fishing industries will put these systems in place, on their terms, or the anti-fishing NGOs will get governments to do it.

Finally, commercial fishing groups need a concerted public relations campaign coordinated with the transparency I have suggested. Fishing provides highly nutritious food at a very low environmental cost, yet most fishing groups seem to spend more energy criticizing their competitors than collaborating to explain to the public the value of seafood. It is time for the fishing industry to present a united front to the public.

NATURE | COMMENT

# Policy: Marine biodiversity needs more than protection

Ray Hilborn

13 July 2016

**To sustain the seas, advocates of marine protected areas and those in fisheries management must work together, not at cross purposes, urges Ray Hilborn.**

**Subject terms:** Fisheries Conservation biology



Thomas P. Peschak/NGC

Fishing off the east African coast near Vamizi Island, only one side of which is a marine protected area.

On 1 September, government leaders, directors of non-governmental organizations (NGOs) and others will meet in Hawaii at the International Union for Conservation of Nature's World Conservation Congress to discuss environmental and development challenges. Twenty-three NGOs, including the Pew Charitable Trusts and the Natural Resources Defense Council, are calling on the IUCN to make 30% of the world's coastal and marine areas fully protected from fishing and other forms of exploitation by 2030.

If this target were achieved, the abundance of exploited species in the areas that are closed off would undoubtedly increase<sup>1</sup>. It is not clear, however, whether the same would be true for marine biodiversity overall.

There are currently two very different views on the effectiveness of zones where fishing is either banned outright or tightly restricted. Many conservationists see the establishment of these marine protected areas (MPAs) as the only way to protect biodiversity. Others — me

## Related stories

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included — argue that the protection of biodiversity at sea can include recreational and industrial fishing and other uses of ocean resources. In fact, we think that closing waters to some kinds of fishing gear and restricting the catch of named species can offer much more protection than cordoning off even 30% of an area. We are concerned that MPAs may simply shift fishing pressure elsewhere<sup>2</sup>.

- Negotiations to tame marine Wild West begin

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Opinions are so divided that the conservation expertise of fisheries managers is being left out of national and international drives to protect ocean resources. Likewise, the suite of threats to biodiversity besides fishing, such as from oil exploration, sea-bed mining and ocean acidification, are not being addressed in standard fisheries management.

The seas face myriad problems — climate change, development and the nutritional and other needs of a growing human population. To tackle them, conservationists and those involved in fisheries management must work together and answer to the same governing bodies.

### **Rise of protection**

Calls for MPAs began in earnest during the 1990s, when overfishing was common in most of the developed world and collapses of fish stocks repeatedly made headlines. In the early 2000s, ecologists often assumed that biodiversity could flourish only inside protected areas. One group proposed in 2002, for example, that 40% of the ocean be made reserves, on the assumption that the replenishment of fish populations through reproduction could not happen outside them<sup>3</sup>.

Most ecologists and conservationists now accept — in theory — that even if as much as 20% of a region were cordoned off from fishing, most of that area's biodiversity would exist outside the protected zones as long as effective fisheries management was in place. Yet the dominance of MPAs in conservation policy has, if anything, increased since the 2000s.

In the past decade especially, numerous environmental NGOs and conservation-funding groups have taken up MPAs as their preferred tool for ocean protection. Together, the conservation group WWF, Greenpeace and other NGOs have spent hundreds of millions of dollars over the past ten years lobbying for MPAs around the world. One effect of this was US President Barack Obama adding just over 1 million square kilometres (an area roughly twice the size of Texas) to the US Pacific territories national monument in 2014. Another has been President James Michel of the Seychelles promising to make 412,000 km<sup>2</sup> of the Indian Ocean surrounding the islands a totally protected MPA.

*Noel Celis/AFP/Getty*

In the Philippines, communities are using a mix of protected areas and other forms of regulation to make fishing more sustainable.

MPAs also dominate the scientific literature on marine conservation. Researchers documenting the effects of MPAs on biodiversity, in my view, ignore or underappreciate the benefits of fisheries management. Jane Lubchenco and Kirsten Grorud-Colvert<sup>4</sup> for instance, have equated biodiversity protection in the oceans to the establishment of no-take areas, writing: “Even lumping all categories together, only 3.5% of the ocean is protected” and “only 1.6% is 'strongly' or 'fully' protected.” And in 2014, Carissa Klein and co-authors<sup>5</sup> evaluated the degree to which the ranges of more than 17,000 species are contained within MPAs. I interpret this as implying that species whose ranges do not fall within MPAs will be lost, although these authors concede that, for some species, “the best conservation outcome may be achieved with other strategies, including fisheries regulations”.

