

**EXAMINING THE CREATION AND
MANAGEMENT OF MARINE MONU-
MENTS AND SANCTUARIES**

OVERSIGHT HEARING

BEFORE THE
SUBCOMMITTEE ON WATER, POWER AND OCEANS
OF THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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OVERSIGHT HEARING ON EXAMINING THE CREATION AND MANAGEMENT OF MARINE MONUMENTS AND SANCTUARIES

**Wednesday, March 15, 2017
U.S. House of Representatives
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 10:00 a.m., in room 1324, Longworth House Office Building, Hon. Daniel Webster [Vice Chairman of the Subcommittee] presiding.

Present: Representatives Wittman, Graves, Webster, Bishop (ex officio), Beyer, Panetta, Sablan, and Grijalva (ex officio).

Also Present: Representatives Radewagen, Young of Alaska, and Lowenthal.

Mr. WEBSTER. The Committee on Water, Power and Oceans will come to order.

The Water, Power and Oceans Subcommittee meets today to hear testimony on the oversight hearing entitled “Examining the Creation and Management of Marine Monuments and Sanctuaries.”

Due to the winter storms that impacted many Members’ traveling schedules, including Chairman Lamborn’s, I will serve as the Acting Chair today.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and Ranking Minority Member and Vice Chair.

Since Chairman Lamborn could not be here today, I ask unanimous consent to enter his statement into the hearing record. Without objection, so ordered.

[The prepared statement of Mr. Lamborn follows:]

PREPARED STATEMENT OF THE HON. DOUG LAMBORN, CHAIRMAN, SUBCOMMITTEE ON WATER, POWER AND OCEANS

Today, the Subcommittee on Water, Power and Oceans meets to examine the impacts of Federal Marine National Monuments and Marine Sanctuaries, including the processes by which they are established and implemented.

The designations of these so-called Marine Protected Areas have occurred under both Republican and Democratic administrations. While I did not agree with President George W. Bush’s creation of the first-ever Marine National Monuments in the Pacific, the last administration was on steroids when it came to creating new land-based monuments, expanding marine monuments and creating the first monument in the Atlantic Ocean.

In my home state of Colorado, the Obama administration imposed a top-down, big-government National Monument land grab in the Browns Canyon in 2015. This impacted grazing rights, water rights, outdoor recreation, and compromised the ability of first responders to manage and fight wildfires in the area. Coloradans deserved better than an edict from Washington, DC.

These national monuments and the proposed expansion of a marine sanctuary in the Gulf of Mexico completely undermine the multiple-use history of our Federal and territorial lands and waters. As we will learn, they have real-life impacts on

those economies and cultures which depend on their natural resources. They also affect consumers throughout the entire country, including those in Colorado, which is not known as a seafood mecca.

As an example, the proposed expansion of the Flower Garden Banks National Marine Sanctuary, about 100 miles off the Texas and Louisiana coasts, could significantly impact oil and gas and commercial fishing activities that will hit consumer pocketbooks and seafood availability. The Federal Government's preferred sevenfold expansion plan—as proposed by the last administration—has been referred to a “bait and switch” because it does not reflect the diverse stakeholder consensus found earlier in the Advisory Board process.

In addition, the Northeast Canyons and Seamounts Marine National Monument, 130 miles off the coast of Cape Cod, Massachusetts, will only increase our heavy reliance on seafood imports by shutting off fishing access. The last administration simply ignored a local alternative and had what was called a “charade” of a late-noticed town meeting far away from the working docks of fishing communities. It's with little wonder that the designation has now resulted in litigation.

There are similar stories in the Pacific, which Mrs. Radewagen will discuss in greater detail.

It didn't need to be this way. It's simply unacceptable. The Federal Government does not know better than the people on land, on the docks or in the water. Our agencies need to be working with local officials, industry, and all stakeholders as they are the ones that will directly benefit from, or bear the burden of these closed areas.

We need to return the multiple-use philosophy of our Federal waters. While I am new as the Chair of this Subcommittee, my time holding the gavel on the Energy and Mineral Resources Subcommittee allowed me to see firsthand the economic impacts of heavy-handed Federal actions that prohibit access and commercial use.

Whether it's making our country energy independent or to reverse the seafood trade deficit—and creating jobs in doing so—we can only accomplish these goals if we work together to ensure that we can responsibly capitalize on the wealth of resources that sit off of America's coasts.

Today marks a good start on this dialogue and it's my hope that we can work with this Administration in righting some of these past wrongs.

Mr. WEBSTER. I also ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today. Hearing no objection, so ordered.

We will begin the opening statements, starting with myself.

STATEMENT OF THE HON. DANIEL WEBSTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. WEBSTER. Today, the Subcommittee on Water, Power and Oceans meets to examine the impacts of Federal marine national monuments and marine sanctuaries, including the process by which they are established and implemented.

This is an important topic for my own home state of Florida, for the region, and the entire country also. Many know Florida as the “fishing capital of the world,” where roughly 2.4 million saltwater recreational anglers fish annually, and the state's seafood industry supports over 82,000 Florida jobs.

To continue this way of life, commercial and recreational fishermen must have access to inland and ocean waters, and these waters must continue to have sustainable fisheries for generations of sportsmen who have proven to be good conservationists.

The Florida Fish and Wildlife Commission is charged with managing the state's fisheries, and in working with the Federal Government to provide fishing opportunities and protect our nat-

ural resources. Sometimes the relationship with the Federal Government has not been as cooperative as it should be.

For example, the National Park Service imposed a 10,000-acre fishing closure in the Biscayne National Park last year despite significant opposition from the stakeholders and the Florida Fish and Wildlife Commission. This ban is within the state's managed waters, albeit waters on the other side of the state.

The new park superintendent has told my delegation colleagues that she is reassessing this closure and has brought better communication skills to the table. That is a good thing, but this situation could have been avoided in the first place had the Federal Government been a little bit better listener.

Today, we will hear how unilateral Federal decisions have impacted fisheries elsewhere in the Atlantic and the Pacific over the last few years when it comes to marine national monuments and sanctuaries. Federal decision-making directly impacts local citizens, local economies, and the environment. It is important to review how these decisions are being implemented and, where needed, correct or improve the laws guiding these decisions.

Environmental protection and fisheries access are not mutually exclusive. We can and should have both. I hope today's hearing helps move policy in that direction. I look forward to hearing from the distinguished panel of witnesses.

Mr. Huffman could not make it, so we have two subs today, me and Mr. Grijalva, who is recognized for his opening remarks.

[The prepared statement of Mr. Webster follows:]

PREPARED STATEMENT OF THE HON. DANIEL WEBSTER, VICE CHAIRMAN,
SUBCOMMITTEE ON WATER, POWER AND OCEANS

Today, the Subcommittee on Water, Power and Oceans meets to examine the impacts of Federal Marine National Monuments and Marine Sanctuaries, including the processes by which they are established and implemented.

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Environmental protection and fisheries access are not mutually exclusive. We can and should have both. I hope today's hearing helps move Federal policy in that direction. I look forward to hearing from our distinguished panel of witnesses.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman. And the Ranking Member from our side of the aisle, Mr. Huffman, is, as well, a casualty of the weather, and I will be filling in in his stead. Thank you again, Mr. Chairman.

Today's hearing is not about helping fishermen catch more fish. If it was, we would be talking about the science proving that climate change is jeopardizing our fisheries.

If the Majority wanted to help fishermen, they would be giving managers what they need to understand shifting stocks, not proposing massive budget cuts for science and monitoring. If they wanted to help fishermen, the Majority would abandon the Empty Oceans Act and work with us to preserve and strengthen the Magnuson-Stevens Act.

We are not doing any of that today. Instead, this hearing is part of a campaign to score political points by attacking the Antiquities Act. Republicans are fixated on undermining this law, even though it has been critical to protecting spectacular places on land, like the Grand Canyon in my home state, and vital marine monuments like the one near Hawaii, which I cannot pronounce, and I apologize.

Chairman Bishop has asked President Trump to allow industrial fishing at all marine monuments and to abolish the newly-designated Bears Ears Monument in Utah. He has called the Antiquities Act one of the most evil acts ever created and suggested anyone who likes the Act should die. I like the Antiquities Act, so I hope that his death threat is just in jest.

Congress gave the President the authority to designate national monuments on lands already belonging to taxpayers because the legislative process can grind to a halt and prevent special places from being protected in time.

The use of this authority by presidents of both parties, including for the creation of marine monuments, has been judicious and even patriotic.

There should be places that are off limits to commercial fishing, just as there are places that are off limits to hunting, drilling, mining, driving, smoking, nude sunbathing, and other activities that may have negative consequences for society if allowed to occur anywhere.

Thanks to improvements to the Magnuson-Stevens Act, the fishery management councils have emerged from the dark ages of rampant overfishing. That is progress, but councils cannot regulate nonfishing activities, and ocean conservation is more than fish farming. They deserve a seat at the table, not a veto.

Marine monuments and sanctuaries are banks of biodiversity and productivity. Scientists agree that to sustain ecosystems and productive fisheries we need to set aside 30 percent of the ocean as no-take areas.

Even after the recent establishment and expansion of the Pacific monuments, we have protected only 13 percent of our Exclusive Economic Zone (EEZ) and less than 1 percent outside of the vast Western and Central Pacific.

The text of the Antiquities Act is clear. Congress explicitly authorized the President to designate "objects of historic or

scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments.” The submerged lands beneath the EEZ are owned by the U.S. Government. Shipwrecks, coral reefs, waters, and anything in them that are situated upon these lands are certainly of historic and scientific interest.

The oceans are an enormous part of our natural and cultural heritage, and parts of them should be preserved for posterity, just as Congress intended when it passed the Antiquities Act.

Mr. Chairman, with that, I yield back.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Thank you, Mr. Chairman.

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I like the Antiquities Act.

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The submerged lands beneath the EEZ are owned by the U.S. Government. Shipwrecks, coral reefs, waters and anything in them are situated upon these lands and are certainly of historic *AND* scientific interest. The oceans are an enormous part of our natural and cultural heritage and parts of them should be preserved for posterity, just as Congress intended when it passed the Antiquities Act.

Mr. WEBSTER. Thank you.

Each witness' written testimony will appear in full in our hearing record, so I ask that the witnesses keep their oral remarks to 5 minutes, as outlined in the invitation letter and under Committee Rule 4(a).

I also want to explain how the timing lights work. When you are recognized, press "talk" to activate the microphone. Once you begin your testimony, the clerk will start the timer. For the first 4 minutes, it will be green and then yellow after that. And then when red, you are to finish, complete the sentence you are on and stop thereafter.

Our first witness was slated to be the Honorable Jon Mitchell, the Mayor of New Bedford, Massachusetts. Unfortunately, the weather impacted his flight, as well, and he could not be here today. Therefore, I ask unanimous consent that his written testimony be entered into the record. Without objection, so ordered.

[The prepared statement of Mr. Mitchell follows:]

PREPARED STATEMENT OF JON MITCHELL, MAYOR, NEW BEDFORD, MASSACHUSETTS,
ON BEHALF OF THE NATIONAL COALITION FOR FISHING COMMUNITIES

Thank you, Chairman Bishop and members of the Committee. My name is Jon Mitchell. I am the Mayor of New Bedford, Massachusetts, the Nation's top-grossing commercial fishing port for the past 16 years. I'm pleased to testify today as mayor, and on behalf of the National Coalition for Fishing Communities, of which New Bedford is a leading member.

I would like to submit my written testimony for the record, and use my time this morning to offer my perspective on the designation of permanent marine monuments under the Antiquities Act.

THE NATIONAL COALITION FOR FISHING COMMUNITIES

Commercial fishing is a vital business for the Nation's coastal communities, employing tens of thousands of people and generating billions of dollars in revenue. The Port of New Bedford, for example, generates \$9 billion in direct and indirect economic output annually.

Despite these significant economic contributions, in recent decades, fishermen and fishing communities have lacked the ability to effectively communicate industry concerns to the public at large, and in Washington. On issues vital to their livelihood, they often compete directly with well-funded and well-coordinated non-government organizations.

Recognizing the need for better communication, in 2009, the non-profit Saving Seafood was created by a small group of New Bedford-based industry leaders to report and aggregate news and information for our domestic harvesters and processors. The first major reporting effort of Saving Seafood led to the exposure and correction of problems in NOAA Fisheries' law enforcement division.

Saving Seafood demonstrated the value of educating policymakers and the public about developments in the fishing industry, and that lead, in turn, to the formation in 2015 of the National Coalition for Fishing Communities.

The Coalition's mission is to be a voice for the communities that depend on commercial fishing so that policymakers and the public hear directly from those whose lives and livelihoods are at stake.

As the Nation's number one fishing port, New Bedford has a history of very active engagement on policy matters before NOAA, Capitol Hill, and in the White House. That is why the city decided to take a leadership role in founding the Coalition, and provided the initial seed grant which enabled its creation.

Today the Coalition is comprised of dozens of fishing businesses and organizations with deep roots in port communities across country, from New England to the Gulf of Mexico to California to Hawaii. Our members represent many of the country's most valuable fisheries, like the Atlantic sea scallop, red crab, lobster, tuna and swordfish, to name just a few.

One of the Coalition's first priorities has been to communicate the growing concerns of its members over insufficient consultation in the designation of marine monuments, including the expansion of monuments around Hawaii, proposed monu-

ments off the coast of California, and the newly created monument off the coast of New England.

The Coalition has brought these concerns to the press and public. We have worked to inform Members of Congress. We have been pleased, for example, to host Chairman Bishop during his recent visit with affected fishermen in New Bedford. And we have facilitated several meetings between industry and the White House Council on Environmental Quality (CEQ).

MARINE MONUMENT CONCERNS

The port communities represented by the Coalition have serious concerns about the impacts that monuments have had, and may continue to have, on the U.S. commercial fishing industry. These concerns take two forms: (1) poorly conceived terms of particular monument designations, and (2) more fundamental concerns with the process itself.

We in New Bedford have been especially troubled by questionable terms of recent Northeast Canyons and Seamounts Marine Monument designation.

This designation, the first in the Atlantic Ocean, was adopted without even the base level of scrutiny conducted for *temporary* ocean closures. For example, with little advance warning, our red crab industry lost access to large swaths of its historically most productive fishing grounds.

The red crab fishery represents nearly 10 percent of the 240 million pounds of seafood transported annually to New Bedford for processing, so this term of the monument designation has been particularly impactful.

The Atlantic monument designation also established a moratorium on fishing in the water column above the monument seabed. This approach was of serious concern for our pelagic fisheries, including swordfish and tuna fishermen and processors. Pelagic fishermen have no impact on the integrity of the bathymetry and substrate that a monument is meant to protect, so we question the underlying basis for this particular restriction.

I offer these two local examples as illustrative of a longer list of poorly conceived monument terms that have had unnecessary and harmful impacts in fishing communities nationwide.

In addition to the New England and Mid-Atlantic fishermen impacted by the Atlantic designation, Coalition members around the country have experienced their own harm from recently designated monuments. Others fear the effects of proposed monuments.

In Hawaii, previous administrations created and then expanded the largest marine protected area in the world, the Papahānaumokuākea Marine National Monument, which is now more than twice the size of Texas. Hawaii longline fishermen who depend on access to those waters are being pushed further into the open ocean to catch species like bigeye tuna, often in competition with foreign fishermen.

Another monument, the Pacific Remote Islands Marine National Monument, also bars Hawaii fishermen from large swaths of the U.S. Exclusive Economic Zone.

On the West Coast, monument proposals surfaced last year that would have declared virtually all offshore seamounts, ridges, and banks off the California coast as marine monuments, permanently closing those areas to commercial fishing.

Such closures would have resulted in economic devastation for California fishermen and the communities that rely on the sustainable catch of albacore tuna, mackerel, market squid, and numerous other important species. These communities continue to be concerned that any president has the power to take these valuable grounds away from them with just the stroke of a pen.

But simply pointing out instances where the monument process got it wrong, misses the larger issue, which is this:

The monument designation process has evolved effectively into a parallel, much less robust fishery management apparatus that has, to date, been conducted, in all essential respects, entirely independent of the tried and true Fishery Management Council process provided for under the Magnuson Act.

And that is precisely why, I would suggest, the monument designation process has consistently led to less than optimal policy outcomes.

It lacks sufficient amounts of all the ingredients that good policy-making requires: Scientific rigor, direct industry input, transparency, and a deliberate pace that allows adequate time and space for review.

This is especially troubling given that, unlike the ordinary regulatory determinations made under Magnuson, monument designations under the Antiquities Act are by definition *permanent*.

I want to be clear on this—The designation process is not lacking because the agency staff, principally the White House CEQ, didn't work hard at their assign-

ment. The officials involved with the Atlantic monument designation with whom I interacted were all, to a person, earnest, professional, and well-intentioned. But they were operating without a solid, consistent procedural framework and they lacked the resources and familiarity with commercial fishing operations necessary to do their task justice.

In contrast, the Fishery Management Council process is far from perfect, but it affords ample, structured opportunities for stakeholders and the public alike to study and comment on policy decisions and for the peer reviewing of the scientific bases for those decisions.

For its part, the Port of New Bedford has been an active participant in the New England Fishery Management Council. Our fishing interests are directly affected by the decisions made by the New England Fishery Management Council and NOAA Fisheries, and we don't hesitate to use the Council process to challenge regulatory approaches with which we disagree.

That said, there is a process in place that allows industry concerns to be aired; a process in place for revisiting management decisions to account for new data; and a process in place that, at its best, finds creative policy solutions that respect the interests of competing stakeholders.

I would argue that the continued use of a parallel process outside Magnuson, outside the Management Councils—however well-meaning—ultimately works against the long-run interests of *all* stakeholders.

We all lose when the checks and balances employed in the NOAA process are abandoned. A decision-making process driven by the simple assertion of executive branch authority ultimately leaves ocean management decisions permanently vulnerable to short-term political considerations. Such an outcome is cause for deep concern no matter one's position in the current policy debates.

So I encourage the Committee to explore ways to integrate the executive branch's monument authority with proven processes established under the Magnuson Act.

This Congress has an important opportunity to restore the centrality of Magnuson's Fishery Management Councils to their rightful place as the critical arbiters of fisheries management matters.

Doing so would give fishing communities much more confidence in the way our Nation approaches fisheries management. And it could give the marine monument designation process the credibility and acceptance that it regrettably lacks today.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. LAMBORN TO MAYOR JON MITCHELL, CITY OF NEW BEDFORD, MASSACHUSETTS

Mayor Mitchell, the New England and Mid-Atlantic Regional Fishery Management Councils (Councils) have both conducted habitat amendments in the past few years, both focusing on protecting unique, productive habitat.

Question 1a. Through the use of such habitat amendments, closed areas, and fishery management plans, do you believe the regional councils have the tools available and the desire to balance ecosystem protection with economic productivity?

b. Do you believe that these tools, when properly used by the Councils, can achieve the same goals of ecosystem protection as the Northeast Canyons and Seamounts Marine National Monument?

Answer. Since I took office as Mayor of New Bedford nearly 6 years ago, I have had the opportunity to appear before the New England Fishery Management Council on numerous occasions regarding matters impactful to the Port of New Bedford, the Nation's leading commercial fishing port for the past 16 years.

As a knowledgeable observer of the Council's work and a participant in the Council's processes, I believe I can offer the Subcommittee an informed, independent assessment of the institutional capacity of the Council, as well as remark on the manner in which it conducts its affairs.

On both these counts—and in response to your query—I would argue that the Council has both the resources and the approach necessary to achieve ecosystem protection (while balancing economic productivity) commensurate with any protections that could be pursued in conjunction with a monument designation under the Antiquities Act.

Moreover, I am convinced that the use of the processes established under the Magnuson Act are at least equal in their utility in protecting the marine environment as any monument designation; and in fact, Magnuson-based processes—like the Fishery Councils—are far superior.

I believe this to be the case because I have witnessed firsthand the strengths of the Fishery Council's deliberative- and decision-making processes. As I recounted in my written testimony, while the Council process may not have, at times, produced specific policy outcomes sought by the Port of New Bedford and commercial fishing interests, the Council has generally demonstrated a commitment to:

- soliciting industry input,
- transparent deliberation,
- a structured approach that provides time for ample discussion,
- a reliance on peer-reviewed scientific research, and
- a willingness to revisit prior policy based on new information.

The processes used to develop the Northeast Canyons and Seamounts designation were in no way comparable on any of these metrics. My comparative confidence in the Council process is illustrated by two recent examples:

Mid-Atlantic Deep-Sea Coral Protection Area

A particularly remarkable conservation achievement under the Fishery Council process, is the Frank R. Lautenberg Deep-Sea Coral Protection Area which was designated by the Mid-Atlantic Fishery Management Council (MAFMC). This protected area, approved in a June 2015 MAFMC amendment and finalized by NOAA Fisheries and the MAFMC at the end of last year, covers over 38,000 square miles of Federal waters off the Mid-Atlantic coast, an area roughly the size of Virginia.

Commercial fishermen provided extensive input to fisheries managers in a collaborative effort to close off the protected area to most types of bottom-tending fishing gear, such as trawls, dredges, bottom longlines, and traps. As the chairman of the MAFMC noted afterwards, this action brought together a broad range of stakeholders, including Council members, fishermen and industry representatives, scientists, and environmental groups, to reach a consensus on the boundaries of the protected area.

The area designated for protection was informed by research from NOAA and the Bureau of Ocean Energy Management, including deep sea surveys and the creation of a predictive deep sea coral habitat suitability model. Based on this information, the Council's advisory panels, deep sea coral experts, and fishing industry members worked cooperatively to identify the boundaries of the protected area.

The resulting protected area was praised by environmentalists and fishermen alike. The Pew Charitable Trusts wrote that it would "cement a conservation legacy for the Mid-Atlantic," while a representative of Mid-Atlantic commercial fishermen called the process a "model for developing targeted habitat protection." Groups and individuals involved in the process won several awards including the Urban Coastal Institute Regional Champion of the Ocean Award, which was presented to the MAFMC.

New England Council Omnibus Habitat Amendment 2

Another example of the effectiveness of the Council process is the Omnibus Habitat Amendment 2 (OHA2) passed last June by the New England Fishery Management Council (NEFMC) and awaiting final approval by NOAA. Passed after more than a decade of work, OHA2 ensures that essential and vulnerable New England habitats, such as the Gulf of Maine, Georges Bank, and areas in the Great South Channel, are protected based on the most up-to-date science.

New technologies have allowed researchers to map and analyze the ocean floor, informing them about which areas of the seabed are most susceptible to harm from fishing gear, and which areas are hotspots for groundfish spawning. OHA2 incorporates this science, increasing the amount of overall habitat-specific protected areas in the region while opening up areas that are no longer considered important for successfully conserving fish stocks.

The development of OHA2 was deliberative and collaborative, with input from Federal and state regulators, environmental groups, scientists and academics, and members of the fishing industry. This amendment has been carefully crafted to ensure that marine resources are better protected than ever, while helping those who make their living on the water.

I hope this response proves useful to you and members of the Subcommittee in your continued deliberations. If there is any way I can assist the work of the Subcommittee in the future, please do not hesitate to contact me. Thank you again for your invitation.

Mr. WEBSTER. Our second witness is Dr. John Bruno, Professor, Department of Biology at the University of North Carolina at Chapel Hill.

Professor Bruno, you are now recognized for 5 minutes.

STATEMENT OF JOHN BRUNO, Ph.D., PROFESSOR, DEPARTMENT OF BIOLOGY, UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL, NORTH CAROLINA

Dr. BRUNO. Good morning.

I grew up on the Loxahatchee River in south Florida fishing for snook and blue fish.

And how do I advance the slides? Just look at you?

I passed some of that love of fish and fishing on to my daughters. We typically go to the Florida Keys for our summer vacations. This is my daughters fishing in the national marine sanctuary down in the Keys outside of Marathon. So, at a personal level, that is why I support the creation of national parks in the ocean.

