



June 2, 2023

Nicole R. LeBoeuf
Director
NOAA National Ocean Service
N/MB6, SSMC4, Room 9149
1305 East-West Hwy
Silver Spring, MD 20910

Dear Ms. LeBoeuf,

The Western Pacific Regional Fishery Management Council would like to provide comments in response to the Office of National Marine Sanctuaries (ONMS) *Notice of Intent To Conduct Scoping and To Prepare a Draft Environmental Impact Statement (EIS) for the Proposed Designation of a National Marine Sanctuary for the Pacific Remote Islands*. While the Council supports the conservation ideals behind the development of a national marine sanctuary in the Pacific Remote Islands (PRI), we believe that fishing, including commercial fishing, is compatible with the proposed goals and objectives of the sanctuary. Commercial fishing in the Pacific Remote Islands is sustainable, a benefit to the underserved communities of the Territory of American Samoa. Resuming commercial fishing in the PRI would assure compliance with recent Executive Orders, and it is necessary to strengthen the U.S. position for broader international conservation. Over two-thirds of U.S. waters around the Pacific Remote Island Areas are already closed to fishing through establishment of the Pacific Remote Island Marine National Monument (PRIMNM) and 53% of waters under Council jurisdiction are closed to fishing through Monument designations¹. The Council's comments are described further in the below sections.

Fishing is Sustainable in the Pacific Remote Islands

Fishing in the PRI has been managed by NMFS and the Council since the establishment of the Magnuson Stevens Fishery Conservation and Management Act of 1976 (MSA). The MSA (§ 2(a)(10)) states that: *Pacific Insular Areas contain unique historical, cultural, legal, political, and geographical circumstances which make fisheries resources important in sustaining their economic growth*. With that in mind, the Council has established federal permitting and reporting, gear restrictions such as prohibition on bottom-trawling and poisons, protected species mitigation measures, no-take Marine Protected Areas (MPAs), and other regulations included in the Pacific Remote Islands Area (PRIA) and Pacific Pelagics Fishery Ecosystem Plans (FEP) (50 CFR §665(E)). These regulations, in part, have successfully maintained the biodiversity and unique cultural and historical resources in the PRIA to this day.

Currently, the PRI is used only by U.S. commercial fishers to harvest tropical tuna species in a sustainable manner. According to internationally accepted Western and Central Pacific Fisheries Commission (WCPFC) stock assessments, tropical tunas are neither overfished nor experiencing overfishing². U.S. tuna vessels are also equipped with vessel monitoring systems, human observers, electronic monitoring, and other means to monitor their operations and ensure compliance with

¹ Attachment 1 – U.S. EEZ Regulated Fishing Areas, Western Pacific Region

² WCPFC. 2023. Current Stock Status and Advice. <https://www.wcpfc.int/current-stock-status-and-advice>

existing domestic and international laws. U.S. fishers are exclusively beholden to regulations under the MSA, Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), and other U.S. applicable laws that make them the most highly regulated in the world. Closing the remaining areas of the PRI to U.S. commercial fishing would have no demonstrable conservation benefits beyond the current management regime.

A consensus of respected scientific experts on tuna fisheries and population dynamics recognize that large marine protected areas would not render benefits to these particular stocks or blue water ecosystems given the migratory nature of the species coupled with the displacement and movement of tuna fisheries. Hampton et al (2023) demonstrated that the nearby Phoenix Islands Protected Area (PIPA) had no noticeable conservation benefit to tropical tunas, despite being historically fished at appreciable levels³. This study also found that closing sections amounting to 33% of WCPFC waters did not demonstrate significant benefits to these stocks. Hilborn et al (2022) found that protection of biodiversity using static large closures in open ocean blue water ecosystems is not proven to be more effective than current input/output fishery management controls or any other area-based management tool⁴. Pons et al (2022) used case studies with real verifiable data to demonstrate existing fishery management tools and dynamic area-based management tools are significantly more effective at protecting biodiversity (including protected species) than large using large ‘set it and forget it’ closed areas⁵ like closing all U.S. waters around the Pacific Remote Island Areas. Gilman et al (2020) found no significant conservation benefit or ‘spillover effect’ in blue water ecosystems by the existing Pacific Remote Island Marine National Monument⁶.