### **Management strategies**

There are many other useful tools and legal frameworks designed to reduce overfishing, rebuild fish stocks and protect the biodiversity of the oceans. National and international fisheries agencies have been developing and enforcing these for the past two decades.

Problems are identified and tools selected to solve them in what is often a highly participatory process involving many stakeholders. If a certain fishing approach, such as bottom trawling, threatens a habitat, the area can be closed to that type of fishing. If a species is being threatened as a result of being caught unintentionally along with the targeted species, the fishery may be closed, fishing permitted at only certain times of the year, or catching techniques modified to reduce by-catch. Dolphin mortality fell almost 100-fold between 1986 and 1998 in the eastern Pacific<sup>6</sup>, for instance, after vessels changed fishing practice so that ensnared dolphins were released before the nets were hauled aboard. (The technology was developed by fishermen after the Inter-American Tropical Tuna Commission instituted limits to dolphin by-catch.)

The United States spends more than US\$300 million per year on fisheries management. It does so through the implementation of key pieces of legislation, including the Magnuson–Stevens Fishery Conservation and Management Act, the

Endangered Species Act, the Marine Mammal Protection Act, the National Environmental Policy Act and the Clean Water Act. In Alaska, for example, more than 50% of the continental shelf waters are closed to specific kinds of fishing gear and the entire shelf is covered by species-specific catch restrictions. This is much more protection than could be offered by turning 30% of the region into MPAs.

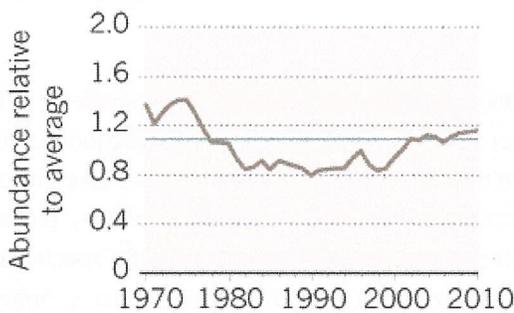
Because of fisheries management, overfishing has largely been eliminated in US waters<sup>7</sup>. The proportion of fish stocks listed as 'overfished' — those in which abundance is lower than that needed to produce near-maximum yield — halved between 1997 and 2014 to 16% (see [go.nature.com/2946lg4](http://go.nature.com/2946lg4)). Overfishing has also largely stopped in the European Union's Atlantic fisheries, New Zealand, Australia, Iceland, Norway and Canada (see 'The fruits of fisheries management')<sup>8</sup>. And management strategies recently implemented by major Latin American countries, including Peru, Argentina and Chile, have reduced the proportion of stocks that are fished above optimal rates from 75% in 2000 to 45% in 2011 (unpublished data).

## THE FRUITS OF FISHERIES MANAGEMENT

In several areas, fish stocks are stabilizing (A, C) or increasing (B, D) thanks to catches being limited or certain types of fishing gear being restricted in some areas.

— Amount of fish needed to produce long-term maximum sustainable yield

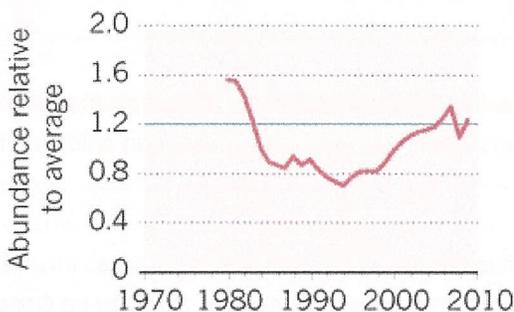
**A** *Iceland and Norway*



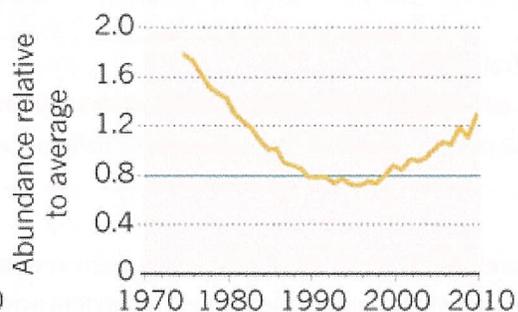
**B** *EU Atlantic*



**C** *US East Coast*



**D** *US Southeast and Gulf of Mexico*



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Source: [www.ramlegacy.org](http://www.ramlegacy.org)

In short, it is now clear that for those countries with effective fisheries management in place — a group of nations responsible for 45% of the global catch — fish stocks are stable, or increasing. Of course, most of the world's fisheries, especially in Africa and in parts of Asia, have no protection of any kind.