As a scientist, I can tell you there is overwhelming science that marine parks greatly increase the biomass, density, size, and diversity of marine fishes. That often leads to what we call a spillover effect, where either as babies or as adults some proportion of those fishes leave the protected area, where they are then caught by fishermen. And fishermen know this, and they typically focus their fishing efforts right around the edges of these parks, as you can see here from a Mediterranean fishery of lobster.

Another huge benefit of marine parks is the restoration and protection of large vertebrate predators. My lab just published a study last week where we found that 90 percent of the sharks, barracuda, and grouper are gone from Caribbean reefs. The only places we still find these predators are in the marine reserves, which are a tiny postage stamp of coverage. The benefit of having predators, aside from their inherent value, is restoring key ecological interactions to the system.

Female fishes produce more and higher-quality eggs as they grow old, large, and fat. In fact, the relationship is exponential. So, the number one priority of increasing the productivity and stability of fisheries management is to protect these large, old females. And the best way to do that is to set aside small areas where they can grow large, be happy, and produce lots of babies.

But, of course, that is not the primary purpose of our national monument designations in the ocean or of our general marine park system; it is to preserve biodiversity and whole ecosystems, which are made up of tens of thousands of species, including corals that live in the deep sea, all the fishes and marine mammals that inhabit the water column, and the seabirds in the air over the surface and on the small atolls in the system. These components of biodiversity cannot and are not conserved or managed by traditional fisheries management tools like the Magnuson-Stevens Act.

I am sure you are all aware that the oceans are rapidly warming. One hundred percent of this warming is due to greenhouse gas emissions. There is no scientific question about that. Warming is having a huge impact on ocean ecosystems. I consider it the biggest threat both to marine parks as well as to fisheries. Nobody is going to be fishing for lobster in New England a decade or two from now

because they are all migrating north into Canada. The tropical tuna fishery is going to shut down by the end of the century. Tuna can only survive temperatures up to 34–35° C. They are not going to be happy when it is 36–38° C in the end of the summers. So, we really need to come together and tackle this problem collaboratively together.

We have made great progress in expanding our national parks in the ocean over the last 10 to 15 years, but still, only a tiny percentage is protected, about 3 percent globally, in a park. Only about 1 to 1.5 percent is protected strongly.

We recently expanded the size of both the Papahānaumokuākea Reserve as well as the Pacific Remote Islands Reserves. And that was based on new science that came in indicating that many of the target species were moving outside of the reserve, increasing their risk of accidental capture.

For example, this is a recent result for great reef sharks where they were satellite tagged around Palmyra, and they are moving, you know, 10, 20, 100 kilometers. The square is the original park boundary. We have expanded it to include at least a larger proportion of their range.

The same is true for seabirds. Many of them will travel hundreds of kilometers while they are catching fish for their young, then return to the park to feed their young. Expanding the reserve out to the 200-mile limit of our EEZ greatly increased the protection of these highly threatened species. We have lost 70 percent of the world's seabirds over just the last couple decades, and fisheries bycatch is the number one cause of that.

So, to conclude, I will just say we have made huge progress in ocean conservation primarily by expanding our protection particularly in our U.S. waters over the last 10 to 20 years. These are the only places, as a scientist, I can go and study natural interactions. It is the only place large predators exist. And these are critical baselines so we can monitor and track the impacts of climate change on natural ecosystems.

Thank you.

[The prepared statement of Dr. Bruno follows:]

PREPARED STATEMENT OF JOHN F. BRUNO, PhD, PROFESSOR, DEPARTMENT OF BIOLOGY, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Chairman Lamborn and Ranking Member Huffman, my name is John Bruno and I am a marine community ecologist and Professor of Biology at the University of North Carolina at Chapel Hill.

I appreciate the invitation to talk with you today about marine reserves and how they simultaneously benefit people and wildlife.

Our ocean ecosystems are being degraded by a range of factors such as plastic pollution, over-fishing, and global warming.¹⁻⁴ Nearly a billion people (including tens of millions of Americans) depend on healthy ocean ecosystems for their food and livelihoods. Whether through the seafood we eat, our jobs in the fisheries and tourism industries, or via recreation and personal enrichment, nearly all of us benefit from clean and healthy oceans.

Marine reserves are a proven policy tool that can lead to win-win ocean stewardship:

- Dozens of studies indicate that well-designed and strictly enforced **reserves increase the density, diversity and size of fishes, invertebrates and other marine organisms important to recreational and commercial fishermen.**⁵⁻⁸ Fish biomass in fully protected reserves quickly grows to be fourfold greater on average than in fished areas.⁹

- **Reserves contain more apex predators, many of which are rare or absent from unprotected areas.**⁹ Edgar et al.⁵ report that shark biomass is 14 times greater and the number of large fish species was 36 percent greater in Marine Protected Areas (MPAs, which includes fully protected marine reserves and other protected areas where fishing is limited but not banned). Likewise, Valdivia et al. found that apex predators are almost entirely restricted to marine reserves that cover only a small fraction of the Caribbean.¹⁰
- The restoration of many fished predatory species in reserves (e.g., sharks, grouper, lobster, etc.) **restores key ecological functions and species interactions** that can have strong cascading effects on lower trophic levels.¹¹⁻¹³
- Big, old, fat, and fecund female fishes (BOFFFFs) contribute a large number of eggs that produce future generations. The presence and successful reproduction by large fish generally leads to greater larval recruitment, population growth rate, and fisheries productivity and sustainability. **Marine reserves are the best way to protect large females, enabling them to grow old and large, thereby enhancing fisheries productivity, and stability.**¹⁴
- The increased population density and reproductive output seen within well-designed and enforced reserves **often leads to a “spillover effect” when adult and juvenile (or larval) fishes migrate outside of the reserve** where they are then captured by recreational or commercial fishers.¹⁵⁻¹⁸ This “leaky” aspect of marine reserves is one of their primary benefits to fisheries and is a phenomenon well-known to fishers, whom tend to concentrate fishing on reserve boundaries (termed “fishing the line”). Spillover can offset the loss of fisheries catch caused by the implementation of reserves.¹⁸
- For some species and systems, marine reserves may increase resistance to or recovery from human-caused disturbances like ocean warming and acidification. For example, **by increasing population size, and thus genetic diversity, reserves can increase the adaptive potential** (i.e. resilience) of populations to changing environmental conditions.¹⁹ Thus, reserves can counteract the deleterious loss of genetic diversity caused by overfishing.
- **These and other positive outcomes for harvested species protected in marine reserves have obvious commercial benefits**, not only for fisheries but also for other commercial enterprises such as shark and other SCUBA-based tourism.

Research over the last 10–15 years has refined the reserve characteristics that can maximize benefits to humanity and improve the conservation of biodiversity. A recent synthesis found that to meet the biodiversity and fisheries goals of MPAs, global coverage needs to be increased from its **current extent of just ~3 percent (of which ~1.6 percent is “strongly protected”) to 30 percent or greater**²⁰ (note for U.S. waters: 16.5 percent in MPAS and 13.5 percent in no take reserves).

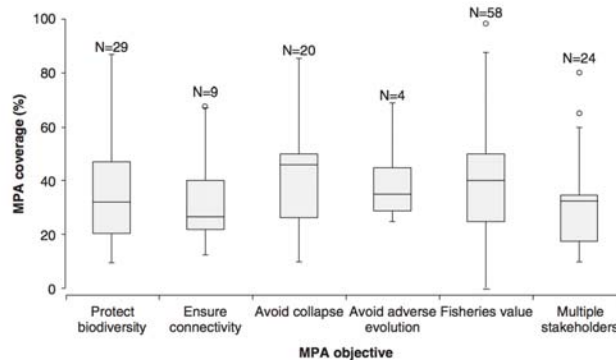


Figure 1 Tukey boxplot showing the range of required coverage for each MPA objective: (1) protect biodiversity (N = 29, median 32%, range 9–80%); (2) ensure population connectivity (N = 9, median 27%, range 13–68%); (3) minimize the risk of fisheries/population collapse and ensure population persistence (N = 20, median 46%, range 10–76%); (4) mitigate the evolutionary effects of selective fishing (N = 4, median 35%, range 25–59%); (5) maximize or optimize fisheries value or yield (N = 58, median 40%, range 0–98%); and (6) satisfy multiple stakeholders (N = 24, median 33%, range 10–80%). Outliers shown by open circles.

In a synthesis of studies of the effectiveness of 87 MPAs around the world, Edgar et al.⁵ identified five features that influenced conservation and economic outcomes:

1. **Level of protection:** Fully protected or “no-take” reserves are far more effective than general use MPAs where harvesting is only partially restricted.⁷
2. **Enforcement:** The effective and durable compliance with and enforcement of fisheries restrictions is crucial to reserve success. Most MPAs and reserves around the world are poorly enforced and amount to little more than “paper parks” that achieve no measurable outcomes for people of wildlife.^{5,21}
3. **Reserve age:** Many of the benefits of reserves accrue over time, e.g., trophic cascades are restored as predator populations recover. Effective reserves are generally at least 10 years old (i.e., have been enforced for 10 or more years) and often 25–40 years old.^{13,22} An exception is when an area was relatively pristine when protection began, as in the Papahānaumokuākea Marine National Monument.^{23,24}
4. **Reserve size:** Given the movement of many fishes, and marine birds and mammals, size can be a key feature defining reserve success. Small size is a primary reason so many MPAs fail. If animals frequently swim or fly outside the reserve boundary, it will have limited positive effects on their populations.
5. **Isolation:** Effective coastal reserves are typically isolated by deep (~75 ft.) water from fished habitat. This feature appears to have the largest effect on biomass and diversity and is thought to limit the movement of animals out of the protected area.

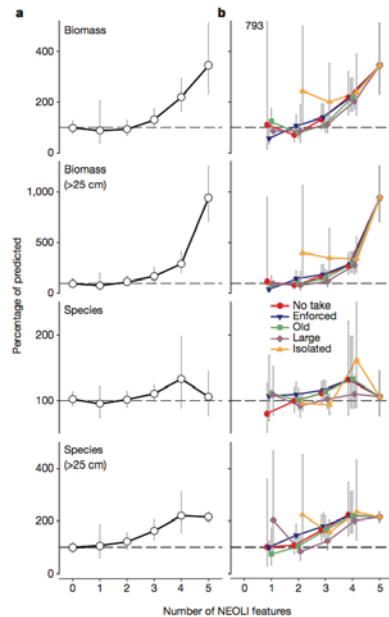


Figure 2 | Mean response ratios for MPAs with different numbers of NEOLI (no take, enforced, old, large, isolated) features. Mean ratio values have been back transformed from logs and expressed as percentages with 95% confidence intervals, with 100% equivalent to fished coasts. Sites on fished coasts have 0 NEOLI features. **a.** Mean response ratios for four community metrics. **b.** Mean response ratios for community metrics where each NEOLI feature was included within the set examined. The ‘no-take’ plot with two features, for example, depicts the mean response for no-take MPAs with a single other NEOLI feature. 95% confidence limits that lie off-scale are shown by number. Samples sizes are shown in Extended Data Table 1.

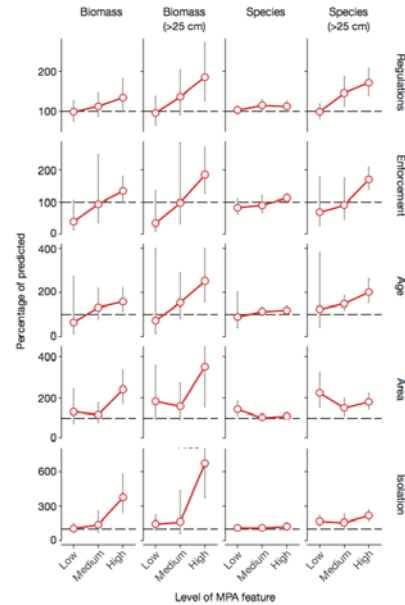


Figure 3 | Mean response ratios with 95% confidence intervals for four community metrics and low, medium and high levels of five MPA features. Values have been back transformed to per cent scale, with 100% equivalent to fished coasts. The feature ‘regulations’ was analysed using data from 82 MPAs with high enforcement; the feature ‘enforcement’ was analysed using data from 75 MPAs that are no-take; and the features ‘isolation’, ‘age’ and ‘area’ were analysed using data from 52 MPAs that are both no take and well enforced. 95% confidence limits that lie off-scale are shown by number. Samples sizes are shown in Extended Data Table 1.

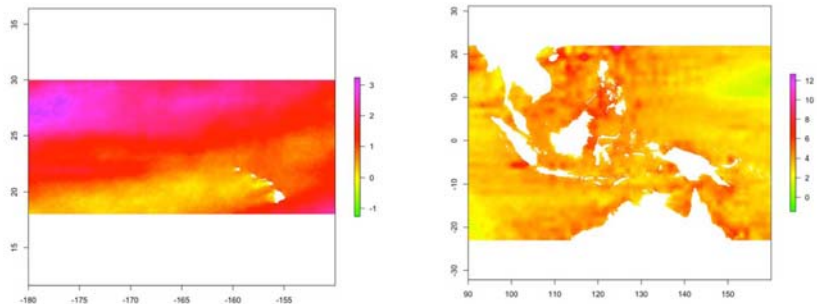
Edgar et al.⁵ found that reserve success was much more likely when three or more of the “NEOLI” features (no take, enforced, old, large and isolated) were met. Reserves that met only one or two NEOLI criteria rarely had greater fish biomass

than unmanaged locations. When all five criteria were met, total fish, total large fish, and total shark biomass increased by 244 percent, 840 percent and 1,990 percent, respectively⁵ (see graphics above from Edgar et al.⁵). The few reserves that met this standard were 10–20 times more effective than reserves with only three NEOLI features. This and numerous similar studies emphasize the crucial importance of design and post-implementation management features in marine reserve outcomes.

There is also a growing consensus in the field that ecosystem representativeness, locations with unique geological and/or biodiversity attributes, and the global change context be considered when planning reserve implementation at regional or global scales.

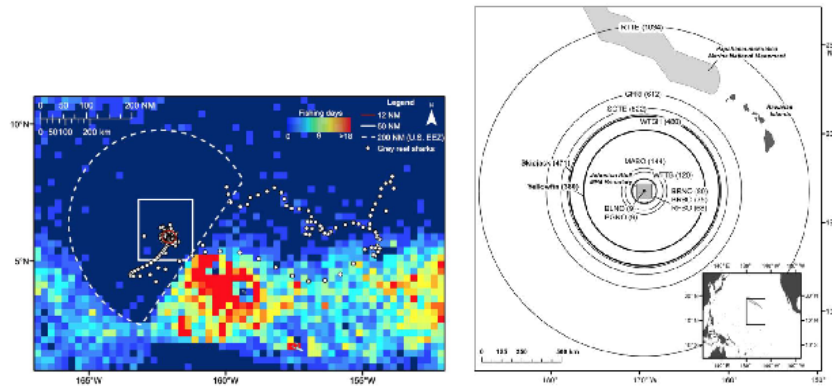
Papahānaumokuākea Marine National Monument

The PMNM is a rare example of a near-pristine^{23,24} marine reserve that includes all five NEOLI features considered essential for maximum efficacy. It also encompasses a unique high latitude coral reef ecosystem, is inhabited by endangered species including the Hawaiian monk seal, and probably most importantly it is predicted to warm far less than most other tropical systems this century (see graphic below). Tropical MPAs are highly threatened by ocean warming: the predicted average warming under the IPCC A2 emissions scenario for tropical MPAs is 3 °C for annual mean Sea Surface Temperature and 6 °C for maximum annual SST by 2100. It is believed that many tropical marine species cannot survive warming of this magnitude. Although some will migrate to higher latitudes, many will go extinct and biodiversity in these ecosystems will likely crash regardless of local protection from fishing and other stressors. Therefore, at least some conservation resources should be focused on the small subset of marine ecosystems that will experience substantially less warming and are likely to survive the century, regardless of our national energy policy (i.e., as an insurance policy against a worse-case climate scenario). In addition, PMNM offers an additional benefit given that its extent, stretching from tropics through the subtropics, and orientation may offer an important migration pathway for species retreating from climate change.



Predicted increase in Maximum SST (°C in 2100) for the Hawaiian Islands (left) compared to that for the coral triangle in the western Pacific (right). Based on the coupled ocean-atmosphere model simulations (CMIP3 downscaled to 9.5×9.5km) under the A2 high/business-as-usual emissions scenario. Maximum SST for coral reefs of the Papahānaumokuākea reserve are predicted to increase by <2.5 °C compared to 3–8 °C for much of the western Pacific.

The PMNM reserve was recently expanded based in part on new science detailing the movements of many of the target species (information that was not available for the original design and designation). For example, recent findings indicate that numerous ecologically important apex predators travel beyond the historical 50nmi PMNM boundaries.^{25–27} The larger 200nmi boundary provides a minimum buffer for these species, reducing the risk of mortality and populations declines. White et al. found that grey reef sharks swim far beyond the original 50nmi boundaries of Palmyra Atoll in the Pacific Remote Islands Marine National Monument (see graphic below). Maxwell and Morgan 2013 report that many species of breeding seabirds frequently forage at distances well over 50 nm from their colonies, where they rely on schools of predatory fish like tuna to drive small fish to the surface.²⁶



Left: Movement of six satellite tagged grey reef sharks (*Carcharhinus amblyrhynchos*) at Palmyra Atoll.²⁵ **Right:** foraging ranges of seabirds (thin lines) and tuna (thick lines), centered around Johnston Atoll, part of the U.S. Pacific Remote Islands Marine National Monument. Maximum foraging ranges and median lifetime displacement are shown in () following species names or abbreviations. RTTB: red-tailed tropicbird; GFRI: great frigatebird; SOTE: sooty tern; WTSH: wedge-tailed shearwater; MABO: masked booby; WTTB: white-tailed tropicbird; BRNO: brown noddie; BRBO: brown booby; RFBO: red-footed booby; BLNO: black noddie; BGNO: blue-grey noddie.²⁶

The PMNM's deep-sea beds more than 1,000 feet down are home to black corals, which bide their time in quiet currents and virtual darkness and are among the oldest animals on earth, living for thousands of years. Typical shallow water coral colonies are highly productive and fueled by sunlight; black corals slow their metabolisms to a crawl, with centuries clicking by like years to a human. Hawaii researchers explored a forest of large colonies of the black coral, *Leiopathes glaberrima*, living in deep water throughout the Hawaiian Islands. The oldest specimens elongate branches at about $\frac{1}{64}$ of an inch a year, about the width of four hairs. Isotope aging of the skeletons showed that some of these simple animals had been living for over 4,000 years: before some the pyramids of Egypt were built. *Leiopathes* looks like a gangly explosion of orange wire, 3–6 feet high, with bright orange polyp flowers spread across comb-like branches that sprout in chaotic tangles from tough black stems. All are fragile, like blown glass sculptures, and are found only where the water is cold and calm. If subjected to strong currents, the smallest wave, or barest touch of a rogue fishing net, a black coral would be destroyed.



U.S. Pacific Remote Islands Marine National Monument

The PRIMNM is a reserve network that surrounds five remote and near-pristine atoll groups in the central Pacific (Wake, Johnston, Howland and Baker, Kingman and Palmyra, and Jarvis). The coral reefs and shallow seas surrounding these atolls support some of the few remaining intact tropical coral reef ecosystems on earth. Coral cover is substantially higher than average and the biomass of predatory fishes is extraordinary.^{28,29} The PRIMNM was expanded in 2014 to better protect highly migratory species that inhabit the nearshore reefs and offshore seamounts including sharks, tuna, and marine mammals (such as false killer whales, melon-headed whales, spotted dolphins, minke, and humpback whales). As with PMNM, science has shown that several keystone species have migratory and forage ranges that extend well beyond the original 50 nm boundary. They are also crucial habitat to numerous other threatened and at-risk species including humphead wrasses, humphead parrotfishes, and seabird populations. Seabirds are an important and disproportionately threatened group of birds, which have declined by almost 70 percent since 1950.³⁰ After the expansion, these atoll reserves now have all five NEOLI features.

Flower Garden Banks National Marine Sanctuary

NOAA has proposed to expand the FGNMS to buffer the unique coral reefs within the current boundaries from chemical contamination from nearby extractive activities and to add protection for several other deeper sea mounts (formally on salt domes). These additional sites contain a remarkable diversity of sponge and deep sea coral communities and are essential fish habitat for the region. The FGNMS currently meets four of the five NEOLI criteria; all except size (it is currently rather small). The coral communities within the FGNMS have by far the highest living coral cover of any reefs in the southwest Atlantic (mean living coral cover on the FGNMS reefs is ~60 percent, compared to the Caribbean average of ~15 percent^{31,32}). Moreover, these reefs are still dominated by massive *Orbicella faveolata* and *O. franksi* colonies (see image below), species federally listed as threatened under the U.S. endangered species act. At nearly every other reef in the Caribbean, *Orbicella* corals have been wiped out by disease and bleaching due to ocean warming. They have survived within the FGNMS because these reefs are warming more slowly than the Greater Caribbean. These *Orbicella* populations need additional protection to ensure their survival and to act as larval sources for the highly degraded populations in the Florida Keys and other U.S. reefs in the Caribbean (e.g., Puerto Rico). Additionally, the fish community in the FGNMS is near pristine and boasts the highest predatory fish biomass in the region.



Orbicella colonies of the FGBNMS. Photo by William Precht.

Northeast Canyons and Seamounts Marine National Monument

At just under 5,000 square nautical miles, the Northeast Canyons and Seamounts Marine National Monument is by far the smallest of the marine monuments created under President Obama and yet it encompasses two distinct areas of unique habitat

in the United States' north Atlantic Exclusive Economic Zone, with the closest point of the NCSMM to land being roughly 150 miles east southeast of Cape Cod, MA. The northern area includes a section of the continental shelf that includes three canyon complexes—Oceanographer, Gilbert, and Lydonia Canyons—each of which plunges deeper than the Grand Canyon from the southeast edge of Georges Bank to the deep seabed. The southwest area encompasses the only four seamounts in the U.S. Atlantic EEZ. These underwater mountains loom up from the deep ocean, to a height taller than any mountain east of the Rockies. Together, these features and the water column above them provide habitat for countless species, from ancient, thousand year-old coral structures the size of small trees, to threatened seabirds, whales, and other marine mammals, which feed on the nutrients welling up from the deep ocean around the canyon heads. Ocean warming in this area has been a major concern, with the Gulf of Maine just north of Georges Bank warming faster than 99 percent of the world's oceans.³³ Ocean warming has already taken a toll on fisheries in this region, particularly the lobster fishery, which has declined precipitously in southern New England in recent years. Protecting these areas free from further commercial activity will not only safeguard these living resources from potentially damaging encounters with fishing gear, but also provide scientists a living laboratory in which to measure and quantify the impact of warming and acidifying oceans on these species in an environment otherwise free of human interference.

Conclusion

The United States has made substantial progress in protecting our marine resources via the implementation and expansion of several critical marine reserves. We lead the world in this regard, with nearly 15 percent of our national waters within no-take marine reserves (up from 6 percent in 2014). This common-sense zoning of recreational and commercial activities is maximizing the economic output of our oceans while ensuring sustainable use and the conservation of biodiversity for the long term.

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QUESTIONS SUBMITTED FOR THE RECORD TO DR. JOHN BRUNO, PROFESSOR,
DEPARTMENT OF BIOLOGY, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Dr. Bruno did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Rep. Grijalva

Question 1. One of the witnesses described the tuna fishing by purse seine in the Pacific as benign because the fishing gear does not touch and destroy the bottom and is not destructive to ocean ecosystems. Longline fishing has been described the same way by industry interests. Can you explain the impacts that purse seine and longline fishing has on other components of the ecosystem such as seabirds, sea turtles, bycatch, and populations of different tunas? What impact does this have on other species or ecosystem functions?

Question 2. While some areas of the EEZ like the U.S. Western and Central Pacific have received protections, other areas, like the U.S. Atlantic and Gulf coasts and marine waters, have received little to no protection. What does science tell us about the impact on fisheries and ecosystems due to a lack of marine reserves in the areas? Are there certain types of areas in the Atlantic and Gulf that you believe deserve to be considered for inclusion in marine reserves?

