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Mr. John Armor
Director
Office of National Marine Sanctuaries
National Ocean Service
National Oceanic and Atmospheric Administration
Silver Spring, MD 20910

SUBJECT: Comments from the American Tunaboat Association on the Proposed Pacific Remote Islands National Marine Sanctuary

Dear Mr. Armor:

The following comments are provided on behalf of the American Tunaboat Association (ATA) in response to Federal Register notice "NOAA-NOS-2023-0052," regarding the "Notice of intent to prepare a draft environmental impact statement" for the establishment of a National Marine Sanctuary in the Exclusive Economic Zone (EEZ) surrounding the Pacific Remote Islands of Wake Atoll, Johnson Atoll, Howland and Baker Islands, Kingman Reef and Palmyra Atoll, and Jarvis Island.

ATA is an industry association representing the owners and operators of the U.S. flag tuna purse seine fleet based in American Samoa. ATA supports science-based conservation and management measures to conserve living marine resources, including the fragile, unique, and endemic nearshore marine resources and deep-sea habitats that the current monuments and proposed marine sanctuary are intended to protect. However, ATA is extremely concerned about any proposal that would further limit or prohibit commercial fishing in the remaining areas of the U.S. EEZ that are not already closed under the existing Pacific Remote Islands Marine National Monument (PRIMNM).

ATA understands that the designation of a National Marine Sanctuary does not, in and of itself, mean a prohibition on commercial fishing. In fact, it is our understanding that commercial fishing in sanctuaries is not exceptional but prevalent, with appropriate safeguards in place to ensure such activity does not undermine the goals of the sanctuary itself. As a result, and for the reasons outlined below, ATA urges NOAA to establish a management plan for any Pacific Remote Islands sanctuary that does not further restrict commercial fishing in areas where such activity is not already prohibited.

IMPACTS TO INDUSTRY AND TO AMERICAN SAMOA ARE NOT NEGLIGIBLE

The argument that the impact of any proposal to ban commercial fishing would be negligible is simply false. This proposed action is not happening in isolation, but is just one of a series of past and proposed future actions, the *cumulative effects* of which pose an existential threat to the future of the American Samoa-based tuna purse seine fleet and, as a result, a real and severe threat to the economy of American Samoa.

In the past three years, the U.S. tuna purse seine fleet has been reduced from 34 vessels to just 13 vessels operating today. The remaining vessels are based in American Samoa and support the local economy by delivering tuna to the StarKist facility there, the largest private sector employer in the territory, and by utilizing a range of goods and services provided by local businesses. The economy of American Samoa is overwhelmingly dependent on the tuna industry and the related service industries that support both the StarKist facility and the vessels based there. The future of the U.S. purse seine fleet and the future of American Samoa are inextricably and undeniably linked.

To grasp the potential impact of any proposal, it is important to understand the full range of past, current, and proposed actions affecting the American Samoa-based fleet. In 2008, President Bush created the Pacific Remote Islands Marine National Monument, closing waters of the seven Pacific Remote Islands to commercial fishing out to 50 NM. In 2014, President Obama expanded that Monument to include the entire U.S. EEZ around Wake Island, Johnson Atoll, and Jarvis Island. The loss of fishing opportunities in Jarvis Island, in particular, dealt a significant blow to the industry, as the EEZ around Jarvis Island was among the richest traditional fishing grounds for the American Samoa-based fleet. Within two years of this action, one of the two canneries that operated in American Samoa at the time closed for good.

The current proposal would further expand the fisheries closures to include the entire U.S. EEZ around the remaining islands, shutting the U.S. fleet entirely out of waters under U.S. jurisdiction in these areas. Each of these actions, including the current proposal, has been advanced using the argument that the impact on the U.S. fishing industry is negligible. However, the cumulative effect of these and other actions has had a significant adverse impact on the American Samoa-based purse seine fleet.