The PRI are not under threat from illegal, unreported, and unregulated fishing (IUU) and overfishing. Kuempel et al (2019) states that areas with the highest level of protection are often the ones with the least abatable threats to biodiversity and have strongest governance structures (like existing US fishery management laws)⁷. This study warns against making MPAs out of political convenience rather than addressing threats. Waters around the PRI that are not already closed to fishing (50 to 200 nm seaward of islands) where fishing activity targeting tunas occurs are far from the nearshore vulnerable habitats like coral reefs and turtle nesting sites that are of concern for the proposed sanctuary.

The Ocean Climate Action Plan, which coincidentally was released by the White House on the same day as President Biden’s directive for a proposed PRI sanctuary, calls to enhance the resilience of fisheries to ocean change and promotes climate ready fisheries⁸. Sustainable fisheries in

³ Hampton J, Lehodey P, Senina I, Nicol S, Scutt Phillips J, & Tiamere K. (2023). Limited conservation efficacy of large-scale marine protected areas for Pacific skipjack and bigeye tunas. *Front. Mar. Sci.* 9:1060943. doi: 10.3389/fmars.2022.1060943

⁴ Hilborn R, Agostini VN, Chaloupka M, Garcia SM, Gerber LR, Gilman E, Hanich Q, Hobday AJ, Itano D, Kaiser MJ, Murua H, Ovando D, Pilling GM, Rice JC, Sharma R, Schaefer KM, Severance CJ, Taylor NG, & Fitchett, M. (2021). Area-based management of blue water fisheries: Current knowledge and research needs. *Fish and Fisheries*, 23, 492– 518. <https://doi.org/10.1111/faf.12629>

⁵ Pons M, Watson JT, Ovando D, Andraka S, Brodie S, Domingo A, et al. (2022). Trade-offs between bycatch and target catches in static versus dynamic fishery closures. *Proc. Natl. Acad. Sci.* 119, e2114508119. doi: 10.1073/pnas.2114508119

⁶ Gilman E, Chaloupka M, Fitchett M, Cantrell DL., & Merrifield M. (2020). Ecological responses to blue water MPAs. *PLoS One*, 15, e0235129

⁷ Kuempel CD, Jones KR, Watson JE, & Possingham HP (2019). Quantifying biases in marine-protected-area placement relative to abatable threats. *Conservation Biology*, 33(6), 1350– 1359. <https://doi.org/10.1111/cobi.13340>

⁸The White House. March 21, 2023. Ocean Climate Action Plan. <https://www.whitehouse.gov/ostp/news->

the PRI are needed to realize the President's plan because of the dynamic nature of tuna fisheries which are most vulnerable to both the benefits and impacts of climate change. Maintaining the opportunity to utilize the PRI for fisheries in the face of climate change is consistent with the Ocean Climate Action Plan. *We request that the proposed sanctuary, within its goals and objectives, include allowing for sustainable commercial and non-commercial fishing.*

American Samoa Needs Tuna Fishing

Tuna fishing provides a supply of fish for the only tuna cannery in South Pacific U.S. waters and maintains local food security for Hawaii, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and American Samoa. The cannery is the largest private employer in American Samoa and supports almost a third of the territory's workforce. Total tuna exports are valued at about \$353 million per year, with canned tuna making up 99.5% of the total value of exports for the territory⁹. Port calls by longline and purse seine vessels are important for supplying fish for processing to a remaining cannery, and also for supporting the local economy through purchases of fuel, supplies, and services. From 2017-2019, there were 247 purse seiner calls at Pago Pago, each representing about \$400,000 in local purchases, averaging about \$33 million per year¹⁰. However, there has been a steep downturn in port calls since 2020 which corresponds to a recent decline in tuna offloading in American Samoa and associated economic losses affecting the local economy.