Questions Submitted by Rep. Tsongas

I do not represent a coastal district, but the history, culture, and economy of Massachusetts have been inextricably linked to the health of our ocean for centuries. Massachusetts is home to one of the Nation's most historic fishing industries, and remains the lifeblood of many communities. We are also home to world-class ocean research institutions and beautiful vacation destinations, both of which are sustained by our connection to the ocean.

We have a generational responsibility to protect the health of our ocean so that it will continue to be a sustainable resource for our children and grandchildren. That's why I supported the President's creation of the first national marine monument in the Atlantic Ocean. In doing so, it will protect fragile ecosystems off the coast of New England, including pristine undersea canyons and seamounts, and help scientists better understand the impacts of climate change in our ocean. In fact, according to a recent study, New England is one of the most vulnerable regions in the country to these changing ocean conditions due to our economic dependence on shellfish such as scallops, oysters, mussels, and clams.

Like the land management challenges on our public lands, we face similar challenges in our Federal waters to balance the needs of many competing users, which we must take seriously.

Question 1. Dr. Bruno, how will the Northeast Canyons and Seamounts Marine National Monument protect fish habitats and promote the long-term sustainability of Northeast fisheries?

Question 2. How will the Northeast monument help scientists better understand the impacts of climate change in our oceans? How will this research benefit the commercial fishing industry?

Mr. WEBSTER. Thank you for your testimony.

And now I ask unanimous consent that the gentlelady from American Samoa, Mrs. Radewagen, be allowed to join us on the dais and be recognized to participate in today's hearing. Hearing no objections, so ordered.

Now I will recognize the gentlelady from Samoa to introduce our next witness.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I first want to thank you, Chairman Webster and Ranking Member Grijalva, for allowing me to participate in today's Water, Power and Oceans Subcommittee hearing.

I would like to introduce one of our witnesses today, Mr. Brian Hallman, who serves as the Executive Director for the American Tunaboat Association.

Mr. Hallman has a long and distinguished career in the management of tuna fisheries in the Atlantic and Pacific. Many of the vessels in his fleet operate out of my home district of American Samoa and are a major driving force to our local economy.

These monuments have had a major impact on his fleet, and I look forward to hearing his views on the issue.

Thank you for being here, Mr. Hallman. You have the Floor.

**STATEMENT OF BRIAN HALLMAN, EXECUTIVE DIRECTOR,
AMERICAN TUNABOAT ASSOCIATION, SAN DIEGO,
CALIFORNIA**

Mr. HALLMAN. Thank you, Mrs. Radewagen and Mr. Chairman and members of the Committee. I appreciate the opportunity to testify today.

My name is Brian Hallman, and I am the Executive Director of the American Tunaboat Association (ATA), which represents all of the large U.S. flag purse seine vessels fishing in the Pacific Ocean. And we fish there pursuant to three different treaties.

We have one of the most significant tuna fleets operating in the Western Pacific and the largest distant water fishery anywhere in the world. American vessels catch tuna with a landed value of approximately half a billion dollars per year, and many vessels, as Mrs. Radewagen has said, land their catch in American Samoa, contributing significantly to the territory's economy. The figures for that, Mr. Chairman, are in my testimony. A number of other U.S. boats tranship their catch to canneries around the world, including in the United States.

I am here today to discuss the impact on fishing at marine monument designations. Bluntly said, limiting fishing via marine monuments makes no sense whatsoever. It is actually harmful, and it is detrimental to maintaining sustainable fisheries.

The main point to understand is that all U.S. fisheries are already managed by other legislative and legal means. For fisheries under U.S. jurisdiction, there is a system established by U.S. law. For fisheries in waters beyond U.S. jurisdiction, there are treaties setting forth the conservation of management procedures. And in both cases, the establishment of marine monuments completely pre-empts and usurps these long-standing, legally binding, and effective processes.

The second point, which I have already alluded to, is that the fishing prohibitions in these unilateral monument declarations are not based on established, accepted science. That is not to say that fishing area closures cannot be based on science, but again, there are established procedures. The existing systems are rigorous and well-established, involving some of the best fisheries scientists in the world. Why should these scientific processes be bypassed for closures not based on accepted science?

Mr. Chairman, let me speak for a moment about the Pacific Remote Islands Marine National Monument expansion dictated by the previous administration in September of 2014.

These closures around remote, uninhabited U.S. islands in the Pacific include traditional and productive U.S. fishing areas. And, incredibly, the initial announcement of the intended White House action was made with no advance consultation with U.S. fishing interests or with U.S. territories or states.

ATA made the point that the U.S. fisheries in these waters are for highly migratory tunas, which only swim through these areas and are already being effectively conserved and managed via a legally-binding multilateral treaty. Tuna fishing by U.S. vessels in these island areas and beyond is sustainable and is heavily regulated.

We also noted that these remote waters have essentially been unaffected over the years from operations by U.S. purse seine and longline fisheries. Our surface fishing gear does not touch corals or the ocean bottom, and the fishing has no negative impact on the ecosystems of these areas.

And, finally, we commented that closing U.S. waters in the region undermines the continued viability of U.S. access agreements in the region. There must be a level playing field for American fishermen. The U.S. unilateral prohibition on fishing healthy stocks by its own fishermen, without a scientific recommendation, seems to be unique to our country. In my some 40 years of working in this field, I have never heard of any major fishing nation doing the same.

For these reasons, Mr. Chairman, ATA strongly supports the call Chairman Bishop and Congresswoman Radewagen have made in their letter to the President for him to remove all fishing restrictions in all marine national monuments.

Thank you, Mr. Chairman and members of the Committee, for the opportunity to address you today.

[The prepared statement of Mr. Hallman follows:]

PREPARED STATEMENT OF BRIAN HALLMAN, EXECUTIVE DIRECTOR,
AMERICAN TUNABOAT ASSOCIATION, SAN DIEGO, CALIFORNIA

Chairman Lamborn, Ranking Member Huffman, and members of the Committee, thank you for the opportunity to testify. My name is Brian Hallman, and I am the Executive Director of the American Tunaboat Association (ATA). In my career in international management of fisheries, I have also held policy positions with the Inter-American Tropical Tuna Commission (IATTC), the National Oceanic and Atmospheric Administration, and the Department of State.

The ATA represents all the large U.S. flag purse seine vessels fishing in the Pacific Ocean, where ATA members' vessels fish pursuant to three international Conventions. In the eastern Pacific, there is the Convention establishing the IATTC. In the west, where the bulk of the U.S. fleet has operated in recent years, there are both the Treaty on Fisheries between the United States and certain Pacific Island States (popularly known as the South Pacific Tuna Treaty), as well as the Convention establishing the Western and Central Pacific Fisheries Commission (WCPFC).

The U.S. purse seine fleet consists of 40 vessels, making it one of the most significant fleets operating in the western Pacific Ocean and the largest U.S. distant water fishery anywhere on the globe. The largest tuna purse seine fishery in the world—for fish that typically ends up as a canned tuna product—takes place in this region in the western Pacific. Although somewhat variable, the U.S. purse seine fleet catches tuna with a landed value of approximately half a billion dollars a year.

Around one-half of the U.S. flag purse seine tuna fleet lands its catch at Pago Pago, in the Territory of American Samoa, where the tuna industry accounts for approximately 80 percent of the private sector economy, and where the tuna processing sector is the largest private employer in the Territory. The purse seine vessels that utilize American Samoa as a home port contribute significantly to the

economy of American Samoa through the purchase of fuel, oil, deck supplies/other local supplies, maintenance/repairs, hotels, restaurants, staff payroll, etc. We estimate that this economic contribution is between \$50–\$60 million annually, which is directly to the benefit of American Samoa's economy.

The other half of the U.S. flag purse seine fleet transships to canneries around the world, including in the United States. I further note that the United States is the country with the largest canned tuna market in the world.

Mr. Chairman, the Committee has asked me here today to discuss the impact of marine monument designations under the Antiquities Act on fishing, and, in particular, the experience of the U.S. flag purse seine tuna fleet regarding marine monument designations. The fundamental purpose of marine monuments, as I understand it, is to preclude, or at least severely limit, human activity in the designated area. Perhaps that makes sense for certain activities such as drilling on the ocean floor or seabed mining, but limiting fishing via marine monuments makes no sense whatsoever.

Actually, not only do marine monument fishing prohibitions make no sense, they are downright dangerous. Several anti-fishing groups have publicly stated their desire and intention to prohibit fishing in up to one-third of the ocean, regardless of whether the fish stocks involved are already being managed and conserved, and regardless of the best scientific advice. This kind of approach to ocean governance could be devastating to sustainable fisheries.

Let me say at the outset that, while I am not a legal expert and prefer not to discuss the legal aspects of designating extensive marine monuments under the Antiquities Act, I note that such legality has been questioned.

That aside, there are reasons of both principle and practicality why marine monuments affecting commercial fishing are problematic, which I shall address now, elaborating on an example of a marine monument established by the last administration which has a detrimental impact on the U.S. fishermen who I represent, and on the economy and prosperity of the Territory of American Samoa.

The main reason why fishing activities involving U.S. fishermen should never be included in a marine monument designation is that all relevant fisheries are effectively conserved and managed by other legislative and legal means. For fisheries under U.S. jurisdiction, there is a congressionally mandated process established by the Magnuson-Stevens Fishery Conservation and Management Act. For fisheries in waters beyond U.S. jurisdiction, there are Treaties or Conventions, to which the United States is a Contracting Party, setting forth the conservation and management procedures and responsibilities that are promulgated in regulations that are assiduously monitored and enforced. I am not intimately familiar with the conservation and management processes for fisheries in waters under U.S. jurisdiction, such as the regional Council process, but I have had a close involvement with Treaty-based management of fisheries in waters outside of U.S. jurisdiction. In both cases, the establishment of marine monuments completely pre-empts and usurps these long-standing, legally binding, and effective processes.

A second and related point relative to the establishment of marine monuments is that the prohibitions on fishing found in these unilateral declarations are not based on science. That is not to say that fishing area closures cannot be based on science. In fact, science-based area closures do exist and have at times proven to be effective fisheries management measures. But, again, there are established procedures for basing any such measures on meaningful scientific analyses. This is true for both fisheries in U.S. waters and for those involving U.S. fishermen in waters beyond U.S. jurisdiction. I could elaborate on those processes, Mr. Chairman, but suffice it to say here that the existing systems for the conservation and management of fisheries are rigorous and well established, involving some of the best fisheries scientists in the world. Why should these scientific processes be bypassed for closures not based on science, or even worse, junk science?

Mr. Chairman, let me speak for a minute about the Pacific Remote Islands Marine National Monument expansion plan (PRIMNM) established by the previous administration in September of 2014. The initial announcement, on June 17, 2014, of the intended White House action was done, incredibly, with no advance consultation with U.S. fishing interests. These closures involved traditional and productive U.S. fishing areas around Johnston Atoll, Jarvis Island, Wake Island, Howland and Baker Islands, Palmyra Atoll, and Kingman Reef. The initial intention of the White House was to prohibit all commercial activity in these areas. The proposed action was modified somewhat following an uproar from U.S. fishing interests—including ATA—the American territories in the region, tuna science experts, and the Western Pacific Regional Fisheries Management Council (WPRFMC).

These areas are traditional fishing grounds for U.S. flag tuna vessels operating mainly out of Pago Pago, American Samoa and Honolulu, Hawaii. From a practical

point of view, the fishing closures dictated by the U.S. monument areas and U.S. EEZs in the central Pacific, along with like closures of fishing areas within the EEZ of Kiribati and areas on the high seas by U.S. regulations, have been estimated to cost the Territory of American Samoa upwards of \$100 million annually as estimated by NOAA Fisheries.

In arguing against this action, ATA made the point that the U.S. fisheries in these areas are for highly migratory tunas, which are already being effectively conserved and managed via a legally binding multilateral Treaty. Tuna fishing by U.S. vessels in these island areas is sustainable. These fisheries are some of the most regulated of any in the world, with catch restrictions, full reporting, electronic position monitoring, on-board observers, and strict regulations to protect non-tuna species and the environment.

We made the additional points that these remote, pristine waters have essentially been unaffected over the years from operations by U.S. purse seine and longline fisheries. Our surface fishing gear does not touch corals or the ocean bottom, and the fishing has had no negative impact on the ecosystems of these areas. What our sustainable fishery does do is generate healthy food, jobs, businesses and revenue for U.S. interests.

Finally, we commented that fishing access for U.S. purse seine vessels to the waters of Pacific island countries in the south Pacific is organized pursuant to a multilateral Treaty. To close U.S. waters in the same region without scientific justification undermines the continued viability of this Treaty, which provides access to 14 Pacific Island countries and a Pacific Island Territory (of New Zealand), and which has for almost 40 years now been considered by many to be the cornerstone of overall U.S. relations with all these Pacific Island states.

Then there is the issue of basic biology—highly migratory species such as tuna cannot be conserved or effectively managed by marine protected areas, marine parks, or marine monuments—a simple scientific fact not disputed by reputable fisheries scientists. These species may travel thousands of miles through the waters of many nations and the high seas—that is why highly migratory fish stocks are managed throughout the world by U.N.-sanctioned multilateral conventions covering their extensive migratory routes, and including all fishing nations involved.

Another point that should be made regarding the previous administration's efforts to establish marine monuments prohibiting fishing is the process and its total lack of transparency. As previously noted, the initial announcement of the PRIMNM was done with no consultation whatsoever with the affected fishing interests, although there apparently was close consultation with environmental non-governmental organizations. Afterwards, when the proposed action became public, there was minimal such consultation, and U.S. fishing interests had to push hard to be heard.

Mr. Chairman, one of the tenets of the ATA's approach to international fisheries management crucial to the survival of the U.S. fleet is that there must be a level playing field for American fishermen on which to compete. The U.S. purse seine fleet is in fierce competition with fleets from China, Japan, Korea, the Philippines, and Taiwan, as well as with others. The United States' unilateral prohibition on fishing healthy stocks by its own fishermen—that is not based on any science—seems to be unique to the United States. In my 40 years of working in this field, I have never heard of any major fishing nation doing the same, and, as alluded to above, for the U.S. Government to do so is a terrible example and precedent for other countries to follow.

Mr. Chairman, for these many reasons, ATA strongly supports the call Chairman Bishop and Congresswoman Amata Radewagen have made in their letter to the President for him to remove all fishing restrictions in all Marine National Monuments, thus restoring the conservation and management processes for highly migratory fish stocks established by U.S. supported multilateral Treaties, and the prerogatives of the Councils and the Secretary of Commerce to effectively conserve and manage fisheries in U.S. waters. For the longer term, to further ensure that the existing fisheries management processes are respected, it would seem that legislation to restrain future unilateral executive branch actions prohibiting fishing in these types of situations would be appropriate.

Thank you, Mr. Chairman and members of the Committee, for the opportunity to address you today on this important matter.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. GRIJALVA TO MR. BRIAN HALLMAN,
EXECUTIVE DIRECTOR, AMERICAN TUNABOAT ASSOCIATION

Question 1. You answered that only half of the purse seine tuna fleet vessels are authorized under Coast Guard endorsement to fish in the U.S. EEZ. However, records show that only 8 of the 35 U.S. flagged vessels in the fleet have Coast Guard fishery endorsement (information received since the time of the hearing). Can you confirm the total number of vessels that are authorized to fish in the U.S. EEZ? Can you also tell us what percentage of the tuna catch from these vessels came out of the waters that were closed by monument expansions?

Answer. According to the American Tunaboat Association's records, 11 U.S. flag purse seine vessels are authorized to fish in the U.S. EEZ. Historically, these vessels have mostly operated out of American Samoa. I do not know what percentage of the tuna catch from these vessels came out of the waters that were closed by monument expansions.

Question 2. You say that, "From a practical point of view, the fishing closures dictated by the U.S. monument areas and U.S. EEZ's in the central Pacific, along with the like closures of fishing areas within the EEZ of Kiribati and areas on the high seas by U.S. regulations have been estimated to cost the Territory of American Samoa upwards of \$100 million dollars annually as estimated by NOAA Fisheries." Can you please provide documentation for this estimate, including how much of the \$100 million in 'damages' is directly due to the U.S. monument closures alone?

Answer. Attached is a copy of the NOAA report from where I obtained this estimate. The report does not say, and I do not know, how much of the damages are directly due to the U.S. monument closures alone.

[The following document was submitted as an attachment to Mr. Hallman's responses. This document is part of the hearing record and is being retained in the Committee's official files:]

—"Analyzing the economic impacts of the 2015 ELAPS closure," an Internal Report by Valerie Chan and Dale Squires, NOAA, August 2016

Mr. WEBSTER. Thank you very much.

I now recognize Mr. Graves to introduce our last witness. You are recognized.

Mr. GRAVES. Thank you, Mr. Chairman.

The last witness is Mr. Chett Chiasson, who is the Executive Director of the Greater Lafourche Port Commission, otherwise known as Port Fourchon. He also runs the South Lafourche Airport, as well.

Chett is originally from south Louisiana, has a bachelor's and a master's from LSU.

Raise your hand if you don't think LSU Tigers are the best team in the Nation. Thank you.

Chett is a great advocate and partner that has done a fantastic job running this port facility, which services approximately three-fourths of the Gulf of Mexico in terms of offshore energy production. He also has been a great partner with us on many of our coastal restoration projects in south Louisiana, and also incredibly dynamic in the oil spill. He took his port facility and ended up being the major launch facility for all of the rescue and efforts to cap the well in 2010 from the Deepwater-Horizon oil spill.

Last, Mr. Chiasson is a fisher. And I want to distinguish that from a catcher. He enjoys going out in the Gulf of Mexico and enjoying the bounty of the Gulf. But certainly an expert witness in regard to oil and gas production, particularly offshore.

Mr. WEBSTER. Thank you very much.

**STATEMENT OF CHETT CHIASSON, EXECUTIVE DIRECTOR,
GREATER LAFOURCHE PORT COMMISSION, GALLIANO,
LOUISIANA**

Mr. CHIASSON. Good morning, Mr. Chairman and members of the Committee. My name is Chett Chiasson. In addition to serving as Executive Director of Port Fourchon, I also serve on the Louisiana Governor's Advisory Commission for Coastal Activities, the Louisiana Coastal Protection and Restoration Authority Finance Corporation, and the Executive Board of Restore or Retreat, a regional non-profit coastal restoration advocacy group.

With this testimony, I hope to impress upon you several points: (1) the importance of robust oil and gas research and development activities in the Gulf of Mexico that contributes to the Gulf economy and our national economy and also funds vital coastal restoration efforts through a variety of means, such as the Gulf of Mexico Energy Security Act, or GOMESA, passed by Congress in 2006; (2) the importance of commercial and recreational fishing activities to the Gulf and national economies; and (3) illustrating a successful history in Louisiana and the Gulf region of balancing economic activities such as oil and gas development and commercial fishing with environmental protection and restoration. Indeed, from a Louisiana standpoint, the Gulf of Mexico and its adjacent wetlands is the thread that sews together our heritage, our livelihood, our recreation, and our homes.

Port Fourchon is a political subdivision of the state of Louisiana and the only Louisiana port directly on the Gulf. Port Fourchon does not itself handle any bulk and gas cargo, per se. Rather, we are an intermodal offshore services and supply port. In total, Port Fourchon plays a key role in servicing nearly 20 percent of the Nation's oil supply. According to several economic impact studies, our port supports over 10,800 direct jobs across the state of Louisiana. These are very good-paying jobs.

Our region has traditionally maintained one of the lowest unemployment rates in the country, at one point hitting as low as 3.7 percent. However, during the current downturn in the energy industry, our region alone has lost over 12,000 direct and indirect jobs, which has many in our community turning to commercial fishing and other activities. Actions by the Federal Government to lock away productive ports of the Gulf would take even more opportunities away from already challenged sectors of our economy.

I would like to remind the Committee that, through the contribution of Louisiana's share of offshore energy revenue produced in the Gulf of Mexico, the continued ability for offshore energy activities in the Gulf would directly fund coastal restoration in Louisiana.

GOMESA is currently accruing offshore revenues to be distributed to the energy-producing Gulf states and Louisiana and will form the most significant and sustainable revenue dedicated to funding the state's 50-year, \$50 billion Coastal Master Plan. Thus, Federal actions that restrict energy activities would also limit large-scale environmental restoration in areas which need it most.

The focus of today's hearing is on the Marine Sanctuary Program. Several sanctuaries exist today in the Gulf of Mexico, and there is a current proposal from NOAA that would expand the boundaries of one existing sanctuary, Flower Garden Banks

National Marine Sanctuary, located off the coast of Louisiana and Texas. While I would view all areas of the Gulf as critical and deserving of our stewardship, Flower Garden Banks was one area in the Gulf selected in 1992 and then expanded in 1996 for designation as a marine sanctuary.

But the key to understanding the complexity of balancing environmental protection and maintaining economic prosperity for the country is that the same reefs, bottom topographies, and other features that provide habitat for fish and other resources are also the very areas in which commercial and recreational fishing is most productive, and the geological formations associated with these areas often hold fossil fuels buried below the seabed. Therefore, government policy needs to balance these dynamics, which is not always an easy task.

In announcing its plan to expand the current sanctuary, NOAA indicated that the proposed expansion is required to provide protection that could most effectively be addressed through the comprehensive suite of habitat conservation and management actions made possible by expanding the sanctuary.

While national marine sanctuary designation allows for some uses, various activities are prohibited, including many means of commercial fishing. Furthermore, when the Department of the Interior announced last week upcoming lease sales for oil and gas activities, the areas that encompassed Flower Garden Banks were specifically excluded, given their marine sanctuary designation.

Whether or not the current sanctuary requires further expansion, it is beyond my professional and academic capabilities to render an opinion. A key element for the government, in collaboration with all interested communities, is to effectively and fairly utilize, in NOAA's words, a comprehensive suite of habitat conservation management actions so as to achieve an appropriate balance of goals.

With respect to doing so, the government must also consider the massive and ongoing natural resources damage assessment and planning which has followed the tragic Deepwater-Horizon oil spill incident. While this event had disastrous impacts on human life, the environment, and economy of the Gulf, it has resulted in the largest coordinated environmental restoration and conservation planning effort in our Nation's history.

Thus, there are conservation activities much broader and effectively underway which will greater benefit the Gulf than the proposed expansion of this sanctuary, with potentially fewer negative effects to industries and people who can ill-afford economic restrictions on their livelihoods.

Thank you, Mr. Chairman, for allowing me to testify today.

[The prepared statement of Mr. Chiasson follows:]

PREPARED STATEMENT OF CHETT CHIASSON, EXECUTIVE DIRECTOR, GREATER
LAFOURCHE PORT COMMISSION, GALLIANO, LOUISIANA

Good morning Mr. Chairman and members of the Committee. I appreciate the opportunity to appear before you today. My name is Chett Chiasson, and I am the Executive Director of the Greater Lafourche Port Commission, otherwise known as Port Fourchon. In addition to service as the Executive Director of Port Fourchon, I also serve on the Louisiana Governor's Advisory Commission for Coastal Activities, the Louisiana Coastal Protection and Restoration Authority Finance Corporation, and the Executive Board of Restore or Retreat, a regional non-profit coastal restoration advocacy group.

With this testimony, I hope to impress upon you several points: (1) the importance of robust oil and gas research and development activities in the Gulf of Mexico that contributes to the Gulf economy and our national economy, and also funds vital coastal restoration efforts, through a variety of means, such as the Gulf of Mexico Energy Security Act (GOMESA), passed by Congress in 2006; (2) the importance of commercial and recreational fishing activities to the Gulf and national economies; and (3) illustrating a successful history in Louisiana and the Gulf region of balancing economic activities such as oil and gas development and commercial fishing, with environmental protection and restoration. Indeed, from a Louisiana standpoint, the Gulf of Mexico and its adjacent wetlands is the thread that sews together our heritage, our livelihood, our recreation, and our homes, and you would be hard-pressed to find another group of Americans whose culture, character and fortunes are tied so closely to their natural environment as those of us who call South Louisiana home.