### Bridge the divide

Studies show that enforcing the closure of an area to fishing increases the density of fish in the reserve by around 166%<sup>1</sup>. Yet, at best, MPAs will cover a small fraction of the ocean and few studies have evaluated their effect on biodiversity outside their perimeters. Catch data, records of boat movements and other monitoring efforts indicate that fishing pressure may increase beyond MPAs<sup>2</sup>.

More pressingly, neither MPAs nor fisheries management alone can shield marine biodiversity from the panoply of current threats: climate change and ocean acidification, land-based run-off, oil spills, plastics, ship traffic, tidal and wind farms, ocean mining and underwater communications cables.

The enormity of the challenge calls for a change in approach. Instead of working at cross purposes, MPA advocates and those in fisheries management need to identify and solve area-specific problems together, and in consultation with diverse stakeholders. These may range from professional and recreational fishermen, park officers and environmental NGOs to developers, oil and gas companies and communications companies.

Regional coastal-management agencies, such as the California Coastal Commission, which operates as a quasi-independent government agency, are a potential model. But their mandate and membership would have to be significantly expanded if they were to deal with the impacts of fisheries and the establishment of MPAs. Such commissions have traditionally been confined to nearshore waters and have been able to regulate only development permits.

**“Biodiversity protection and fisheries management must be overseen by the same bodies.”**

Marine spatial planning is a generic term for the process of resolving conflicts in the use of marine resources and would seem to be the obvious mechanism to integrate fisheries management and MPAs. Yet after more than a decade of discussion and some attempts at implementation, there are few examples of the process effectively bringing the two 'tribes' together to work towards common goals. I suspect that this is, in part, because insufficient efforts have been made to convince both parties that decision-making bodies

represent their interests appropriately.

The best examples of MPA advocates and fisheries-management communities working together are small-scale. In the Philippines and Indonesia, for instance, communities are working with local governments and NGOs, using a mix of protected areas and other forms of regulation, to try to rebuild coral-reef fish stocks<sup>9</sup>. Here the principal aim is to make fishing more sustainable; the objective of protecting representative habitats is not typically considered.

In larger industrial fisheries, such as in Europe, Australia and New Zealand, it should be possible for MPA advocates to collaborate with national fisheries departments. This would require a clear elaboration of the objectives of each. It would also require the appointment of more conservationists and MPA advocates to fisheries-management organizations, which are currently dominated by regulatory agencies and fishing-interest groups.

Another way to foster collaboration on a national scale would be to merge the various government departments responsible for conservation and fisheries management into a single department of marine management. Such an organization could oversee the protection of biodiversity and the sustainable use of fisheries, and regulate competing marine uses. As a first step, a set of formal consultations, informed by case studies that measure the actual level of biodiversity protection achieved in different places through existing mixes of MPAs and fisheries management, could begin to identify clear measurable objectives.

At the local, national and international levels, biodiversity protection and fisheries management must be overseen by the same bodies if either is to be truly effective.

