



**Western
Pacific
Regional
Fishery
Management
Council**

February 22, 2022

Ms. Kristina Kekuewa
Pacific Islands Regional Director
NOAA Office of National Marine Sanctuaries
1845 Wasp Blvd
Honolulu, Hawaii 96818

Dear Kristina,

Thank you for the opportunity to provide comments on the five-year nomination for the Mariana Trench National Marine Sanctuary (MTNMS). The Western Pacific Regional Fishery Management Council (Council) has previously requested that the President remove the fishing prohibitions in the Mariana Trench Marine National Monument (MTMNM) and remains concerned about potential impacts to the fishing rights of the people in the Commonwealth of the Northern Mariana Islands (CNMI). Fishing regulations have already been promulgated by the Council (78 FR 32996, June 3, 2013) at 50 CFR 665. These fishing regulations should be considered as part of the existing management in any nomination or proposal for a National Marine Sanctuary in the Mariana Archipelago.

The Council's comments focus on the current nomination review and pertain to the evaluation criteria for inclusion in the inventory. In general, the establishment of the MTMNM has greatly reduced the need for sanctuary protection. The recent publishing of the MTMNM Management Plan should be given an opportunity to be implemented first to determine if there are any shortfalls or gaps in management that could be addressed through the sanctuary nomination process. Many of the concerns listed in the proposed sanctuary, including education, research, and economic development can be addressed in the current MTMNM management plan and existing partner agencies.

In the proposal's response to the nomination criteria, the main concern is the water column above the submerged lands as well as expanded areas in the volcanic and trench units not having protection. These waters are managed under the Magnuson Stevens Fishery Conservation and Management Act through the Council's Mariana Archipelago Fishery Ecosystem Plan. Fishery regulations for domestic fisheries are in place and foreign fishing is prohibited by law. If there are fishery concerns, existing management structures are able to respond to those threats.

Second, any maritime heritage or special historical, cultural or archaeological sites will not be found in the water column above the Volcanic and Trench Units of the MTMNM. Those that would be eligible are already protected under Presidential Proclamation 8335 (January 12, 2009, 74 FR 1557) that established the MTMNM. The area that the proposal claims that needs

protection is a fluid mass of water and many of those species of concern (sharks, tunas and whales are listed) do not permanently reside there.

Third, while the proposers are correct that the areas are remote and access is limited, the area does provide for potential economic use, including commercial fisheries. The CNMI government has been encouraging the development of its offshore fisheries as a commercial resource for the past five years through training and infrastructure improvements. This should be taken into account in the nomination as this has been an important part of the CNMI administration's fishery activities.

Lastly, in regards to management considerations, the areas in the proposal do provide enhanced opportunities for research, education, and avoiding adverse impacts that could be provided by the establishment of a national marine sanctuary. However, these considerations are addressed by the MTNMN and the management plan, including partnership opportunities, community-based support, and management authority. Unique conservation and management value for the area does not exist and opportunities for supplementing or complementing conservation and management goals can already be achieved through existing mechanisms within the MTNMN or the MSA process.

The Council recognizes that the MTNMN and MTNMS are separate process and urges the Office of National Marine Sanctuaries (ONMS) to review the factual and scientific basis for the necessity of the MTNMS; ONMS should also include agencies and the community in both Guam and the CNMI in this process. These communities and their administrations may be new to this process and would benefit from increased communication early to avoid unnecessary issues. We look forward to working with you regarding fisheries issues and regulations to complement or supplement existing management should they be necessary in the future. If you have any questions or would like to discuss this further, please contact me at the Council office at (808) 522-8220.

Sincerely,



Kitty M. Simonds
Executive Director