The focus of today's hearing is on the Marine Sanctuary Program. Several sanctuaries exist today in the Gulf of Mexico, and there is a current proposal from NOAA that would expand the boundaries of one existing Sanctuary, Flower Garden Banks National Marine Sanctuary, located off the coasts of Louisiana and Texas. While I would view all areas of the Gulf of Mexico as "critical" and deserving of our stewardship, Flower Garden Banks was one area in the Gulf selected in 1992, and then expanded in 1996, for designation as a Marine Sanctuary. But the key to understanding the complexity of balancing environmental protection with maintaining economic prosperity for the country is that the same reefs, bottom topographies and other aesthetic features that provide habitat for fish and other biological resources are also the very areas in which commercial and recreational fishing is most productive, and the geologic formations associated with these areas often hold fossil fuel resources buried below the seabed. And thus, at all times, government policy at the Federal, state and local levels need to balance these dynamics, which admittedly and for good reason is not always an easy task.

I would be remiss in my duties as both the Executive Director of the Nation's premiere energy services port and as a member of state and non-profit coastal restoration entities if I did not remind the Committee that through the contribution of Louisiana's share of offshore energy revenue produced in the Gulf of Mexico, the continued ability for oil and gas exploration and production in the Gulf will be directly funding coastal environmental restoration in Louisiana. GOMESA is currently accruing offshore revenues to be distributed to the energy-producing Gulf states, and in Louisiana, will form the most significant and sustainable stream of revenue dedicated to funding the state's ambitious 50-year, \$50 billion Coastal Master Plan. Thus, Federal actions which would restrict energy exploration and production would also limit large scale environmental restoration in areas which need it most.

By way of background, The Greater Lafourche Port Commission, a political subdivision of the state of Louisiana, facilitates the economic growth of the communities in which it operates by maximizing the flow of trade and commerce. We do this to grow our economy and preserve our environment and heritage. The Port Commission operates both the South Lafourche Leonard Miller Jr Airport and Port Fourchon, which both service the bulk of America's offshore energy industry by air, land and sea.

Port Fourchon is located on the Gulf of Mexico near the mouth of Bayou Lafourche and is the only Louisiana port directly on the Gulf of Mexico. Although 675 million barrels of domestically produced and imported crude oil per year are transported via pipelines through the Port, Port Fourchon does not itself handle any bulk oil and gas per se. Rather, we are an intermodal offshore services and supply port. More than 250 companies utilize Port Fourchon in servicing offshore rigs in the Gulf of Mexico, carrying equipment, supplies and personnel to offshore locations. In terms of service, Port Fourchon's tenants provide services to more than 90 percent of all deepwater rigs in the Gulf of Mexico, and roughly 45 percent of all shallow water rigs in the Gulf. Eighty percent of all Gulf oil now comes from deepwater Gulf of Mexico operations. In total, Port Fourchon plays a key role in providing nearly 20 percent of the Nation's oil supply—or one in every five barrels of oil in the country.

In a recent study conducted by Dr. Loren C. Scott, former Chair of the LSU Economics Department, of the economic impact to the Nation of Port Fourchon, Dr. Scott finds that Port Fourchon accounts for nearly \$4 billion in direct economic activity each year, which includes over \$650 million in household earnings. A copy of this report is attached hereto for the record. The Port commissioned Dr. Scott to conduct this economic study as a means of documenting the importance of Port Fourchon to the Nation, in order to justify Federal participation in infrastructure development at the Port, such as modernizing Louisiana Highway 1, which connects

the Port to the rest of the world, or for seaport security funding, or for additional hurricane protection.

A 2015 study by the Rand Corporation and Louisiana State University, *Economic Evaluation of Coastal Land Loss in Louisiana*,¹ placed the value of imports and exports coming and going through coastal Louisiana at over \$300 billion annually, with petroleum and chemical products forming a large portion of that activity. A copy of this report is attached hereto for the record.

According to the Loren Scott economic impact study referenced above, a 3-week shut down of LA1/Port Fourchon would cause a loss of \$11.2 billion in sales to U.S. GDP, plus an additional \$3.2 billion in lost household earnings because 65,502 jobs would be lost nationally—for just a 3-week shutdown. While each of these reports was intended for different purposes, I share this information with the Committee to illustrate the need for continued and sustained progress in developing all of our offshore energy resources, both conventional and non-conventional. Port Fourchon is the epicenter of offshore oil and gas activities, and the companies in and around Fourchon, and their technologies and innovations developed as a result of these activities, will not only continue to sustain future offshore domestic oil and gas activities, but will foster growth in our budding offshore renewable energy industry as well.

For Port Fourchon to continue to grow and have a successful future creating jobs throughout the economy and facilitating development for our community, continued Gulf of Mexico energy exploration and development is critically important. Robust levels of exploration and development have the ability to energize oil and gas service companies, their suppliers and their suppliers' suppliers throughout the country, who are planning for future development. It facilitates critically needed investment by entities that service these offshore activities, which has a positive ripple effect throughout the national economy.

According to the economic impact study to which I alluded earlier, Port Fourchon supports over 10,800 direct jobs across the state of Louisiana. These are good paying jobs, in which someone with a high school diploma can start out making \$50,000 per year. If someone wants to work on an offshore supply vessel or tugboat company, they can start out as a deckhand and work their way up to Captain within 5 years, earning a six-figure income. The Houma-Thibodaux MSA has traditionally maintained one of the lowest unemployment rates in the country, at one point hitting as low as about 3.7 percent, which was well below the national average at the time. However, during the current downturn in the energy industry, our region alone has lost over 12,000 jobs, which has many in our community trying to turn to subsistence fishing, hunting and trapping at a time when those commercial fisheries catches are also declining. Actions by the Federal Government to lock away productive parts of the Gulf would take even more opportunities away from already challenged sectors of our economy, and would kick these people when they are down.

The importance of our commercial fisheries industry is nationally significant, producing approximately \$300 million in revenue each year, and Louisiana accounts for one-third of all fisheries landings in the contiguous United States. The forthcoming *Comprehensive Conservation and Management Plan (CCMP)* from the Barataria-Terrebonne National Estuary Program includes the following economic update regarding our commercial fishery along the Gulf Coast: "Louisiana's seafood harvesting sector has been in decline for more than two decades, due primarily to price stagnation caused by an influx of imported seafood (Asche et al. 2012; Josupeit 2004; Bene et al. 2000). This competitive pressure has been compounded by rising input costs and a succession of natural and man-made disasters. Together, such factors have led to a 56 percent decline in commercial fisherman license sales in the last 25 years, with more than half of this reduction occurring in the past decade alone (LDWF 2016). The number of seafood dealers and processors in Louisiana has also been in decline, as the globalization of fisheries commodity markets has led to downsizing, consolidation, and closure of more than half of the firms in this sector."

The current Flower Garden Banks National Marine Sanctuary is located in the northwestern Gulf of Mexico, 70 to 115 miles off the coasts of Texas and Louisiana. The Sanctuary currently includes three separate undersea features: East Flower Garden Bank; West Flower Garden Bank; and Stetson Bank. The banks range in depth from 55 feet to nearly 500 feet, and provide a wide range of habitat conditions that support several distinct biological communities, including the northernmost coral reefs in the continental United States.

¹ http://coastal.la.gov/wp-content/uploads/2015/12/LSU-Rand_Report_on_Economics_of_Land_Loss-2.pdf.

East and West Flower Garden Banks were designated a national marine sanctuary in 1992 for purposes of protecting and managing the conservation, ecological, recreational, research, education, historic and aesthetic resources and qualities of these areas. The Stetson Bank area was added to the Sanctuary by Congress in 1996.

While National Marine Sanctuary designation does allow for some uses—as long as they are compatible with primary objective of protecting resources—anchoring is prohibited. Also prohibited are shrimping, longlining, and spearfishing. Recreational and commercial hook and line fishing are allowable, but the economic opportunities presented by those limited uses nowhere near offset the economic opportunities displaced by the near sevenfold expansion of the area locked away by the proposed action. Of timely importance, when the Department of the Interior announced just last week upcoming lease sales for 2017, the areas that encompass East and West Flower Garden Banks were specifically excluded, given their marine sanctuary designation.

In 2012, NOAA updated and revised the 1991 Flower Garden Banks Management Plan to address recent scientific discoveries, advancements in managing marine resources, and new resource management issues. As a result of this review, in 2015, NOAA recommended expanding the sanctuary to provide similar protections to additional banks in the north central Gulf of Mexico. After a public scoping process, NOAA proposed the expansion of the existing boundaries from 56 square miles to an area that encompasses 383 square miles of waters in the northwestern Gulf of Mexico. This alternative would add 15 additional banks ranging from 70 to 120 miles offshore. In announcing its plan, NOAA indicated that the proposed sanctuary expansion is required to provide protection to marine resources “that can most effectively be addressed through NOAA’s evaluation and implementation of the *comprehensive suite of habitat conservation and management actions* made possible by” expanding the Flower Garden Banks Sanctuary. It is worth noting that the advisory committee actually recommended a smaller expansion of the FGBNMS, Alternative 2, which would have encompassed 100 fewer square miles and 3 fewer bank areas than the Alternative which NOAA has put forward.

Whether or not the current Sanctuary requires further expansion, or other areas within the Gulf of Mexico should be under consideration for designation under the Marine Sanctuary Program is, frankly, beyond my professional and academic capabilities to render an educated opinion. However, in my occupation, on a daily basis, I am confronted with the need to continually balance economic development with environmental protection, and to live within a regime of Federal, state and local laws and regulations that attempt to achieve that balance. And, at times like today, I have the ability to provide my thoughts on matters of public policy that impacts that balance of economic development and environmental protection. So to me, a key element is for the government, in collaboration with interested communities across industry, environmental and recreational sectors, to *effectively and fairly* utilize in NOAA’s words “a comprehensive suite of habitat conservation and management actions” so as to achieve an appropriate balance of goals.

With respect to developing “a comprehensive suite of habitat conservation and management actions,” we would be remiss not to consider the massive and ongoing Natural Resources Damage Assessment and associated resource condition, management and conservation research and planning which has followed the tragic Deepwater Horizon oil spill incident. While the Deepwater Horizon spill event had tragic and disastrous impacts on the economy and environment of the Gulf of Mexico, it has resulted in the largest coordinated environmental assessment and comprehensive restoration and conservation planning effort in our Nation’s history. Over \$7 billion is being dedicated through the NRDA process to actively identify and address the health of the Gulf. The *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement* guiding the application of these billions of dollars of active conservation and restoration include the very deep ocean and ocean floor habitat areas that the proposed expansion of the FGBNMS would seek to lock away. Thus it seems to me that there are conservation activities much broader-based and effective underway which will have wider-ranging benefits for these deep ocean habitats than the proposed expansion of the Flower Garden Banks, with potentially fewer negative effects to industries and people who can ill afford economic restrictions on their livelihoods.

In conclusion, Port Fourchon should be seen as an example of what could happen in areas all along our coastlines, if these areas would be available for conventional and renewable energy development, balanced with appropriate environmental protection and conservation goals. Billions of dollars of investment throughout the country, low unemployment rates, high paying jobs, more revenue for our country,

and making great strides toward energy independence . . . What's not to like about that!

Again Mr. Chairman and members of the Committee, I appreciate the opportunity to appear before you today, and I would be happy to answer any questions that the Committee may have.

The following documents were submitted as supplements to Mr. Chiasson's testimony. These documents are part of the hearing record and are being retained in the Committee's official files:

- “Economic Impacts of Port Fourchon on the National and Regional Economies,” a Report by Dr. Loren C. Scott, April 2008
- “Economic Evaluation of Coastal Land Loss in Louisiana,” a Report by the Louisiana State University, Economics & Policy Research Group, December 2015

Mr. WEBSTER. Thank you so much for appearing.

Now, before we go into questions, I want to ask for unanimous consent that Mr. Lowenthal be allowed to sit at the dais and participate in today's hearing. Are there objections?

Show that it was adopted without objection.

We will at this point begin our questioning. I am going to defer to the gentleman from Alaska, Mr. Young, for 5 minutes.

You are recognized.

Mr. YOUNG. Thank you, Mr. Chairman. And thanks for having these hearings.

It is a sad thing, in a way, for a lot of people that I am still around, because I remember this battle about tuna and the battle that tried to put the tuna business out of business many, many years ago and very nearly came to it.

I will tell you, Mr. Chairman, I do not believe the Antiquities Act should ever have been applied to oceans. That was never the intent of that. If you look at the Act itself, it was intended for on-land places of significance, to protect it, not oceans of massive square miles.

And it is ironic that even President Bush and President Obama picked areas that had intensive other uses than a monument area—fishing, potential oil. We heard from the gentleman from Port Fourchon.

This is an attempt, very frankly, to control again the seabeds, without scientific information, without consultation with people directly affected, to my knowledge. And I can say no one talked to any of the states, no one talked to the people that were actually in that area. It was done by the interest groups that said no more of anything unless it suits our goal, and the goal is to have nothing—no oil exploration, no fishing commercially, and little fishing sport-wise unless it is approved by a Secretary.

That is our role. I have introduced, Mr. Chairman, my bill called the MAST Act, the Marine Access and State Transparency Act. It will take out the ability from the President. Nothing can be done without the OK of the Congress.

We have to stop transferring that power around. To my colleagues, we have lost our role of leading this Nation and allowed

the executive branch to do so, and it affects a lot of us sitting at this table.

Now, we hear from people, "Oh, this is a way to save the fish." To my knowledge, very little science or cooperation from anybody else involved, one-sided only.

Having said that, Mr. Hallman, what financial losses—and I hate to ask this, because everybody says, oh, it is all about money. What financial losses would your industry suffer under these monument withdrawals?

Mr. HALLMAN. Well, thank you, Mr. Young, for that question.

The monument areas where the U.S. vessels fish are the so-called Remote Pacific Island areas, and the catch there is quite variable, so it is hard to put a precise monetary figure. But all of the boats that fish in those areas operate out of American Samoa, where the boats contribute \$50 million to \$60 million to the economy of American Samoa.

Mr. YOUNG. Just American Samoa?

Mr. HALLMAN. Yes, sir.

Mr. YOUNG. So, it is a terrible financial knock if these go in place.

Was there any consultation by the Administration about these withdrawals?

Mr. HALLMAN. No, sir, not at all. I woke up one morning and found out that this was already announced by the White House. And then there was an uproar for a few months and some opportunity to intervene.

Mr. YOUNG. That is my complaint about our government. It is supposed to be for the people, by the people, with the people, not by an executive branch making a decision without consultation.

Would you support legislation, such as my legislation, that would prevent marine designations and protection at 100 nautical miles or 200 nautical miles, the entire EEZ? The question is, do you want Congress to do it or do you want administrations to do it?

Mr. HALLMAN. Oh, absolutely, I think it should be the Congress that does this, Mr. Young.

Mr. YOUNG. OK.

And last, do you believe the overall intent of these designations was to shut down your industry and fishing altogether to turn our oceans into limited aquariums?

Mr. HALLMAN. Well, to some extent, you could project that idea out, since there are ideas from activists to close 30 or 40 percent of the ocean to fishing, not based on science recommendations.

Mr. YOUNG. I am always interested that most of these recommendations come from universities that really have no stake in this, that really have no loss of revenues. And I think we ought to look at those finances, as far as where this money comes from, to make a recommendation without a consultation with the people. It is about the people.

Thank you.

Mr. HALLMAN. Thank you, sir.

Mr. WEBSTER. I now recognize the Acting Ranking Member, Mr. Grijalva, for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman. I want to defer the first set of questions to Mr. Sablan.

Mr. SABLON. Thank you.

Thank you very much, Mr. Chairman, for holding today's hearing. Welcome to all the witnesses. We know the weather, and we are sorry that we are missing the Mayor today.

But in my district, in the Northern Marianas, many were excited when in January of 2009, it was at 11 o'clock in the morning, when President Bush used his powers under the Antiquities Act to declare the Marianas Trench a national monument. My governor had his picture taken hugging the President with one of the biggest smiles on his face.

And we continue to be hopeful that the monument designation will bring cultural and economic benefits to our islands. This is why I have been working closely with my governor, my local legislators, key stakeholders, and activists to have the Marianas Trench National Monument declared a national marine sanctuary.

So today, I am pleased to announce that the National Oceanic and Atmospheric Administration has placed the monument on its sanctuary inventory list. This is the first step in the process, and hopefully NOAA will soon commence the full public participatory process required to determine sanctuary determination under the National Marine Sanctuary Act. Our efforts are an example of a community listening to each other and working together for the greater good.

The law is clear that the designation of marine monuments is a completely appropriate use of the Antiquities Act. And the science is clear that protecting key species of marine ecosystems from more extractive industries make our fisheries healthier and more productive.

Further, each marine monument designation has been preceded by a stakeholder process that included the fishing industry and led to changes in the final designation based on fishermen's concerns. Data show that very little of the industry's catches were coming from the areas that are now monuments.

Indeed, the Hawaii longline fleet, a critic of the monuments, lands only about 5 percent of its fish from those waters and still meets its quotas by fishing elsewhere. Last year, the fleet reached the limits of its allowable catch of bigeye tuna by July.

We should be embracing marine monuments rather than opposing them. And we should not allow Regional Fishery Management Councils, including the Western Pacific Council, to have veto power over fishing rules in monuments and sanctuaries designed to conserve all marine species and habitats, not just fish.

Westpac, in particular, has fought against every major marine conservation initiative in recent memory, including legislation to end the gruesome practice of shark finning and regulations designed to protect threatened and endangered species of sea turtles, marine mammals, and seabirds.

The executive director of Westpac, a Federal employee, has gone so far as to lead a petition to remove endangered species protections from the green sea turtle and, more recently, has attempted to recruit other council members and staff from around the country to join her in lobbying the Trump administration to abolish marine monuments.

These activities are inappropriate at the very least and show that Westpac supports the fishing industry at the expense of marine conservation that benefits all Americans. So, instead of blaming monuments for problems that do not exist, Westpac should focus on addressing the serious allegations of labor abuses and human trafficking aboard Hawaii-based longliners and rebooting the numerous reef fish stocks that NOAA recently showed are overfished.

I don't have very much time, Mr. Hallman, but could I please get a yes-or-no answer from you. I have a couple of questions about the purse seine tuna fishery and the Pacific Remote Islands Marine National Monument. So, just a yes-or-no answer, please.

You claim that the entire fleet of 38 boats is negatively impacted, but isn't it true that only a handful of these vessels have the proper Coast Guard endorsements to fish in the U.S. EEZ?

Yes or no? I really don't have too much time, sir.

Mr. HALLMAN. Yes. Only half the boats are allowed to fish in the EEZ.

Mr. SABLAN. Thank you.

Data submitted to NOAA from logbooks aboard U.S. tuna purse seine vessels show that only a small fraction of their catch was coming from the areas that now comprise the Pacific Remote Islands Marine National Monument.

Do you believe that vessels you represent are submitting false data to fisheries regulators?

Mr. HALLMAN. Yes, sir.

Mr. SABLAN. Thank you, Mr. Hallman. I appreciate your answers.

Mr. WEBSTER. The Chair recognizes—

Mr. SABLAN. Mr. Chairman, if I may ask unanimous consent to submit records—this for the record.

Mr. WEBSTER. Without objection.

[The information follows:]

Vessels in Fleet	Vessel Official Number	Vessel name	COD STATUS	Foreign Ownership/Control	Owner	Endorsement(s)	Hailing Port	Home Port	Foreign Built
1	1206990	AMERICAN EAGLE	Valid	25 % or Less	American Eagle Fishing LLC	Registry	Pago Pago, AS	NVDC	Yes
2	1209513	AMERICAN ENTERPRISE	Valid	25 % or Less	American Enterprise Fishing, LLC	Registry	Pago Pago, AS	NVDC	Yes
3	1215734	AMERICAN TRIUMPH	Valid	25% or Less	American Triumph Fishing LLC	Registry	Pago Pago, AS	Not listed	Yes
4	1215847	AMERICAN VICTORY	Valid	25 % or Less	American Legacy Fishing LLC	Registry	Pago Pago, AS	Not listed	Yes
5	1257193	CAPE ANN	Valid	25 % or Less	Cape Ann Fishing LP	Registry	Pago Pago, AS	Not listed	Yes
6	1960977	CAPE BRETON	Valid	25% or Less	Cape Breton Fishing LP	Registry	Pago Pago, AS	NVDC	Yes
7	599831	CAPE COD	Valid	25 % or Less	Cape Cod Fishing, LP	Registry/Fishery	Pago Pago, AS	NVDC	NO
8	962922	CAPE ELIZABETH III	Valid	25% or Less	Cape Elizabeth Fishing LP	Registry/Fishery	Pago Pago, AS	NVDC	NO
9	1074874	CAPE FERRAT	Valid	25% or Less	Cape Ferrat Fishing LP	Registry	Pago Pago, AS	NVDC	Yes
10	610466	CAPE FINISTERRE	Valid	25 % or Less	Cape Finistere Fishing, LP	Registry/Fishery	Pago Pago, AS	Not listed	NO
11	939836	CAPE HORN	Valid	25 % or Less	Cape Horn Fishing LP	Registry/Fishery	Pago Pago, AS	Not listed	NO
12	645777	F/V CAPE MAY	Valid	25 % or Less	Cape May Fishing, LP	Registry/Fishery	Pago Pago, AS	Not listed	NO
13	953794	CAPT. VINCENT GANN	Valid	25% or Less	Cape Mendocino Fishing LP	Registry/Fishery	Pago Pago, AS	NVDC	NO
14	624971	CAROL LINDA	Case Pending	25 % or Less	Vasco Enterprises Inc.	Registry	Las Vegas, NV	Vessel Sold See NOTE below	NO
15	965401	EVELINA DAROSA	Valid	25 % or Less	Chenrosa LLC	Registry	Pago Pago, AS	Auckland, NZ	Yes
16	1216624	FRIESLAND	Valid	50% or Less	Friesland Fishing Company, LLC	Registry	Las Vegas, NV	NVDC	Yes
17	565986	JEANETTE	Valid	25 % or Less	C & F Fishing LTD	Registry/Fishery	Pago Pago, AS	Not listed	NO
18	545564	KOORALE	Valid	25 % or Less	M & F Fishing Inc.	Registry/Fishery	Long Beach, CA	Not listed	NO
19	1209712	OCEAN CHALLENGER	Valid	50% or Less	Ocean Challenger LLC	Registry	Pago Pago, AS	Not listed	Yes
20	1202618	OCEAN CONQUEST	Valid	50% or Less	Ocean Conquest LLC	Registry	Pago Pago, AS	Not listed	Yes
21	1202619	OCEAN ENCOUNTER	Valid	50% or Less	Ocean Encounter LLC	Registry	Pago Pago, AS	Not listed	Yes
22	1205812	OCEAN EXPEDITION	Valid	50% or Less	Ocean Expedition LLC	Registry	Pago Pago, AS	Not listed	Yes
23	1214839	OCEAN GALAXY	Valid	50% or Less	Ocean Galaxy LLC	Registry	Pago Pago, AS	NVDC	Yes
24	1205808	OCEAN WARRIOR	Valid	50% or Less	Ocean Warrior LLC	Registry	Pago Pago, AS	Not listed	Yes
25	1214250	PACIFIC PRIDE	Valid	Not reported, N	Pacific Pride LLC	Registry	Pago Pago, AS	Not listed	Yes
26	600678	PACIFIC PRINCESS	Valid	25 % or Less	Pacific Princess Partnership Ltd	Registry	Las Vegas, NV	Not listed	NO
27	1214248	PACIFIC RANGER	Valid	Not reported, N	Pacific Ranger LLC	Registry	Pago Pago, AS	Not listed	Yes
28	1214841	SEA BOUNTY	Valid	50% or Less	Sea Bounty LLC	Registry	Pago Pago, AS	Not listed	Yes

29	1202621	SEA DEFENDER	Valid	50% or Less	Sea Defender LLC	Registry	Pago Pago, AS	NVDC	Yes
30	604592	SEA ENCOUNTER	Valid	25 % or Less	DeSilva Sea Encounter Corp.	Registry	Pago Pago, AS	Not listed	Yes
31	1207469	SEA FOX	Valid	50% or Less	Sea Fox LLC	Registry	Pago Pago, AS	Not listed	Yes
32	1210858	SEA HONOR	Valid	Not reported, N	Sea Honor LLC	Registry	Pago Pago, AS	Not listed	Yes
33	1203206	SEA QUEST	Valid	50% or Less	Sea Quest LLC	Registry	Pago Pago, AS	Not listed	Yes
34	1207470	SEA TRADER	Valid	50% or Less	Sea Trader LLC	Registry	Pago Pago, AS	Not listed	Yes
35	564010	WESTERN PACIFIC	Valid	25 % or Less	Western Pacific Fisheries Inc	Registry	Honolulu, HI	Not listed	NO

Vessels shown on 2015 list that were removed from 2016 list

531005 DANIELA
1212240 ISABELLA
554146 JUDIBANA
1212040 PACIFIC BREEZE
539046 RAFFAELLO

NOTE: In March 2016, the vessel CAROL LINDA (624971) was sold to the USA, acting by and through the Secretary of Commerce, NOAA, NMFS, FSD
In October 2016, the vessel was sold to Fishbox SA DE CV in Mexico.
There is a case pending for deletion of the vessel from documentation.

