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July 18, 2023

Ms. Janet Coit
Assistant Administrator, NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910
Via email: janet.coit@noaa.gov

Ms. Nicole LeBoeuf
Assistant Administrator, NOAA's National Ocean Service
1305 East-West Highway, N/MB6, SSMC4, Room 9149
Silver Spring, MD 20910
Via email: nicole.leboeuf@noaa.gov

Mr. John Armor
Director, NOAA Office of National Marine Sanctuaries
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910
Via email: john.armor@noaa.gov

Dear Ms. Coit, Ms. LeBoeuf, and Mr. Armor:

During the May 2023 Council Coordination Committee (CCC) meeting, the CCC was made aware that an anticipated Office of National Marine Sanctuaries (ONMS) presentation on the "Process for Establishing Fishing Regulations in Sanctuaries" was delayed until the October 2023 meeting. However, CCC members were prepared for this discussion, and in lieu of that presentation, the CCC utilized the agenda time to discuss interactions between Regional Fishery Management Councils (Councils), ONMS, and NOAA Fisheries.

The CCC identified a clear overlap in goals and objectives between Councils and ONMS and the potential to create win-win outcomes for fishery stakeholders and sanctuary proponents. It is therefore concerning to observe sanctuary expansions that do not appear to adequately explore, analyze, or address the major biological, economic, and social issues related to these determinations. In many cases sanctuary regulations that have prevented fishing fall squarely on the shoulders of indigenous and disadvantaged communities that have relied on fishing activity for sustenance, trade, and commercial activity for many generations.

Caribbean Executive Director: Miguel Rolon Chair: Marcos Hanke	Gulf of Mexico Executive Director: Dr. Carrie Simmons Chair: Dr. Greg Stunz	South Atlantic Executive Director: John Carmichael Chair: Dr. Carolyn Belcher	Mid Atlantic Executive Director: Dr. Christopher Moore Chair: Mike Luisi
New England Executive Director: Thomas Nies Chair: Eric Reid	North Pacific Executive Director: David Witherell Chair: Simon Kinneen	Pacific Executive Director: Merrick Burden Chair: Marc Gorelnik	Western Pacific Executive Director: Kitty Simonds Chair: John Gourley

We have identified four issues (below) that would help to improve coordination and synergy between ONMS and the Councils, and we request that ONMS be prepared to discuss these matters at the October 2023 meeting of the CCC: 1) The complementary nature of the Councils, ONMS, and NOAA Fisheries roles, and how we can work together to achieve shared conservation and social goals; 2) Better utilization of the existing management processes, such as those that exist within the Magnuson-Stevens Fishery Conservation and Management Act (MSA); 3) Clear and early communication and engagement, especially on proposed fishing regulations; and 4) Clarifying the process used in each region for determining fishing regulations in sanctuaries during the October 2023 presentation.

1) The Councils, ONMS and NOAA Fisheries roles in management

The CCC acknowledges the ONMS’ desire to “preserve the extraordinary scenic beauty, biodiversity, historical connections and economic productivity of our most precious underwater treasures” vision is closely aligned with the goals of the Councils, which strive to sustainably manage marine fisheries to achieve the greatest benefit to the nation, promote conservation, and increase resiliency of fishing communities that rely on these public resources, among other directives. For these efforts to be successful, complementary management approaches from the Councils and ONMS alike are required.

Fishing and marine sanctuaries are not mutually exclusive. Indeed, allowing fishing is a way that the Sanctuaries can contribute to economic productivity. However, when unilateral decision-making to ban fishing access is determined from the onset of marine sanctuary planning, finding outcomes that are beneficial from a social, economic, and conservation perspective will be impossible. Such an approach would preempt sound stakeholder engagement and deliberative policy creation—an approach that is necessary to strike an appropriate balance between the social, economic, and conservation goals shared by sanctuaries and Councils. Worldwide, the highest contributing factor to marine sanctuary success is stakeholder engagement.¹ This means that when a sanctuary initiative does not have substantial buy-in and enforcement, conservation goals are unlikely to be realized.

The CCC urges the ONMS and NOAA Fisheries to work more closely with the Councils when considering the creation of new sanctuaries, and when identifying any fishing regulations that may be necessary to achieve sanctuary objectives. This cooperation is required by Section 16 U.S.C. section 1434(a)(5) of the National Marine Sanctuaries Act. In particular, the CCC recommends that full fishing closures not be proposed at the onset of sanctuary creation. Such an outcome would subvert the creation of good policy process that is necessary to balance our multiple shared objectives.