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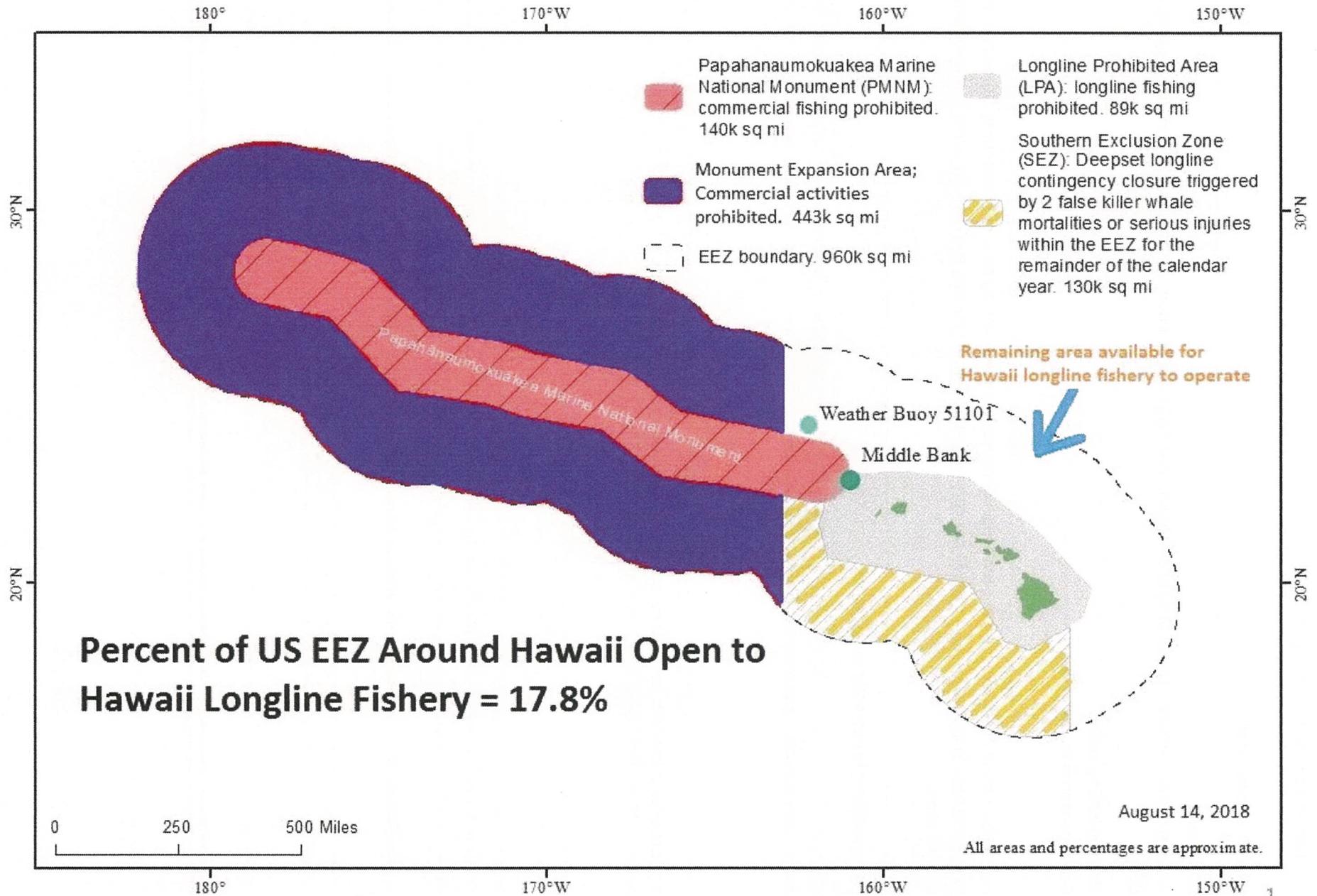
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# Hawaii Longline Fishery Available Fishing Areas Within the US EEZ Around Hawaii



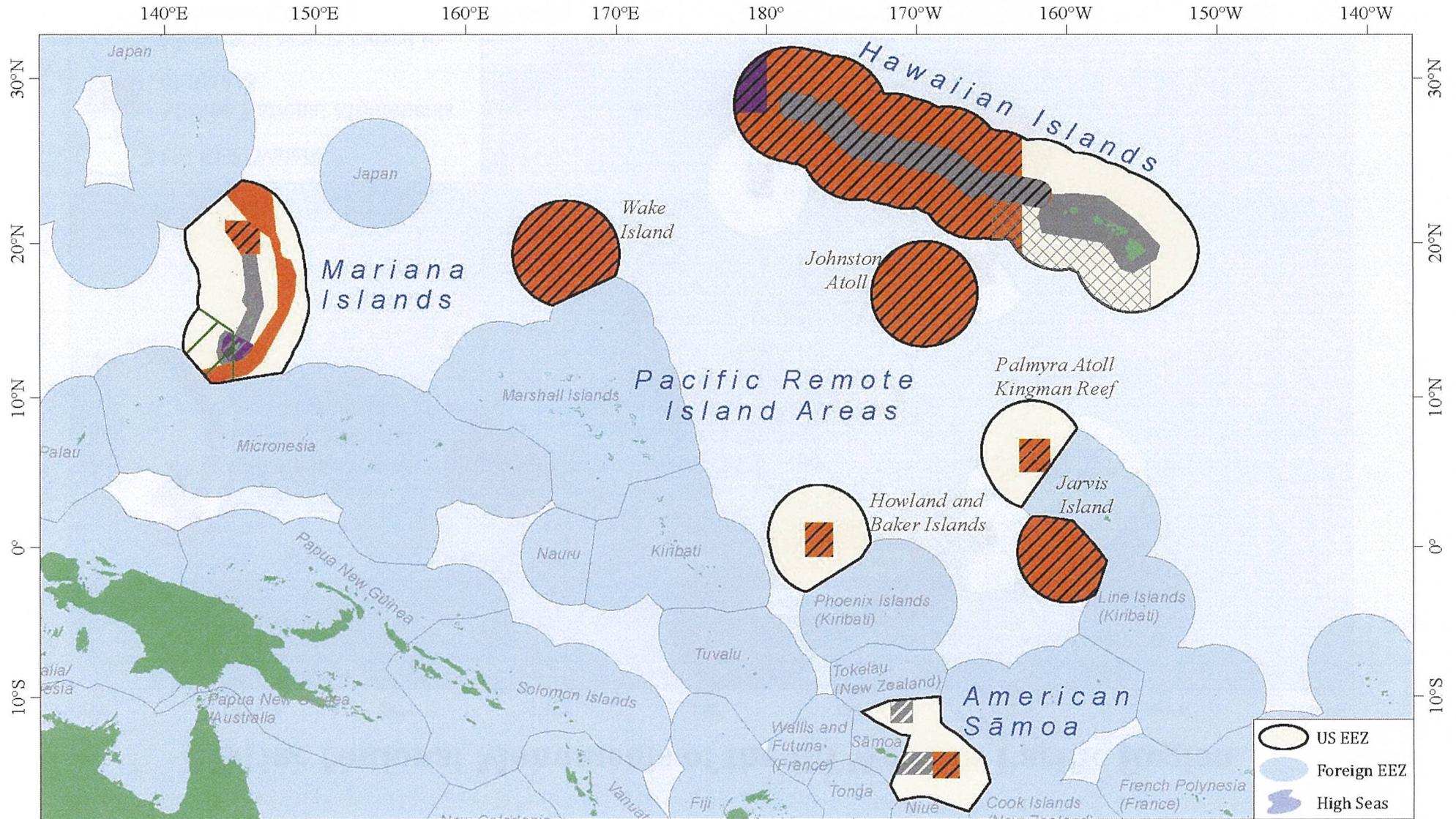
# US EEZ Regulated Fishing Areas, Western Pacific Region