Year Built (Delivery)	CG D14 Exemptions from US manning requirement	NVDC INFO	NVDC Endorsement Info
2003	Authorized	Foreign Built	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
2003	Authorized	Complete chain of title and citizenship not evidenced. Registered with foreign country	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
2008	Authorized	Foreign Built	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2008	Authorized	Foreign Built	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2015	Authorized	Foreign Built	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
1979	Authorized	Complete chain of title and citizenship not evidenced. Registered with foreign country	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
1978	Authorized	Registered with foreign country	Registered with foreign country = No Coastwise
1990	Authorized	Registered with foreign country	Registered with foreign country = No Coastwise
1980	Authorized	Complete chain of title and citizenship not evidenced. Registered with foreign country	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
1979	Authorized	No Restrictions	
1988	Authorized	Sold to a foreign country. Sold alien or in In part	No Coastwise
1982	Authorized	No Restrictions	
1990	Authorized	Registered with foreign country	Registered with foreign country = No Coastwise

1980	Not Authorized	Rebuilt outside US	No Coastwise No Fishery
1991	Authorized	Registered with foreign country///Sold alien in whole or part	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
2004	Authorized	Complete chain of title and citizenship not evidenced. Owner not citizen qualified for coastwise endorsement. Registered with	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
1975	Not Authorized?	No Restrictions	
1973	Authorized	No Restrictions	
2008	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2007	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2002	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
2007	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2003	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2007	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2008	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
1978	Not Authorized	Rebuilt outside US	No Coastwise No Fishery
2008	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2003	Authorized	Current owner not citizen qualified for Fishery or Coastwise	Foreign Built = No Fishery Endorsement///No Coastwise

2003	Authorized	Registered with foreign country. Current owner not citizen qualified for Fishery or Coastwise endorsement.	Foreign Built = No Fishery Endorsement/// Registered with foreign country = No Coastwise Endorsement
1979	Not Authorized	Rebuilt outside US	No Coastwise No Fishery
2007	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2008	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2007	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
2007	Authorized	Current owner not citizen qualified for Fishery or Coastwise Endorsement.	Foreign Built = No Fishery Endorsement///No Coastwise Endorsement
1975	Not Authorized?	No Restrictions	

Mr. SABLON. Thank you, sir. Thank you, Mr. Chairman.

Mr. WEBSTER. The Chair recognizes the gentlelady, Mrs. Radewagen.

Mrs. RADEWAGEN. Thank you, Mr. Chairman.

The economy of American Samoa depends on U.S. fishing more than any other state or territory. In fact, over 80 percent of our local revenue is generated by our local tuna cannery. The impact that these monument designations have had on American Samoa cannot be overstated.

This may be a silly question, and it is something that I and all of my constituents are aware of, but I want it for the record, Mr. Hallman. How important is the fleet to the economic well-being of American Samoa?

Mr. HALLMAN. Yes, thank you, Congresswoman Radewagen. And I know you know the answer to that.

First, let me just take a few seconds to thank you very much for your and Chairman Bishop's efforts at the end of last year in getting the legislation passed to strengthen the WCPFC, particularly with respect to high seas fishing. This is going to be helpful, I believe, very helpful to the U.S. tuna fleets.

But to answer your question, ma'am, about half of the U.S. fleet lands its fish in American Samoa. About 80 percent of the private-sector economy in American Samoa is dependent on the tuna industry in one way or another.

I mentioned to Mr. Young that \$50 million is what the expenditure of the boats is, but the canneries there is a whole different matter, which contributes significantly to the economy of American Samoa. Those tuna canneries are the largest private employer on American Samoa.

And I do not represent the canneries, but for the fleet, and just to repeat, our expenditures, the boats' expenditures, in American Samoa for fuel, supplies, et cetera, is about \$50 million, \$60 million a year. So, it is quite significant.

Mrs. RADEWAGEN. PRIMNM, or the Pacific Remote Islands Marine National Monument, established in 2014, has a significant impact on your fleet and on American Samoa.

Can you tell me about the process that went into establishing that? Was it transparent? Were you involved?

Mr. HALLMAN. Thank you for that question, because I think it is a very important one.

There was no transparency. None. As I told Mr. Young, we woke up one morning and found out this was already announced right at the same time there was an ocean conference being held at the State Department by Secretary Kerry—this was all a big announcement. I was a participant in that conference, by the way, and was surprised.

I am not sure everyone in it was surprised, because it was 90 percent of environmental activists in there. But there were a few fishing representatives, and we did not know anything about it. So, there was no consultation.

After that, we, I hate to use the word, almost forced our way into the dialogue and did have a meeting at CEQ where we expressed our concerns. And we did participate in a public forum in Honolulu, but it was not a good process for such an important action, ma'am.

Mrs. RADEWAGEN. And, last, I understand that the fishery in these areas is for highly migratory fish stocks. What is the relationship between these stocks and the Remote Island Area?

Mr. HALLMAN. Well, there really isn't a relationship. The highly migratory tuna stocks, which our fleet catches and are landed in Samoa—mostly skipjack tuna. And these stocks, they travel thousands of miles. They just swim across these monument areas.

And the Law of the Sea has a special chapter to deal with highly migratory species, where it prescribes that they are managed and conserved by international mechanisms. There is a treaty, there are legally binding treaties. The best tuna scientists, population dynamicists in the world look at these stocks and give recommendations every year, and the countries all decide what to do.

So, this pre-emption of that process is something, honestly, I don't understand, because it has no positive benefit for the highly migratory fish stocks whatsoever.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

Mr. WEBSTER. The Chair recognizes Mr. Grijalva for 5 minutes.

Mr. GRIJALVA. Thank you, sir. I appreciate it.

Mr. Hallman, you claim in the testimony that the Pacific Remote Islands Marine National Monument is the reason for one of the two tuna canneries closing on American Samoa. But industry reports and the plant owner's own assessment cite the fishing days lost through the South Pacific Tuna Treaty and larger economic factors, not the monument, as the reasons for closing the cannery.

In essence, I think the company admitted that it was closing the plant because it was cheaper for them to process tuna in foreign countries than in American Samoa, despite the fact that the workers there were being paid less than minimum wage, 80 percent were foreign workers, and they were avoiding very significant import duties.

Do you disagree with this assessment and these widely reported facts, including the company's own assessment?

Mr. HALLMAN. Well, I don't totally disagree with that, sir. American Samoa is an expensive place to operate for a tuna cannery. Nonetheless, it is a good place for a lot of reasons. And there is always that balance of economics. To address your earlier point, I don't think the marine monument was the only reason for the closure of the cannery, no. There are other reasons.

Mr. GRIJALVA. Thank you. That is the point, that there was no singular reason, there was a combination of reasons.

Mr. CHIASSON, you expressed concern over the proposed expansion of the Flower Garden Banks National Marine Sanctuary in the Gulf of Mexico to a size of less than 383 square miles. By contrast, President Trump's plan for oil and gas lease sales in the Gulf's western, central, and eastern planning areas was more than 114,000 square miles.

Do you believe it is unreasonable to protect less than $\frac{1}{10}$ of 1 percent of critical fish and coral habitat in these areas of the Gulf from oil drilling?

Mr. CHIASSON. I think in order to establish energy independence we need to have everything open.

Mr. GRIJALVA. So, it is—

Mr. CHIASSON. I am not saying it is to the detriment of fisheries or any habitat.

Mr. GRIJALVA. So, your point is these 383 miles need to be open as well, correct?

Mr. CHIASSON. Correct.

Mr. GRIJALVA. OK. Thanks.

Dr. Bruno, in your testimony, you point to a significant scientific evidence of the importance of marine reserves like marine national monuments for increasing the productivity of fisheries and benefiting the fishing industry as a whole.

Your fellow panelist there, Mr. Hallman, claims that marine reserves only hurt fishermen and that eliminating fishing pressure from those areas does not benefit stocks of highly migratory species like tuna.

Are these claims accurate? Will you please talk in a little more detail about the importance of spillover effects in improving fishery harvest? And can marine reserves help protect and restore populations of wide-ranging marine species like tuna, sharks, whales, and seabirds? In 1 minute. I am sorry.

Dr. BRUNO. It is OK.

Yes, absolutely, there is very clear scientific evidence that marine reserves increase fisheries' productivity via the spillover effect.

That is not necessarily true for highly migratory species. As Mr. Hallman has testified, a lot of these tuna swim in and out of these very, very small reserves. But, as a result, these small reserves have absolutely no impact on the fishery's catch, the tuna fishery in the PRI. The former purse seine catch in the PRI was about 1 percent of their total catch. That is obviously a tiny amount. The fish move through the monument, so they cannot possibly be locked up in the monument. And, finally, this is a quota-based fishery, so there is a certain number of fishes that the tuna boats are allowed to catch every year. The monument designation has zero impact on that number.

So, it does not in any way restrict the number of tuna that have been caught. In fact, tuna catches have been going up in recent years post-sanctuary implementation. Overall, there is no evidence that the sanctuary has any negative effect on the tuna fishery, despite what Mr. Hallman testified, and there is good evidence to suggest that they have benefited the fishery because it has increased and gone up.

Mr. GRIJALVA. Thank you.

I yield back, Mr. Chairman.

Mr. WEBSTER. The Chair recognizes the gentleman from Louisiana, Mr. Graves, for 5 minutes.

Mr. GRAVES. Thank you, Mr. Chairman.

Dr. Bruno, thank you for being here today.

Just a quick question for you. Under marine sanctuary designations, there is an opportunity for public comment and participation. Under national marine monuments, there is not. Do you have a preference on either one of those?

Dr. BRUNO. I really do not have any professional opinion on that.

Mr. GRAVES. Do you think the public should be able to participate?

Dr. BRUNO. Absolutely. I certainly think the public should be able to participate in that process.

Mr. GRAVES. Great. Thank you.

Mr. Chiasson, I want to go back to the line of questioning that the Ranking Member just posed. Let me ask you a very simple question. When you go fishing offshore, where do you go?

Mr. CHIASSON. I go to the platforms and the rigs offshore.

Mr. GRAVES. Have you and I scripted this in any way?

Mr. CHIASSON. No, not at all.

Mr. GRAVES. All right.

Mr. Chairman, there is a fundamental misunderstanding. Look, we fish. That is what we do, we fish. There is this belief that you cannot have proper management of fisheries without a marine monument designation or a sanctuaries designation. That is not the case. That is where we fish. That is the habitat for the fish. And it is amazing, the explosive productivity that occurs in these areas.

So, I love all of these landlocked states that are now fish experts telling us what we need to do with our Gulf, but let me point out a few things.

The most productive commercial fisheries in the continental United States are off the coast of Louisiana. At the same time, let me tell you what we have. You have six states that produce offshore energy—Alaska, California, Texas, Louisiana, Mississippi, and Alabama—six states. When you add up the offshore production in Federal waters for Alaska, California, Texas, Mississippi, and Alabama and you multiply it times about three or four, that is how much offshore production you have in Louisiana. And at the same time—I will say it again—we have the most commercial seafood production in the continental United States.

So, it is not a we have to choose one or the other. You can actually manage these things, and they can co-exist. The place we go to catch the fish is we tie up to the rigs. Now, look, I am not going to sit here and say that we need to be irresponsible and not have

appropriate environmental regulations in place and allow people to spill oil and other things. I am not saying that. But this is not an exclusivity thing. You can actually do both. And I think that point is unfortunately being missed, and I think that is very dangerous, to think that you cannot do one or the other.

I want to ask a question to anybody actually on this panel. When you pull up the Antiquities Act—and when I say “this panel,” that means up here as well—it gives the President the authority to establish these monuments, and it says “that are situated upon lands”—lands—“owned or controlled by the Government of the United States.”

Anybody here care to comment on why we are talking about water right now when the statute says lands? Up here, there, or anywhere? Anyone care to comment on that?

OK. Just curious as to why we are talking about water when the law actually says lands.

Let me go to another question here.

Dr. Bruno, I want to ask you, based on what I was just talking about, do you believe that you can actually manage fisheries in a way without coming in and saying that these areas are off limits to any fisheries, recreational, commercial, or energy production and other things? Do you think that you could actually have a management plan that would allow for different types of activities to co-exist while still sustainably managing the fisheries?

Dr. BRUNO. Absolutely. I mean, different activities certainly can co-exist. And that is really what we are talking about here, is zoning these activities, just having them slightly spatially segregated. Yes.

Mr. GRAVES. Great. Thank you.

And, Mr. Hallman, your members’ business depends upon the sustainability of the fisheries. I have said this on this panel before, and I will say it again—sustainability of fisheries is a critical priority to me. I don’t want just my kids and me to be able to fish. I want future generations to be able to fish, as well. It is an important part of our culture and economy in south Louisiana.

Do you believe that active fisheries management, rather than just shutting things off, do you believe that you can possibly sustainably manage fisheries by doing that?

Mr. HALLMAN. No, I don’t believe—I believe that is detrimental to sustainable management of fisheries. And I agree with you—

Mr. GRAVES. When you say “that is detrimental,” you are talking about shutting areas down.

Mr. HALLMAN. Shutting off areas arbitrarily without—based on good, rigorous science.

Mr. GRAVES. Because I know cases where you have certain populations of species that actually become explosive, to the detriment of other species, because they affect habitat or food sources and other things. So, in some cases, you need to actually active-manage, catch, or cull different species in order to ensure the right diversity and populations.

Mr. SABLAN. Will the gentleman yield for an answer to his question?

Mr. GRAVES. You can have all the time I have left.

Mr. SABLAN. OK.

Mr. GRAVES. Thank you, Mr. Chairman.

Mr. BISHOP. Can I interrupt also and interject just 1 second? Because I also, I didn't want to take away your time, but I also had another answer to the question you gave.

Let me ask unanimous consent to put into the record the announcement of the lawsuit done by the Pacific Legal Foundation over exactly your point on lands and water. And while you are sitting there thinking of your next round, try and figure out—because the law also says it is the smallest footprint. I am trying to figure out how you get a footprint in water.

But let me ask UC to include that in the record.

Mr. WEBSTER. Without objection.

[The information follows:]



PLF NEWS RELEASE

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New England fishermen challenge Obama's marine national monument

Creation of the Northeast Canyons and Seamounts Marine National Monument exceeded the Antiquities Act, which authorizes monuments only on federal land, not the ocean

Boston, MA; March 7, 2017: A coalition of New England fishermen organizations filed suit today over former President Barack Obama's designation of a vast area of ocean as a national monument—a dictate that could sink commercial fishing in New England.

The organizations filing the lawsuit are the Massachusetts Lobstermen's Association, Atlantic Offshore Lobstermen's Association, Long Island Commercial Fishing Association, Rhode Island Fisherman's Alliance, and Garden State Seafood Association.

They are represented, free of charge, by Pacific Legal Foundation, a watchdog organization that litigates nationwide for limited government, property rights, and a balanced approach to environmental regulations.

Watch this brief video

The lawsuit challenges President Obama's September 15, 2016, creation of the Northeast Canyons and Seamounts Marine National Monument, 130 miles off the coast of Cape Cod.

"By declaring over 5,000 square miles of ocean—an area the size of Connecticut—to be a national monument, President Obama set this entire area off-limits to most fishing immediately, with what remains of fishing opportunities to be phased out over the next few years," said PLF attorney Jonathan Wood. "This illegal, unilateral presidential action threatens economic distress for individuals and families who make their living through fishing, and for New England communities that rely on a vibrant fishing industry."

A monumental abuse of presidential power

President Obama claimed to be relying on the federal Antiquities Act. But as today's lawsuit makes clear, his decree far exceeded the authority granted to presidents by that 1906 statute. The Antiquities Act was enacted to protect ancient antiquities and human relics threatened by looting, giving the president broad powers to declare monuments consistent with that purpose.

However, the statute permits creation of national monuments only on "lands owned or controlled" by the federal government. Moreover, any designation must be "confined to the smallest area" needed to protect the artifacts or objects that the monument is intended to safeguard.

"President Obama violated both of those core requirements of the law when he created the Northeast Canyons and Seamounts Marine National Monument," Wood noted. "Most fundamentally, the ocean, where the monument is located, is not 'land,' nor is it federally owned or controlled. The monument designation is also not confined to the smallest necessary area; on the contrary, its sprawling boundaries bear no relation to the underwater canyons and seamounts it is supposed to protect. In short, the designation of a vast area of ocean as a national monument was a blatant abuse of presidential power.

"Unfortunately, the Antiquities Act has morphed into a favorite tool for presidents to abuse," Wood continued. "Today, presidents use it to place vast areas of federal lands off limits to productive use with little input. Monument designations are particularly common at the end of a chief executive's term, once the president can no longer be held accountable.

"Former President Obama was the king of Antiquities Act abuse, invoking it more times than any prior president and including vastly more area within his designations than any predecessor," said Wood. "Our lawsuit is intended to rein in abuse of the Antiquities Act and underscore that it is not a blank check allowing presidents to do whatever they want. The creation of the Northeast Canyons and Seamounts Marine National Monument is a clear example of a president exceeding his authority, and we are suing to make sure this edict is struck down and the rule of law prevails."

No environmental justification

"Beyond its violation of the law, the monument designation also threatens to harm the environment by pushing fishermen to other, less sustainable fisheries, and increasing conflicts between their gear and whales," said Wood. "The president's proclamation cites protection of coral as one of the reasons for the monument. But the corals remain pristine after more than four decades of commercial fishing because fishermen know where the corals are, and carefully avoid them, out of environmental concern and because coral destroys their gear.

"Instead of punishing New England's fishermen—and shutting down their businesses—federal officials should be acknowledging their positive role as stewards of the ocean's environmental resources," Wood added. "This is shown in their laudable efforts to promote sustainability. PLF's clients, for instance, have spent years working to improve their methods and equipment and to retire excess fishing permits, knowing that these costly sacrifices will provide long-term benefits to their industry and the environment. The monument designation undermines those sustainability efforts, by depriving the fishermen of any reward for their sacrifices."

With a 'stroke of the pen,' Obama's illegal action 'puts men and women out of work'

"We are fighting every day to keep the men and women in the commercial fishing industry working, but with one stroke of President Obama's pen—and his abuse of the Antiquities Act—they are out of work," said Beth Casoni, executive director of the Massachusetts Lobstermen's Association.

"The monument designation will have a negative rippling effect across the region as fishermen will have to search for new fishing grounds—only to find they are already being fished," she said. "The shoreside businesses will also feel the impacts, as fishermen have to go further and further to harvest their catch, leaving less funds to reinvest in their businesses.

“We are extremely grateful to have PLF at our side as we fight back against this legal travesty, which is causing so much hardship for the commercial fishing industry here in the Northeast.”

The case is *Massachusetts Lobstermen’s Association v. Ross*. More information, including the complaint, a video, a podcast, photos, and an explanatory blog post, is available at: www.pacificlegal.org.

Mr. GRIJALVA. Mr. Chairman, if I may?

Mr. WEBSTER. Yes.

Mr. GRIJALVA. If I may, if there is no objection, enter into the record the memorandum opinion from the Solicitor of the Department of the Interior, General Counsel of NOAA, and General Counsel for the Council of Environmental Quality that was issued for both President Bush and President Obama when they did their marine designations.

Mr. GRAVES. Can I ask a point of clarification, Mr. Chairman?

Mr. Ranking Member, I just want to make sure that you concur in that. Is that accurate? You concur in that it does apply to waters as well?

Mr. GRIJALVA. I introduce these into the record at this point. Thank you.

Mr. WEBSTER. Without objection, both motions are approved.

Mr. BISHOP. And I am not going to object either, because we are cutting down more trees to put all these things in the record.

Mr. WEBSTER. Mr. Beyer, you are recognized for 5 minutes.

Mr. BEYER. Thank you, Mr. Chairman, very much.

While we are putting things on the record, some opponents of the Northeast Canyons and Seamounts Marine National Monument have claimed that there was a lack of public and scientific support for the proposal and that stakeholders’ concerns were not taken into consideration, even though the monument was reduced in size significantly from the original proposal and fishing will be phased out over the years based on industry feedback.

I would like to submit for the record, if there is no objection, a large body of scientific evidence supporting designation of the monument, along with dozens of letters from scientists, businesses, conservation groups, and others in favor of the designation.

Thank you very much. If there is no objection, Mr. Chairman.

Mr. BISHOP. That is a big forest right there.

Mr. BEYER. Exactly.

And my friend, the distinguished Member from Alaska, seemed to lay blame and responsibility on universities as an important part of the process to establish marine monuments and sanctuaries, as if that were a terrible thing.

As the father of a Brown graduate, let me address the Brown Ph.D. in Ecology and Evolutionary Biology, Dr. Bruno, and ask: Is there science behind these designations?

Dr. BRUNO. Absolutely. In addition to the science I have already talked about, these are not randomly selected areas. I mean, these are the most pristine ecosystems we have left on the planet. We very specifically target, you know, the best of the 1 percent that is still out there.

Mr. BEYER. Some people have expressed concerns about the Northeast Canyons and Seamounts Marine National Monument, but I am optimistic about the long-term benefits.

One of the things in the written statement of the New Bedford mayor, who didn't come, he said that the Atlantic monument designation established a moratorium on fishing in the water column above the monument seabed, and this approach was of serious concern for pelagic fisheries because pelagic fishermen have no impact on the integrity of the bathymetry and substrate that a monument is meant to protect.

Can you respond to the mayor on this?

Dr. BRUNO. I can say that the monument was not only meant to protect the deep-sea corals and other invertebrates, but it was meant to protect the water column. It is a hotspot for marine mammals. There are sperm whales, humpback whales near the surface and that dive down into the water. There are seabirds, over winter, puffins, on the surface of the water. So, it is really kind of a surface-to-sea-floor protection.

Mr. BEYER. Last fall you wrote an Op-ed entitled, "Marine reserves lead to bigger fishes—Florida needs more of them." And again, if there is no objection, I would like to enter that essay into the record.

[The information follows:]

THE HUFFINGTON POST

Marine reserves lead to bigger fishes—Florida needs more of them

John Bruno, Contributor

Marine Ecologist

11/22/2016 03:44 pm ET

The ongoing battle over the planned marine reserve in Biscayne Bay has scientists and citizens scratching our heads. The impassioned opposition to the proposed protection of a tiny sliver of our shared resource is stunningly out of proportion to what the National Park Service (NPS) has proposed. Moreover, the arguments made by opponents have not been based on science and are mostly illogical. For example, citing a scientific paper I co-authored, Representative Ros-Lehtinen correctly pointed out in an op-ed that a marine reserve in Biscayne Bay National Park wouldn't protect Florida's remaining corals from global warming. However, this is analogous to arguing brushing your teeth is unnecessary because it doesn't prevent cancer. Protecting corals from climate change isn't the purpose of a marine reserve, although reserves provide countless other benefits. If Rep. Ros-Lehtinen wants to protect corals from climate change, her party and her CORAL bill should support the move to renewable energy, one of the few actions that could in fact protect and restore corals and the reefs they build.

