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 Chair

February 26, 2021

The Honorable Scott De la Vega  
 Acting Secretary of the Interior  
 Department of the Interior  
 1849 C. Street, N.W.  
 Washington, DC 20230

Dear Mr. Secretary:

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the foundation that guides the management, conservation, and use of United States fishery resources. The MSA charges the nation's eight Regional Fishery Management Councils with the responsibility of achieving its goals and objectives. The Council Coordination Committee consists of the senior leaders of all eight Councils. We reviewed Section 3 of the Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. This section asks you to recommend whether a commercial fishing prohibition within the Northeast Canyons and Seamounts National Marine Monument (Marine Monument) should be restored. We recommend that any fishing restrictions that apply in the Marine Monument continue to be developed, analyzed, and implemented through the public, transparent, and science-based management process required by the MSA. Fishing restrictions in marine national monuments should not be implemented through the Antiquities Act of 1906.

The MSA gives the United States the strongest statutory framework in the world for the management of sustainable fisheries and associated ecosystems. In addition to preventing overfishing and rebuilding overfished stocks, the Councils protect essential fish habitat, minimize bycatch, and comply with protections for species listed under the Endangered Species Act and other Federal laws within the U.S. Exclusive Economic Zone. The Council process is public, transparent, science-based, and adheres to the requirements of the National Environmental Policy Act. As a result, we not only meet conservation objectives but also ensure the sustainability of seafood caught for U.S. consumers, promote the economies of coastal communities, and maintain the social and cultural fabric of our nation's recreational, commercial, and subsistence fishing communities.

To achieve these conservation and management objectives, the Councils use a wide range of management tools, including spatial management (e.g., marine protected areas, gear restricted areas). Through the Councils, more than 1,000 individual spatial habitat and fisheries conservation measures have been implemented, protecting more than 72 percent of the nation's ocean waters from the adverse effects of unsustainable fishing practices.

Designations that use the Antiquities Act of 1906 to adopt fishing restrictions within marine national monuments may disrupt our ability to manage fisheries throughout their range and in an ecosystem-based manner. We are concerned that the Antiquities Act of 1906 does not explicitly require a robust public process or science-based environmental analyses. When a commercial fishing prohibition was adopted for the Marine Monument in 2016, MSA

requirements to achieve optimum yield from the nation's fishery resources were not considered. Nor were other requirements of that statute, such as its emphasis on science-based decision-making, a rigorous public process, and ten national standards for fisheries management. The prohibition can also redirect effort into other areas, which can increase gear conflicts and have unintended consequences on protected species. These issues are routinely examined, evaluated, and discussed with the public through the Council process before decisions are made.

Deep-sea coral protections developed by both the New England and Mid-Atlantic Councils provide excellent examples of how conservation objectives can be achieved through a transparent, and science-based Council process. The New England Council's action will provide sweeping protections for corals off the New England coast and prevents the expansion of fishing effort into areas where corals are likely to be present. The new protection zone encompasses 87 percent of the Marine Monument. The prohibition on bottom-tending fishing gear in the protected areas will provide strong habitat and coral protections in the area while balancing the social and economic impacts to the industry. Similarly, in 2015 the Mid-Atlantic Council approved a large deep-sea coral protection area in the Mid-Atlantic where deep-sea corals are now protected from the impacts of bottom-tending fishing gear. Both of these Councils used similar processes to examine the science, collect input from stakeholders, and develop alternatives in order to protect deep-sea corals. Between the Mid-Atlantic and New England, the deep-sea coral protection areas encompass a total combined area about the size of the state of Florida.

For all of these reasons, as we have noted in our earlier letters to President Obama, the Secretary of the Interior, and the Secretary of Commerce, we believe fisheries management decisions should be made using the robust process established by the MSA. It has been successfully used for over forty years to conserve fishery resources through sustainable, science-based management. We urge you to leave fisheries management in this marine monument to the system established by the MSA.

Sincerely,



Marc Gorelnik Chair  
Pacific Fishery Management Council



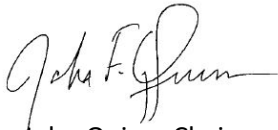
Mike Luisi, Chair  
Mid-Atlantic Fishery Management Council



Archie Taotasi Soliai, Chair  
Western Pacific Fishery Management Council



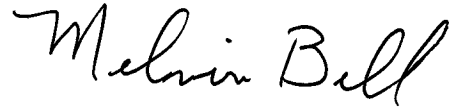
Marcos Hanke, Chair  
Caribbean Fishery Management Council



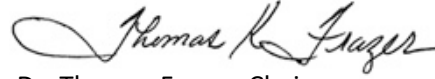
Dr. John Quinn, Chairman  
New England Fishery Management Council



Simon Kinneen, Chair  
North Pacific Fishery Management Council



Melvin Bell, Chair  
South Atlantic Fishery Management Council



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

cc: The Honorable Wynn Coggins, Acting Secretary of Commerce  
Mr. Paul Doremus, Assistant Administer for Fisheries (Acting) NOAA/NMFS