Tuna deliveries to Pago Pago by purse seiners averaged less than 100,000 mt each year in 2017-2019¹¹. Almost 85% of the purse seine vessels offloading in American Samoa are from U.S. flagged vessels, and a reduction in the size of the U.S. fleet in recent years (40 vessels in 2015 to 13 vessels at present) has resulted in a significant decline in landings to the cannery in American Samoa. The U.S. purse seine fleet in the Pacific has declined due to international regulations under the WCPFC that limit activities of U.S. vessels on the high seas and create an increasing uneven playing field between the U.S. fleet and its foreign competition, especially from China. With limited access to the U.S. EEZ and the high seas, U.S. vessels pay exorbitant daily fees, up to \$13,000 per day, to operate in the economic exclusive zones (EEZs) of Pacific Island nations. Closing U.S. waters only limits opportunities for these vessels to operate in WCPFC waters without restriction or paying high access fees, and may either disincentivize them to operate where they can offload in American Samoa or may force them to re-flag to other nations. In either case, tuna supply to the cannery in American Samoa is greatly jeopardized and could tip the balance towards an economic catastrophe.

The 2014 PRIMNM expansion, together with Kiribati reducing the number of fishing days available to U.S. purse seiners, and the U.S. government voluntarily giving up 760 high seas fishing days led to the 2016 closure of one of two canneries in American Samoa. Recent proposed rulemaking to reduce high seas fishing access for the U.S. purse seine fleet,¹² coupled with further fishing prohibitions in the PRI, would lead to history repeating itself for American Samoa and its last cannery closing down.

updates/2023/03/21/ocean-climate-action-plan/

⁹ American Samoa Statistical Yearbook 2018 and 2019, American Samoa Department of Commerce

¹⁰ American Samoa Port Administration, 2022.

¹¹ U.S. Government Accountability Office. 2020. American Samoa: Economic Trends, Status of the Tuna Canning Industry, and Stakeholders' Views on Minimum Wage Increases. <https://www.gao.gov/products/gao-20-467>

¹² Federal Register Notice, 87 FR 55768

Resuming Sustainable Commercial Fishing Within the PRI Would Assure Consistency with Recent Executive Orders

A disproportionate burden for conservation aspirations would fall on U.S. Pacific Island communities if fishing is completely prohibited in the PRI. This would be contrary to principles of Equity and Environmental Justice (EEJ) outlined in Executive Orders (E.O.) 13985 and 14008. Section 3 of E.O. 13985 states that each agency shall use “...regulatory functions to enable the agency’s mission and service delivery to yield equitable outcomes for all Americans, including underserved communities.” A sanctuary designation that maintains sustainable fishing would be consistent with this objective and prevent outcomes that would otherwise be detrimental to an already underserved community.

American Samoa has a population of nearly 50,000, 84% of which are Samoan and three percent of which are other Pacific Islanders⁹. Fifty-four percent of the population lives below the U.S. poverty line. Tuna fishing and processing have long been an important part of American Samoa’s economy, thus the underserved American Samoa community would carry the burden for any perceived benefits of fishing prohibitions in the PRI. The Hawaii longline fleet has also historically operated in the PRI and should be considered a “community of practice” (Severance, 2021)¹³ and be given prominence as an affected underserved community along with American Samoa. Fifteen percent of Hawaii’s population of 1.4 million lives below the U.S. poverty line of which Native Hawaiians have a poverty rate of 27%¹⁴. CNMI has a population of 47,300 of which 33.7% live under the U.S. poverty line¹⁵ while Guam has a population of 169,000 of which 23% are below the poverty line¹⁶. Seafood an essential part of the diet and food system resiliency for these communities. Governors of the U.S. Pacific Territories expressed their opposition to implementing further fishery closures around the PRI, citing unnecessary hardships¹⁷. President Biden aims to provide equity and environmental justice for just these types of communities through Executive orders 13985 and 14008. *The Council requests that the goals and objectives of the proposed sanctuary recognize the probable impacts on American Samoa from prohibiting fishing in the PRI and address the President’s EEJ mandate by providing for sustainable fishing in the PRI.*