While marine reserves are not a panacea for everything afflicting the ocean, the science indicates, in literally hundreds of case studies, that reserves can greatly benefit fishes, fisherman, and coastal economies based on tourism. This is because the fishes that are allowed to grow large and reproduce within a protected area eventually leave (with their babies) and can then be caught. This is called the "spillover effect" and is the reason why trophy fishes are so often caught adjacent to reserves, like the Merritt Island National Wildlife Refuge.

The resistance of fishing groups and some of our elected officials stems from the "freedom to fish" mentality that considers fishing a right that should not be constrained. To most Floridians, this is preposterous: we can't drive, hunt, skateboard, smoke, fly a kite or be naked anywhere we'd like. Government places restrictions on all kinds of activities to separate things that don't belong together, e.g., highways and playgrounds. In marine conservation, this is called spatial planning—working within constraints of the seascape, the local ecology, and the demands of user groups, we zone the oceans to try to keep everybody happy and safe. The NPS is only proposing some much needed zoning to reduce the dangerous (occasionally

chaotic) comingling of activities currently taking place throughout the Bay. To me, setting aside 6% of a national park, so people can observe wildlife in a safe, low impact manner is a no-brainer. Recreational fishing would still be allowed in 94% of the parks waters and across thousands of square miles of prime fishing habitat outside the parks boundaries.

I work mainly on the effects of climate change on corals and other marine critters. As Rep. Ros-Lehtinen pointed out, my work shows that marine reserves do little to mitigate those impacts. Yet, as a scientist, I still strongly support the establishment and expansion of marine reserves throughout Florida for their proven benefits for fish populations. If the planned Biscayne Bay reserve has a flaw, it is that it is way too small—a groundbreaking study recently found that to maximize benefits for fish and fisherman, at least 30% of the oceans should be protected (essentially creating nursery grounds that would massively boost the profitability of commercial fishing).

I also support the planned reserve as a father. Last summer, my family and I spent our vacation in the Florida Keys, which we've been doing since the early 1970s. Every day, we snorkeled in the Sombbrero Reef Special Protected Area, where, safe from harvesting, the fishes are absolutely stunning. Snorkeling just a mile outside the reserve was a totally different experience; the fish are much smaller, scarce, and afraid.

Scientists, snorkelers, SCUBA divers, reasonable fisherman, and parents don't have lobbying groups, but if we did, we'd deploy them to convince our representatives to support the Biscayne Bay reserve and the general expansion of protected areas throughout Florida. Instead, we have to rely on public comment periods, during which time 90% of 43,000 pieces of correspondence received were in support the marine reserve. Congress simply hasn't listened.

Mr. BEYER. The topic was the proposed no-take marine reserve in Biscayne National Park. I was there with our Chairman a year ago. And you argue it was a no-brainer because in addition to other benefits, there were actually more and bigger fish for anglers to catch. We seem to have seen this in marine monument to marine monument, that fishery catch actually goes up. This then was echoed by Bouncer Smith, who was a south Florida charter captain who testified before the Committee in Homestead, and many other saltwater anglers, scuba divers, and tourism-related businesses.

Can you discuss why protecting part of the reef, I believe there is only 6 percent of the reef that was good for Biscayne Bay and good for fishermen.

Dr. BRUNO. Yes, absolutely. Like as you just said, that is where the fish get big. Any sports fisherman knows that is where you go to get a record fish, you fish right in the edge of the marine park, whether it is Florida or anywhere else.

Mr. BEYER. And then if I want to shift just to Mr. Chiasson for 1 second. I just wanted to thank you for one thing you said here. Too many pieces of paper. I can't find it, let me paraphrase you. When you said that on a daily basis, you are convinced and proud of the fact that you have to find the right balance between the natural resource exploitation, the fishing, and the preservation of the environmental balance, and you said it very well twice in the same paragraph. How do you reconcile that with your response to the Ranking Member that you also did not want to have any restriction on the 383 square miles?

Mr. CHIASSON. I think, if I could elaborate on what I said to him, there is a large amount of technology that exists in the offshore drilling that can allow for the tapping into the, so to speak, fossil fuels with direction of horizontal drilling, and not taking it off the footprint of allowing access to that energy production. When I said

that, I mean, let's not take it all for the allowance of offshore activities in that footprint.

Mr. BEYER. I liked your first answer better, but thank you very much.

Mr. Chair, I yield back.

Mr. WEBSTER. The Chair recognizes Mr. Wittman for 5 minutes.

Mr. WITTMAN. Thank you, Mr. Chairman. I want to thank you for holding today's hearing on national marine monuments and sanctuaries. My background is working in the area of biology and fishery science for over 27 years running the seafood safety program in the state of Virginia, so I know a little bit about this particular subject area. I have heard from hundreds of folks in my district along the Potomac River, including the State Delegate who represents that area, Margaret Ransone, who is in the seafood business herself, about a proposed Mallow's Bay Potomac River marine regional sanctuary, and the impact that it would have on watermen and seafood businesses. And by the way, my son is a waterman, so I hear from him on a daily basis. He makes his living off of the water.

The management in that region is put in the hands of a bi-state commission, it is adjudicated by members from Virginia Marine Resources and Maryland Marine Resources. They are in charge of managing those resources. We all understand the economic impacts of the resources in that river have. We understand crab populations and oyster populations coming back, good examples of good management.

My concern is that the National Marine Sanctuaries Act does not contain any legal protections for fishermen who have been fishing these waters for years. And the sanctuary plan supersedes any existing regulations. We all know, too, that the Act does not contain any provisions that require sanctuaries to use science-based management, meaning sanctuary managers can prohibit fishing in sanctuaries without scientifically justifying a fisheries ban.

And in the case of the Mallow's Bay Potomac River region sanctuary, NOAA has promised stakeholders that the state of Maryland can maintain full adjudication of managing the resources there, including the Potomac River Fisheries Commission.

Mr. Hallman, I want to ask you, I know that American Samoa was promised exactly the same thing. Can you tell me how this has worked for American Samoa, with the decisions now being made about marine resources there under this Act? Tell me how that has worked out?

Mr. HALLMAN. Well, I have a little reluctance to speak for American Samoa, because that is not who I represent. But I don't think it has worked out well, Congressman. Again, I go back to one of my basic points in my testimony, which is that there are existing scientific procedures already established in law that you have alluded to, and they apply to Samoa, to all over the world. So, why these would be pre-empted by some other executive branch, or professors, or whatever it is, when some of the best procedures in law and science are already there to do this and doing a pretty good job. That is what I don't understand. And I think that is one of the key points.

Mr. WITTMAN. Thank you, Mr. Hallman.

I want to ask the other panel members, when we look at these designations and in now taking decision-making away from states, who have had records of good management practices, resources being restored, and now you replace that with an ability for Federal decision-makers to make decisions without science, without the knowledge of local fisheries, the effort that goes in by those managers, do we believe that that is the right way to manage these particular areas? And is the right way to do fisheries management through taking out of access for recreational and commercial fisherman those areas that are most biologically productive, and then tell folks, "By the way, you have all these other hundreds of thousands of square miles of water that are open to you that have no biological ability to support fish." Is that the right way to go about managing this? I ask any panel member to give me their answer on that.

Dr. BRUNO. It is not, but that is not how the process works at all. For example, these monuments do not exclude recreational fishing, they really promote it. It is enjoyed in them. And that it is not part of the what the monuments are designed to do.

Mr. WITTMAN. So, there has not been any limitation on recreational fishing in any of these national marine sanctuaries?

Dr. BRUNO. No, I can't say that. There has been.

Mr. WITTMAN. OK. So, when it is promised by NOAA that that will not happen and it has happened elsewhere, you don't think we should be suspect, or, at least, questioning of that and when NOAA now supersedes the responsibility that is, I think, sovereign with states, to manage the resources that are in their state waters, the waters of the Potomac that are adjudicated jointly on an agreement between Virginia and Maryland that now NOAA, a Federal Government entity, should supersede the sovereignty of states for their own resources? Do you believe that is proper?

Dr. BRUNO. No, I do not.

Mr. WITTMAN. Thank you. Mr. Chairman, I yield back.

Mr. WEBSTER. Mr. Panetta, you are recognized for 5 minutes.

Mr. PANETTA. Thank you, Mr. Chairman. I appreciate that. Gentlemen, first of all, let me thank all three of you for taking the time and your efforts to come here and testify. I know it can take a lot, and I want to thank you for that. So, I appreciate that.

Mr. Bruno, I appreciate you putting up that picture of your two daughters, because in some way it goes to what Mr. Young was saying that people are important in this process, there is no doubt about it. I have two daughters, and I am proud that they are growing up in the central coast of California, and being exposed to a monument and national marine sanctuary that we have there on the Monterey Bay, the Monterey Bay Marine Sanctuary, as well as the California Marine Monuments Act as well. And what I have seen in my experience, having grown up there, is that it does greatly benefit the people of that area. And I would ask you, in your experience in dealing with monuments and marine sanctuaries, do they benefit fishermen?

Dr. BRUNO. They absolutely do benefit fishermen, including recreational fishermen.

Mr. PANETTA. Does it benefit tourism?

Dr. BRUNO. Hugely, and that is why in almost every case the people are strongly in support. In Connecticut, I believe it was 68 percent; in Hawaii a very large majority of the population—not the industry groups—support monument implementation. There are 3 million people in America that scuba dive; 50 million that are salt-water fishermen. The scuba industry is \$11 billion, adds \$11 billion toward GDP; recreational fishing, \$70 billion. These are big numbers and these are the activities that these monuments promote and really develop.

Mr. PANETTA. Does it benefit research?

Dr. BRUNO. Absolutely, these monuments are critical to research. There is really nowhere else we can go to figure out a lot of things about how the oceans work that we really don't know yet.

Mr. PANETTA. I think recently in the central coast of California, we had an issue with our sea stars and how they were shrinking away. And there was a research institution from UCSC, University of California Santa Cruz, that actually figured out the issue. Isn't that correct?

Dr. BRUNO. That is right, it appears to be linked to ocean warming.

Mr. PANETTA. Mr. Hallman, I appreciate what you had to say about being involved in the process. I saw, firsthand, indirectly with a Congress Member who was a major participant in the creation of the Monterey Bay National Marine Sanctuary. And the way they did that is bringing everybody to the table in order to get things done, in order to hear things out. I think that is something we should learn in Congress, to be honest with you, that you cannot just have one side cram legislation through, you have to be able to come and talk about it on both sides. And this way you have lasting legislation, lasting policies. Is that correct?

Mr. HALLMAN. I agree with you, Congressman. I believe there should be transparent and public opportunity for all of these kinds of decisions that affect people.

Mr. PANETTA. Exactly. I was a member of the Sanctuary Advisory Council of the Monterey Bay National Marine Sanctuary. Has anybody ever been involved with the Sanctuary Advisory Council for a marine national sanctuary? It is sort of something where everybody is at the table—you have fishermen, you have representatives of tourism, of industry, of research institutions, from NOAA, all types of fishermen are there. It is something where they are able to basically manage the sanctuary and talk about the issues with the sanctuary. I think that is important. You know, with the Antiquities Act, when you say that there was no science involved, Mr. Hallman, of the Antiquities Act that was used, you said you woke up one morning, and next thing you know there was a monuments act that was brought down upon you. Is that correct?

Mr. HALLMAN. Yes, that is correct.

Mr. PANETTA. And are you saying there was no science used to come up with that?

Mr. HALLMAN. Well, there may have been some used, but it was not science that was reviewed or that anybody could look at. It was almost done—I hate to sound conspiratorial, but almost a secretive kind of process and not one that we are used to in fisheries management, which is a transparent, public process with good

scientists and people going back and forth and figuring things out—that did not happen.

Mr. PANETTA. Thank you very much. I yield back my time.

Mr. WEBSTER. Mr. Bishop, the Chair, questions?

Mr. BISHOP. Thank you. I appreciate it.

I am happy to be here at this time and hear your testimony. I should probably go first so I don't get worked up before I ask my questions. Let me speak on behalf of the mayor, the good mayor who is not here because of the snowstorm, which is unfortunate, because I have a great deal of respect for the mayor in New Bedford. I was up there last summer with him, and actually, I was told these were going to be action photos of that trip, there is not a hell of a lot of action going on up there. We were there also with the local Congressman, Bill Keating. Part of the visit, we met with dozens of local fishermen in the industry, as well as to talk about the Magnuson-Stevens Reauthorization as well as the State-Federal fisheries management. We also did the tour of the boatyard, the working boatyard, and we were on some of the commercial fishing vessels, and it did not take a long time to actually start talking about the Marine National Monument off the coast.

When we went to the round table of the Whaling Museum, the fishermen came in there, the local community came in there to talk about an alternate solution that they were there and they showed to me, as well as Mayor Mitchell. This alternative protected most of the ocean floor, well above the Administration's unilateral and arbitrary designation, and contained almost the same area within the designation, but under their alternative, the bottom-tended fishing gear, such as lobster and crab traps, were prohibited outside the 900-meter depth mark that all boats using the mid-water and surface fishing gear were allowed to continue fishing, since none of that gear actually did have any impact on the coral which the Administration and special interest groups that were pushing it, alleged that was their goal to protect.

So, this type of pragmatic and collaborative approach was supported by the industry and the Atlantic States Marine Fisheries Commission, which is composed of states from Florida through Maine. But it was totally rejected without any kind of explanation on why. The alternative was not considered by the Administration.

So, Mr. Hallman, if I could ask you, in your testimony, you seem almost as confused as I am as to why mid-water and surface fishing gear is prohibited without the discussion of what that alternative could mean in this particular area. When you have been faced with some of the proposed expansions and marine monuments in the world in which you live, have you ever suggested a similar idea about nondisruptive fishing gear types to be used within these monuments?

Mr. HALLMAN. Well, if I understand your question, sir, it is not something that we talk about in terms of the monuments. We talk about the use of the gear in a sustainable way.

Mr. BISHOP. Have you talked about any of that with Administration folks in the past?

Mr. HALLMAN. No, not with the Administration, no.

Mr. BISHOP. Was it ever received by those groups with whom you had discussions?

Mr. HALLMAN. No, sir.

Mr. BISHOP. OK. Which is kind of one of the issues and questions we have, especially when we start talking about the serious pristine. I think in 2015, we had a discussion of another monument proposal off the coast of Cape Cod, the same kind of verbiage was used there, as well as kind of interactive opportunities that were used there. Mr. Chiasson, am I pronouncing that close?

Mr. CHIASSON. Yes.

Mr. BISHOP. It is a Louisiana name, so Smith.

When NOAA released their draft environmental impact statement expanding the Flower Garden Banks National Marine Sanctuary off the coast of Texas and Louisiana, their agency's preferred alternative was, I think, what is currently up there, and the agency's preferred alternative was the one at the bottom, I believe, but it increased from 56 square miles to 383 square miles. That is a 600 percent increase. The second image below—this is the correct one—is recommended by the advisory committee, which is the area that is in red, and that is about 100 square miles smaller than what the agency was pushing. There are really very few places like the Gulf of Mexico, where energy exploration and fisheries coincide in such a complementary fashion.

In your testimony, you repeatedly gave examples of how important it is to the economy of Louisiana and ports that they remain multiple use. This is more evident, especially in the RAND Corporation LSU studies, that also you cited in your testimony, that accounts for nearly a \$4 billion annual to the direct economy and 11,000 Louisiana jobs.

How much of the economic activity is directly relating to fishing and offshore energy in those ports in Louisiana?

Mr. CHIASSON. Virtually all of it.

Mr. BISHOP. All right. What will walling off more zones from activities do to the local and regional economy there?

Mr. CHIASSON. It will certainly negatively impact the economies in our region, in our state.

Mr. BISHOP. OK. After the preferred alternative was released by the agency, the advisory committee members called the entire process bait and switch, which is kind of cute, considering what you are doing. In your dealings with fishermen and others in Louisiana, do you feel that there was a common sense of frustration when the agency finally released its preferred alternative?

Mr. CHIASSON. Yes, absolutely.

Mr. BISHOP. What does it say about the integrity of these advisory councils that we asked to actually give input, when it is totally ignored by administrations who make arbitrary decisions.

Mr. CHIASSON. It absolutely devalues the process.

Mr. BISHOP. Let me ask a couple of other questions that were brought to my attention. I am sorry. I will ask other questions at an appropriate time, but I am not asking more stuff to be added into the record because our staff is already freaking anyway.

Mr. WEBSTER. Mr. Lowenthal to be recognized for 5 minutes.

Mr. LOWENTHAL. Thank you, Mr. Chair. Thank you for letting me speak today and to join you on this fascinating hearing. And I want to thank all the panelists, also.

I want to start with some questions I have with, first, Mr. Chiasson. In your written testimony, I think you mentioned GOMESA in the written testimony, and especially about funding coastal restoration activities, which I agree with you are very important and I am very supportive of that also. But I think GOMESA is also being used to fund infrastructure projects too, such as the elevation of the Louisiana 1, which, I believe, you are also in support of. Is that true?

Mr. CHIASSON. Yes, sir.

Mr. LOWENTHAL. Why does Louisiana 1 need to be elevated?

Mr. CHIASSON. Why does it need to be elevated?

Mr. LOWENTHAL. Yes.

Mr. CHIASSON. It is the only highway in Louisiana, or one of the major highways in Louisiana, that has been impacted by coastal land loss.

Mr. LOWENTHAL. By what?

Mr. CHIASSON. Coastal land loss.

Mr. LOWENTHAL. Coastal land loss.

Do you think that sea level rise or extreme weather related to climate change is a problem?

Mr. CHIASSON. Yes, but the majority of our problem in south Louisiana is subsidence.

Mr. LOWENTHAL. Subsidence. Also do you believe that human caused emissions from the burning of fossil fuels do contribute to climate change?

Mr. CHIASSON. Yes.

Mr. LOWENTHAL. Thank you.

I would like to follow up on this, I think, very fascinating and, I think, very productive argument about how you balance development with protection. I think it was my colleague from Louisiana, which I want to compliment, he talked about that you can manage fisheries and have mineral extraction at the same time. They can co-exist. These are not necessarily in competition with each other, they can work together.

I would like to also mention that in my part of the country, in our ports of Los Angeles and Long Beach, when we embarked on clean air protection, it was said that you cannot have environmental protection and economic development, but over the last 10 years, we have demonstrated the very same thing. Under the right planning, you can have great environmental protection, protect our citizens from both immediate impacts of particulates, and you can also move forward the economy and advance. So, I want to follow up on that, in agreement with that. And I think that is a model we should always be aware of that we make these binary kind of exclusions, one or the other when, in fact, it just means that we should be reformulating the paradigm in seeing how we can work together to enhance both. I am glad that you brought that up.

But I want to go now to Dr. Bruno, in following up this same kind of balancing development with protection. We have set aside, as you know, thousands of acres of Federal and state waters as protected areas, we talked about the sanctuaries, reserves—not so much reserves, but monuments. But to be clear, in my understanding in talking about this balance, they really only amount to 1 percent of the ocean waters that are under the jurisdiction of the

United States. Is that correct? We are talking about 1 percent of the ocean waters?

Dr. BRUNO. Yes, overall for U.S. waters, it is about 13 percent, but in many regions, it is very small. The canyons and seamounts account for 1.5 percent of our fishing grounds in New England. NOAA's proposed expansion of the Texas Flower Gardens would take us from $\frac{1}{4}$ of a percent to $\frac{1}{2}$ of a percent of the Gulf of Mexico open to oil and gas exploration.

Mr. LOWENTHAL. Let's go back to now, because we are really trying to figure out what is, to me anyway, what is that balance and how do we—let's go to what was brought up just previously about the Flower Garden Banks expansion. That would encompass, I believe, about 383 square miles. Is that not true? Anybody on the panel? I think I have heard that over again. It is my understanding in the March 2016 Gulf of Mexico planning area sale, more than 69,000 square miles were offered for lease, and about 1,000, 1,084 of that offering actually received bids. So, the question is, we are talking about having approximately over 1,000 square miles that actually received bids. My final question is, Dr. Bruno, does it make sense to establish these protected buffer areas around sensitive and productive ocean environments, like the coral reefs at Flower Garden Banks?

Dr. BRUNO. I absolutely think it does, and one thing we have not talked about is what is there. On the Flower Garden Banks in the existing reserves, we have the highest coral cover reefs of the entire Caribbean. The live coral coverage there is about 60 to 70 percent; the Caribbean average is about 15 percent; in the Florida Keys it is about 4 percent. So, these are extraordinary reefs and we have a number of endangered corals living out there. We envision these reefs as really seed stock for replenishing our reefs in Florida and Puerto Rico. They have immense ecological value.

Mr. LOWENTHAL. Thank you. I yield back, Mr. Chair.

Mr. WEBSTER. The Chair recognizes Mr. Bishop for a motion.

Mr. BISHOP. I lied. I do have another UC to submit to the record. These are the letters that the mayor from New Bedford was going to introduce if he were able to be here. They are from the fishermen who actually live in that area and know what they are talking about.

Mr. WEBSTER. Without objection, so ordered and approved.

[The information follows:]

NATIONAL COALITION FOR FISHING COMMUNITIES,
WASHINGTON, DC

March 14, 2017

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL M. GRIJALVA, *Ranking Member*,
House Committee on Natural Resources,
Washington, DC 20515.

Dear Chairman Bishop and Ranking Member Grijalva:

Thank you for holding today's important hearing on marine protected areas and monuments.

Since 2014, the creation and expansion of marine monuments by executive action has been a primary concern of the commercial fishing industry and the National Coalition for Fishing Communities (NCFC). The NCFC was created by Saving Seafood in 2015 as a partnership among dozens of fishing and seafood industry or-

ganizations and businesses to elevate the voices of fishermen across the country in support of their communities. Across the nation, we are represented in Congress by Democrats and Republicans alike.

Our coalition was formed in part because well-funded, well-coordinated non-government organizations claiming to speak for fishermen, have frequently drowned out the actual voices of fishing communities, hurting our ability to effectively communicate to regulators, lawmakers and the public. NCFC members represent key commercial fisheries, across the nation including Atlantic sea scallop, red crab, lobster, tuna, swordfish and squid.

NCFC members from New England and the Mid-Atlantic to Florida, California, the Pacific Northwest and Hawaii have all united in opposition to the unilateral designation of marine monuments through the Antiquities Act. Fishermen have made it clear that the management decisions that affect their livelihoods should be made through democratic, science-driven processes that encourage stakeholder engagement.

The fishing industry cares deeply about protecting the marine ecosystems that provide for and sustain fishing families, but there is a right way and a wrong way to do it. Management decisions through the eight regional fisheries management councils created by the Magnuson-Stevens Act already require compliance with a wide range of substantive legal requirements, including the Administrative Procedure Act, the National Environmental Policy Act, the Regulatory Flexibility Act, the Marine Mammal Protection Act, the Endangered Species Act, and the Unfunded Mandates Act.

The Council process allows for stakeholders, scientists, and concerned citizens to review and debate policy decisions in a transparent manner. In contrast, the Antiquities Act authorizes the president to take away public areas and public resources with no public input. Using executive authority, the President can close any federal lands and waters in an opaque, top-down process that too often excludes the very people who would be most affected.

Ill-considered monuments have already taken their toll on America's coastal communities. In New England, the recently designated, 5,000 square-mile Northeast Canyons and Seamounts Marine National Monument ejected red crab and trawl fishermen with little notice. Pelagic fisheries, including swordfish and tuna, have been needlessly excluded from the monument area despite the fact that their fishing activities have no impact on the features the monument is meant to protect.

This action was taken with no formal public hearings, cost-benefit analyses, or input from affected constituents, and despite no compelling reason or threat to marine resources. Fish stocks in the monument area were healthy, and the areas were still considered "pristine" after 40 years of fishing activity.