As a prime example of this, the Administration, under a separate action, is seeking to divide what is currently a combined level of fishing effort by the U.S. fleet, for the high seas and the U.S. EEZ, into two separate limits that would have further significant impacts on the viability of the fleet. To explain further, the United States is a member of the Western and Central Pacific Fisheries Commission (WCPFC), a treaty-based organization that manages the international fisheries throughout the region. The WCPFC conservation measure for tropical tunas establishes a limit for the U.S. purse seine fleet of 1,270 fishing days on the high seas, and a limit of 558 days for the U.S. EEZ. Historically, the United States has implemented these two limits as a single combined limit of 1,828 fishing days, which can be fished by the fleet either on the high seas or in the U.S. EEZ. Because some WCPFC members have complained about this, the

Administration is now proposing to split the single combined limit into two separate limits. (It is important to note that the objections of certain WCPFC members have no scientific or conservation rationale; they simply want to limit the fishing days available to the U.S. fleet, thus forcing the fleet to pay exorbitant fees to fish in waters under their jurisdiction.)

In combination, these actions would have the effect of taking 558 fishing days and requiring that they *only* be fished in the U.S. EEZ, while simultaneously closing the entirety of the EEZ to fishing. This illogical series of events would be a devastating blow to the fleet by any measure.

Statements pointing to the current level of fishing effort in the U.S. EEZ miss the point entirely. First, the level of effort reflects the fact that most of the EEZ is *already closed* to fishing. However, under the split quotas for the high seas and U.S. EEZ, vessels fishing in the area will have to utilize the days in the U.S. EEZ or pay up to \$13,000 per day to fish in waters under the jurisdiction of certain Pacific Island States. Ironically, some of these waters are immediately adjacent to the U.S. EEZ that is or would be closed to the U.S. fleet.

Under a worst-case scenario, if the fleet had to pay for \$13,000 per day for 558 fishing days no longer available, either on the high seas or in the U.S. EEZ, the total cost would be over \$7.2 million dollars. Even at the current “low” level of fishing effort, 143 days as recently as 2020, the loss to the fleet would be \$1.9 million dollars. Anyone arguing that impacts within this range would be “negligible” has never tried to run a business that historically operates at razor thin margins.

Further, the closure of the remaining portions of the U.S. EEZ and the complete loss of 558 fishing days would mean the fleet would have little option but to shift operations to the east, significantly further away from American Samoa, into the area governed by the Inter-American Tropical Tuna Commission (IATTC) where such limits do not apply. Less of this fish would then be landed back in American Samoa, further constraining the supply of fish to the cannery there. Canneries in Mexico and Ecuador would be the beneficiaries, to the detriment of U.S. interests.

FISHING PROHIBITION IS UNNECESSARY TO PROTECT FRAGILE ECOSYSTEMS

The Nominating Document makes a strong case for protection of resources such as the “nearshore environment” including “pristine coral reefs,” “reef fish populations,” “sea bird nesting colonies,” as well as “open ocean seamounts,” “deep-sea corals,” and the “important spawning grounds and biodiversity hotspots” provided by many seamounts in the U.S. EEZ.

In this regard, the Nominating Document itself states clearly:

“Specifically, protection of the deep-water ecosystems, reefs, and open-ocean seamounts of the proposed [sanctuary] is likely the most important part of this nomination.”

The existing commercial fisheries in the region occur offshore in the open ocean (at least 50 NM from land) and have no interaction with or impact on the resources in the nearshore environment, coral reefs, oceanic seamounts, or other ecosystems and habitats needing protection. The

fisheries are highly regulated and monitored to ensure strict adherence to requirements and procedures to minimize interactions with marine mammals, sharks, rays, sea turtles, sea birds, and other marine fauna.