President Biden’s March 21, 2023 Memorandum directed the *Secretary of Commerce to Consider Expanding Protections for Pacific Remote Islands Which Would Reach Goal of Conserving 30% of U.S. Ocean by 2030*. This goal of conserving 30% of U.S. lands and waters by 2030 (“30 x 30”) was outlined in E.O. 14008 under the *America The Beautiful* Initiative. Sullivan-Stack et al (2022) indicated that measures within the U.S. Pacific Islands already account for almost the entire national goal¹⁸ and the MPA Guide published by Grorud-Colvert et al (2021) indicated protection is not completely exclusive to fishing access¹⁹. Eight guiding principles of *America the Beautiful*

¹³ Severance, C. 2021 “Social Impact Assessment for Blue Water Area Based Management Tools, Imagining Fair and Effective Social and Economic Impact Assessments for a Blue Water Space where Nobody Lives-Ranking Affected User Groups , communities, and constituencies” in M. Fitchett, et.al. *Roadmap to Effective Area-Based Management of Blue Water Fisheries, Including Workshop Proceedings*, Honolulu, Western Pacific Fishery Management Council.

¹⁴ United Way Report. Asset Limited, Income Constrained, Employed (ALICE) in Hawaii: 2022 Facts and Figures

¹⁵ U.S. Census Bureau. 2022. Press Release Number CB22-CN.20

¹⁶ CIA. 2023. The World Factbook. <https://www.cia.gov/the-world-factbook/>

¹⁷ Attachment 2 – Letter from U.S. Pacific Territory Governors to President Biden, dated March 27, 2023

¹⁸ Sullivan-Stack J, Aburto-Oropeza O, Brooks CM, Cabral RB, Caselle JE, Chan F, et al. (2022). A scientific synthesis of marine protected areas in the united states: Status and recommendations. *Front. Mar. Sci.* 9. doi: 10.3389/fmars.2022.849927

¹⁹ Grorud-Colvert K, Sullivan-Stack J, Roberts C, Constant V, Horta ECB, Pike EP, et al. (2021). The MPA guide: A

resemble the Ten National Standards of the Magnuson–Stevens Fishery Conservation and Management Act. Maintaining sustainable tuna fishing in the PRI is consistent with these guiding principles: (1) Pursuing a collaborative and inclusive approach to conservation; (2) Conserving America’s lands and waters for the benefit of all people; (3) Supporting locally led and locally designed conservation efforts; (4) Honoring Tribal sovereignty and supporting the priorities of Tribal Nations; (5) Pursuing conservation and restoration approaches that create jobs and support healthy communities; (6) Honoring private property rights and supporting the voluntary stewardship efforts of private landowners; (7) Using science as a guide; and (8) Building on existing tools and strategies with an emphasis on flexibility and adaptive approaches.

Guiding principles 1, 2, 3, 5, 7, and 8 explicitly require maintaining sustainable commercial fisheries in the PRI as an objective in the proposed national marine sanctuary, in order to be consistent with *America the Beautiful* under E.O. 14008. Maintaining fishing in remaining U.S. waters is needed to maintain jobs and keep American Samoa from a precarious economic state by preserving its tuna economy. Overwhelming scientific evidence indicates that exclusively diminishing U.S. tuna fishery access would not render conservation benefits and that current fishing activity poses no conservation threat. Managing tuna fisheries under the MSA and existing international frameworks (such as the WCPFC) offer the flexibility to be adaptive, collaborative, and meet broader conservation objectives, rather than an inflexible ‘set it and forget it’ policy of prohibiting fishing. *The Council requests that the goals and objectives of the proposed sanctuary include maintaining sustainable fishing in the PRI to be consistent with guiding principles of America The Beautiful and promote adaptive and collaborative management with existing domestic and international management tools.*