Industry leaders estimate the financial impact on the lobster, crab, squid, mackerel, and butterfish fisheries at approximately \$30 million directly, with \$100 million in indirect impacts. Additionally, the monument closure forces fishing effort into other waters inhabited by endangered right whales, and forces large vessels into competition with inshore small boat fisheries.

Mid-Atlantic fisheries have also been severely impacted by the monument designation. One fishing boat owner in Montauk, New York estimates an annual loss to his business of 15 percent of whiting and squid landings, 25 percent of butterfish landings, and 10 percent of tilefish landings, totaling over \$400,000 a year in value. In any given year, this figure could be significantly higher.

NCFC members continue to fear the expansion of previously created monuments. In Hawaii, the Papahānaumokuākea Marine National Monument was expanded last year into the then-largest marine protected area in the world. Combined with the effects of the Pacific Remote Islands Marine National Monument, the fourth largest marine protected area in the world, Hawaii longline fishermen are now banned from over 60 percent of our Pacific waters.

Reducing access to traditionally important fishing grounds threatens Hawaii's food security, as the fishing industry is the state's largest domestic food producer. It is also damaging to Hawaii's economy, where the 145 boats of the longline fishery support hundreds of jobs directly and thousands of jobs in related sectors. These fishermen are now being pushed further into international waters, often in competition with foreign fishermen, making it more difficult to support domestic demand for responsibly sourced seafood.

On the West Coast, a proposal last year would have declared virtually all offshore seamounts, ridges and banks off the coast of California as monuments, and would have closed those areas to commercial fishing. These proposals were drafted and advanced behind closed doors with little analysis or public input. The areas marked for closure are critically important for many fisheries, including tuna, swordfish,

rockfish, spiny lobster, sea urchins, white seabass, and coastal pelagic species such as mackerels, bonito, and market squid.

While there have not been specific marine monument proposals in the South Atlantic, fishermen and seafood industry groups came together to reject the proposed Eubalaena Oculina National Marine Sanctuary in 2015. These groups pointed out that federal laws already existed to preserve the resources the sanctuary aimed to protect, and expressed their concern that a sanctuary would have adverse effects on Florida's fishing and tourism industries.

Alternatively, the fishing industry has worked with fisheries regulators to achieve remarkable conservation successes. Just last December, the Mid-Atlantic Council and NOAA Fisheries designated the Frank R. Lautenberg Deep-Sea Coral Protection Area, which prohibits most types of bottom-tending fishing gear in a 38,000 square-mile offshore area. Importantly, this action was taken in collaboration with the fishing industry in a process that brought together fishermen, scientists, and regulators.

In light of the economic and cultural harm resulting from ever-expanding marine monuments on America's coastal communities, we hope that Congress will work together, across party lines, to reform the monument and sanctuary designation processes, ensuring they do not continue to harm our nation's hardworking fishermen.

Respectfully Submitted,

David Borden, Ex. Director,
Atlantic Offshore Lobstermen's
Association

Diane Pleschner-Steele, Ex. Director,
California Wetfish Producers
Association

Jim Gutowski, President,
Fisheries Survival Fund

Greg DiDomenico, Exec. Director,
Garden State Seafood Association

Sean Martin, Exec. Director,
Hawaii Longline Association

Bonnie Brady, Exec. Director,
Long Island Commercial Fishing
Association

Robert Vanasse, Exec. Director,
Menhaden Fisheries Coalition

Jerry Schill, Exec. Director,
North Carolina Fisheries Association

Bob Jones, Exec. Director,
Southeastern Fisheries Association

Lori Steele, Exec. Director,
West Coast Seafood Processors
Association

Wayne Heikkila, Exec. Director,
Western Fishboat Owners
Association

ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION,
DOVER, NEW HAMPSHIRE

March 15, 2017

Hon. ROB BISHOP, *Chairman,*
Hon. RAÚL M. GRIJALVA, *Ranking Member,*
House Committee on Natural Resources,
Washington, DC 20515.

Dear Chairman Bishop and Ranking Member Grijalva,

I write to you in my capacity as the Executive Director of the Atlantic Offshore Lobstermen's Association and member of the National Coalition for Fishing Communities regarding the Northeast Canyons and Seamounts Marine National Monument. Thank you and the committee members for your efforts to address the problems associated with the use of the Antiquities Act to designate protected areas in marine waters; we very much appreciate your efforts to make this a transparent process. Our Association and the Coalition did extensive work on this issue with the

prior Administration, attempting to mitigate the negative impacts to the fishing industry. Several of our members also participated in your hearing with Mayor Mitchell in New Bedford, Massachusetts and had an opportunity to talk to you directly.

For over a year, members of the offshore fishing industry worked tirelessly with State personnel, Governors' offices, Congressional offices, Mayors in major ports, and others to dissuade the prior Administration from closing vast areas in the Atlantic to commercial fishing. In our collective view, there was never a compelling reason or threat to the marine resources of the Atlantic that warranted the use of the Antiquities Act. However, with the mere stroke of a pen, President Obama closed approximately 5,000 square miles to fishing, immediately ejecting the trawl fishery, with a near-term phase out of other industries. This action was taken without formal public hearings, without cost benefit analyses, without input from the most affected constituents, and counter to the spirit of the open government initiatives that the former President himself advocated. Although select leaders in the fishing industry had limited access to members of the White House staff, the public and fishing industry were, by and large, excluded. At no time prior to the Presidential announcement did we receive a written proposal detailing the specifics of the Monument designation and, further, the lack of transparency was appalling.

To assert my above comments, I herein submit to the March 15, 2017 committee hearing record copies of ten letters that our Association's members, staff, and related groups submitted to the prior Administration. These letters were submitted in the spirit of cooperation, with the intent of allowing the Monument process to continue, while reducing impacts on the environment and fishing industry. Our collective objections to the Monument designation process via the Antiquities Act, can be summarized as follows:

- There were no immediate threats to the marine resources that warranted the use of the Antiquities Act. Most documented corals are deeper than the areas fished and there are no active proposals for oil, gas, or mineral exploration. Monument supporters called the closure area "pristine" despite 40 years of fishing.
- Jurisdiction to manage fisheries in the Monument area is already contained in the Magnuson-Stevens Fishery Conservation and Management Act and Atlantic Coastal Fisheries Cooperative Management Act, promulgated by regional Fishery Councils/Commission and NOAA Fisheries. Those acts are subject to impact analyses (NEPA) and extensive public input. It is our belief that the advocates for the Monument proposal specifically used the dated requirements in the Antiquities Act to circumvent the public process, and curtail public input on a key issue affecting thousands of individuals, as we do not believe that the action would have been approved following the Magnuson-Stevens Act requirements.
- U.S. marine Economic Exclusive Zones are not land owned or controlled by the United States and should, therefore, fall outside of Antiquities Act authority.
- Various fishing interests provided detailed and highly confidential information to the White House Office of Environmental Quality in order to document the negative impacts on the fishing industry. We offered a range of different alternatives to the White House that would have avoided negative impacts, but none were adopted. This included a proposal for a closure 5.5 times larger than the one designated, which would have protected deep water coral from the U.S./Canadian border to the Frank R. Lautenberg Deep-Sea Coral Protection Area in the Mid-Atlantic.
- Economic impacts were not analyzed. Using confidential industry information we estimate financial impacts on the lobster, crab, squid, mackerel and butterfish fisheries to be approximately \$30 million directly and \$100 million when multiplied across the economy.
- Habitat and social impacts were not analyzed. The Monument closure forces fishing effort into neighboring shallower waters that are inhabited by endangered right whales and forces larger vessels inshore, competing with small, community based, day boat fisheries.

Similarly themed correspondences were additionally submitted to the Administration by representatives of local, state, and regional governments and organizations.

In conclusion, we ask that you and your committee update the requirements of the Antiquities Act, and at a minimum formulate recommendations which require

future Administrations to follow an open and transparent process. Thank you for the opportunity to comment.

Sincerely,

DAVID BORDEN,
Executive Director.

Attachments

The following documents were submitted as attachments to this letter. These documents are part of the hearing record and are being retained in the Committee's official files:

- Atlantic Offshore Lobstermen's Association, September 15, 2015 Letter to John Bullard, Regional Administrator, NOAA NMFS GARFO
- Massachusetts Lobstermen's Association, Inc., September 18, 2015 Letter to President Barack Obama
- Massachusetts Lobstermen's Association, Inc., October 23, 2015 Letter to President Barack Obama
- Rhode Island Department of Environmental Management, February 2, 2016 Letter to President Barack Obama
- Atlantic States Marine Fisheries Commission, May 9, 2016 Letter to President Barack Obama
- Atlantic Offshore Lobstermen's Association, May 18, 2016 Letter to President Barack Obama
- Mataronas Lobster Co., Inc., August 10, 2016 Letter to U.S. Congress & U.S. Senate
- Kelley Drye & Warren LLP, September 14, 2016 Letter to Christina W. Goldfuss, Managing Director, Council on Environmental Quality
- Peter Brown, commercial offshore lobsterman, August 25, 2016 Letter to President Barack Obama
- Palombo Fishing Corp., September 12, 2016 Letter to President Barack Obama

HAWAII LONGLINE ASSOCIATION,
HONOLULU, HAWAII

Hon. DOUG LAMBORN, *Chairman,*
House Subcommittee on Water, Power and Oceans,
Washington, DC 20515.

Dear Mr. Lamborn:

My name is Sean Martin. I am the President of the Hawaii Longline Association (HLA). I ask that the Subcommittee consider these comments on behalf of the longline fishermen of Hawaii and the associated industries and fish consumers in Hawaii as you assess possible legislation concerning the National Marine Monuments in the Pacific Ocean.

Recommendation: The HLA maintains that establishment of the large national marine monuments in the U.S. waters around Pacific Islands (a) is scientifically unsupportable; (b) is unnecessary; (c) and is harmful to U.S. fishing interests. If the monument designations cannot be reversed, we recommend that the prohibition of commercial fishing in the monuments be rescinded as long as the fishing is consistent with U.S. laws and regulations.

HLA and the Fishery: HLA was formed to provide an organization to work with the U.S. Government and others to ensure that regulations affecting the Hawaii longline fishery would be effective and enforceable while imposing the least burden necessary to achieve conservation needs. HLA has collaborated in the development of regulations and conducting research into such areas as gear modifications to protect special species such as sea turtles, seabirds, and marine mammals. We are proud of our efforts which have resulted in the Hawaii longline fishery being a model fishery for the Pacific. It may be the most comprehensively managed fishery in the Pacific. The local markets are dependent on our fleet. We have 150 active

vessels, and we land about \$100 million worth of fish each year, with a total economic impact of 2,350 jobs and several hundred million dollars in related seafood industry income. The fishery supports jobs on fishing vessels, on the docks, at suppliers, and in the fish wholesale and distributor markets.

HLA members recognize the need for fishery regulations. The primary species we target are tuna and associated species that are highly migratory. No single nation can control fishing sufficiently to ensure sustainability of the stocks or to adequately control adverse impacts on non-fish species. We support management measures that are based on science and are adopted in an open, transparent decision-making process.

The Hawaii longline fishery is managed under two primary sets of regulations: regulations developed by the Western Pacific Regional Fishery Management Council under the Magnuson Fishery Conservation and Management Act, and regulations to implement conservation and management measures by two regional fishery management organizations—the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commissions. Council regulations are developed in a fully open and transparent manner with many opportunities for industry and public inputs. In the international arena, we appreciate that the U.S. Government's process is also very open and includes advisory committees of U.S. fishing and non-fishing interests and frequent meetings of U.S. delegations at the commissions' meetings.

We oppose the prohibition of commercial fishing in the Monuments because:

1. *It Is Not Scientifically Supportable*: There is no science-based analysis demonstrating that establishment of the Monuments will in any way conserve or protect fish stocks from any real threats. The waters and fish and other animals in these Monuments have not been adversely affected by fishing. These are pristine waters that retain all the characteristics of preserves even as fishing has been going on for years. The fishing that occurred was surface fishing; there was no impact on bottom corals and reefs. One of the claims of the supporters of the monuments has been that the monuments provide a "refuge" for tuna and other migratory species; that is, those fish won't be caught in the U.S. waters and this might somehow help conserve the species. This is a fanciful and illogical argument with no scientific basis. Tuna and associated species typically travel long distances in their migrations across the ocean or parts of the ocean. They are not "residents" dependent on U.S. waters for spawning or growth to reproductive size. They are likely to be caught on the high seas if they are not caught in U.S. waters.
2. *It Is Not Necessary*: HLA believes that a principle of government should be to take action where existing laws and measures have failed. This is not such a situation. There are no ongoing activities or contemplated activities that are threatening any of the living or non-living resources in the Monuments. There is no ocean mining, there are no activities adversely affecting water or air quality, and there are no activities that would reduce the ocean's ability to absorb carbon dioxide or otherwise buffer against climate change. The only commercial activity in the Monuments has been fishing. This fishing was only by U.S. vessels (foreign fishing is prohibited in U.S. waters) and was fully controlled under existing laws and regulations, including the Magnuson Act, the Endangered Species Act, the Marine Mammal Act, the Migratory Bird Treaty Act, and international agreements. It is noteworthy that U.S. regulations in this regard are far more stringent than most foreign regulations, with special controls to protect sea turtles, seabirds, and marine mammals. No other long line fleet—and there are several, including large Asian fleets and smaller, Pacific island based fleets—has comparable controls, and it is questionable whether all nations pursue actual enforcement to the degree that the U.S. does. Further, there are existing laws and institutions to deal with any threats that were to arise in the future.
3. *It Is Harmful to U.S. Fishing Interests*: Hawaii vessels depend on U.S. waters and the adjacent high seas in the Pacific for access to tuna and associated species. In fact, the establishment of the U.S. exclusive economic zone, or EEZ (waters out to 200-mile from shore), was largely driven by the need to protect those U.S. waters and U.S. fisheries from excessive foreign fishing and to provide waters in which U.S. fisheries would operate alone, subject to regulations under the Magnuson Act and other applicable law. Simply put, the intent was to put "America first" in these waters. It simply does not make sense then to force U.S. fishers out of U.S. waters and into more intensely fished high seas. HLA members operate in a very competitive environment. There are many nations fishing for tuna in the Pacific. HLA members provide almost

all the fresh tuna and associated species in the market in Hawaii. To the extent the Hawaii fishery is limited, the market is vulnerable to takeover by foreign sources, whose vessels have far less regard for controls to protect fish stocks and non-fish stocks like turtles, mammals, and birds. Establishment of the Monuments means that waters historically accounting for 8 percent of the catch by the Hawaii longline fishery are now closed as part of the Papahānuamākea Monument, while waters accounting for another 5–10% of catch are closed around remote Pacific Islands (e.g., Howland-Baker, Palmyra). This has been very disruptive for this fishery.

There also have been adverse impacts on U.S. territories, as monument designations have seriously reduced the potential for fishery development in U.S. territories like American Samoa, Guam, and the Northern Mariana Islands. These U.S. territories have already been disadvantaged in the past by lack of assistance from the U.S. Government, and now monument designations have put large areas of ocean off limits to U.S. fishing with no conservation benefit. This is truly unfair to the territories.

In closing, HLA recommends that the prohibition of fishing in the monuments be rescinded so that these waters remain open to U.S. fisheries as long as they are consistent with established laws and regulations of the U.S.

HLA appreciates your consideration of these comments. Please feel free to contact me if you have questions or would like additional information.

Sincerely,

SEAN MARTIN,
President.

NORTH CAROLINA FISHERIES ASSOCIATION,
NEW BERN, NORTH CAROLINA

March 13, 2017

Hon. ROB BISHOP, *Chairman,*
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

Subject: Marine National Monuments

The North Carolina Fisheries Association certainly appreciates the ability of significant natural, cultural, or scientific features to receive federal protections as appropriate. Staples of coastal commerce, fishing and seafood production are also core cultural elements of coastal and national heritage, going back over five generations for many families. Commercial fishermen established our association in 1952 to serve fishing families by protecting their heritage and promoting seafood. To achieve this, the association actively engages the scientific and management processes on behalf of the industry and supports many outreach and education projects. Over six decades later, we still believe the commercial fishing industry begins and ends with families—from those who harvest seafood to those who enjoy it. We are committed to presenting an accurate portrait of the industry and the people who sustain it.

Although we are a commercial fisheries trade organization that advocates for sustainable access for our fishermen to their traditional fishing grounds, we advocate for this access by all who wish to ply our state and national waters, whether it be for commerce, sustenance or recreation. Efforts to expand Marine National Monuments substantially impact our access to traditional fishing grounds that are presently and sustainably managed through multiple councils, commissions, and agencies. Through these Council processes, which include extensive collaboration with multiple industries and entities, Fisheries Management Plans are developed to ensure our shared resources are sustained for future generations. Furthermore, they are managed utilizing the best available science conducted by some of the world's leading experts in their field. These efforts may not always yield the results desired by each group, but it is the most comprehensive process in considering every aspect of sustainably managing these resources.

It is unfortunate however, that the powers used to enact federal protections can overwrite existing efforts, displacing other culturally and economically significant features and activities. Additionally, it disregards H.R. 1335, which delineates the

Magnuson-Stevens Act as the controlling statute for our marine resources. This is the case of the Marine National Monument nominations of recent, as the process is ultimately and simply, an executive decision.

Unlike protecting important shipwrecks and other historical features, the recent nominations have included hundreds of thousands of square miles of productive marine waters that are already actively managed through deliberative and scientific decision-making processes to ensure sustainability. The expansion of the Papahānaumokuākea monument in Hawaii has already given much concern to the people that have fished the Hawaiian waters for multiple generations, yet had no voice in the process that now prohibits their sustainable fishing activities. The proposed monument in California has also left fishermen in the dark during discussions and planning, prompting the Pacific Marine Fisheries Management Council to pen a letter to then President Obama. In this letter, they stressed the importance of using a transparent process, taking into consideration the social and economic impacts, and the fact that their waters, as well as all U.S. waters are sustainably managed through these council processes as mandated by federal law. Now New England has now been the subject of the same process, or lack of. The Northeast Canyons and Seamounts Marine National Monument, designated last September, has left stakeholders no other choice than to sue for relief. While these designations immediately impact fishermen, they also impact the economies of those areas reliant on them.

Although this mechanism is executive, early efforts heavily involved the public, and have been used prudently and sparingly. Unfortunately, the previous administration took full advantage of this power, relying very little on the public to gage the impacts, and disregarded advice provided by the Fishery Management Councils in each region. The administration supported multiple efforts to identify these large areas of traditional fishing grounds that are now illegal for fishermen to fish.

While it is to be expected that fishermen will from time to time reduce their efforts to maintain sustainability, they never expected that they would be closed out of a traditional industry for no reason at all. The marine resources in our great country including, those areas mentioned previously, are already managed, and managed heavily. There is no basis to close them out, nor to do so with so little sensitivity as to the impact of those that will surely be affected.

It is important to consider the progress made by the Mid-Atlantic Fishery Management Council. In October 2015, the Council successfully mediated a multi-stakeholder Magnuson-Stevens Act coral habitat protection amendment which resulted in the protection of approximately 38,000 square miles of coral habitat in 13 deep water canyons in the region. This considerate approach included input from fishermen, scientists, conservationists, and regulators to discuss the goals of the amendment, and how they could be achieved with as little negative impact as possible. Unfortunately, this agreed upon action is now the target of formal Sanctuary nomination and status by other Non-Governmental Organizations to completely eliminate fishermen's access.

The Antiquities Act does not take into consideration scientific or economic analyses, or existing social and cultural impacts. It is simply the stroke of a pen that initiates this information void process, which is commonly based on pressure from well-funded environmental groups that are aware that consideration of these impacts are not necessary. Unfortunately, the public, including the fishing community, is directly affected, and has no voice.

The intent of the Antiquities Act may be pure, but without the advice of leading experts researching these waters, without weighing the impacts of the fishing industry who has vast experience to offer and will ultimately suffer the impacts, and without the proven process to combine all aspects into an effective, yet sensitive tool, efforts will be misguided and afford insufficient protections while pointlessly destroying an industry. We strongly encourage you to adopt the approach employed by the Magnuson-Stevens Act, and further outlined by the example set by the Mid-Atlantic Fisheries Management Council.

Sincerely,

JERRY SCHILL,
President.

Mr. WEBSTER. I would like to thank the witnesses for being here and for their valuable testimony. Members of the Subcommittee and our two accepted guests are allowed to submit other questions

over the next 3 days according to Committee Rule 3(o). Members of the Committee also are reminded that the hearing record will be held open for 10 business days to get the responses to those questions.

If there is no further business to come before the Committee, without objection, the Subcommittee stands adjourned.

[Whereupon, at 11:26 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]



March 3, 2017

Hon. DONALD J. TRUMP, *President*,
The White House,
 1600 Pennsylvania Avenue NW,
 Washington, DC 20500.

Dear Mr. President:

We, the Governors of the U.S. Territories of American Samoa and Guam and the U.S. Commonwealth of Northern Mariana Islands, humbly request that you use executive authority under the Antiquities Act of 1906 to remove the fishing provisions applicable to the Marine National Monuments in federal and our island jurisdictions.

Our island communities depend on the ocean for food security and economic opportunities. Our Samoan, Chamorro, and Carolinian cultures are interwoven with the marine environment and fishing. The monument fishing restrictions are unnecessary and impede our socioeconomic and cultural stability. The promises of previous administrations and environmental organizations of monument co-management and revenue generation have not been realized.

Our islands contribute a significant amount of land and water for military training and among the highest per capita U.S. Armed Forces personnel and military casualties, reflecting our resolute American patriotism. Many of our people have not returned from harsh and distant battlegrounds, providing the ultimate sacrifice for our great country.

We trust you will demonstrate your great leadership on this pressing issue and do what is right for our people and the Nation. Please return American fishermen to U.S. waters and remove the monument fishing prohibitions.