CURRENT BOUNDARIES ARE THE RESULT OF A 2014 COMPROMISE THAT MUST BE RESPECTED

When President Obama sought in 2014 to expand the boundaries of the Pacific Remote Islands Marine National Monument, the original proposal was to include all of the waters of the U.S. EEZ, in the same way as the current proposal. Representatives of the fishing industry and the Western Pacific Fisheries Management Council met at the White House with then Chief of Staff John Podesta to voice many of the concerns expressed here and by other industry sectors with respect to the current proposal. The result of that discussion was a compromise that provided for the expansion of the monument to include the entire EEZ around Wake Island, Johnson Atoll, and Jarvis Island, while leaving the previous boundaries intact around the remaining islands.

As noted previously, the loss of Jarvis Island, in particular, was a huge blow to the purse seine fishery, as it lies within the archipelago of the Line Islands, among the richest tuna fishing grounds in the Pacific. The EEZ around Jarvis Island is immediately adjacent to the EEZ of the Republic of Kiribati, where U.S. vessels must pay \$13,000 per day for access. Kiribati also provides access to other fleets, including from China, Korea, Taiwan, and elsewhere. These fleets operate at nothing close to the level of regulatory oversight and enforcement of both national and international requirements that apply to the U.S. fleet.

The proponents of the Sanctuary are now seeking to overturn that compromise by once again seeking to ban all commercial fishing within the U.S. EEZ. We urge the Administration to honor in good faith the agreement reached in 2014.

THE SCIENCE DOES NOT SUPPORT LARGE SCALE OPEN OCEAN MPAS

Although the Nomination Document makes a strong case for additional protection for nearshore habitats, coral reefs, oceanic seamounts, deep-sea corals, and other fragile habitats, the case for highly migratory species in the open ocean does not hold up. At least two recent papers by highly respected scientific authorities (Hilborn, et al., 2022, and Hampton, et al., 2023) conclude that large, open ocean marine protected areas (MPAs) have little tangible benefit for the resources being managed.

A supplementary paper, from the school of fisheries at the University of Washington, cites the clear benefits from inshore and nearshore MPAs, but goes on to say,

“Large, open ocean MPAs are designed to protect huge swaths of open ocean, but are a poor choice for efficiently and effectively managing fisheries. ... From a fishery management perspective, [such MPAs] are unnecessary: already, most tuna and billfish stocks are sustainably managed by international organizations called regional fishery management organizations (RFMOs) and a large majority of tuna and billfish stocks are already biologically sustainable.”

Among the highly migratory fish stocks known to be healthy and fished on a sustainable basis are all of the stocks of tuna fished by the American Samoa-based tuna purse seine fleet.

The same paper notes:

“Because of their size and scale, [large, open ocean MPAs] garner lots of splashy headlines and notoriety for the conservation organizations and politicians who implement them,”

but they “do nothing to alleviate” the “most pressing threats to biodiversity in the oceans” such as “climate change, ocean acidification, and land-based pollutants.”

And finally, the paper notes that, by reducing the amount of fish caught, which has a much lower carbon footprint than land-based food sources, large, open ocean ...

“... MPAs may actually contribute to climate change and ocean acidification.”

Similarly, Hampton, et al, 2023 found, contrary to other studies using flawed methodology, that the establishment of the Phoenix Islands Protected Area (PIPA) in Kiribati, touted as the world’s largest MPA at the time it was established, had no measurable benefit for the tuna stocks in the region. (Kiribati has since abolished the PIPA and has allowed commercial fishing to again take place in much of this area, subject to specific limits and conditions.)

One analysis of the paper notes:

“The study ... is the first quantitative assessment of a no-take marine protected area (MPA) on tropical tuna and has implications for many of the world’s largest MPAs.”

And further, that:

“The authors of Hampton et al. 2023 are a veritable Who’s Who of the Pacific tuna research community. Several of the researchers work for the Pacific Community (SPC), an intergovernmental organization of 27 Pacific countries and territories tasked with managing collective resources. They are responsible for performing stock assessments on each Pacific tuna species – no other organization has a better grasp of the state of Pacific tuna than they do. Authors also include a member of Kiribati’s Ministry of Fisheries and Marine Resources Development.”