The US is the Leader in International Fishery Conservation

The U.S. has existing tools in place, including the MSA, ESA, MMPA, Lacey Act, and National Environmental Policy Act, which are considered the “gold standard” environmental statutes for managing fisheries and mitigating impacts to protected species and habitat. The American Samoa-based purse seine, American Samoa longline, and Hawaii longline tuna fisheries are globally recognized for their compliance and monitoring. Other countries do not have the same regulatory and enforcement regime, and often operate without the same protections which unequivocally leads to an increase in bycatch or unintended catches. Displacing U.S. fisheries on the high seas, where they are already limited in access, diminishes their efficiency. Reduction in U.S. tuna fishery competitiveness will benefit foreign fisheries in the supply chain, which results in transferred effects that yield increases in mortality for seabirds, turtles, sharks, and mammals.

The proposed sanctuary area is adjacent to the PIPA in Kiribati, which will be reopened for fishing access to Chinese tuna fishing vessels – a fleet of 79 purse seine and nearly 500 longline vessels that now dwarfs the U.S. fleet (currently 13 purse seine and 163 longline vessels). In the Western and Central Pacific, 1,956 longline and 470 purse seine vessels operate²⁰, many of which fish in waters adjacent to U.S. EEZs. Any potential theorized spillover benefits by closing waters from 50 to 200 nm around Palmyra and Howland and Baker Islands would also benefit these Chinese and other foreign fisheries, while increase impacts to protected species, biodiversity, thus counter other conservation gains that the proposed sanctuary is intended to generate.

framework to achieve global goals for the ocean. Science 373, eabf0861. doi: 10.1126/science.abf0861

²⁰ WCPFC Record of Fishing Vessels. June 2023. <https://vessels.wcpfc.int/statistics/by-vessel-type>

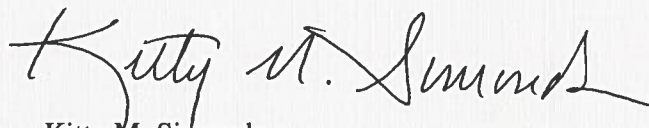
An endeavor to expand U.S. influence in the face of growing Chinese expansion known as the Indo-Pacific Strategy²¹ and Economic Framework, is dependent upon tuna fisheries as the leading source for national development in the Pacific Islands region. The importance of sustainable fisheries in the PRI goes beyond the limited catch provided to the cannery and has implications for the entire region. A fisheries presence in the region is critical to maintaining economic relevance for the U.S. in the Pacific. Negative consequences from fishery closures on the American Samoa economy would send the wrong message to Pacific Island nations regarding the commitment of the U.S. towards its own Pacific Island Territories. Limiting U.S. fishery presence also reduces the capacity and political capital for the U.S. to work with its partners to ensure safety at sea, combat IUU fisheries, push for stronger port state measures, combat harmful subsidies in Pacific fisheries, and develop trade provisions that “level the playing field” in favor of well-regulated fisheries. *This further supports the Council’s request to maintain sustainable fisheries in the PRI by explicitly providing for fishing in the proposed sanctuary goals and objectives in order to strengthen the capacity of the U.S. to maintain leadership in the Pacific.*

When the Pacific Remote Island Marine National Monument was expanded in 2014, President Obama recognized the importance of the U.S. tuna industries and agreed to maintain areas to be used for U.S. commercial fishing. It is our hope that this commitment is upheld along with this Administration’s commitment to equity and environmental justice for the wellbeing of the underserved U.S. communities of American Samoa, CNMI, Guam, and Hawaii. We look forward to the Council’s role in this developing sanctuary process.

Sincerely,



John E. Gourley
Council Chair



Kitty M. Simonds
Executive Director



Taulapapa William Sword
American Samoa Vice Chair

Sylvan O. Igisomar
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Manuel P. Dueñas
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CC: Governor Lemanu Peleti Mauga, Governor of American Samoa
Governor Arnold Palacios, Governor of the Commonwealth of the Northern Mariana Islands
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²¹ Indo-Pacific Strategy of the United States. February 2022. <https://www.whitehouse.gov/wp-content/uploads/2022/02/U.S.-Indo-Pacific-Strategy.pdf>