## Magnuson-Stevens Act

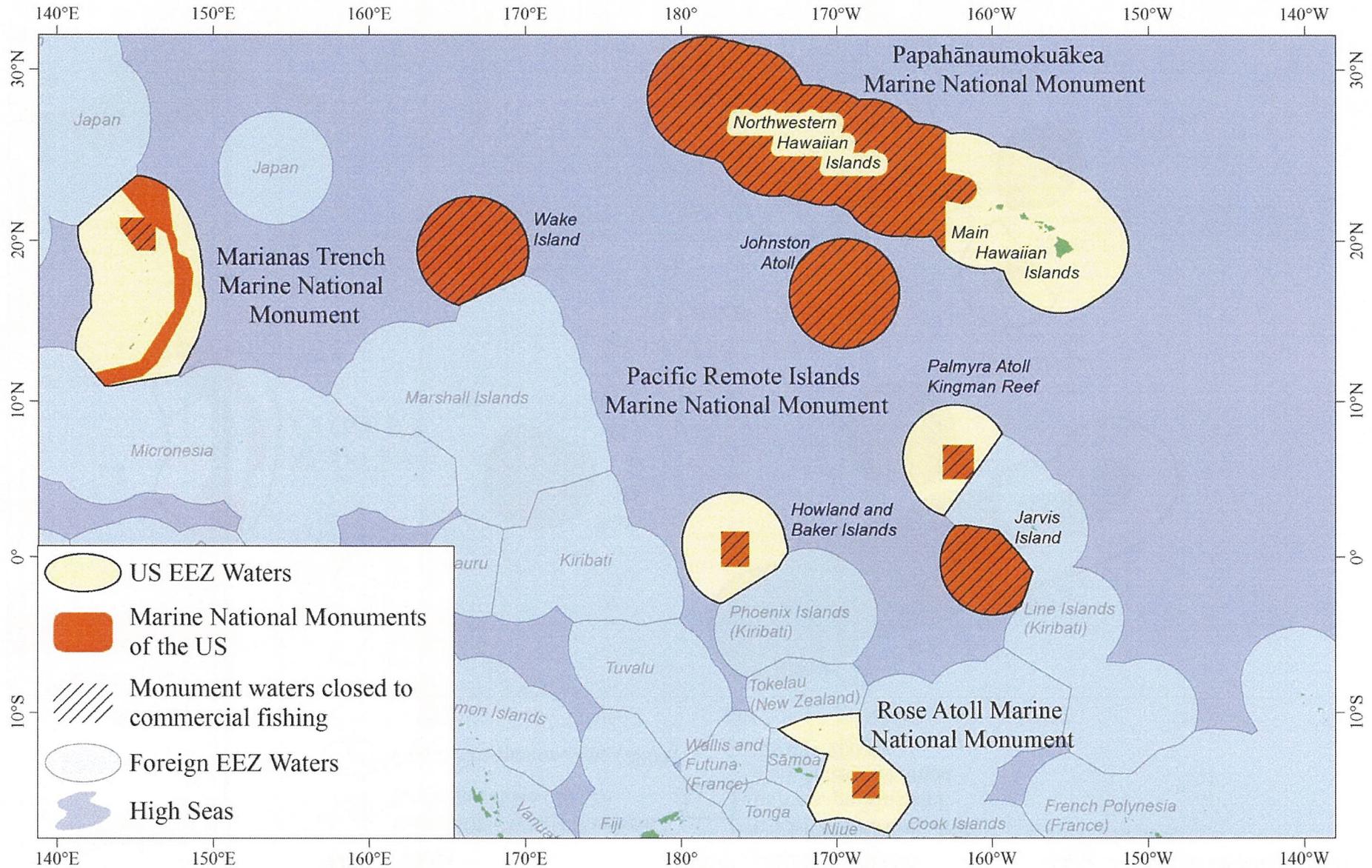
-  Longline fishing prohibited (1991 - 92, 2011)
-  Large Vessel Prohibited Area (2002)
-  False Killer Whale Southern Exclusion Zone (2012)
-  Guam No Anchor Zone (2004)
-  Bottomfish/Groundfish fishing prohibited (1986)
-  Bottomfish Vessels ≥ 50 ft prohibited (2006)
-  US EEZ: trawling, drift gillnets,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

