



**Western
Pacific
Regional
Fishery
Management
Council**

March 7, 2022

Dr. Richard W. Spinrad
Under Secretary of Commerce for Oceans and Atmosphere
NOAA Administrator
115 East-West Highway, 14th Floor
Silver Spring, MD 20910

Dear  Dr. Spinrad:

The Western Pacific Fishery Regional Management Council (Council) expresses gratitude for the opportunity to provide feedback on Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad and its concept on *Conserving and Restoring America The Beautiful, Including Conserving At Least 30 Percent of U.S. Lands and Waters By 2030* (“30 x 30” Initiative). The Council is one of eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Our Western Pacific Region has the largest marine jurisdiction expanding 1.5 million square miles and includes one state (Hawaii), two territories (American Samoa and Guam), one commonwealth (Commonwealth of the Northern Mariana Islands, CNMI), and several Pacific Remote Island Areas. Collectively, the eight fishery management councils make up the Council Coordinating Committee (CCC) which meets twice a year to address over-arching issues such as executive orders impacting fisheries, including Executive Order 14008. As a result of the “30 x 30” Initiative under America the Beautiful, the CCC developed a subcommittee on area-based management at its May 2021 meeting. That subcommittee is providing guidance on area-based management interventions to achieve levels of conservation and taking inventory of existing areas considered for purposes of conservation.

The Council is disappointed that the fishery management councils were not directly mentioned, did not have their objectives addressed, nor have the significance of the MSA mentioned in the December 2021 Annual Report “One Year Report: America the Beautiful.” This is despite our Council being directly quoted in the May 2021 Report prologue entitled “Envisioning America the Beautiful.” The eight fishery management councils are responsible for conservation and management of 3.5 million square nautical miles, an area larger than the continuous United States. At present, 53% of our Western Pacific Region waters are closed to fishing through previous executive orders establishing Marine National Monuments through the Antiquities Act. An additional 8% are subject to closures to some fishing gears and 100% of these waters are closed to trawling or potentially destructive fishing gears. Therefore, the Council is very interested in being closely involved in defining levels of conservation and assessing existing areas that serve the purpose of conservation

Based on a CCC subcommittee report on area-based management, the Council recommends *that conservation areas defined under America the Beautiful: 1) be informed by empirical evidence and scientific veracity, 2) be adequately monitored and enforced, 3) be*

adaptive to address climate change - especially in the Pacific Islands, and 4) recognize existing subsistence and native rights. The Council therefore asserts that throughout execution of the “30 x 30 Initiative” via each of the eight core principles of America the Beautiful, that these four considerations must be carefully integrated.

In response to a *Request for Information on NOAA Actions To Advance the Goals and Recommendations in the Report on Conserving and Restoring America The Beautiful, Including Conserving At Least 30 Percent of U.S. Lands and Waters By 2030*, the Council provides responses to eight inquiries below:

1. Which of NOAA's existing authorities and associated measures, as listed above, are most appropriate for addressing the threats identified in the Report, which are the disappearance of nature, climate change, and inequitable access to the outdoors.

The MSA is the most effective and used authority in addressing threats to nature and resources under NOAA purview. The success of the MSA is proven through its ability to rebuild stocks consistently since its inception in 1976. NOAA’s *Report to Congress on the Status of U.S. Fisheries* show that overfishing has decreased to all-time lows and overfished stocks are rebuilding. The MSA, by design through the Council process, offers an iterative approach for Councils to address these threats and make decisions for NOAA to promulgate through regulatory mechanisms. All marine resources under purview of the MSA, including the ecosystems for which marine resources are integrated, are beholden to ten National Standards, which range from integration of best available science as it becomes available to consideration of communities to prevent disproportionate burdens. The MSA offers tools to address essential fish habitat, in order to ensure habitat protections that can serve ecosystem services, and benefit both fisheries habitats and ecosystem as a whole.

In the Western Pacific, management under the MSA lead by the Council has ensured that indigenous communities of the Pacific Islands (and any disadvantaged peoples) do not have their access to marine resources restricted so that food security and cultural practices are not infringed upon. Fisheries are existential to Pacific Island communities. Council management under the MSA has also created a paradigm for which sustainable production of 60% of the United States’ fresh tuna and swordfish supply, from the Hawaii-based longline fishery, is made possible with minimal impact to the ecosystem. The Council, through the MSA, has a long history of incorporating area-based management tools, such as prohibiting longline fishing in much of the waters seaward to 50 to 75 nm of the Hawaii Islands and Pacific Remote Island Areas to prevent possible interactions with vulnerable reef ecosystems and reduce interactions with island-associated protected species such as marine mammals and turtles. The Council also adopted the very first coral reef management plan and has prohibited trawling (and any potentially destructive gears) in all waters of the Western Pacific Region.