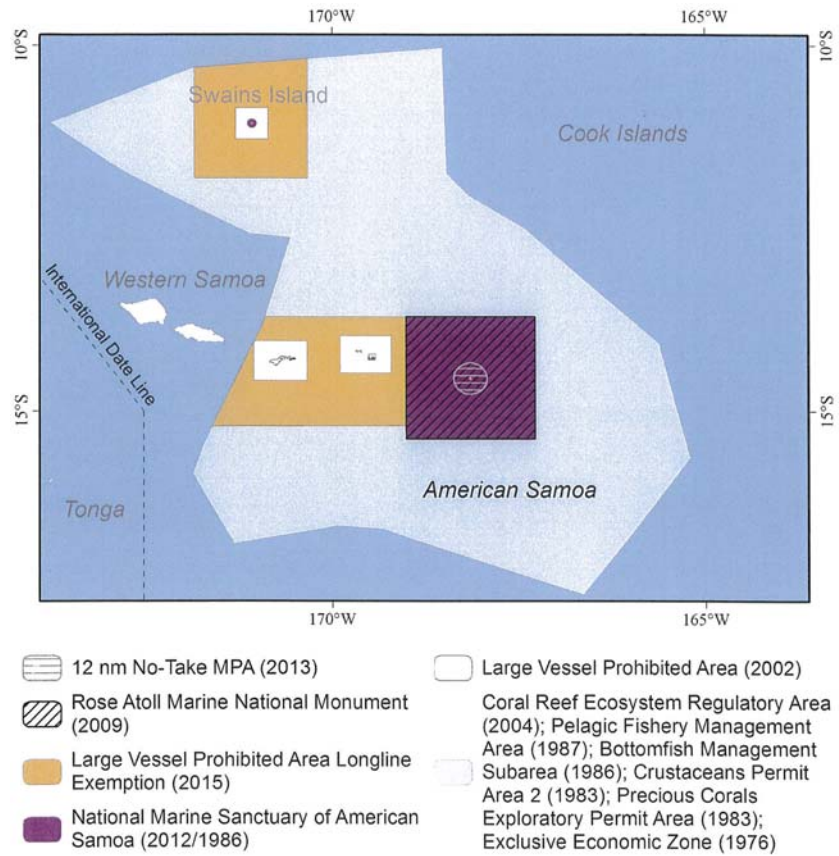
Respectfully,

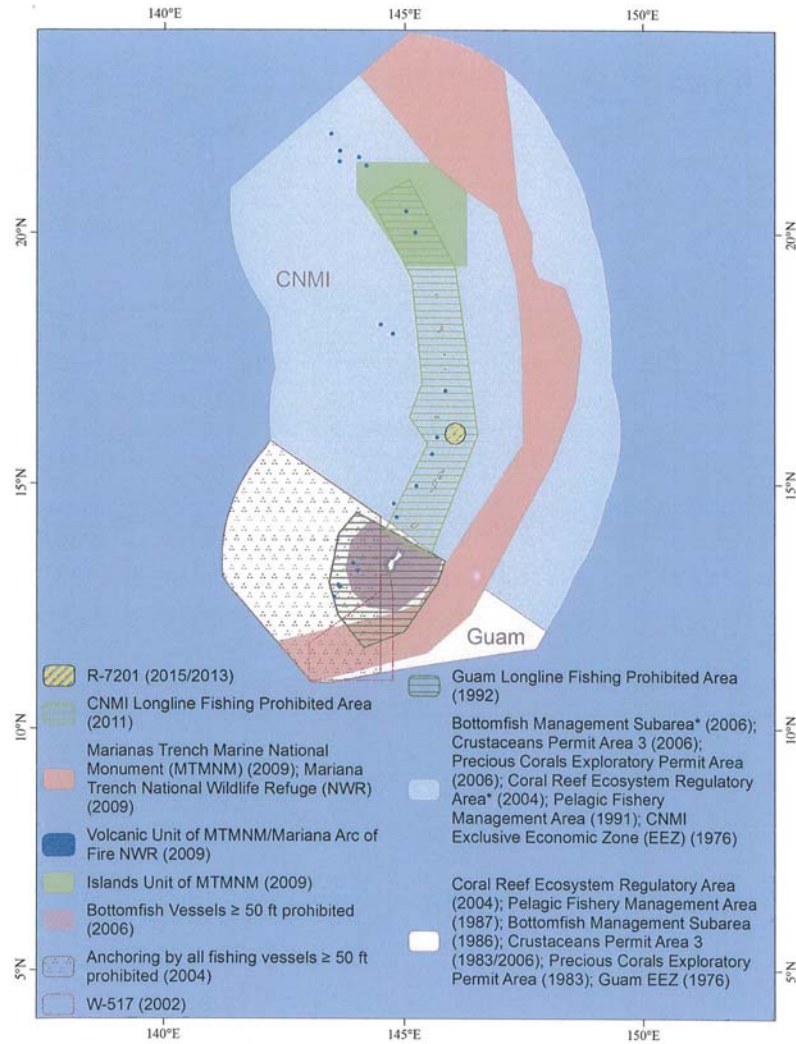
EDDIE B. CALVO,
Governor of Guam.

LOLO L. M. MOLIGA,
Governor of American Samoa.

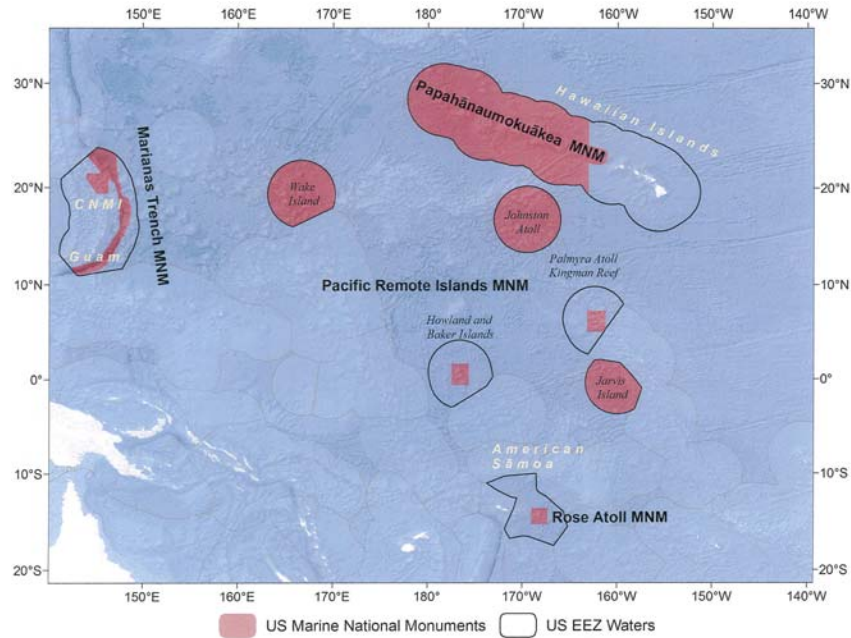
RALPH D. G. TORRES,
Governor of CNMI.

Attachments

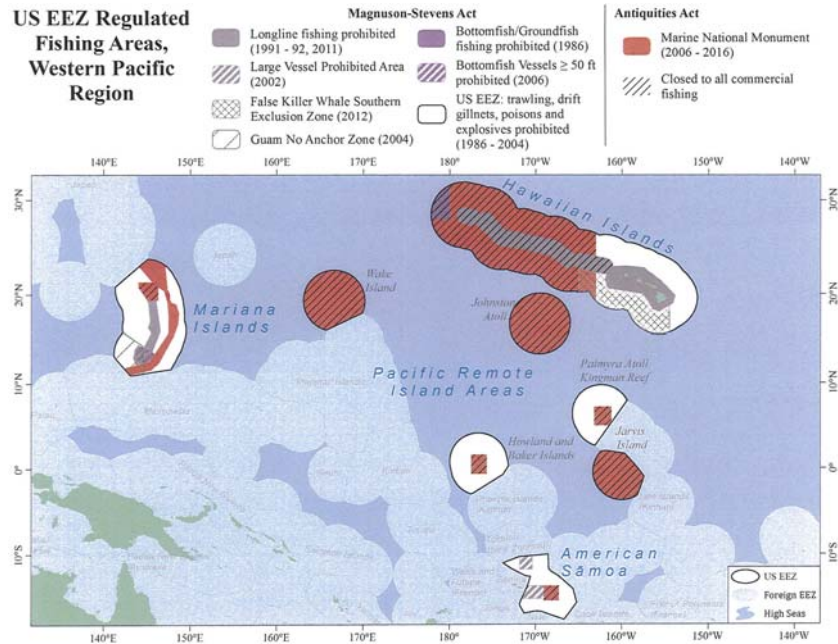




*The Coral Reef Ecosystem Regulatory Area excluded the portion of EEZ waters 0–3 nautical miles (nm) around the CNMI. The Bottomfish Management Subarea was divided in the CNMI Inshore Area, which was that portion of the EEZ shoreward of 3 nm of the shoreline of CNMI, and the CNMI Offshore Area, which was that portion of the EEZ seaward of 3 nm from the CNMI shoreline.



US EEZ Regulated Fishing Areas, Western Pacific Region



Outcomes Statement and Recommendations

Council Coordination Committee

MARRIOTT BEACH RESORT

ST. THOMAS, U.S.V.I.

MAY 24-26, 2016

Marine National Monuments

The Council Coordination Committee (CCC) notes the successes of the Magnuson-Stevens Fishery Conservation and Management Act in managing fishery resources of the United States as well as the marine ecosystems of the United States Exclusive Economic Zone (EEZ) and the CCC recognizes that there have been a number of proposals regarding the designation of new, or the expansion of existing, Marine National Monuments within the U.S. EEZ.

Whereas, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) was originally passed by Congress in 1976 for the specific purpose of sustainably managing the nation's fishery resources to provide a food source, recreational opportunities and livelihoods for the people of the United States;

Whereas Congress, in passing the Magnuson-Stevens Act, found that "Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation."

Whereas, the Magnuson-Stevens Act created eight Regional Fishery Management Councils that are charged with managing, conserving, and utilizing fishery resources as well as protecting essential fisheries habitat, minimizing bycatch, and protecting listed species within the United States Exclusive Economic Zone;

Whereas, through the implementation of the Magnuson-Stevens Act and through the actions of the Regional Fishery Management Councils, the United States has become a global leader in the successful management of its fishery resources and associated ecosystems in a proactive sustainable manner;

Whereas, the Regional Fishery Management Councils and the National Marine Fisheries Service have made great strides in managing fisheries in an ecosystem-based manner;

Whereas, the Magnuson-Stevens Act requires that fisheries management actions be developed through a public process, in a transparent manner, and based on the best scientific information available;

Whereas, the Regional Fisheries Management Councils and the National Marine Fisheries Service manage fisheries stocks throughout their range and concerns have been raised that designations such as marine monuments may disrupt the ability of the Councils to continue to manage fisheries throughout their range and in an ecosystem-based manner;

Whereas, the designation process of marine national monuments under the Antiquities Act of 1906 does not explicitly require a robust public process or that decisions be based on a science-based environmental analyses, and does not require fishery management or conservation as an objective;

Whereas, the Regional Fishery Management Councils have a strong history of implementing spatial habitat and fisheries conservation measures (over 1000 individual spatial management measures) in a public, transparent, science-based manner through the Magnuson-Stevens Act.

Whereas, concern has been raised that decisions to close areas of the U.S. EEZ, through statutory authorities such as through the Antiquities Act of 1906, may not take into account requirements to achieve optimum yield (OY) from the Nation's fishery resources, may negatively affect domestic fishing jobs, recreational opportunities and undermine efforts by the Regional Fishery Management Councils to develop and implement ecosystem-based management;

Therefore be it resolved, the CCC reiterates its support for the public, transparent, science-based process and management required by the Magnuson-Stevens Fishery Conservation and Management Act.

Therefore be it further resolved, the CCC recommends that if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906 that fisheries management in the U.S. EEZ waters continue to be developed,

analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.

Carlos Farchette, Chair,
Caribbean Fishery Management
Council

Dan Hull, Chair,
North Pacific Fishery Management
Council

Kevin Anson, Chair,
Gulf of Mexico Fishery Management
Council

Dorothy Lowman, Chair,
Pacific Fishery Management Council

Richard Robins, Chair,
Mid-Atlantic Fishery Management
Council

Michelle Duval, Chair,
South Atlantic Fishery Management
Council

E.F. "Terry" Stockwell III, Chair,
New England Fishery Management
Council

Edwin Ebisui Jr., Chair,
Western Pacific Fishery
Management Council

SEAFOOD HARVESTERS OF AMERICA,
ARLINGTON, VIRGINIA

March 13, 2017

Hon. ROB BISHOP, *Chairman,*
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

Dear Chairman Bishop:

On behalf of the Seafood Harvesters of America, we want to express our appreciation for your leadership in examining the creation and management of marine monuments and sanctuaries. The extensive use of the Antiquities Act has unnecessarily impacted the commercial fishing industry, which has otherwise willingly adopted responsible approaches to prevent overfishing.

The Harvesters represent over 3,900 small businesses, 19,000 thousand jobs, almost \$500 million in income and \$1.25 billion in economic output. Our members are privileged to go to sea every day from the Gulf of Alaska, to the Gulf of Mexico and the Gulf of Maine bringing to market healthy, domestic, sustainable seafood. We honor, depend upon and live with accountability in our fisheries and transparency in the regulatory process. Through the Magnuson-Stevens Act (MSA), our fisheries have improved dramatically as the commercial fishing industry has become more responsible, accountable, and efficient.

The MSA allows for identification of Essential Fish Habitat (EFH) and regulatory mechanisms for preventing fishing in areas designated as essential. This process had been completed through the New England Fishery Management Council, which would have designated extensive areas for EFH protection along the Atlantic Seaboard, from the Carolinas to the Canadian border. This collaborative decade-long process that incorporated the best science available, stakeholder engagement and featured transparency was overridden by the establishment of the Northeast Canyons and Seamounts Marine National Monument. With the stroke of a pen, President Obama unnecessarily took fishermen off the water across vast stretches of traditional fishing grounds, threatening local economies, increasing our seafood deficit, and ignoring the federal fishery management process.

While management decisions to reduce quotas or restrict fishing are always contentious, we willfully engage in the process and abide by the decisions made through the regional council process as it has worked to prevent overfishing, rebuilt dozens of fish stocks and provided greater regulatory and economic certainty for our industry. Consequently, we believe that fishery decisions should continue to be managed through the MSA-established processes and not be subject to restrictions through the monument designation process.

We look forward to working with you to ensure that we have a sustainable, renewable and a stable seafood supply that is managed with regulatory certainty and not subject to politically driven executive action.

Sincerely,

Chris Brown, President

Kevin Wheeler, Executive Director

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL,
HONOLULU, HAWAII

February 23, 2017

The President,
The White House,
1600 Pennsylvania Avenue NW,
Washington, DC 20500.

Dear Mr. President:

The purpose of this letter is to inform you of the impacts American fishing industries, seafood consumers and indigenous communities face as result of proclamations establishing Marine National Monuments (MNM) in the Western Pacific Region. Most recent in our region was President Obama's proclamation of August 26, 2016, massively expanding the Papahānaumokuākea Marine National Monument (PMNM) in the Northwestern Hawaiian Islands. The Western Pacific Regional Fishery Management Council (Council) was one of many organizations and individuals who expressed strong reservations over the scientific and empirical basis for this monument expansion and other MNMs in the U.S. exclusive economic zone (EEZ) waters. Together, these large marine protected areas prohibit American commercial fishing vessels from operating in half of the U.S. EEZ waters in the Western and Central Pacific Ocean.

Impacts to U.S. Commercial Fishery Landings: The Hawaii longline fishery lands \$110 million of fresh (not frozen) fish, consistently ranking the Port of Honolulu as one of America's top 10 fishing ports in value landed. The PMNM expansion shuts this fishery out of an area that is twice the size of Texas. Located 50 to 200 miles from shore, this expanded monument area has historically produced 8 percent of the bigeye tuna and 11 percent of the swordfish landed by the fishery. Likewise, the expansion of the Pacific Remote Islands (PRI) MNM by Obama closed fishing grounds comprising 12 percent of the Hawaii longline fishery's landings. About 20 percent of the productivity of the Hawaii longline industry has been needlessly compromised by MNM expansions, executed by the Obama Administration under the Antiquities Act of 1906. These monuments also closed fisheries that produced half of the locally landed bottomfish and a lobster fishery. The closure of fishing grounds in the PRI and the Rose Atoll MNMs severely impacted the U.S. purse-seine and American Samoa-based longline fleets. The area of the PRIMNM formed 10 percent of the U.S. purse-seine fishing effort. The Rose Atoll MNM increased the area closed to American Samoa longline vessels by about 1,800 square nautical miles, an annual loss of about \$237,000 of albacore tuna.

Impacts to U.S. Commercial Fishing Industries: The loss of fishing grounds due to the MNMs will have an immediate and long-term effect on fishery participants, shore-side business and coastal communities that rely on the fishing industry. PMNM expansion has an estimated potential annual loss of more than \$9 million to fishery support businesses (e.g., fuel and gear suppliers), \$4.2 million in household income, and \$500,000 to the State of Hawaii in tax revenue.¹ The impacts to the U.S. purse-seine fleet have devastated the U.S. canneries in American Samoa, an industry that represents 52 percent of the territory's gross domestic product and is its largest private enterprise employer. Further, U.S. commercial fishing vessels will be displaced into the much reduced U.S. EEZ waters to compete with recreational and small boat fishermen or the high seas to compete with foreign fishermen from Asia, this at a time when the United Nations is being asked to close 30 percent of the high seas to fishing.²

¹National Marine Fisheries Service's Pacific Islands Fisheries Science Center presentation to the 168th Council, Oct 12-14, 2016, Honolulu.

²<http://www.ipsnews.net/2016/03/un-begins-negotiations-on-treaty-to-protect-marine-resources/>

National Food Security: Hawaii imports 90 percent of all the food it consumes. Among locally produced food, fishing ranks as the single largest food producer in the state. About 60 percent of the commercially caught fish consumed in Hawaii is imported and about 40 percent is locally produced. Hawaii fisheries are also important to the nation, which depends on foreign imports for 90 percent of its seafood. The majority of the bigeye tuna (90 percent) and a substantial amount of the swordfish consumed in the continental United States are from the Hawaii fishery.^{3,4}

Regulatory Duplication: The Obama Administration used the Antiquities Act to overlay no-take or very limited-take monuments in areas that were already designated as marine protected areas under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and which allowed sustainable commercial fishing. The MSA, the preeminent federal fishing law, ensures the prevention of overfishing while achieving optimum yield for the benefit of nation. The management measures under which these fisheries have operated have set standards that have been internationally adopted by regional fishery management organizations worldwide.⁵ The monuments do not add any fishery conservation benefits or climate change mitigation (the purported purpose of the establishment of the monuments), especially to highly mobile species such as tunas, billfish, and sharks. Instead the monuments weaken U.S. fisheries, U.S. interests, U.S. negotiations and U.S. competition in the Pacific.

Federal Cost: Creation of the four MNMs in the Western Pacific Region have increased administrative and monitoring burdens on the U.S. Coast Guard and other agencies that patrol these U.S. EEZ waters. The U.S. waters, now devoid of American commercial fishing vessels that served as a deterrent, are imperiled by encroaching foreign vessels. The establishment of the Marianas Trench MNM cost \$10 million, and costs to establish the PMNM (2006) amounted to about \$35 million for an area spanning 140,000 square miles.⁶ The expanded PMNM area is three times the size of the original PMNM area, i.e., an additional 443,000 square miles. There is no known, publicly available cost and benefit analysis for the expanded PMNM; however, it is conceivable that the cost to establish the expanded MNM could reach more than \$100 million.

Council staff is available to provide additional information about the impacts of MNMs, which are utterly pointless and an affront to our nation's fisheries.

Sincerely,

EDWIN A. EBISUI JR.,
Chair.

KITTY M. SIMONDS,
Executive Director.

Attachment

Impacts of Marine National Monument Fishing Prohibitions

February 18, 2017

MONUMENTS NOW COMPRISE ONE QUARTER OF THE ENTIRE U.S. EXCLUSIVE ECONOMIC ZONE (1,184,000 square miles in the Western Pacific and 4,913 square miles in the New England region)

- 141,000 square miles with establishment of Papahānaumokuākea Marine National Monument (MNM) in 2006 encompassing 0–50 nm around the Northwestern Hawaiian Islands (NWHI) in 2006
- 192,000 square miles with establishment of monuments in 2009 around encompassing 0–50 nm around Rose Atoll (American Samoa), Pacific Remote Island Areas, and the Marianas Trench MNMs

³Fisheries of the United States 2015.

⁴2015 Pelagic Stock Assessment Fishery Evaluation (SAFE) Report. Honolulu: Western Pacific Regional Fishery Management Council. http://www.wpcouncil.org/wp-content/uploads/2015/04/2017-01-31_Final-2015-SAFE-Report.pdf.

⁵Western and Central Pacific Fisheries Commission, Inter-American Tropical Tuna Commission, etc.

⁶McCrea-Strub A et al. "Understanding the cost of establishing marine protected areas." Marine Policy 35 (2011) 1–9.

- 408,000 square miles with expansion of monuments in 2014 of the Pacific Remote Islands (PRI) MNM, with boundaries around some of the islands to the full extent of the U.S. EEZ (0–200 nm around Wake, Johnston, Jarvis Islands).
- 443,000 square miles with expansion of the NWHI monument in 2016 to the full extent of the U.S. EEZ (0–200) around two-thirds of U.S. waters around the Hawaii Archipelago
- 4,913 square miles with establishment of the Northeast Canyons MNM in 2016.

MONUMENT FISHING PROHIBITIONS COULD HAVE NEGATIVE IMPACTS OF MORE THAN \$69 MILLION ANNUALLY TO U.S. COMMERCIAL FISHERIES

- ~\$10 million in landings, \$9 million to fishery support businesses, \$4.2 million in household income, and \$500,000 in State of Hawaii tax revenue from NWHI monument expansion area, which produced on average around 10% of the catch harvested by the Hawaii longline fishery
- ~\$42 million in landings from expanded PRI monument, which produced on average over 12% of the catch harvested by the Hawaii longline fishery and about 10% of the catch from U.S. purse seiners that historically delivered tuna local canneries in American Samoa
- ~\$0.25 million from the Rose Atoll monument from reduced fishing grounds to the American Samoa longline fleet in U.S. waters around American Samoa
- ~\$1–2 million from Northeast Canyons MNM (Does not include loss from tuna and offshore lobster fisheries)
- PRI and Rose Atoll monuments were in part responsible for the closure of one of American Samoa's two canneries in December 2016 as a result of reduced supply of U.S. caught tuna. The closure resulted in the loss of a thousand jobs. The two canneries in American Samoa accounted for 52% of the Territory's gross domestic product and are the Territory's primary private employer.

MONUMENT FISHING PROHIBITIONS WEAKEN U.S. FISHERIES, INCREASE IMPORTS AND JEOPARDIZE U.S. FOOD AND NATIONAL SECURITY

- Monuments displace U.S. fishing fleets to international waters where they must fish alongside and compete with foreign fishing fleets
- Displaced fishing to more distant international waters increases trip costs and poses greater safety at sea risks
- Deterrence of foreign fishing fleet encroachment in the U.S. EEZ is compromised when U.S. commercial fishing vessels are removed from a quarter of the U.S. EEZ now designated as monuments
- Weakened U.S. fisheries impact national food security and foster increased imports. The U.S. already relies on foreign imports for 90% of seafood it consumes
- Displaced U.S. commercial fishing vessels could also concentrate effort and increase potential gear conflicts in the reduced areas of fishable U.S. waters that are also fished by recreational and small boat fishermen

MONUMENT FISHING REGULATIONS CAUSE REGULATORY DUPLICATION AND LACK CONSERVATION BENEFITS

- NWHI monument overlay the Protected Species Zone established under the MSA
- PRI monument overlay the 0 to 300-foot depth no-take and low-take zones established under the MSA and 0 to 3 mile refuges established by the U.S. Fish & Wildlife Service in many of the islands
- Rose Atoll monument overlay the Large Vessel Prohibited Area established under the MSA
- Marianas Trench monument's Islands Unit overlay the Commonwealth of the Northern Mariana Islands' conservation zone

- All coral reef, deep-reef slope, and pelagic ecosystems in federal waters were subject to comprehensive fishery ecosystem management regulations established under the MSA prior to monument designation
- Monuments and other large-scale marine protected areas provide little to no added conservation benefits to marine resources, especially for highly mobile species such as tunas, billfish and sharks, as stated by highly renowned fisheries scientists

FEDERAL OVERREACH, INCREASED ADMINISTRATIVE BURDEN, & POOR IMPLEMENTATION RECORD

- Without added conservation benefits, monuments are an unnecessary burden on the U.S. fishing industry and seafood consumers
- Congress has not provided the USCG increased funding to monitor and enforce the remote, large swaths of ocean designated as monuments
- NOAA and U.S. FWS have yet to release and finalize monument management plans for Rose Atoll, Pacific Remote Islands, and Marianas Trench monuments—almost 8 years after establishment

NO PUBLIC PROCESS, TRANSPARENCY OR ADAPTIVE MANAGEMENT OPPORTUNITIES

- Monuments are established under the Antiquities Act of 1906, with Presidential Proclamations and directives to various agencies to implement regulations under their respective authorities. The National Environmental Protection Act and the Administrative Procedures Act are not required in the designation of monuments
- Monument regulations are rigidly implement Presidential directives with little to no discretion. Some Presidents have closed huge expanses of U.S. fishing grounds to sustainably managed U.S. fisheries. Adaptive management is impossible without additional Presidential or Congressional action.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

Submitted by Rep. Grijalva

—Administration of Coral Reef Resources in the Northwest Hawaiian Islands: Memorandum Opinion for the Solicitor, Department of the Interior; the General Counsel, National Oceanic and Atmospheric Administration; and the General Counsel, Council on Environmental Quality. September 15, 2000.

Submitted by Rep. Beyer

—A large body of documents supporting the designation of the monuments.