## Antiquities Act

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

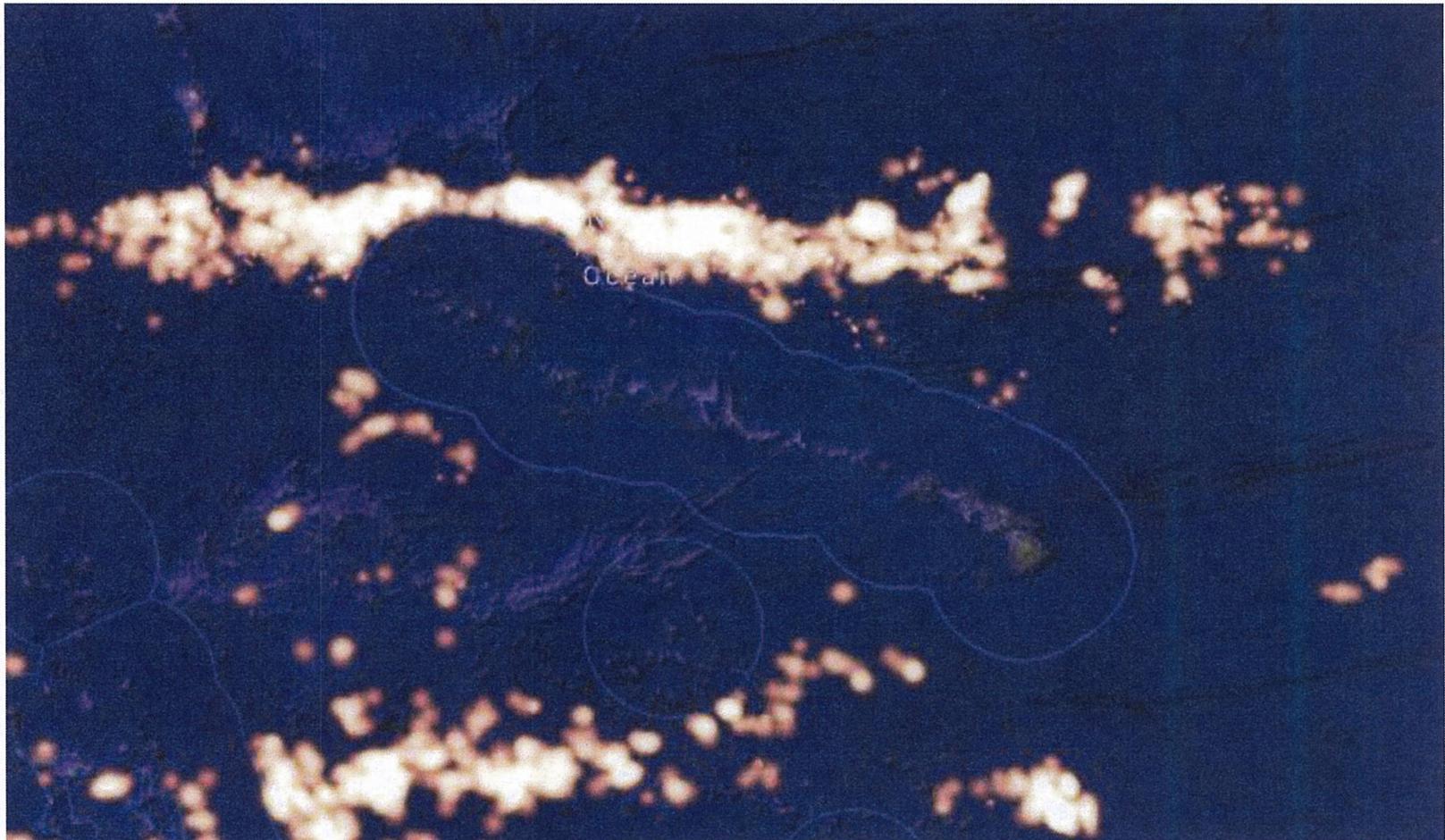


# Marine National Monuments of the US Western Pacific Region



**51% of the 2.2-million-square-mile US exclusive economic zone