2. Whether NOAA should better apply its existing authorities and associated measures, as listed above, to advance the goals and recommendations in the Report.

NOAA should continue to support the regional fishery management councils, who have shared goals regarding addressing climate change, loss of nature, and equitable access. NOAA needs to advance its monitoring capabilities with respect to advancing goals under America the Beautiful. The Council hosted an international workshop in 2020 that looked into the applicability of area-based management, focused on blue water ecosystems

(<https://www.wpcouncil.org/Blue-Water-ABMT-workshop/>) and a resulting publication¹. A prevailing theme in this workshop was that objectives and goals need to be monitored with respect to performance metrics. This requires improved monitoring which comes at significant investment. This also follows many of the tenets of the MSA and its National Standards – ensuring that management is informed by best available science, or other forms of information. NOAA and other cooperating agencies need to provide assurance that management to achieve goals under America the Beautiful will be transparent, iterative, and adaptive.

3. What criteria NOAA should consider in working with other agencies to identify existing or potential new “conserved” or “restored” areas for the purpose of advancing the goals and recommendations in the Report.

The Council, at its 189th Meeting in December 2021, recommended that conservation areas be informed by the following:

1) be informed by empirical evidence and scientific veracity: a potential area designated for conservation should be based on likely evidence-based benefits and related to known abatable threats. Existing areas that are shown to be providing benefits to nature and conservation should definitely be considered towards reaching the goals of America the Beautiful. Under the MSA, an implicit aspiration is for *all* waters to be managed for purposes of conservation and be based on verifiable information.

2) be adequately monitored and enforced: Existing and potential areas for conservation need to have proper monitoring mechanisms in place to determine their efficacy. Enforcement also needs to be in place, noting that area-based conservation measures require adequate surveillance and monitoring resources. Current, Marine National Monuments in the Western Pacific Region cover vast areas of the Pacific in often remote areas. The United States Coast Guard and NOAA Office of Law Enforcement have been successful in surveying the vast area for incursions. However, these areas have not be thoroughly monitored with respect to performance metrics, in contrast to ecosystems and fisheries managed under the MSA

3) be adaptive to address climate change - especially in the Pacific Islands: The Western Pacific Region is made entirely of islands with no association with continents or continental shelf ecosystems. Marine resources in the limited nearshore waters of the Western Pacific Region are greatly impacted by shifting distributions brought on by climate change which greatly impact food security for the communities. The Council is beholden to ecosystem-based management in many of its fishery ecosystem plans, which allows for adaptability based on responses to information provided through monitoring as discussed above. Therefore, existing areas that account for climate change should be considered towards America the Beautiful goals and potential areas should address climate change with some adaptability.

4) recognize existing subsistence and native rights: At times the implementation of areas for conservation purposes may run counter to existing subsistence and native rights. A

¹ Hilborn, R., Agostini, V. N., Chaloupka, M., Garcia, S. M., Gerber, L. R., Gilman, E., Hanich, Q., Himes-Cornell, A., Hobday, A. J., Itano, D., Kaiser, M. J., Murua, H., Ovando, D., Pilling, G. M., Rice, J. C., Sharma, R., Schaefer, K. M., Severance, C. J., Taylor, N. G., & Fitchett, M. (2021). Area-based management of blue water fisheries: Current knowledge and research needs. *Fish and Fisheries*. <https://doi.org/10.1111/faf.12629>

mechanism for which disadvantaged and native communities can provide input in the process of place-based management is much needed. The Council strives to advance the rights and equity for these communities and the MSA is beholden to this under its National Standards.

4. What additional scientific information, Indigenous Knowledge, or other expertise NOAA should consider in order to advance the goals and recommendations in the Report.

The Council continues to strive to integrate traditional knowledge from indigenous communities, such as those in the Pacific Islands, to better inform management whereas conventional data sources may be absent or poor. NOAA should collaborate closely with the Councils, which are 'bottom-up' organizations, to help integrate indigenous and traditional knowledge into decision-making per MSA guidelines. National Standards 4 and 8 of the MSA (MSA Section 301(a)) require the consideration of indigenous, cultural, and subsistence fishing in managing fisheries and their ecosystems. National Standard 4 requires assurance of equity and access of fishing privileges which requires the integration of indigenous knowledge. National Standard 8 explicitly requires the need for social data to be incorporated in any management to sustain participation of all communities, including indigenous communities. MSA Sections 305(i)(2)(A) and 305(j) state the obligations to incorporate indigenous knowledge in resource management with specific needs for increasing education and training for indigenous communities to put their traditional knowledge into practical use. The Council's shift towards archipelago ecosystem-based plans resulted in the development of activities and programs that engage communities to share, understand, and document traditional resource management practices. Such activities have included working through the village mayors in the Mariana Islands and the Matai system in American Samoa. In Hawaii, the Council convened the *Puwalu* series (2006-2017) which included traditional practitioners to share their Indigenous knowledge of fishing practices and resource monitoring and management, supporting community demonstration projects and activities, conducting training workshops to support capacity-building within the Pacific Island communities, and having traditional experts as members of Council advisory bodies to provide guidance in decision making.