ANOTHER STEP IN THE UNITED STATES CEDING THE PACIFIC TO CHINA

The activities of the American Samoa-based fleet provide a critical counterbalance to China’s growing influence across the region. China has focused strategically on developing direct commercial ties with several Pacific Island States through investments in the fisheries sector, both through the activities of its vessels as well as shoreside investments. China understands that building commercial and industry ties is the single most important vector for political and

economic engagement. As a result, maintaining a viable American Samoa-based purse seine fleet operating in the Pacific Ocean contributes not only to the United States and American Samoa economy, but to regional food security, national security, and other vital national interests. The fleet also operates as several additional sets of “eyes and ears” across vast reaches of the Western and Central Pacific Ocean.

And yet, the American Samoa-based fleet faces a number of challenges that risk further significant reductions in the number of vessels operating in the region. The fleet operates on an increasingly uneven playing field with respect to its international competitors, in particular China. China and other flag states are able to exempt their vessels from a range of international regulatory requirements by reflagging or entering into charter arrangements with Pacific Island States who themselves are exempt from these requirements. And yet, although the underlying Convention requires that “Participating Territories” such as American Samoa be afforded the same treatment as the Pacific Island States, the American Samoa-based fleet is not afforded the same treatment, creating a vastly disproportionate burden on the American Samoa economy.

It is often said, because it is undeniably true, that fisheries are as central to the politics of the Pacific as oil is to the Middle East. Unless the United States is prepared to withdraw completely from engagement with the Pacific Island States on these strategically important fisheries issues, thus contributing to China’s growing dominance in the Pacific, these trends affecting the American Samoa-based fleet must be addressed and reversed, and soon.

ATA VESSELS ARE SUPPORTING A NUMBER OF CONSERVATION EFFORTS

ATA member vessels are currently engaged in range of activities to address potential impacts of fishing activity on the marine environment. First, in a joint project with the International Seafood Sustainability Foundation (ISSF), ATA vessels are working develop new gear and techniques to reduce the impacts on shark and rays caught incidental to fishing operations. This includes testing prototype sorting grids to allow large animals to be returned to the water without harm; tagging animals to better determine their post-release survival rates and migratory patterns; and genetic sampling to assist with species identification, stock structure and population dynamics.

In a second project, jointly with ISSF and the Secretariat of the Pacific Community (SPC), ATA vessels are testing designs for biodegradable fish aggregating devices (FADs) to reduce the impacts of FADs that are lost and persist in the marine environment. Testing at sea by experienced fishing crews is critical to enhancing and improving the design of these devices to ensure they meet their intended purpose.

Finally, ATA vessels are working with The Nature Conservancy on a project to track FADs that drift into the nearshore environment around Palmyra Atoll so that they can be removed by TNC participants. The success of this project has recently resulted in its expansion to include fishing fleets of other countries, and the potential expansion into waters around American Samoa and waters under the jurisdiction of other Pacific Island States.

SUMMARY

A prohibition of commercial fishing throughout any Pacific Remote Islands marine sanctuary, in combination with other current and pending actions, would further undermine the viability of the American Samoa-based purse seine fleet and the tuna dependent economy of American Samoa, while yielding little to no conservation benefit for the living marine resources in the open ocean from fifty to two hundred miles offshore. Fish not caught within the U.S. EEZ will eventually move to the high seas where they will be caught by vessels from China, Taiwan, Korea and other flag States and entities. Thus, the benefits of the sacrifice by U.S. fleet will accrue to these other parties, at the expense of U.S. interests.

Therefore, as stated at the outset, ATA urges NOAA to establish a management plan for any Pacific Remote Islands sanctuary that does not further restrict commercial fishing in areas where such activity is not already prohibited. We welcome an opportunity to participate in the discussions and deliberations as the process for establishing any marine sanctuary moves forward.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, reading "William Gibbons-Fly". The signature is written in a cursive, flowing style.

William Gibbons-Fly
Executive Director