of the Western Pacific Region have been designated as marine national monuments via presidential proclamation.**

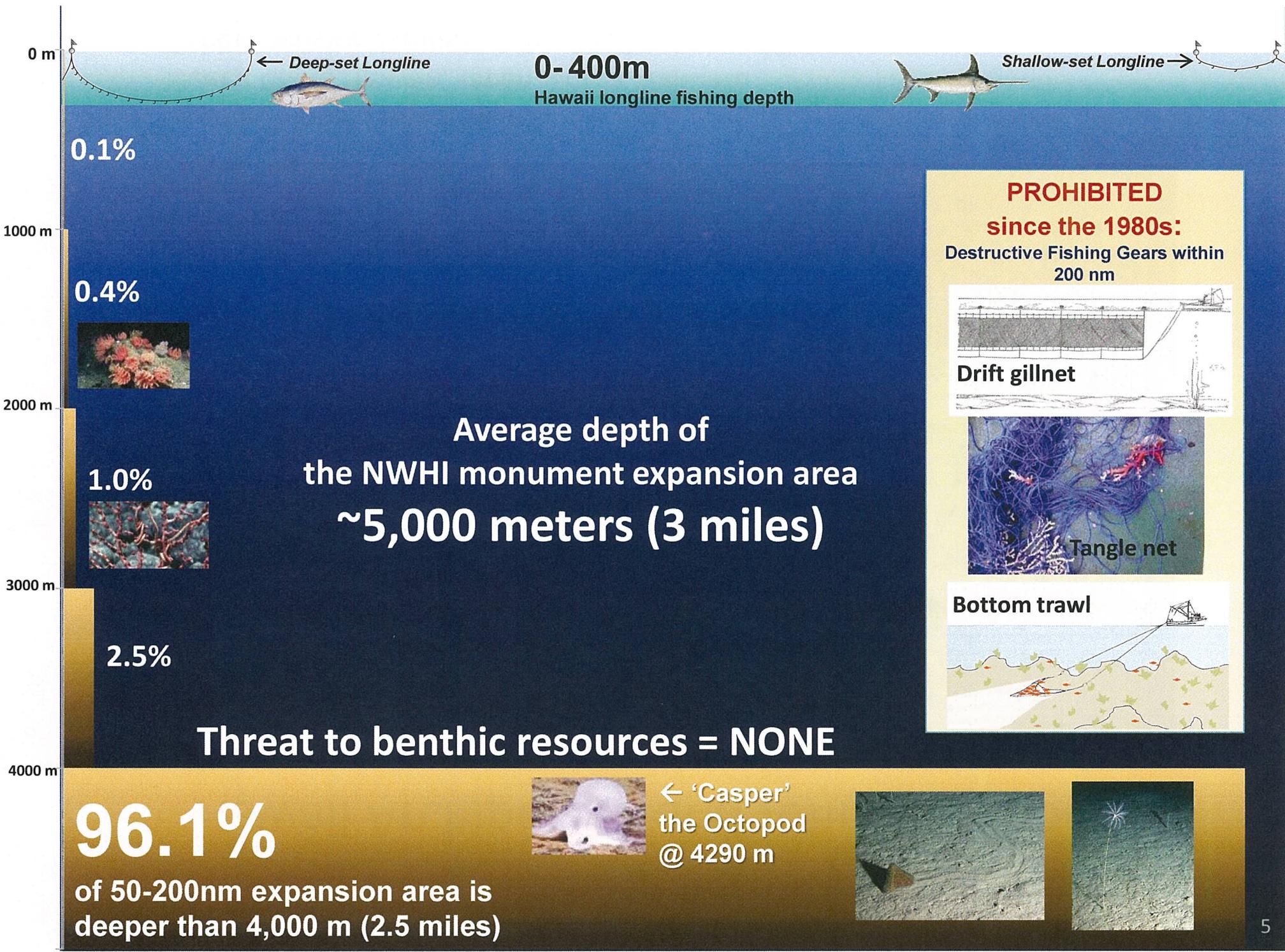
# 30 days of foreign fishing activity around US EEZ Hawaii Archipelago and Johnston Atoll