In addition to indigenous knowledge, expertise and scientific information from broader international entities need to be considered. The Western Pacific Region and associated islands comprise a mosaic of US EEZs within multiple national and international jurisdictions. The Council's primary pelagic fisheries are beholden to international measures under the Western and Central Pacific Fisheries Commission (WCPFC) and Inter-American Tropical Tuna Commission (IATTC). Both the WCPFC and IATTC may employ conservation and management measures which can require fishing limits in international waters. Additionally, negotiations under the United Nations Intergovernmental Conference on Marine Biodiversity Beyond National Jurisdictions (BBNJ) are underway. Aspirations of BBNJ include apportioning the ocean into conservation areas using area-based management tools, which may include closures to fishing of some kind. BBNJ and other international agreements impact US waters within the Western Pacific Region, which can have geopolitical consequences. Activities within other jurisdictions or neighboring nations can impact the efficacy of US conservation areas as well, given much of US waters are dynamic ecosystems with highly migratory species. Therefore, NOAA needs to consider adjacency and the international landscape when weighing consequences of domestic actions (such as area-based management) with respect to achieving America the Beautiful goals. This may include discerning how a domestic action may benefit the

US or potentially disadvantage the US.

5. How NOAA should consider tracking its actions and measuring its progress, including with partners, toward advancing the goals and recommendations in the Report.

NOAA needs to develop performance metrics that can be measured by NOAA (and its cooperating partners) with respect to how biodiversity is enhanced, nature is conserved, and how climate change is addressed. Outcomes published from the Council's *International Workshop on Area-Based Management of Blue Water Fisheries* published in November 2021 provide a summary on how performance metrics can be developed with respect to goals or objectives, based on current knowledge¹. Our ecosystems, their species, and their stressors are highly dynamic, therefore management – including area designation for conservation – may need to be dynamic too. Adaptive management capacity is important to best achieve goals and objectives under America the Beautiful. This may mean that the fixation on static aspirations such as the quantity or proportion of waters designated to provide conservation benefit may not be the best means for measuring progress or efficacy for overall conservation.

6. What actions NOAA should consider taking to support non-Federal entities, including tribal, state, territorial, and local governments and non-governmental organizations and other private entities, to advance their efforts to conserve and restore U.S. lands and waters.

As mentioned in addressing Question 4, NOAA should consider international measures and activity happening outside of and adjacent to US EEZs.

The Council process, by design, already incorporates interests of territorial, state, and non-Federal entities. Stakeholders are invited to participate in the Council process to facilitate the “bottom-up” approach which help shapes effective conservation measures. NOAA should also provide financial and material assistance to the US Pacific Territories to help them develop adequate capacity to monitor and inform on the efficacy of measures to achieve goals under America the Beautiful. US Pacific Territories are expected to be beholden to the same expectations as states under America the Beautiful, but may not have adequate resources at the time to fully address them.

7. What actions NOAA should consider taking to facilitate broad participation in the America the Beautiful initiative.

As described above throughout this letter, the Council process is a transparent mechanism to enhance participation from the public and a broad spectrum of stakeholders. Council members are selected to represent constituency of stakeholders in the respective regions. NOAA can work with the Councils on strengthening outreach to increase participation in the decision-making process.

8. What additional information NOAA should consider as relevant to its role in implementing the America the Beautiful initiative.

The Council and the CCC subcommittee on area-based management will continue to provide information to highlight that most waters under MSA purview already meet conservation

objectives. Councils are tasked to effectively manage 100% of the US EEZ for the purpose of conservation by optimizing yields, preventing overfishing, minimizing bycatch, minimizing human interactions with protected or vulnerable species, and protecting habitats. Such a task can only be achieved through improving the provision of best available science for managers and guidelines such as those outlined in the MSA National Standards.

Thank you for the opportunity to provide comments to the RFI and eight inquiries on *NOAA Actions To Advance the Goals and Recommendations in the Report on Conserving and Restoring America The Beautiful, Including Conserving At Least 30 Percent of U.S. Lands and Waters By 2030*. The Council looks forward to continued dialogue on this matter and wishes to be increasingly engaged. Please feel free to contact me at any time at +1 (808) 522-8220 or via email via kitty.simonds@noaa.gov to address any matters addressed in this correspondence.

Sincerely,



Kitty M. Simonds
Executive Director

CC: Janet Coit, Assistant Administrator, NOAA Fisheries
Heather Sagar, NOAA Fisheries
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Council Members