2) Better utilization of the existing management processes

A deliberative and robust public process is necessary for the development of sound policy that appropriately balances multiple objectives. Sound public process also helps to strengthen partnerships, such as those that exist between the Councils, NOAA Fisheries, and ONMS. Over the course of more than four decades, the Councils have developed a deliberative and robust public process that can be utilized for sanctuary purposes. To the extent fishing regulations are necessary to achieve sanctuary objectives, ONMS can utilize the Council process to achieve objectives related to fisheries. This type of engagement with the Councils is especially important when ONMS decisions may negatively affect indigenous and underserved communities.

¹ [Frontiers | Revisiting “Success” and “Failure” of Marine Protected Areas: A Conservation Scientist Perspective \(frontiersin.org\)](https://www.frontiersin.org)

The CCC suggests that working with the Councils is an important part of achieving the Administration's goals of Equity and Environmental Justice. Many indigenous and disadvantaged communities rely upon fishing as a means of livelihoods, subsistence, and culture. Ensuring these communities have a voice in decisions affecting fishing activity is an important aspect of EEJ. By working with the Council process, and closely examining social and economic information and analyses within Environmental Impact Statements, more informed decisions can be made regarding fishing activity within sanctuary waters and the effect of any fishing restrictions upon these communities. For example, in the Western Pacific, approximately 50% of the Economic Exclusive Zone has been restricted to fishing by ONMS. Within this region, this has caused hardship to stakeholders and has created a perceived notion that ONMS can circumvent the familiar public process of the Councils. The CCC strongly recommends that ONMS regularly engage with marine fisheries stakeholders through the Council process. Early engagement in the process can help increase education and awareness, and provide opportunity for input into proposed fishing regulations.

- 3) Clear and early communication and engagement, especially on proposed fishing regulations;

If ONMS believes that a Council is not adequately conserving sanctuary resources, this should be brought to the Council's attention for further consideration. The ONMS' data and rationale should be clearly explained to the appropriate Council so that the Councils can act accordingly.

- 4) Request of ONMS for October 2023 presentation to clarifying the process used in each region for determining fishing regulations in sanctuaries.

It appears each Council, in coordination with ONMS, has a unique process for establishing fishing regulations in areas that are designated as sanctuaries. The CCC requests that at the October 2023 meeting of the CCC, the sanctuaries, Councils, and NOAA Fisheries clarify the process for determining fishing regulations in sanctuaries for each of the eight fishery management regions. As the CCC understands it, in some regions Councils and ONMS coordinate fairly closely when implementing fishing regulations, while in other regions such coordination does not exist and may warrant input from other entities (such as state agencies). This difference of approach has led to a substantial amount of confusion among Councils, stakeholders, and others regarding the development of fishing regulations in sanctuary waters. We would like to clarify and agree to the most appropriate approach within each region.

In closing, the CCC encourages NOAA Fisheries and ONMS to work collaboratively with the Councils to manage the nation's marine resources with well-defined conservation goals and objectives. The CCC looks forward to ONMS presentation during the October 2023 meeting. If you have any questions regarding our request, please feel free to reach out to the Gulf Council Chair, Dr. Greg Stunz, or the Gulf Council Executive Director, Dr. Carrie Simmons.

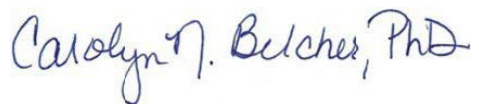
Sincerely,



Mike Luisi, Chair
Mid-Atlantic Fishery Management Council



Eric Reid, Chair
New England Fishery Management Council



Dr. Carolyn Belcher, Chair
South Atlantic Fishery Management Council



Gregory Stunz, Chair
Gulf of Mexico Fishery Management Council



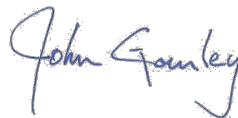
Marcos Hanke, Chair
Caribbean Fishery Management Council



Simon Kinneen, Chair
North Pacific Fishery Management Council



Marc Gorelnik, Chair
Pacific Fishery Management Council



John Gourley, Chair
Western Pacific Fishery Management Council

cc: Sam Rauch / Kelly Denit / Matt Brookhart / Morgan Corey / Tom Nies / Chris Moore / David Witherell / Miguel Rolon / Merrick Burden / Kitty Simonds / John Carmichael / Carrie Simmons