Source: Global Fishing Watch

Fleets: China, Taiwan, Japan, Korea, Vanuatu

Fishing activity: January 1-30, 2018



**PROHIBITED**  
since the 1980s:  
Destructive Fishing Gears within 200 nm

**Drift gillnet**

**Tangle net**

**Bottom trawl**



← 'Casper' the Octopod @ 4290 m



Not drawn to scale



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September 17, 2018

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

Dear Mr. President

The Hawaii Longline Association<sup>1</sup> requests that the Administration remove the commercial fishing prohibitions established in proclamations designating National Marine Monuments under the Antiquities Act. Following are several reasons for doing so:

1. AMERICA FIRST

The U.S. Exclusive Economic Zone was established to PUT AMERICA FIRST; U.S. waters out to 200 n.m. would be reserved for use by U.S. fishermen. Under the Magnuson-Stevens Act, only if there was a surplus of fish would it be made available to foreign fishermen. The result is that in fact there is almost no foreign fishing in U.S. waters<sup>2</sup>. Unfortunately, even U.S. fishermen now cannot fish in very large portions of the U.S. EEZ because of the designations of marine monuments, including four such monuments in the Pacific, which are known to have some prime fishing grounds for tuna and associated species. Thus U.S. fisheries' production is limited or made more expensive as vessels must travel farther to catch fish or are unable to access prime fishing grounds.

2. AMERICA FIRST IS BETTER FOR THE ENVIRONMENT

It is well known that the U.S. fisheries for tuna are the most comprehensively managed fisheries in the world. Not only are the fisheries regulated under the Magnuson-Stevens Act, but the U.S. fisheries are also subject to strong enforcement of U.S. obligations under international treaties. As a result, U.S. fisheries have minimal adverse impacts on other species and resources of concern because of regulations to protect marine mammals, seabirds, and sea turtles. The U.S. fisheries' compliance records are a model for the rest of the world. To the extent that U.S. vessels can meet U.S. market

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<sup>1</sup> HLA is a non-profit industry association that represents the Hawaii-based longline fisheries (deep-set and shallow-set). HLA submits these comments in its representative capacity on behalf of the Hawaii-based vessels, owners, and fishermen participating in the commercial longline fisheries that are subject to the prohibition of commercial fishing in national marine monuments established under the Antiquities Act.

<sup>2</sup> There is a treaty with Canada that allows limited fishing for albacore tuna by Canadian vessels in West Coast waters, balanced by allowance for U.S. fishing in Canadian waters.

demands, these other species will be protected from the harm that would be done by less regulated fisheries. This is especially the case when the fishing involved has no detectable impact on the marine resources being protected. Fishing for tuna has no effect on the habitat, there are no impacts on corals or other bottom resources, and as noted above, there are minimal or no impacts on other living marine resources.

### 3. MANAGING UNDER THE MAGNUSON ACT IS PREFERRED

The Magnuson-Stevens Act has proven to be a model statute for conservation and management of natural resources. It establishes a fully open and transparent process for management decisions, including full public participation and notice and comment rulemaking. Fishermen can participate in all aspects of the management process and our ideas and recommendations receive full consideration. There is full evaluation of all aspects of alternative management measures. The Antiquities Act, on the other hand, is not a public process, and the most recent designations or expansions of marine monuments were driven principally by national environmental groups with virtually no inputs from fishermen and with no public evaluation of effects. The people most directly affected had the least opportunity to make their concerns and needs known.

### 4. YOU HAVE THE AUTHORITY

We believe that, just as you as President have the authority to establish monuments under the Antiquities Act, you have the authority to revise monument designations and proclamations, including the authority to remove prohibitions of commercial fishing. We urge you to use that authority for the reasons cited above.

We appreciate your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean Martin". The signature is fluid and cursive, with the first name "Sean" and last name "Martin" clearly distinguishable.

Sean Martin, President, HLA

Cc: Ms. Mary Bridget Neumayr, Council on Environmental Quality